





TRIAL
OF
THE MAJOR WAR CRIMINALS

BEFORE

**THE INTERNATIONAL
MILITARY TRIBUNAL**

NUREMBERG

14 NOVEMBER 1945 — 1 OCTOBER 1946



PUBLISHED AT NUREMBERG, GERMANY

1947

This volume is published in accordance with the direction of the International Military Tribunal by the Secretariat of the Tribunal, under the jurisdiction of the Allied Control Authority for Germany.

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47-31575

VOLUME XII

OFFICIAL TEXT
IN THE
ENGLISH LANGUAGE

PROCEEDINGS

18 April 1946 — 2 May 1946

CONTENTS

| | |
|---|-----|
| One Hundred and Eleventh Day, Thursday, 18 April 1946, | |
| Morning Session | 1 |
| Afternoon Session | 33 |
| One Hundred and Twelfth Day, Tuesday, 23 April 1946, | |
| Morning Session | 64 |
| Afternoon Session | 97 |
| One Hundred and Thirteenth Day, Wednesday, 24 April 1946, | |
| Morning Session | 136 |
| Afternoon Session | 167 |
| One Hundred and Fourteenth Day, Thursday, 25 April 1946, | |
| Morning Session | 196 |
| Afternoon Session | 226 |
| One Hundred and Fifteenth Day, Friday, 26 April 1946, | |
| Morning Session | 263 |
| Afternoon Session | 292 |
| One Hundred and Sixteenth Day, Monday, 29 April 1946, | |
| Morning Session | 317 |
| Afternoon Session | 350 |
| One Hundred and Seventeenth Day, Tuesday, 30 April 1946, | |
| Morning Session | 393 |
| Afternoon Session | 429 |
| One Hundred and Eighteenth Day, Wednesday, 1 May 1946, | |
| Morning Session | 460 |
| Afternoon Session | 494 |
| One Hundred and Nineteenth Day, Thursday, 2 May 1946, | |
| Morning Session | 527 |
| Afternoon Session | 555 |

ONE HUNDRED AND ELEVENTH DAY

Thursday, 18 April 1946

Morning Session

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): Dr. Seidl.

DR. ALFRED SEIDL (Counsel for Defendant Hans Frank): Mr. President, Members of the Tribunal, on 9 April of this year, deviating from the rule made by the Tribunal, I made the application that I should first be allowed to present the documents, then call the witnesses, and then at the end examine the defendant as a witness. I do not know whether the Tribunal is already in possession of the document books. I have ascertained that Volume I of the document book was translated by 8 April, Volume II and III on 11 April, and Volume IV and V a few days later. At any rate, I have not yet received any document books myself, for the reason that the office concerned has not yet received permission to bind the books.

THE PRESIDENT: Well, I thought I asked about this, not yesterday, but the day before yesterday—yes; and you said you were perfectly ready to go on.

DR. SEIDL: I had been told that the books had been translated, and I naturally assumed that these books would also be bound. Yesterday I discovered that this is not the case. At any rate, the fault is not mine.

THE PRESIDENT: I was not suggesting that there was any fault on your part.

MR. THOMAS J. DODD (Executive Trial Counsel for the United States): In the first place, we did not have much to go over with Dr. Seidl. The agreement was reached with him the night before last about 6 o'clock or a little afterwards. Thereafter the materials were put into the process of preparation, and there are 500 pages. They have just not been completed, and it is not so that the people did not receive authority to go ahead. They have not been able to complete their work and there will be some delay.

THE PRESIDENT: Dr. Seidl, you can go on with your witnesses. You have the defendant himself to call and several other witnesses.

DR. SEIDL: Yes.

THE PRESIDENT: And the documents will no doubt be ready by then. We are rising this evening at half past four, and by the

time that the Tribunal reassembles, by Tuesday morning, no doubt all the documents will be ready. As to your application, the Tribunal has considered the application and sees no reason to depart from its ordinary rule that the defendant should be called first; that is to say, if you intend to call the defendant.

DR. SEIDL: Oh yes, I intend to examine the defendant; but in the interests of accelerating the proceedings, I suggested that the other witnesses should be heard first so that the examination of the defendant might be as short as possible. It is possible that he can then answer a number of questions merely by saying "yes" or "no." Another reason why I consider this procedure to be the most expedient is because a proper examination of the defendant is only possible if I have the document books at hand at the same time. That necessity does not apply to the other witnesses. I should, therefore, beg the Tribunal to give me permission so that I can first examine the witnesses who are already in the witnesses' room.

THE PRESIDENT: The documents are all, or nearly all, I imagine, in German and can be put to the defendant in the course of his examination; and the Tribunal think, as they have already said, that calling the defendant first is in the interests of expedition; and they, therefore, feel they must adhere to their rule.

DR. SEIDL: Very well. In that case, with the permission of the Tribunal, I call the Defendant Dr. Hans Frank to the witness stand.

[The Defendant Frank took the stand.]

THE PRESIDENT: Will you give your full name?

HANS FRANK (Defendant): Hans Frank.

THE PRESIDENT: Will you repeat this oath after me:

I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: Will you sit down, please.

DR. SEIDL: Witness, when and where were you born?

FRANK: I was born on 23 May 1900 at Karlsruhe, in Baden.

DR. SEIDL: Will you please give the Tribunal a brief outline of your education?

FRANK: In 1919 I finished my studies at the Gymnasium, and in 1926 I passed the final state law examination, which completed my legal training.

DR. SEIDL: And what profession did you follow after that?

FRANK: I had several legal posts. I worked as a lawyer; as a member of the teaching staff of a technical college; and then I worked

principally as legal adviser to Adolf Hitler and the National Socialist German Workers Party.

DR. SEIDL: Since when have you been a member of the NSDAP?

FRANK: I joined the German Labor Party, which was the forerunner of the National Socialist German Workers Party, in 1919, but did not join the newly formed National Socialist Workers Party at the time. In 1923 I joined the Movement in Munich as a member of the SA; and eventually, so to speak, I joined the NSDAP for the first time in 1927.

DR. SEIDL: Were you ever a member of the SS?

FRANK: I have never been a member of the SS.

DR. SEIDL: That means you have never had a rank of an SS Obergruppenführer or General of the SS?

FRANK: I never had the rank of an SS Obergruppenführer or SS General.

DR. SEIDL: Not even honorary?

FRANK: No, not even honorary.

DR. SEIDL: You were a member of the SA. What was the last position you held in that?

FRANK: I was Obergruppenführer in the SA at the end, and this was an honorary position.

DR. SEIDL: What posts did you hold in the NSDAP during the various periods, and what functions did you exercise?

FRANK: In 1929 I became the head of the legal department of the Supreme Party Directorate of the NSDAP. In that capacity I was appointed Reichsleiter of the NSDAP by Adolf Hitler in 1931. I held this position until I was recalled in 1942. These are the principal offices I have held in the Party.

DR. SEIDL: Until the seizure of power you concerned yourself mainly with legal questions within the Party, did you not?

FRANK: I dealt with legal questions in the interest of Adolf Hitler and the NSDAP and its members during the difficult years of struggle for the victory of the Movement.

DR. SEIDL: What were your basic ideas regarding the concept of a state controlled by a legal system?

FRANK: That idea, as far as I was concerned, was contained in Point 19 of the Party program, which speaks of German common law to be created. In the interest of accelerating the proceedings, I do not wish to present my ideas in detail. My first endeavor was to save the core of the German system of justice: the independent judiciary.

My idea was that even in a highly developed Führer State, even under a dictatorship, the danger to the community and to the legal rights of the individual is at least lessened if judges who do not depend on the State Leadership can still administer justice in the community. That means, to my mind, that the question of a state ruled by law is to all intents and purposes identical with the question of the existence of the independent administration of law. Most of my struggles and discussions with Hitler, Himmler, and Bormann during these years were more and more focused on this particular subject. Only after the independent judiciary in the National Socialist Reich had been definitely done away with did I give up my work and my efforts as hopeless.

DR. SEIDL: You were also a member of the Reichstag?

FRANK: In 1930 I became a member of the Reichstag.

DR. SEIDL: What posts did you hold after 1933?

FRANK: First, I was Bavarian State Minister of Justice, and after the ministries of justice in the various states were dissolved I became Reich Minister without portfolio. In 1933 I became the President of the Academy of German Law, which I had founded. I was the Reich Leader of the National Socialist Jurists Association, which was later on given the name of "Rechtswahrerbund." In 1933 and 1934 I was Reich Commissioner for Justice, and in 1939 I became Governor General of the Government General in Kraków.

DR. SEIDL: What were the aims of the Academy of German Law of which you were the founder?

FRANK: These aims are written down in the Reich Law regarding the Academy of German Law. The main task, the central task, of that Academy was to carry out Point 19 of the Party program to bring German Common Law into line with our national culture.

DR. SEIDL: Did the Academy of German Law have definite functions, or could it act only in an advisory capacity?

FRANK: The Academy of German Law was the meeting place of the most prominent legal minds in Germany in the theoretical and practical fields. Right from the beginning I attached no importance to the question whether the members were members of the Party or not. Ninety percent of the members of the Academy of German Law were not members of the Party. Their task was to prepare laws, and they worked somewhat on the lines of an advisory committee in a well-organized parliament. It was also my idea that the advisory committees of the Academy should replace the legal committees of the German Reichstag, which was gradually fading into the background in the Reich.

In the main the Academy helped to frame only laws of an economic or social nature, since owing to the development of the

totalitarian regime it became more and more impossible to cooperate in other spheres.

DR. SEIDL: If I understand you correctly, then the governmental administration of law was solely in the hands of the Reich Minister of Justice, and that was not you.

FRANK: No, I was not Reich Minister of Justice. The Reich Minister of Justice, Dr. Gürtner, was, however, not competent for the entire field of legislation but merely for those laws which came within the scope of his ministry. Legislation in the Reich, in accordance with the Enabling Act, was in the hands of the Führer and Reich Chancellor and the Reich Government as a body. Consequently my name appears in the *Reichsgesetzblatt* at the bottom of one law only, and that is the law regarding the Reintroduction of Compulsory Military Service. However, I am proud that my name stands at the end of that law.

DR. SEIDL: You have stated earlier that during 1933 and 1934 you were Bavarian Minister of Justice.

FRANK: Yes.

DR. SEIDL: In that capacity did you have an opportunity of voicing your opinion on the question of concentration camps, and what were the circumstances?

FRANK: I learned that the Dachau concentration camp was being established in connection with a report which came to me from the Senior Public Prosecutor's Office in Munich on the occasion of the killing of the Munich attorney, Dr. Strauss. This Public Prosecutor's Office complained to me, after I had given them orders to investigate the killing, that the SS had refused them admission to the Dachau concentration camp. Thereupon I had Reich Governor, General Von Epp, call a meeting where I produced the files regarding this killing and pointed out the illegality of such an action on the part of the SS and stated that so far representatives from the German Public Prosecutor's Office had always been able to investigate any death which evoked a suspicion that a crime had been committed and that I had not become aware so far of any departure from this principle in the Reich. After that I continued protesting against this method to Dr. Gürtner, the Reich Minister of Justice and at the same time Attorney General. I pointed out that this meant the beginning of a development which threatened the legal system in an alarming manner.

At Heinrich Himmler's request Adolf Hitler intervened personally in this matter, and he used his power to quash any legal proceedings. The proceedings were ordered to be quashed. I handed in my resignation as Minister of Justice, but it was not accepted.

DR. SEIDL: When did you become Governor General of the occupied Polish territories, and where were you when you were informed of this appointment?

FRANK: On 24 August 1939, as an officer in the reserve, I had to join my regiment in Potsdam. I was busy training my company; and on 17 September, or it may have been 16, I was making my final preparations before going to the front when a telephone call came from the Führer's special train ordering me to go to the Führer at once.

The following day I traveled to Upper Silesia where the Führer's special train was stationed at that time; and in a very short conversation, which lasted less than ten minutes, he gave me the mission, as he put it, to take over the functions of Civil Governor for the occupied Polish territories.

At that time the whole of the conquered Polish territories was under the administrative supreme command of a military commander, General Von Rundstedt. Toward the end of September I was attached to General Von Rundstedt's staff as Chief of Administration, and my task was to do the administrative work in the Military Government. In a short time, however, it was found that this method did not work; and when the Polish territories were divided into the part which was incorporated into the German Reich and the part which then became the Government General, I was appointed Governor General as from 26 October.

DR. SEIDL: You have mentioned the various positions which you held over a number of years. I now ask you: Did you, in any of the positions you held in the Party or the State, play any vital part in the political events of the last 20 years?

FRANK: In my own sphere I did everything that could possibly be expected of a man who believes in the greatness of his people and who is filled with fanaticism for the greatness of his country, in order to bring about the victory of Adolf Hitler and the National Socialist movement.

I never participated in far-reaching political decisions, since I never belonged to the circle of the closest associates of Adolf Hitler, neither was I consulted by Adolf Hitler on general political questions, nor did I ever take part in conferences about such problems. Proof of this is that throughout the period from 1933 to 1945 I was received only six times by Adolf Hitler personally, to report to him about my sphere of activities.

DR. SEIDL: What share did you have in the legislation of the Reich?

FRANK: I have already told you that, and there is no need to give a further answer.

DR. SEIDL: Did you, as a Reich Minister or in any other State or Party post want this war, or did you desire a war in violation of treaties entered into?

FRANK: War is not a thing one wants. War is terrible. We have lived through it; we did not want the war. We wanted a great Germany and the restoration of the freedom and welfare, the health and happiness of our people. It was my dream, and probably the dream of every one of us, to bring about a revision of the Versailles Treaty by peaceful means, which was provided for in that very treaty. But as in the world of treaties, between nations also, it is only the one who is strong who is listened to; Germany had to become strong first before we could negotiate. This is how I saw the development as a whole: the strengthening of the Reich, reinstatement of its sovereignty in all spheres, and by these means to free ourselves of the intolerable shackles which had been imposed upon our people. I was happy, therefore, when Adolf Hitler, in a most wonderful rise to power, unparalleled in the history of mankind, succeeded by the end of 1938 in achieving most of these aims; and I was equally unhappy when in 1939, to my dismay, I realized more and more that Adolf Hitler appeared to be departing from that course and to be following other methods.

THE PRESIDENT: This seems to have been covered by what the Defendant Göring told us, by what the Defendant Ribbentrop told us.

DR. SEIDL: The witness has already completed his statement on this point.

Witness, what was your share in the events of Poland after 1939?

FRANK: I bear the responsibility; and 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.

DR. SEIDL: Witness, do you feel guilty of having committed crimes in violation of international conventions or crimes against humanity?

THE PRESIDENT: That is a question that the Tribunal has got to decide.

DR. SEIDL: Then I shall drop the question.

Witness, what do you have to say regarding the accusations which have been brought against you in the Indictment?

FRANK: To these accusations 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.

DR. SEIDL: What were your aims when you took over the post of Governor General?

FRANK: I was not informed about anything. I heard about special action commandos of the SS here during this trial. In connection with and immediately following my appointment, special powers were given to Himmler, and my competence in many essential matters was taken away from me. A number of Reich offices governed directly in matters of economy, social policy, currency policy, food policy, and therefore, all I could do was to lay upon myself the task of seeing to it that amid the conflagration of this war, some sort of an order should be built up which would enable men to live. The work I did out there, therefore, cannot be judged in the light of the moment, but must be judged in its entirety, and we shall have to come to that later. My aim was to safeguard justice, without doing harm to our war effort.

DR. SEIDL: Witness, did the police, and particularly the Security Police and SD, come under your jurisdiction in the Government General?

FRANK: The Higher SS and Police Leaders were in principle subordinate to the Reichsführer SS Himmler. The SS did not come under my command, and any orders or instructions which I might have given would not have been obeyed. Witness Bühler will cover this question in detail.

The general arrangement was that the Higher SS and Police Leader was formally attached to my office, but in fact, and by reason of his activities, he was purely an agent of the Reichsführer SS Himmler. This state of affairs, even as early as November 1939, was the cause of my first offer to resign which I made to Adolf Hitler. It was a state of affairs which made things extremely difficult as time went by. In spite of all my attempts to gain control of these matters, the drift continued. An administration without a police executive is powerless and there were many proofs of this. The police officers, so far as discipline, organization, pay, and orders were concerned, came exclusively under the German Reich police system and were in no way connected with the administration of the Government General. The officials of the SS and Police therefore did not consider that they were attached to the Government General in matters concerning their duty, neither was the police area called "Police Area, Government General." Moreover the Higher SS and Police Leader did not call himself "SS and Police

Leader in the Government General" but "Higher SS and Police Leader East." However, I do not propose to go into details at this point.

DR. SEIDL: Witness, did the concentration camps in the Government General come under you, and did you have anything to do with their administration?

FRANK: Concentration camps were entirely a matter for the police and had nothing to do with the administration. Members of the civil administration were officially prohibited from entering the camps.

DR. SEIDL: Have you yourself ever been in a concentration camp?

FRANK: In 1935 I participated in a visit to the Dachau concentration camp, which had been organized for the Gauleiters. That was the only time that I have entered a concentration camp.

DR. SEIDL: Witness, in 1942, by a decree of the Führer, a State Secretariat for Security in the Government General was created. The date is 7 May 1942. What was the reason for creating that State Secretariat?

FRANK: The establishment of this State Secretariat was one of the many attempts to solve the problem of the police in the Government General. I was very happy about it at the time, because I thought now we had found the way to solve the problem. I am certain it would have worked if Himmler and Krüger had adhered to the principle of this decree, which was co-operation and not working against each other. But before long it transpired that this renewed attempt, too, was merely camouflage; and the old conditions continued.

DR. SEIDL: On 3 June 1942, on the basis of this Führer decree, another decree was issued regarding the transfer of official business to the State Secretary for Security. Is that true?

FRANK: I assume so, if you have the document. I cannot remember the details of course.

DR. SEIDL: In that case I shall ask the witness Bilfinger about this point.

FRANK: But I should like to add something to that. Wherever the SS is discussed here, the SS and the police are considered as forming one body. It would not be right of me if I did not correct that wrong conception. I have known during the course of these years so many honest, clean, and upright soldiers among the SS, and especially among the Waffen-SS and the police, that when judging here the problem of the SS in regard to the criminal nature of their activities, one can draw the same clear distinction as in the

case of any of the other social groups. The SS, as such, behaved no more criminally than any other social groups would behave when taking part in political events. The dreadful thing was that the responsible chief, and a number of other SS men who unfortunately had been given considerable powers, were able to abuse the loyal attitude which is so typical of the German soldier.

DR. SEIDL: Witness, another question. In the decree concerning the creation of the State Secretariat for Security, it is ordered that the State Secretary—which in this case was the Higher SS and Police Leader—before making basic decisions, had to ask you for your approval. Was that done?

FRANK: No, I was never called upon to give my approval and that was the reason why before long this, my last, attempt proved to be a failure.

DR. SEIDL: Did the Higher SS and Police Leader and the SS Obergruppenführer Krüger, in particular, obey orders which you had given them?

FRANK: Please, would you repeat the question? It did not come through too well. And please, Dr. Seidl, do not speak quite so loudly.

DR. SEIDL: Did the Higher SS and Police Leader Krüger, who at the same time was the State Secretary for Security, obey orders which you gave him in your capacity as Governor General?

FRANK: Not even a single order. On the strength of this new decree I repeatedly gave orders. These orders were supposedly communicated to Heinrich Himmler; and as his agreement was necessary, these orders were never carried out. Some special cases can be confirmed by the State Secretary Bühler when he is here as a witness.

DR. SEIDL: Did the Reichsführer SS and Chief of the German Police, before he carried out security police measures in the Government General, ever obtain your approval?

FRANK: Not in a single case.

DR. SEIDL: The Prosecution has submitted a document, L-37, as Exhibit Number USA-506. It is a letter from the Commander of the Security Police and SD of the District Radom, addressed to the branch office at Tomassov. This document contains the following:

“On 28 June 1944 the Higher SS and Police Leader East issued the following order:

“The security situation in the Government General has deteriorated so much during the recent months that the most radical means and the most severe measures must now be employed against these alien assassins and saboteurs. The Reichsführer SS in agreement with the Governor General, has

given order that in every case of assassination or attempted assassination of Germans, not only the perpetrators shall be shot when caught, but that in addition, all their male relatives shall also be executed, and their female relatives above the age of sixteen put into a concentration camp."

FRANK: As I have said that I was never called upon by the Reichsführer SS Himmler to give my approval to such orders, your question has already been answered. In this case, I was not called upon either.

DR. SEIDL: Witness, were you at least informed of such orders from the Reichsführer SS Himmler or from the Higher SS and Police Leader East before they were carried out?

FRANK: The reason why this was not done was always the same. I was told that as Poles were living not only in the Government General but also in those territories which had been incorporated into the Reich, the fight against the Polish resistance movement had to be carried on by unified control from a central office, and this central office was Heinrich Himmler.

DR. SEIDL: Witness, what jurisdiction did you have in the general administration?

FRANK: I think it would accelerate the proceedings if the Witness Bühler could testify to these details. If the Tribunal so desires I will of course answer this question now. In the main I was concerned with the setting up of the usual administrative departments, such as food, culture, finance, science, *et cetera*.

DR. SEIDL: Were there representatives of the Polish and Ukrainian population in the Government General?

FRANK: Yes. The representation of the Polish and Ukrainian population was on a regional basis, and I united the heads of the bodies of representatives from the various districts in the so-called subsidiary committees. There was a Polish and an Ukrainian subsidiary committee. Count Ronikie was the head of the Polish committee for a number of years, and at the head of the Ukrainian committee was Professor Kubiowicz. I made it obligatory for all my offices to contact these subsidiary committees on all questions of a general nature, and this they did. I myself was in constant contact with both of them. Complaints were brought to me there and we had free discussions. My complaints and memoranda to the Führer were mostly based on the reports from these subsidiary committees.

A second form in which the population participated in the administration of the Government General was by means of the lowest administrative units, which throughout the Government General were in the hands of the native population. Every ten to

twenty villages had as their head a so-called *Wojt*. This Polish word *Wojt* is the same as the German word "Vogt"—V-o-g-t. He was, so to speak, the lowest administrative unit.

A third form of participation by the population in the administration was the employment of about 280,000 Poles and Ukrainians as government officials or civil servants in the public services of the Government General, including the postal and railway services.

DR. SEIDL: In what numerical proportion did the German civil servants stand to the Polish and Ukrainian civil servants?

FRANK: The proportion varied. The number of German civil servants was very small. There were times when, in the whole of the Government General, the area of which is 150,000 square kilometers—that means half the size of Italy—there were not more than 40,000 German civil servants. That means to one German civil servant there were on the average at least six non-German civil servants and employees.

DR. SEIDL: Which territories did you rule as Governor General?

FRANK: Poland, which had been jointly conquered by Germany and the Soviet Union, was divided first of all between the Soviet Union and the German Reich. Of the 380,000 square kilometers, which is the approximate size of the Polish State, approximately 200,000 square kilometers went to the Soviet Union and approximately 170,000 to 180,000 square kilometers to the German Reich. Please do not ask me for exact figures; that was roughly the proportion.

That part of Poland which was taken over into Soviet Russian territory was immediately treated as an integral part of the Soviet Union. The border signs in the east of the Government General were the usual Reich border signs of the Soviet Union, as from 1939. That part which came to Germany was divided thus: 90,000 square kilometers were left to the Government General and the remainder was incorporated into the German Reich.

THE PRESIDENT: I don't think there is any charge against the defendant on the ground that the civil administration was bad. The charge is that crimes were committed, and the details of the administration between the Government General and the department in the Reich are not really in question.

DR. SEIDL: The only reason, Mr. President, why I put that question was to demonstrate the difficulties with which the administration had to cope right from the beginning in this territory, for an area which originally represented one economic unit was now split into three different parts.

[Turning to the defendant.] I am coming now to the next question. Did you ever have hostages shot?

FRANK: My diary contains the facts. I myself have never had hostages shot.

DR. SEIDL: Did you ever participate in the annihilation of Jews?

FRANK: 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 Hoess, 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.

DR. SEIDL: Witness, what was your policy for the recruiting of laborers for the Reich when you were Governor General?

FRANK: I beg your pardon?

DR. SEIDL: What policy did you pursue for the recruiting of labor for the Reich in your capacity as Governor General?

FRANK: The policy is laid down in my decrees. No doubt they will be held against me by the Prosecution, and I consider it will save time if I answer that question later, with the permission of the Tribunal.

DR. SEIDL: Witness, did Hitler give you any instructions as to how you should carry out your administration as Governor General?

FRANK: During the first 10 minutes of the audience in his special train Adolf Hitler instructed me to see to it that this territory, which had been utterly devastated—all the bridges had been blown up; the railways no longer functioned, and the population was in a complete turmoil—was put into order somehow; and that I should see to it that this territory should become a factor which would contribute to the improvement of the terribly difficult economic and war situation of the German Reich.

DR. SEIDL: Did Adolf Hitler support you in your work as Governor General?

FRANK: All my complaints, everything I reported to him, were unfortunately dropped into the wastepaper basket by him. I did not send in my resignation 14 times for nothing. It was not for nothing that I tried to join my brave troops as an officer. In his heart he was always opposed to lawyers, and that was one of the most serious shortcomings of this outstandingly great man. He did not want to admit formal responsibility, and that, unfortunately,

applied to his policy too, as I have found out now. Every lawyer to him was a disturbing element working against his power. All I can say, therefore, is that, by supporting Himmler's and Bormann's aims to the utmost, he permanently jeopardized any attempt to find a form of government worthy of the German name.

DR. SEIDL: Which departments of the Reich gave instructions to you regarding the administration of the Government General?

FRANK: In order to expedite the proceedings I should like to suggest that the witness Bühler give the whole list.

DR. SEIDL: Did you ever loot art treasures?

FRANK: An accusation which is one that touches my private life, and affects me most deeply, is that I am supposed to have enriched myself with the art treasures of the country entrusted to me. I did not collect pictures and I did not find time during the war to appropriate art treasures. I took care to see that all the art treasures of the country entrusted to me were officially registered, and had that official register incorporated in a document which was widely distributed; and, above all, I saw to it that those art treasures remained in the country right to the very end. In spite of that, art treasures were removed from the Government General. A part was taken away before my administration was established. Experience shows that one cannot talk of responsibility for an administration until some time after it has been functioning, namely, when the administration has been built up from the bottom. So that from the outbreak of the war, 1 September 1939, until this point, which was about at the end of 1939, I am sure that art treasures were stolen to an immeasurable extent either as war booty or under some other pretext. During the registration of the art treasures, Adolf Hitler gave the order that the Veit Stoss altar should be removed from St. Mary's Church in Kraków, and taken to the Reich. In September 1939 Mayor Liebel came from Nuremberg to Kraków for that purpose with a group of SS men and removed this altar. A third instance was the removal of the Dürer etchings in Lvov by a special deputy before my administration was established there. In 1944, shortly before the collapse, art treasures were removed to the Reich for storage. In the Castle of Seichau, in Silesia, there was a collection of art treasures which had been brought there by Professor Kneisl for this purpose. One last group of art treasures was handed over to the Americans by me personally.

DR. SEIDL: Witness, did you introduce ghettos, that is, Jewish quarters in the Government General?

FRANK: I issued an instruction regarding the setting up of Jewish quarters. I do not remember the date. As to the reasons

and the necessity for that, I shall have to answer the Prosecutor's questions.

DR. SEIDL: Did you introduce badges to mark the Jews?

FRANK: Yes.

DR. SEIDL: Did you yourself introduce forced labor in the Government General?

FRANK: Forced labor and compulsory labor service were introduced by me in one of the first decrees; but it is quite clear from all the decrees and their wording that I had in mind only a labor service within the country for repairing the damage caused by the war, and for carrying out work necessary for the country itself, as was of course done by the labor service in the Reich.

DR. SEIDL: Did you, as was stated by the Prosecution, plunder libraries in the Government General?

FRANK: I can answer that question plainly with "no." The largest and most valuable library which we found, the Jagellon University Library in Kraków, which thank God was not destroyed, was transferred to a new library building on my own personal orders; and the entire collection, including the most ancient documents, was looked after with great care.

DR. SEIDL: Witness, did you as Governor General close down the universities in the Government General?

FRANK: The universities in the Government General were closed because of the war when we arrived. The reopening of the universities was prohibited by order of Adolf Hitler. I supplied the needs of the Polish and Ukrainian population by introducing university courses of instruction for Polish and Ukrainian students—which were actually on a university level—in such a way that the Reich Authorities could not criticize it. The fact that there was an urgent need for native university-trained men, particularly doctors, technicians, lawyers, teachers, *et cetera*, was the best guarantee that the Poles and Ukrainians would be allowed to continue university teaching to the extent which war conditions would allow.

THE PRESIDENT: The Tribunal will adjourn for 10 minutes.

[A recess was taken.]

DR. SEIDL: Witness, we were last speaking of the universities. Did you yourself, as Governor General, close the secondary schools?

FRANK: My suggestion to reopen the Gymnasiums and secondary schools was rejected by Adolf Hitler. We helped to solve the problem by permitting secondary school education in a large number of private schools.

DR. SEIDL: Now, a basic question. The Prosecution accuse you of having plundered the country ruled by you as Governor General. What do you have to say to that?

FRANK: Well, evidently by that accusation is meant everything that happened in the economic sphere in that country as a result of the arrangements between the German Reich and the Government General. First, I would like to emphasize that the Government General had to start with a balance sheet which revealed a frightful economic situation. The country had approximately twelve million inhabitants. The area of the Government General was the least fertile part of the former Poland. Moreover, the boundary between the Soviet Union, as well as the boundary between the German Reich, had been drawn in such a way that the most essential elements, indispensable for economy, were left outside. The frontiers between the Soviet Union and the German Reich were immediately closed; and so, right from the start, we had to make something out of nothing.

Galicia, the most important area in the Republic of Poland from the viewpoint of food supplies, was given to the Soviet Union. The province of Posen belonged to the German Reich. The coal and industrial areas of Upper Silesia were within the German Reich. The frontier with Germany was drawn in such a way that the iron works in Czestochowa remained with the Government General, whereas the iron-ore basins which were 10 kilometers from Czestochowa were incorporated into the German Reich.

The town of Lodz, the textile center of Poland, came within the German Reich. The city of Warsaw with a population of several millions became a frontier town because the German border came as close as 15 kilometers to Warsaw, and the result was that the entire agricultural hinterland was no longer at the disposal of that city. A great many facts could be mentioned, but that would probably take us too far. The first thing we had to do was to set things going again somehow. During the first weeks the population of Warsaw could only be fed with the aid of German equipment for mass feeding. The German Reich at that time sent 600,000 tons of grain, as a loan of course, and that created a heavy debt for me.

I started the financial economy with 20 million zlotys which had been advanced to me by the Reich. We started with a completely impoverished economy due to the devastation caused by the war, and by the first of January 1944 the savings bank accounts of the native population had reached the amount of 11,500 million zlotys, and we had succeeded by then in improving the feeding of the population to a certain extent. Furthermore, at that time the factories and industrial centers had been reconstructed, to which

reconstruction the Reich authorities had made outstanding contributions; Reich Marshal Göring and Minister Speer especially deserve great credit for the help given in reviving the industry of the country. More than two million fully paid workers were employed; the harvest had increased to 1.6 million tons in a year; the yearly budget had increased from 20 million zlotys in the year 1939 to 1,700 million zlotys. All this is only a sketch which I submit here to describe the general development.

DR. SEIDL: Witness, in your capacity as Governor General did you persecute churches and religion in the areas which you had under your administration?

FRANK: I was in constant personal contact with the Archbishop, now Cardinal, Sapieha in Kraków. He told me of all his sufferings and worries, and they were not few. I myself had to rescue the Bishop of Lublin from the hands of Herr Globocznik in order to save his life.

DR. SEIDL: You mean the SS Gruppenführer Globocznik?

FRANK: Yes, that is the one I mean.

But I may summarize the situation by quoting the letter which Archbishop Sapieha sent to me in 1942, in which, to use his own words, he thanked me for my tireless efforts to protect the life of the church. We reconstructed seminaries for priests; and we investigated every case of arrest of a priest, as far as that was humanly possible. The tragic incident when two assistants of the Archbishop Sapieha were shot, which has been mentioned here by the Prosecution, stirred my own emotions very deeply. I cannot say any more. The churches were open; the seminaries were educating priests; the priests were in no way prevented from carrying out their functions. The monastery at Czestochowa was under my personal protection. The Kraków monastery of the Camaldulians, which is a religious order, was also under my personal protection. There were large posters around the monastery indicating that these monasteries were protected by me personally.

DR. SEIDL: Witness, when did you hear for the first time about the concentration camp at Maidanek?

FRANK: I heard the name Maidanek for the first time in 1944 from foreign reports. But for years there had been contradictory rumors about the camp near Lublin, or in the Lublin District, if I may express myself in such a general way. Governor Zörner once told me, I believe already in 1941, that the SS intended to build a large concentration camp near Lublin and had applied for large quantities of building materials, *et cetera*. At that time I instructed State Secretary Bühler to investigate the matter immediately, and I was told, and I also received a report in writing from Reichsführer

SS Himmler, that he had to build a large camp required by the Waffen-SS to manufacture clothes, footwear, and underwear in large SS-owned workshops. This camp went under the name of "SS Works," or something similar.

Now, I have to say I was in a position to get information, whereas the witnesses who have testified so far have said under oath that in the circles around the Führer nothing was known about all these things. We out there were more independent, and 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. Once a report came to me that there was something going on near Belcec. I went to Belcec the next day. Globocznik showed me an enormous ditch which he was having made as a protective wall and on which many thousands of workers, apparently Jews, were engaged. I spoke to some of them, asked them where they came from, how long they had been there, and he told me, that is, Globocznik, "They are working here now, and when they are through—they come from the Reich, or somewhere from France—they will be sent further east." I did not make any further inquiries in that same area.

The rumor, however, that the Jews were being killed in the manner which is now known to the entire world would not be silenced. When I expressed the wish to visit the SS workshop near Lublin, in order to get some idea of the value of the work that was being done, I was told that special permission from Heinrich Himmler was required.

I asked Heinrich Himmler for this special permission. He said that he would urge me not to go to the camp. Again some time passed. On 7 February 1944 I succeeded in being received by Adolf Hitler personally—I might add that throughout the war he received me three times only. 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 Kraków 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."

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.

The Maidanek Camp must have been run solely by the SS, in the way I have mentioned, and apparently, in the same manner as stated by the witness Hoess.

That is the only explanation that I can give.

DR. SEIDL: Therefore you did not know of the conditions in Treblinka, Auschwitz, and other camps? Did Treblinka belong to Maidanek, or is that a separate camp?

FRANK: I do not know; it seems to be a separate camp. Auschwitz was not in the area of the Government General. I was never in Maidanek, nor in Treblinka, nor in Auschwitz.

DR. SEIDL: Witness, the Prosecution has presented under Number USA-275 the report of the SS Brigadeführer Stroop on the destruction of the Warsaw Ghetto. Before that action was initiated, did you know anything about it and did you ever come across this report?

FRANK: I was surprised when the American Chief Prosecutor said in his opening speech, while submitting a document here with pictures about the destruction of the Warsaw Ghetto, that that report had been made to me. But that has been clarified in the meantime. The report was never made for me, and was never sent to me in that form. And, thank Heaven, during the last few days it has been made clear by several witnesses and affidavits that this destruction of the Warsaw Ghetto was carried out upon direct orders of Himmler, and over the head of all competent authorities of the Government General. When in our meetings anybody spoke about this Ghetto, it was always said that there had been a revolt in the Warsaw Ghetto which we had had to quell with artillery; reports that were made on it never seemed to me to be authentic.

DR. SEIDL: What measures did you take to see that the population in the Government General was fed?

FRANK: An abundance of measures were taken to get agriculture going again, to import machinery, to teach farmers improved farming

methods, to build up co-operative associations, to distribute seeds in the usual way.

DR. SEIDL: The Witness Bühler will speak about that later.

FRANK: Moreover the Reich helped a great deal in that respect. The Reich sent seeds to the value of many millions of marks, agricultural experts, breeding cattle, machines, *et cetera*.

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.

DR. SEIDL: Witness...

FRANK: Some of the words are terrible. I myself must admit that I was shocked at many of the words which I had used.

DR. SEIDL: Witness, under Number USA-297 the Prosecution has submitted a document which deals with a conference which you apparently had in 1939 or 1940 with an office of the Chief of the Administration Ober-Ost. I shall have the document handed to you and ask you to tell me whether the report of that man, as it is contained in the document, agrees with what you have said. It is on Page 1, at the bottom, the second paragraph.

FRANK: That is a shortened summary of a speech, which perhaps in an address...

THE PRESIDENT: What is the PS-number?

DR. SEIDL: Dr. Frank, what is the number?

FRANK: 297, I believe.

DR. SEIDL: No, on the cover, please.

FRANK: On the cover it says 344. I will return the document to you. Would you kindly ask me about individual phrases. It is impossible for me to read all of its contents.

DR. SEIDL: The number is 297, Mr. President.

THE PRESIDENT: Yes, it is USA-297. It is EC-344, (16) and (17), is that right?

DR. SEIDL: Yes.

[Turning to the defendant.] It says here that during the first conversation which the chief of the central department had with the Reich Minister Dr. Frank on 3 October 1939 in Posen, the latter explained the task which had been given him by the Führer and the economic-political principles on which he intended to base his administration of Poland. This could only be done by ruthless exploitation of the country. Therefore, it would be necessary to recruit manpower to be used in the Reich, and so on.

I have summarized it, Mr. President.

FRANK: I am sure that these utterances were not made in the way it is put here.

DR. SEIDL: But you do not want to say that you have never spoken to that man?

FRANK: I cannot remember it at all.

DR. SEIDL: Then, I come to the next question.

FRANK: Moreover, what actually happened seems to me to be more important than what was said at the time.

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: Guerrilla activities? It can be said that it was the resistance movement, which started from the very first day and was supported by our enemies, which presented the most difficult problem I had to cope with during all these years. For this resistance movement perpetually supplied the police and the SS with pretexts and excuses for all those measures which, from the viewpoint of an orderly administration, were very regrettable. 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. German women and children were slaughtered under the most atrocious circumstances. German officials were shot; trains were derailed; dairies were destroyed; and all measures taken to bring about the recovery of the country were systematically undermined.

And it is against the background of these incidents, which occurred day after day, incessantly, during practically the entire period of my activity, that the events in that country must be considered. That is all I have to say to that.

DR. SEIDL: Witness, in the year 1944 a revolt broke out in Warsaw under the leadership of General Bor. What part did the

administration of the Government General have, and what part did you have in putting down that revolt?

FRANK: That revolt broke out when the Soviet Russian Army had advanced to within about 30 kilometers of Warsaw on the eastern bank of the Vistula. It was a sort of combined operation; and, as it seems to me, also a national Polish action, as the Poles at the last moment wanted to carry out the liberation of their capital themselves and did not want to owe it to the Soviet Russians. They probably were thinking of how, in Paris, at the last moment the resistance movement, even before the Allies had approached, had accomplished the liberation of the city.

The operation was a strictly military one. As Senior Commander of the German troops used to quell the revolt, I believe, they appointed SS General Von dem Bach-Zelewski. The civil administration, therefore, did not have any part in the fighting. The part played by the civil administration began only after the capitulation of General Bor, when the most atrocious orders for vengeance came from the Reich.

A letter came to my desk one day in which Hitler demanded the deportation of the entire population of Warsaw into German concentration camps. It took a struggle of 3 weeks, from which I emerged victorious, to avert that act of insanity and to succeed in having the fleeing population of Warsaw, which had had no part in the revolt, distributed throughout the Government General.

During that revolt, unfortunately, the city of Warsaw was very seriously damaged. All that had taken years to rebuild was burned down in a few weeks. However, State Secretary Bühler, in order to save time, will probably be in a better position to give us more details.

DR. SEIDL: Witness, you are also accused of having suppressed the cultural life of the population of the Government General, especially as regards the theater, broadcasting, films. What have you to say about that?

FRANK: The Government General presented the same picture as every occupied country. We do not have to look far from this court room to see what cultural life is like in an occupied country.

We had broadcasting in the Polish language under German supervision. We had a Polish press which was supervised by Germans, and we had a Polish school system, that is, elementary schools and high schools, in which at the end, 80,000 teachers taught in the service of the Government General. As far as it was possible Polish theaters were reopened in the large cities, and where German theaters were established we made sure that there was also a Polish theater at the same time. After the proclamation of the so-called

total war in August 1944, the absurd situation arose in which the German theater in Kraków was closed, because all German theaters were closed at that time, whereas the Polish theaters remained open.

I myself selected composers and virtuosos from a group of the most well known musicians of Poland I found there in 1939 and founded the Philharmonic Orchestra of the Government General. This was in being until the end, and played an important part in the cultural life of Poland. I established a Chopin Museum in Kraków, and from all over Europe I collected relics of Chopin. I believe that is sufficient on this point.

DR. SEIDL: Witness, you deny, therefore, having taken any measures which aimed at exterminating Polish and Ukrainian culture.

FRANK: Culture cannot be exterminated. Any measures taken with that intention would be sheer nonsense.

DR. SEIDL: Is it correct that as far as it was in your power you did everything to avoid epidemics and to improve the health of the population?

FRANK: That State Secretary Bühler will be able to confirm in detail. I can say that everything humanly possible was done.

DR. SEIDL: Witness, the Prosecution, under Number USSR-223, has submitted an excerpt from the diary, which deals with the report about a police conference of 30 May 1940, and we find here in Pages 33 to 38 the following...

FRANK: [*Interposing.*] Unless the Court orders it, it is not necessary to read that.

DR. SEIDL: No, I only want to read one sentence, which refers to the Kraków professors. Apparently, if the diary is correct, you said...

FRANK: [*Interposing.*] May I say something about the Kraków professors right away?

DR. SEIDL: Yes.

FRANK: On 7 November 1939 I came to Kraków. On 5 November 1939 before my arrival, the SS and the police, as I found out later, called the Kraków professors to a meeting. They thereupon arrested the men, among them dignified old professors, and took them to some concentration camp. I believe it was Oranienburg. I found that report when I arrived and against everything which may be found there in my diary, I want to emphasize here under oath that I did not cease in my attempts to get every one of the professors released whom I could reach, in March 1940. That is all I have to say to this.

DR. SEIDL: The same police meeting of 30 May 1940 also dealt with the so-called "AB Action," that is, with the Extraordinary Pacification Action. Before I put to you the question which is concerned with it, I would like to read to you two entries in the diary. One is dated 16 May 1940, and here, after describing that extraordinary tension then existing, you stated the following: That, first of all, an action for pacification would have to be started, and then you said:

"Any arbitrary actions must be avoided; in all cases the safeguarding of the authority of the Führer and of the Reich has to be kept in the foreground."—I omit several sentences and quote the end—"The action is timed for 15 June."

On 12 July a conference took place with the Ministerialrat Wille, who was the chief of the Department of Justice, and there you said in your own words:

"Regarding the question as to what should happen to the political criminals who had been arrested during the AB Action, there is to be a conference with State Secretary Bühler, Obergruppenführer Krüger, Brigadeführer Streckenbach and Ministerialrat Wille."

End of quotation.

What actually happened during that AB Action?

FRANK: I cannot say any more or any less than what is contained in the diary. The situation was extremely tense. Month after month attempted assassinations increased. The encouragement and support given by the rest of the world to the resistance movement to undermine all our efforts to pacify the country had succeeded to an alarming degree, and this led to this general pacification action, not only in the Government General, but also in other areas, and which I believe was ordered by the Führer himself.

My efforts were directed to limiting it as to extent and method, and in this I was successful. Moreover I should like to point out that I also made it clear that I intended to exercise the right of reprieve in each individual case; for that purpose I wanted the police and SS verdicts of death by shooting to be submitted to a reprieve committee which I had formed in that connection. I believe that can be seen from the diary also.

DR. SEIDL: Probably the witness Bühler knows something about it.

FRANK: Nevertheless, I would like to say that the method used at that time was a tremendous mistake.

DR. SEIDL: Witness, have you at any time recognized the principle introduced by the SD and SS of the liability of kin?

FRANK: No, on the contrary. When I received the first reports about it, I complained in writing to Reich Minister Lammers about that peculiar development of the law.

DR. SEIDL: The first SS and Police Leader East was Obergruppenführer Krüger. When was this SS leader recalled and how did it come about?

FRANK: The relations between him and myself became quite impossible. He wanted a peculiar kind of SS and police regime, and that state of affairs could be solved only in one way—either he or I had to go. I think that at the last moment, by the intervention of Kaltenbrunner, if I remember correctly, and of Bach-Zelewski, this remarkable fellow was removed.

DR. SEIDL: The Prosecution once mentioned that it was more a personal struggle for power. But is it more correct to say that there were differences of opinion on basic questions?

FRANK: Of course it was a struggle for power. I wanted to establish a power in the sense of my memoranda to the Führer, and therefore I had to fight the power of violence, and here personal viewpoints separated altogether.

DR. SEIDL: The successor of SS Obergruppenführer Krüger was SS Obergruppenführer Koppe. Was his basic attitude different?

FRANK: Yes. I had that impression; and I am thinking of him particularly when I say that even in the SS there were many decent men who also had a sense of what was right.

DR. SEIDL: Were there Polish and Ukrainian Police in the Government General?

FRANK: Yes, there were 25,000 men of the Polish security, criminal, and uniformed police, and about 5,000 men of the Ukrainian police. They also were under the German police chief.

DR. SEIDL: Witness, I now come to one of the most important questions. In 1942, in Berlin, Vienna, Heidelberg, and Munich, you made speeches before large audiences. What was the purpose of these speeches, and what were the consequences for you?

FRANK: The speeches can be read. It was the last effort that I made to bring home to Hitler, by means of the tremendous response of the German people, the truth that the rule of law was immortal. I stated at that time that a Reich without law and without humanity could not last long, and more in that vein. After I had been under police surveillance for several days in Munich, I was relieved of all my Party offices. As this was a matter of German domestic politics under the sovereignty of the German Reich, I refrain from making any more statements about it here.

DR. SEIDL: Is it correct that after this you tendered your resignation? And what was the answer?

FRANK: I was, so to speak, in a permanent state of resigning, and I received the same answer: that for reasons connected with foreign policy I could not be released.

DR. SEIDL: I originally intended to read to you from your diary a number of quotations which the Prosecution has submitted; but in view of the fact that the Prosecution may do that in the course of the cross-examination, I forego it in order to save time. I have no more questions to put to the witness.

THE PRESIDENT: Does any other member of the defendants' counsel wish to ask any questions?

Does the Prosecution wish to cross-examine?

CHIEF COUNSELLOR OF JUSTICE L. N. SMIRNOV (Assistant Prosecutor for the U.S.S.R.): Defendant, I should like to know what precisely was your legal status and what exactly was the position you occupied in the system of the fascist state. Please answer me: When were you promoted to the post of Governor of occupied Poland? To whom were you directly subordinated?

FRANK: The date is 26 October 1939. At least on that day the directive concerning the Governor General became effective.

MR. COUNSELLOR SMIRNOV: You will remember that by Hitler's order of 12 October 1939 you were directly subordinated to Hitler, were you not?

FRANK: I did not get the first part. What was it, please?

MR. COUNSELLOR SMIRNOV: Do you remember Hitler's order concerning your appointment as Governor General of Poland? This order was dated 12 October 1939.

FRANK: That was in no way effective, because the decree came into force on 26 October 1939, and you can find it in the *Reichsgesetzblatt*. Before that I was Chief of Administration with the military commander Von Rundstedt. I have explained that already.

MR. COUNSELLOR SMIRNOV: By this order of Hitler you were directly subordinated to him. Do you remember? Paragraph 3, Sub-paragraph 1, of this order.

FRANK: The chiefs of administration in the occupied territories were all immediately under the Führer. I may say in elucidation that Paragraph 3 states, "The Governor General is immediately subordinate to me."

But Paragraph 9 of this decree states, "This decree becomes valid as soon as I have withdrawn from the Commander in Chief of the Army the task of carrying out the military administration." And

this withdrawal, that is, the coming into force of this decree took place on 26 October.

MR. COUNSELLOR SMIRNOV: I fully agree with you, and we have information to that effect in the book which you evidently remember. It is Book 5. You do remember this book of the Government General?

FRANK: It is of course in the decree.

MR. COUNSELLOR SMIRNOV: Well, when this order came into force, to whom were you directly subordinate?

FRANK: What shall I read here? There are several entries here. What is your wish? To what do you wish me to answer?

MR. COUNSELLOR SMIRNOV: It states that this order came into force on the 26 October. Well, when this order actually became valid, to whom were you subordinated? Was there, or was there not, any further order issued by Hitler?

FRANK: There is only one basic decree about the Governor General. That is this one.

MR. COUNSELLOR SMIRNOV: Quite correct. There were no further instructions?

FRANK: Oh yes, there are some, for instance...

MR. COUNSELLOR SMIRNOV: I understand that, but there was no other decree determining the system of administration, was there?

FRANK: May I say that you can find it best on Page A-100 in your book, and there you have the decree of the Führer verbatim.

MR. COUNSELLOR SMIRNOV: Quite right.

FRANK: And it says also in Paragraph 9, "This decree shall come into effect..." and so on, and that date was the 26th of October.

MR. COUNSELLOR SMIRNOV: Yes, that is quite correct. That means that after 26 October you, as Governor General for occupied Poland, were directly subordinate to Hitler?

FRANK: Yes.

MR. COUNSELLOR SMIRNOV: Then perhaps you may remember when, and by whom, you were entrusted with the execution, in occupied Poland, of the Four Year Plan?

FRANK: By Göring.

MR. COUNSELLOR SMIRNOV: That means that you were Göring's plenipotentiary for the execution of the Four Year Plan in Poland, were you not?

FRANK: The story of that mission is very briefly told. The activities of several plenipotentiaries of the Four Year Plan in the Government General were such that I was greatly concerned about it. Therefore, I approached the Reich Marshal and asked him to appoint me trustee for the Four Year Plan. That was later—in January...

MR. COUNSELLOR SMIRNOV: No, it was in December.

FRANK: Yes, it was later, according to this decree.

MR. COUNSELLOR SMIRNOV: This means that as from the beginning of December 1939 you were Göring's plenipotentiary for the Four Year Plan?

FRANK: Göring's? I was the plenipotentiary for the Four Year Plan.

MR. COUNSELLOR SMIRNOV: Now perhaps you can remember that in October 1939 the first decree regarding the organization of administration in the Government General was promulgated?

FRANK: Yes. That is here, is it not?

MR. COUNSELLOR SMIRNOV: Perhaps you recall Paragraph 3 of that decree.

FRANK: Yes.

MR. COUNSELLOR SMIRNOV: It says that "The sphere of action of the State Secretary for Security will be determined by the Governor General in agreement with the Reichsführer SS and"—this is the passage which interests me—"the Chief of the German Police."

Does that not coincide with Paragraph 3 insofar as from the first day of your appointment as Governor General you undertook the control of the Police and SS, and, consequently, the responsibility for their actions?

FRANK: No. I definitely answer that question with "no," but I would like to make an explanation...

MR. COUNSELLOR SMIRNOV: What interests me, Defendant, is how could that be explained otherwise?

THE PRESIDENT: Let him make his explanation.

Defendant, you may make your explanation.

FRANK: I want to make a very short statement. There is an old legal principle which says that nobody can transfer more rights to anybody else than he has himself. What I have stated here was the ideal which I had before me and how it should have been. Everybody has to admit that it is natural and logical that the police should be subordinate to the Chief of Administration. The Führer, who alone could have decided, did not make that decree. I did

not have the power nor the authority to put into effect this decree which I had so carefully formulated.

MR. COUNSELLOR SMIRNOV: Then do I understand you to say that this Paragraph 3 was an ideal which you strove to attain, but which you were never able to attain?

FRANK: I beg your pardon, but I could not understand that question. A little slower please, and may I have the translation into German a little slower?

MR. COUNSELLOR SMIRNOV: Shall I repeat the question?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: I asked you a question; does this mean that the statement can be interpreted as follows: Paragraph 3 of this decree was an ideal which you persistently strove to attain, which you openly professed, but which you were never able to attain? Would that be correct?

FRANK: Which I could not attain; and that can be seen by the fact that later it was found necessary to appoint a special State Secretary for Security in a last effort to find a way out of the difficulty.

MR. COUNSELLOR SMIRNOV: Perhaps you will recall that in April 1942, special negotiations took place between you and Himmler. Did these negotiations take place in April 1942?

FRANK: Yes; certainly. I do not know on what you base your question. I cannot tell you the date offhand, but it was always my endeavor...

MR. COUNSELLOR SMIRNOV: To confirm these facts, I can turn to your diary. Perhaps you will recall that as a result of these negotiations an understanding was reached between you and Himmler.

FRANK: Yes, an understanding was reached.

MR. COUNSELLOR SMIRNOV: In order to refresh your memory on the subject I shall ask that the corresponding volume of your diary be handed to you, so that you may have the text before you.

FRANK: Yes, I am ready.

MR. COUNSELLOR SMIRNOV: I would refer you to Paragraph 2 of this agreement. It states:

THE PRESIDENT: Where can we find this? Is it under the date 21 April 1942?

MR. COUNSELLOR SMIRNOV: Yes; that is quite right; 21 April 1942.

THE PRESIDENT: I think we have got it.

MR. COUNSELLOR SMIRNOV: It is Document Number USSR-223. It has been translated into English, and I shall hand it over immediately.

THE PRESIDENT: I think we have it now; we were only trying to find the place.

MR. COUNSELLOR SMIRNOV: It is on Page 18 of the English text.

THE PRESIDENT: Yes. Go on.

MR. COUNSELLOR SMIRNOV: I would ask you to recall the contents. It says: "The Higher SS and Police Leader (the State Secretary) is directly subordinate to the Governor General, and, if he is absent, then to his Deputy."

Does this not mean that Himmler, so to speak, agreed with your ideal in the sense that the Police should be subordinate to you?

FRANK: Certainly. On that day I was satisfied; but a few days later the whole thing was changed. I can only say that these efforts on my part were continued, but unfortunately it was never possible to put them into effect.

You will find here in Paragraph 3, if you care to go on, that the Reichsführer SS, according to the expected decree by the Führer, could give orders to the State Secretary. So, you see, Himmler here had reserved the right to give orders to Krüger direct. And then comes the matter of the agreement...

MR. COUNSELLOR SMIRNOV: That is true, but in that case I must ask you to refer to another part of the document...

FRANK: May I say in this connection that this agreement was never put into effect, but that this decree was published in the *Reichsgesetzblatt* in the form of a Führer decree. Unfortunately, I do not know the date of that; but you can find the decree about the regulation of security matters in the Government General, and that is the only authoritative statement. Here, also, reference is made to the "expected decree by the Führer," and that agreement was just a draft of what was to appear in the Führer decree.

MR. COUNSELLOR SMIRNOV: Yes, I was just proceeding to that subject. You agree that this decision was practically a verbatim decree of the Führer?

FRANK: I cannot say that offhand. If you will be good enough to give me the words of the Führer decree, I will be able to tell you about that.

MR. COUNSELLOR SMIRNOV: Yes.

[Turning to the President.] Incidentally this decree appears in your document book, Mr. President.

FRANK: I haven't the document. It seems to me that the most essential parts of that agreement have been taken and put into this decree, with a few changes. However, the book has been taken away from me and I cannot compare it.

THE PRESIDENT: The book will be submitted to you now.

[The book was submitted to the defendant.]

FRANK: Very important changes have been made, unfortunately.

MR. COUNSELLOR SMIRNOV: I would request you to turn to Paragraph 3 of Hitler's decree, dated 7 May 1942. It is stated here that the State Secretary for Security is directly subordinate to the Governor General. And does this not confirm the fact that the police of the Government General were, nevertheless, directly subordinate to you? That is Paragraph 3 of the decree.

FRANK: I would like to say that that is not so. The police were not subordinate to me, even by reason of that decree—only the State Secretary for Security. It does not say here that the police are subordinate to the Governor General, only the State Secretary for Security is subordinate to him. If you read Paragraph 4, then you come to the difficulties again. Adolf Hitler's decree was drawn up in my absence, of course. I was not consulted by Hitler, otherwise I would have protested, but in any case it was found impracticable.

Paragraph 4 says that the Reichsführer SS and Chief of the German Police gave direct instructions to the State Secretary for Security in the field of security and for the preservation of German nationality. If you compare the original agreement with this, as contained in the diary, you will find that in one of the most important fields the Führer had changed his mind, that is, concerning the Commissioner for the Preservation of German Nationality. This title embraces the Jewish question and the question of colonization.

MR. COUNSELLOR SMIRNOV: It appears to me, Defendant, that you have only taken into consideration one aspect of this question, and that you have given a rather one-sided interpretation of the excerpt quoted. May I recall to your memory Paragraph 4 of this decree which, in Sub-paragraph 2, reads as follows:

"The State Secretary"—this means Krüger—"must receive the consent of the Governor General before carrying out the directives of the Reichsführer SS and the German Police."

And now permit me to turn to Paragraph 5 of this self-same decree of Hitler's which states that "in cases of divergencies of opinion between the Governor General and the Reichsführer of the SS and the German Police, my decision is to be obtained through the Reich Minister and the Head of the Reich Chancellery." In this connection I would ask you, does not this paragraph testify to the

very considerable rights granted by you to the leaders of the police and the SS in the Government General and to your own responsibility for the activities of these organizations?

FRANK: The wording of the decree testifies to it, but the actual development was quite the contrary. I believe that we will come to that in detail. I maintain therefore that this attempt to gain some influence over the police and the SS also failed.

MR. COUNSELLOR SMIRNOV: Then may I ask whose attempt it was? In this case it is evidently an attempt by Hitler for he signed this decree. Krüger was evidently more powerful than Hitler?

FRANK: That question is not quite clear to me. You mean that Krüger went against the decree of the Führer? Of course he did, but that has nothing to do with power. That was considered by Himmler as a tremendous concession made to me. I want to refer to a memorandum of the summer of 1942, I think, shortly after the decree of the Führer came into force.

MR. COUNSELLOR SMIRNOV: I have the following question to ask you: Is it possible that you...

THE PRESIDENT: The Tribunal will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. COUNSELLOR SMIRNOV: Tell us, Defendant, who was the actual leader of the National Socialist Party in the Government General?

FRANK: I hear nothing at all.

MR. COUNSELLOR SMIRNOV: I ask you...

FRANK: I hear nothing at all.

MR. COUNSELLOR SMIRNOV: I have the following question to put to you: After 6 May 1940 in the Government General...

FRANK: 6 May?

MR. COUNSELLOR SMIRNOV: Yes, 6 May 1940, after the Nazi organization had been completed in the Government General, who was appointed its leader?

FRANK: I was.

MR. COUNSELLOR SMIRNOV: Thus the leadership of the administration of the National Socialist Party and of the Police was concentrated in your hands. Therefore you are responsible for the administration, the Police, and the political life of the Government General.

FRANK: Before I answer that question, I must protest when you say that I had control of the Police.

MR. COUNSELLOR SMIRNOV: I believe that that is the only way one could interpret the Führer's orders and the other documents which I have put to you.

FRANK: No doubt, if one disregards the actual facts and the realities of the situation.

MR. COUNSELLOR SMIRNOV: Well, then, let us pass on to another group of questions. You heard of the existence of Maidanek only in 1944, isn't that so?

FRANK: In 1944 the name Maidanek was brought to my knowledge officially for the first time by the Press Chief Gassner.

MR. COUNSELLOR SMIRNOV: I will now ask that you be shown a document which was presented by your defense counsel, which was compiled by you, and which is a report addressed to Hitler, dated June 1943. I will read into the record one excerpt, and I wish to remind you that this is dated 19 June 1943:

"As a proof of the mistrust shown to the German leadership, I enclose a characteristic excerpt from the report of the Chief of the Security Police and SD in the Government General..."

FRANK: Just a moment. The wrong passage has been shown me. I have the passage here on Page 35 of the German text, and it is differently worded.

MR. COUNSELLOR SMIRNOV: Have you found the place now?

FRANK: Yes. But you started with a different sentence. The sentence here starts "A considerable part of the Polish intelligentsia..."

THE PRESIDENT: Which page is it?

MR. COUNSELLOR SMIRNOV: Page 35 of the German text, last paragraph.

FRANK: It starts here with the words "A considerable part..."

MR. COUNSELLOR SMIRNOV: All right. Then I will continue: "As a proof of the degree of the mistrust shown to the German leadership I enclose"—these are your own words, this passage comes somewhat higher up in the quotation—"a characteristic excerpt from the report of the Chief of the Security Police and SD in the Government General for the period from 1 to 31 May 1943, concerning the possibilities of propaganda resulting from Katyn."

FRANK: That is not here. Would you be good enough to show me the passage? Now, what you are presenting here is not in my text.

MR. COUNSELLOR SMIRNOV: No, it is there; it comes somewhat earlier in your text.

FRANK: I think it has been omitted from my text.

MR. COUNSELLOR SMIRNOV: I begin now at that part which you find lower down at the bottom. Follow the text:

"A large part of the Polish intelligentsia, however, as before, will not allow itself to be influenced by the news from Katyn and holds against the Germans alleged similar cruelties, especially in Auschwitz."

I omit the next sentence and I continue:

"Among that portion of the working classes which is not communistically inclined, this is scarcely denied; at the same time it is pointed out that the attitude of Germany towards the Poles is not any better."

Please note the next sentence:

"It is said that there are concentration camps at Auschwitz and Maidanek where likewise the mass murder of Poles is carried out systematically."

How can one reconcile this part of your report which mentions Auschwitz and Maidanek, where mass murder took place, with your

statement that you heard of Maidanek only at the end of 1944. Well, your report is dated June 1943; you mentioned there both Maidanek and Auschwitz.

FRANK: With reference to Maidanek we were talking about the extermination of Jews. The extermination of Jews in Maidanek became known to me during the summer of 1944. Up to now the word "Maidanek" has always been mentioned in connection with extermination of Jews.

MR. COUNSELLOR SMIRNOV: Consequently, we are to understand—I refer to the text submitted to you—that in May 1943 you heard of the mass murder of Poles in Maidanek, and in 1944 you heard of the mass murder of Jews?

FRANK: I beg your pardon? I heard about the extermination of the Jews at Maidanek in 1944 from the official documents in the foreign press.

MR. COUNSELLOR SMIRNOV: And you heard of the mass killings of the Poles in 1943?

FRANK: That is contained in my memorandum, and I protest: these are the facts as I put them before the Führer.

MR. COUNSELLOR SMIRNOV: I will ask that another document be shown to you. Do you know this document, are you acquainted with it?

FRANK: It is a decree dated 2 October 1943. I assume that the wording agrees with the text of the original decree.

MR. COUNSELLOR SMIRNOV: Yes, it is in full agreement with the original text. In any case your defense counsel can follow the text and will be able to verify it. I have to ask you one question. What do you think of this law signed by you?

FRANK: Yes, it is here.

MR. COUNSELLOR SMIRNOV: You were President of the Reich Academy of Law. From the standpoint of the most elementary standards of law, what do you think of this law signed by you?

THE PRESIDENT: Have you got the number of it?

MR. COUNSELLOR SMIRNOV: It is Exhibit USSR-335, Mr. President.

FRANK: This is the general wording for a court-martial decree. It provides that the proceedings should take place in the presence of a judge, that a document should be drawn up, and that the proceedings should be recorded in writing. Apart from that I had the power to give pardons, so that every sentence had to be submitted to me.

MR. COUNSELLOR SMIRNOV: I would like you to tell us how this court for court-martial proceedings was composed, who the members of this court were. Would you please pay attention to Paragraph 3, Point 1 of Paragraph 3?

FRANK: The Security Police, yes.

MR. COUNSELLOR SMIRNOV: You were telling us of your hostile attitude to the SD. Why then did you give the SD the right to exert oppression on the Polish population?

FRANK: Because that was the only way in which I could exert any influence on the sentences. If I had not published this decree, there would have been no possibility of control; and the Police would simply have acted at random.

MR. COUNSELLOR SMIRNOV: You spoke of the right of reprieve which was entrusted to you. Would you please note Paragraph 6 of this law. I remind you that a verdict of a summary court-martial by the SD was to be put into effect immediately according to the text. I remind you again that there was only one possible verdict: "death." How could you change it if the condemned person was to be shot or hanged immediately after the verdict?

FRANK: The sentence would nevertheless have to come before me.

MR. COUNSELLOR SMIRNOV: Yes, but a sentence had to be carried out immediately.

FRANK: Those were the general instructions which I had issued in connection with the power given me to grant reprieves, and the committee which dealt with reprieves was constantly sitting. Files were sent in . . .

MR. COUNSELLOR SMIRNOV: Since you have spoken of the right to reprieve, I will put to you another question. Do you remember the AB Action?

FRANK: Yes.

MR. COUNSELLOR SMIRNOV: Do you remember that this action signified the execution of thousands of Polish intellectuals?

FRANK: No.

MR. COUNSELLOR SMIRNOV: Then what did it signify?

FRANK: It came within the framework of the general action of appeasement and it was my plan to eliminate, by means of a properly regulated procedure, arbitrary actions on the part of the Police. This was the meaning of that action.

MR. COUNSELLOR SMIRNOV: I do not understand very well what you mean. How did you treat persons who were subject to the AB Action? What happened to them?

FRANK: This meeting really only dealt with the question of arrests.

MR. COUNSELLOR SMIRNOV: I ask you what happened to them later?

FRANK: They were arrested and taken into protective custody.

MR. COUNSELLOR SMIRNOV: And then?

FRANK: Then they were subjected to the proceedings which had been established. At least, that is what I intended.

MR. COUNSELLOR SMIRNOV: Was this left to the Police exclusively?

FRANK: The Police were in charge.

MR. COUNSELLOR SMIRNOV: In other words, the Police took over the extermination of these people after they had been arrested, is that so?

FRANK: Yes.

MR. COUNSELLOR SMIRNOV: Well, then tell us, please, why you did not exercise your power of reprieve while they were carrying out this inhuman action?

FRANK: I did make use of it.

MR. COUNSELLOR SMIRNOV: I will put before you your statement, dated 30 May 1940. You certainly remember this meeting with the Police on 30 May 1940, when you gave final instructions to the police before carrying out this action?

FRANK: No.

MR. COUNSELLOR SMIRNOV: You stated the following:

"Any attempt on the part of the legal authorities to intervene in the AB Action, undertaken with the help of the Police, should be considered as treason to the State and to German interests."

Do you remember this statement?

FRANK: I do not remember it, but you must take into account all the circumstances which spread over several weeks. You must consider the statement in its entirety and not seize upon one single sentence. This concerns a development which went on for weeks and months, in the course of which the reprieve committee was established by me for the first time. That was my way of protesting against arbitrary actions and of introducing legal justice in all these proceedings. That is a development extending over many weeks, which you cannot, in my opinion, summarize in one sentence.

MR. COUNSELLOR SMIRNOV: I am speaking of words which in my opinion can have only one meaning for a jurist. You wrote:

"The reprieve committee which is part of my office is not concerned with these matters. The AB Action will be carried out exclusively by Higher SS and Police Leader Krüger and his organization. This is a purely internal action for quieting the country which is necessary and lies outside the scope of a normal legal trial."

That is to say you renounced your right of pardon?

FRANK: At that particular moment; but if you follow the further development of the AB Action during the following weeks you will see that this never became effective. That was an intention, a bad intention, which, thank God, I gave up in time. Perhaps my defense counsel will be able to say a few words on the subject later.

MR. COUNSELLOR SMIRNOV: One single question interests me. Did you renounce your right of pardon while carrying out this operation or not?

FRANK: No.

MR. COUNSELLOR SMIRNOV: Well then, how can you account for your words, this one sentence: "The reprieve committee is not concerned with these matters."?

How should we interpret these words?

FRANK: This is not a decree; it is not the final ruling on the matter. It is a remark which was made on the spur of the moment and was then negotiated on for days. But one must recognize the final stage of the development, and not merely the various motives as they came up during the development.

MR. COUNSELLOR SMIRNOV: Yes, I understand that very well, Defendant. But I would like to ask you, was this statement made during a conference with the Police and did you instruct the Police in that matter?

FRANK: Not during that meeting. I assume it came up in some other connection. Here we discussed only this one action. After all, I also had to talk to State Secretary Bühler.

MR. COUNSELLOR SMIRNOV: Well, all right. While discussing the AB Action with the Police you stated that the results of this action would not concern the reprieve committee which was subordinated to you, is that right?

FRANK: That sentence is contained in the diary. It is not, however, the final result, but rather an intermediate stage.

MR. COUNSELLOR SMIRNOV: Perhaps I can recall to you another sentence, in order that you may judge the results of this action. Perhaps you can recall this part which I will put to you. You stated the following:

"We need not bring these elements into German concentration camps, for in that case we would only have difficulties and an unnecessary correspondence with their families. We must simply liquidate matters in the country, and in the simplest way."

What you mean is that this would simply be a question of liquidation in the simplest form, is that not so?

FRANK: That is a terrible word. But, thank God, it did not take place in this way.

MR. COUNSELLOR SMIRNOV: Yes, but these persons were executed. What do you mean by saying that this was not carried out? Obviously this was carried out, for the persons were executed.

FRANK: When they were sentenced they were killed, if the right to pardon them was not exercised.

MR. COUNSELLOR SMIRNOV: And they were condemned without application of the right of pardon?

FRANK: I do not believe so.

MR. COUNSELLOR SMIRNOV: Unfortunately these people are no more, and therefore obviously they were executed.

FRANK: Which people?

MR. COUNSELLOR SMIRNOV: Those who were arrested under the AB Action. I will remind you of another excerpt connected with this AB Action. If you did not agree with the Police with regard to certain police actions it would be difficult to explain the celebrations in connection with the departure of Brigadeführer SS Streckenbach when he left for Berlin. Does this not mean that you were at least on friendly terms with the Police?

FRANK: In connection with political relations many words of praise are spoken which are not in keeping with the truth. You know that as well as any other person.

MR. COUNSELLOR SMIRNOV: I will allow myself to remind you of only one passage of your speech addressed to the Brigadeführer Streckenbach, one sentence only. You said:

"What you, Brigadeführer Streckenbach, and your people, have done in the Government General must not be forgotten; and you need not be ashamed of it."

That testifies, does it not, to quite a different attitude toward Streckenbach and his people?

FRANK: And it was not forgotten either.

MR. COUNSELLOR SMIRNOV: I have no further questions to put to the defendant.

THE PRESIDENT: Does that conclude the cross-examination?

MR. DODD: I have only one or two questions, if Your Honor please.

[Turning to the defendant.] In the course of your examination I understood you to say that you had never gathered to yourself any of the art treasures of the Government General. By that I do not suppose you to mean that you did not have them collected and registered; you did have them collected and registered, isn't that so?

FRANK: Art treasures in the Government General were officially collected and registered. The book has been submitted here in Court.

MR. DODD: Yes. And you told the Tribunal that before you got there one Dürer collection had already been seized—before you took over your duties.

FRANK: May I ask you to understand that as follows:

These were the Dürers which were removed in Lvov before the civilian administration was set up there. Herr Mühlmann went to Lvov at the time and took them from the library. I had never been in Lvov before that. These pictures were then taken directly to the Führer headquarters or to Reich Marshal Göring, I am not sure which.

MR. DODD: They were collected for Göring, that is what I am driving at. Is that not a fact?

FRANK: State Secretary Mühlmann, when I asked him, told me that he came on orders of the Reich Marshal and that he had taken them away on orders of the Reich Marshal.

MR. DODD: And were there not some other art objects that were collected by the Reich Marshal, and also by the Defendant Rosenberg, at the time you told the Tribunal you were too busy with war tasks to get involved in that sort of thing?

FRANK: I know of nothing of that sort in the Government General. The Einsatzstab Rosenberg had no jurisdiction in the Government General; and apart from the collection of the composer Elsner and a Jewish library from Lublin I had no official obligation to demand the return of any art treasures from Rosenberg.

MR. DODD: But there were some art treasures in your possession when you were captured by the American forces.

FRANK: Yes. They were not in my possession. I was safeguarding them but not for myself. They were also not in my immediate safekeeping; rather I had taken them along with me from burning Silesia. They could not be safeguarded any other way. They were art treasures which are so widely known that they are Numbers 1 to 10 in the list in the book—no one could have appropriated them. You cannot steal a "Mona Lisa."

MR. DODD: Well, I merely wanted to clear that up. I knew you had said on interrogation there were some in your possession. I am not trying to imply you were holding them for yourself, if you were not. However, I think you have made that clear.

FRANK: I should like to remark in this connection, since I attach particular importance to the point, that these art treasures with which we are concerned could be safeguarded only in this way. Otherwise they would have been lost.

MR. DODD: Very well. I have one other matter I would like to clear up and I will not be long.

I understood you also to say this morning that you had struggled for some time to effect the release of the Kraków professors who were seized and sent to Oranienburg soon after the occupation of Poland. Now, of course, you are probably familiar with what you said about it yourself in your diary, are you?

FRANK: Yes, I said so this morning. Quite apart from what is said in the diary, what I said this morning is the truth. You must never forget that I had to speak among a circle of deadly enemies, people who reported every word I said to the Führer and Himmler.

MR. DODD: Well, of course, you recall that you suggested that they should have been retained in Poland, and liquidated or imprisoned there.

FRANK: Never—not even if you confront me with this statement. I never did that. On the contrary, I received the professors from Kraków and talked to them quietly. Of all that happened I regretted that most of all.

MR. DODD: Perhaps you do not understand me. I am talking about what you wrote in your own diary about these professors, and I shall be glad to read it to you and make it available to you if you care to contest it. You are not denying that you said they should either be returned for liquidation in Poland, or imprisoned in Poland, are you? You do not deny that?

FRANK: I have just told you that I did say all that merely to hoodwink my enemies; in reality I liberated the professors. Nothing more happened to them after that.

MR. DODD: All right.

Were you also talking for special purposes when you gave General Krüger, the SS and Higher Police official, that fond farewell?

FRANK: The same applies also in this case. Permit me to say, sir, that I admit without reservation what can be admitted; but I have also sworn to add nothing. No one can admit any more than I have done by handing over these diaries. What I am asking is that you do not ask me to add anything to that.

MR. DODD: No, I am not asking you to add anything to it; rather, I was trying to clear it up, because you've made a rather difficult situation, perhaps, for yourself and for others. You see, if we cannot believe what you wrote in your diary, I don't know how you can ask us to believe what you say here. You were writing those things yourself, and at the time you wrote them I assume you didn't expect that you would be confronted with them.

THE PRESIDENT: Does he not mean that this was a record of a speech that he has made?

MR. DODD: In his diary, yes. It is recorded in his diary.

THE PRESIDENT: When he said, "I did that to hoodwink my enemies"?

MR. DODD: Yes.

THE PRESIDENT: I presume that that particular record is a record of some speech that he made.

MR. DODD: It is. It is entered in the diary.

FRANK: May I say something about that. It wasn't that I put myself in a difficult position; rather the changing course of the war made the situation difficult for every administrative official.

MR. DODD: Finally, do you recall an entry in your diary in which you stated that you had a long hour and a half talk with the Führer and that you had...

FRANK: When was the last conference, please?

MR. DODD: Well, this entry is on Monday, the 17th of March 1941. It's in your diary.

FRANK: That was probably one of the very few conferences; whether I was alone with him, I don't know.

MR. DODD: ... in which you said you and the Führer had come to a complete agreement and that he approved all the measures, including all the decrees, especially also the entire organization of the country. Would you stand by that today?

FRANK: No, but I might say the following: The Führer's approval was always very spontaneously given, but one always had to wait a long while for it to be realized.

MR. DODD: Was that one of the times you complained to him, as you told us this morning?

FRANK: I constantly complained. As you know, I offered to resign on 14 occasions.

MR. DODD: Yes, I know; but on this occasion did you make many complaints and did you have the approval of the Führer, or

did he turn down your complaints on this occasion of the 17th of March, 1941?

FRANK: The Führer took a very simple way out at the time by saying, "You'll have to settle that with Himmler."

MR. DODD: Well, that isn't really an answer. You've entered in your diary that you talked it out with him and that he approved everything, and you make no mention in your diary of any disappointment over the filing of a complaint. Surely, this wasn't a speech that you were recording in your diary; it seems to be a factual entry on your conversations with the Führer. And my question is simply, do you now admit that that was the situation, or are you saying that it was a false entry?

FRANK: I beg your pardon, I didn't say that I made false entries. I never said that, and I'm not going to argue about words. I am merely saying that you must judge the words according to the entire context. If I emphasized in the presence of officials that the Führer received me and agreed to my measures, then I did that to back up my own authority. I couldn't do that without the Führer's agreement. What my thoughts were, is not made clear from this. I should like to emphasize that I'm not arguing about words and have not asked to do that.

MR. DODD: Very well, I don't care to press it any further.

THE PRESIDENT: Dr. Seidl, do you wish to re-examine?

DR. SEIDL: Witness, the first question put to you by the Soviet Prosecutor was whether you were the chief of the NSDAP in the Government General, and you answered "yes." Did the Party have any decisive influence in the Government General on political and administrative life?

FRANK: No. The Party as an organization in that sphere was, of course, only nominally under my jurisdiction, for all the Party officials were appointed by Bormann without my being consulted. There is no special Führer decree for the spheres of activity of the NSDAP in the occupied territories, in which it says that these spheres of activity are directly under Reichsleiter Bormann's jurisdiction.

DR. SEIDL: Did your activity in that sphere of the NSDAP in the territory of the Government General have anything at all to do with any Security Police affairs?

FRANK: No, the Party was much too small to play any important part; it had no state function.

DR. SEIDL: The next question: The Soviet Prosecution showed you Document USSR-335. It is the Decree on Drumhead Courts-Martial of 1943. It states in Paragraph 6: "Drumhead court-martial sentences are to be carried out at once." Is it correct if I say that no

formal legal appeal against these sentences was possible, but that a pardon was entirely admissible?

FRANK: Certainly; but, nevertheless, I must say that this decree is impossible.

DR. SEIDL: What conditions in the Government General occasioned the issuing of this decree of 2 October 1943? I am thinking in particular of the security situation.

FRANK: Looking back from the more peaceful conditions of the present time, I cannot think of any reason which might have made such a demand possible; but if one recalls the events of war, and the universal conflagration, it seems to have been a measure of desperation.

DR. SEIDL: I now come back to the AB Action. Is it true that in 1939 a court-martial decree was issued providing for considerably greater legal guarantees than that of 1943?

FRANK: Yes.

DR. SEIDL: Is it correct that people arrested in the AB Action were, on the strength of this court-martial decree, sentenced or acquitted?

FRANK: Yes.

DR. SEIDL: Is it also true that all sentences of these courts were, as you saw fit, to be passed on to the competent reprieve committee under State Secretary Bühler?

FRANK: Yes.

DR. SEIDL: The prosecutor of the United States has laid it to your charge that in Neuhaus, where you were arrested after the collapse of the German Armed Forces, various art treasures were found, not in your house, but in the office of the Governor General. Is it true that you sent State Secretary Dr. Bühler with a letter to Reich Minister Dr. Lammers, and that this letter contained a list of these art treasures?

FRANK: Yes, not only that, I at once called the attention of the head of the Pinakothek in Munich to the fact that these pictures were there and that they should at once be safeguarded against bombing. He also looked at the pictures and then they were put in a bombproof cellar. I am glad I did so, for who knows what might otherwise have happened to these valuable objects.

DR. SEIDL: And now one last question. The Prosecution has submitted Document 661-PS. This document also has a USSR exhibit number, which I don't know at the moment. This is a document which has been made to have a bearing on the activities of the

Academy for German Law, of which you were president. The document has the heading "Legal Formation of Germany's Polish Policy on Racial-Political Lines"; the legal part serves as a text for the Committee on the Law of Nationalities in the Academy for German Law. I'm having this document submitted to you. Please, will you tell me whether you've ever had this document in your hands before?

FRANK: From whom does it come?

DR. SEIDL: That is the extraordinary part; it has the Exhibit Number USA-300.

FRANK: Does it state anywhere who drew it up or something of the sort?

DR. SEIDL: The document has no author; nor does it show on whose order it was compiled.

FRANK: I can say merely that I've never seen the document; that I never gave an order for it to be drawn up; so I can say really nothing about it.

DR. SEIDL: It states here that it was found in the Ministry of Justice in Kassel. Was there a Ministry of Justice in Kassel in 1940?

FRANK: A Ministry of Justice in Kassel?

DR. SEIDL: Yes.

FRANK: That has not been in existence since 1866.

DR. SEIDL: I have no further questions.

THE PRESIDENT: Then the defendant can return to his seat.

DR. SEIDL: In that case, with the permission of the Tribunal, I shall call witness Dr. Bilfinger.

THE PRESIDENT: Colonel Smirnov.

MR. COUNSELLOR SMIRNOV: Yes, Sir.

THE PRESIDENT: This document which you produced as USSR-223, which are extracts from Defendant Frank's diary; are you offering that in evidence? Apparently some entries from Frank's diary have already been offered in evidence; others have not. Are you wishing to offer this in evidence?

MR. COUNSELLOR SMIRNOV: This document has already been submitted in evidence under two numbers; the first number is 2233-PS, which was submitted by the American Prosecution, and the second is Exhibit USSR-223, and was already submitted by us on 15 February, 1946.

THE PRESIDENT: I see. Have these entries which you have in this document been submitted under USSR-223? You see, the PS number does not necessarily mean that the documents have been offered in evidence. The PS numbers were applied to documents

before they were offered in evidence; but the USSR-223 does imply that it has been offered in evidence.

MR. COUNSELLOR SMIRNOV: This document has already been presented in evidence.

THE PRESIDENT: Colonel Smirnov, what the Tribunal wants to know is whether you wish to offer this USSR-223 in evidence, because unless it was read before it hasn't been offered in evidence, or it hasn't gone into the record.

MR. COUNSELLOR SMIRNOV: We already read an excerpt on 15 February, and it is, therefore, already read into the record.

THE PRESIDENT: Very well.

MR. COUNSELLOR SMIRNOV: May I retire, Mr. President?

THE PRESIDENT: Yes.

[The witness Bilfinger took the stand.]

THE PRESIDENT: Will you stand up, please, and will you tell us your full name?

RUDOLF BILFINGER (Witness): Rudolf Bilfinger.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SEIDL: Witness, since when were you active in the Reich Security Main Office (RSHA), and in what position?

BILFINGER: From the end of 1937 until the beginning of 1943 I was government councillor in the RSHA, and later senior government councillor and expert on legal questions, and legal questions in connection with the police.

DR. SEIDL: Is it correct that on two occasions and at different times you were head of the "Administration and Law" department attached to the commander of the Security Police and SD in Kraków?

BILFINGER: Yes. In the autumn of 1940 and in 1944 I was head of the department "Administration and Law" attached to the commander of the Security Police and SD in Kraków.

DR. SEIDL: What were the tasks you had to fulfil at different times in the Government General—in broad outline.

BILFINGER: In 1940 I had the task of taking over from the Government General a number of branches of the police administration and working in that connection under the Higher SS and Police Leader.

DR. SEIDL: What was the legal position of the Higher SS and Police Leader, and what was his relation to the Governor General? Did the Higher SS and Police Leader receive his instructions concerning the Security Police and the SD from the Governor General? Or did he receive them direct from the Reichsführer SS and Chief of the Police, that is, Himmler?

BILFINGER: The Higher SS and Police Leader from the very beginning received his instructions direct from the Reichsführer SS, Himmler.

DR. SEIDL: Is it furthermore true that the commander of the Security Police and of the SD in the Government General also received direct orders and instructions from Amt IV, the Gestapo, and from Amt V, the Criminal Police in the RSHA?

BILFINGER: Yes, the commander of the Security Police received many orders direct from the various departments of the RSHA, particularly from departments IV and V.

DR. SEIDL: Did the institution of the State Secretariat for Security, which occurred in 1942, bring about a change in the legal position of the Governor General with reference to measures of the Security Police and the SD?

BILFINGER: The appointment of a State Secretary as such did not alter the legal position of the Governor General or of the State Secretary. New spheres of activity were merely added to the State Secretariat for Security.

DR. SEIDL: Do you know of a decree of Reichsführer SS and Chief of the German Police, Himmler, in the year 1939, and what were its contents?

BILFINGER: I knew of a decree, probably dated 1939, dealing with the appointment of the Higher SS and Police Leader, which ruled that the Higher SS and Police Leader would receive his instructions direct from Himmler.

DR. SEIDL: The institution of the State Secretariat dated from 7 May 1942 and was based on a Führer decree. The application of this decree called forth another decree dated 3 June 1942, which dealt with the transfer of official business to the State Secretary for Security. Do you know the contents of that decree?

BILFINGER: The essential contents of the decrees which you have mentioned are known to me.

DR. SEIDL: Is it correct that on the basis of this decree the entire Political Police and the Criminal Police, as had been the case before, were again subordinated to the State Secretary for Security within the framework of the Security Police?

BILFINGER: These two branches from the very beginning were under the Higher SS and Police Leader, and later on under the State Secretary for Security. To this extent the decree did not bring about a change, but was merely a confirmation.

DR. SEIDL: Is it known to you that in Appendix B of that decree there are 26 paragraphs in which all the branches of the Security Police are transferred to the Higher SS and Police Chief as State Secretary for Security?

BILFINGER: Yes.

DR. SEIDL: Do you know that in this decree, in Appendix B, Jewish matters are also mentioned specifically?

BILFINGER: Yes.

DR. SEIDL: Do you know that in Paragraph 21 of Appendix B it is ruled:

"The special fields of the Security Police: Representation of the Government General at conferences and meetings, particularly with the central offices of the Reich, which deal with the above-mentioned special fields."

BILFINGER: I know that as far as the sense is concerned, such a ruling was contained therein. Whether Paragraph 21 or another paragraph was worded this way I don't remember.

DR. SEIDL: Is it also true that on the basis of this decree the last remains of the administrative police were removed from the administration of the Government General and handed over to the State Secretary for Security, who was directly under Himmler.

BILFINGER: That was the intention and the purpose of this decree. But, contrary to the wording of that decree, only a few branches were taken away from the administration; concerning the remainder a fight ensued later. The result was, however, that all branches of the police administration were taken away.

DR. SEIDL: Witness, did the administration of the Government General have anything to do with the establishment and administration of concentration camps?

BILFINGER: To the best of my knowledge, no.

DR. SEIDL: You were with the Chief of the Security Police and SD in Kraków. When did you yourself hear of concentration camps at Maidanek, Treblinka, and Lublin for the first time?

BILFINGER: May I correct you, I was attached to the Commander of Security Police.

DR. SEIDL: Yes, the Commander of the Security Police.

BILFINGER: I heard of Maidanek for the first time when Lublin and Maidanek were occupied by the Russians; and through

propaganda I heard for the first time what the name Maidanek meant, when the then Governor General Frank ordered an investigation regarding events in Maidanek and responsibility for these events.

DR. SEIDL: According to your own observation, generally speaking, what were the relations like between the Governor General and the SS Obergruppenführer Krüger, and what were the reasons for those relations?

BILFINGER: Relations between them were very bad from the beginning. The reasons were partly questions of organization and of the use of the Police, and partly essential differences of opinion.

DR. SEIDL: What do you mean by essential differences of opinion? Do you mean different opinions regarding the treatment of the Polish population?

BILFINGER: I can still recollect one example which concerned the confirmation of police court-martial sentences by Governor General Frank. In opposition to Krüger's opinion, he either failed to confirm a number of sentences or else mitigated them considerably. In this connection I remember such differences of opinion.

DR. SEIDL: Were these sentences which were passed in connection with the so-called AB Action?

BILFINGER: I know nothing of an AB Action.

DR. SEIDL: You came to the Government General later, did you?

BILFINGER: I came to the Government General in August 1940.

DR. SEIDL: I have no further questions for this witness.

THE PRESIDENT: Do any of the defendants' counsel want to ask questions?

DR. RUDOLF MERKEL (Counsel for Gestapo): May I put a few questions to the witness?

Witness, the Prosecution states that the State Police was a circle of persons formed in accordance with a common plan, and that membership in it was voluntary. Since you had an especially high position in the RSHA, I ask you to tell me briefly what you know about these questions?

BILFINGER: Of the members of the Secret State Police only a small part were volunteers. The former officials, the officials of the former political department of the headquarters of the Commissioner of the Police, constituted the nucleus of the membership of the Secret State Police. The various local police head offices were created from these former political departments of the central police headquarters, and at the same time practically all the officials from these former political departments were taken over. In Berlin, for example, it was Department I-A of the central police headquarters.

Apart from that, administrative officials were transferred from other administrative authorities to the Secret State Police, or were detailed to go here. As time went on people from other administrations and offices were forced to transfer to the Secret State Police. Thus, for instance, the entire frontier customs service was transferred to the Secret State Police in 1944 by order of the Führer. At about the same time the whole of the intelligence service was transferred.

In the course of the war numerous members of the Waffen-SS who were no longer eligible for active military service were detailed to the Secret State Police. In addition many people who originally had had nothing to do with police work were drafted as emergency members to the Secret State Police.

DR. MERKEL: If I summarize it by saying that the Secret State Police was a Reich authority and that the German civil service law applied to its employees, is that correct?

BILFINGER: Yes.

DR. MERKEL: Was it possible for the officials to resign from the Secret State Police easily?

BILFINGER: It was extremely difficult and, in fact, impossible to resign from the Secret State Police. One could resign only in very special circumstances.

DR. MERKEL: It has been stated here with reference to the composition of the Secret State Police personnel that there was the following proportion: executive officers about 20 percent; administrative officials about 20 percent; and technical personnel approximately 60 percent. Are these figures about right?

BILFINGER: I have no general information about the composition of the personnel; but for certain offices about which I knew more these figures would probably apply.

DR. MERKEL: Under whose jurisdiction were the concentration camps in Germany and in the occupied countries?

BILFINGER: The concentration camps were under the jurisdiction of the Economic Administration Main Office under SS Gruppenführer Pohl.

DR. MERKEL: Did the Secret State Police have anything to do with the administration of the concentration camps?

BILFINGER: No. It may be that at the beginning certain concentration camps here and there were administered directly by the Secret State Police for a short period. That was probably the case in individual instances. But in principle even at that time, and later on without exception, the concentration camps were administered by the Economic Administration Main Office.

DR. MERKEL: Do you know at all who gave orders for the liquidations which took place in the concentration camps?

BILFINGER: No, I know nothing about that.

DR. MERKEL: Can you say anything about the grounds for protective custody? On the strength of what legal rulings was protective custody decreed after 1933?

BILFINGER: Protective custody was based on the Decree of the Reich President for the Protection of the People and the State, of February 1933, in which a number of the basic rights of the Weimar Constitution were rescinded.

DR. MERKEL: Was there later a decree by the Minister of the Interior which dealt with protective custody, at the end of 1936 or the beginning of 1937?

BILFINGER: Yes, at that time the Protective Custody Law was drawn up. The legal basis as such remained in force. At that time power to decree protective custody was confined to the Secret State Police. Before that a number of other offices, rightly or wrongly, had decreed protective custody. To prevent this, protective custody was then confined to the Secret State Police.

DR. MERKEL: Is it correct that for some time you were in France. In what capacity were you there?

BILFINGER: In the late summer and autumn of 1943 I was commander of the Security Police in France, in Toulouse.

DR. MERKEL: Do you know anything about an order from the RSHA, or from the commander of the Sipo for France, or from individual district commanders, to the effect that ill-treatment or torture was to be applied when prisoners were interrogated?

BILFINGER: No, I do not know of such orders.

DR. MERKEL: Then how do you explain the ill-treatment and atrocities which actually took place in connection with interrogations, proof of which has been given by the Prosecution?

BILFINGER: It is possible that ill-treatment did occur; in a number of cases this either took place in spite of its being forbidden, or else it was committed by members of other German offices in France which did not belong to the Security Police.

DR. MERKEL: Did you, while you were active in France, hear of any such ill-treatment either officially or by hearsay?

BILFINGER: I never heard of any such ill-treatment at the hands of members of the German police or the German Armed Forces. I heard only of cases of ill-treatment carried out by groups consisting of Frenchmen who were being employed by some German authority.

DR. MERKEL: Were there so-called Gestapo prisons in France?

BILFINGER: No, the Security Police in France did not have prisons of their own. They handed over their prisoners to the detention camps of the German Armed Forces.

DR. MERKEL: One last question: The Prosecution has given proof of a large number of crimes against humanity and war crimes which were committed with the participation of the Security Police. Can one say that these crimes were perfectly obvious and were known to all members of the Secret State Police, or were these crimes known only to a small circle of persons who had been ordered directly to carry out the measures concerned? Do you know anything about that?

BILFINGER: I didn't quite understand the question from the beginning. Were you referring to France or to the Security Police in general?

DR. MERKEL: I was referring to the Security Police in general.

BILFINGER: No ill-treatment or torture of any kind was permitted; and, as far as I know, nothing of the kind did happen, still less was it known generally or to a larger circle of persons. I knew nothing about it.

DR. MERKEL: I have no further questions.

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: Does the Prosecution wish to cross-examine? Is there nothing you wish to ask arising from Dr. Merkel's cross-examination, Dr. Seidl?

DR. SEIDL: I have only one more question to ask the witness.

Witness, in Paragraph 4 of the decree of 23 June 1942 the following ruling is made, and I quote:

"The SS and Police Leaders in the districts are directly subordinate to the governors of the districts, just as the State Secretary for Security is subordinate to the Governor General."

Thus it does not say that the entire police organization is subordinate, but only the police leaders.

Now I ask you whether orders which had been issued by the commanders of the Security Police and the SD were forwarded to the governors or were sent directly to the district chiefs of the Security Police and the SD?

BILFINGER: These orders were always sent directly from the commander to the district chiefs of the Security Police and the SD. The commander could give no instructions to the governors.

DR. SEIDL: If I understand you correctly you mean that the Security Police and the SD had their own official channels which had absolutely nothing to do with the administrative construction of the Government General.

BILFINGER: Yes.

DR. SEIDL: I have no further questions for the witness.

THE PRESIDENT: The witness can retire.

DR. SEIDL: With the permission of the Tribunal, I call as the next witness the former Governor of Kraków, Dr. Kurt von Burgsdorff.

[The witness Von Burgsdorff took the stand.]

THE PRESIDENT: Will you state your full name?

KURT VON BURGSDORFF (Witness): Kurt von Burgsdorff.

THE PRESIDENT: Will you repeat this oath after me:

"I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

[The witness repeated the oath.]

DR. SEIDL: Witness, the Government General was divided into five districts at the head of each of which there was a governor; is that correct?

VON BURGSDORFF: Yes.

DR. SEIDL: From 1 December 1943 until the occupation of your district by Soviet troops you were governor of the district Kraków?

VON BURGSDORFF: Yes. To use the correct official term, I was . . .

GENERAL R. A. RUDENKO (Chief Prosecutor for the U.S.S.R.): Mr. President, the defense counsel has put the question of the "occupation" of this region by Soviet troops. I energetically protest against such terminology and consider it a hostile move.

DR. SEIDL: Mr. President, I have just been told that perhaps a mistake in the translation has crept in. All I intended to say was that, in the course of the year 1944, the area of which this witness was governor was occupied by the Soviet troops in the course of military action. I do not know what the Soviet prosecutor is protesting against; it is at any rate far from my intention to make any hostile statement here.

THE PRESIDENT: I think the point was, it was not an occupation; it was a liberation by the Russian Army.

DR. SEIDL: Of course; I did not want to say any more than that the German troops were driven out of this area by the Soviet troops.

Witness, will you please continue with your answer?

VON BURGSDORFF: I was entrusted with exercising the duties of a governor—that is the correct official expression. Until a few months ago I was still an officer of the Wehrmacht, and during my entire activity in Kraków I remained an officer of the Wehrmacht.

DR. SEIDL: Witness, according to your observations, what basically was the attitude of the Governor General toward the Polish and Ukrainian people?

VON BURGSDORFF: I want to emphasize that I can answer only for the year 1944. At that time the attitude of the Governor General was that he wished to live in peace with the people.

DR. SEIDL: Is it correct that already in 1942 the Governor General had given the governors the opportunity of setting up administrative committees, comprised of Poles and Ukrainians, attached to the district chiefs?

VON BURGSDORFF: There was a governmental decree to this effect. Whether that was in 1942 or not I do not know.

DR. SEIDL: Did you yourself make use of the authorization contained therein, and did you establish such administrative committees?

VON BURGSDORFF: In the district of Kraków I had such a committee established at once for every district chief.

DR. SEIDL: Witness, according to your observations, what was the food situation like in the Government General, and particularly in your district?

VON BURGSDORFF: It was not unsatisfactory; but I must add that the reason for that was that, in addition to the rations, the Polish population had an extensive black market.

DR. SEIDL: According to your observations what was the attitude of the Governor General on the question of the mobilization of labor?

VON BURGSDORFF: He did not wish any workers sent outside the Government General, because he was interested in retaining the necessary manpower within the country.

DR. SEIDL: Was the Church persecuted by the Governor General in the Government General; and what basically was the attitude of the Governor General to this question, according to your observations?

VON BURGSDORFF: Again I can answer only for my district and for the year 1944. There was no persecution of the Church; on the contrary, the relations with churches of all denominations were good in my district. On my travels I always received the clergy, and I never heard any complaint.

DR. SEIDL: Did you have any personal experience with the Governor General with regard to this question?

VON BURGSDORFF: Yes. In the middle of January 1944 I was appointed District Standortführer by the Governor General, who at the same time was the Party Leader in the Government General; that is, I was appointed to a Party, office for the district of Kraków. I pointed out to him, as I had pointed out to the Minister of the Interior, Himmler, before, that I was a convinced church-going Christian. The Governor General replied that he was in no way perturbed by that and that he knew of no provision in the Party program which prohibited it.

DR. SEIDL: What, according to your observations, were the relations like between the Governor General and the administration of the Government General on the one side, and the Security Police and the SD on the other side?

VON BURGSDORFF: Doubtlessly underneath they were bad, because the Police always ended by doing only what it wanted and did not concern itself with the administration. For that reason in the country districts also there was real friction between the administration offices and the Police.

DR. SEIDL: Is it correct that when you took office, or shortly after, the Governor General issued several instructions referring to the Police? I quote from the diary of the Defendant Dr. Frank, the entry of 4 January 1944:

"The Governor General then gave some instructions to Dr. Von Burgsdorff with reference to his new activities. His task will be to inform himself, as a matter of principle, of all decisive factors in the district. Above all the Governor should direct his efforts to opposing energetically any encroachments by the Police."

VON BURGSDORFF: Today I no longer remember that conversation of 4 January 1944, but it may have taken place. However, I do remember that after I took office, at the end of November 1943, I went to see the Governor General once more and told him that I had heard that the relations with the Police were not good and were scarcely tolerable for the administration. He replied that he was doing what he could in order, as I might put it, to bring the Police to reason. It was on the basis of this statement by the Governor General that I definitely decided to remain in the Government General. I had, as is known, told the Reich Minister of the Interior that I was unwilling to go there.

DR. SEIDL: In your capacity as Governor did you have any authority to issue commands to the Security Police and the SD in your district?

VON BURGSDORFF: None whatsoever.

DR. SEIDL: Did you yourself ever see a police directive?

VON BURGSDORFF: Never. With the Police, orders are passed down vertically, that is, directly from the Higher SS and Police Leader to the SS and Police Leader respectively—and that is probably the usual way—from the chief of the Security Police to the unit commander of the Security Police.

DR. SEIDL: In your activity as Governor did you have anything to do with the administration of concentration camps?

VON BURGSDORFF: Never.

DR. SEIDL: Do you know who administered the concentration camps?

VON BURGSDORFF: No, not from my own experience; but I have heard that there was some central office in Berlin under the Reichsführer SS.

DR. SEIDL: When did you hear for the first time of the Maidanek concentration camp?

VON BURGSDORFF: From you, about a fortnight ago.

DR. SEIDL: You want to tell the Tribunal under oath . . .

VON BURGSDORFF: Yes.

DR. SEIDL: . . . that you, although you were Governor of Kraków in the occupied Polish territory, did not learn about that until during your captivity?

VON BURGSDORFF: Yes, I am firmly convinced that I heard about this concentration camp from you for the first time.

DR. SEIDL: When did you for the first time hear of the Treblinka concentration camp?

VON BURGSDORFF: Also from you on the same occasion.

DR. SEIDL: Witness, the Governor General is accused by the Prosecution of issuing a summary court-martial decree in the year 1943. What at that time was the security situation in the Government General?

VON BURGSDORFF: Again I can judge only for the year 1944. As the German troops came back from the East, it became worse and worse, so that in my district it became increasingly difficult to carry out any kind of administration.

DR. SEIDL: According to your observations what was the economic situation like in the agricultural and industrial sectors of your district, and is the statement justified that, allowing for wartime conditions, the administration of the Government General had done everything to promote economy?

VON BURGSDORFF: Economy in my district was at full force in 1944 both in industry and in agriculture. Some industries had been transferred from the Reich to the Government General; and, as far as agriculture was concerned, the administration imported large quantities of fertilizers and seeds and the like. Horse breeding was also greatly promoted in my district.

DR. SEIDL: The Defendant Dr. Frank is accused of not having done everything that was necessary with regard to public health and sanitary conditions. What can you say about this point?

VON BURGSDORFF: I can say that in my district—again speaking of 1944—hospitals were improved and new ones installed. A great deal was done, especially in the fighting of epidemics. Typhus, dysentery, and typhoid were greatly reduced by inoculation.

DR. SEIDL: The Defendant Frank is also accused of having neglected higher education. Do you know anything about the conditions in the Government General in regard to this?

VON BURGSDORFF: When I came into the Government General there was no longer any higher education at all. On the basis of other experiences I suggested immediately that Polish universities be opened again. I contacted the president of the main department for education, who told me that the government was already entertaining such plans. In every one of my monthly reports I pointed out the necessity for Polish universities, because within a short time, or more correctly in a few years' time, there would be a shortage of technicians, doctors, and veterinaries.

DR. SEIDL: Now, one last question. There was a so-called sphere of activity of the NSDAP in the Government General; you were the District Standortführer in the Government General?

VON BURGSDORFF: Yes.

DR. SEIDL: Witness, what, according to your observations, were the relations between the Governor General and the Head of the Party Chancellery, Bormann?

VON BURGSDORFF: I believe I can say without exaggeration that they were extremely bad. As District Standortführer I combined this office with that of District Governor and witnessed the last great struggle of the Governor General against Bormann. The Governor General held the view, and in this he was justified, that it was wrong to combine the Party office with the government office. He was afraid there would be too much interference not only by the Police but also by the Party, and he wanted to prevent that. Bormann, on the other hand, wanted to establish the predominance

of the Party over the State in the Government General as well. That led to the most serious conflict.

DR. SEIDL: I have no further questions for the witness.

THE PRESIDENT: Do any of the other Defense Counsel wish to ask any other questions?

DR. OTTO FREIHERR VON LÜDINGHAUSEN (Counsel for Defendant Von Neurath): Witness, you were at one time Under State Secretary in the Government of the Protectorate of Bohemia and Moravia? When was that?

VON BURGSDORFF: From the end of March 1939 until the middle of March 1942.

DR. VON LÜDINGHAUSEN: And to whom were you directly subordinate as Under State Secretary? The State Secretary Frank or the Reich Protector?

VON BURGSDORFF: State Secretary Frank.

DR. VON LÜDINGHAUSEN: How did you come to know about the activities of Von Neurath as Reich Protector?

VON BURGSDORFF: From conferences with him and personal conversations.

DR. VON LÜDINGHAUSEN: What kind of work did you have to do as Under State Secretary?

VON BURGSDORFF: I was in charge of the administration proper.

DR. VON LÜDINGHAUSEN: Were the Police and the various SS and police offices subordinate to you?

VON BURGSDORFF: No.

DR. VON LÜDINGHAUSEN: To whom were they subordinate?

VON BURGSDORFF: To State Secretary Frank.

DR. VON LÜDINGHAUSEN: What was State Secretary Frank's attitude to Von Neurath?

VON BURGSDORFF: You mean officially?

DR. VON LÜDINGHAUSEN: Officially, yes, of course.

VON BURGSDORFF: Herr Von Neurath tried at first to get on with Herr Frank; but the stronger Frank's position became, the more impossible that was. State Secretary Frank, later Minister Frank, had behind him the entire power of the SS and the Police, and finally Hitler also.

DR. VON LÜDINGHAUSEN: From whom did Frank get his orders directly?

VON BURGSDORFF: As far as I know, from Himmler; however, I saw that on one or two or three occasions he received direct orders from Hitler.

DR. VON LÜDINGHAUSEN: And that happened mostly without Von Neurath being consulted?

VON BURGSDORFF: That I cannot say, but I assume so.

DR. VON LÜDINGHAUSEN: Was it possible for Frank to perform his political functions independently within his sphere of activity, or did he have to have the approval of Herr Von Neurath?

VON BURGSDORFF: Whether he was authorized or allowed to do so, I should not like to decide, but at any rate he did so.

DR. VON LÜDINGHAUSEN: Were Herr Von Neurath and Herr Frank of the same opinion concerning the policy towards the Czech people?

VON BURGSDORFF: I did not understand your question.

DR. VON LÜDINGHAUSEN: Did Herr Von Neurath agree with the policy toward the Czech people pursued by Frank or his superior, Himmler?

VON BURGSDORFF: No.

DR. VON LÜDINGHAUSEN: Could he carry through his aims?

VON BURGSDORFF: He could not do anything, confronted as he was by Himmler's and Hitler's immense power.

DR. VON LÜDINGHAUSEN: What was Herr Von Neurath's own policy and attitude?

VON BURGSDORFF: At the beginning I spoke very often about these things to Herr Von Neurath. On the basis of the decree of 15 March he hoped and believed he could get the Germans and Czechs in the Protectorate to live together reasonably and peacefully.

DR. VON LÜDINGHAUSEN: But as Frank's position became stronger, that became more and more difficult?

VON BURGSDORFF: Yes.

DR. VON LÜDINGHAUSEN: Do you remember that in the middle of November 1939 serious disturbances broke out among the students in Prague?

VON BURGSDORFF: Yes.

DR. VON LÜDINGHAUSEN: Do you also remember that on the day after these incidents Herr Von Neurath and Frank flew to Berlin?

VON BURGSDORFF: Yes.

DR. VON LÜDINGHAUSEN: Do you remember that Frank returned from Berlin alone on the same day?

VON BURGS DORFF: I believe I can recall that Frank returned on the same day, but I do not know whether he returned alone.

DR. VON LÜDINGHAUSEN: You don't know whether Herr Von Neurath returned with him?

VON BURGS DORFF: No.

DR. VON LÜDINGHAUSEN: Do you know anything else about the incidents connected with the students' disturbances and what the consequences were?

VON BURGS DORFF: They resulted, as far as I remember, in the execution of several students and in the closing of the universities.

DR. VON LÜDINGHAUSEN: Do you know whether the universities were closed on Himmler's order?

VON BURGS DORFF: Yes.

DR. VON LÜDINGHAUSEN: Do you know anything about the attitude of Herr Von Neurath towards the Catholic and Protestant Churches?

VON BURGS DORFF: His attitude was always above reproach, and there were no difficulties with the churches during the time that I was in the Protectorate.

DR. VON LÜDINGHAUSEN: Do you know that Herr Von Neurath was in contact with the Archbishop of Prague until the latter's death?

VON BURGS DORFF: No, I don't know anything about that.

DR. VON LÜDINGHAUSEN: Do you know anything concerning whether, during the term of office of Herr Von Neurath, with his approval or upon his orders, art treasures of any kind, pictures, monuments, sculptures, libraries, or the like, belonging either to the State or to private owners, were confiscated and removed from the country?

VON BURGS DORFF: It is certain, absolutely certain, that he did not order anything of the sort. Whether he consented in any way to this I do not know, but I do not believe so. I remember one incident in the Malta Palace, where some Reich office—I don't remember today which it was—removed art treasures. Herr Von Neurath immediately did everything to make good this damage.

DR. VON LÜDINGHAUSEN: Do you know that the customs union which had been ordered by Berlin from the very beginning between the Protectorate and Germany was not established for a long time because of Herr Von Neurath's intervention?

VON BURGSDORFF: Yes. I definitely know about that. However, in the interest of the truth, I have to add that State Secretary Frank also was against the customs union, because, like Herr Von Neurath, he believed that the economy of the Protectorate would be damaged by the stronger economy of Germany.

DR. VON LÜDINGHAUSEN: While Von Neurath was Reich Protector, was there any compulsory deportation of workers?

VON BURGSDORFF: I am convinced that that did not happen. Workers were recruited, but in an entirely regular manner. That was the case while I was in the Protectorate.

DR. VON LÜDINGHAUSEN: Do you know whether Von Neurath made travel in or out of the Protectorate dependent on official approval?

VON BURGSDORFF: Whether or not Von Neurath did that, I do not know.

DR. VON LÜDINGHAUSEN: Do you know anything about the closing of the secondary schools?

VON BURGSDORFF: Yes.

DR. VON LÜDINGHAUSEN: What do you know about it?

VON BURGSDORFF: I remember that the closing of the secondary schools was a necessary consequence of the closing of the universities. There were too many secondary schools in the Protectorate. Not all of them were closed by any means. On the other hand technical schools were greatly expanded and new ones established. I cannot remember anything more exact about it.

DR. VON LÜDINGHAUSEN: Do you know anything about Von Neurath's attitude towards the Germanization of Czechoslovakia as intended by Himmler?

VON BURGSDORFF: Yes, I remember the memorandum which Von Neurath sent to Hitler about the whole affair. That memorandum was intended to defer Himmler's plans for forced Germanization. Von Neurath expressed the view, which he had frequently mentioned to me, that in the interest of peace in the Protectorate he did not advocate these attempts at Germanization.

DR. VON LÜDINGHAUSEN: I have no more questions.

THE PRESIDENT: Does the Prosecution wish to cross-examine?

MR. DODD: Tell us, please, when you first joined the National Socialist Party?

VON BURGSDORFF: On 1 May 1933.

MR. DODD: And did you achieve office in any of its affiliated organizations?

VON BURGSDORFF: I was an honorary SA Gruppenführer.

MR. DODD: Any other honors?

VON BURGSDORFF: Then for a few years, just as I had been during the democratic regime, I was legal advisor to the administration of Saxony.

MR. DODD: Weren't you also an Oberbannführer in the HJ, the Hitler-Jugend?

VON BURGSDORFF: I once became Oberbannführer on the occasion of the Reich Youth Leader's visit to Prague. But that was purely a gesture of courtesy, which had no consequences.

I should like to mention again, since you speak of Party offices, that, as was said before, because of my post as Governor of Kraków I was District Standortführer from the middle of January 1944 until the end, that is the middle of January 1945.

MR. DODD: You also received the gold badge of the Hitler Youth, did you not?

VON BURGSDORFF: No.

MR. DODD: Weren't you in some way associated with Reinhard Heydrich when you were in Prague?

VON BURGSDORFF: I was with Heydrich until the middle of 1942. Then, as is generally known, because of the course pursued by Heydrich, I left the Protectorate, and at 55 years of age I went into the army.

MR. DODD: What position did you occupy with relation to Heydrich?

VON BURGSDORFF: The same as under Herr Von Neurath; I was Under State Secretary.

MR. DODD: Let me put it to you this way: You told us that you never heard of Maidanek, the concentration camp?

VON BURGSDORFF: Yes.

MR. DODD: And you never heard of Auschwitz?

VON BURGSDORFF: Of Auschwitz, yes.

MR. DODD: Had you heard of an installation known as Lublin?

VON BURGSDORFF: Of Lublin? Not of the concentration camp but of the city of Lublin, of course.

MR. DODD: Did you know of a concentration camp by the name of Lublin?

VON BURGSDORFF: No.

MR. DODD: You did know, I assume, of many other concentration camps by name?

VON BURGSDORFF: Only of German camps, yes—of Dachau and Buchenwald.

MR. DODD: That is all.

THE PRESIDENT: Have you any questions?

DR. SEIDL: I have no more questions for the witness.

THE PRESIDENT: Who is your next witness?

DR. SEIDL: The next witness would be the former secretary of the Governor General, Fräulein Krafczyk. However, if I understood the Tribunal correctly yesterday, this session will end at 1630 hours.

THE PRESIDENT: The Tribunal will adjourn now until Tuesday morning.

[The Tribunal adjourned until 23 April 1946 at 1000 hours.]

ONE HUNDRED AND TWELFTH DAY

Tuesday, 23 April 1946

Morning Session

THE PRESIDENT: Dr. Seidl.

DR. SEIDL: Mr. President, I shall dispense with the hearing of the witness Struve, Chief of the Central Department for Agriculture and Food in the Government General. With the permission of the Tribunal I am now calling witness Dr. Joseph Bühler.

[The witness Bühler took the stand.]

THE PRESIDENT: Will you state your full name, please?

JOSEPH BÜHLER (Witness): Joseph Bühler.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SEIDL: Witness, how long have you known Defendant Dr. Hans Frank; and what were the positions in which you worked with him?

BÜHLER: I have known Herr Frank since 1 October 1930. I worked with him in government spheres of service from the end of March 1933. I served under him officially when he was Minister of Justice in Bavaria; later when he was Reich Commissioner for Justice; and still later when he was Minister. From the end of September 1939 Herr Frank employed me in an official capacity in the Government General.

DR. SEIDL: In what capacity did you serve in the Government General at the end?

BÜHLER: From about the second half of 1940 I was state secretary in the government of the Government General.

DR. SEIDL: Were you yourself a member of the Party?

BÜHLER: I have been a Party member since 1 April 1933.

DR. SEIDL: Did you exercise any functions in the Party or any of the affiliated organizations of the Party, particularly in the SA or the SS?

BÜHLER: I never held an office in the Party. I was never a member of the SA or the SS.

DR. SEIDL: I now come to the time during which you were state secretary to the chief of the government in the Government General. Will you please tell me what the relations were between the Governor General on the one side and the Higher SS and Police Leader on the other side?

BÜHLER: I might perhaps say in advance that my sphere of activity did not touch upon police matters, matters relating to the Party, or military matters in the Government General.

The relations of the Governor General to the Higher SS and Police Leader, Obergruppenführer Krüger, who was allocated to him by the Reichsführer SS and Chief of the German Police were, from the very beginning, made difficult by essential differences of opinion. These differences of opinion concerned the conception of the task and the position of the Police in general in an orderly state system, as well as the conception in particular of the position and tasks of the Police in the Government General. The Governor General held the view that the Police must be the servant and the organ of the executive of the state and that accordingly he and the state authorities should give orders to the Police and that this assignment of tasks involved a limitation of the sphere of activity of the Police.

The Higher SS and Police Leader Krüger, on the other hand, held the view that the Police in general had, of course, to fulfill tasks originating with the executive of the state but that in fulfilling these tasks it was not bound by the instructions of the administrative authorities, that this was a matter of technical police questions, decisions about which administrative authorities could not make and were not in a position to make.

Regarding the power to give orders to the Police, it was Krüger's view that because of the effectiveness and unity of police activity in all occupied territories, such power to issue orders had to rest with the central authority in Berlin and that he and only he could issue orders.

As far as the duties of the Police were concerned, it was Krüger's opinion that the Governor General's view regarding the limitation of these duties as unfounded for the very reason that he, as Higher SS and Police Leader, was simultaneously the deputy of the Reichsführer SS in the latter's capacity as Reich Commissioner for the Preservation of German Nationality.

As far as the relation of the Police to the question of Polish policy was concerned, it was Krüger's view that, in connection with work in non-German territory, police considerations would have to

play a predominant role and that with police methods everything could be achieved and everything could be prevented. This over-estimation of the Police led, for instance, to the fact that, during later arguments between the Police and the administration regarding their respective spheres of work, matters concerning non-German groups were listed among the competences of the Police.

DR. SEIDL: Do you know that as early as 1939 Reichsführer SS Himmler issued a restricted decree, according to which the handling of all police matters was his own concern or the concern of his Higher SS and Police Leader?

BÜHLER: That this was the case became clear to me from the actions taken by the Police. I did not see a decree to this effect, but I can state this much: The Police in the Government General acted exactly as in the directives which I have described before.

DR. SEIDL: Witness, in 1942, by decree of the Führer, a State Secretariat for Security was instituted. At whose instigation was this instituted and what was the position taken by the Governor General in that connection?

BÜHLER: This decree was preceded by a frightful campaign of hatred against the person of the Governor General. The institution of the State Secretariat for Security was considered by the Police a step, an important step, in the fight for the removal of the Governor General. The matters specified in that decree, or at least the majority of them, were not being transferred to the Police now for the first time, but the actual state of affairs was—the actual course of events had already been—in conformity to the contents of this decree before it was issued.

DR. SEIDL: In the decree implementing this Führer decree and dated 3 June 1942 all the police spheres of activities which were to be transferred to the State Secretary were given in two lists; in an Appendix A, the tasks of the Regular Police; and in an Appendix B, the tasks of the Security Police. Were these police matters at that time transferred completely to the State Secretary and thus to the police sector?

BÜHLER: The administration did not like giving up these matters; so where the Police had not already got hold of them, they were given up only with reluctance.

DR. SEIDL: You are thinking first of all of the spheres of the so-called administrative police, health police, *et cetera*, are you not?

BÜHLER: Yes, that is to say, the police in charge of communications, health, food, and such matters.

DR. SEIDL: If I have understood your statements correctly, you mean that the entire police system, Security Police as well as SD

and Regular Police, was directed by the central office, either by Himmler himself or by the Reich Security Main Office through the Higher SS and Police Leader?

BÜHLER: In general according to my observations, it was possible for the Security Police to receive orders direct from Berlin without their going through Krüger.

DR. SEIDL: And now another question: Is it correct that resettlements were carried out in the Government General, by Reichsführer SS Himmler in his capacity as Reich Commissioner for the Preservation of German Nationality?

BÜHLER: Resettlements, in the opinion of the Governor General, even if carried out decently, always caused unrest among the population. We had no use for that in the Government General. Also, these resettlements always caused a falling off of agricultural production. For these reasons, the Governor General and the Government of the Government General did not, as a matter of principle, carry out resettlements during the war. To the extent that such resettlements were carried out, it was done exclusively by the Reich Commissioner for the Preservation of German Nationality.

DR. SEIDL: Is it correct that the Governor General, because of this arbitrary resettlement policy, repeatedly had serious arguments with Himmler, Krüger, and SS Gruppenführer Globocznik?

BÜHLER: That is correct. The intention of preventing such resettlements always led to arguments and friction between the Higher SS and Police Leader and the Governor General.

DR. SEIDL: The Defendant Dr. Frank is accused by the Prosecution of the seizure and confiscation of industrial and private property. What basically was the attitude of the Governor General to such questions?

BÜHLER: The legal provisions in this sphere of the law originated with the Delegate for the Four Year Plan. Confiscation of private property and possessions in the annexed Eastern territories and in the Government General was subject to the same regulations.

The decree of the Delegate for the Four Year Plan provided for the creation of a trust office—the Haupttreuhandstelle Ost—with its central administration in Berlin. The Governor General did not want to have the affairs of the Government General administered in Berlin, and therefore he opposed the administration of property in the Government General being entrusted to the Haupttreuhandstelle Ost. Without interference by the Delegate for the Four Year Plan, he established his own rules for confiscations in the Government General and his own trust office. That trust office was headed by an experienced higher official from the Ministry of Economy of Saxony.

DR. SEIDL: What happened to the factories and works which were situated in the Government General and were formerly the property of the Polish State?

BÜHLER: Factories, as far as they were included in the armament program, were taken over by the military sector, that is to say, by the Inspector for Armaments, who was subordinate to the OKW and later to Minister Speer. Factories outside the armament sector, which had belonged to the former Polish State, the Governor General tried to consolidate into a stock company and to administer them separately as property of the Government General. The chief shareholder in this company was the Treasury of the Government General.

DR. SEIDL: That is to say, these factories were administered entirely separately by the Reich Treasury?

BÜHLER: Yes.

DR. SEIDL: The Prosecution submitted an extract from Frank's diary in evidence under Number USA-281 (Document Number 2233(d)-PS.) This is a discussion of Jewish problems. In this connection Frank said, among other things:

"My attitude towards the Jews is based on the expectation that they will disappear; they must go away. I have started negotiations for deporting them to the East. This question will be discussed at a large meeting in Berlin in January, to which I shall send State Secretary Dr. Bühler. This conference is to take place at the Reich Security Main Office in the office of SS Obergruppenführer Heydrich. In any case Jewish emigration on a large scale will begin."

I ask you now, did the Governor General send you to Berlin for that conference; and if so, what was the subject of the conference?

BÜHLER: Yes, I was sent to the conference and the subject of the conference was the Jewish problem. I might say in advance that from the beginning Jewish questions in the Government General were considered as coming under the jurisdiction of the Higher SS and Police Leader and handled accordingly. The handling of Jewish matters by the state administration was supervised and merely tolerated by the Police.

During the years 1940 and 1941 incredible numbers of people, mostly Jews, were brought into the Government General in spite of the objections and protests of the Governor General and his administration. This completely unexpected, unprepared for, and undesired bringing in of the Jewish population from other territories put the administration of the Government General in an extremely difficult position.

Accommodating these masses, feeding them, and caring for their health—combating epidemics for instance—almost, or rather, definitely overtaxed the capacity of the territory. Particularly threatening was the spread of typhus, not only in the ghettos but also among the Polish population and the Germans in the Government General. It appeared as if that epidemic would spread even to the Reich and to the Eastern Front.

At that moment Heydrich's invitation to the Governor General was received. The conference was originally supposed to take place in November 1941, but it was frequently postponed and it may have taken place in February 1942.

Because of the special problems of the Government General I had asked Heydrich for a personal interview and he received me. On that occasion, among many other things, I described in particular the catastrophic conditions which had resulted from the arbitrary bringing of Jews into the Government General. He replied that for this very reason he had invited the Governor General to the conference. The Reichsführer SS, so he said, had received an order from the Führer to round up all the Jews of Europe and to settle them in the Northeast of Europe, in Russia. I asked him whether this meant that the further arrival of Jews in the Government General would cease, and whether the hundreds of thousands of Jews who had been brought into the Government General without the permission of the Governor General would be moved out again. Heydrich promised me both these things. Heydrich said furthermore that the Führer had given an order that Theresienstadt, a town in the Protectorate, would become a reservation in which old and sick Jews, and weak Jews who could not stand the strains of resettlement, were to be accommodated in the future. This information left me definitely convinced that the resettlement of the Jews, if not for the sake of the Jews, then for the sake of the reputation and prestige of the German people, would be carried out in a humane fashion. The removal of the Jews from the Government General was subsequently carried out exclusively by the Police.

I might add that Heydrich demanded, particularly for himself, his office, and its branches, the exclusive and uninterrupted competence and control in this matter.

DR. SEIDL: What concentration camps in the Government General did you know about during your activity as State Secretary?

BÜHLER: The publications in the press during the summer of 1944 called my attention to the Maidanek camp for the first time, I did not know that this camp, not far from Lublin, was a concentration camp. It had been installed as an economic establishment of the Reichsführer SS, in 1941. I think. Governor Zörner came to

visit me at that time and he told me that he had objected to the establishment of this camp when he talked to Globocznik, as it would endanger the power supply of the city of Lublin; and there were objections, too, on the part of the Police with regard to the danger of epidemics. I informed the Governor General of this and he in turn sent for Globocznik. Globocznik stated to the Governor General that certain workshops for the needs of the Waffen-SS at the front had been erected on that site by him. He mentioned workshops for dressing furs but he also mentioned a timber yard which was located there.

In these workshops for dressing furs, as I heard, fur articles from the collection of furs were altered for use at the front. At any rate, Globocznik stated that he had installed these workshops in compliance with Himmler's command.

The Governor General prohibited the erection of any further installations until all questions were settled with the police in charge of building and blueprints had been submitted to the state offices, in other words until all rules had been complied with, which apply to the construction of buildings. Globocznik never submitted these blueprints. With regard to the events inside the camp, no concrete information ever reached the outside. It surprised the Governor General just as much as it surprised me when the world press released the news about Maidanek.

DR. SEIDL: Witness, the Prosecution has submitted a document, Number 437-PS, Exhibit USA-610, which is a memorandum from the Governor General to the Führer, dated 19 June 1943. I think you yourself drafted that memorandum. On Page 35 a report of the commander of the Security Police is mentioned and quoted verbatim in part. This report of the Security Police mentions also the name of Maidanek.

Did you at that time realize that this Maidanek was identical or probably identical with that camp near Lublin?

BÜHLER: No. I assumed that, like Auschwitz, it was a camp outside the territory of the Government General, because the Governor General had repeatedly told the Police and the Higher SS and Police Leader that he did not wish to have concentration camps in the Government General.

DR. SEIDL: Under whose jurisdiction was the administration of concentration camps in the Government General?

BÜHLER: I don't know because I did not know of the existence of the camps. In August, on the occasion of a visit to the reception camp at Pruszkow, I heard about the administration of concentration camps in general. At that time I brought instructions from Himmler to the camp commandant, according to which transport

of the inhabitants of Warsaw who had been removed from the city to concentration camps was to cease forthwith.

DR. SEIDL: Was that after the uprising in Warsaw?

BÜHLER: It was during it; it must have been on or about 18 or 19 August 1944. The camp commandant, whose name I have forgotten, told me at the time that he did not know about that order, and that he could receive instructions only from the Chief of Concentration Camps.

DR. SEIDL: Do you know whether the Governor General himself ever sent a Pole, a Ukrainian, or a Jew to a concentration camp?

BÜHLER: Nothing like that ever happened when I was present.

DR. SEIDL: Is it true that a large number of Jewish workmen who were working in the castle at Kraków were taken away by the Security Police against the wishes of the Governor General and during his absence?

BÜHLER: This Jewish workers' colony is known to me because I lived in that castle. I also know that the Governor General always took care of the maintenance of this colony. And the chief of the Chancellery of the Government General, Ministerial Counsellor Keit, once told me that this group of Jewish workers had been taken away by force by the Police during the absence of the Governor General.

DR. SEIDL: I now come to the so-called AB Action, this extraordinary pacification action. What were the circumstances which occasioned this action?

BÜHLER: It may have been about the middle of May 1940 when one morning I was called from the government building, where I performed my official work, to visit the Governor General in the castle. I think I remember that Reich Minister Seyss-Inquart had also been called. There we met the Governor General together with some officials of the Police. The Governor General stated that, in the opinion of the Police, an extreme act of pacification was necessary. The security situation at that time, as far as I remember, was this: Certain remnants of the Polish armed forces were still roaming about in deserted forest regions, causing unrest among the population, and probably giving military training to young Poles. At that time, that is May 1940, the Polish people had recovered from the shock which they had suffered at the sudden defeat in 1939; and they began openly, with little caution and without experience, to start a resistance movement everywhere. This picture I remember clearly because of the statement given by the Police on that or some other occasion.

DR. SEIDL: May I interrupt you and quote from Frank's diary, an entry of 16 May 1940. I quote:

"The general war situation forces us to regard the security situation in the Government General very seriously. From a number of symptoms and actions one can draw the conclusion that a large organized wave of resistance among the Poles is present in the country awaiting the outbreak of greater and violent events. Thousands of Poles are reported to have been organized secretly and to have been armed, and are being incited to carry out acts of violence of all sorts."

Then the Governor General quoted some recent examples, as, for instance, an uprising in certain villages under the leadership of Major Huballa in the district of Radom; the murder of families of German blood in Józefów; the murder of the mayor of Grasięta, *et cetera*.

"Illegal pamphlets, inciting to rebellion, are being distributed and even posted up everywhere; and there can therefore be no doubt that the security situation is extremely serious."

Did the Governor General express himself in that manner at the time?

BÜHLER: When I took part in that meeting, the Governor General spoke about the situation for some time, but the details I cannot recollect.

DR. SEIDL: What happened after that?

BÜHLER: I had only one impression. In the previous months the Governor General had succeeded, by taking great pains, in imposing on the Police a procedure for courts-martial which had to be observed in making arrests and dealing with suspicious persons. Furthermore, the Police had to concede that the Governor General could refer the sentences of a summary court-martial to a reprieve commission and that the execution of sentences could take place only after the sentences had been confirmed by the Governor General. The statements of the Governor General during this conference in the middle of May 1940 made me fear that the Police might see in these statements the possibility for evading the court-martial and reprieve procedure imposed on them. For that reason I asked the Governor General for permission to speak after he had finished his statement. The Governor General cut me short at first and stated that he wanted to dictate something to the secretary in a hurry, which the latter was then to dictate to a stenotypist at once and then put it into its final version. Thereupon the Governor General dictated some authorization, or order, or some such document; and with absolute certainty I remember that after he had finished dictating, the secretary and I think, quite definitely,

Brigadeführer Streckenbach, the Commander of the Regular Police, left the room. I am saying this in advance because it explains the fact that everything that happened afterwards has not been recorded in the minutes. The secretary was no longer present in the room. I expressed my fears, saying that these requirements laid down for court-martial procedure should be observed under all circumstances. I am not claiming any particular merit in this connection, because if I had not done it then this objection would have been raised, I am convinced, by Reich Minister Seyss-Inquart, or the Governor General himself would have realized the danger which his statements might have caused in this respect. At any rate, in reply to my objection, and without any debate, the Governor General stated at once that arrests and shootings could take place only in accordance with the court-martial procedure, and that sentences of the summary courts-martial would have to be examined by the reprieve commission.

In the ensuing period these instructions were followed. I assume that it is certain that the reprieve commission received all sentences pronounced by these courts-martial and dealt with them.

DR. SEIDL: Another entry in Frank's diary, 12 July 1940, leads one to the conclusion that at first these leaders of the resistance movement concerned were merely arrested. I quote a statement of the Governor General:

"Regarding the question what is to be done with the political criminals caught in connection with the AB Action, a discussion is to take place in the near future with State Secretary Dr. Bühler, Obergruppenführer Krüger, Brigadeführer Streckenbach, and Ministerial Counsellor Wille."

Who was Ministerial Counsellor Wille, and what task did he have in that connection?

BÜHLER: I might say in advance that there is a gap in my memory which makes it impossible for me to say for certain when the Governor General told Brigadeführer Streckenbach that in all cases he would have to observe court-martial procedure and respect the reprieve commission. On the other hand, I think I can remember for certain that at the time this discussion took place between Krüger, Streckenbach, Wille, and me, arrests only had taken place and no executions. Ministerial Counsellor Wille was the head of the Department of Justice in the Government and was the competent official for all matters concerning reprieves. The Governor General wanted these matters dealt with by a legally trained, experienced man.

During the conference with Krüger, Streckenbach, and Wille it had been ruled that the persons who had been arrested up to

that time were to be subjected to court-martial procedure and that sentences had to be dealt with by the reprieve commission. The Police were not exactly enthusiastic about this. I remember that Krüger told me privately after the conference that the Governor General was a jack-in-the-box with whom one couldn't work, and that in the future he would go his own way.

THE PRESIDENT: Dr. Seidl, the Tribunal thinks that this has been gone into in too great detail.

DR. SEIDL: Yes, I am coming to the end of my questions.

Witness, during a Police meeting in 1940 on 30 May, the Defendant Dr. Frank mentioned among other things the following: "The difficulties we had had with the Kraków professors were terrible. If we had handled the matter here, it would have taken a different course." Who arrested these professors, and to what extent was the Governor General concerned with this matter?

BÜHLER: On 7 or 8 November 1939, when the Governor General arrived in Kraków to begin his activities, all professors of the University of Kraków were arrested by the Security Police without his knowledge and taken away to concentration camps in the Reich. Among them were acquaintances of the Governor General, with whom shortly before he had had social and academic connections through the Academy for German Law. The Governor General used his influence on Obergruppenführer Krüger persistently and uninterruptedly until he achieved the release of the majority of these professors from concentration camps.

This statement of his, which contradicts this, was made, in my opinion, for the purpose of placating the Police, for the Police did not like releasing these professors.

DR. SEIDL: What basically was the attitude of the Governor General concerning mobilization of labor?

BÜHLER: The Governor General and the Government of the Government General were always attempting to get as many Polish workers for the Reich as possible. It was clear to us, however, that the employment of force in recruiting workers might bring about temporary advantages but that recruitment of workers in that way would not promise much success in the long run. The Governor General gave me instructions, therefore, to conduct extensive and intensive propaganda in favor of employment in the Reich and to oppose all use of force in the recruitment of workers.

On the other hand the Governor General wanted to make his recruitment of workers for the Reich successful by demanding decent treatment for Polish workers in the Reich. He negotiated for many years with the Reich Commissioner for the Allocation of Labor, Gauleiter Sauckel, and improvements were in fact achieved. The

Governor General was especially opposed to the identifying of Jews and Poles by distinguishing marks in the Reich. I remember a letter from Reich Commissioner Sauckel in which he informed the Governor General that he had made every effort to insure the same treatment for Polish workers as for other foreign workers, but that his efforts were no longer crowned by success whenever the influence of the Reichsführer SS opposed them.

DR. SEIDL: Witness, I now come to another point. Under Number USA-275 the Prosecution has submitted Document 1061-PS, which is a report of Brigadeführer Stroop on the destruction of the ghetto in Warsaw. Were you, or the Governor General, informed beforehand about the measures planned by the Security Police?

BÜHLER: I certainly was not. As to the Governor General, I do not know that he was informed about any such plans.

DR. SEIDL: What did you learn afterwards about the events at the ghetto in Warsaw in 1943?

BÜHLER: I heard what practically everybody heard—that an uprising had broken out in the ghetto which had long been prepared; that the Jews had used the building materials given them for the purpose of air-raid protection to set up defense works; and that during the uprising violent resistance was encountered by the German troops.

DR. SEIDL: I now come to the Warsaw uprising of 1944. To what extent did the administration of the Government General participate in the quelling of that revolt?

BÜHLER: As our comrades in Warsaw were encircled by the insurrectionists, we asked the Governor General to apply to the Führer for assistance to bring about a speedy quelling of the Warsaw revolt. Apart from that the administration assisted in the welfare of the population in connection with the evacuation in the battle zone of the quarters that were to be destroyed. But the administration did not exercise any authority here.

DR. SEIDL: On 4 November 1945 you made an affidavit. The affidavit bears the number 2476-PS. I shall now read to you that affidavit, which is very brief, and I shall ask you to tell me whether the contents are correct. I quote:

“In the course of the quelling of the Warsaw revolt in August 1944, approximately 50,000 to 60,000 inhabitants of Warsaw (a Polish estimate) were taken away to German concentration camps. As a result of a *démarche* made by the Governor General, Dr. Frank, to the office of Reichsführer SS Himmler, the latter prohibited further deportations. The Governor General

tried to secure the release of the 50,000 to 60,000 inhabitants of Warsaw who had already been taken to concentration camps in the Reich. The Chief of the Reich Security Main Office, Obergruppenführer Kaltenbrunner, refused this request, made in writing as well as orally on the occasion of a visit of mine to Berlin in September or October 1944, on the grounds that these inhabitants of Warsaw were being used in the secret manufacture of armaments in the Reich and that therefore a general release was out of the question. However, he would be willing to consider individual applications favorably. Individual applications for release from concentration camps were granted by Kaltenbrunner during the subsequent months.

"Contrary to the Polish estimate, the number of persons taken from Warsaw to concentration camps in the Reich was estimated to be small by Kaltenbrunner. I myself reported to my office Kaltenbrunner's statement regarding the number of internees, and after a renewed investigation I found that the above-mentioned figure of 50,000 to 60,000 was correct. These were the people who had been taken to concentration camps in Germany."

I now ask you, are the contents of this affidavit, made before an American officer, correct?

BÜHLER: I can supplement it.

THE PRESIDENT: Before he supplements it, is it in evidence? Has it yet been put in evidence?

DR. SEIDL: It has the number 2476-PS.

THE PRESIDENT: That doesn't prove it has been put in evidence. Has it been put in evidence? Dr. Seidl, you know quite well what "put in evidence" means. Has it been put in evidence? Has it got a USA exhibit number?

DR. SEIDL: No, it has not a USA exhibit number.

THE PRESIDENT: Then you are offering it in evidence, are you?

DR. SEIDL: I don't want to submit it formally in evidence; but I do want to ask the witness about the contents of this affidavit.

THE PRESIDENT: But it is a document, and if you are putting it to the witness, you must put it in evidence and you must give it an exhibit number. You cannot put documents to the witness and not put them in evidence.

DR. SEIDL: In that case I submit this document as Document Number Frank-1.

I now ask you, Witness, whether the contents of this affidavit are correct, and, if so, whether you can supplement this affidavit.

BÜHLER: Yes, I should like to supplement it briefly. It is possible that I went to see Kaltenbrunner twice about that question—not only once—and after Kaltenbrunner had refused to release these people the second time, on the strength of my experiences with the camp commandant in Camp Pruszkow, I had the impression that it was not in Kaltenbrunner's power to order such a release. He didn't talk to me about that.

DR. SEIDL: But from his statements you had the impression that perhaps he too did not have the power to release those people?

BÜHLER: During those conferences I had brought up questions about the Polish policy, and from these conferences I had the impression that I might gain Kaltenbrunner's interest in a reasonable Polish policy and win him over as an ally in negotiations with Himmler. At any rate, talking to me, he condemned the methods of force used by Krüger. I gathered from these statements that Kaltenbrunner did not want to see methods of force employed against the Poles and that he would have helped me if he could.

DR. SEIDL: The Soviet Prosecution has submitted a document bearing the Exhibit Number USSR-128 (Document Number 3305-PS). It is a teletyped message from the intelligence office of the Higher SS and Police Leader East addressed to the Governor General and signed by Dr. Fischer, then Governor of Warsaw. Under Figure 2 it reads as follows:

"Obergruppenführer Von dem Bach has been given the new task of pacifying Warsaw, that is to say, of laying Warsaw level with the ground during the war, except where military considerations of its value as a fortress are involved. Before the destruction, all raw materials, all textiles, and all furniture will be removed from Warsaw. The main task will fall to the civil administration.

"I herewith inform you that this new Führer decree regarding the razing of Warsaw is of the greatest significance for the further new policy regarding the Poles."

As far as you can recollect, how did the Governor General receive and view that telegram? And to what extent was his basic attitude altered on the strength of that message?

BÜHLER: This telegram referred to instructions which Obergruppenführer Von dem Bach had received from the Reichsführer SS. The administration in the Government General did not welcome the destruction of Warsaw. On the contrary, I remember that, together with the Governor General, ways which might be used to avoid the destruction of Warsaw were discussed. Just what was

really tried I cannot recollect. It may be that further steps were not taken because of the impossibility of achieving anything.

DR. SEIDL: I now turn to another subject.

THE PRESIDENT: We might adjourn now for 10 minutes.

[A recess was taken.]

DR. SEIDL: Mr. President, Your Honors, before I continue the interrogation of the witness Dr. Bühler, I should like to inform you that I forego the interrogation of the witness Helene Krafczyk; so this witness will be the last one.

THE PRESIDENT: Thank you.

DR. SEIDL: Witness, the Defendant Dr. Frank has been accused by the Prosecution of not having done everything within his power to ensure the feeding of the population of the Government General. What can you say about that?

BÜHLER: The decisive reason, the real cause, why the population in the Government General could not be supplied as efficiently and as satisfactorily as in Germany was the lack of co-operation on the part of the Polish population in the measures taken by the Germans to bring about a just and equal distribution of food quotas. This lack of co-operation was caused by patriotic considerations, the aversion to German domination, and the continuous, effective propaganda from the outside. I do not believe that there was a single country in Europe where so much was pillaged, stolen, and diverted to the black market, where so much was destroyed and so much damage was done in order to sabotage the food program, as in the Government General.

To give one example: All the dairy machinery, which had been provided with great pains, and the chain of dairies, which had been organized with difficulty, were destroyed again and again so that a more or less comprehensive control of milk and fat supplies could not be carried out. I estimate that the fat sold on the free market and the black market in the Government General was several times the quantity of that controlled and distributed officially.

Another decisive reason may be seen in the fact that the Government General had been carved out of a hitherto self-contained governmental and economic structure and that no consideration had been given effecting a proper economic balance.

The large centers of consumption in the Government General, that is to say, the cities such as Warsaw, Kraków, later Lvov, and also the industrial area in the center of Poland, had previously received their supplies to a very large extent directly from the

country through the standing market. In these areas of the Government General there was a lack of granaries; a lack of refrigerators; there was no systematic chain of dairies; and storehouses of all kinds were lacking—all necessary for the directing or controlling of a supply economy by the state.

The Government General had to construct all these things step by step, and therefore the supplying of the population was proportionately difficult. It was not intended to supply the population fully right away; the supplies were to be improved gradually. I always saw to it that the directives issued for combating the black market allowed margins for the acquisition of foodstuffs and that the inhabitants of the cities were given the opportunity of contacting the producers. In 1942 the rations were to have been increased; then an order came from the Delegate for the Four Year Plan that rations were not to be increased and that certain quotas of foodstuffs were to be allocated to the Reich. Most of these foodstuffs were not taken out of the area, but were consumed by the Armed Forces on the spot. The Governor General fought continually against the authorities of the Four Year Plan, in order to achieve an increase and an improvement in the food supplies for the Polish population. That struggle was not without success. In many cases it was possible to increase the rations considerably, especially those of the workers in armament industries, and other privileged groups of the working population.

To sum up I should like to say that it was not easy for the population of the Government General to get its daily food requirements. On the other hand there were no famines and no hunger epidemics in the Government General. A Polish and Ukrainian auxiliary committee, which had delegations in all districts of the Government General, saw to the supply of foodstuffs for those parts of the population which were in greatest need. I used my influence to have this committee supplied with the largest possible amount of foodstuffs, so that it should be able to pursue its welfare work successfully, and it is known to me that that committee took special care of the children of large cities.

DR. SEIDL: Witness, what were the measures that the Governor General took to safeguard art treasures in the areas under his administration?

BÜHLER: With a decree of 16 December 1939 the Reichsführer SS, in his capacity as Reich Commissioner for the Preservation of German Nationality, had already ordered, without informing the Governor General, that all art treasures of the Government General were to be confiscated and transported to the Reich. The Government General was successful in preventing this transport to a great extent.

Then a man arrived in the Government General from the Delegate for the Four Year Plan, State Secretary Mühlmann, who claimed to have plenary authority from the Delegate for the Four Year Plan. I asked to see that authorization. It was signed, not by Göring himself, but by somebody in his circle, Gritzbach. He was entrusted with the task of safeguarding the art treasures of the Government General in the interests of the Reich. In order to bring this commissioner—provided as he was with plenary authority from the Reich—into line with the Government General, the Governor General entrusted to him, in addition, the task of collecting together the art treasures of the Government General. He collected these art treasures and also had catalogues printed; and I know, from conferences which took place with the Governor General, that the Governor always attached the greatest importance to having these art treasures kept within the area of the Government General.

DR. SEIDL: The prosecution, under Number USA-378, that is Document 1709-PS, submitted a report about the investigation of the entire activity of the Special Commissioner for the Collection and Safeguarding of Art and Cultural Treasures in the Government General. On Page 6 of that report it reads, and I quote:

“Reason for investigation: Order of the State Secretary of the Government of the Government General of 30 June 1942 to investigate the entire activity of the Special Commissioner appointed for the collection and safeguarding of art and cultural treasures in the Government General, according to the decree of the Governor General of 16 December 1939.”

I ask you now what caused you in 1942 to give this order for investigation, and did the report lead to serious charges?

BÜHLER: The investigation was found necessary because of the possibility of a collision of duties, in the case of State Secretary Mühlmann, between the order given by the Reich and the order given by the Governor General. I had also heard that some museum pieces had not been properly taken care of. The investigation showed that State Secretary Mühlmann could not be blamed in any way.

DR. SEIDL: The Prosecution has submitted another document, 3042-PS, Exhibit USA-375. It is an affidavit by Dr. Mühlmann, and I quote:

“I was the Special Commissioner of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the Government General, from October 1939 to September 1943. Göring in his capacity as chairman of the Reich Defense Council had commissioned me with this duty.

“I confirm that it was the official policy of the Governor General, Hans Frank, to take into safekeeping all important art

treasures which belonged to Polish public institutions, private collections, and the Church. I confirm that the art treasures mentioned were actually confiscated; and it is clear to me that in case of a German victory they would not have remained in Poland, but would have been used to complement German art collections."

I ask you now: Is it correct that the Governor General from the very beginning considered all art treasures which had been safeguarded the property of the Government General?

BÜHLER: Insofar as they were state property, yes; insofar as they were private property, they were temporarily confiscated and safeguarded; but the Governor General never thought of transferring them to the Reich. If he had wanted to do that, he could have taken advantage of the war situation itself in order to send these art treasures to Germany. But where the witness obtained his information, as contained in the last sentence of his affidavit, I do not know.

DR. SEIDL: The Prosecution submitted a document, L-37, under Exhibit Number USA-506. It is a letter of 19 July 1944 from the commander of the Security Police and SD of the district of Radom, to the branch office of Tomassov. There it says, among other things, and I quote:

"The Higher SS and Police Leader East issued the following order on 28 June 1944:"

I skip a few sentences and then quote:

"The Reichsführer SS, with the approval of the Governor General, has ordered that in all cases where assassinations of Germans or attempts at such assassinations have occurred, or where saboteurs have destroyed vital installations, not only the perpetrators are to be shot but also all their kinsmen are likewise to be executed and their female relatives above 16 years of age are to be put into concentration camps."

Is it known to you whether the Governor General ever spoke about this question with the Reichsführer SS and whether he had given any such approval?

BÜHLER: I know nothing about the issuing of an order of that kind. Once during the second half of 1944, an order came through my hands relating to the joint responsibility of kin, but I cannot say whether that concerned the Reich or the Government General; it was a police order, I should say. If it had had that formula, "with the approval of the Government General," I should have questioned the Governor General on that point.

DR. SEIDL: Would such an approval have been consistent with the fundamental attitude of the Governor General to this question as you knew it?

BÜHLER: The fundamental attitude of the Governor General was on the contrary opposed to all executions without trial and without legal reasons.

DR. SEIDL: Is it correct that from 1940 on the Governor General complained continually to the Führer about the measures taken by the Police and the SD?

BÜHLER: Yes; I myself drew up at least half a dozen memoranda of about the length of the one submitted, addressed to the Führer direct or to him through the Chief of the Reich Chancellery. They contained repeated complaints with regard to executions, encroachments in connection with the recruiting of workers, the importation of inhabitants of other regions without the permission of the Governor General, the food situation, and happenings in general which were contrary to the principles of an orderly administration.

DR. SEIDL: The Prosecution submitted one of these memoranda under the number USA-610. This is a memorandum to the Führer of 19 June 1943. Is this memorandum essentially different to any previous or later memoranda; and what, basically, was the attitude of the Führer to such complaints and proposals?

BÜHLER: This memorandum, which has been submitted, is somewhat different from the previous ones. The previous memoranda contained direct accusations with regard to these happenings and the encroachments by the Police. When these memoranda remained unsuccessful, acting on the order of the Governor General, I drew up the complaints contained in this memorandum of June in the form of a political proposal. The grievances listed there were not caused by the government of the Governor General; rather they were complaints about interference by outside authorities.

DR. SEIDL: In the diary we find on 26 October 1943 a long report about the 4 years of German construction work in the Government General which was made by you yourself. On the basis of what documents did you compile that report?

BÜHLER: I compiled that report on the basis of the material which the 13 main departments of the government had given me.

DR. SEIDL: Now a question of principle: What, basically, was the attitude of the Governor General to the Polish and Ukrainian people, as you know it from your 5 years' activity, as the head of the government?

BÜHLER: The first principle of all was that of keeping peace in this area and of increasing the usefulness of this area as far as possible by improving its resources, economically speaking. In order to achieve that, decent treatment of the population was necessary; freedom and property must not be infringed upon. Those were the principles of policy according to which, acting on the order of the Governor General, I always carried out my functions as state secretary of the government.

DR. SEIDL: Is it correct that the Governor General also tried within the framework of wartime conditions to grant the population a certain minimum of cultural development?

BÜHLER: That was the desire of the Governor General, but the realization of this desire very frequently met with resistance on the part of the Security Police, or the Propaganda Ministry of the Reich, or it was made impossible by conditions themselves. But in principle the Governor General did not wish to prohibit cultural activity among the Polish and Ukrainian populations.

DR. SEIDL: Is it correct that he tried particularly to revive higher education and that, evading the directives from the Reich, he instituted so-called technical courses in colleges?

BÜHLER: Instruction was certainly given at the technical schools by Polish professors in Warsaw and Lvov which corresponded approximately to a university education. As a matter of principle, the Governor General also wanted to open secondary schools and seminaries for priests, but that always failed because of the objections of the Security Police. As no agreement could be reached, and acting on the order of the Governor General, in October 1941 on my own authority I promised the opening of secondary schools and, I believe, of seminaries for priests with a certain advisory autonomy for the Poles. Two days after this announcement the Führer's opinion was transmitted to me that I had no authority to announce such measures.

DR. SEIDL: Dr. Frank's diary often mentions the principle of unity of administration and the fact that the Governor General was the deputy of the Führer in this territory and the representative of the authority of the Reich. Does this conception tally with the facts? What other authorities of the Reich and the Party came into the administration of the Government General?

BÜHLER: The authority of the Governor General was limited from the very beginning in many important respects. Thus, for instance, before the establishment of the Government General, the Reichsführer SS had been invested with full power in the matter of the preservation of German Nationality in all occupied territories. The Delegate for the Four Year Plan had equal authority and power

to issue decrees in the Government General. But many other offices as well, such as those for armaments, post, railways, building, and other departments tried, and tried successfully, to take over parts of the administration of the Government General or to gain some influence over it. After the Governor General had lost his offices as Reichsleiter in 1942, there was a special rush in this direction. I might almost say that it became a kind of sport to diminish the prestige of the King of Poland.

DR. SEIDL: Who appointed, dismissed, and paid the police officials in the Government General and otherwise saw to their interests from the point of view of the Civil Service?

BÜHLER: That was done exclusively by Himmler's administrative office in Berlin.

DR. SEIDL: Is it correct that even officials of the administration of the Government General were arrested by Krüger and that it was not possible for even the Governor General to effect their release? I remind you of the case of Scipessi.

BÜHLER: Yes. I can confirm that from my own experience. Even from my own circle people were arrested without my being notified. In one such case I instructed the commander of the Security Police that the official was to be released within a certain space of time. He was not released, and I demanded the recall of the commander of the Security Police. The result was that Himmler expressed his special confidence in this commander of the Security Police and the recall was refused.

DR. SEIDL: Witness, how long was the Government General able to work at all under normal conditions?

BÜHLER: I might almost say, never at any time. The first year was taken up in repairing destruction caused by the war. There were destroyed villages, destroyed cities, destroyed means of transport; bridges had been blown up in very large numbers. After these destroyed objects had been repaired, as far as it was possible under war conditions, the Government General became again the deployment area for the war against the East, against the Russians, and then the transit area to the front and the line of communications area. It was the great repair shop for the front.

DR. SEIDL: Another question: During the war Himmler presented to the Reich Government the draft of a law concerning the treatment of anti-social elements. What was the attitude of Dr. Frank towards this draft?

BÜHLER: As far as I can remember . . .

THE PRESIDENT: Dr. Seidl, the Tribunal thinks that the matters which the witness is going into are really matters of common

knowledge. Everyone knows about that. I think you might take the witness over this ground a little bit faster than you are.

DR. SEIDL: Yes, Sir. He has given the answer already.

Witness, during the war did the government of the Reich . . .

THE PRESIDENT: But I am speaking of the future, Dr. Seidl.

DR. SEIDL: Yes, Sir.

[Turning to the witness.] During the war, Himmler submitted to the Reich Government, the draft of a law concerning the treatment of anti-social elements.

BÜHLER: Yes.

DR. SEIDL: What was the attitude of the Governor General to this?

BÜHLER: The Governor General protested against this. At the conference which I had with Heydrich in February 1942 the latter asked me as a special request to ask the Governor General to retract his protest against the law. The Governor General refused to do this.

DR. SEIDL: The Prosecution has presented a chart which shows Dr. Frank as having authority over the Reich Minister of Justice, Dr. Thierack. Did such a situation ever exist?

BÜHLER: That must be an error; such a situation never existed.

DR. SEIDL: What, according to your observations, were the relations between the Governor General and the Reichsführer SS Himmler?

BÜHLER: The Governor General and the Reichsführer SS Himmler as individuals were so different . . .

THE PRESIDENT: Dr. Seidl, I thought we had been hearing all morning what the relations were between the Governor General and the Reichsführer.

DR. SEIDL: Then I will not put that question.

Witness, the Soviet Prosecution, under Exhibit Number USSR-93, (Document Number USSR-93), submitted an appendix to the report of the Polish Government. The appendix is entitled "Cultural Life in Poland." I have shown it to you once before and would like you to tell me whether the Governor General, or his government, ever actually issued such directives?

BÜHLER: I do not remember ever having signed such directives or having seen any such directives signed by the Governor General. This document submitted to me, seems to me to be a fake or a forgery. That can be recognized from the contents.

DR. SEIDL: In the diary we find a large number of entries referring to the policies of the Governor General which seem to

contradict what you yourself said before as a witness. How can you explain these contradictions?

BÜHLER: These statements by the Governor General, which have also been called to my attention during previous interrogations, do not merely seem to contradict what I said; they very clearly do contradict what I had to say as a witness. As I myself heard such statements frequently, I have tried to understand how he came to make such statements; and I can only say that Frank perhaps took part more than was necessary in the conferences and affairs of the government officials. There was scarcely a conference in which he did not take part. Thus it happened that he had to speak many times during one day, and I might say that in 99 out of 100 cases he spoke on the spur of the moment, without due reflection, and I frequently witnessed how after making such grotesque statements he would try in the next sentences, or at the next opportunity, to retract them and straighten them out. I also witnessed how he rescinded authority which he had delegated on the spur of the moment. I am sure that if I could go through the diary for every one of these statements, I would be able to give you a dozen—dozens of other statements to the contrary.

DR. SEIDL: Frank's diary includes . . .

BÜHLER: I should like to say the following: When the Governor General was working with the members of his administration, he never made such statements; at least I cannot remember any. Those statements were always made when the Higher SS and Police Leader was sitting next to him, so that I had the impression that he was not free at such moments.

DR. SEIDL: The diary of the Defendant Dr. Frank covers about 10,000 to 12,000 typewritten pages. Who kept this diary—he himself or somebody else?

BÜHLER: According to my observations, the diary was kept by stenographers. At first by one stenographer, Dr. Meidinger, later by two stenographers, Nauk and Mohr. The procedure was that these stenographers were in the room during conferences and took notes.

DR. SEIDL: Is it correct that to a certain extent these stenographers received reports from a third person as to what was said at a conference?

BÜHLER: I often noticed that these stenographers did not take the trouble to record everything literally, but merely wrote summaries of the sense. I was also sometimes asked what this or that person, or what the Governor General, had said or thought in some particular instance.

DR. SEIDL: Did the Governor General see these entries in the diary or read them later?

BÜHLER: From what I know of the Governor General I do not believe that he read them over.

THE PRESIDENT: How can this witness tell whether he read the notes later?

DR. SEIDL: Mr. President, the witness, Dr. Bühler, was the Governor General's closest collaborator.

THE PRESIDENT: If you wanted to put that sort of question, you should have asked the Defendant Frank.

DR. SEIDL: A further question, Witness. According to your observations what caused the Governor General not to destroy that diary, but to hand it over when he was arrested?

BÜHLER: On 15 March for the last time I was . . .

THE PRESIDENT: That, again is a matter which rests in the mind of Dr. Frank, not of this witness, why he did not destroy it.

DR. SEIDL: He has answered the question already, and I forego the answer of the witness.

[Turning to the witness.] Now, one last question. In 1942, after the speeches made by Dr. Frank, he was deprived of all his Party offices. What effect did that have on his position as Governor General?

BÜHLER: I have already referred to that. It weakened his authority considerably, and the administration in the Government General became increasingly difficult.

DR. SEIDL: Is it correct that the Governor General repeatedly, both in writing and orally, tendered his resignation?

BÜHLER: Yes, written applications for resignation I often worded myself; and I know that he also asked orally many times to be permitted to resign, but that this was never approved.

DR. SEIDL: I have no more questions for the witness.

THE PRESIDENT: Do any other defendants' counsel wish to ask any questions?

DR. ROBERT SERVATIUS (Counsel for Defendant Sauckel): Witness, is it correct that by far the largest number of the Polish workers who came to Germany, came into the Reich before April 1942, that is, before Sauckel came into office?

BÜHLER: I cannot make any definite statement about that, but I know that the recruitment of labor produced smaller and smaller results and that the main quotas were probably delivered during the first years.

DR. SERVATIUS: Were the labor quotas which had been demanded from the Governor General reduced by Sauckel in view of the fact that so many Poles were already working in the Reich?

BÜHLER: I know of one such case; Sauckel's deputy, President Struve, talked to me about it.

DR. SERVATIUS: Is it true that Himmler for his own purposes recruited workers from the Polish area, without Sauckel's knowledge and without observing the conditions which Sauckel had laid down?

BÜHLER: I assume that that happened. Whenever I was told about roundups of workers, I tried to clear matters up. The Police always said, "That is the labor administration," and the labor administration said, "That is the Police." But I know that once, on a visit to Warsaw, Himmler was very annoyed at the loafers standing at the street corners; and I consider it quite possible that these labor raids in Warsaw were carried out arbitrarily by the Police without the participation of the labor administration.

DR. SERVATIUS: Do you know Sauckel's directives with regard to the carrying out of labor recruitment?

BÜHLER: I have not seen them in detail, and I don't remember them. I know only that Sauckel stated, on the occasion of a visit in Kraków, that he had not ordered the use of violence.

DR. SERVATIUS: Was that a speech of Sauckel's?

BÜHLER: No, it was a conference.

DR. SERVATIUS: Do you recall an address which Sauckel made in Kraków to the various authorities?

BÜHLER: He spoke as a Party speaker.

DR. SERVATIUS: Did he make any statements there about the treatment of workers?

BÜHLER: These statements were made at a conference which preceded the visit to the Governor General.

DR. SERVATIUS: And what was the nature of his remarks?

BÜHLER: My people had told him and his people that there had been encroachments, and he answered that he had not ordered the use of violence and denied that these events—the arrest of people in motion picture houses or other places of assembly—had ever been ordered or decreed by him.

DR. SERVATIUS: Do you know the structure of the labor administration in the Government General?

BÜHLER: The Labor Department was part of my field of authority.

DR. SERVATIUS: Did Sauckel have any immediate influence on the carrying out of labor recruitment?

BÜHLER: Not only did he have influence, but he also sent a deputy who was not under my authority.

DR. SERVATIUS: Was it possible for that deputy to carry out the recruitment of labor direct?

BÜHLER: If he wanted to, yes.

DR. SERVATIUS: In what manner? Could he give any instructions, or direct orders?

BÜHLER: The recruiting units set up by Sauckel were not under my authority. I tried on several occasions to get these people within my organization, but these attempts were always countered with the argument that these recruiting units had to be used in all the occupied territories and that they could not be attached to one particular area.

In other words, Sauckel's deputy in the Government General, President Struve, who was also in charge of the Labor Department, was on the one hand dependent on Sauckel's directives and did not need to pay attention to me but was also on the other hand responsible to me to the extent that he acted as president of the Labor Department.

DR. SERVATIUS: What branches handled forced recruitment whenever that became necessary? Could the recruiting units do that?

BÜHLER: I do not know. The deputy always denied the fact of forced recruitment.

DR. SERVATIUS: I have no more questions.

THE PRESIDENT: Do any of the defendants' counsel wish to ask questions? Does the Prosecution desire to cross-examine?

MR. COUNSELLOR SMIRNOV: Witness, I should like to define your official position more accurately. As from 1940 and until the moment of the liberation of Poland you were Frank's chief deputy, were you not?

BÜHLER: From the end of September until November 1939 I served the Governor General in a leading position on his labor staff. In November 1939 I became Chief of the Department of the Governor General; that was the central administrative office of the Governor General, in Kraków. During the second half of the year 1940 the designation of this function was changed to "State Secretary of the Government," and I was State Secretary of the Government until I left Kraków on 18 January 1945.

MR. COUNSELLOR SMIRNOV: Consequently you were the chief deputy of the Defendant Hans Frank.

BÜHLER: My field of activity was definitely limited. I had to direct the administrative matters. Neither the Police, nor the Party,

nor the Wehrmacht, nor the various Reich offices which were directly active in the area of the Government General, were under my authority.

MR. COUNSELLOR SMIRNOV: When Frank was away, who was then his deputy?

BÜHLER: The deputy of the Governor General was Seyss-Inquart, Reich Minister Seyss-Inquart.

MR. COUNSELLOR SMIRNOV: And after Seyss-Inquart left?

BÜHLER: After the departure of Seyss-Inquart there was a gap. I cannot recall the month, but I think it was in 1941 that I was assigned as deputy of the Governor General. But that appointment was approved only with certain modifications. I was supposed to represent the Governor General only when he was neither present in the area nor . . .

MR. COUNSELLOR SMIRNOV: Answer me briefly. When Frank was away, did you carry out his duties?

BÜHLER: I answer as my conscience dictates. Whenever Frank was not present within the area, and could not be reached outside the area, then I was supposed to represent him.

MR. COUNSELLOR SMIRNOV: I understand. That means that you took over when he was away.

BÜHLER: Yes, whenever he could not be reached outside of the area either.

MR. COUNSELLOR SMIRNOV: Yes, yes. That is precisely what I am asking about.

I should like the witness to be shown the typed transcript of the report on a conference of 25 January. Will you show him, first of all, the list of those who were present. The Tribunal will find the passage that I desire to quote . . .

THE PRESIDENT: What year? You said the 25th of January.

MR. COUNSELLOR SMIRNOV: 1943, Mr. President. Your Honors will find it on Page 7, Exhibit Number USSR-223, (Document Number USSR-223), Paragraph 6.

Witness, is that your signature among the list of those present?

BÜHLER: My signature, yes.

MR. COUNSELLOR SMIRNOV: That means you were present at that conference.

BÜHLER: 1943, yes.

MR. COUNSELLOR SMIRNOV: I shall quote three sentences from the typed transcript of the report. Please hand the original to the witness.

I quote three sentences from this document. It is Dr. Frank's speech:

"I should like to emphasize one thing. We must not be too soft-hearted when we hear that 17,000 have been shot. These persons who have been shot are also victims of the war.... Let us now remember that all of us who are meeting together here figure in Mr. Roosevelt's list of war criminals. I have the honor of being Number 1. We have thus, so to speak, become accomplices in terms of world history".

Your name is second on the list of those present at the conference. Do you not consider that Frank must have had sufficient grounds to number you among the most active of his accomplices in crime?

BÜHLER: About such statements of the Governor General I have already said all that is necessary.

MR. COUNSELLOR SMIRNOV: Then you ascribe this to the Governor General's temperament?

THE PRESIDENT: Witness, that is not an answer to the question. The question was, do you consider yourself to be one of those criminals?

BÜHLER: I do not consider myself a criminal.

MR. COUNSELLOR SMIRNOV: If you do not consider yourself a war criminal, will you perhaps recollect who personally—I emphasize the word "personally"—actively participated in one of Frank's most cruel orders with regard to the Polish population? I am talking about the decree of 2 October 1942. Were you not one of the participants?

BÜHLER: Which measures? Which decree? I should like to be shown it.

MR. COUNSELLOR SMIRNOV: I am talking about the decree signed 2 October and published 9 October 1943, Exhibit Number USSR 335, (Document Number USSR-335), the decree about the creation of the so-called courts-martial conducted by the Secret Police.

BÜHLER: The draft of this decree did not come from my office.

MR. COUNSELLOR SMIRNOV: Does this mean that you deny participation in rendering that cruel decree effective?

BÜHLER: Yes, the decree comes from the Police.

MR. COUNSELLOR SMIRNOV: The passage I should like to quote, Mr. President, is on Page 35, of our document book, and in Paragraph 4 of the English translation.

[Turning to the witness.] Did you not, together with Dr. Weh, at a time when even Frank was undecided about signing, succeed in persuading him to do so and bring into force a decree of a frankly terrorist nature to legalize tyranny by the Police?

I quote Page 142 of the minutes on the conference with State Secretary Dr. Bühler (he evidently means you) and with Dr. Weh, concerning the order issued by Dr. Weh for combating attacks on the German work of reconstruction in the Government General:

“After some brief statements by the State Secretary Dr. Bühler and Dr. Weh, the Governor General withdraws his objections and signs the drafted decree.”

Was it not you?

BÜHLER: I request the interpreter to repeat the question.

MR. COUNSELLOR SMIRNOV: I am asking you: Was it you who persuaded Frank to sign that decree as quickly as possible?

BÜHLER: No.

MR. COUNSELLOR SMIRNOV: Does that mean that the entry is false?

BÜHLER: No.

MR. COUNSELLOR SMIRNOV: In that case, how am I to understand you, if this is “no” and the other is “no”?

BÜHLER: I can explain that to you exactly. The draft for this decree had been submitted to the Governor General by SS Oberführer Bierkamp who had recently been assigned to the Government General. The Governor General...

MR. COUNSELLOR SMIRNOV: Will you please...

THE PRESIDENT: [Interposing] He is in the middle of his answer. You must let the man answer. What were you saying? You were saying the draft had been made by somebody?

BÜHLER: This draft had been submitted to the Governor General by Bierkamp who had just recently come to the Government General. The Governor General returned this draft and had it revised in the legislative department. When it was presented to the Governor General, the Governor General's doubts were whether the legislative department had revised it or not. I do not assume material responsibility for this draft, and I did not have to.

MR. COUNSELLOR SMIRNOV: You simply explained to Frank that the project of the decree had been sufficiently worked over by the competent technical department?

BÜHLER: Yes, by the legislative department.

MR. COUNSELLOR SMIRNOV: And after that the Governor General signed the decree?

BÜHLER: Obviously.

MR. COUNSELLOR SMIRNOV: Were you not the person who, at the meeting of 23 October 1943, when a letter from Count Ronikier, a person evidently known to you, was discussed, referred to the practical interpretation of this cruel decree of 2 October and stated that the application of the decree would in the future favor the camouflaging of the murder of hostages by giving the shootings of hostages the semblance of a legal sentence? Were you that person?

BÜHLER: I ask that the question be repeated. I understood only part of it.

MR. COUNSELLOR SMIRNOV: Were you the person who, at the meeting of 23 October 1943, stated that the application of the decree of 2 October would, in the future, favor the camouflaging of the shooting of hostages, since it would give them the semblance of a legal sentence?

BÜHLER: It is not quite clear to me. May I repeat what I understood?

MR. COUNSELLOR SMIRNOV: If you please.

BÜHLER: You want to ask me whether I was the one who, on the occasion of a conference on the 23rd of October 1944 . . .

MR. COUNSELLOR SMIRNOV: 1943.

BÜHLER: 1943—who, on the occasion of a conference on 23 October 1943 stated—stated what?

MR. COUNSELLOR SMIRNOV: You stated that the application of the decree of 2 October would help to camouflage the shooting of hostages.

BÜHLER: No.

MR. COUNSELLOR SMIRNOV: The place which I wish to quote now, Your Honors, is on Page 26 of the English translation of Exhibit Number USSR-223, (Document Number 2233-PS), Paragraph 4. I shall now quote your own words to you:

“State Secretary Dr. Bühler considers it advisable that all those Poles who are to be shot should first be tried by regular court-martial proceedings. In the future one should also refrain from referring to such Poles as hostages, for the shooting of hostages is always a deplorable event and merely provides foreign countries with evidence against the German leadership in the Government General”.

BÜHLER: I said that, and thus I objected, and wanted to object, to the shooting of hostages and to executions without court-martial proceedings.

MR. COUNSELLOR SMIRNOV: So you consider that a court consisting of high-ranking police officials represents justice and is not a travesty of the very idea of justice?

BÜHLER: To which court do you refer? I pleaded for courts-martial.

MR. COUNSELLOR SMIRNOV: That is the very court I am talking about, the "Standgericht" or summary court-martial, composed of Gestapo officials centralized in the Government General, according to the decree of 2 October.

BÜHLER: I can give you information about the reasons which may have led to this stiffening of the summary court-martial order of 2 October, so that you may understand how, psychologically, such a decree came about.

MR. COUNSELLOR SMIRNOV: I am not interested in psychology. I am interested in knowing if a court, composed of secret police officials and considered to be a court, is not in fact sheer mockery of the very idea of a court of justice?

BÜHLER: The summary courts-martial had to be appointed exactly in accordance with the decree. I am not of the opinion that a summary court-martial, simply because it is composed exclusively of police, should not be considered a court. But I did not make these statements which you have held against me now in reference to this decree of 2 October; rather I demanded, in general, sentences by courts-martial, and termed the shooting of hostages a regrettable fact.

MR. COUNSELLOR SMIRNOV: You are not giving me a direct answer to my question. Perhaps you will remember Paragraph 3 of the decree which stipulates how these courts were to be composed. Show the witness Paragraphs 3 and 4. I am reading Paragraph 4 into the record:

"The summary courts-martial of the Security Police are to be composed of one SS Führer of the office of the commander of the Security Police and the SD, and of two members of these organizations".

Would a court of this composition not testify *a priori* to the nature of the sentence which the court would impose?

BÜHLER: Did you ask me?

MR. COUNSELLOR SMIRNOV: Yes, yes.

BÜHLER: Whether I consider a summary court-martial a court? I think, you are asking me about things which have nothing to do with my field of activity. I do not know what reasons were given for composing these courts in this fashion. I cannot therefore say anything about it.

MR. COUNSELLOR SMIRNOV: Perhaps you will look at the signature to that decree. It is signed by Frank, and it was you who persuaded Frank to sign that decree.

BÜHLER: I thought that I had corrected that error before. I did not persuade Herr Frank to sign that order. Rather, I told him that that order had been worked out in the legislative department. As before, I must now deny any responsibility for this order, because it did not belong to my sphere of activity.

MR. COUNSELLOR SMIRNOV: I shall pass on to another series of questions. Do you recollect the following subparagraph of that decree, particularly the report of Obergruppenführer Bierkamp at the conference of 27 October 1943 in Kraków?

BÜHLER: I cannot remember without notes.

MR. COUNSELLOR SMIRNOV: Please show him the passage which I wish to quote. The passage I wish to quote, Your Honors, is on Page 26 of our document, the last paragraph of the text. I quote the passage in question:

"Pursuant to the decree of even date, the Security Police have detained many people who since 10 October have committed criminal acts. They have been condemned to death and will be shot as an expiation for their crimes. Their names will be made known to the population by means of posters, and the population will be told that such and such people may expect a pardon, provided there are no further murders of Germans. For every murdered German, 10 Poles will be executed...."

Does it not testify to the fact that from the very first days of the enforcing of Frank's decree, it merely served to mask mass executions of hostages?

BÜHLER: No.

MR. COUNSELLOR SMIRNOV: Then to what does it testify if, for each slain German, 10 Poles entirely unconnected with the crime were to be executed in accordance with these so-called "verdicts"?

BÜHLER: In my opinion it testifies that 10 Poles would be shot who had committed crimes punishable by death, and who had been sentenced to death.

MR. COUNSELLOR SMIRNOV: For each German killed?

BÜHLER: It is possible that these Poles were called hostages. That is possible.

MR. COUNSELLOR SMIRNOV: That means that the decree camouflaged the system of taking hostages?

BÜHLER: No, it was rather that real shootings of hostages no longer occurred. Real shootings of hostages occur when people who are not criminals, who are innocent, are shot because of an act committed by someone else.

THE PRESIDENT: Do you think this will be a convenient time to break off?

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: The Tribunal has heard with the deepest regret of the death of Chief Justice Harlan F. Stone of the Supreme Court of the United States of America. His loss will be most deeply felt in America, where he had proved himself to be a great public servant. But it is fitting that this Tribunal, upon which the representatives of the United States sit, should express its sympathy with the American people in their great loss.

After serving as Dean of the Law School of Columbia University he was appointed Attorney General of the United States in 1923, and two years later he became Associate Justice of the Supreme Court. In 1941 he became Chief Justice and discharged the duties of that high office with great ability and in accordance with the highest traditions.

The Tribunal desires that I should express its sympathy in acknowledgement of the great loss the American people have sustained.

Mr. Justice Jackson, the Chief Prosecutor of the United States, is a member of the Supreme Court over which the Chief Justice presided, and perhaps he would like to add a few words.

MR. JUSTICE ROBERT H. JACKSON (Chief of Counsel for the United States): May it please the Tribunal: It is not only because he was the head of the judicial system of the United States that the news of the passing of Chief Justice Stone brings sadness to every American heart in Nuremberg, but because he was the personal friend of so many of us. He had a rare capacity for personal friendship. No one was more kind to, and thoughtful of, the younger men who from time to time came to Washington; and they found in him a guide, philosopher, and friend.

Now, I know that not only do I feel the loss of a personal friend but that the American representatives on the Tribunal, Mr. Biddle and Judge Parker, feel the same way, and many of the younger men on the staff had intimate contact with the Chief Justice which you might not expect if you had not known Harlan Stone.

As Attorney General he took over the Department of Justice at one of its most difficult periods and imparted to it the impress of his integrity, an impress which stayed with it and was traditional in the department, as we well know.

As a Justice of the Court he was a forward-looking man, open-minded, always patient to hear the arguments of both sides and to arrive at his decision with that complete disinterestedness and detachment which is characteristic of the just judge. He presided with great fairness and with kindness to his associates and to those who appeared before him.

It is the passing of a man who exemplified in public life those sturdy qualities which we have come to associate with the New Englander.

The consolation of his friends lies in this: He died exactly as he would have chosen to die, in full possession of his faculties and in the discharge of his duties.

I express great appreciation that this Tribunal has seen fit to take note of his passing and to allow us to record on behalf of the American Bar our appreciation of his talents and character.

THE PRESIDENT: Colonel Smirnov.

MR. COUNSELLOR SMIRNOV: Mr. President, before proceeding to a further examination of the witness, I feel that I ought to make the following statement:

During the examination of the witness by counsel for the defense Dr. Seidl, the former stated that the document, which is an official appendix to the report of the Government of the Polish Republic, was a forgery. This document sets out the losses suffered by the Polish Republic in objects of cultural value. The Soviet Prosecution does not wish to enter into any controversies on the subject, but it does request the Tribunal to note that this is an official appendix to the report of the Government of the Polish Republic, and that it considers the statement of the witness as libellous.

THE PRESIDENT: [*To the witness.*] Did you say anything then?

BÜHLER: I was going to say that it was a document that contained a list of art treasures.

THE PRESIDENT: Is that the document, Colonel Smirnov, a document which contains a list of art treasures?

BÜHLER: No, I do not mean that.

MR. COUNSELLOR SMIRNOV: No, Mr. President. It is a list of losses in cultural treasures. It is a list of libraries and of the losses suffered by these libraries during the reign of the Germans in Poland.

THE PRESIDENT: It is USSR-93, is it not, the document you are referring to?

MR. COUNSELLOR SMIRNOV: It is an appendix to the Document Number USSR-93, an official report by the Polish Government.

THE PRESIDENT: Yes, it deals with certain directives. That was the evidence that was given this morning.

MR. COUNSELLOR SMIRNOV: No, Mr. President. This is a list of losses sustained. It is an official appendix to the report of the Polish Government. It contains no directives, but it does state the sum total of the losses sustained by the public libraries in Poland.

THE PRESIDENT: *[To the witness.]* Is there anything you want to say about it?

BÜHLER: Yes. I do not think the description just given applies to the document which I had in mind. The document which I question contains directives regarding German cultural policy in the Government General. It does not deal with art treasures or details of library property.

THE PRESIDENT: Yes. What I took that you said this morning was that the directives which you thought were referred to in the document did not appear to have been made, or at any rate you had not heard of them, and you thought they might be forgeries.

BÜHLER: I questioned the document.

THE PRESIDENT: The Tribunal will consider the document.

MR. COUNSELLOR SMIRNOV: May I proceed to the next question?

THE PRESIDENT: Yes.

MR. COUNSELLOR SMIRNOV: You state that you personally, as well as the administration of the Government General, had no close connection with the activities of the Police. Have I understood you correctly?

BÜHLER: May I hear that question again, please?

MR. COUNSELLOR SMIRNOV: You declare that neither you personally nor the administration of the Government General were in any way closely connected with the activities of the Police. Have I understood you correctly?

BÜHLER: We had daily contact with the Police, but we had differences of opinion. Moreover, the Police were not under my jurisdiction; the Chief of Police was in no way under my orders.

MR. COUNSELLOR SMIRNOV: In that case the Police did not come within your competence?

BÜHLER: No, it was not one of my duties.

MR. COUNSELLOR SMIRNOV: How then can you explain that no one but you carried out successful negotiations with the Police for the exploitation of the property of Jews executed in the concentration camps? Do you remember these negotiations?

BÜHLER: I did not quite understand you.

MR. COUNSELLOR SMIRNOV: I ask you: If you had no direct relations with the Police, how can you explain the fact that you, and none other but you, were the person who carried out successful negotiations with the Police for the exploitation of property belonging to Jews murdered in the concentration camps? Do you remember these negotiations with the Police?

BÜHLER: I do not remember any such negotiations, and I could not have conducted them. In any case the Administration was the department which, by order of the Four Year Plan, had to effect the confiscation of Jewish property.

MR. COUNSELLOR SMIRNOV: Mr. President, have I your permission to submit a document handed to us by the American Prosecution, Document Number 2819-PS? It is a directive issued by the Administration of the Economic Department of the Government General and addressed to the Governors of Warsaw, Radom, Lublin, and Galicia. May I submit this document?

I quote the following from the text of this document:

"Subject: Transfer of Jewish movable property from the SS to the Government.

"I inform you herewith that on 21 February 1944, in the presence of various departmental directors, an agreement was reached by State Secretary Dr. Bühler and the Higher SS and Police Leader, Obergruppenführer Koppe, that movable Jewish property, insofar as it is, or will be in the future, in storehouses, will be placed at the disposal of the Government by the SS. In execution of the agreement arrived at I have ordered that the taking over of the goods stored in the various SS depots shall take place in the shortest possible time. Goods deriving from confiscation and safeguarding have likewise been turned over to me by the commander of the Security Police and the Security Service. Please get in touch with the local SS and Police Leader in order to come to an understanding...."

Here I interrupt the quotation. After this, Witness, do you still insist that you had no relations with the Police?

BÜHLER: I was in touch with the Police daily in my work, I do not want to deny that for a moment; but I had no right to give orders to the Police.

MR. COUNSELLOR SMIRNOV: In any case the property of Jews murdered in the concentration camps of Poland was, as a result of your negotiations, transferred to warehouses in the Government General?

BÜHLER: That is not correct. The property mentioned was not that which proceeded from Jews who were killed, but simply property which came from Jews and which was removed by the Police after having been converted through the administration department in the regular way.

MR. COUNSELLOR SMIRNOV: But could the Security Police or the SD be in possession of property belonging to Jews who were not murdered?

BÜHLER: Why not? Right from the beginning the Police had taken over Jewish problems, and therefore also came into possession of their property in this manner.

MR. COUNSELLOR SMIRNOV: But did the Auschwitz depot in Chopin Street also keep the property of Jews who had not been murdered? Of Jews who were still alive?

BÜHLER: The depots which have been mentioned here are not to be interpreted as being concentration camps, but as depots where goods were stored.

MR. COUNSELLOR SMIRNOV: What other depots were there for storing the movable property of Jews besides those in the concentration camps?

BÜHLER: I do not know what things looked like in concentration camps, as I have never entered or seen one; but that the Police took possession of movable Jewish property is something I was certainly told about by the director of my trustee department.

MR. COUNSELLOR SMIRNOV: I ask you this: In 1944 when the machines of destruction were working at top speed at Auschwitz and Maidanek, what depots or warehouses existed for the storage of Jewish movable property besides those which stored the movable property of Jews executed in concentration camps? Do you know of any other warehouses and where they were located?

BÜHLER: The Jews were deprived of their property on the spot. I have never assumed that Jewish property was to be found in concentration camps. I did not know anything at all about these camps. Where the Police took that movable property was not clear to me, but depots must have existed.

MR. COUNSELLOR SMIRNOV: I would draw your attention to the date—21 February 1944. At that time were there any Jews still alive in Poland, or were the Jewish ghettos already quite empty?

BÜHLER: The Jewish ghettos were empty, but there were still some Jews; I know that because they were being used in one way or another in the armament industry. Jewish property could not have been removed from the territory, it must have been somewhere in the Government General, very probably near the ghettos or wherever else the evacuation of Jews took place. And this telegram, I repeat, does not concern stores which were in concentration camps; they were everywhere. Every place had property stored somewhere which originated from the resettlement of the Jews.

MR. COUNSELLOR SMIRNOV: Then the Jewish ghettos were already empty. In that case, what happened to the Jews from Poland?

BÜHLER: When these Jewish ghettos were emptied, I assumed they were resettled in the northeast of Europe. The chief of the RSHA had definitely told me at the conference in February 1942 that this was the intention.

MR. COUNSELLOR SMIRNOV: On the 21 February 1944 the front line ran through the Government General. How and where could the Jews have been transferred to the northeast?

BÜHLER: According to the conference this was to have taken place in 1942.

MR. COUNSELLOR SMIRNOV: The document is dated 1944, 21 February 1944.

I pass on to the next question. Tell me, does not the fact that the police chiefs attended all the conferences at the headquarters of the Governor General and that the Governor General arranged for special conferences to be held dealing exclusively with police matters indicate that the very closest relations existed between the administration department of the Governor General and the Gestapo?

BÜHLER: I have already mentioned at the beginning that the view of the Governor General was that he should have jurisdiction over the Police. This is the reason why the Governor General repeatedly called the Police for discussions around the conference table. But that did not prevent the Police from going their own way and using methods of their own.

MR. COUNSELLOR SMIRNOV: But were no conferences held by the Governor General for dealing directly and exclusively with police problems, and with police problems only?

BÜHLER: Yes, from time to time.

MR. COUNSELLOR SMIRNOV: Very well. Then will you tell me who took Krüger's place when he was removed from his post as Chief of Police?

BÜHLER: As far as I can remember Krüger was removed from his post in Kraków in November 1943 and was replaced by Obergruppenführer Koppe.

MR. COUNSELLOR SMIRNOV: What were your personal relations with Koppe?

BÜHLER: The relationship with the Police under Krüger had always been hostile, and whenever the administration department had any wish that involved police jurisdiction, such wishes had always been frustrated by Krüger; therefore, after Krüger had left Kraków I tried to establish a comradely relationship with the new Higher SS and Police Leader, so that in this manner I could influence the work of the Police and the methods employed by them.

MR. COUNSELLOR SMIRNOV: Could you answer briefly: What exactly were your personal relations with Koppe? Were they good or bad?

BÜHLER: They were comradely.

MR. COUNSELLOR SMIRNOV: I should like to show you one document. You, Mr. President, will find the passage on Page 38, Paragraph 2, of the English translation. I am reading the passage into the record. It is a statement made by Frank to Himmler at the conference with Himmler on the 12 February 1944:

"Immediately after the exchange of greetings, Reichsführer SS Himmler entered into conversation with me and SS Obergruppenführer Koppe. The Reichsführer asked me right at the beginning how I was co-operating with the new Secretary of State for Security, SS Obergruppenführer Koppe. I expressed my deep satisfaction at the fact that between myself and SS Obergruppenführer Koppe, as well as between him and State Secretary Dr. Bühler, there existed extraordinarily good relations of friendly co-operation." (Document Number 2233-PS.)

Does that statement by Frank correspond to the fact, Witness?

BÜHLER: At that time Koppe had been in the Government General only a few weeks. This statement confirms just what I said here at the beginning, namely, that after Krüger had been replaced by Koppe I tried through comradely relations with Koppe to gain influence over the police powers in the Government General. Thus there had been no friction up to that time.

MR. COUNSELLOR SMIRNOV: And between Koppe and Dr. Bühler, that is, between Koppe and yourself, there existed the most comradely collaboration; is that correct?

BÜHLER: I repeat, my relations with Koppe were comradely. Apart from that, the problems with which we had to deal brought me into daily contact with Koppe. For instance, there was this question of Jewish property. One could not possibly have discussed such a question with Krüger, as he held the view that all Jewish property belonged to the SS.

MR. COUNSELLOR SMIRNOV: When Koppe took over the post of Chief of Police, was there any change with regard to the Polish population? Did the police measures become less severe? Did they become less repressive with Koppe's arrival?

BÜHLER: I believe they were milder.

MR. COUNSELLOR SMIRNOV: I would like you to follow the minutes of one particular administrative conference of the 16 December 1943, held at Kraków.

Please show the witness the original.

Incidentally, is that your signature on the list of those present? On Page 154.

BÜHLER: Government meeting, 16 December 1943? Yes, I signed that; that is right.

MR. COUNSELLOR SMIRNOV: Tell me, do you remember who Ohlenbusch was?

BÜHLER: Ohlenbusch was the President of the Department of Propaganda.

MR. COUNSELLOR SMIRNOV: Was he in any way connected with the Police or with the administration?

BÜHLER: Ohlenbusch participated in the government meetings, at which the Police were also present as a rule.

MR. COUNSELLOR SMIRNOV: But he himself, in his own function, did he have any connection with the Police or not?

BÜHLER: As a state official and head of a government department he did, of course, have connections with the Police, official connections.

MR. COUNSELLOR SMIRNOV: But he was an official of the civilian administration of your organization?

BÜHLER: Yes, of course. As far as his official position was concerned, he was subordinate to me.

MR. COUNSELLOR SMIRNOV: I am reading into the record a short extract from Page 176. Your Honors will find it on Page 33 of our document book, Paragraph 3, Ohlenbusch's speech:

"It would be well to consider whether, for reasons of expediency, one should not, as far as possible, carry out executions on the spot where the attempt upon the life of a German took place. One ought, perhaps, also to consider whether special execution sites should not be created for this purpose, for it has been confirmed that the Polish population streamed to the execution grounds, which were accessible to all, in order to put the blood-soaked earth into containers and take them to the church." (Document Number 2233-PS.)

Do you not consider this question a purely police question?

BÜHLER: It does not mention buckets of blood in my translation. It says containers. I do not think that the blood could be carried away in buckets.

MR. COUNSELLOR SMIRNOV: We are talking here about containers into which the blood-soaked soil was placed. Do you not consider that the question of organizing secret execution grounds was purely a matter for the Police?

BÜHLER: I am of the same opinion. For this reason this matter was by no means approved of. But perhaps I may add that at the same time German pedestrians in Kraków and Warsaw were being shot in the back daily, without any reason, and that this affair was due to the excitement which . . .

MR. COUNSELLOR SMIRNOV: I am asking you about something else, Witness. Do you not consider the fact that this question was discussed at the initiative of Ohlenbusch as positive proof that even the petty officials in the civilian administration interfered in police matters and were in direct contact with the Police?

BÜHLER: No, I would not say so. This was not suggested as a police measure. It arose from the threat under which all Germans lived at that stage of the occupation.

MR. COUNSELLOR SMIRNOV: This question of secret execution grounds—did it arise on Ohlenbusch's initiative? I trust you are not going to deny this.

BÜHLER: What do you mean by this question?

MR. COUNSELLOR SMIRNOV: Did it arise on—was it provoked by the initiative of Ohlenbusch? You are not going to deny it?

BÜHLER: I do not know whether this was discussed at all. In my opinion there was not . . .

MR. COUNSELLOR SMIRNOV: The typewritten report of that conference is before you, and you were present at that conference.

BÜHLER: Yes, there are statements made by Ohlenbusch, if I am not mistaken. Yes, it mentions "President Ohlenbusch" here. That is right.

MR. COUNSELLOR SMIRNOV: I shall proceed to the next question. Did SS Obergruppenführer Koppe not report on the subject at all during the conference? I will quote a brief excerpt which Your Honors will find on Page 34, Paragraph 2. It is on Page 180 of your document book.

"... For the railway outrage 150 and for the two German officials, 50 Polish terrorists were executed either on the spot or in the immediate vicinity. It must be remembered that the shooting of 200 people affects at least 3,000 (nearest relatives)..." (Document Number 2288-PS.)

Do you not consider this as evidence that with the arrival of Koppe the same savage measures of repression were used against the people of Poland?

BÜHLER: Inasmuch as this mentions the shooting of 150 and 50 people this obviously concerns the shooting of hostages, which never did have the approval of the Governor General or my approval.

If I have nevertheless stated that in its entirety Koppe's regime appeared milder to me, then I must stand by that statement of mine.

MR. COUNSELLOR SMIRNOV: Does this mean that the hostage system did not meet either with your approval or with the approval of the Governor General; is that correct?

BÜHLER: It did not have my approval, and I do not think it had the approval of the Governor General.

MR. COUNSELLOR SMIRNOV: Will you please look at Page 185 of the document in your possession. I begin with the quotation:

"The Governor General expressed his gratitude and recognition to SS Obergruppenführer Koppe for his effective work and spoke of his satisfaction that an expert with such high qualifications should be at the head of the police organization in the Government General. He promised SS Obergruppenführer Koppe the active co-operation of all offices in the Government General and expressed his best wishes for the success of his work." (Document Number 2233-PS.)

How are we to interpret this statement in the light of your previous answer?

BÜHLER: This statement of the Governor General does not apply to these 50 and 150 people. It applies to the work in its entirety which was to be done by Koppe in the Government General. And one of the principles that was to be applied to that work—which I helped bring about—was that shootings of hostages were to cease. It is quite possible that in this case that principle had not yet been applied.

MR. COUNSELLOR SMIRNOV: Would you please wait one minute. Just before this you read Koppe's report on the shooting of the hostages, Page 180. And after that the Governor General expressed his approval. This means that it was precisely this activity of Koppe's that the Governor General had approved?

BÜHLER: Well, this was not the only statement made by Koppe. The statement of the Governor General was in reference to all the statements made by Koppe, and not to detached portions.

MR. COUNSELLOR SMIRNOV: Very well. In that case he also approved, among other things, of this statement, that is to say, this report.

BÜHLER: But I know that the Governor General, together with me, was exerting pressure on Koppe in order to stop the shooting of hostages.

MR. COUNSELLOR SMIRNOV: Will you kindly inform me who, while Krüger was still Chief of Police, issued instructions for the

shooting of one male inhabitant from each house which displayed a poster announcing a Polish national holiday?

BÜHLER: That is unknown to me.

MR. COUNSELLOR SMIRNOV: I ask to have the corresponding document submitted to you. It is in the document book, on Page 1, Paragraph 7:

"The Governor General received District Chief, Dr. Waechter, who reported on the appearance in some districts of inflammatory posters on the occasion of the 11 November (the Polish Day of Liberation). The Governor General ordered that from every house where a poster remains exhibited one male inhabitant is to be shot. This order is to be carried out by the Chief of Police. Dr. Waechter has taken 120 hostages in Kraków as a precautionary measure."

Do you remember that? Who then introduced this criminal practice of taking hostages?

BÜHLER: Are you trying to say that I was present during that conference?

MR. COUNSELLOR SMIRNOV: I should like to ask you about something else.

BÜHLER: Please, will you answer my question? Was I there or was I not?

MR. COUNSELLOR SMIRNOV: I am not obliged to answer your question. It is you, Witness, who have to answer mine. It is I who am interrogating you, not you who are examining me. Kindly answer the next question. You resided in Kraków. Acting on Frank's orders, Dr. Waechter, as a precautionary measure, detained 120 hostages. Do you wish to say that you knew nothing about this either?

BÜHLER: I know nothing about this measure; nor is it known to me that hostages were shot.

MR. COUNSELLOR SMIRNOV: Please answer the following question. Have I understood you correctly—did you state today that there was no famine in Poland?

BÜHLER: Yes, there was no famine in Poland.

MR. COUNSELLOR SMIRNOV: I am asking you to be shown the speech of Dr. Bühler, State Secretary—that obviously means you—at a meeting on the 31 May 1943, in Kraków. I begin the quotation:

"...The Government of the Government General has for a long time been clear on the point that the scale of food rations allowed to non-Germans cannot be continued any

longer without the population taking matters into its own hands or being driven to insurrection... The difficulties of the food situation, which naturally have a bad effect on the morale of the population, the enormous rise in prices, the exaggerated and narrow-minded salary and wage policy, have driven part of the Polish population to despair." (Document Number 2233-PS.)

Did you say that?

BÜHLER: I could follow the first part, but I could not find the last sentence.

MR. COUNSELLOR SMIRNOV: Would you kindly follow the text. In the text you will find both the first part and the last sentence: "... have driven part of the Polish population to despair." Please study the text.

BÜHLER: Where does it say so, please? Would you show it to me?

[The text was indicated to the witness.]

I made these statements, and...

MR. COUNSELLOR SMIRNOV: Then I also have the following question to ask you. Do you not think that your announcement in 1943 bears witness to the fact that you have today testified falsely before the Tribunal?

BÜHLER: No; no. What I meant by my statement was that the population would take things into its own hands. When for instance a worker remained away from his place of work for 3 days to go in search of food, this was considered by me to be a desperate step on the part of the worker.

However, I said this morning that it was very difficult for the population to obtain the necessary food supplies but that it was not impossible, so that I did not notice famine at all in the Government General.

And please may I ask you to consider that 80 percent of the population of the Government General were country people, so that there could be no famine on a large scale unless the country-side had been completely despoiled, and that was not the case.

MR. COUNSELLOR SMIRNOV: You stated that as a result of the food quotas established in the Government General a revolt might arise, and you said that the population was driven to despair by hunger. Is that not evidence that a famine was raging in the country?

BÜHLER: By "revolt" I meant "unrest," not an armed uprising. It is quite clear that morale and the will to work did suffer by reason of the insufficient rations. I stated this morning how it was that adequate provisioning of the population could not be carried

out. On the other hand, however, there was such a widespread free market and black market that even the worker, if he had sufficient time, could obtain food; and if he did not have time, he took it. That was what I meant by the workers taking things in their own hands.

MR. COUNSELLOR SMIRNOV: Please, answer this question. Were only such educational possibilities left to the Poles as would—according to the plan of Frank and Goebbels—merely emphasize the hopeless destiny of their nation?

BÜHLER: Efforts to keep down the level of education of the Polish population were noticeable. These tendencies originated from Himmler in Berlin.

MR. COUNSELLOR SMIRNOV: I would like you to answer: What was done with the Polish universities?

BÜHLER: They were closed and they were not reopened. However, technical courses were arranged in Warsaw and in Lvov in which these people received university education; but, to be sure, these courses had to be closed by demand of the Reich.

MR. COUNSELLOR SMIRNOV: Perhaps you will recollect under whose signature the decree was issued to close the universities. Perhaps you will recognize this signature? It is an official report.

BÜHLER: The decree regarding the appointment of university trustees was signed by the Governor General in November 1940.

MR. COUNSELLOR SMIRNOV: Will you please tell me whether technical schools only were left in Poland?

BÜHLER: Not technical schools alone remained open; there were, for instance, commercial schools, and the attendance there was very large. Apart from that, there were craft schools and elementary schools, which were set up on a large scale.

MR. COUNSELLOR SMIRNOV: In other words, only those schools were left which trained artisans, and petty commercial clerks and tradesmen?

BÜHLER: Whether only petty or also more important traders attended them I do not know. At any rate commercial schools were permitted.

MR. COUNSELLOR SMIRNOV: I should like to know on whose initiative the royal palace at Warsaw was destroyed?

BÜHLER: I do not know for certain. I heard once that it had been the Führer's wish that the castle in Warsaw, which was heavily damaged, should be razed to the ground.

MR. COUNSELLOR SMIRNOV: And by whose personal order was this castle, the royal castle of Warsaw destroyed?

BÜHLER: I do not know whether it was blown up; that I do not know.

MR. COUNSELLOR SMIRNOV: Yes. It was destroyed. Who ordered it to be destroyed, do you know?

BÜHLER: I do not know.

MR. COUNSELLOR SMIRNOV: You do not know?

BÜHLER: No.

MR. COUNSELLOR SMIRNOV: The quotation which I want to read to you is on Page 1 of the translation of the document submitted by us to the Tribunal. It is a very short quotation. I shall proceed to read it into the record:

"...The Führer discussed the general situation with the Governor General and he approved of the work of the Governor General in Poland, especially the pulling down of the palace at Warsaw and the intention not to reconstruct the city..."

Was it not true that the palace in Warsaw was destroyed by order of Frank?

BÜHLER: It is not known to me that the castle was destroyed. As far as I know there was at one time a project to pull it down, but the plan was abandoned.

MR. COUNSELLOR SMIRNOV: Tell me, please, was it not in your presence that the Defendant Frank on 21 April 1940 issued an order to apply police measures during the so-called recruitment of labor.

BÜHLER: I should have to see the minutes. I cannot remember it offhand.

[The document was handed to the witness.]

MR. COUNSELLOR SMIRNOV: The place which I should like to quote is on Page 46 of the document, the last paragraph. I quote:

"Discussion with State Secretary Dr. Bühler, SS Obergruppenführer Krüger, and Dr. Frauendorfer in the presence of Reich Minister Dr. Seyss-Inquart.

"Subject of discussion is the deportation of workers, especially agricultural workers, to the Reich.

"The Governor General stated that, as all methods in the way of appeals, *et cetera*, had been unsuccessful, one was now obliged to come to the conclusion that the Poles evaded this duty of work either out of malice, or with the intention of doing Germany indirect harm by not placing themselves at her disposal. He therefore asked Dr. Frauendorfer whether

there were any measures left which had not yet been taken to win the Poles over voluntarily.

"Reichshauptamtsleiter Dr. Frauendorfer answered this question in the negative.

"The Governor General stated emphatically that a final decision was now required of him. The question now was whether one would not have to resort to some form of coercive measure."

Was that not an order to apply coercive measures when recruiting labor?

BÜHLER: I will not contradict the statement, as I have seen the minutes. It is one of the utterances of the Governor General which, I believe, were not altogether made voluntarily but which in no way altered the course which I took on this question.

MR. COUNSELLOR SMIRNOV: Please answer the following question: Were you present at a discussion with Sauckel on 18 August 1942, and was it in your presence that Frank told Sauckel that he—as he put it—"joyfully" informed him that he had shipped a fresh convoy of workers to the Reich with the help of the Police.

BÜHLER: Together with my departmental heads who dealt with the recruitment of workers I had a conference with Reich Commissioner Sauckel before the visit to the Governor General took place. I cannot now remember whether I was present when Reich Commissioner Sauckel visited the Governor General. I ask to see the minutes.

MR. COUNSELLOR SMIRNOV: Please show the defendant, I mean the witness, the passage.

[The document was handed to the witness.]

I will now read into the record two short passages on Pages 918 and 920. Doctor Frank says:

"I am very glad that I can inform you officially that up to this date we have sent to Germany over 800,000 workers. Only a short time ago you asked for another 140,000. I am happy to inform you officially that, in accordance with our agreement of yesterday, 60 percent of these newly requested workers will be sent by the end of October, and the other 40 percent will be dispatched to the Reich by the end of the year."

Then I will ask you to pass on to Page 120. There is only one other sentence I want to quote:

"Besides the 140,000, you can count on a further number of workers from the Government General during the coming year, for we will use the Police to get them."

Does that not imply the use of Draconian police methods in the so-called recruiting of manpower?

BÜHLER: I do not recollect that I was present on that occasion, so I can in no way confirm whether that was said in this way.

MR. COUNSELLOR SMIRNOV: Mr. President, I have no more questions to put to the witness.

THE PRESIDENT: [*To Dr. Seidl.*] Do you want to re-examine?

DR. SEIDL: I have a few more questions to ask the witness.

First of all, I should like to clarify a misunderstanding which seems to have arisen. The question which I put to the witness in connection with Document Number USSR-93 referred only to Appendix 1, which has the title "Cultural Life in Poland." That appendix deals with directives regarding cultural policies which the administration of the Government General was supposed to have issued, and the way I understood the witness was that he only wanted to answer that particular question and not refer to the other appendices, such as, for instance, those dealing with confiscated art treasures.

Perhaps it would have been better if he had not used the word "forged." At any rate, he wanted to say that he did not know the directives in question.

[*Turning to the witness.*] Witness, is it correct that by far the greater number of Polish workers who were brought to the Reich were volunteers?

BÜHLER: May I, first of all, say that I by no means wished to accuse the Prosecution of committing a forgery. I merely wanted to point out that possibly they were using a forged document. I did not want to accuse the Prosecution itself of a forgery.

Now, regarding the question put by defense counsel, I want to say that according to my observations by far the greater number of all the workers from the Government General went to the Reich voluntarily.

DR. SEIDL: So as to assist your memory, I am going to read a short quotation from the diary, which deals with the recruiting of workers.

On 4 March 1940 the Governor General addressed a meeting of the town mayors of the Lublin district and stated the following regarding the recruitment of workers:

"He rejected the issue of a new decree, as demanded by Berlin, containing particular coercive measures and threats of punishment. Measures which attract attention abroad should be avoided. The forcible transport of people had every argument against it."

Does that conception reflect the true views of the Governor General?

BÜHLER: I was not present during that conference, so I did not hear that utterance by the Governor General, but it does tally with those instructions and principles which the Governor General gave to me and which I have always resolutely observed and carried out.

DR. SEIDL: Were you present during a conference on 14 January 1944—I see you were there—it was a conference with the State Secretary Dr. Bühler, Dr. Koppe, and several others. I quote from it:

“The Governor General resolutely opposes the employment of Police for carrying out such measures. Such a task is not a matter for the Police.”

Is it correct that the Governor General repeatedly opposed the use of Police in connection with the recruiting of workers?

BÜHLER: That was not the only occasion. The deputy of Reich Commissioner Sauckel was often attacked by him during public meetings when he talked about raids for recruiting workers; but I must state that Sauckel's deputy always declared that it was not he who had given instructions for these raids.

DR. SEIDL: The first quotation which the prosecutor submitted to you was an entry dated 25 January 1943. He asked you whether you regarded yourself as a war criminal. I shall now put to you another passage from that conference, at which you yourself were present. I quote from Page 7 of that entry in the diary. The Governor General stated:

“State Secretary Krüger, you know that orders of the Reichsführer SS can be carried out by you only after you have spoken with me. This was omitted in this instance. I express my regret that you have carried out an order from the Reichsführer without first informing me, in accordance with the orders of the Führer. According to that order, instructions of the Reichsführer SS may be carried out here in the Government General only after I have previously given my approval. I hope that this is the last time that that is overlooked; because I do not want to trouble the Führer about every single case of this kind.” (Document Number 2233-PS.)

I shall skip a sentence and continue to quote:

“It is not possible for us to disregard Führer orders, and it is out of the question that in the sphere of police and security direct orders from the Reichsführer should be carried out over the head of the man who has been appointed here by the Führer; otherwise I should be completely superfluous.”

I now ask you, is it correct that there were very frequently such disputes between the Governor General and the Higher SS Police Leader Krüger, and that the Governor General terminated these disputes by asking for cooperation, so that some sort of administration could function in this territory?

BÜHLER: Yes, that is correct, such disputes were our daily bread.

DR. SEIDL: The Prosecution has also submitted to you another exhibit, USSR-335 (Document Number USSR-335), the Court-Martial Decree, dated October 1943. I now ask you what the security situation was like in the Government General then, and would it have been at all possible at that time to control the situation with normal criminal procedure?

THE PRESIDENT: Doctor Seidl, has that not already been dealt with very fully in his examination in chief?

DR. SEIDL: I forego having this question answered again. Now one last question, which refers to art treasures.

Is it correct that a portion of the art treasures which were found in the region of Upper Silesia were taken to the last official residence of the Governor General at Neuhaus to be safeguarded, and that the Governor General gave you instructions to prepare a list of these articles and send it to Reich Minister Lammers?

BÜHLER: The Governor General dictated a report to Reich Minister Lammers about the transfer of 20 of the most outstanding art treasures from the property of the Polish State. I was present when it was dictated and I took that report personally to State Secretary Kritzinger in Berlin. It was stated therein that these art treasures, so as to save them from the Russians, had been taken from Seichau, or whatever the place is called, to Schliersee. These art treasures were left unguarded in the official residence of the Governor General.

DR. SEIDL: I have no further questions to put to the witness.

THE PRESIDENT: The witness can retire.

DR. SEIDL: I have now completed the examination of witnesses, but as the document books have not yet been bound, I would like to suggest that at some later stage, perhaps after the case of Frick, I could submit these document books.

THE PRESIDENT: Dr. Seidl, how many books are you presenting?

DR. SEIDL: A total of five volumes, but I myself have not received them yet.

THE PRESIDENT: Has the Tribunal approved the documents in five volumes?

DR. SEIDL: They are almost entirely documents which have already been submitted by the Prosecution and an agreement has been reached with the Prosecution regarding the documents.

THE PRESIDENT: Well, then, we need not wait now for the document books. The document books will be considered by the Tribunal when they are put in and then, if you have anything in particular you want to say upon them in explanation, you may do so.

DR. SEIDL: Very well.

THE PRESIDENT: No doubt you will comment upon them in your final speech. You say that they are mostly documents which have already been put in, and therefore it would not be necessary to make any preliminary comment upon them. You will be able to deal with them in your final speech.

DR. SEIDL: But I should have liked to quote a few passages during my submission of evidence, since this is necessary to establish the connection, and as it would be impossible to do all that during my final speech; but I do not think that too much time will be lost through that.

THE PRESIDENT: Very well, Dr. Seidl, it would not be very useful to the Tribunal for you to make a commentary upon the documents at a later stage, when your witnesses have been finished and somebody else's—some other defendant's—witnesses have been interpolated; therefore, the Tribunal thinks it will be much better and much more convenient to the Tribunal if you defer your comments on the documents until your final speech.

Well, Dr. Seidl, as I understand, you have two books which are before us now. Three is it?

DR. SEIDL: There is a total of five books. The other three do not appear to have been bound.

THE PRESIDENT: Yes, but you say that most of the documents in them are documents which are already in evidence.

DR. SEIDL: The diary of the Defendant Dr. Frank, which contains 42 volumes, has been submitted, but the Prosecution has used only those parts which appeared favorable for them. In my opinion it is, therefore, necessary that the connections should to some extent be re-established during the submission of evidence. Also, there are other documents in the document book which I believe should be read, at least in extract, before this Tribunal, but I shall, of course, limit myself to the absolutely necessary passages when I read the documents. I should like to suggest to the Tribunal that the matter be handled as it was in the case of the Defendant Von Ribbentrop, so that I submit the individual documents to the Tribunal as exhibits. There are several speeches by the Defendant

Frank, there are decrees and legal regulations, there are two affidavits, and I really think that somehow an opinion with regard to them should be given during the submission of evidence; and, besides, individual documents will have to be given exhibit numbers. Up to now only one document has been submitted as evidence on behalf of the Defendant Frank, and that is the affidavit of the witness Dr. Bühler; but I have the intention of bringing a whole series of further documents formally to the notice of the Tribunal and would like to postpone that only because the Tribunal has not yet received the bound document books.

THE PRESIDENT: When will these other books be ready, Dr. Seidl?

DR. SEIDL: I was told that they would be completed by this evening.

THE PRESIDENT: How long do you think you will take in dealing with these books?

DR. SEIDL: I think that two hours will be enough.

THE PRESIDENT: Well, the Tribunal will adjourn now.

[A recess was taken.]

THE PRESIDENT: Dr. Seidl, the Tribunal would like you to deal with your documents now, and insofar as they are documents which have already been put in evidence, unless you wish to refer to other passages in them, they think that you need only tell us what the documents are and put them in evidence, unless it is very important to you to refer to any particular document. So far as they are new documents, you will, no doubt, offer them in evidence and make such short comments as you think necessary. But the Tribunal hopes that you will be able to finish this afternoon. With reference to the other books that you have, we understand that you have all the documents in German yourself, and therefore you can refer us to those documents now.

DR. SEIDL: Mr. President, upon the wish of the Prosecution and also, I believe, of the Tribunal, I have reduced the original bulk of my document books considerably. The first five document books, as I had had them prepared, contained more than eight hundred pages. The new form is considerably shorter; but I have not received the German text of the new form, so that I am not in a position just now to give the number of pages to the Tribunal or to co-ordinate my page numbers with the numbered pages of the translations. If I may express a wish, it is that we should first wait until the five document books in their new form are available, because

otherwise it is very likely that the numbering of the pages would not correspond to the numbering of the individual documents as exactly as might be desired.

THE PRESIDENT: The Tribunal thinks it best that you should begin now with the first three volumes. We have them here.

DR. SEIDL: If the Tribunal has the first three volumes, then I will begin. I begin with Volume I. The first document on Page 1 is the decree of the Führer and Reich Chancellor, dated 12 October 1939, concerning the administration of the occupied Polish territories. This decree defines in detail the authority of the Governor General. In Paragraphs 5 and 6 some of the limitations to the authority of the Governor General are included, which the witnesses Dr. Lammers and Dr. Bühler have already pointed out. This document bears the number 2537-PS and it will be Exhibit Frank-2.

I pass to Page 3 of the document book. This document is the decree of the Führer concerning the establishment of a State Secretariat for Security in the Government General, dated 7 May 1942. I quote Paragraph 2:

"The State Secretary for Security serves at the same time as deputy of the Reichsführer SS in his capacity as Reich Commissioner for the Preservation of German Nationality."

On Page 4 I quote Paragraph IV:

"The Reichsführer SS and Chief of the German Police is authorized to give the State Secretary for Security direct instructions in the province of security and the preservation of German Nationality."

This document will be Exhibit Frank-3 (Document Number Frank-3).

Following the decree of the Führer of 7 May 1942 comes the decree for the transfer of authority to the State Secretary for Security, of 23 June 1942. I do not know whether that decree is already bound in that volume. Apparently that decree, which was added later, has not yet been translated.

THE PRESIDENT: What is the date?

DR. SEIDL: 23 June 1942.

THE PRESIDENT: We have one of 27 May 1942.

DR. SEIDL: That decree apparently has not yet been translated because it was added afterwards, and I will put it in the document book later. It will be Document Frank-4. In Paragraph 1 of that decree, we find, "The jurisdictions of the administrative and creative branches of the Police referred to in appendices A and B are now transferred to the State Secretary for Security." In Appendix 1 the spheres of authority of the Order Police are mentioned under

15 headings—no, I must correct that—26 headings; and in Appendix B the spheres of authority of the Order Police come under 21 headings.

I pass now to Document Book I, Page 5. That is the decree of the Führer concerning the appointment of officials and the termination of this status as officials in the sphere of the Government General, of 20 May 1942. I quote from the figure 3, Paragraph 2:

“The Governor General’s sphere of activity does not, in the sense of this decree, include officials belonging to the province of the Reichsführer SS and Chief of the German Police in the Reich Ministry of the Interior, or those belonging to the Customs Frontier Service.” (Document Number Frank-4(e).)

I pass to Page 6 of the document book, the decree of the Führer and Reich Chancellor, for the Preservation of German Nationality, of 7 October 1939, which is already Exhibit USA-305 (Document Number 686-PS).

The next document is the letter from Reich Marshal Göring to the Chief of the Security Police and the SD, of July 1941.

MR. DODD: Mr. President, I suggest that an exhibit number be given as we go along so that we can follow better, and later on have some track of the exhibits as they go in. The last one and this one have not been given any exhibit number.

THE TRIBUNAL (Mr. Francis Biddle, Member for the United States): The last one was Frank-5, was it not?

THE PRESIDENT: No. Frank-5 was the one of the 27th of May 1942.

MR. DODD: We did not know that; we did not get the number over the speaker. I am sorry.

THE PRESIDENT: It may not have been stated but I took it down as that myself. Will you take care to state each time, Dr. Seidl, what the exhibit number is that you are giving. You are dealing now with the letter of the 31st of July 1941.

DR. SEIDL: Yes. This letter has a USA number, namely, 509.

THE PRESIDENT: Very well. Wait a minute, perhaps I made a mistake. Yes, Mr. Dodd, I think I made a mistake. The reason why Dr. Seidl did not give a number was because it was already in evidence as USA-305. I made a mistake. It was not Frank-5. He only got to Frank-4. The next one is USA-509.

DR. SEIDL: 509 (Document Number 710-PS). I pass to Page 10 of the document book. That is an order, a directive rather, of the High Command of the Armed Forces concerning Case Barbarossa, USA-135 (Document Number 447-PS), and I quote Paragraph 2:

"It is not intended to declare East Prussia and the Government General an operational area of the Army. On the other hand, on the basis of the unpublished Führer decrees of 19 and 21 October 1939 the Commander-in-Chief of the Army is authorized to enact measures that are necessary for the execution of his military task and for the security of his troops."

I pass to Page 11 of the document book, a directive for the execution of the Führer decree concerning the Plenipotentiary General for the Allocation of Labor, of 27 March 1942. I quote Paragraph 4:

"The Plenipotentiary General for the Allocation of Labor will have at his disposal for the performance of his tasks the authority delegated to me by the Führer to issue instructions to the highest Reich authorities, their subordinate offices, as well as to the offices of the Party and its formations and affiliated organizations; to the Reich Protector; to the Governor General; to the military commanders and the chiefs of the civil administrations."

This document becomes Exhibit Number Frank-5 (Document Number Frank-5).

The next document is on Page 12—the decree by the Führer, concerning a Plenipotentiary General for the Allocation of Labor, of 21 March 1942, from which it can be seen that his authority to issue instructions included the Government General. It becomes Exhibit Number Frank-6 (Document Number Frank-6).

The document on Page 13 of the document book deals also with the authority of the Plenipotentiary General for the Allocation of Labor to issue instructions. It is already Exhibit USA-206 (Document Number 3352-PS).

The document on Page 15 is a letter from Professor Dr. Kubiowicz, Chairman of the Ukrainian Control Committee, to the Defendant Dr. Frank. It already has the Exhibit Number USA-178 (Document Number 1526-PS); and I will read only the first sentence from that document, in order to show what the relation was between the Defendant Dr. Frank and the author of that letter. I quote:

"Complying with your wish I send you this letter, in which I should like to state the abuses and the painful incidents which create an especially difficult position for the Ukrainian population within the Government General."

Then I pass on to Page 16 of the document book. That is an excerpt from Exhibit USA-275 (Document Number 1061-PS), namely, the report of SS Brigadeführer Stroop about the destruction of the Warsaw ghetto. I quote the second paragraph of Section II, from

which it can be seen that the order came directly from the Reichsführer SS Himmler:

“When the Reichsführer SS visited Warsaw in January 1943, he ordered the SS and Police Leader in the District of Warsaw to transfer to Lublin the armament factories and other enterprises of military importance which were installed within the ghetto, including the workers and the machines.”

The affidavit which the Prosecution submitted during the cross-examination of the Defendant Kaltenbrunner should then really follow after Page 16 of the document book.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): As far as I can gather, there has been some misunderstanding on this point. Under the number mentioned by Dr. Seidl in his document book there is no document referring to the Warsaw ghetto, but there is a document from the Chief of Police and SS in Galicia relating to the solution of the Jewish problem in Galicia. I should like this elucidated.

DR. SEIDL: The document on Page 16 is the report by the SS Brigadeführer Stroop which has already been submitted as Exhibit USA-275. The report by SS Führer Katzmann, which the Russian Prosecutor apparently means, concerning the solution of the Jewish question in Galicia, is on Page 17 of the document book, that is, on the next page. Apparently the insertion of Page 16 in the document book which was prepared for the Russian Prosecution was overlooked.

After that report by Brigadeführer Stroop, Exhibit USA-275 should be inserted as Page 16a, the affidavit by SS Brigadeführer Stroop which was submitted during the cross-examination of the Defendant Dr. Kaltenbrunner under Exhibit Number USA-804. That affidavit bears the Document Number 3841-PS. I could not include that affidavit in the document book because it was submitted by the Prosecution only after I had sent the document book to be translated.

As Page 16b another document should be put in which was also submitted during the cross-examination of Dr. Kaltenbrunner. That is the affidavit by Karl Kaleske. That affidavit bears the Exhibit Number USA-803, Document Number 3840-PS. That would be Page 16b of the document book.

Now I come to the report which the Soviet Prosecutor had in mind and which deals with the solution of the Jewish question in Galicia. It is on Page 17 of the document book. That measure has the Exhibit Number USA-277 and the Document Number L-18. I quote Pages 4 and 5, word for word:

"After it had been found in more and more cases that Jews had succeeded in making themselves indispensable to their employers by providing them with scarce goods, *et cetera*, it was considered necessary to introduce really Draconic measures."

I pass to Paragraph 2 and quote:

"As the administration was not in a position and showed itself too weak to master this chaos, the SS and Police Leader simply took over the whole question of the employment of Jewish labor. The Jewish labor agencies, which were staffed by hundreds of Jews, were dissolved. All employment certificates given by firms or administrative offices were declared invalid, and cards given Jews by the labor agencies were made valid again by being stamped by the police offices."

I pass to Page 19 of the document book. That deals with the letter of the Reich Minister and Chief of the Reich Chancellery to Reichsführer SS and Chief of the German Police Himmler, of 17 April 1943. That document is Number 2220-PS and Exhibit Number USA-175. I quote:

"In our conference of 27 March of this year we had agreed to prepare written memoranda about conditions in the Government General on which to base our intended report to the Führer.

"The material compiled for this purpose by SS Obergruppenführer Krüger has already been submitted to you directly. On the basis of this material I have had a report prepared which sums up the most important points contained therein, subdivides them clearly, and culminates in an explanation of the measures to be taken.

"The report has been checked with SS Obergruppenführer Krüger and has his complete concurrence. I am submitting a part of it to you herewith."—It is signed—"Dr. Lammers."

I pass on to Page 20 of the document book and I quote:

"Secret. Concerning conditions in the Government General . . .

"The German administration in the Government General has to accomplish the following tasks: 1) To increase agricultural production for the purpose of securing food for the German people and seize as much of it as possible; to allot sufficient rations to the native population occupied with work essential to the war effort, and to remove the rest for the Armed Forces and the homeland."

I leave out the following points and pass to the letter "B", where Krüger or his assistant criticized the measures of the Governor General. I quote:

"German administration in the Government General has failed grossly with respect to the tasks listed under "A". Even if a relatively high percentage, namely, over 90 percent, of the delivery quota of agricultural products for the Armed Forces and the homeland was successfully met in the year 1942 and if the labor procurement requirements of the homeland were generally satisfied, nevertheless, on the other hand, two things must be made clear: First, these accomplishments were not achieved until the year 1942. Before that, for example, only 40,000 tons of bread grain had been delivered for the Wehrmacht. Secondly, and above all, there was the omission to create for the attainment of such performances those prerequisites of an organizational, economic, and political character which are indispensable if such performances are not to lead to a breakdown in the situation as a whole, from which chaotic conditions in every respect could eventually come about. This failure of the German administration can be explained in the first place by the system of the German administrative and governmental activity in the Government General as embodied in the Governor General himself, and secondly by the misguided principles of policy in all questions decisive for conditions in the Government General.

"1) The spirit of the German administration in the Government General.

"From the beginning it has been the endeavor of the Governor General to make a state organization out of the Government General which was to lead its own existence in complete independence of the Reich."

Then I pass to Page 22 of the report, Paragraph 3 and I quote:

"3) The treatment of the native population can only be led in the right direction on the basis of clean and orderly administrative and economic leadership. Only such a foundation makes it possible to handle the native population firmly and if necessary even severely, on the one hand; and, on the other hand, to act generously with them and cause a certain amount of satisfaction among the population by allowing certain liberties, especially in the cultural field. Without such a foundation severity strengthens the resistance movement, and meeting the population halfway only undermines respect for the Germans. The above-mentioned facts prove that this foundation is lacking. Instead of trying to create this foundation, the Governor General inaugurates a policy of encouraging the individual cultural life of the Polish population, which in itself is already overshooting the goal but which, under the existing conditions and viewed in connection with

our military situation during the past winter, can only be interpreted as weakness, and must achieve the opposite of the aim intended.

"4) The relationship between racial Germans and the Polish-Ukrainian population in the Government General.

"The cases are numerous in which the German administration has permitted the requirements of racial Germans in the Government General to be put into the background in favor of the interests of the Poles and Ruthenians, in its endeavor to win over the latter. The opinion was advanced that racial Germans resettled from somewhere else were not to be installed immediately as settlers, but for the duration of the war were only to be employed as farm workers. A legal foundation for the expropriation of Polish property has not been created so far. Bad treatment of racial Germans by their Polish employers was not stopped. German citizens and racial German patients were allowed to be treated in Polish hospitals by Polish physicians, badly and at great expense. In German spas in the Government General the sheltering of children of German citizenship from territories threatened with bombing, and of veterans of Stalingrad was hampered, while foreigners took convalescent vacations there, and so on.

"The big plans for resettlement in the Lublin district for the benefit of racial Germans could have been carried out with less friction if the Reich Commissioner for the Preservation of German Nationality had found the administration willing to co-operate and assist in the proper manner."

I pass to Page 24 and quote, under C:

"The administrative system, embodied in the Governor General personally, and the material failure of the general German administration in the most various fields of decisive importance has not only shaken the confidence and the will to work of the native population, but has also brought about the result that the Poles, who have been socially divided and constantly disunited throughout their history, have come together in a united national body through their hostility to the Germans. In a world of pretense, the real foundations are lacking on which alone the achievements which the Reich requires from the Government General, and the aims which it must see realized in the latter, can be brought about and fulfilled in the long run. The non-fulfillment of the tasks given to the general administration—as happened, for example, in the field of the Preservation of German Nationality—led to a condition which made it necessary for other

administrative bodies (the Reich Commissioner for the Preservation of German Nationality... and the Police) to take over these tasks."

Now I pass to Page 27 of the document book. That is the repeatedly mentioned report by the Governor General to the Führer of 19 June 1943. The document is Number 437-PS, Exhibit USA-610. Of this document the Prosecution has so far quoted only Pages 10 and 11. These are the very points in this memorandum which the Governor General most severely criticized.

THE PRESIDENT: Are you speaking now of the report which begins on Page 20?

DR. SEIDL: I am speaking of the report which begins on Page 27. I have already finished the report which begins on Page 20.

THE PRESIDENT: Well, what number did you give to that on Page 20?

DR. SEIDL: The report on Page 20 is an integral part of the letter which begins on Page 19, and which already has the number USA-175.

THE PRESIDENT: Oh, I see, yes.

DR. SEIDL: Now I come to the document on Page 27. That is a memorandum which has already been mentioned by various witnesses and was submitted under Exhibit Number USA-610 (Document Number 437-PS) by the Prosecution. Of this report the Prosecution has only read Pages 10 and 11, which are Pages 36 and 37 of the document book, that is to say, only those passages in the report which were condemned as excesses of the Police, and against which excesses the Governor General complained to the Führer.

I do not intend to read the whole memorandum; but I will pass on to Page 27 of the report, which is Page 53 of the document book, and I quote under Section 2:

"The almost complete discontinuation of the possibilities for participation in the cultural field has led, even among the lowest classes of the Polish people, to considerable discontent. The Polish middle and upper classes have a great need for self-expression. Experience shows that the possibility of cultural activity would at the same time mean a diversion from the political questions of the day. German propaganda frequently comes across the objection, on the part of the Poles, that the restriction of cultural activity enforced by the German authorities not only prevents a contrast being made with the Bolshevist lack of culture, but also shows that Polish cultural activity falls below the degree of culture allowed to Soviet citizens . . .

"3. The closing of colleges, high schools, and secondary schools is on the same level. Its well-considered purpose is without doubt the lowering of the Polish educational standard. The realization of this goal appears, from the point of view of the necessities of war, not always beneficial to German interests. As the war goes on the German interest increases in the mobilization of able foreign replacements in the various fields of knowledge. But more important than that is the fact that the crippling of the school system and the severe hampering of cultural activities foster the growth of a Polish national body, led by the intelligentsia, to conspire against Germany. What was not possible during the course of Polish national history, what even the first years of German dominion could not bring about, namely, the achievement of national unity in a common purpose to hold together through thick and thin, now threatens to become a reality, slowly but surely, because of the German measures. German leadership cannot allow this process of unifying the individual classes of the Polish population to pass unheeded in the face of the growing power of resistance of the Poles. German leadership should promote class distinction by certain cultural concessions and should be able to play one class off against the other.

"4. The recruiting of labor and the methods employed, even though often exercised under the unavoidable pressure of circumstances, have, with the aid of clever Bolshevik agitation, evoked a strong feeling of hatred among all classes. The workers thus obtained often come to work with firm resolve to engage in positive resistance, even active sabotage. Improvement of recruiting methods, together with the continued effort to arrest the abuses still practiced in the treatment of Polish workers in the Reich, and lastly, some provision, however meager it may be, for the families left behind, would cause a rise in morale, and the result would be an increased desire to work and increased production in the German interest.

"5. When the German administration was set up at the beginning of the war the Polish element was removed from all important positions. The available German staff had always been inadequate in quantity and quality. Besides, during the past year, a considerable number of German personnel have had to be transferred to meet the replacement needs of the armed forces. Already an increased amount of non-German manpower has had to be obtained compulsorily. An essential change in the treatment of the Poles would enable the administration, while exercising all necessary precaution, to induce

a greater number of Poles to collaborate. Without this the administration, in view of the present amount of personnel—not to speak of future transfers—cannot continue to function. The increased participation of Poles would further help to raise the morale itself.

“Besides the positive changes set down in these proposals, a number of methods employed up till now in the treatment of Poles should be changed or even completely abandoned, at least for the duration of the fighting in Europe.

“1) I have already shown in special reports that confiscation and evacuation of agricultural land have caused great and irreparable damage to agricultural production. Not less great is the damage to morale caused by such actions. Already the seizure of a great part of the large Polish estates has understandably embittered those affected by it, who naturally represent that strata of the population which is always anti-Bolshevist. But, because of their numerically small strength and their complete isolation from the mass of the people, their opposition does not count nearly as much as the attitude of the mass of the population which consists mainly of small farmers. The evacuation of Polish peasants from the defense zone, no doubt necessary for military-political reasons, has already had an unfavorable effect on the opinion and attitude of many farmers. At any rate, this evacuation was kept within certain territorial limits. It was carried out with careful preparation on the part of the governmental offices with a view to avoiding unnecessary hardship. The evacuation of Polish farmers from the Lublin district, held to be necessary by the Reich Commissioner for the Preservation of German Nationality, for the purpose of settling racial Germans there, was much more serious. Moreover—as I have already reported separately—the pace at which it was carried out and the methods adopted caused immeasurable bitterness among the populace. At short notice families were torn apart; those able to work were sent to the Reich, while old people and children were directed to evacuate Jewish ghettos. This happened in the middle of the winter of 1942-43 and resulted in considerable loss of life, especially among members of the last mentioned group. The dispossession meant the complete expropriation of the movable and immovable property of the farmers. The entire population succumbed to the belief that these deportations meant the beginning of a mass deportation of the Poles from the region of the Government General. The general impression was that the Poles would meet a fate similar to that of the Jews. The evacuation from the Lublin District was a

welcome opportunity for communist agitation, with its own peculiar skill, to poison the feeling in the entire Government General, and even in the annexed Eastern territories, for a long time. Thus it came about that considerable portions of the population in the territories to be evacuated, but also in territories not affected, fled into the woods and considerably increased the strength of the guerrillas. The consequence was a tremendous deterioration of the security situation. These desperate people were incited by skillful agents to upset agricultural and industrial production according to a definite plan.

"2) One has only to mention the crime of Katyn for it to become obvious that the safeguarding of personal security is an absolute condition for winning over the Polish population to the fight against Bolshevism. The lack of protection against seemingly arbitrary arrests and executions makes good copy for communist propaganda slogans. The shooting of women, children, and old men in public, which took place again and again without the knowledge and against the will of the government, must be prevented in all circumstances. Naturally this does not apply to the public executions of bandits and partisans. In cases of collective punishments, which nearly always hit innocent persons and are applied against people who are fundamentally politically indifferent, the unfavorable psychological effect cannot possibly be overestimated. Serious punitive measures and executions should be carried out only after a trial based at least upon the elementary conceptions of justice and accompanied by publication of the sentence. Even if the court procedure is carried on in the most simple, imperfect and improvised manner, it serves to avoid or to lessen the unfavorable effect of a punitive measure which the population considers purely arbitrary, and disarms Bolshevist agitation which claims that these German measures are only the prelude to future events. Moreover, collective punishment, which by its nature is directed primarily against the innocent, in the worst case against forced or desperate persons, is not exactly looked upon as a sign of strength of the ruling power, which the population expects to strike at the terrorists themselves and thereby liberate them from the insecurity which burdens them."

I pass now to Page 37 of the report and quote under Section 3:

"Besides the most important prerequisites mentioned in 1) and 2) to restore calm in the Government General, security of property among non-agricultural people must also be guaranteed, insofar as it is not counter to the urgent needs of war. Expropriation or confiscation without compensation

in the industrial sector, in commerce and trade, and of other private property, should not take place in any case if the owner or the custodian has not committed an offense against the German authorities. If the taking over of industrial enterprises, commercial concerns, or real estate is necessary for reasons connected with the war, one should proceed in every case in such a way as to avoid hardship and under guarantee of appropriate compensation. Such a procedure would on the one hand further the initiative of Polish business men, and on the other hand avoid damage to the interests of German war economy.

"4) In any attempt to influence the attitude of the Poles, importance must be attached to the influence of the Catholic Church which cannot be overestimated. I do not deny that the Catholic Church has always been on the side of the leading fighters for an independent national Poland. Numerous priests also made their influence felt in this direction even after the German occupation. Hundreds of arrests were carried out among them. A number of priests were taken to concentration camps and also shot. However, in order to win over the Polish population, the Church must be given at least a legal status even though it might not be possible to co-operate with it. It can without doubt be won over to reinforce the struggle of the Polish people against Bolshevism, especially today under the effect of the crime of Katyn, for the Church would always oppose a Bolshevik regime in the Vistula area, if only out of the instinct of self-preservation. To achieve that end, however, it is necessary to refrain in the future from all measures against its activity and its property, insofar as they do not run directly counter to war requirements.

"Much harm has been done even quite recently by the closing of monasteries, charitable institutions, and church establishments."

THE PRESIDENT: I had thought that your extracts were going to be brief. But you have now read from Page 53 to Page 65.

DR. SEIDL: Mr. President, this document is the only one of this kind which is available to me, and in view of the fact that the Prosecution has quoted in full only those passages which the Defendant Dr. Frank himself criticized most severely, I consider it my duty now to read a number of passages, to quote them, in order to give the entire picture correctly and to show what the Defendant Dr. Frank really intended to achieve with this document. I shall only quote a few more lines and then I will pass to another document.

THE PRESIDENT: I had hoped that one or two extracts from that document would show what the Defendant Frank was putting forward—one or two paragraphs.

DR. SEIDL: I will go on to the next document, Mr. President, that is on Page 68, the affidavit by the witness Dr. Bühler, which I presented to the witness today and which has been given the document number Frank-1; Page 68 in the document book.

On Page 70 there appears Exhibit USA-473 (Document Number L-49). If I remember correctly this document has already been read in full by the Prosecution, and I would like to ask the Court only to take judicial notice of that also in the defense of Dr. Frank.

On Page 72 of the document book is an affidavit of the former Kreishauptmann, Dr. Albrecht. To be exact I have to state that this is not really an affidavit in the true sense of the word. It is only a letter which Kreishauptmann Dr. Albrecht sent to me through the General Secretary of the Tribunal. I then returned the letter in order to have it sworn to by the witness, but I have to say that until now that sworn statement has not been returned, so that for the time being this exhibit would only have the material value of a letter. Therefore I ask the Tribunal to decide whether that document can be accepted by the Tribunal as an exhibit in the form of a letter.

THE PRESIDENT: I think the Tribunal did consider that matter before when your application was before it. They will accept the document for what it is worth. If you get the document in affidavit form you will no doubt put it in.

DR. SEIDL: Yes. That will be Document Number Frank-7. I forego the quoting of the first points and proceed directly to Page 74 of the document book and I quote under Section 4:

“Dr. Frank’s fight against the exploitation and neglect of the Government General in favor of the Reich. Conflict with Berlin.

“The first meeting with Dr. Frank occurred shortly after the establishment of the Government General in the autumn of 1939, in the Polish district capital Radom, where the 10 Kreis chiefs of this district had to report concerning the condition of the population in their administrative district and the problem of reconstructing, as quickly and effectively as possible, the general as well as the administrative and economic life. What struck one most was the keen awareness of Dr. Frank and his deep concern about the area entrusted to him. This found expression in the instructions not to consider or treat the Government General or allow it to be treated, as an object of exploitation or as a waste area, but rather to consider it as

a center of public order and an area of concentration at the back of the fighting German front and at the gates of the German homeland, forming a link between the two. Therefore the loyal native inhabitants of this country should have claim to the full protection of the German administration as citizens of the Government General. To this end the constant efforts of all authorities and economic agencies would be demanded by him, also constant control through supervisors, which would be personally superintended by him in periodical inspection trips with the participation of the specialized central offices. In this way, for instance, the two districts which were administered by me were inspected by him personally three times in 4 years.

"In face of the demands of the Berlin central authorities, who believed it possible to import more from the Government General into the Reich than the former could afford, Dr. Frank asserted vigorously the political independence of the Government General as an 'adjunct of the Reich' and his own independence as being directly subordinated only to the Supreme Head of the State, and not to the Reich Government. He also instructed us on no account to comply with demands which might come to us on the basis of personal relations with the authorities by whom we were sent, or with the ministries concerned; and if by so doing we came into conflict with our loyalty to the Reich, which was equally expected of us, to report to him about it. This firm attitude brought Dr. Frank the displeasure of the Berlin government circles, and the Government General was dubbed 'Frankreich.' A campaign of calumny was initiated in the Reich against him and against the entire administration of the Government General by systematically generalizing and exaggerating regrettable ineptitudes and human weaknesses of individuals, at the same time attempting to belittle the actual constructive achievements."

I should like to ask the Tribunal merely to take official notice of Section 5, also Section 6, and I will only quote from Section 7.

"7) Dr. Frank as an opponent of acts of violence against the native population, especially as an opponent of the SS.

"Besides the exploitation and the pauperization of the Government General, the accusation of the enslaving of the native population as well as deporting it to the Reich, and many atrocities of various kinds which have appeared in the newspaper reports on the Nuremberg War Crimes Trial, were interpreted as serious evidence against Dr. Frank. As far as atrocities are concerned, the guilt lies not with Dr. Frank but in some measure with the numerous non-German agitators

and provocateurs who, with the growing pressure on the fighting German fronts, increased their underground activity; but more especially with the former State Secretary for Security in the Government General, SS Obergruppenführer Krüger, and his agencies. My observations in this respect are sketchy, because of the strict secrecy of these offices.

"On the other hand, Dr. Frank went so far in meeting the Polish population that this was frequently objected to by his German compatriots. That he did the correct thing by his stand for the just interests of the Polish population is proved, for example, by the impressive fact that barely a year and a half after the defeat of the Polish people in a campaign of 18 days, the concentration of German army masses against Russia in the Polish area took place without any disturbance worth mentioning, and that the Eastern railroad was able, with Polish personnel, to move the troop transports up to the most forward unloading points without being delayed by acts of sabotage."

I quote the last paragraph on Page 79:

"This humane attitude of Dr. Frank, which earned him respect and sympathy among considerable groups of the native population, led, on the other hand, to bitter conflicts with the SS, in whose ranks Himmler's statement, 'They shall not love us, but fear us,' was applied as the guiding principle of their thoughts and deeds.

"At times it came to a complete break. I still recall quite clearly that during a government visit to the Carpathian areas in the summer of 1943 in the district center of Stanislav, when he took a walk alone with me and my wife in Zaremce on the Prut, Dr. Frank complained most bitterly about the arbitrary acts of the SS, which quite frequently ran counter to the political line taken by him. At that time he called the SS the 'Black Plague'; and when he noticed our astonishment at hearing such criticism coming from his lips, he pointed out that if, for example, my wife were to be wrongfully arrested one day or night by agencies of the Gestapo and disappear, never to be seen again, without having been given the opportunity of defense in a court trial, absolutely nothing could be done about it. Some time afterwards he made a speech to the students in Heidelberg, which attracted much attention and was loudly applauded, about the necessity for the re-establishment of a German constitutional state such as had always met the real needs of the German people. When he wanted to repeat this speech in Berlin, he is said to have been forbidden by the Führer and Reich Chancellor, at Himmler's instigation,

to make speeches for 3 months, as reported to me by a reliable, but unfortunately forgotten, source. The struggle against the methods of violence used by the SS led to Dr. Frank's having a nervous breakdown, and he had to take a fairly long sick leave. As far as I can remember this was in the winter of 1943-44."

I ask the Court to take official notice of Section 8, and I pass on to Page 84 of the document book. That is an affidavit by SS Obergruppenführer Erich Von dem Bach-Zelewski, of 21 February 1946. This affidavit becomes Document Frank-8.

THE PRESIDENT: Did this witness not give evidence?

DR. SEIDL: The witness was questioned here by the Prosecution, and I made the motion at that time that either I be allowed to interrogate the witness again or be granted the use of an affidavit. On 8 March 1946 the Tribunal made the decision, if I remember correctly, that I could use an affidavit from that witness but that the Prosecution would be free if they desired to question the witness again.

THE PRESIDENT: Very well.

DR. SEIDL: I shall read the statements of the witness concerning this matter, and I quote:

"1) Owing to the infiltration of Russian partisan groups over the line of the river Bug into the Government General in 1943, Himmler declared the Government General to be a 'guerrilla warfare territory.' Thus it became my duty as Chief of Anti-Partisan Units to travel about the Government General to collect information and get experience, and to submit reports and suggestions for fighting the partisans.

"In the general information Himmler gave me, he called the Governor General Dr. Frank a traitor to his country, who was conspiring with the Poles and whom he would expose to the Führer very shortly. I still remember two of the reproaches Himmler made against Frank:

"a) At a lawyer's meeting in the Old Reich territory Frank is said to have stated that 'he preferred a bad constitutional state to the best conducted police state'; and

"b) During a speech to a Polish delegation Frank had disavowed some of Himmler's measures and had disparaged, in front of the Poles, those charged with carrying them out, by calling them 'militant personalities.'

"After having, on a circular tour, personally obtained information on the spot about the situation in the Government

General, I visited the higher SS and Police Führer Krüger and the Governor General, Dr. Frank, in Kraków.

"Krüger spoke very disapprovingly about Dr. Frank and blamed Frank's faltering and unstable policy towards the Poles for conditions in the Government General. He called for harsher and more ruthless measures and said that he would not rest until the traitor Frank was overthrown. I had the impression, from Krüger's statements, that personal motives also influenced his attitude, and that he himself would have liked to become Governor General.

"After that I had a long discussion with Dr. Frank. I told him of my impressions; and he went into lengthy details about a new policy for Poland, which aimed at appeasing the Poles by means of concessions. In agreement with my personal impressions Dr. Frank considered the following factors responsible for the crisis in the Government General:

"a) The ruthless resettlement action carried out now in the midst of war, especially the senseless and purposeless resettlement carried out by the SS and Police Führer Globocznik in Lublin.

"b) The insufficient food quota allotted to the Governor General.

"Dr. Frank called Krüger and Globocznik declared enemies of any conciliatory policy, and said it was absolutely essential that they should be recalled.

"Being convinced that if Dr. Frank failed, he would be succeeded only by a more ruthless and uncompromising person, I promised him my support. Having been assured of strictest secrecy I told Frank I shared his opinion that Krüger and Globocznik would have to disappear. He, Dr. Frank, knew however that Himmler hated him and that he was urging Hitler to have him removed. With such a state of affairs any request on Frank's part to have Krüger and Globocznik recalled would not only be rejected but would even strengthen their position with Himmler. Frank should give me a free hand, then I could promise him that both would be relieved of their posts within a short time. Dr. Frank agreed to that, and I then made use of the military mistakes that Krüger and Globocznik had committed in order to bring about their recall by Himmler.

"3) The Warsaw revolt of 1944..."

THE PRESIDENT: I must point out to you that you said you were going to be only 2 hours over five volumes. You have now been over an hour over one volume, and you are reading practically

everything in these documents. It is not at all what the Tribunal has intended. You have been told that you may make short comments showing how the documents are connected with each other and how they are connected with all the evidence. That is not what you are doing at all.

DR. SEIDL: In that case I ask the Tribunal to take judicial notice of Paragraph 3 of the affidavit by Von dem Bach-Zelewski.

Paragraph 3 deals with the Warsaw revolt in the year 1944 and the question as to whether the Governor General had anything to do with the crushing of that revolt.

Then I pass on to Page 92.

THE PRESIDENT: As a matter of fact, does the Indictment charge anything in connection with the crushing of the Warsaw revolt in 1944?

DR. SEIDL: There is nothing in the Indictment itself about the part played by the Governor General in the crushing of that revolt. The Soviet Prosecution have, however, submitted a telegram which, while it is not clear whether it was sent, nevertheless connects the Defendant Dr. Frank in some way with the Warsaw revolt. But I shall not go into details about that now.

I pass on to Page 92 of the document book.

This is an affidavit by the witness Wilhelm Ernst von Palezieux, in whose case the Tribunal has approved an interrogatory. But I was told by the Tribunal that in place of an interrogatory I could submit an affidavit. I quote only the two main paragraphs as follows:

"The art treasures stored in the castle in Kraków, from the spring of 1943, were under official and legal supervision there. When speaking to me Dr. Frank always referred to these art treasures as state property of the Government General. Catalogues of the existing art treasures had already been made before I came to Poland. The list of the first selection had been printed in book form as a catalogue with descriptions and statements of origin, and had been ordered by the Governor General."

THE PRESIDENT: Now you are reading the affidavit all over again. We do not want that sort of...

DR. SEIDL: Mr. President, I assumed that in those cases where a witness does not appear before the Tribunal in person, it is admissible that either the interrogatory or the affidavit be read, because otherwise the contents of his testimony would not become part of the record nor, therefore, part of the proceedings.

THE PRESIDENT: That rule was in order that the defendants and their counsel should have the document before them in German; that is the reason for reading the documents through the earphones. The Tribunal will adjourn now, but I want to tell you that you must shorten your presentation of this documentary evidence. We have already been a good deal more than an hour over one book and we have four more books to deal with, and it does not do your case any good to read all these long passages because we have some more weeks of the trial. It is only necessary for you to give such connecting statements as make the documents intelligible, and to correlate them with the oral evidence that is being given.

[The Tribunal adjourned until 24 April 1946 at 1000 hours.]

ONE HUNDRED AND THIRTEENTH DAY

Wednesday, 24 April 1946

Morning Session

THE PRESIDENT: Dr. Seidl.

DR. SEIDL: Mr. President, Gentlemen of the Tribunal: I left off yesterday at the last document of Volume I. It is the affidavit of the witness Ernst von Palezieux, and I ask the Tribunal to take judicial notice of it. The affidavit is given the document number Frank-9, and that completes the first volume.

THE PRESIDENT: The first volume, what page?

DR. SEIDL: That was Page 92 of the first volume, Document Frank-9.

THE PRESIDENT: Yes. That is the end of the first volume, isn't it?

DR. SEIDL: Yes, that is the end of the first volume. Volumes II, III, and IV of the document book comprise extracts from the diary of the Defendant Dr. Frank. I do not propose to number all these extracts individually, but I ask the Tribunal to accept the whole diary as Document Frank-10 (Document 2233-PS), and I propose to quote only a few short extracts. For example Pages 1 to 27, Mr. President, are extracts from the diary which have already been submitted by the Prosecution. I have put the extracts submitted by the Prosecution into a more extensive context, and by quoting the entire passages I have attempted to prove that some of these extracts do not represent the true and essential content of the diary. Those are Exhibits USA-173, on Page 1 of the document book, USSR-223 on Page 3, USA-271 on Page 8, USA-611 on Page 11 of the document book. On Page 14 of the document book there appears to be a misprint. The USA number is not 016 but 613.

THE PRESIDENT: It begins on Page 13 in my copy, doesn't it?

DR. SEIDL: No, it is on Page 14. It is an entry dated 25 January 1943.

THE PRESIDENT: Well, the document that I have and which I think you are referring to, is Document 2233 (aa)-PS, Exhibit USA-613. That is on Page 13. I don't think it makes any difference.

DR. SEIDL: In that case it must be an error by the Translation Department. At any rate I do not think it is important, I mean this quotation.

I now turn to Page 20 of the document book, a quotation by the Soviet Prosecution. On Page 22 there is a quotation by the Soviet Prosecution. Page 24 of the document book contains quotations by the Prosecution of both the United States and of the Soviet Union. Exhibit USA-295. Perhaps I may point out that these extracts are only a few examples merely to show that in a number of cases the impression obtained is different if one reads either the entire speech or at least a portion of it.

I then turn to Page 32 of the document book, an entry dated 10 October 1939, in which the Defendant Dr. Frank gives instructions for negotiations with the Reich Food Ministry regarding the delivery of 5,000 tons of grain per week—Page 32 of the document book.

On Page 34 there is an entry of 8 March 1940, and I quote the first three lines. The Governor General states:

"In close connection therewith is the actual governing of Poland. The Führer has ordered me to regard the Government General as the home of the Polish people. Accordingly, no Germanization policy of any kind is possible."

I now pass on to Page 41 of the document book; an entry dated 19 January 1940. I quote the first five lines:

"Dr. Walbaum (Chief of the Health Department): The state of health in the Government General is satisfactory. Much has already been accomplished in this field. In Warsaw alone 700,000 typhus injections have been given. This is a huge total, even for German standards; it is actually a record."

The next quotation is on Page 50 of the document book, an entry dated 19 February 1940:

"The Governor General is further of the opinion that the need for official interpretation of Polish law may become greater. We should probably have to come to some form of Polish government or regency, and the head of the Polish legal system would then be competent for such a task."

THE PRESIDENT: I am afraid there seems to have been some slight difference in the paging and therefore if you would give us carefully and somewhat more slowly the actual date of the document we should be able to find it perhaps for ourselves. The pages do not seem to correspond.

DR. SEIDL: The last quotation which I read was dated 19 February 1940.

I now turn to a quotation, that is, an entry of 26 February 1940, and I quote:

"In this connection the Governor General expresses..."

This is on Page 51 in my book. The entry is of 26 February 1940.

THE PRESIDENT: Page 40 in ours.

DR. SEIDL: "In this connection the Governor General expresses the wish of Field Marshal Göring that the German administration should be built up in such a way that the Polish mode of living as such is assured. It should not give the impression that Warsaw is a fallen city which is becoming germanized, but rather that Warsaw, according to the Führer's will, is to be one of the cities which would continue to exist as a Polish community in the intended reduced Polish state."

A further entry, dated 26 February 1940, deals with the question of higher education. I quote:

"The Governor General points out in this connection that the universities and high schools have been closed. However, in the long run it would be an impossible state of affairs, for instance, to discontinue medical education. The Polish system of technical schools should also be revived and with the participation of the city."

The next quotation is on Page 56 of my document book. An entry of 1 March 1940.

"The Governor General announces in this connection that the directive has now been issued to give free rein to Polish development as far as it is possible within the interests of the German Reich. The attitude now to be adopted is that the Government General is the home of the Polish people."

A further entry deals with the question of workers in the Reich territory. Page 60 of my document book, entry of 19 September 1940—I beg your pardon, 12 September 1940. I quote:

THE PRESIDENT: Wait a moment. You mean the first of September, do you?

DR. SEIDL: 12 September—no, it should be 12 March; there is obviously a misprint; 12 March 1940, Page 197 of the diary. I quote:

"Governor General Dr. Frank emphasizes that one could actually collect an adequate number of workers by force following the methods of the slave trade, by using a sufficient number of police, and by procuring sufficient means of transportation; but that, for a number of reasons, however, the use of propaganda deserves preference under all circumstances."

The next quotation is on Page 68 in my document book; an entry of 23 April 1940. I quote the last five lines. The Governor General states:

"The Governor General is merely attempting to offer the Polish nation protection in an economic respect as well. He was almost inclined to think that one could achieve better results with Poles than with these autocratic trustees..."

I now turn to Page 71 of my document book, an entry dated 25 May 1940. Here the Governor General gives an explanation to the President of the Polish Court of Appeal, Bronschinski. I quote the last four lines:

"We do not wish to carry on a war of extermination here against a people. The protection of the Polish people by the Reich in the German zone of interest gives you the possibility of continuing your development according to your national traditions."

I turn to Page 77 of my document book, an entry from Volume III, July to September, Page 692. I quote:

"The Governor General then spoke of the food difficulties still existing in the Government General"—this was to Generaloberst von Kuehler—"and asked the general to see to it that the provisioning and other requirements of new troops arriving should be as light a burden as possible on the food situation of the Government General. Above all, no confiscation whatsoever should take place."

I turn to Pages 85 and 86; entries in Volume III, July to September 1940, Page 819 of the diary. This entry deals with the establishment of the medical academy which was planned by the Governor General. I ask the Tribunal to take judicial notice of this fact.

The next quotation is on Page 95 of the document book, an entry dated 9 October 1940, from the speech of the Governor General on the occasion of the opening of the autumn trade fair at Radom. I quote Line 5.

"It is clear that we..."

THE PRESIDENT: Dr. Seidl, the important things for us are the page in the diary and the date. We seem to have the pages in the diary and the dates, so if you will tell us them that will be of the greatest help to us.

DR. SEIDL: The date is 9 October 1940; Pages 966-967 of the diary, I quote Line 6:

"It is clear that we do not wish to denationalize, nor shall we germanize."

The next quotation...

THE PRESIDENT: The translation in our book of that sentence is:

"It is clear that we neither want to denationalize nor de-germanize."

DR. SEIDL: That is apparently an error in the translation.

THE PRESIDENT: In which translation? In the one I have just read out?

DR. SEIDL: In the English translation. I shall now quote literally:

"It is clear that we neither wish to denationalize nor shall we germanize."

The other makes no sense.

THE PRESIDENT: That is what I read. Well, it is right in our book anyhow.

DR. SEIDL: The Governor General wished to say that we did not want to deprive the Poles of their national character and that we did not intend to turn them into Germans.

I now turn to Page 101, to an entry dated 27 October 1940, Pages 1026 to 1027 of Volume IV of the diary. A conference with Reich Minister of Labor Seldte. I quote, Line 7:

"He, the Governor General, had complained to the Führer that the wages of Polish agricultural laborers had been reduced by 50 percent. In addition, their wages had for the most part been used for purposes which were completely foreign to the idea of this exchange of workers."

The next quotation is dated 29 November 1940. It is on Page 1085 in Volume IV, of the year 1940. I quote:

"Hofrat Watzke further states that Reichsleiter Rosenberg's office was attempting to confiscate the so-called Polish Library in Paris, for inclusion in the Ahnenerbe in Berlin. The Department of Schools was of the opinion that the books of this Polish library belonged to the state library in Warsaw, as 17,000 volumes were already in Warsaw.

"The Governor General ordered that this Polish library should be transferred from Paris to Warsaw without delay."

I ask the Tribunal to take judicial notice of the next entry, dated 6 and 7 June 1940, which refers to an economic conference. I shall not read from the entry.

The next quotation is dated 25 February 1940. It deals with a conference of the department chiefs, prefects, and town majors of the district of Radom. I quote Page 12:

"Thereupon the Governor General spoke, and made the following statements:"

It goes on from Page 13:

"I shall, therefore, again summarize all the points.

"1. The Government General comprises that part of the occupied Polish territory which is not an integral part of the German Reich . . .

"2. This territory has primarily been designated by the Führer as the home of the Polish people. In Berlin the Führer, as well as Field Marshal Göring, emphasized to me again and again that this territory would not be subjected to Germanization. It is to be set aside as the national territory of the Polish people. In the name of the German people it is to be placed at the disposal of the Polish nation as their reservation."

The speech of the Governor General ends two pages further. I quote the last paragraph:

"There is one thing I should like to tell you: The Führer has urged me to guarantee the self-administration of the Poles as far as possible. Under all circumstances they must be granted the right to choose the *Wojts* and the minor mayors and village magistrates from among the Poles, which would be to our interest as well."

I now turn to the entry of 4 March 1940. From the volume of conferences, February 1940 to November 1940, Page 8:

"The Governor General submits for consideration the question of whether a slight pressure could not be exerted through proper use of the Compulsory Labor Order. He refuses to ask Berlin for the promulgation of a new decree defining special measures for the application of force and threats. Measures which might lead to unrest should be avoided. The shipping of people by force has nothing in its favor."

The last quotation in my document book is on Page 143. It is an entry dated 27 January 1941, Volume I, Page 115. A conference between State Secretary Dr. Bühler and the Reich Finance Minister, Count Schwerin von Krosigk. I quote the last paragraph:

"It is due to the efforts of all personnel employed in the Government General that, after surmounting extraordinary and unusual difficulties, a general improvement in the economic situation can now be noted. The Government General, from the day of its birth, has most conscientiously met the demands of the Reich for strengthening the German war potential. It is, therefore, permissible to ask that in future the Reich should make no excessive demands on the Government General, so that a sound and planned economy may be maintained in the Government General, which, in turn, would prove of benefit to the Reich."

That completes Volume II of the document book.

I now come to Volume III and I ask the Tribunal to refer to a quotation on Page 17 in my document book. It is an entry following a government meeting of 18 October 1941. I quote the eighth line from the bottom; it is a statement of the Governor General:

"I shall first of all state, when replying to these demands"—that means, the demands of the Reich—"that our strength has been exhausted and that we can no longer take any responsibility as regards the Führer. No instructions, orders, threats, *et cetera*, can induce me to answer anything but an emphatic 'no' to demands which, even under the stress of wartime conditions, are no longer tolerable. I will not permit a situation to arise such as you, Mr. Naumann, so expressly indicated, such as, for example, placing large areas at the disposal of the troops for maneuvers and thus completely disrupting the food supply which is already utterly insufficient."

The next quotation is on Pages 36 and 37 of my document book. It is an entry dated 16 January 1942, and the quotation to which I am referring is on the next page—Pages 65 and 66 of the diary:

"Later on a short discussion took place in the King's Hall of the Castle."

It took place with the chief of the Ukrainian committee. I quote:

"The Governor General desires a larger employment of Ukrainians in the administrative offices of the Government General. In all offices in which Poles are employed there should also be Ukrainians in proportion to the number of their population. He asked Professor . . ."

THE PRESIDENT: Dr. Seidl, if you will give us the page in your document book now, that will be sufficient for the present, because they seem to correspond.

DR. SEIDL: Very well. May I continue, Mr. President?

THE PRESIDENT: I think so, yes.

DR. SEIDL: I then come to Page 38 in the document book. This entry deals with a law drafted by Himmler, which has already been mentioned, regarding the treatment of aliens in the community. I quote:

"The Governor General orders the following letter to be sent to Landgerichtsrat Taschner:

"Please inform Reich Minister Dr. Lammers of my opinion which follows with my signature certified by yourself: I am opposed to the law on the treatment of people foreign to the German community, and I request that an early date be set for a meeting of leading officials with regard to the draft so

that it may be possible to set forth the principal legal viewpoints which today still emphatically contradict this proposal in its details. I shall personally attend this meeting. In my opinion it is entirely impossible to circumvent the regular courts and to transfer such far-reaching authority exclusively to police organizations. The intended court at the Reich Security Main Office cannot take the place of a regular court in the eyes of the people.’”

On Page 39 I quote the last paragraph but one:

“For that reason I object to this draft in its present form, especially with regard to Paragraph 1 of the decree concerning the order of its execution.”

Page 40 is an entry dated 7 June 1942 which also deals with that question of denationalization so emphatically denied by the Governor General. I ask the Tribunal to take judicial notice of this document. The next quotation is on Page 47 and deals with the acquisition of Chopin's posthumous works. I quote Paragraph 2:

“President Dr. Watzke reports that it would be possible to procure in Paris the major part of Chopin's posthumous works for the State Library in Kraków. The Governor General approves of the purchase of Chopin's posthumous works through the government of the Government General.”

Page 50 deals with an entry in the diary which concerns the securing of agricultural property. I quote Page 767 of the diary, Paragraph 2:

“It is my aim to bring about agricultural reform in Galicia by every possible means, even during the war. I thus have kept the promises which I made a year ago in my proclamation to the population of this territory. Further progress of a beneficial nature can therefore result through the loyal co-operation of the population with the German authorities. The German administration in this area is willing, and has also been given orders to treat the population well. It will protect the loyal population of this area with the same decisive and fundamental firmness with which it will suppress any attempt at resistance against the order established by the Greater German Reich. For this purpose, for the protection of the individual farmer, I have issued an additional decree concerning the duties of the German administration for food and agriculture in Galicia.”

I turn to Page 55 of the document book. This concerns a speech made by the Governor General before the leaders of the Polish Delegation, and I quote the last paragraph on Page 56, Line 6:

“I hope that the new harvest will place us in a position to assist the Polish Aid Committee. In any event we will do

whatever we can to check the crisis. It is also to our interest that the Polish population should enjoy their work and cooperate. We do not want to exterminate or annihilate anybody..."

Page 61 of the document book deals with a conference which the Governor General held with the Plenipotentiary General for the Allocation of Labor. I quote the last paragraph on Page 919 of the diary:

"I would also like to take this opportunity of expressing to you, Party Comrade Sauckel, our willingness to do everything that is humanly possible. However, I should like to add one request: The treatment of Polish workers in the Reich is still subject to certain degrading restrictions."

I turn to Page 62 and quote Line 10:

"I can assure you, Party Comrade Sauckel, that it would be a tremendous help in recruiting workers, if at least part of the degrading restrictions against the Poles in the Reich could be abolished. I believe that could be effected."

I now turn to Page 66 of the document book. This is the only entry in the diary of the Defendant Dr. Frank which he has signed personally. It is a memorandum on the development in the Government General after he had been relieved of all his positions in the Party, and had repeatedly stated that he was resigning and hoped that now at last his resignation would be accepted.

I ask the Tribunal to take judicial notice of this final survey, dated 1 September 1942. It consists of five pages: Pages 66 to 71.

The next quotation is on Page 75 and deals with the safeguarding of art treasures. I quote the fifth line from the bottom. It is a statement made by the Governor General:

"The art treasures were carefully restored and cleaned, so that approximately 90 percent of all the art treasures of the former state of Poland in the territory of the Government General could be made safe. These art treasures are entirely the property of the Government General."

I ask the Tribunal to turn to Page 92 of this volume. It is an entry dated 8 December 1942, which was made on the occasion of a meeting of departmental chiefs and which deals with the supply situation.

I ask the Tribunal to take judicial notice of that entry. The same for the entry on Page 93, in which the Governor General speaks of the question of recruiting workers and most severely condemns all measures of force.

The next entry, which appears important to me and which should be read into the record, is on Page 108. It concerns a press conference, and I ask the Tribunal to turn directly to Page 110. I quote the third paragraph:

"The Governor General sums up the result of the conference and states that, with the participation of the president of the department for propaganda and the press chief of the Government, all points will be comprised in a directive to be issued to all leading editors of the Polish papers. Instructions for the handling of matters concerning foreigners, in the press and in the cultural field, will be included in this directive. The conciliatory spirit of the Reich will serve as a model."

I now ask the Tribunal to turn to Page 127 of the document book, a conference of 26 May 1943, which deals with the question of food. I quote the eighth line:

"We must understand that the first problem is the feeding of the Polish population; but I would like to say, with complete authority, that whatever happens with the coming rationing period in the Government General, I shall, in any case, allot to the largest possible number of the population such food rations as we can justifiably afford in view of our commitments to the Reich. Nothing and nobody will divert me from this goal..."

Page 131 of the document book deals with a committee of the Governor General for supplies for the non-German working population. I ask the Tribunal to take judicial notice of these statements, and I now turn to Page 141. This entry also deals with the food situation. I quote the tenth line from the bottom:

"After examining all possibilities I have now ordered that as from 1 September of this year, the food situation of the Polish population of this territory shall also be regulated on a generous scale. By 1 September of this year we shall introduce, for the population of this territory, the rations which are called the 'Warthegau rations.'"

I ask permission to quote a few sentences from Page 142:

"I should like to make a statement to you now. From the seriousness with which I utter these words, you can judge what I have in mind. I myself and the men of my Government are fully aware of the needs also of the Polish population in this district. We are not here to exterminate or annihilate it, or to torment these people beyond the measure of suffering laid upon them by fate. I hope that we shall come to a satisfactory arrangement in all matters that sometimes separate us. I personally have nothing against the Poles..."

I now turn to Page 148. It is a conference which deals with young medical students. I quote Page 149, Paragraph 2, which is a statement by the Governor General:

"This first—we can safely call it Ministry of Health, even though this expression is not used—is something entirely new. This department for health will have to deal with important problems. For us, the physicians in this territory, there is above all a lack of . . ."

Mr. President, I have just discovered that an error may possibly have occurred, since these statements on Page 672 were perhaps not made by the Governor General himself but by the head of the Health Department. I shall examine this question again and then submit the result to the Tribunal in writing.

I now turn to Page 155 of the document book. This entry seems to me of a vital nature. It is dated 14 July 1943 and deals with the establishment of the State Secretariat for Security.

THE PRESIDENT: It is not in our book, apparently. We haven't got a Page 155, and we haven't got a date, I think, of the 14th of July.

DR. SEIDL: It is July 1943. It has probably been omitted. With the approval of the Tribunal I shall read the sentences in question into the record. There are only three sentences:

"The Governor General points out the disastrous effect which the establishment of the State Secretariat for Security has had on the authority of the Governor General. He said that a new police and SS government had tried to establish itself in opposition to the Governor General which it had been possible to suppress only at the expense of a great deal of energy and at the very last moment."

I then ask the Tribunal to turn to Page 166 of the document book. This entry deals with general questions regarding the policy in Poland. I ask the Tribunal to take judicial notice of this document.

Page 193 deals with the establishment of the Chopin Museum which was created by the Governor General. I quote Page 1157 of the diary, which is an extract from the Governor General's speech:

"Today I have inaugurated the Chopin Museum in Kraków. We have saved and brought to Kraków, under most difficult circumstances, the most valuable mementos of the greatest of Polish musicians. I merely wanted to say this in order to show you that I want to make a personal effort to put things in order in this country as far as possible."

The last quotation is on Page 199 of Volume II of the document book. It is an extract from a speech which Reichsführer SS Himmler made on the occasion of the installation of the new Higher SS

and Police Leader in Kraków, before the members of the Government and the Higher SS and Police Leaders. This is the speech which the Defendant Frank mentioned when he was examined. I quote the eighth line from the bottom:

"You are all very familiar with the situation: 16 million aliens and about 200,000 Germans live here; or if we include the members of the Police and Wehrmacht, perhaps 300,000. These 16 million aliens, who were augmented in the past by a large number of Jews who have now emigrated or have been sent to the East, consist largely of Poles and to a lesser degree of Ukrainians."

I turn to the last document of this volume, Page 200, an entry dated 14 December 1943. It concerns a speech which the Governor General made to officers of the Air Force. I quote the second paragraph:

"Therefore, everything should be done to keep the population quiet, peaceful, and in order. Nothing should be done to create unnecessary agitation among the population. I mention only one example here:

"It would be wrong if now, during the war, we were to undertake the establishment of large German settlements among the peasantry in this territory. This attempt at colonizing, mostly through force, would lead to tremendous unrest among the native peasant population. This, in turn, from the point of view of production, would result in a tremendous loss to the harvest, in a curtailment of cultivation, and so on. It would also be wrong forcibly to deprive the population of its Church, or of any possibility for leading a simple cultural life."

I turn to Page 201, and I quote the last paragraph:

"We must take care of these territories and their population. I have found, to my pleasure and that of all of our colleagues, that this point of view has prevailed and that everything that was formerly said against the alleged friendship with the Poles or the weakness of this attitude, has dwindled to nothing in face of the facts."

That completes Volume II of the document book—I beg your pardon, I meant Volume III. Now I come to Volume IV of the document book.

Page 1 of the document book deals with a conversation which took place on 25 January 1943 with the SS Obergruppenführer Krüger. I quote the last paragraph:

"The Governor General states that he had not been previously informed about the large-scale action to seize asocial elements

and that this procedure was in opposition to the Führer's decree of 7 May 1942, according to which the State Secretary for Security must obtain the approval of the Governor General before carrying out instructions by the Reichsführer SS and Chief of the German Police. State Secretary Krüger states that this concerned secret instructions which had to be carried out suddenly."

I ask the Tribunal to take cognizance of the fact that this is merely an example of many similar discussions and differences of opinion.

I now turn to Page 24 of the document book. This concerns a meeting of the War Economy Staff and the Defense Committee on 22 September 1943. I hope that the pages tally again.

THE PRESIDENT: You said Page 24, didn't you?

DR. SEIDL: Page 24, an entry of 22 September 1943.

THE PRESIDENT: It looks as though the paging is right. Our book is Page 24 at the top, so perhaps you will continue to quote the page for a moment or two. We will see whether it goes on right.

DR. SEIDL: This concerns an entry dated 22 September 1943, a meeting of the War Economy Staff and the Defense Committee. I quote only the first lines:

"In the course of the past few months, in the face of the most difficult and senseless struggles, I have had to insist on the principle that the Poles should, at last, be given a sufficient quantity of food. You all know the foolish attitude of considering the nations we have conquered as inferior to us, and that at a moment when the labor potential of these peoples represents one of the most important factors in our fight for victory. By my opposition to this absurdity, which has caused most grievous harm to the German people, I personally—and many men of my government and many of you—have incurred the charge of being friendly or soft towards the Poles.

"For years now people have not hesitated to attack my government of this area with the foulest arguments of this kind, and behind my back have hindered the fulfillment of these tasks. Now it has been proved as clear as day that it is insane to want to reconstruct Europe and at the same time to persecute the European nations with such unparalleled chicanery."

I now turn to Page 34 of the document book, an entry dated 20 April 1943, concerning a government meeting. I ask the Tribunal to take judicial notice of the final words only of the Governor General's speech on Page 38 of the document book and Page 41 of

the diary. Then I turn to Page 39 of the document book, a meeting of 22 July 1943; I quote from the second paragraph, the tenth line:

"The question of the resettlement was altogether particularly difficult for us in this year. I can give you the good news that resettlement in general has been completely discontinued for the duration of the war. With regard to the transferring of industries, we have just started to work at full speed. As you know—I personally attach great importance to it—we have to satisfy this need of the Reich, and in the coming months we shall install great industrial concerns of international renown in the Government General.

"However, with regard to this question we must consider the almost complete reconstruction of the Government General which has consequently been forced upon us. While, until now, we have always figured as a country supplying the Reich with labor, as an agricultural country, and the granary of Europe, we shall within a very short time become one of the most important industrial centers of Europe. I remind you of such names as Krupp, Heinkel, Henschel, whose industries will be moved into the Government General."

I now ask the Tribunal to turn to Page 41 of the document book. It is the statement which was made by the witness Doctor Bühler on 26 October 1943, in which he states that this report dealt with 4 years of reconstruction in the Government General on the basis of reliable information from the 13 chief departments. The statement includes Pages 42 to 69 of the document book. I do not propose to quote from this statement, but I ask the Tribunal to take judicial notice of it.

I go straight on to Page 70 of the document book, which concerns a government meeting dated 16 February 1944. I quote the last paragraph, Page 4 of the document book.

"As opposed to this, the fact must be established that the development, construction, and securing of that which today gives this territory its importance were possible only because it was necessary, in opposition to the ideas of the advocates of brute force—so completely untimely during a war—to bring the human and material resources of this area into the service of the German war effort in as constructive a manner as possible."

The next quotation is Page 74; an entry dated 6 March 1944. I quote the last paragraph on Page 75, Page 5 of the diary:

"The Governor General does not, as a matter of principle, oppose the training of the younger generation for the priesthood because, if courses for doctors, *et cetera*, are arranged,

similar opportunities must also be created in the field of religion."

Page 77 deals with an order by the Governor General prohibiting the evacuation of the population, or a part of it, which was in the fighting zone near Lublin.

On Page 80 is an entry dated 12 April 1944. I quote the second paragraph:

"In this connection President Gerteis spoke of the treatment of the Poles in the Reich. This treatment, said to be worse than that of any other foreign workers, had led to the result that practically no Poles would volunteer any more for work in Germany.

"There were 21 points on which the Polish workers in the Reich were more badly treated than any other foreign workers. The Governor General requested President Gerteis to acquaint him with these 21 points which he would certainly attempt to have abolished."

I now ask the Tribunal to turn to Page 100 of the document book. It concerns a conference on 6 June 1944 regarding a large-scale action against the partisans in the Bilgoraje Forest. I quote Page 101, Page 4 of the diary:

"The Governor General wants to be quite sure that protection is given to the harmless population, which is itself suffering under the partisan terror."

Page 102 deals with the views of the Governor General on concentration camps. It is an entry dated 6 June 1944. I quote the last paragraph:

"The Governor General declared that he would never sign such a decree, since it meant sending the person concerned to a concentration camp. He stated that he had always protested with the utmost vigor against the system of concentration camps, for it was the greatest offense against the sense of justice. He had thought there would be no concentration camps for such matters, but they had apparently been silently put into operation. It could only be handled in such a manner that the persons condemned would be pardoned to jail or prison for a certain number of years. He pointed out that prison sentences, for instance, were imposed and examined by state institutions. He therefore requested that State Secretary Dr. Bühler should be informed that he, the Governor General, would not sign such decrees. He did not wish concentration camps to be officially sanctioned. He went on to say that there was no pardon which would commute a sentence into commitment to a concentration camp. The courts-martial are

state legal organs of a special character and consist of police units; actually they should normally be staffed by members of the Wehrmacht."

THE PRESIDENT: Dr. Seidl, can you explain the translation of the words at the bottom of Page 102 which are in English, "It only could be handled in such a manner that the persons would be pardoned to jail or prison for a certain number of years." Can you explain that from the point of view of meaning?

DR. SEIDL: The meaning of the words becomes clear from the statement made by President Wille in the previous paragraph where, among others, you will find the following statement. It is the tenth line from the top.

"The Reprieve Commission had asked the representative of the Chief of the Security Police, who was present at the session, in what form this pardon was to be effected. As far as he knew, remittance of a sentence had been allowed in one case only. In all other cases it was customary to couple Security Police measures with the remittance of a sentence. It was feared that otherwise these people might disappear."

Now the Governor General was of the opinion that, for example, to transmute a death sentence to a term in prison or penitentiary was possible but that he would have to refuse direct commutation of a death penalty into a suspended prison penalty if the Police in that event were to impose security measures.

THE PRESIDENT: You mean that it meant that pardon from a death sentence might be made by a reprieve for a sentence in prison for a certain number of years, but not by sending to a concentration camp, which would be for an indefinite period and under police methods?

DR. SEIDL: Yes, that is the sense of it.

I now turn to Page 104 of the document book. This quotation also deals with the general question of treatment of the population in the Government General.

THE PRESIDENT: Dr. Seidl, you have been very much longer than you said, and the Tribunal thinks you might be able to cut down a great deal of this. It is all very much on the same lines.

DR. SEIDL: Yes. In that case, I ask the Tribunal to turn to Page 112 of the document book, an entry dated 10 July 1944. This entry deals with the official control of art treasures. I quote the second paragraph:

"The Governor General instructs the expert Palezieux to have a complete index made of these art treasures."

THE PRESIDENT: You have already told us and given us some evidence to support the view that the Defendant Frank was preserving the art treasures and was wishing them to be preserved in Poland, and it is not necessary under those circumstances to go reading passages about it.

DR. SEIDL: Very well. Then I ask the Tribunal to take judicial notice of that entry; and if the Tribunal agrees, I shall merely give you the pages of the documents in the document book which appear important to me. That is page...

[The proceedings were interrupted by technical difficulties in the interpreting system.]

Gentlemen of the Tribunal, if the Court is agreeable I should like to give only the numbers of the pages of Volume IV of the document book which seem particularly important to me. These are the Pages 115, 121, 123, 134, 139, 152, and 182. That concludes Volume IV of the document book and I come to the last volume of the document book which will be finished considerably faster.

Volume V deals exclusively with the accusations made by the Prosecution of the United States against the Defendant Frank concerning his activity as President of the Academy for German Law, as President of the National Socialist Lawyers' Association, and similar positions. Page 1 is a document which has already been submitted by the Prosecution, 1391-PS. It still has no USA number and will be Exhibit Number Frank-11. It is the law regarding the Academy for German Law with the necessary statutes and the tasks resulting therefrom.

I turn to page 25 of the document book. This quotation becomes Exhibit Frank-12 (Document Number Frank-12). It deals with a sentence which has been ascribed to the defendant: "Right is that which is good for the people." This quotation should prove only that the Defendant Dr. Frank wanted to express nothing more than that which is implied in the Roman sentence: *Salus publica suprema lex* (The supreme law is the welfare of the people). I ask the Court to take cognizance of this and turn to Page 26 of the document book, an excerpt from the magazine of the Academy for German Law of 1938. That will be Exhibit Frank-13 (Document Number Frank-13). This quotation also deals with the afore-mentioned sentence: "Right is that which is good for the people."

Page 30 is an excerpt from Exhibit USA-670 (Document Number 3459-PS) and deals with the closing celebration of the "Congress of German Law 1939" at Leipzig, where the Defendant Dr. Frank made the concluding speech before 25,000 lawyers. I quote on Page 31, Line 10 from the bottom:

"Only by applying legal security methods, by administering true justice, and by clearly following the legislative ideal of law can the national community continue to exist. This legal method which permanently ensures the fulfillment of the tasks of the community has been assigned to you, fellow guardians of the law, as your mission. Ancient Germanic principles have come down to us through the centuries.

"1) No one shall be judged who has not had the opportunity to defend himself.

"2) No one shall be deprived of the incontestable rights which he enjoys as a member of the national community, except by decision of the judge. Honor, liberty, life, the profits of labor are among those rights.

"3) Regardless of the nature of the proceedings, the reasons for the indictment, or the law which is applied, everyone who is under indictment must be given the opportunity to have a defense counsel who can make legal statements for him; he must be given a legal and impartial hearing."

I turn to Page 35 of the document book, which deals with a speech, an address by the Defendant Dr. Frank, made at a meeting of the heads of the departments of the National Socialist Lawyer's Association on 19 November 1941. The speech—that is, the excerpt—becomes Exhibit Number Frank-14 (Document Number Frank-14). I quote only a few sentences at the top of Page 37.

"Therefore, it is a very serious task which we have imposed upon ourselves and we must always bear in mind that it can be fulfilled only with courage and absolute readiness for self-sacrifice. I observe the developments with great attention. I watch every anti-juridical tendency. I know only too well from history—as you all do—of the attempts made to gain ever-increasing power in general directions because one has weapons with which one can shoot, and authority on the basis of which one can make people who have been arrested disappear. In the first place, I mean by this not only the attempts made by the SS, the SD, and by the police headquarters, but the attempts of many other offices of the State and the Reich to exclude themselves from general jurisdiction."

I turn to—I would like to quote the last five lines on Page 41. Those were the last words spoken during that session:

"One cannot debase law to an article of merchandise; one cannot sell it; it exists or it does not exist. Law is not an exchange commodity. If justice is not supported, the State loses its moral foundation; it sinks into the abyss of darkness and horror."

The next document is on Page 42. It is the first address which the Defendant Dr. Frank made in Berlin at the university on 8 June 1942. It will be Exhibit Number Frank-15 (Document Number Frank-15). I quote Page 44, second paragraph, seventh line:

"On the other hand, however, a member of the community cannot be deprived of honor, liberty, life, and property; he cannot be expelled and condemned without first being able to defend himself against the charges brought against him. The Armed Forces serve us as a model in this respect. There everyone is a free, honored member of the community, with equal rights, until a judge—standing independently above him—has weighed and judged between indictment and defense."

I then turn to Page 49 of the document book, the second of these four long speeches. It was held in Vienna, and will become Exhibit Number Frank-15.

THE PRESIDENT: We have already had Exhibit Frank-15 on Page 41.

DR. SEIDL: No, I beg your pardon, Mr. President; it will be Frank-16 (Document Number Frank-16). I quote only one sentence on Page 51.

"I shall continue to repeat with all the strength of my conviction that it would be an evil thing if ideals advocating a police state were to be presented as distinct National Socialist ideals, while old Germanic ideals of law fell entirely into the background."

Now I ask the Tribunal to turn to Page 57 of the document book to the speech made by the Defendant Dr. Frank at the University of Munich, on 20 July 1942. This will be Exhibit Frank-17 (Document Number Frank-17). I quote on Page 58, Line 16:

"It is, however, impossible to talk about a national community and still regard the servants of the law as excluded from this national community, and throw mud at them in the midst of the war. The Führer has transferred the tasks of the Reich Leader of the Reich Legal Office and that of the leader of the National Socialist Lawyers' Association to me, and therefore it is my duty to state that it is detrimental to the German national community if in the 'Black Corps' lawyers are called 'sewer-rats.'"

I ask the Tribunal to turn to Page 67 of the document book. That is the speech which he made at Heidelberg on 21 July 1942. That will be Exhibit Frank-18 (Document Number Frank-18). I ask the Tribunal to take official notice of that speech. On Page 69 I quote only one sentence: "But never must there be a police state, never. That I oppose."

I now come to the last document which the Prosecution of the United States has already submitted under Exhibit Number USA-607 (Document Number 2233(x)-PS), an excerpt from the diary: "Concluding reflections on the events of the last three months."

In these reflections Dr. Frank once more definitely states his attitude towards the concept of the legal state, and I ask the Tribunal to take cognizance particularly of his basic assumptions on Pages 74 and 75 of the document book. Here, Dr. Frank again formulated the prerequisites which he considered necessary for the existence of any legal state. I quote only a few lines from Page 74:

"1) No fellow German can be convicted without regular court procedure, and only on the basis of a law in effect before the act was committed.

"2) The proceedings must carry full guarantee that the accused will be interrogated on all matters pertaining to the indictment, and that he will be able to speak freely.

"3) The accused must have the opportunity, at all stages of the trial, to avail himself of the services of defense counsel acquainted with the law.

"4) The defense counsel must have complete freedom of action and independence in carrying out his office in order to strike an even balance between the State prosecutor and the defendant.

"5) The judge or the court must make his or its decision quite independently—that is, the verdict must not be influenced by any irrelevant factors—in logical consideration of the subject matter and in just application of the purport of the law.

"6) When the penalty imposed by the sentence has been paid, the act has been expiated.

"7) Measures for protective custody and security custody may not be undertaken or carried out by police organs, nor may measures for the punishment of concentration camp inmates, except from this aspect, that is, after confirmation of the intended measures by regular, independent judges.

"8) In the same manner, the administration of justice for fellow Germans must guarantee full safeguarding of individual interests in all relations pertaining to civil suits proper."

THE PRESIDENT: Dr. Seidl, are there any passages in these documents which express the opinion that the same principles ought to be applied to others than fellow Germans?

DR. SEIDL: In this last quotation the Defendant Dr. Frank dealt basically with questions of law without making any difference here

between Germans and people of foreign nationality. However, in his capacity as Governor General he also fundamentally objected at all times to the transfer of Poles, Ukrainians, and Jews to concentration camps. This can be seen from a whole series of entries in the diary.

With this I have come to the end of my evidence for Dr. Frank. There are left only the answers to interrogatories by witnesses whose interrogation before a commission has been approved by the Court. At a later date I shall compile these interrogations in a small document book and submit the translation thereof to the Tribunal.

THE PRESIDENT: You are speaking of interrogatories where you have not yet got the answers; is that right?

DR. SEIDL: These are interrogatories to which the answers have not yet been received.

THE PRESIDENT: Yes. Well, as soon as you have received them you will furnish them to the Prosecution and to the Tribunal?

DR. SEIDL: Yes.

THE PRESIDENT: Dr. Pannenbecker.

DR. OTTO PANNENBECKER (Counsel for Defendant Frick): In presenting evidence for the Defendant Frick, I shall forego calling the defendant himself as a witness. The questions which require an explanation deal mainly with problems relating to formal authority and also with problems which differentiate between formal authority and actual responsibility. These are problems, part of which have already been elucidated by the interrogation of Dr. Lammers and the rest of which will be cleared up by the submission of documents. One special field, however, cannot be entirely clarified by documents; and that is the question of the actual distribution of authority within the sphere of the Police; but for that special field I have named the witness Dr. Gisevius. He is the only witness whose interrogation seems to be necessary for the presentation of evidence in the case of Frick. Therefore, in the meantime, I have dispensed with other witnesses.

I ask the Court to decide whether I should call the witness Dr. Gisevius first or whether I should submit my documents first. If documents are to be presented first, I believe that I could finish by the midday recess.

THE PRESIDENT: You can finish your documents before the adjournment, do you mean?

DR. PANNENBECKER: Yes. I believe so.

THE PRESIDENT: Until 1:00 o'clock?

DR. PANNENBECKER: Yes.

THE PRESIDENT: Are you indifferent whether you call the witness first or whether you present the documents first?

DR. PANNENBECKER: Yes.

THE PRESIDENT: The Tribunal thinks that perhaps it would be more convenient to give the documents first. They hope that you will be able to finish them reasonably quickly.

DR. PANNENBECKER: Yes.

Numbers 1, 2, and 3 of the document book (Documents Number 386-PS, L-79, and 3726-PS) deal with evidence concerning the question of whether the members of the Reich Cabinet knew about Hitler's preparation for aggressive war. I need not read the documents; they have already been submitted, and they show that Hitler gave information of his plans for aggression only to those of his assistants who had to know of these plans for their own work, but did not inform Frick who, as Minister of the Interior, was responsible for the internal policy.

Within the scope of the war preparation, Frick was made Plenipotentiary for Reich Administration by the Reich Defense Law of 4 September 1938, which has already been submitted, Exhibit Number USA-36 (Document Number 2194-PS). This law does not indicate that this position had anything to do with the known preparation of an aggressive war; it shows only the participation of the Administration of the Interior in a general preparation and organization in the event of a future war. I have therefore included in the document book an excerpt from this law under Number 4 of the document book, in order to correct an error. The Defendant Frick himself stated in an affidavit on 14 November 1945, that he had held the position of Plenipotentiary for Reich Administration from 21 May 1935. This is the date of the first Reich Defense Law, which has already been submitted as Exhibit Number USA-24 (Document 2261-PS). The first Reich Defense Law of 21 May 1935, however, does not provide for the position of Plenipotentiary for Reich Administration; that is contained only in the second law of 4 September 1938.

This second law has been submitted under Exhibit Number USA-36. Following this erroneous statement which the Defendant Frick made without having the two laws on hand, the Prosecution has also stated that Frick held the position of Plenipotentiary for Reich Administration from 21 May 1935, while actually he held it only from 4 September 1938, that is, the date of the second law.

Numbers 5 and 6 of the document book have already been submitted by the Prosecution. They also prove nothing except the participation of the Defendant Frick in the establishment of civil

administration with a view to a possible future war. It is not necessary to read this either.

The Prosecution considers Hitler's aggressive intentions to be so well known and so obvious as to require no further proof. The Prosecution on that assumption came to the conclusion that participation in the National Socialist Government, in any field whatsoever, would in itself imply the conscious support of aggressive war. In opposition to that I have referred to evidence in documents from Number 7 to 10 inclusive of the Frick document book (Documents Number 2288-PS, 2292-PS, 2289-PS, and 3729-PS) which have already been submitted by the Prosecution and which show that Hitler in public, as well as in private conversations, from the time he came into power followed a definite policy of declaring his peaceful intentions—a policy, therefore, which for considered reasons, declared to all that to keep peace was right.

I believe that these documents, which have already been submitted to the Tribunal, must also be considered in order to decide whether or not Hitler's official policy, since his coming to power, indicated that he had intentions of waging aggressive war. As evidence in that direction, I should like to submit Number 11 and Number 12 of the document book, which have not been presented until now, and which I will submit as Documents Frick-1 and -2.

The first is a telegram of 8 March 1936 from Cardinal Archbishop Schulte to the Commander-in-Chief of the Armed Forces at the time of the occupation of the Rhineland in 1936. The second document is a solemn declaration by the Austrian bishops occasioned by the annexation of Austria in March 1938.

The first document states, and I quote:

"Cardinal Archbishop Schulte has sent to General Von Blomberg, the Commander-in-Chief of the German Armed Forces, a telegram in which, at the memorable hour when the Armed Forces of the Reich are re-entering the German Rhineland as the guardians of peace and order, he greets the soldiers of our nation with deep emotion mindful of the magnificent example of self-sacrificing love of fatherland, stern manly discipline, and upright fear of God, which our Army has always given to the world."

I particularly selected these two documents because the Catholic Church is not suspected of sanctioning aggressive wars, or of approving of Hitler's criminal intentions in any other way. These statements would have been unthinkable if the accusations of the Prosecution were true, namely, that the criminal aims of Hitler and particularly his aggressive intentions had been known.

THE PRESIDENT: Dr. Pannenbecker, the Tribunal would like to know what is the source of this telegram from the Archbishop, Number Frick-11.

DR. PANNENBECKER: I took the telegram, Number Frick-11, from the *Völkischer Beobachter* of 9 March 1936.

THE PRESIDENT: And the other one?

DR. PANNENBECKER: The other document is from the *Völkischer Beobachter* of 28 March 1938.

Number 13 of the document book contains only one sentence, taken from a speech made by Frick, from which it is evident that Frick shared the same opinion. He states in this speech, and I quote:

“The national revolution is the expression of the will to eliminate by legal means every form of external and internal foreign domination.”

THE PRESIDENT: You gave that the number 13, did you?

DR. PANNENBECKER: Yes.

THE PRESIDENT: I beg your pardon. That should be 3.

DR. PANNENBECKER: Yes, that is what I wanted to say. I submit it as Document Number Frick-3.

THE PRESIDENT: Yes.

DR. PANNENBECKER: The Defendant Frick has been accused particularly of working for the League for Germans Abroad. The Prosecution saw in this activity a contribution by the Defendant Frick to the preparation of aggressive wars. Frick's actual attitude regarding the aims of the League for Germans Abroad can be seen from Number 14, which will be Document Number Frick-4. In a speech made by Frick, it states, and I quote:

“The VDA (League for Germans Abroad) has nothing to do with political aims or with frontier questions; it is, and is intended to be, nothing more than a rallying point for German cultural activities . . . the world over.”

In Number 15, which is Exhibit Frick-5 . . .

THE PRESIDENT: Dr. Pannenbecker, I perhaps ought to say that in the index of this document book it looks as though the exhibit numbers were the numbers of the documents in the order in which they are put in the book, but that will not be so.

DR. PANNENBECKER: No, it will not be so.

THE PRESIDENT: That last document which you just put in as Exhibit Number 4 is shown in the book to be Exhibit Number 14, which is a mistake. It is Document Number 14, but not Exhibit Number 14.

DR. PANNENBECKER: Number 14 of the document book, Exhibit Number Frick-4 (Document Number Frick-4).

THE PRESIDENT: Yes.

DR. PANNENBECKER: Dealing with the same subject I have entered in Number 15, Exhibit Number Frick-5 (Document Number 3358-PS), a decree of the Reich Minister of the Interior of 24 February 1933, which also deals with the question of the work of the League for Germans Abroad. It states, and I quote...

THE PRESIDENT: Has that not already been put in? I see it has a PS number.

DR. PANNENBECKER: It has a PS number, but it was not then submitted as evidence by the Prosecution. Therefore I quote:

"The suffering and misery of the times, the lack of work and food within Germany, cannot divert attention from the fact that about 30 million Germans, living outside of the present contracted borders of the Reich, are an integral part of the entire German people; an integral part, which the Reich Government is not able to help economically but to which it considers itself under an obligation to offer cultural support through the organization primarily concerned with this task—the League of Germans Abroad."

In the documents from Number 16 to 24 inclusive of the document book, which I need not read in detail, I have placed together the legal decrees which deal with the competence of the Reich Ministry of the Interior as a central office for certain occupied territories. The tasks of this central office, which had no authority to issue orders and no executive authority in any occupied territories, have already been described by the witness Dr. Lammers; and these tasks are specially entered in Number 24 of the document book. I do not need to submit it in evidence. It is an official publication of the *Reichsgesetzblatt* and has, in addition, already been submitted as 3082-PS. In accordance with the fact that the central office had no authority to issue orders in the occupied territories, there is in the diary of Dr. Frank a confirmation that the Governor General alone had authority to issue orders for the administration of his territory. I do not need to quote this passage as it has already been submitted to the Tribunal.

Police authority in the occupied territories was transferred to Reichsführer SS Himmler; but Frick as Reich Minister of the Interior had nothing to do with this either, since that authority was vested exclusively in Himmler in his capacity as Reichsführer SS. That can be seen from Number 26 of the document book, which also already has been submitted as Exhibit USA-319 (Document Number 1997-PS).

The Prosecution further considers the Defendant Frick responsible for the crimes committed in the Protectorate of Bohemia and Moravia since August 1943, on the grounds that Frick had been Reich Protector in Bohemia and Moravia since August 1943. In this connection, I refer to Numbers 28 and 29 of the document book (Documents Number 1366-PS and 3443-PS), from which it is evident that, at the time that Frick was appointed, the former powers of the Reich Protector had been subdivided between a so-called German State Minister in Bohemia and Moravia—who, under the immediate supervision of the Führer and Reich Chancellor, had to manage all government affairs—and the Reich Protector Frick who was given some special powers and in principle had the right to grant reprieves on sentences passed by the local courts.

Frick has also been accused of being responsible for the Political Police, that is, the Secret State Police, and the concentration camps. Until 1936 police matters were the affair of the individual states in Germany; consequently in Prussia, Göring as Prussian Prime Minister, and Prussian Minister of the Interior, built up the Political Police and established the concentration camps. Frick, therefore, as Reich Minister of the Interior, had no connection with these things.

In the spring of 1934 Frick also became Prussian Minister of the Interior. Previously, however, Göring had by a special law taken the affairs of the Political Police out of the jurisdiction of the office of the Prussian Minister of the Interior and placed it under the immediate supervision of the Prime Minister, an office which Göring retained for himself.

The corresponding decrees have already been submitted by the Prosecution as Documents Number 2104-PS, 2105-PS, and 2113-PS.

The same is evident from Document Number 30 in the document book, which has also been submitted as Exhibit USA-233 (Document Number 2344-PS).

Thus, in the Political Police sphere, Frick, until 1936, had only a general right of supervision, such as the Reich had over the individual states. He had, however, no special right of command in individual cases, only the authority to issue general directives; and in Numbers 31-33 of the document book I have entered a few of these directives issued by Frick.

I quote Number 31, which will be Exhibit Frick-6 (Document Number 779-PS):

"In order to correct the abuses resulting from the decree for protective custody, the Reich Minister of the Interior, in his directives of 12 April 1934 to the Land governments and Reichsstatthalter anent the promulgation and execution of decrees for protective custody, has determined that protective custody may be ordered only: (a) for the protection of the

arrested person; (b) if the arrested person by his behavior, and especially by activities directed against the State, has directly endangered public security and order. Therefore, protective custody is not permissible when the above-mentioned cases do not apply, especially (a) for persons who merely exercise their public and civil rights; (b) for lawyers for representing the interests of their clients; (c) in the case of personal matters, as for instance, insults; (d) because of economic measures (questions of salary, dismissal of employees, and similar cases).

"Furthermore, protective custody is not permissible as a countermeasure for punishable actions, for the courts are competent to deal with those cases."

THE PRESIDENT: What is the date of that?

DR. PANNENBECKER: It is a document which the Prosecution has submitted as 779-PS and which was taken from the files of the ministry. There is no date on the document but it must have been in the spring of 1934, as can be seen from the first sentence of the document. The *Völkischer Beobachter* mentions the same decree in its issue of 14 April 1934. I have included that as Number 32 in the document book; it will be Exhibit Frick-7 (Document Number Frick-7).

THE PRESIDENT: Dr. Pannenbecker, are you offering that as an exhibit or has it already been put in evidence?

DR. PANNENBECKER: No, it has not, as yet, been submitted. I offer it as Exhibit Number Frick-7.

THE PRESIDENT: I am told the date is April 12.

DR. PANNENBECKER: In the spring of 1934, yes, shortly after.

THE PRESIDENT: 12th of April, 1934.

DR. PANNENBECKER: Yes.

The *Völkischer Beobachter* also mentions this decree in its issue of 14 April 1934. We are concerned with Document 32 of the document book, which will be Exhibit Number Frick-7. I do not need to read it in detail.

The same is evident from Number 33 of the book, which will be Exhibit Number Frick-8 (Document Number I-302).

Number 34 of the book—which will be Exhibit Number Frick-9 (Document Number 775-PS) shows that the Gestapo actually did not adhere to Frick's directives, and that Frick was powerless in that connection. Nevertheless, the document appears important to me because it shows that Frick tried repeatedly with great pains to counteract the abuses of the Gestapo, which, however, with the

support of Himmler, was stronger than he—especially since Himmler enjoyed the direct confidence of the Führer.

On 17 June 1936, the affairs of the Political Police came under the jurisdiction of the Reich. Himmler was appointed Chief of the German Police and, though formally attached to the Reich Ministry of the Interior, he functioned, in fact, as an independent Police Ministry under the immediate authority of Hitler; and, as a minister, he was privileged to look after his affairs in the Reich Cabinet himself.

This can be seen from Document Number 35 of the document book—an excerpt from the *Reichsgesetzblatt* which has been submitted as 2073-PS. I do not believe that I have to give it an exhibit number; it is an official announcement in the *Reichsgesetzblatt*.

In this connection the Prosecution has submitted Document 1723-PS as Exhibit USA-206. I have entered an extract from this document as Number 36 in the document book in order to correct an error. The document is an extract from a book written by Dr. Ley in his capacity as Reich Organization Leader. In that book Dr. Ley gives directives to the Party offices regarding co-operation with the Gestapo, and at the end of the extract Ley reprinted a decree by Frick which shows how Frick attempted to counteract the arbitrary measures of the Gestapo.

However, in presenting evidence on the morning of 13 December 1945, the Prosecution read the entire document as an order by Frick. I should therefore like to correct that error.

Since Himmler and the chiefs of the Gestapo did not heed Frick's general directives, Frick tried, at least in individual cases, to alleviate conditions in concentration camps; but generally he was not successful. To quote an example, I have included—under Number 37 of the document book—a letter by the former Reichstag Delegate Wulle, which he sent to me of his own accord. This letter will be Exhibit Number Frick-10 (Document Number Frick-10). The letter states, and I quote:

“He”—Frick—“as my former counsel told me, has at various times tried to persuade Hitler to release me; but without success as it was Himmler who made all decisions regarding concentration camps. However, I owe it to him that I have been treated in a comparatively decent manner at the Sachsenhausen Concentration Camp . . . He stood out from among the Nazi demagogues because of his impartiality and reserve; he was a man who by nature disapproved of any act of violence . . . Since the spring of 1925 I have been involved in a sharp struggle against Hitler and his party. I consider it even more to Frick's credit that despite this antagonism and his comparatively powerless position with respect to Himmler,

he tried in every way to help my wife and me during the bitter years of my imprisonment in the concentration camp . . .”

The Prosecution has asserted, on the basis of the statements made by the witness Blaha before this Tribunal, that Frick knew of the conditions in the Dachau concentration camp through having visited it in the first half of the year 1944.

Therefore, with the permission of the Tribunal I submitted an interrogatory to the witness Gillhuber, who accompanied Frick on all his trips and . . .

THE PRESIDENT: Wait a moment, Dr. Pannenbecker. The Tribunal considers that it cannot entertain an affidavit upon oath from the Defendant Frick, who is not going into the witness box to give evidence on oath, unless he is offered as a witness, in which case he may be cross-examined.

DR. PANNENBECKER: Yes, but the last document was not an affidavit by Frick, but by Gillhuber, a witness, who has received an interrogatory. It is Number 40 of the document book. I am just informed that by an oversight this exhibit has not been included in the book; I shall have to submit it later.

THE PRESIDENT: Oh, well! Tell us what it is.

DR. PANNENBECKER: It is an interrogatory of, and the answers by, the witness Gillhuber. Gillhuber, for the personal protection of the Defendant Frick, accompanied him on all his official travels. In answering the interrogatory, he confirmed the fact that Frick had never visited the camp. The interrogatory, with the answers, has still to be submitted in translation. It is contained in my book.

THE PRESIDENT: You may read the interrogatory, unless the Prosecution has any objection to its admissibility, or the terms of it, because the interrogatory has already been provisionally allowed.

DR. PANNENBECKER: I read, then, from Number 40 of the Frick document book, which becomes Exhibit Frick-11 (Document Number Frick-11), the following:

“Question: From when until when, and in what capacity, were you working for the Defendant Frick?”

“Answer: From the 18 March 1936 until the arrival of the Allied Troops on 29 or 30 April 1945, as an employee of the Reich Security Service, as guard and escort.

“Question: Did you always accompany him on his travels for his personal protection?”

“Answer: From 1936 until January 1942 only intermittently, but from January 1942 as office chief, I accompanied him on all his trips and flights.

"Question: Do you know whether the Defendant Frick visited the concentration camp of Dachau during the first six months of 1944?

"Answer: To my knowledge, Frick did not visit the Dachau concentration camp.

"Question: Would you have known it had that been the case, and why would you have known it?

"Answer: I would have had to know it had that been the case. I was always close to him; and my employees would have reported it if he had left during my absence.

"Question: Do you still have the log book of the trips you made, and can you produce it now?

"Answer: From about 1941 log books were no longer kept. Instead of that, monthly reports of trips were sent to the Reich Security Service in Berlin. The copies which were kept in my office were, according to orders, burned with all the rest of the material in April 1945.

"Question: Do you know whether the Defendant Frick ever visited the Dachau camp?

"Answer: To my knowledge Frick never visited the Dachau Camp.

"Moosburg, 23 March 1946"—Signed—"Max Gillhuber"—
Signed—"Leonard N. Dunkel, Lieutenant Colonel, Infantry."

To comment on the question whether an official visitor to a concentration camp could always get a correct picture of the actual conditions existing there, I ask permission to read an unsolicited letter which I received a few days ago from a Catholic priest, Bernard Ketzlick. This letter which I have submitted as Supplement Frick Number . . .

MR. JUSTICE JACKSON: Your Honor, the Prosecution makes objection to this because it is a character of evidence that there is no way of testing. I have a basket of such correspondence making charges against these defendants, which I would not think the Tribunal would want to receive. If the door is open to this kind of evidence, there is no end to it.

This witness has none of the sanctions, of course, that assure the verity of testimony, and I think it is objectionable to go into letters received from unknown persons.

DR. PANNENBECKER: May I say just one word on this subject? I received the letter so late that I did not have an opportunity to ask the person concerned to send me an affidavit. Of course, I am prepared to submit such an affidavit later, if such an affidavit should have greater probative value.

THE PRESIDENT: The Tribunal think that the letter cannot be admitted, but an application can be made in the ordinary way for leave to put in an affidavit or to call the witness.

DR. PANNENBECKER: Yes. Then, at a later date, I shall submit a written request.

I shall not read Number 38 of the document book since it concerns a statement made by Frick; and I refer, finally, to an excerpt from the book *Inside Europe* by John Gunther which will be submitted as Exhibit Frick-12 (Document Number Frick-12). The excerpt is contained under Number 39 in the document book I quote—it concerns a book which appeared originally in the English language, and I therefore quote it in English:

“Born in the Palatinate in 1877, Frick studied law and became a Beamter, an official. He is a bureaucrat through and through. Hitler is not intimate with him, but he respects him. He became Minister of the Interior because he was the only important Nazi with civil service training. Precise, obedient, uninspired, he turned out to be a faithful executive; he has been called the ‘only honest Nazi.’”

As the last document, may I be permitted to refer to an extract from the book *To the Bitter End* by Gisevius. I believe I do not need to quote these passages individually, since the witness himself will be questioned. The extract will be Exhibit Number Frick-13 (Document Number Frick-13).

There are still left two answers to interrogatories by the witnesses Messersmith and Seger. I ask to be permitted to read these answers later, as soon as the answers have been submitted to me.

That concludes the presentation of documents. I believe there would be no purpose in calling the witnesses now.

THE PRESIDENT: The Tribunal will now adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: Are you prepared to call your witness, Dr. Pannenbecker?

DR. PANNENBECKER: Yes, Mr. President, that is my request. I now ask permission to call the witness Gisevius. He is the sole witness in Frick's case. I have especially selected witness Gisevius to clarify the question of the state of the police authority in Germany, as he, from the very beginning, has been on the side of the opposition and is best qualified to give a picture of the state of that authority in Germany at that time.

[The witness Gisevius took the stand.]

THE PRESIDENT: Will you state your full name?

HANS BERND GISEVIUS (Witness): Hans Bernd Gisevius.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. PANNENBECKER: Witness, were you a member of the NSDAP or one of its affiliated organizations?

GISEVIUS: No.

DR. PANNENBECKER: Is it correct that you personally participated in the events of 20 July 1944, and that you were also present in the OKW at that time?

GISEVIUS: Yes.

DR. PANNENBECKER: How did you get into the police service?

GISEVIUS: In July 1933 I passed the state examination in law. As a descendant of an old family of civil servants I applied for a civil service appointment in the Prussian administration. I belonged, at that time, to the German National People's Party and to the Stahlhelm, and by the standards of that day I was considered politically reliable. Consequently, at the first stage of my training as a civil servant I was assigned to the Political Police, which meant my entry into the newly created Secret State Police. In those days I was very glad to have been assigned to the police service. I had already at that time heard that abominations of all kinds were going on in Germany. I was inclined to consider these as the final outburst of the situation, akin to civil war, which we were experiencing at the end of 1932 and the beginning of 1933. So I hoped to contribute to the re-establishment of a proper executive organization which would provide for law, decency, and order. But this happiness was doomed to be short-lived.

I had scarcely been 2 days in this new police office, when I discovered that incredible conditions existed there. These were not police who took action against riots, murder, illegal detention, and robbery; these were police who protected those guilty of such crimes. It was not the guilty persons who were arrested, but rather those who asked the police for help. These were not police who took action against the crime, but police whose task seemed to be to hush it up or, even worse, to sponsor it; for those SA and SS Kommandos who played at being police in private were encouraged by this so-called Secret State Police and were given all possible aid. The most terrible and, even for a newcomer, most obvious thing was that a system of unlawful detention was gaining more and more ground—a worse and more dreadful system than which could not be conceived.

The offices of the new State Police were in a huge building which was, however, not large enough to take all the prisoners. Special concentration camps for the Gestapo were established, and their names will go down in history as a mark of infamy. These were Oranienburg and the Gestapo's private prison in Papestrasse, Columbia House, or, as it was cynically nicknamed, "Columbia Hall."

I should like to make it quite clear that this was certainly rather amateurish compared with what all of us experienced later. But so it started, and I can only convey my personal impression by describing a brief incident I remember. After only 2 days I asked one of my colleagues, who was also a professional civil servant—he had been taken over from the old Political Police into the new one, and he was one of those officials who were forced into it—I asked him, "Tell me, am I in a police office here or in a robber's den?" The answer I received was, "You are in a robber's den and you can expect to see much more yet."

DR. PANNENBECKER: Under whom was the Political Police at that time and who was the superior authority?

GISEVIUS: The Political Police was under one Rudolf Diels. He, too, came from the old Prussian Political Police. He was a professional civil servant, and one might have expected him still to retain the ideas of law and decency: but in a brutal and cynical way he set his mind on making the new rulers forget his political past as a democrat and on ingratiating himself with his superior, the Prussian Prime Minister and Minister of the Interior, Göring. It was Diels who created the Gestapo office; he suggested to Göring the issue of the first decree for making that office independent. It was Diels who let the SA and the SS enter that office; he legalized the actions of these civil Kommandos. But soon it became evident to me that such a bourgeois renegade could not do so much wrong quite by himself. Some very important person must have been backing him;

in fact, I very quickly saw also that somebody was taking a daily interest in everything that happened in that office. Reports were written; telephone inquiries were received. Diels went several times daily to give reports, and it was the Prussian Minister of the Interior Göring who considered this Secret State Police as his special preserve.

During those months nothing happened in this office which was not known or ordered by Göring personally. I want to stress this, because in the course of years the public formed a different idea of Göring because he noticeably retired from his official functions. At that time, it was not yet the Göring who finally suffocated in his Karinhall. It was the Göring who looked after everything personally and had not yet begun to busy himself with the building of Karinhall or to don all sorts of uniforms and decorations. It was Göring still in civilian clothes, who was the real chief of an office, who inspired it, and who attached importance to being the "iron" Göring.

DR. PANNENBECKER: Witness, I believe you can describe some points more concisely. As to what you have just said, do you know this from your own experience, or where did you learn of it?

GISEVIUS: I not only heard and saw it myself, but I also learned much from a man who in those days was also a member of the Secret State Police, and whose information will play an important part in the course of my statements.

At that time a criminologist had been called into the Secret State Police, probably the best known expert of the Prussian police, Oberregierungsrat Nebe. Nebe was a National Socialist. He had been in opposition to the former Prussian police and had joined the National Socialist Party. He was a man who sincerely believed in the purity and genuineness of the National Socialist aims. Thus I saw for myself how this man found out on the spot what was actually going on and how he inwardly recoiled.

I can also state here, as it is important, the reasons why Nebe became a strong opponent, who went with the opposition up to 20 July and later suffered death by hanging. At that time, in August 1933, Nebe was ordered by the Defendant Göring to murder Gregor Strasser, formerly a leading member of the National Socialist Party, by means of a car or hunting accident. Nebe was so shocked at this order that he refused to carry it out and made an inquiry at the Reich Chancellery. The answer from the Reich Chancellery was that the Führer knew nothing of this order. Thereupon Nebe was summoned to Göring, who reproached him most bitterly for having made an inquiry. Nevertheless, when he finished these reproaches he considered it advisable to promote him, because he thought he would thereby silence him.

The second thing which happened at that time, and which is also very important, was that the Defendant Göring gave the Political Police so-called open warrants for murder. At that time there were not only so-called amnesty laws which gave amnesty for infamous actions, but there was also a special law according to which investigations, already initiated by police authorities and by the public prosecutor, could be quashed, on condition, however, that in these special cases the Reich Chancellor, or Göring, personally signed the pertinent order. Göring made use of this law by giving open warrants to the Chief of the Gestapo, with which all that had to be done was to fill in the names of those who were to be murdered. Nebe was so shocked by this that from that moment on he felt it his duty to fight against the Gestapo. At our request he remained with us there, and afterwards in the Criminal Police, because we needed one man at least who could keep us informed about police conditions in case our desire for a revolution should materialize.

DR. PANNENBECKER: Witness, what did you do yourself when you saw all these things?

GISEVIUS: I, for my part, tried to contact those bourgeois circles which through my connections were open to me. I went to various ministries: to the Prussian Ministry of the Interior, to State Secretary Grauert, and several ministerial directors and counsellors. I went to the Reich Ministry of the Interior, to the Ministry of Justice, to the Foreign Office, and the Ministry of War. I spoke repeatedly to the Chief of the Army High Command, Colonel General Von Hammerstein. Among all these connections I formed at that time, there is one other who is particularly important for my testimony.

At that time I met in the newly formed intelligence department of the OKW a Major Oster. I gave him all the material which by then had already accumulated. We started a collection—which we continued until 20 July—of all the documents we could get hold of; and Oster was the man who from then on, in the Ministry of War never failed to warn every officer he could contact officially or privately. In course of time, by favor of Admiral Canaris, Oster became Chief of Staff of the Intelligence. When he met his death by hanging he was a general. But I consider it my duty to testify here, in view of all this man has done—his unforgettable fight against the Gestapo and against all the crimes which were committed against humanity and peace—that among the inflation of German field marshals and generals there was one real German general.

DR. PANNENBECKER: How did the work develop, according to your observations in the Gestapo?

GISEVIUS: At that time conditions in Germany were still such that people kept their eyes open in the ministries. There was still an opposition in the bourgeois ministries; there was still the Reich President Von Hindenburg. Thus, at the end of October 1933 the Defendant Göring was forced to dismiss Diels, the Chief of the State Police. At the same time a commission of investigation was set up in order to re-organize that institution thoroughly. According to the ministerial decree, Nebe and I were members of that commission. But that commission never met, for the Defendant Göring found ways and means to thwart this measure. He appointed as Chief and successor of Diels a still worse Nazi named Hinkler, who some time before had been acquitted in a trial because of irresponsibility; and this Hinkler acted in such a way that before 30 days had passed he was dismissed. Then the Defendant Göring was able to restore his Diels to the office.

DR. PANNENBECKER: Do you know anything of the events which led to the Prussian law of 30 November 1933, by which the functions of the Gestapo were taken away from the office of the Minister of the Interior and transferred to the office of the Prussian Prime Minister?

GISEVIUS: That was just the moment of which I am speaking. Göring realized that it would not serve his purpose if other ministries were too much concerned in his Secret State Police. Though he was Prussian Minister of the Interior himself, he was disturbed by the fact that the police department of the Prussian Ministry of the Interior could look into the affairs of his private domain; and so he separated the Secret State Police from the remaining police and placed it under his personal direction, thereby excluding all other police authorities. From the point of view of a proper police system this was nonsense, because you cannot run a Political Police properly if you separate it from the Criminal Police and the Order Police. But Göring knew why he did not want any other police authority to look into the affairs of the Secret State Police.

DR. PANNENBECKER: Witness, did you remain in the police service yourself?

GISEVIUS: On that day when Göring carried out his little—and I can't find another word for it—*coup d'etat* by assigning to himself a state police of his own, this Secret State Police issued a warrant of arrest against me. I had expected this and had gone into hiding. The next morning I went to the Chief of the Police Department of the Prussian Ministry of the Interior, Ministerial Director Daluge—who was a high SS general—and said that it was really not quite in order to issue a warrant of arrest against me.

A criminal commissioner of the Secret State Police came to arrest me in the room of the Chief of the Prussian police. Daluege was kind enough to allow me to escape through a back door to State Secretary Grauert. Grauert intervened with Göring, and as always in cases of this kind, Göring was very surprised and ordered a thorough investigation. That was the usual way of saying that such incidents were to be pigeonholed. After that I was no longer allowed to enter the Secret State Police, but I was sent as an observer to the Reichstag Fire trial at Leipzig, which was just drawing to an end. During these last days of November I was able to get some insight into this obscure affair and having already tried, together with Nebe, to investigate this crime, I was able to add to my knowledge here.

I assume that I shall again be questioned about that point and, therefore, shall now confine myself to the statement that, if necessary, I am prepared to refresh Defendant Göring's memory concerning his complicity in and his joint knowledge of this first "brown" *coup d'état* and the murder of the accomplices.

DR. PANNENBECKER: On 1 May 1934 Frick became Prussian Minister of the Interior. Did you get into touch with Frick himself or his ministries?

GISEVIUS: Yes. Immediately after the Reichstag Fire trial was over—that is, at the end of 1933—I was dismissed from the police service and transferred to a Landrat office in East Prussia. I complained, however, to State Secretary Grauert about this obvious disciplinary punishment. As he and Ministerial Director Daluege knew of my quarrel with the Secret State Police, they got me into the Ministry of the Interior and assigned to me the task of collecting all those reports which were still being incorrectly addressed to the Ministry of the Interior and of forwarding them to the Prussian Prime Minister who was in charge of the Secret State Police and who dealt with these matters.

As soon as Göring found out about this he repeatedly protested against my presence in the Ministry, but the Minister of the Interior was adamant and I succeeded in keeping that post.

When Frick came I did not get in touch with him immediately as I was only a subordinate official. I assume, however, that the Defendant Frick knew about my activity and my views, because I was now encouraged to continue collecting all those requests for help which were wrongly addressed to the Ministry of the Interior, and a large number of these reports I submitted through official channels to Daluege, Grauert, and Frick. There was, however, the difficulty that Göring, in his capacity of Prime Minister of Prussia, had prohibited Frick, as his Prussian Minister of the Interior, to

take cognizance of such reports. Frick was supposed to forward them to the Gestapo without comment. I saw no reason for not submitting them to Frick all the same, and as Frick was also Reich Minister of the Interior—and in this capacity could give directives to the Länder and, therefore, also to Göring—he took cognizance of these reports in the Reich Ministry of the Interior, and allowed me to forward them to Göring with the request for a report. Göring protested repeatedly, and I know this resulted in heated disputes between him and Frick.

DR. PANNENBECKER: Is anything known to you about the fact that at that time the Reich Minister of the Interior issued certain directives to restrict protective custody?

GISEVIUS: It is correct that at that time a number of such directives were issued, and the fact that I say that a number of such directives were issued already implies that generally they were not complied with by subordinate authorities.

The Reich Minister of the Interior was a minister with no personal executive power, and I will never forget the impression it made on me, while training as a civil servant, that we officials in the Secret State Police were instructed in principle not to answer any inquiries from the Reich Ministry of the Interior. Naturally, at intervals the Reich Minister of the Interior sent reminders, and the efficiency of a Gestapo official was judged by the number of such reminders he could show his chief, Diels, as proof that he did not pay any attention to such matters.

DR. PANNENBECKER: On 30 June 1934 the so-called Röhm Putsch took place. Can you give a short description of the conditions prevailing before this Putsch?

GISEVIUS: First I have to say that there never was a Röhm Putsch. On 30 June there was only a Göring-Himmler Putsch.

I am in a position to give some information about that dark chapter, because I dealt with and followed up this case in the Police Department of the Ministry of the Interior, and because the radiograms sent during these days by Göring and Himmler to the police authorities of the Reich came into my hands. The last of these radiograms reads: "By order of Göring all documents relating to 30 June shall be burned immediately."

At that time I took the liberty of putting these papers into my safe, and to this day I do not know whether or not they survived Kaltenbrunner's attempts to get them. I still hope to recover these papers, and if I do, I can prove that throughout the whole 30 June not a single shot was fired by the SA. The SA did not revolt. By this, however, I do not wish to utter a single word of excuse for the

leaders of the SA. On 30 June not one of the SA leaders died who did not deserve death a hundred times—but after a proper trial.

The situation on that 30 June was that of a civil war; on one side were the SA headed by Röhm, and on the other side, Göring and Himmler. It had been arranged for the SA, several days before 30 June, to be sent on leave. The SA leaders had been purposely called by Hitler for a conference at Wiessee that 30 June, and it is not usual for people who intend to effect a *coup d'etat* to travel by sleeping car to a conference. To their surprise they were seized at the station and at once driven off to execution.

The so-called Munich Putsch took place as follows: The Munich SA did not come into it at all, and at 1 hour's driving distance from Munich the alleged traitors, Röhm and Heines, fell into the sleep of death completely ignorant of the fact that, according to Hitler and Göring, a revolt had taken place in Munich the previous night.

I was able to observe the Putsch in Berlin very closely. It took place without anything being known about it by the public and without any participation by the SA. We in the police were unaware of it. It is true, however, that 4 days before 30 June one of the alleged ringleaders, SA Gruppenführer Karl Ernst of Berlin, came to Ministerial Director Daluge looking very concerned and said that there were rumors going round in Berlin that the SA were contemplating a Putsch. He asked for an interview with Minister of the Interior Frick, so that he, Ernst, could assure him that there was no such intention.

Daluge sent me with this message to the Defendant Frick, and I arranged for this strange conversation where an SA leader assured the Minister of the Interior that he did not intend to stage a Putsch.

Ernst then set out on a pleasure trip to Madeira. On 30 June he was taken from the steamer and sent to Berlin for execution. I saw him arrive at the Tempelhof airport. This struck me as particularly interesting, because a few hours before I had read the official report about his execution in the newspaper.

That, then, was the so-called SA and Röhm Putsch. And because I am not to withhold anything, I must add that I was present when on 30 June the Defendant Göring informed the press of the event. On this occasion the Defendant Göring made the cold-blooded remark that he had for days been waiting for a code word which he had arranged with Hitler. He had then struck, of course with lightning speed, and had also extended the scope of his mission. This extension of his mission caused the death of a large number of innocent people. To mention only a few, there were Generals Schleicher—who was killed together with his wife—and Von Bredow, Ministerial Director Klausner, Edgar Jung, and many others.

DR. PANNENBECKER: Witness, you were in the Ministry of the Interior yourself at that time. How did Frick hear about these measures, and was he himself in any way involved in the quelling of this so-called Putsch?

GISEVIUS: I was present when, at about half past 9, Ministerial Director Daluge came back quite pale after seeing Göring and having just been told what had happened. Daluge and I went to Grauert and we drove to the Reich Ministry of the Interior, to Frick. Frick rushed out of the room—it may have been about 10 o'clock—in order to go to Göring to find out what had happened in the meantime, only to be told that he, as Police Minister of the Reich, should go home now and not worry about further developments. In fact, Frick did go home, and during those 2 dramatic days he did not enter the ministry.

Once during this time Daluge drove over with me to see him. For the rest, it was given to me, the youngest official of the Reich Ministry of the Interior, to inform the Reich Minister of the Interior on that bloody Saturday and Sunday of the atrocious things which in the meantime had happened in Germany.

DR. PANNENBECKER: Witness, you just told us of an instruction Frick had received not to worry about these things. Who gave him this instruction?

GISEVIUS: As far as I know, Göring gave or conveyed to him an instruction by Hitler. I do not know whether there was a written instruction; neither do I know whether Frick had asked about it. I should think that Frick, on that day, probably considered it would be wise not to ask too many awkward questions.

DR. PANNENBECKER: After these things had been concluded, did Frick in any way attempt to smooth matters over?

GISEVIUS: To answer this question correctly I have to say first that on Saturday, 30 June, we at the Ministry of the Interior knew very little about what had happened. On Sunday, 1 July, we learned much more, and after these bloody days had passed, there is no doubt that Frick had on the whole a clear idea of what had happened. Also, during these days he made no secret of his indignation at the murders and unlawful arrests which apparently had taken place. In order to stick to the truth I have to answer your question by saying that the first reaction of the Defendant Frick which I knew about was that Reich law in which the Reich Ministers declared the events of June 30 to be lawful. This law had an unprecedented psychological effect on the further developments in Germany, and it has its place in the history of German terror. Apart from this, many things happened in the Third Reich which a normal mortal could not understand, but which

were well understood in the circles of ministers and state secretaries. And so, I have to admit that, after that law, the Defendant Frick made a serious attempt to remedy at least the most obvious abuses. Maybe he thought other ministers in the Reich Cabinet should have spoken sooner. I am thinking now of Reich War Minister Von Blomberg, two of whose generals were shot, and who, in spite of that, signed this law. I intentionally mention Blomberg's name, and ask to be permitted to pause here to tell the Tribunal about an incident which occurred this morning. I was in the room of the defendants' counsel and was speaking to Dr. Dix. Dr. Dix was interrupted by Dr. Stahmer, counsel for Göring. I heard what Dr. Stahmer told Dr. Dix...

DR. OTTO STAHLER (Counsel for Defendant Göring): May I ask whether a personal conversation which I had with Dr. Dix has anything to do with the taking of evidence?

GISEVIUS: I am not speaking...

THE PRESIDENT: Witness, don't go on with your evidence whilst the objection is being made. Yes, Dr. Stahmer.

GISEVIUS: If you please, I didn't understand...

DR. STAHLER: I do not know whether it is in order when giving evidence to reveal a conversation which I had with Dr. Dix in the Defense Counsel's room.

GISEVIUS: May I say something to that?

THE PRESIDENT: Will you kindly keep silent.

GISEVIUS: May I finish my statement?

THE PRESIDENT: Will you keep silent, sir.

DR. STAHLER: This morning in the room of the Defense Counsel, I had a personal conversation with Dr. Dix concerning the Blomberg case. That conversation was not intended to be heard by the witness. I do not know the witness; I didn't even see the witness, as far as I can remember, and I don't know whether this should come into the evidence by making such a conversation public here.

MR. JUSTICE JACKSON: This incident has been reported to me, and I think it is important that this Tribunal know the influence—the threats that were made at this witness in this court-house while waiting to testify here, threats not only against him but against the Defendant Schacht. Now, the affair was reported to me. I think it is important that this Tribunal know it. I think it is important that it come out. I should have attempted to bring it out on cross-examination if it had not been told, and I think that the witness should be permitted. These other parties have had great

latitude here. This witness has been subjected to threats, as I understand it, which were uttered in his presence, whether they were intended for him or not, and I ask that this Tribunal allow Dr. Gisevius, who is the one representative of democratic forces in Germany, to take this stand to tell his story.

THE PRESIDENT: Dr. Stahmer, the Tribunal would like to hear first of all anything further you have to say upon the matter. They will then hear what Dr. Dix has to say, if he wishes to say anything; and they will then hear whether the witness himself wishes to say anything in answer.

DR. STAHLER: I have no qualms about telling the Court exactly what I said. Last night I discussed the case with the Defendant Göring and told him the witness Gisevius . . .

THE PRESIDENT: We don't want to hear any communications which you had with the Defendant Göring other than those you choose to make in support of your objection to this evidence that has been given.

DR. STAHLER: Yes, Mr. President; but I must say briefly that Göring told me that it was of no interest to him if the witness Gisevius did incriminate him, but that he did not want Blomberg, who died recently—and I assumed it was only the question of Blomberg's marriage—he, Göring, did not want these facts concerning the marriage of Blomberg to be discussed here in public. If that could not be prevented, then of course Göring, in his turn—and it is only a question of Schacht, because Schacht, as he had told me, wanted to speak about these things—then he, Göring would not spare Schacht.

That is what I told Dr. Dix this morning, and I am sure Dr. Dix will confirm that, and if I may add . . .

THE PRESIDENT: We will hear you in a moment, Dr. Dix.

DR. STAHLER: I said—and I was not referring to Schacht, to the witness, or to Herr Pannenbecker—I said, for reasons of professional etiquette, that I should like to inform Dr. Dix. That is what I said and what I did. In any case I did not even know that the witness Gisevius was present at that moment. At any rate, it was not intended for him. Moreover, I was speaking to Dr. Dix aside.

THE PRESIDENT: So that I may understand what you are saying: You say you had told Dr. Dix the substance of the conversation you had had with the Defendant Göring, and said that Göring would withdraw his objection to the facts being given if the Defendant Schacht wanted them to be given. Is that right?

DR. STAHLER: No, I only said that Göring did not care what was said about himself; he merely wanted the deceased Blomberg

to be spared, and he did not want things concerning Blomberg's marriage to be discussed. If Schacht did not prevent that—I was speaking only of Schacht—then he, Göring, in his turn, would have no consideration for Schacht—would no longer have any consideration for Schacht. That is what I told Dr. Dix for reasons of personal etiquette.

THE PRESIDENT: Wait, wait, I can't hear you. Yes.

DR. STAHLER: As I said, that is what I told Dr. Dix, and that finished the conversation. And I made it quite clear to Dr. Dix that I told him that only as one colleague to another.

THE PRESIDENT: Yes. That is all you wish to say?

DR. STAHLER: Yes.

DR. DIX: I remember the facts, I believe, correctly and reliably, as follows: This morning I was in the room of the Defense Counsel speaking to the witness Dr. Gisevius. I believe my colleague, Professor Kraus, was also taking part in the conversation. Then my colleague, Stahlmer, approached me and said he would like to speak to me. I replied that at the moment I was having an important and urgent conversation with Gisevius, and asked whether it could wait. Stahlmer said "no," and that he must speak to me at once. I then took my colleague Stahlmer aside, probably five or six paces from the group with whom I had been speaking. My colleague Stahlmer told me the following—it is quite possible, I don't remember the actual words he used, that he started by saying that he was telling me this for professional reasons, as one colleague to another. If he says so now, I am sure that it is so. Anyhow I don't remember that any longer. He said to me, "Listen, Göring has an idea that Gisevius will attack him as much as he can. If he attacks the dead Blomberg, however, then Göring will disclose everything against Schacht—and he knows lots of things about Schacht which may not be pleasant for Schacht. He, Göring, had been very reticent in his testimony; but if anything should be said against the dead Blomberg, then he would have to reveal things against Schacht."

That was what he meant—that he would bring things up against Schacht. That was the conversation. I cannot say with absolute certainty whether my colleague told me I should call Gisevius' attention to it. If he says he did not say so, then it is certainly true, and I believe him; but I could only interpret that information to mean that I should notify Gisevius of this development promised by Göring. I therefore thought—and did not have the slightest doubt—that I was voicing Göring's intention, and that I was acting as Dr. Stahlmer wished, and that that was the purpose of the whole thing. What else could be the reason for Dr. Stahlmer's telling me at that moment, immediately before my discussion with Gisevius,

even while I was in conversation with Gisevius, that he could not wait, that I must break off my conversation? Why should he inform me at that time, unless he meant that the mischief hinted at and threatened by Göring might possibly be avoided—in other words, that the witness Gisevius, on whom everything depended, should think twice before making his statement? I did not have the slightest doubt that what Stahmer meant by his words to me was that I should convey them to Gisevius. As I said, even if Stahmer had not asked me—and he was certainly speaking the truth when he said he did not ask me to take action—I would have replied, if I had been questioned before he made this statement, and that probably with an equally good conscience, that he had asked me to pass it on to Gisevius. But I will not maintain that he actually used those words. Anyway, it is absolutely certain that this conversation did take place, and it was in the firm belief that I was acting as Dr. Stahmer and Göring intended that I went straight to Gisevius. He was standing only five or six steps away from me, or even nearer. I think I understood him to say, when I addressed him, that he had heard parts of it. I don't know whether I understood him correctly. I then informed him of the gist of this conversation. That is what happened early this morning.

DR. STAHERMER: May I say the following: It goes without saying, that I neither asked Dr. Dix to pass it on to Gisevius, nor did I count upon his doing so; but I surmised that Gisevius would be examined this morning, and that Dr. Dix would question the witness concerning the circumstances of Blomberg's marriage. That is what I had been told previously—namely, that Dr. Dix intended to put this question to the witness. Therefore, I called Dr. Dix's attention to it, assuming that he would abstain from such a question concerning Blomberg's marriage. That was not intended for the witness in any way, and I know definitely that I said to Dr. Dix that I was telling him this merely as one colleague to another, and he thanked me for it. He said, "Thank you very much." At any rate, if he had said to me, "I am going to tell the witness," I would have said immediately, "For heaven's sake; that is information intended only for you personally." Indeed, I am really surprised that Dr. Dix has in this manner abused the confidence which I placed in him.

THE PRESIDENT: Dr. Stahmer, we have heard the facts, and we do not think we need hear anything more about it beyond considering the question as to whether the witness is to go on with his evidence.

Witness, has the explanation which has been given by Dr. Stahmer and Dr. Dix sufficiently covered the matters with which you were proposing to deal with reference to Field Marshal Von Blomberg? Is there anything further that you need say about it?

GISEVIUS: I beg your pardon. Perhaps I did not quite understand the question.

Concerning Blomberg, at this point I did not want to say anything further; I merely wanted, on the first occasion that Blomberg's name came up, to make it clear that the whole thing gave me the feeling that I was under pressure. I was standing so near that I could not help hearing what Dr. Stahmer said, and the manner in which Dr. Dix told me about it—for I had heard at least half of it—could not be understood in any other way than to mean that Dr. Dix in a very loyal manner was instructing me, a witness for the Defendant Schacht, to be rather reticent in my testimony on a point which I consider very important. That point will come up later and has nothing whatsoever to do with the marriage of Herr Von Blomberg. It has to do with the part which the Defendant Göring played in it, and I know quite well why Göring does not want me to speak about that affair. To my thinking, it is the most corrupt thing Göring ever did, and Göring is just using the cloak of chivalry by pretending that he wants to protect a dead man, whereas he really wants to prevent me from testifying in full on an important point—that is, the Fritsch crisis.

THE PRESIDENT: [*Turning to Dr. Pannenbecker.*] The Tribunal will hear the evidence then, whatever evidence you wish the witness to give.

GISEVIUS: I beg your pardon. What I have to say in connection with the Blomberg case is finished. I merely wanted to protest at the first opportunity when the name was mentioned.

THE PRESIDENT: Well then, counsel will continue his examination and you will give such evidence as is relevant when you are examined or cross-examined by Dr. Dix on behalf of the Defendant Schacht.

DR. PANNENBECKER: Witness, after the events of 30 June 1934, had the position of the Gestapo become so strong that no measures against it had any chance of succeeding?

GISEVIUS: I must answer this in the negative. The Secret State Police doubtlessly gained in power after 30 June, but because of the many excesses committed on 30 June, the opposition in the various ministries against the Secret State Police had become so strong that through collective action the majority of ministers could have used the events of 30 June to eliminate the Secret State Police. I personally made repeated efforts in that direction. With the knowledge of the Defendant Frick I went to see the Minister of Justice Gürtner and begged him many times to use the large number of illegal murders as a reason for action against the Secret State Police. I personally went to Von Reichenau also, who was Chief of the Armed

Forces Offices at that time, and told him the same thing. I know that my friend Oster brought the files concerning this matter to the knowledge of Blomberg, and I wish to testify here that, in spite of the excesses of the 30 of June, it would have been quite possible at that time to return to law and order.

DR. PANNENBECKER: After that, what did the Reich Minister of the Interior do—that is, what did Frick do to steer the Secret State Police to a course of legality?

GISEVIUS: We started a struggle against the Secret State Police and tried at least to prevent Himmler from getting into the Reich Ministry of the Interior. Shortly before Göring had relinquished the Ministry of the Interior to Frick, he had made Himmler Chief of the Secret State Police in Prussia. Himmler, starting from that basis of power, had attempted to assume police power in the other Länder of the Reich. Frick tried to prevent that by taking the stand that he, as Reich Minister of the Interior, had an equal voice in appointing police functionaries in the Reich. At the same time, we tried to prevent an increase in the numbers of the Secret State Police by systematically refusing all requests by the Gestapo to increase its body of officials. Unfortunately here also, as always, Himmler found ways and means to overcome this. He went to the finance ministers of the individual states and told them that he needed funds for the guard troops of the concentration camps, for the so-called "Death's-Head" units, and he drew up a scale whereby five SS men were to guard one prisoner. With these funds Himmler financed his Secret State Police, as, of course it rested with him how many men he wanted to imprison.

In other ways too, we in the Reich Ministry of the Interior attempted by all possible means to block the way of the Gestapo; but unfortunately, the numerous requests we sent to the Gestapo remained unanswered. Again it was Göring who forbade Himmler to answer and who protected Himmler when he refused to give any information in reply to our inquiries.

Finally, a last effort was made during my term of office in the Reich Ministry of the Interior. We tried to paralyze the Secret State Police at least to some extent by introducing into protective custody the right of supervision and complaint. If we could have achieved the right of review of all cases of protective custody, we would also have been able to get an insight into the individual actions of the Gestapo. A law was formulated, and this law was first submitted to the Ministerial Council of Prussia, the largest of the states. Again it was the Defendant Göring who, by all available means, opposed the passing of such a law. A very stormy cabinet meeting on the matter ended with my being asked to leave the Ministry of the Interior.

DR. PANNENBECKER: Witness, I have shown you a memorandum...

THE PRESIDENT: This will be a convenient time to break off.

[A recess was taken.]

THE PRESIDENT: Mr. Justice Jackson, the Tribunal wishes me to say that it anticipates that you will put any questions which you think necessary with reference to the alleged intimidation of the witness when you come to cross-examine.

MR. JUSTICE JACKSON: Yes, Sir; thank you.

DR. PANNENBECKER: Witness, I should like to talk about the efforts which were made by the Ministry of the Interior to stop the arbitrary methods of the Gestapo, particularly with reference to the concentration camps. I therefore ask you to look at a memorandum which originates from the Reich and Prussian Ministry of the Interior. It is Document 775-PS, which I submitted this morning as Exhibit Frick-9 when I presented the evidence for Frick. It is Number 34 in the document book. Do you know that memorandum?

GISEVIUS: No, I don't. It appears that this memorandum was drawn up after I had left the Ministry of the Interior. I assume this from the fact that in this memorandum the Reich Minister of the Interior appears to have already given up the fight, since he writes that as a matter of principle it should be made clear who bears the responsibility, and, if necessary, the responsibility for all the consequences must now—and I quote—"be borne by the Reichsführer SS who, in fact, has already claimed for himself the leadership of the Political Police in the Reich."

At the time when I was at the Reich Ministry of the Interior we tried particularly to prevent this from happening—namely, that Himmler should take over the Political Police. This is evidently a memorandum written about 6 months later when the terror had become still greater. The facts which are quoted here are known to me.

DR. PANNENBECKER: Can you say anything about this? Does it not deal with the Pünder case and the case of Esterwege, Oldenburg?

GISEVIUS: The Esterwege case can be told most briefly. It is one of many.

So far as I can recollect, an SA or local group leader was arrested by the Gestapo because he got excited about the conditions in the Papenburg concentration camp. This was not the first time either. I don't know why the Defendant Frick picked on this particular

case. Nevertheless, one day Daluege showed me one of those customary handwritten slips sent by Frick to Himmler. Frick had written to Himmler in the margin in large green letters that an SA man or local group leader, or whatever he was, had been arrested illegally, that this man must be released at once, and that if Himmler did that sort of thing again he, Frick, would institute criminal proceedings against Himmler for illegal detention.

I remember this story very well, because it was somewhat peculiar—considering the police conditions which existed at the time—that Himmler should be threatened by Frick with criminal proceedings, and Daluege made some sneering remarks to me regarding Frick's action.

That is the one case.

THE PRESIDENT: What was the date?

GISEVIUS: This must have happened in the spring of 1935, I should say in March or April.

DR. PANNENBECKER: Witness, do you know how Himmler reacted to that threat of criminal proceedings?

GISEVIUS: Yes. There was a second case. That is this Pünder affair which is mentioned here. He reacted similarly to both, and therefore it might be better if I first relate the Pünder affair in this connection. It concerned a Berlin attorney, who was a lawyer of high standing and legal adviser to the Swedish Embassy. The widow of the Ministerial Director Klausner, who had been murdered on 30 June, approached Pünder, as she wanted to sue the life insurance companies for payment of her annuity. But as Klausner had allegedly committed suicide on that day, no director of any insurance company dared pay the money to the widow. Consequently, the attorney had to sue. But the Nazis had made a law according to which all such awkward cases—awkward for the Nazis—were not to be tried in court: they were to be taken to a so-called Spruchkammer in the Reich Ministry of the Interior. If I am not mistaken, this law was called "Law for the Settlement of Civilian Claims." They were never at a loss for fine-sounding names and titles at that time. This law forced the attorney to submit his claim to the court first. He was apprehensive. He went to the Ministry of the Interior and told the State Secretary, "If I comply with the law and sue, I shall be arrested." The State Secretary in the Ministry of the Interior forced him to sue. Thereupon the very wise attorney went to the Ministry of Justice and told State Secretary Freisler that he did not want to sue as he would certainly be arrested by the Gestapo. The Secretary in the Ministry of Justice informed him that he would have to send in a claim in any case, but that nothing would happen as the courts had been instructed to

pass such cases on without comment to the Spruchkammer in the Ministry of the Interior. Thereupon the attorney sued and the Gestapo promptly arrested him for slander because he had stated that the Ministerial Director Klausner had not met his death by suicide. This was for us a classical example of what we had come to in Germany as far as protective custody was concerned.

I had taken the liberty of selecting this case from among hundreds, or I should say thousands of similar cases and of suggesting to Frick that this matter should be brought to the notice not only of Göring, but of Hitler as well this time. Then I sat down and drafted a letter or a report from Frick to Hitler, which also went to the Ministry of Justice. There were more than five pages, and I discussed from every angle the facts concerning Ministerial Director Klausner's suicide, with the assistance of the SS, and the ensuing lawsuit. This report to Hitler concluded with Frick's remark that the time had now come to have the problem of protective custody settled by the Reich and by lawful means.

And now I answer your question regarding what happened. It roughly coincided with Frick's letter to Himmler regarding deprivation of liberty. Himmler took these two letters to a meeting of Reichsleiter, that is, the so-called ministers of the movement, and he put the question to them, whether it was proper to allow one Reichsleiter, namely Frick, to write such letters to another Reichsleiter, that is, to Himmler. These worthy gentlemen answered this question in the negative and reprimanded Frick. Then Himmler went to the meeting of the Prussian cabinet where the protective custody law, which I mentioned, was being discussed.

Perhaps I may draw your attention to the fact that at that time it was a rare thing for Himmler to be allowed to attend a meeting of Prussian ministers. There was a time in Germany—and it was quite a long period—when Himmler was not the powerful man which he afterwards became because the bourgeois ministers and the generals were cowards and gave way to him. Thus, it was a rare thing for Himmler to be allowed to attend a meeting of the Prussian Ministerial Council at all, and that particular meeting ended by my being discharged from the Ministry of the Interior.

DR. PANNENBECKER: Witness, I should like to quote to you two sentences from the memorandum which I have just shown to you—that is, 775-PS—and ask you to tell me whether the facts are stated correctly. I quote:

“In this connection, I draw your attention to the case of the attorney Pünder, who was taken into protective custody together with his colleagues, merely because, after making inquiry at the Reich Ministry of the Interior and at our

ministry, he had filed a suit, which he was obliged to do under a Reich law."

GISEVIUS: Yes, that is correct.

DR. PANNENBECKER: And then the other sentence. I quote: "I mention here only the case of a teacher and Kreisleiter at Esterwege who was kept in protective custody for 8 days because..."

THE PRESIDENT: Dr. Pannenbecker, where is that sentence which you have just read?

DR. PANNENBECKER: In the Frick Document Book under Number 34, second sentence.

THE PRESIDENT: Which page?

DR. PANNENBECKER: In my Document Book it is Page 80.

THE PRESIDENT: Are you speaking of Paragraph 3 on Page 70?

DR. PANNENBECKER: No, Mr. President, I have just discovered that this particular sentence in the document has not been translated. Perhaps I may read one more sentence which apparently has been translated. It can be found in Paragraph 3 of the same document.

"I mention here only the case of a teacher and Kreisleiter at Esterwege who was kept in protective custody for 8 days because, as it turned out afterwards, he had sent a correct report to the head of his district concerning abuses by the SS."

GISEVIUS: Yes, that corresponds to the facts.

DR. PANNENBECKER: Witness, did you yourself have any support from Frick for your personal protection?

GISEVIUS: Yes. At that time, of course, I was such a suspect in the eyes of the Secret State Police that all sorts of evil designs were being made against me. Frick gave an order, therefore, that I should be protected in my home by the local police. A direct telephone from my home to the police station was installed, and I had only to pick up the receiver and someone at least would know in case I had surprise visitors. Furthermore, the Gestapo used their usual methods against me by accusing me of criminal acts. Apparently the files were taken to Hitler in the Reich Chancellery, and Frick intervened, and it was soon discovered that this concerned a namesake of mine! Frick said quite openly on the telephone that these fellows—as he put it—had once more lied to the Führer. This was the signal for the Gestapo, who were, of course, listening in on this telephone conversation, that they could no longer use these methods.

Then we advanced one step further through Heydrich. He was so kind as to inform me by telephone that I probably had forgotten that he could pursue his personal and political opponents to their very graves. I made an official report of that threat to Frick, and Frick, either personally or through Daluege, intervened with Heydrich, and there is no doubt that he thereby rendered me a considerable service, for Heydrich never liked it very much when his murderous intentions were talked about openly.

DR. PANNENBECKER: Witness, would then, at least a minister of the Reich have no cause for alarm about his own personal safety if he tried to fight against the terror of the Gestapo and Himmler?

GISEVIUS: If you ask me that now, I must say that Schacht was the only one who was put into a concentration camp. But it is true that we all asked ourselves just how long it would take for a Reich Minister to be sent to a concentration camp. As regards Frick, he told me confidentially, as far back as 1934, that the Reich Governor of Bavaria had given him reliable information, according to which he was to be murdered while taking a holiday in the country, in Bavaria, and he asked me whether I could find out any details. At that time I went with my friend Nebe to Bavaria by car, and we made a secret investigation which, at any rate, proved that such plans had been discussed. But, as I said, Frick survived.

DR. PANNENBECKER: I have no further questions.

DR. RUDOLF DIX (Counsel for Defendant Schacht): May I ask you to decide on the following question? I have called Gisevius. He is a witness called by me, and this is, therefore, not a subsequent question which I am putting, but I am examining him as my witness. I am of the opinion, therefore, that it is right and expedient that I should now follow up the examination by my colleague Pannenbecker, and that my other colleagues who also want to put questions follow the two of us. I ask the Tribunal to decide on this question.

THE PRESIDENT: Are you the only defendants' counsel who asked for this witness to be called on behalf of your client?

DR. DIX: I called him.

THE PRESIDENT: Yes, I know; but are you the only defendants' counsel who asked to call him?

DR. DIX: I believe, Sir, I am the only one who has called him.

THE PRESIDENT: Very well, Dr. Dix, you may examine him next.

DR. DIX: Dr. Gisevius, Dr. Pannenbecker has already mentioned the fact that you have published a book entitled *To the Bitter End*. I have submitted quotations from that book to the Tribunal as

evidence, and they have been accepted as documentary evidence by the Tribunal. For this reason I now ask you: Are the contents of that book historically true; did you write it only from memory, or is it based on notes which you made at the time?

GISEVIUS: I can say here to the best of my knowledge, and with a good conscience, that the contents of the book are historically true. In Germany I always made personal notes as far as it was possible. I have said here that my dead friend Oster had in the War Ministry a considerable collection of documents to which I had access at all times. In writing about any important matter in which I made reference to friends in the opposition group, I never did so without having first consulted them many times about it. And since 1938 I have been in Switzerland, first as a visitor and later on for professional reasons, and there I was able to continue my notes undisturbed. The volume which has been submitted to the Tribunal was practically completed in 1941, and in 1942 had already been shown to several friends of mine abroad.

THE PRESIDENT: If he says that the book is true, that is enough.

DR. DIX: Since when have you known the Defendant Schacht?

GISEVIUS: I have known the Defendant Schacht since the end of 1934.

DR. DIX: On what occasion and in what circumstances did you meet him?

GISEVIUS: I met him when I worked in the Reich Ministry of the Interior and was collecting material against the Gestapo. I was consulted by various parties, who either feared trouble with the Gestapo or who had had trouble. Thus, one day Schacht, who was then Minister for Economy, sent a man to me whom he trusted—it was his plenipotentiary Herbert Göring—to ask me whether I would help Schacht. He, Schacht, had for some time felt that he was being watched by Himmler and the Gestapo and lately had had good reason to suspect that an informer, or at least a microphone, had been installed in his own house. I was asked whether I could help in this case. I agreed to do so and, with a microphone expert from the Reich post administration, on the following morning I visited Schacht's ministerial residence. We went with the microphone expert from room to room and—did not have to search very long. It had been done very badly by the Gestapo. They had mounted the microphone all too visibly and, moreover, had engaged a domestic servant to spy on Schacht. She had a listening device attached to the house telephone installed in her own bedroom, which was easy to discover, and so we were able to unmask the whole thing. It was on that occasion that I first spoke to Schacht.

DR. DIX: And what was the subject of your conversation? Did you at that time already speak about political matters to him?

GISEVIUS: We spoke about the matters and the somewhat peculiar situation which had brought us together. Schacht knew that I was very active in opposing the Gestapo, and I, for my part, was aware that Schacht was known for his utterances against the SS and the Gestapo on numberless occasions. Many middle-class people in Germany placed their hopes in him as the only strong minister who could protect them if need be. Particularly the industrialists and businessmen, who were very important at the time, hoped for, and often found his support. So that it was quite natural that immediately during the first conversation I told him everything that was troubling me.

The main problem at that time was the removal of the Gestapo and the removal of the Nazi regime. Therefore our conversation was highly political, and Schacht listened to everything with an open mind, which made it possible for me to tell him everything.

DR. DIX: And what did he say?

GISEVIUS: I told Schacht that we were inevitably drifting towards radicalism, and that it was doubtful whether, the way things were going, the end of the present course would not be inflation, and, that being so, whether it would not be better if he himself were to bring about that inflation. That would enable him to know beforehand the exact date of such a crisis, and together with the generals and anti-radical ministers make timely arrangements to meet the situation when it became really serious. I said to him, "You should bring about that inflation; you yourself will then be able to determine the course of events instead of allowing others to take things out of your hands." He replied, "You see, that is the difference which separates us: You want the crash, and I do not want it."

DR. DIX: From that, one might draw the conclusion that at that time Schacht still believed that the crash could be averted. What reasons did he give for this view?

GISEVIUS: I think that at the time the word "crash" was too strong for him. Schacht was thinking along the traditional lines of former governments, but he saw that here and there a change had come about—especially since Brüning's time—by emergency laws and certain dictatorial measures. But as far as I could see at the time, and during all our subsequent conversations, uppermost in his mind was still the idea of a Reich government which met and passed resolutions, where the majority of ministers were bourgeois, and where at a given moment—which might be sooner or later—one might steer a radically changed course.

DR. DIX: What was his attitude towards Hitler at that time?

GISEVIUS: It was quite clear to me that at that time he still thought very highly of Hitler. I might almost say that at that time Hitler was to him a man of irreproachable integrity.

THE PRESIDENT: What time are you speaking of?

GISEVIUS: I am now speaking of the time of my first meetings with Schacht, at the end of 1934 and the beginning of 1935.

DR. DIX: What was your profession at that time? Where were you? Where did you work?

GISEVIUS: I had succeeded in leaving the Reich Ministry of the Interior in the meantime and had been transferred to the Reich Criminal Office, which was in the process of being formed. When we realized that the Gestapo were extending their power, we believed we could establish some sort of police apparatus side by side with the Gestapo—that is, purely criminal police. My friend Nebe had been made Chief of the Reich Criminal Department to build up a police apparatus there which would enable us to resist the Gestapo if need be. The Ministry of the Interior gave me the task of organizing and sent me to this government office about to be formed, to give advice for its establishment.

DR. DIX: We now slowly approach the year 1936—the year of the Olympic Games. Did you have a special assignment there?

GISEVIUS: Yes. At the beginning of 1936 it was decided to make me Chief of Staff of the police at the Central Police Department on the occasion of the Olympic Games in Berlin. That was an entirely nonpolitical and technical affair. Count Helldorf, who was then Commissioner of the Police, thought that because of my connections with the Ministry of the Interior and the Ministry of Justice this would be useful. But I was quickly removed from this position. Heydrich discovered it and intervened.

DR. DIX: Your book contains a letter from Heydrich, which I do not propose to read in its entirety. It is addressed to Count Helldorf and calls his attention to the fact that, during the time of your office at the Prussian Ministry of the Interior, you always put every possible difficulty in the way of the Secret State Police, and that relations with you had been extremely unpleasant. He continues:

“I fear that his participation in the police preparations for the Olympic Games, even in this sphere, would not promote co-operation with the Secret State Police, and it should, therefore, be considered whether Gisevius should not be replaced by another suitable official. Heil Hitler. Yours, Heydrich.”
Is that the letter which affected your position?

GISEVIUS: Yes. That was the reason why I was also dismissed from that job. I had to wait only a few more weeks and Himmler became the Chief of Police in the Reich. And on the very day that Himmler became the Reich Police Chief I was definitely removed from any kind of police service.

DR. DIX: And where did you go?

GISEVIUS: After my discharge from the police service I was sent to the government in Münster, where I was assigned to the price control office.

DR. DIX: Could you, while in the price control office in Münster, continue your political work in any way and make the necessary contacts?

GISEVIUS: Yes. I had plenty of opportunity to make official journeys. I made a thorough study not only of prices, but also of the political situation, in the Rhineland and in Westphalia, and went to Berlin nearly every week so as to keep in touch with my friends.

DR. DIX: Were you in touch with Schacht?

GISEVIUS: From that time on I met him very nearly every week.

DR. DIX: Did you, from Münster, make contacts with other persons in prominent positions to further the work you were doing?

GISEVIUS: Yes. One of the reasons why I went to Münster was that the president of the province, Freiherr Von Luening, was a man of the old school—clean, correct, a professional civil servant, and politically a man who upheld law and order. He, too, ended on the gallows after 20 July 1944. I also got into touch in Düsseldorf with Regierungspräsident State Secretary Schmidt, and immediately upon my arrival in Münster I did everything to get into touch with the commanding general there, Von Kluge, who later became Field Marshal. In this I succeeded. There, too, I tried at once to continue my old political discussions.

DR. DIX: We shall revert to General Kluge later on. I now ask you this: At that time when you were working in Münster, did you perceive a change in Schacht's attitude towards the regime, and in his attitude towards Hitler, as distinct from what you described to the Tribunal as existing in 1934?

GISEVIUS: Yes. By a steady process Schacht withdrew himself further and further from the Nazis. If I were asked to describe the phases, I would say that in the beginning—that is to say, in 1935—he was of the opinion that the Gestapo only was the main evil and that Hitler was the man who was the statesman—or could at least become the statesman—and that Göring was the conservative strong

man whose services one ought to use, and could use, to oppose the terror of the Gestapo and the State by establishing orderly conditions. I contradicted Schacht vehemently regarding his views about the Defendant Göring. I warned him. I told him that in my opinion Göring was the worst of all, precisely because he was hiding under the middle class, conservative cloak. I implored him not to effect his economic policy with Göring, since this could only come to a bad end.

Schacht—for whom much may be said, but not that he is a good psychologist—denied this emphatically. Only then in the course of 1936 he began to realize more and more that Göring was not supporting him against the Party, but that Göring supported the radical elements against him, only then did Schacht's attitude begin to change gradually, and he came to regard not only Himmler but also Göring as a great danger. For him Hitler was still the one man with whom one could create policy, provided the majority of the cabinet could succeed in bringing him over to the side of law and order.

DR. DIX: Are you now talking approximately of the time when Schacht was handing over the foreign currency control to Göring?

GISEVIUS: Yes. That was the moment when I warned him and, as I said, he became apprehensive about Göring and realized that Göring was not supporting him against the radical elements. That was the time I meant.

DR. DIX: By handing over the foreign currency control to Göring he showed a negative, a yielding attitude. But now that he was gradually changing his views, did he not have any positive ideas as to how to bring about a change?

GISEVIUS: Yes. He was entirely taken up with the idea, like many other people in Germany at that time—I might almost say the majority of the people in Germany—the idea that everything depended on strengthening the middle class influence in the cabinet, and above all, and as a prerequisite, that the Reich Ministry of War, headed by Blomberg, should be brought over to the side of the middle class ministers. Schacht had, if you want to put it like that, the very constructive idea that one must concentrate on the fight for Blomberg. That was precisely where I agreed with him for it was the same battle which I, with my friend Oster, had tried to fight in my small department, and in a far more modest way.

DR. DIX: Had he already done anything to achieve that end at that time?

GISEVIUS: Yes.

DR. DIX: As a cue I mention the steps taken by Dreyse, the Vice President of the Reichsbank.

GISEVIUS: Yes. First of all, he tried to establish close contact with the competent expert in the Ministry of War, General Thomas, who later on became Chief of the Army Economic Staff. Thomas was a man who, right from the beginning, was skeptical about National Socialism, or even opposed it. As by a miracle, he later on emerged from the concentration camp alive.

Schacht at that time began to fight for Blomberg through Thomas. I took part in that fight because Schacht used me as an intermediary through Oster, and I was also informed about these connections through Herbert Göring. Moreover, I learned about these things from many discussions with Thomas. I can testify here that, even at that time, it was extraordinarily difficult to establish connection between Schacht and Blomberg, and I was naïve enough to tell Schacht repeatedly simply to telephone Blomberg and ask him for an interview. Schacht replied that Blomberg would certainly be evasive and that the only way was to prepare the meeting via Oster and Thomas. This was done.

I know how much we expected from the many discussions Schacht had with Blomberg. I was, of course, not present as a witness, but we discussed these conferences in great detail at the time. I took notes and was very pleased when I found that these recollections of mine tallied absolutely with the recollections of Thomas, whose handwritten notes I have in my possession. Thomas was repeatedly reprimanded by Blomberg and was told not to bother him with these qualms on Schacht's part. He was told that Schacht was querulous, and that he, Thomas, should...

THE PRESIDENT: Is it necessary to go into all this detail, Dr. Dix?

DR. DIX: Yes, I believe, Your Lordship, that it will be necessary. This change from a convinced follower of Hitler to a resolute opponent and revolutionary, even a conspirator, is of course so complicated a psychological process that I believe that I cannot spare the Tribunal the details of that development. I shall certainly be economical with nonessential matters, but I should be grateful if the witness could be given a certain amount of freedom during this part of the testimony, as he is the only witness I have on this subject.

THE PRESIDENT: Well, the Tribunal thinks that you can give the essence of the matter without giving it in this great detail. You must try, at any rate, to give as little unnecessary detail as possible.

DR. DIX: I shall be glad to do that.

Well, then, Dr. Gisevius, you have heard the wish of the Tribunal and you will no doubt bring out only the essential facts.

Is there any other essential fact in the affair of Blomberg via Thomas that you wish to state, or can we conclude that chapter?

GISEVIUS: No, I shall now try to give a brief description of the other channels which were tried. I do not know how much the Tribunal wishes to hear about it, but I will say that Schacht tried to approach Baron Von Fritsch, the Commander-in-Chief of the Army. As, however, he was very difficult to approach, he sent his Reichsbank vice president, Dreyse, to establish the contact. We also made one big attempt to approach Fritsch and Blomberg through General Von Kluge.

DR. DIX: And, briefly, what was the object of that step? What were the generals supposed to do—I mean these generals mentioned by you?

GISEVIUS: This step had as its object to make it clear to Blomberg that things were taking a more and more extreme turn, that the economy of the country had deteriorated, and that the Gestapo terror must be stopped by all possible means.

DR. DIX: So that at the time there were only misgivings about the economy and the terror which reigned—not about the danger of war, not yet?

GISEVIUS: No, only the fear of extremism.

DR. DIX: We now turn to 1937. You know that was the year of Schacht's dismissal as Reich Minister of Economy. Did Schacht say anything to you as to why he remained in office as President of the Reichsbank?

GISEVIUS: Yes. I witnessed in detail the struggle for his release as Reich Minister of Economy. On the one side there was his attempt to be released from the Ministry, and I think I am right in saying that this was not so easy. Schacht told Lammers one day that if he did not receive the official notification of his release by a certain date, he would consider himself dismissed and inform the press accordingly. On that occasion scores of people implored Schacht not to resign. Throughout those years, whenever a man wanted to resign from his post, there was always the question whether his successor might not steer an even more radical course. Schacht was implored not to leave, lest radicalism should gain the upper hand in the economic field also. I only mention here the name of Ley, as head of the labor front. Schacht replied that he could not bear the responsibility, but that he hoped he would be able as President of the Reichsbank to keep one foot in, as he expressed it. He imagined that he would be able to have a general view of the overall economic situation and that through the Reichsbank he would be able to conserve certain economic political measures. I can testify that many men, who later became members

of the opposition, implored Schacht to take that line and to keep at least one foot in.

DR. DIX: Was that decision of his not influenced by his attitude to, and his judgment concerning some of the generals particularly Colonel General Fritsch?

GISEVIUS: Yes, that is quite right. One of the greatest disasters was the fact that so many people in Germany imagined that Fritsch was a strong man. I remember that not only high-ranking officers but also high ministerial officials told me over and over again that there was no need to worry: Fritsch was on the march; Fritsch was only waiting for the right moment; Fritsch would one fine day bring about a revolt and end the terror. General Von Kluge, for instance, told me this as a fact—and he was a close friend of Fritsch. And so we all lived in the completely mistaken belief—as I can now say—that one day the great revolt would come of the Armed Forces against the SS. But instead of this, the exact opposite occurred, namely, the bloodless revolt of the SS, the famous Fritsch crisis, the result of which was that not only Fritsch was relieved of his post but that the entire Armed Forces leadership was beheaded, politically speaking, which meant that now all our hope...

DR. DIX: Forgive me if I interrupt you, but we shall come to the Fritsch crisis later, which was in 1938...

GISEVIUS: Yes.

DR. DIX: I should like now to finish speaking about Schacht's efforts and actions in 1937 and to ask you—it is mentioned in your book—whether some unsuccessful attempt to approach General Von Kluge and a journey by Schacht to Münster did not play a part?

GISEVIUS: Yes. I thought that I was supposed to be brief about that. Although Schacht made a great effort to get in touch with Fritsch, it was not possible to arrange a conversation in Berlin. It was secretly arranged that they should meet in Münster, as General Von Kluge was too scared to meet Schacht publicly at the time. There was a lot of beating about the bush, the net result was that the two gentlemen did not meet. It was not possible to bring together a Reich minister and a commanding general. It was all most depressing.

DR. DIX: Where were you at the time? What were you doing? Were you still at Münster, or was there a change?

GISEVIUS: I was still in Münster at that time, but in the middle of 1937 Schacht wanted me to return to Berlin. The greater his disappointment, the more he was inclined to take seriously my warnings against an increasing radicalism and an SS revolt.

By the autumn of 1937 things in Germany had reached such a point that everybody in the opposition group felt that evil plans were being made. We thought at that time that there would be another day of blood like 30 June, and we were trying to protect ourselves. It was Schacht who got in touch with Canaris through Oster and expressed the wish that I should be brought back to Berlin in one way or another. At that time there was no government office which would have given me a post. I had no other choice but to take a long leave from the civil service, alleging that I wanted to devote myself to economic studies. Schacht, in agreement with Canaris and Oster, arranged for me to be given such a post in a Bremen factory, but I was not allowed to show myself there, and so I came to Berlin to place myself completely at the disposal of my friends for future happenings.

DR. DIX: Your Lordship, we are now coming to January 1938 and the Fritsch crisis. I do not think that it would be helpful to interrupt that part of the witness' testimony. If I may, I would suggest that Your Lordship now adjourn the session, or else we would have to go on at least another half-hour.

THE PRESIDENT: Yes. Well, we'll adjourn now.

[The Tribunal adjourned until 25 April 1946 at 1000 hours.]

ONE HUNDRED AND FOURTEENTH DAY

Thursday, 25 April 1946

Morning Session

DR. DIX: Dr. Gisevius! Yesterday we got as far as the year 1938. You had returned to Berlin to a fictitious position which Schacht had arranged for you and you were now in continuous contact with your political confidants, Schacht, Oster, Canaris, and Nebe. You testified last that within your circle, at that time, you all had the impression that a coup was imminent.

Now, we really come to the so-called Fritsch crisis; in my opinion the decisive, inner-political first step toward the war. Will you please describe the entire course and the background of that crisis, especially bearing in mind the fact that while that crisis was taking place the march into Austria was made and always remembering, of course, Schacht's position and activities which are the main concern.

GISEVIUS: First, I shall describe the course of the crisis as such; and it is correct that all my friends considered it the first decisive step toward the war. I shall assemble the facts one by one. I consider it advisable, in order not to confuse the picture, to leave Schacht out for the time being, because the facts as such are extensive enough. Furthermore, I will not indicate in the beginning the source of our information or describe my own experiences; rather I shall wait until I am questioned on those subjects.

On 12 January 1938 the German public was surprised by the report that Field Marshal Von Blomberg, at that time Reich Minister for War, had married. No details about his wife nor any photographs were published. A few days later one single picture appeared, a photograph of the Marshal and his new wife in front of the monkey cage at the Leipzig Zoo. Malicious rumors about the past life of the Marshal's wife began to circulate in Berlin. A few days later there appeared on the desk of the Police Commissioner in Berlin a thick file which contained the following information: Marshal Von Blomberg's wife had been a previously convicted prostitute who had been registered as a prostitute in the files of seven large German cities; she was in the Berlin criminal files. I myself have seen the fingerprints and the pictures. She had also been sentenced by the Berlin courts for distributing indecent pictures. The Commissioner of the Police in Berlin was obliged to submit this file, by official channels, to the Chief of the Police, Himmler.

DR. DIX: Excuse me, please; who was the Commissioner of the Police in Berlin at that time?

GISEVIUS: The Commissioner of the Police in Berlin was Count Helldorf. Count Helldorf realized that if that material were transmitted to the Reichsführer SS it would place the Wehrmacht in a very embarrassing position. Himmler would then have in his possession the material he needed to ruin Blomberg's reputation and career, and strike a blow at the leadership of the Armed Forces. Helldorf took this file to the closest collaborator of Marshal Blomberg, the then Chief of the Armed Forces Department, Keitel, who at that time had just become related to Marshal Blomberg through the marriage of their respective children. Marshal Keitel, or Generaloberst Keitel as he was at that time, looked through the file carefully and demanded that Police Commissioner Helldorf should hush up the entire scandal and suppress the file.

DR. DIX: Perhaps you will tell the Tribunal the source of your information.

GISEVIUS: I got my information from Count Helldorf, who described the entire affair to me, and from Nebe, Oberregierungsrat of the police headquarters in Berlin at that time, and later Reich Criminal Director.

Keitel refused to let Blomberg bear any of the consequences. He refused to inform the Chief of the General Staff Beck, or the Chief of the Army Generaloberst Von Fritsch. He sent Count Helldorf to Göring with the file. Helldorf submitted the entire file to Defendant Göring. Göring asserted he knew nothing about the various sections of the criminal records and the previous sentences of Von Blomberg's wife. Nevertheless in that first conversation, and in later discussions, he admitted that he already knew the following:

First, that Marshal Blomberg had already asked Göring several months ago whether it was permissible to have an affair with a woman of low birth, and shortly thereafter he had asked Göring whether he would help him to obtain a dispensation to marry this lady "with a past" as he put it. Later Blomberg came again and told Göring that this lady of his choice unfortunately had another lover and he must ask Göring to help him, Blomberg, to get rid of that lover.

DR. DIX: Excuse me. Göring told that to Helldorf and you learned it from Helldorf?

GISEVIUS: Yes, that is what Göring said, and in the further course of the investigation we learned of it from other sources too. Göring then got rid of that lover by giving him foreign currency and sending him off to South America. In spite of that, Göring did not inform Hitler of this incident. He even went with Hitler, as a

witness, to the wedding of Marshal Blomberg on 12 January. I should like to point out here . . .

THE PRESIDENT: Dr. Dix, the Tribunal would wish to know how you suggest that these matters, which appear to be personal, are relevant to the charges and in what way they affect the Defendant Schacht or the Defendant Göring or the Defendant Frick?

DR. DIX: I am here only to serve the interests, the rightful interests, of the Defendant Schacht. It is necessary to present that crisis in all its horribleness in order to conceive what an effect, what a revolutionary effect, it had on Schacht and his circle as far as the regime was concerned. I have already said earlier that the Fritsch crisis was the turning point in the transformation of Schacht from a follower and, to a certain extent, an admirer of Hitler to a deadly enemy who had designs on his life. The Tribunal cannot understand this revulsion if the Tribunal does not receive the same impression as Schacht had at that time. Indeed, I in no way desire to wash dirty linen here unnecessarily. My decision to put these questions and to ask the witness to describe the Fritsch crisis in full detail is only motivated by the fact that the further development of Schacht, and of the Fritsch crisis, or let us say, the Oster-Canaris circle to which Schacht belonged, cannot be understood if one does not realize the monstrous circumstances of that crisis. In the face of these facts, however disagreeable, one must decide to bring these sometimes very personal matters to the attention of the Tribunal. Unfortunately I cannot dispense with it in my defense. It is the alpha and omega of my defense.

MR. JUSTICE JACKSON: If the Tribunal please, it might be helpful at this time to know our position in reference to this line of testimony, if it is to be considered whether admissible or not now.

I should desire, if this incident were not brought out, to bring it out upon cross-examination upon several aspects. One is that it shows the background of the incident of yesterday, which I think is important in appraising the truthfulness of testimony in this case.

Another thing is that it bears upon the conspiracy to seize power. There were certain men in Germany that these conspirators had to get rid of. Some of them they could kill safely. Some of them, as we see from the Röhm Purge, when they went to killing they aroused some opposition. They had to strike down by other means, and the means they used against Fritsch and Blomberg show the conspiracy to seize power and to get rid of the men who might stand in the way of aggressive warfare.

It will appear, I think, that Fritsch and Blomberg were among the reliants of the German people in allowing these Nazis to get as far as they did, believing that here at least were two men who

would guard their interests; and the method by which those men were stricken down and removed from the scene we would consider an important part of the conspiracy story, and I would ask to go into it on cross-examination.

That might perhaps be material to the Court in deciding whether it should proceed now.

DR. DIX: May I add one more thing?

THE PRESIDENT: Yes, Dr. Dix.

The Tribunal thinks, in view of what you have said and what Mr. Justice Jackson has said, that your examination must continue and you will no doubt try to confine it as much as you can to the political aspects of the matter.

DR. DIX: Of course. But the personal matters are of such political importance in this case that they cannot be omitted.

Well then, Dr. Gisevius, you understand the difficulties of the situation. We want only to give evidence, and not to bring in anything sensational as an end in itself. However, when it is necessary to speak on such subjects in order to explain the development to the Tribunal, I ask you to speak quite frankly.

GISEVIUS: I ask the Tribunal also to realize my difficulties. I myself do not like speaking about these things.

I must add that Göring was the only head of the Investigation Department. That was the institution which took over all telephone control in the Third Reich. This Investigation Department was not satisfied, as has been described here, with merely tapping telephone conversations and decoding messages; but it had its own intelligence service, all the way down to its own employees, for obtaining information. It was, therefore, also quite possible to obtain confidential information about Marshal Von Blomberg's wife. When Helldorf gave the file to Göring, Göring considered himself compelled to give that file to Hitler. Hitler had a nervous breakdown and decided to dismiss Marshal Blomberg immediately. Hitler's first thought, as he told the generals later at a public meeting, was to appoint Generaloberst Von Fritsch as Blomberg's successor. The moment he made his decision known, Göring and Himmler reminded him that it could not be done as according to a file of the year 1935 Fritsch was badly incriminated.

DR. DIX: Excuse me, Doctor. What is the source of your information regarding this conversation between Hitler and the generals and also Göring's statement?

GISEVIUS: Several generals who took part in that meeting told me about it, and I have said already that in the course of events, which I have yet to describe, Hitler himself made many statements.

We also had in our possession until 20 July the original documents of the Supreme Court-Martial which convened later.

The file of 1935, which was submitted to Hitler in January 1938, referred to the fact that in 1934 the Gestapo conceived the idea of prosecuting, among other enemies of the state, homosexuals as criminals. In the search for evidence the Gestapo visited the penitentiaries and asked convicted inmates, who had blackmailed homosexuals, for evidence and for the names of homosexuals. One of the inmates reported a terrible story, which was really so horrible that I will not repeat it here. It will suffice to say that this prisoner believed the man in question had been a certain Herr Von Fritsch or Frisch. The prisoner could not remember the correct name. The Gestapo then turned over these files to Hitler in 1935. Hitler was indignant about the contents. Talking to the generals, he said he did not want to know about such a disgusting affair. Hitler ordered the files to be burned immediately.

Now, in January 1938, Göring and Himmler reminded Hitler of these files; and it was left to Heydrich's cleverness to submit to Hitler again these files, which had allegedly been burned in 1935 and which had been completed, in the meantime, by extensive investigations. Hitler believed, as he said to the generals at the time, that after having been so disappointed in Blomberg, many nasty things could be expected from Fritsch also. The Defendant Göring offered to bring the convict from the prison to Hitler and the Reich Chancellery. At Karinhall, Göring had previously threatened this convict with death if he did not abide by his statements.

DR. DIX: How do you know that?

GISEVIUS: That was mentioned at the Supreme Court-Martial. Then Fritsch was summoned to the Reich Chancellery and Hitler told him of the accusations which had been made against him. Fritsch, a gentleman through and through, had received a confidential warning from Hitler's adjutant; but it had been so vague that Fritsch came to the Reich Chancellery extremely alarmed. He had no idea of what Hitler was accusing him. Indignantly he denied the crime he had allegedly committed. In the presence of Göring, he gave Hitler his word of honor that all the accusations were false. But Hitler went to the nearest door, opened it, and the convict entered, raised his arm, pointed to Fritsch and said, "That is he."

Fritsch was speechless. He was only able to ask that a judicial investigation should be made. Hitler demanded his immediate resignation; and on condition that Fritsch left in silence, he agreed to allow the matter to rest where it was. Fritsch appealed to Beck, the Chief of the General Staff. Chief of the General Staff Beck intervened with Hitler. A hard struggle ensued for a judicial investigation of these terrible accusations against Fritsch. That

struggle lasted about a week. There were dramatic disputes in the Reich Chancellery. At the end came the famous 4 February when the generals, who until that day—that is to say, 10 days after the dismissal of Blomberg and the relief of Fritsch—were completely unaware of the fact that both their superiors were no longer in office, were ordered to come to Berlin. Hitler personally presented the files to the generals in such a way that they also were completely confused and said they were satisfied that the affair should be investigated by the courts. At the same time Hitler surprised the generals...

DR. DIX: You know of this only through the participants of that meeting?

GISEVIUS: From the participants of the meeting, yes.

At the same time Hitler surprised the generals with the announcement that they had a new Commander-in-Chief, Generaloberst Von Brauchitsch. Some of the generals had, in the meantime, been relieved of their posts; and also on the evening previous to that announcement, a report appeared in the newspapers according to which Hitler, under the pretense of drawing together the reins of government, had dismissed the Foreign Minister, Von Neurath, effected a change in the Ministry of Economics, relieved a number of diplomats of their posts, and then, as an appendix to that report, announced a change in the War Ministry and in the leadership of the Army.

Then a new struggle arose, which lasted several weeks, regarding the convening of the court-martial which should decide as to the reinstatement of Generaloberst Von Fritsch. This was for all of us the moment when we believed we would be able to prove before a German supreme court the methods the Gestapo used to rid themselves of their political adversaries. This was a unique opportunity of being able to question witnesses under oath regarding the manner in which the entire intrigue had been contrived. Therefore we set to work to prepare for our parts in this trial.

DR. DIX: What do you mean by "we" in this case?

GISEVIUS: There was above all one man, who as an honest lawyer and judge was himself a participant of this Supreme Court-Martial. This was the Judge Advocate General at that time, and later Chief Judge of the Army, Ministerial Director Dr. Sack. This man believed that he owed it to the spirit of law to contribute in every possible way toward exposing these matters. This he did, but he also paid with his life after 20 July.

In the course of this investigation the judges of this Supreme Court Martial questioned the Gestapo witnesses. They investigated the records of the Gestapo; they made local investigations; and, with

the aid of the criminologist Nebe, it was not long before they discovered definitely that the entire affair had concerned a double; it was not Generaloberst Von Fritsch but a retired Captain Von Frisch who had been pensioned long before.

In the course of that investigation the judges established another fact; they were able to prove that the Gestapo had been in the residence of this double Von Frisch as early as 15 January and had questioned his housekeeper. May I compare the two dates once more. On 15 January the Gestapo had proof that Fritsch was not guilty. On 24 January the Defendant Göring brings the convict and witness for the prosecution into the Reich Chancellery in order to incriminate Fritsch, the Generaloberst. We believed that here indeed we were confronted with a plot of incredible proportions, and we believed that now even the skeptical general must see that it was not only in the lower ranks of the Gestapo that there was scheming and contriving, invisible and secret, without the knowledge of any of the ministers or of the Reich Chancellery and which would compel any man of honor and justice to intervene. This was the reason why we now formed into a larger group and why we saw that we now no longer needed to collect material about the Gestapo in secret. That, precisely, was the great difficulty we had had to deal with. We heard a great deal; but if we had passed on that evidence, we would in every case have exposed to the terror of the Gestapo those men who had given us the evidence.

Now we could proceed legally, and so we started our efforts to persuade Generaloberst Von Brauchitsch to submit the necessary evidence to the Supreme Court-Martial.

DR. DIX: Whom do you mean by "we"?

GISEVIUS: At that time there was a group, among whom I must mention Dr. Schacht, who was then extremely active and who went to Admiral Raeder, to Brauchitsch, to Rundstedt, and to Gürtner, and tried to explain everywhere that the great crisis had now arisen; that we now had to act; that it was now the task of the generals to rid us of this regime of terror.

But I must mention one more name in that connection. In 1936 Schacht had already introduced me to Dr. Goerdeler. I had the honor of traveling the same road with that brave man from then on until 20 July. And now I have mentioned here for the first time, in this room where so many terrible things are made known, the name of a German who was a brave and fearless fighter for freedom, justice, and decency and who, I believe, will one day be an example, and not only to Germany, to prove that one can also do one's duty faithfully until death, even under the terror of the Gestapo.

This Dr. Goerdeler, who had always been a fearless and untiring fighter, had in those days unequalled courage. Like Dr. Schacht he

went from one ministry to another, from one general to the next, and he also believed that now the hour had come when we could achieve a united front of decent people led by the generals. Brauchitsch did not refuse then. He did not refuse to act at Goerdeler's request. In fact he assured Goerdeler of his co-operation in a revolt with almost religious fervor.

And as a witness I may mention that Brauchitsch also solemnly assured me that he would now use this opportunity to fight against the Gestapo. However, Brauchitsch made one condition, and that condition was accepted by the generals as a whole. Brauchitsch said, "Hitler is still such a popular man; we are afraid of the Hitler myth. We want to give to the German people and to the world the final proof by means of the Supreme Court-Martial and its verdict." Therefore Brauchitsch postponed his action until the day when the verdict of the Supreme Court-Martial should be given.

The Supreme Court-Martial met. It began its session. The session was suddenly interrupted under dramatic circumstances. I must add that Hitler appointed the Defendant Göring as president of that Supreme Court-Martial. And now the Supreme Court-Martial, under the chairmanship of Göring, convened. I know from Nebe that Göring during the preceding days had had consultations with Himmler and Heydrich. I know that Heydrich said to Nebe, "this Supreme Court-Martial will be the end of my career."

DR. DIX: Did Nebe tell you that?

GISEVIUS: Yes, on the same day. The Supreme Court-Martial would be the great danger for the Gestapo. And now the Supreme Court-Martial sat for several hours and was adjourned under dramatic circumstances, for that was the day chosen for the German armies to march into Austria. Even at that time we knew without any doubt why the chairman of that court-martial was so unusually interested in having the troops on that day receive the order to march, not to a goal within but outside the Reich. Not until one week later could the Supreme Court-Martial reconvene, and then Hitler was triumphant. The generals had their first "campaign of flowers" behind them, a plebiscite had been proclaimed, the jubilation was great, and the confusion among the generals was still greater. So that court-martial was dissolved. Fritsch's innocence was definitely established, but Brauchitsch said that as a result of the changed psychological atmosphere created by the annexation of Austria, he could no longer take the responsibility for a revolt.

That is roughly the story of how the War Ministry was practically denuded of its leading men, and how the generals were thrown into unequalled confusion. From that time on we took the steep downward path to radicalism.

DR. DIX: Perhaps I may ask the Tribunal to be permitted to read in this connection one sentence from a document which I will submit as Exhibit Number Schacht-15. My document book is still in the process of translation, but I hope that it will be here on the day of the hearing of Schacht. There is only one sentence which is of interest in this connection. It is from the biannual report of the General Staff . . .

THE PRESIDENT: Have the documents been submitted to the Prosecution and to the Tribunal at all?

DR. DIX: The documents have been discussed with the Prosecution twice in detail, once with regard to the question of translation, and then on the question of their admissibility as evidence; and Mr. Dodd discussed them in open court. I am firmly convinced that the Prosecution is thoroughly acquainted with the document. It is only one sentence and I do not believe that the Prosecution would object to the reading of this one sentence, since otherwise the connection with the documentary evidence might be obscured. I will introduce a document now and then, wherever it seems practical. This is only one sentence from the biannual report of the General Staff of the United States . . .

MR. JUSTICE JACKSON: I do not know what this document is, Your Honor. I should like to know because we may want to ask some questions about it. I do not want to delay Dr. Dix, but I do not have a copy of it and I do not know just what it is yet.

DR. DIX: I just wanted to shorten the proceedings; but as I see that difficulties may arise, and that a long discussion may be needed, I will omit it, and will present it later with my documentary evidence. It would not serve my purpose otherwise.

[Turning to the witness.] For the additional information of the Court, perhaps you will describe the position of the chairman in German court-martial proceedings; that the control of the examination is in his hands—that, as a matter of fact, the entire case is in his hands.

GISEVIUS: Dr. Dix, I do not doubt that you could describe the authority of such a chairman better and more clearly from the legal point of view. I would, however, like to say the following:

I read the minutes of that session, for it is one of those documents which we thought we would one day submit to the public. This, too, I hope we will find again. From the minutes it can be seen that the Defendant Göring, as president, determined the tenor of the entire proceedings and of the questions.

He questioned the witnesses for the prosecution, and he took care that no other questions were put which might have proved

embarrassing. I must say, from these voluminous minutes, that Göring knew how to cloak the true facts by the manner in which he led the proceedings.

DR. DIX: In my introductory words at the beginning of the session, I called the Fritsch crisis the first decisive inner-political step of the war; and you, Doctor, have adopted that term. After concluding the description of the Fritsch crisis, will you give the reason for the views you adopted, and what the effect was upon your group in this connection, especially upon Schacht?

GISEVIUS: I must point out again that until this Fritsch crisis it had been difficult in the ranks of the German opposition to consider even the possibility of war. That was due to the fact that in Germany the opposition groups were so sure of the strength of the Army, and of the leading men, that they believed it sufficed to have a man of honor, like Fritsch, at the head of the German Army. It seemed inconceivable that Fritsch would tolerate a sliding into terror or into war. Only a few persons had pointed out that it was in the nature of every revolution some day to go beyond the frontiers of a nation. We believed from history that this theory should be pointed out as a danger threatening the National Socialist revolution, and therefore we repeatedly warned those who were convinced that they were faced with a revolution, not only with a dictatorship, that one day those revolutionaries would resort to war as a last recourse. As it became more evident in the course of the Fritsch crisis that radicalism was predominant, a large circle became aware that the danger of war could no longer be ignored.

DR. DIX: And did the Defendant Schacht also belong to that circle?

GISEVIUS: Yes. During those days of the Fritsch crisis, Schacht said, as did many others: "That means war," and that was also said plainly to the then Commander-in-Chief of the Army, General Von Brauchitsch.

DR. DIX: Now the question arises why Schacht had previously financed the rearmament program, at least in the beginning?

GISEVIUS: Schacht always told me that he had financed the rearmament program for purposes of defense. Schacht was convinced for many years that such a large nation in the center of Europe should at least have means of defense. I may point out that at that time large groups of the German people were possessed of the idea that there was a possible danger of attack from the East. You must not forget the type of propaganda with which the German people were inundated at that time, and that the reasons given for this particular danger from the East were based upon Polish aspirations concerning East Prussia.

DR. DIX: Did Schacht also discuss with you at that time the fact that this rearmament was serving his political purposes, as through it he might be able to start discussions on general disarmament again?

GISEVIUS: I beg your pardon. Unfortunately I forgot to emphasize this point myself. Schacht was of the opinion that all means should be used to bring about discussions on rearmament again. He had an idea that very soon—I think he had held that opinion since 1935—the attention of opponent countries should be drawn to German rearmament; and then Hitler, because his rearmament was now known, would be forced to resume discussions at the disarmament conference.

DR. DIX: Was that which you have just said the subject of your conversation with Schacht at that time, or is that your judgment now?

GISEVIUS: No, I remember this conversation very well, because I thought Hitler's inclinations lay in other directions than in attending a disarmament conference. I thought Hitler to be of an entirely different mentality, and was somewhat surprised that Schacht considered it possible that Hitler might harbor such thoughts.

DR. DIX: Did you have the impression from your conversations with Schacht that he was informed in detail of the type, speed, and extent of the rearmament?

GISEVIUS: I well remember how often Schacht asked me and friends of mine whether we could not help him to get information about the extent of rearmament by inquiring at the Reich War Ministry. I have already described yesterday the efforts he made to get details through Oster and Thomas.

DR. DIX: Could you tell the Tribunal whether Schacht made any attempt to limit armament expenses, and thus limit the extent and speed of the rearmament; and, if so, when he made these efforts?

GISEVIUS: To my knowledge, he started to attempt this as early as 1936. In the heated debates about Schacht's resignation as Minister of Economics in 1937, his efforts in this direction played a very important part. I recall that practically every conversation was concerned with that point.

DR. DIX: Now, it is said—and quite understandably also by the Prosecution—that the reasons Schacht gave, even in official reports and so on, for the necessity of these limitations were primarily of a financial-technical nature, that is to say, he spoke as an anxious economic leader and an anxious president of the Reichsbank and not as an anxious patriot afraid that his country might be plunged into war.

Do you know of any discussions with Schacht, of which you can remember anything, concerning the foregoing which might be useful to the Tribunal?

GISEVIUS: In all these preliminary discussions there were dozens of drafts of the communications Schacht wrote. They were discussed in friendly circles. To mention but one example, Schacht repeatedly discussed these drafts also with Goerdeler. It was always one question that was concerned: What could one say, so that such a letter should not be considered a provocation but would serve rather to draw the other non-Party ministers, and particularly the War Minister Blomberg, to Schacht's side? That was just the difficulty, for how could such ministers as Blomberg, Neurath, or Schwerin-Krosigk, who were much more loyal to Hitler, be persuaded to join Schacht rather than to say that Schacht had once again provoked Hitler and Göring with his notoriously sharp tongue. All these letters can only be understood by their tactical reasons which, as I have said, had been discussed in detail with the leading men of the opposition.

DR. DIX: Now, after the Fritsch crisis, how did the political conspiracy between you and your friends and Schacht take form?

GISEVIUS: I want to deal with that word "conspiracy." While up to that moment our activity could only be called more or less oppositional, now a conspiracy did indeed begin; and there appeared in the foreground a man who was later to play an important part as head of that conspiracy. The Chief of the General Staff at that time, Generaloberst Beck, believed that the time had come for a German general to give the alarm both inside and outside the country. I believe it is important for the Tribunal to know also the ultimate reason which prompted Beck to take that step.

The Chief of the General Staff was present when Hitler, in May 1938, made a speech to the generals at Jüterbog. That speech was intended to reinstate Fritsch. A few words were said about Fritsch, but more was said—and for the first time quite openly before a large group of German generals—about Hitler's intention to engulf Czechoslovakia in a war. Beck heard that speech; and he was indignant that he, as Chief of the General Staff, should hear of such an intention for the first time in such an assembly without having been informed or consulted previously. During that same meeting, Beck sent a letter to Brauchitsch asking him for an immediate interview. Brauchitsch refused and deliberately kept Beck waiting for several weeks. Beck became impatient and wrote a comprehensive memorandum in which as Chief of the General Staff he protested against the fact that the German people were being drawn into war. At the end of that memorandum Beck announced

his resignation, and here I believe is the opportunity to say a word about this Chief of the General Staff.

DR. DIX: One moment, Doctor. Will you tell us the source of your knowledge of what Beck thought, and the negotiations between Beck and Brauchitsch?

GISEVIUS: Beck confided in me, and during the latter years I worked in very close collaboration with him, and I was by his side until the last hour of his life on 20 July. I can testify here—and it is important for the Tribunal to know this—that Beck struggled again and again with the problem as to what a chief of the General Staff should do when he realized that events were driving toward a war. Therefore I owe to his memory, and to my oath here, not to conceal the fact that Beck took the consequences of being the only German general to relinquish his post voluntarily, in order to show that there is a limit beyond which even generals in leading positions may not go; but at the sacrifice of their position and their life, must resign and accept no further orders. Beck was of the opinion that the General Staff was not only an organization of war technicians; he saw in the German General Staff the conscience of the German Army, and he trained his staff accordingly. He suffered immensely during the later years of his life because men whom he had trained in that spirit did not follow the dictates of their conscience. I owe it to this man to say that he was a man of inflexible character.

THE PRESIDENT: Dr. Dix, I think we might get on to what Beck actually did.

DR. DIX: Yes, Your Honor, but...

THE PRESIDENT: Perhaps it would be a convenient time to break off. What I mean is, the witness said that Beck protested in a memorandum and offered to resign, and that was some minutes ago, and since then he was talking and had not told us what Beck actually did.

DR. DIX: Yes.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

THE PRESIDENT: The Tribunal will not sit in open session on Saturday morning, but will be sitting in closed session.

DR. DIX: *[Turning to the witness.]* You were saying that Generaloberst Beck carried out his decision to tender his resignation after the speech at Jüterbog. What did he do then?

GISEVIUS: Hitler and Brauchitsch urgently pressed him to remain in office, but Beck refused and insisted upon resigning. Thereupon Hitler and Brauchitsch urged Beck at least not to make his resignation public, and they asked him if he would not formally defer his resignation for a few months. Beck, who had not yet gone the way of high treason, thought that he should comply with this request. Later he most deeply regretted this loyal attitude. The fact is that as early as the end of May or the beginning of June his successor, General Halder, took over the office of Chief of General Staff; and from that moment Beck was actually no longer in charge.

DR. DIX: May I ask you once more, from what observations, and conversations with whom, do you base the knowledge of these facts?

GISEVIUS: From constant discussions I had with Beck, Oster, Goerdeler, Schacht, and an entire group of people at that time; later, the question why Beck did not make his retirement public depressed him to such an extent that it was a continual subject of discussions between him and me up to the end.

DR. DIX: That was Beck's resignation; but then the problem of the possible resignation of Schacht was probably also brought up in deliberations. To your knowledge, and from your observation, was the question of the necessity or the opportuneness of Schacht's resignation discussed between Schacht and Beck?

GISEVIUS: Yes, it was discussed in great detail.

It was Beck's opinion that his resignation alone might not be sufficiently effective. He approached Schacht therefore and asked him whether he would not join him, Beck, and resign also. This subject was discussed in great detail, on the one hand between Beck and Schacht personally, and on the other between Oster and myself, who were the two intermediaries. During these conferences, I must confess that I, too, was of the opinion that Schacht should resign under all circumstances; and I also advised him to that effect. It was Oster's opinion, however, that Schacht must definitely remain in office and he asked him to do so; in order to influence the generals Schacht was needed as an official with a ministerial title. In retrospect I must say here that my advice to Schacht was wrong. The events which I have yet to describe have proved how important it was to Oster and others that Schacht should remain in office.

DR. DIX: That, of course, was a serious question for Schacht's own conscience. You have informed the Tribunal of your opinions and of Oster's opinions. Did Schacht discuss his scruples with you, and the pros and cons of his deliberations in making his final decision?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: I don't object to the defendants' trying their case in their own way, but I do think we are passing beyond the limits of profitable inquiry here. Schacht is present; he is the man who can tell us about his conscience, and I know of no way that another witness can do so, and I think it is not a question to which the answer would have competent value, and I object respectfully.

THE PRESIDENT: Dr. Dix, I think you had better tell us what Schacht did—not tell us—but get from the witness what Schacht did.

DR. DIX: If I may, I should like to make a brief remark. It is true, of course, as Mr. Justice Jackson said, that Schacht knows his own reasons best and can tell them to the Tribunal. On a question as difficult as this, however, the justification of which is even subject to argument—the Prosecution apparently is inclined to consider the train of thought which led to Schacht's decision to be unacceptable—it appears to me, at least on the basis of our rules for evidence, that it is relevant for the Tribunal to hear from an eye-and-ear witness what the considerations were and whether they really were such at the time, or whether Schacht, now in the defendants' dock, is *ex post facto*, devising some explanation, as every defendant is more or less suspected of doing.

THE PRESIDENT: The Tribunal thinks that the witness can tell us what Schacht said and what Schacht did, but not what Schacht thought.

DR. DIX: Certainly. Your Lordship, I only want him to tell us what Schacht said to the witness at that time about his opinion.

THE PRESIDENT: I don't think we need any further discussion about it. The witness has heard what I have said and you can ask him what Schacht said, and what Schacht did; but not what Schacht thought.

DR. DIX: Very well then, what did Schacht say to you regarding the reasons for his resignation?

GISEVIUS: Schacht told me at the time that after all we had experienced the generals could not be relied upon ever really to revolt. For that reason, as a politician, he considered it his duty to think of some possibility other than a revolt for bringing about a change in conditions in Germany. For that reason he evolved a plan which he explained to me at the time. Schacht said to me, "I have got Hitler by the throat." He meant by that, as he explained to me in great detail, that now the day was approaching where the debts which had been incurred by the Reich Minister of Finance, and thus by the Reich Cabinet, would have to be repaid

to the Reichsbank. Schacht doubted whether the Minister of Finance, Schwerin-Krosigk, would be prepared without further ado to carry out the moral and legal obligation of repaying the credits which had been extended.

Schacht thought that that was the moment in which he should come out with his resignation, with a joint step by the Reichsbank Directorate; and he hoped that, given that situation, the other ministers of the Reich would join him, the majority of whom were still democratic at the time.

That is what he meant when he said to me, "I have still one more arrow I can shoot, and that is the moment when not even a Neurath, a Gürtner, a Seldte can refuse to follow me."

I answered Schacht at that time that I doubted whether there would ever be such a meeting of the Cabinet. In my opinion, the steps which would be taken to dispose of him would be much more brutal. Schacht did not believe me, and above all he told me he would be certain of achieving one thing; these matters would have to be discussed in the Cabinet, and then he would cause a situation in Germany as alarming as the one which existed in February 1938 at the time of the Fritsch crisis. He therefore expected a radical reformation of the cabinet which would provide the proper psychological atmosphere for the generals to intervene.

DR. DIX: You said at the beginning that Schacht had said or hinted that he could not absolutely rely on the generals to bring about a revolt. Which generals was he referring to, and what did he mean?

GISEVIUS: Schacht meant at the time the first revolutionary situation which had arisen in Germany, during the months of May to September 1938, when we drifted into the Czechoslovakia war crisis. Beck had assured us at the time of his resignation—by us I mean Goerdeler, Schacht and other politicians—that he would leave to us a successor who was more energetic than himself, and who was firmly determined to precipitate a revolt if Hitler should decide upon war. That man whom Beck trusted, and to whom he introduced us, was General Halder. As a matter of fact, on taking office, General Halder immediately took steps to start discussions on the subject with Schacht, Goerdeler, Oster, and our entire group. A few days after he took over his office he sent for Oster and informed him that he considered that things were drifting toward war, and that he would then undertake an overthrow of the Government. He asked Oster what he, for his part, intended to do to bring civilians into the plot.

DR. DIX: Who were the civilians in question, apart from Goerdeler and Schacht?

GISEVIUS: Halder put that question to Oster, and under the circumstances at that time, when we were still a very small circle, Oster replied that to the best of his knowledge there were only two civilians with whom Halder could have preliminary political conversations; one was Goerdeler, the other, Schacht.

Halder refused to speak personally to a man as suspect as Goerdeler. He gave as his reason the fact that it was too dangerous for him to receive now a man whom he did not yet know, whereas he could find some official reason for having a conference with Schacht. Halder asked Oster to act as intermediary for such a conference with Schacht.

Oster approached Schacht through me. Schacht was willing. A meeting was to be arranged at a third person's place. I warned Schacht and said to him, "Have Halder come to your house, so that you are quite sure of the matter."

Halder then visited Schacht personally at the end of July 1938 at his residence; and he informed him that matters had reached a stage where war was imminent and that he, Halder, would then bring about a revolt, and he asked Schacht whether he was prepared to aid him politically in a leading position.

That is what Schacht told me at the time, and Halder told it to Oster.

DR. DIX: And Oster told it to you?

GISEVIUS: Yes, as I continually acted as an intermediary in these discussions. Schacht replied, as he assured me directly after Halder's visit, that he was prepared to do anything if the generals were to decide to remove Hitler.

The following morning, Halder sent for Oster. He told him of this conversation, and he asked Oster whether police preparations had now been made for this revolt. Oster suggested that Halder should talk to me personally about these matters. I had a long talk in the darkness with Halder about this revolt. I believe that it is important for me to state here what Halder told me of his intentions at that time. First Halder assured me that, in contrast to many other generals, he had no doubt that Hitler wanted war. Halder described Hitler to me as being bloodthirsty and referred to the blood bath of 30 June. However, Halder told me that it was, unfortunately, terribly difficult to explain Hitler's real intentions to the generals, particularly to the junior officers corps, because the saying which was influencing the officers corps was ostensibly that it was all just a colossal bluff, that the Army could be absolutely certain that Hitler did not want to start a war, but rather that he was merely preparing a diplomatic maneuver of blackmail on a large scale.

For that reason, Halder believed that it was absolutely necessary to prove, even to the last captain, that Hitler was not bluffing at all but had actually given the order for war. Halder therefore decided at the time that for the sake of informing the German nation and the officers he would even risk the outbreak of war. But even then Halder feared the Hitler myth; and he therefore suggested to me that the day after the outbreak of war Hitler should be killed by means of a bomb; and the German people should be made to believe, as far as possible, that Hitler had been killed by an enemy bombing attack on the Führer's train. I replied to Halder at the time that perhaps I was still too young, but I could not understand why he did not want to tell the German people, at least afterwards, what the generals had done.

Then for a few weeks there was no news from Halder. The press campaign against Czechoslovakia assumed an ever more threatening character and we felt that now it would be only a few days, or perhaps weeks, before war would break out. At that very moment Schacht decided to visit Halder again and to remind him of his promise. I thought it best that a witness should be present during that conversation and therefore I accompanied Schacht. It did not appear to me that Halder was any too pleased at the presence of a witness. Halder once again declared his firm intention of effecting a revolt; but again he wished to wait until the German nation had received proof of Hitler's warlike intentions by means of a definite order for war. Schacht pointed out to Halder the tremendous danger of such an experiment. He made it clear to Halder that a war could not be started simply to destroy the Hitler legend in the eyes of the German people.

In a detailed and very excited conversation Halder then declared that he was prepared to start the revolt, not after the official outbreak of the war, but at the very moment that Hitler gave the army the final order to march.

We asked Halder whether he would then still be able to control the situation or whether Hitler might not surprise him with some lightning stroke. Halder replied literally, "No, he cannot deceive me. I have designed my General Staff plans in such a way that I am bound to know it 48 hours in advance." I think that is important, because during the subsequent course of events the period of time between the order to march and the actual march itself was considerably shortened.

Halder assured us that besides the preparations in Berlin he had an armored division ready in Thuringia under the command of General Von Höppner, which might possibly have to halt the Leibstandarte, which was in Munich, on the march to Berlin.

Although Halder had told us all this, Schacht and I had a somewhat bitter aftertaste of that conference. Halder had told Schacht that he, Schacht, seemed to be urging him to effect this revolt prematurely; and Schacht and I were of the opinion that Halder might abandon us at the last moment. We informed Oster immediately of the bad impression we had had, and we told Oster that something absolutely must be done to win over another general in case Halder should not act at the last minute. Oster agreed and these are the preliminary events which led to the later General Field Marshal Von Witzleben first coming into our circle of conspirators.

DR. DIX: Who won Von Witzleben over?

GISEVIUS: Schacht did.

DR. DIX: Who did?

GISEVIUS: Schacht won Witzleben over. Oster visited Witzleben and told him everything that had happened. Thereupon Witzleben sent for me, and I told him that in my opinion the police situation was such that he, as commanding general of the Berlin Army Corps, could confidently risk a revolt. Witzleben asked me the question which every general put to us at that time: Whether a diplomatic incident in the East would really lead to war or whether it was not true, as Hitler and Ribbentrop had repeatedly told the generals in confidence, that there was a tacit agreement with the Western Powers giving Germany a free hand in the East. Witzleben said that if such an agreement really existed, then, of course, he could not revolt. I told Witzleben that Schacht with his excellent knowledge of the Anglo-Saxon mentality could no doubt give him comprehensive information about that.

A meeting between Schacht and Witzleben was arranged. Witzleben brought with him his divisional general, Von Brockdorff, who was to carry out the revolt in detail. Witzleben, Brockdorff, and I drove together to Schacht's country house for a conference which lasted for hours. The final result was that Witzleben was convinced by Schacht that the Western Powers would under no circumstances allow Germany to move into the Eastern territories and that now Hitler's policy of surprise had come to an end. Witzleben decided that he, on his part and independently of Halder, would make all preparations which would be necessary if he should have to act.

He issued me false papers and gave me a position at his district headquarters so that there, under his personal protection, I could make all the necessary police and political preparations. He delegated General Von Brockdorff, and he and I visited all the points in Berlin which Brockdorff was to occupy with his Potsdam Division. Frau Strünck was at the wheel and traveling ostensibly as tourists we settled exactly what had to be done.

DR. DIX: That is the witness Strünck. Please excuse me.

GISEVIUS: I believe I owe you a brief explanation as to why Witzleben's co-operation was absolutely necessary. It was not so easy to find a general who had the actual authority to order his troops to march. For instance, there were some generals in the provinces who could not give their troops the order to march.

THE PRESIDENT: Dr. Dix, is it necessary to go into the matter in such detail as to why General Witzleben should be brought in?

DR. DIX: The reasons why Witzleben was needed are perhaps not essential for our case. We can therefore drop this subject.

Will you please tell me, Dr. Gisevius, whether Schacht was kept constantly informed of these military and police preparations which you have described?

GISEVIUS: Schacht was kept informed about all these matters. We met in the evening in the residence of Von Witzleben and I showed everything that I had worked out in writing during the day. It was then discussed in full detail.

DR. DIX: Apart from these military and police measures, which you have mentioned, were there any political measures?

GISEVIUS: Yes, of course. We had to decide carefully what the German nation was to be told in such a case from the point of view of internal politics, just as there were certain preparations which had to be made regarding the external.

DR. DIX: What do you mean by external—foreign politics?

GISEVIUS: Yes, of course, foreign politics.

DR. DIX: Why of course? Was the Foreign Office included or what is meant by foreign politics in this case?

GISEVIUS: It is very difficult to give an explanation, because the co-operation with foreign countries during the time of war, or immediately before a war, is a matter which is very difficult to discuss as we are touching upon a very controversial subject. If I am to talk about it, then it is at least as important for me to state the reasons which led these people to carry on such discussions with foreign countries, as it is to give times and dates.

DR. DIX: I am sure that the Tribunal will permit you to do so. I think that the Tribunal will permit that the motives...

THE PRESIDENT: I think the Tribunal thinks you are going into too great detail over these matters. If the Tribunal is prepared to accept this witness' evidence as true, it shows that Schacht was negotiating with him and General Witzleben at this time with a view to prevent the war. I say, if the Tribunal accepts it; and that

seems to be a matter you will not prove with the details of these negotiations, which seem to me not very important.

DR. DIX: Yes, but in my opinion the gravity and intensity of the activities of these conspirators should be substantiated in detail. In my opinion it is not sufficient that these plans . . .

THE PRESIDENT: But you have touched upon them since 10 o'clock this morning.

DR. DIX: Your Lordship, I am now proceeding in connection with Schacht's point of view, as to whether a survey, a political survey of Schacht's part . . .

THE PRESIDENT: I am told that you said last night that you would be half an hour longer. Do you remember saying that? Perhaps it was a mistranslation.

DR. DIX: Oh no, that is quite a misunderstanding. I said that if I were to touch upon the Fritsch crisis and complete it, it would take another half hour—that is, the Fritsch crisis alone. Gentlemen of the Tribunal, the position is this: We are now hearing the story of the political opposition, in which Schacht played a leading role. If the Defendant Göring and others had time for days to describe the entire course of events from their point of view, I think that justice demands that those men, represented in this courtroom by the Defendant Schacht, who fought against that system under most dreadful conditions of terror, should also be permitted to tell in detail the story of their opposition movement.

I would, therefore, ask the Tribunal—and I am not in favor of the superfluous—to give me permission to allow the witness to make a few more remarks on the measures taken by the group of conspirators, Beck, Schacht, Canaris, and others, which he has already touched upon. I beg the Tribunal to realize that I consider it of the greatest importance; and I assume, Your Lordship, that if it is not done now, the Prosecution will take the matter up during cross-examination. Moreover, I believe that as it is now being told in sequence, it will take less time than if we were to wait for the cross-examination.

THE PRESIDENT: The Tribunal does not propose to tell you how you are to prove your case, but hopes that you will deal with it as shortly as possible and without unnecessary details.

DR. DIX: Please be sure of that.

Well then, Witness; you had mentioned foreign political measures, and you were about to talk of the motives which caused some of you to enter into relations with foreign countries for the support of your opposition movement. Will you please continue with that?

GISEVIUS: I should like simply to confine myself to the statement that from that time on there were very detailed and weighty discussions with foreign countries in order to try everything possible to prevent the outbreak of war or at least to shorten it or keep it from spreading. However, as long as I am not in a position to speak of the motives of such a delicate matter—in connection with which people like us would be accused of high treason, in Germany, at least—as long as that is the case, I shall not say more than the fact that these conversations took place.

DR. DIX: I did not understand that the Tribunal would prevent you from explaining your motives. You may state them therefore.

GISEVIUS: I owe it to my conscience and above all to those who participated and are now dead, to state here that those matters which I have described weighed very heavily upon their consciences. We knew that we would be accused of conspiring with foreign countries.

THE PRESIDENT: The Tribunal, of course, knows that these matters were not conducted without danger; but we are not really here for the purpose of considering people who have, unfortunately, lost their lives. We are considering the case of the Defendant Schacht at the moment.

DR. DIX: I think the intention of the witness has been misunderstood. He does not wish to speak about those men who lost their lives, and he does not want to speak of the dangers; he wishes rather to speak of the conflicts of conscience suffered by those who planned and undertook those steps. I think that that privilege should be granted the witness if he is to speak of this very delicate matter here in public. I would, therefore, beg you to allow it; otherwise the witness will confine himself to general indications which will not be sufficient for my defense, and I assume that the Prosecution will ask about these things in the cross-examination.

THE PRESIDENT: Will you try and get him to come to the point? We, of course, can't tell what he wants to talk about. We can only tell about what he does talk about.

DR. DIX: Well, then, you will describe briefly the considerations which swayed those who entered into those foreign relations, and also describe the character of those relations.

GISEVIUS: Mr. President, it was not merely a question of conscience. I was concerned with the fact that there are relatives still alive today who might become the subject of unjust accusations; and that is why I had to say, with reference to those conferences abroad which I shall describe, that even our intimate circle of friends did not agree in all respects as to what measures were to be permitted. One wanted to go further, while another held back.

I owe it to the memory of the dead Admiral Canaris, for instance, to rectify many erroneous press announcements and state that he refused to conspire with foreign countries. I must guard against the possibility that anything I say now might be applied to men whom I have mentioned earlier. That is why I wanted to make this statement, and at the same time I wanted to say that our friends who did these things rejected the accusation of high treason, because we felt that we were morally obliged to take these steps.

DR. DIX: Well then, what happened?

GISEVIUS: The following happened: Immediately after Hitler announced his intention to invade Czechoslovakia, friends tried to keep the British Government informed, from the first intention to the final decision. The chain of attempts began with the journey of Goerdeler in the spring of 1938 to London, where he gave information concerning the existence of an opposition group which was resolved to go to any lengths. In the name of this group the British Government was continuously informed of what was happening and that it was absolutely necessary to make it clear, to the German people and to the generals, that every step across the Czech border would constitute for the Western Powers a reason for war. When the crisis neared its climax and when our preparations for a revolt had been completed to the last detail, we took a step unusual in form and substance. We informed the British Government that the pending diplomatic negotiations would not, as Hitler asserted, deal with the question of the Sudeten countries but that Hitler's intention was to invade the whole of Czechoslovakia and that, if the British Government on its side were to remain firm, we could give the assurance that there would be no war.

Those were, at the time, our attempts to obtain a certain amount of assistance from abroad in our fight for the psychological preparation of a revolt.

DR. DIX: We now come to September of 1938 and the crisis which led to the Munich Conference. What were the activities of your group of conspirators at that time?

GISEVIUS: The more the crisis moved towards the Munich conference, the more we tried to convince Halder that he should start the revolt at once. As Halder was somewhat uncertain, Witzleben prepared everything in detail. I shall now describe only the last two dramatic days. On 27 September it was clear that Hitler wanted to go to the utmost extremity. In order to make the German people war-minded he ordered a parade of the Berlin army through Berlin. Witzleben had to execute the order. The parade had entirely the opposite effect. The population, which assumed that the troops were marching to war, showed their open displeasure. The troops,

instead of jubilation, saw clenched fists; and Hitler, who was watching the parade from the window of the Reich Chancellery, had a fit of rage. He stepped back from the window and said, "With such people I cannot wage war." Witzleben came home indignant and said that he would have liked to have had the guns unlimbered in front of the Reich Chancellery. On the next morning . . .

DR. DIX: One moment, Witzleben told you that he would have liked to have had the guns unlimbered in front of the Chancellery?

GISEVIUS: Yes.

DR. DIX: And what is the source of your knowledge regarding Hitler's remark when he stepped back from the balcony?

GISEVIUS: Several people from the Reich Chancellery told us that.

DR. DIX: Well then, go on.

GISEVIUS: The following morning—that was the 28th—we believed that the opportunity had now come to carry out the revolt. That morning we also learned that Hitler had rejected the final offer from the British Prime Minister, Chamberlain, and had sent the intermediary, Wilson, back with a refusal. Witzleben got that letter and took it to Halder. He believed that proof of Hitler's desire for war had now been produced, and Halder agreed. Halder went to see Brauchitsch while Witzleben waited in Halder's room. After a few moments Halder came back and said that Brauchitsch now had also realized that the moment for action had arrived and that he merely wanted to go over to the Reich Chancellery to make quite sure that Witzleben and Halder's account was correct. Brauchitsch went to the Reich Chancellery after Witzleben had told him over the telephone that everything was prepared; and it was that noon hour of 28 September when suddenly, and contrary to expectations, Mussolini's intervention in the Reich Chancellery took place, and Hitler, impressed by Mussolini's step, agreed to go to Munich; so that actually at the last moment the revolt was eliminated.

DR. DIX: You mean through Munich, don't you?

GISEVIUS: Of course.

DR. DIX: And now the Munich conference was over. How did matters stand in your group of conspirators?

GISEVIUS: We were extremely depressed. We were convinced that now Hitler would soon go to the utmost lengths. We did not doubt that Munich was the signal for a world war. Some of our friends wondered if we should emigrate, and that was discussed with Goerdeler and Schacht. Goerdeler, with this idea in mind, wrote a letter to a political friend in America and asked particularly whether the opposition people should now emigrate. Goerdeler said,

"Otherwise to be able to continue our political work at all in Germany in the future there is only one other possibility, and that is to employ the methods of Talleyrand."

We decided to persevere, and then events followed in quick succession from the Jewish pogroms to the conquest of Prague.

DR. DIX: But before we come to Prague, Witness, you mentioned the Jewish pogroms; and obviously you mean November 1938. Do you know or can you recollect what Schacht's reaction was to those events?

GISEVIUS: Schacht was indignant about the Jewish pogroms, and he said so in a public speech before the personnel of the Reichsbank.

DR. DIX: I shall submit that speech later as documentary evidence. And then how did things go on from there? We have come to the end of 1938. Were there new political events on the horizon which had a stimulating effect on your group of conspirators?

GISEVIUS: First of all, there was Schacht's sudden dismissal from the Reichsbank Directorate. Schacht's desire for a consultation of the Cabinet on this matter did not materialize and our hopes of bringing about a cabinet crisis were vain. Thus our opposition group had no connecting point and we had to wait and see what would happen after the conquest of Prague.

DR. DIX: One moment; you mentioned Schacht's dismissal from his position as President of the Reichsbank. Can you tell us anything about this; about the circumstances leading to it and the effect it had on Schacht, and so on?

GISEVIUS: I saw how the various letters and memoranda of the Reichsbank Directorate were drafted, and how they were progressively toned down, and how Schacht was then dismissed. A few minutes after the letter of dismissal arrived from Hitler, Schacht read it to me; and he was indignant at the contents. He repeated to me the passage in which Hitler praised him for his participation in the German rearmament program; and Schacht said, "And now he wants me to undertake to go on working with him openly, and uphold his war policy."

DR. DIX: But then Schacht remained as a Minister without Portfolio. Was the problem as to whether he should do so or whether he could act differently ever discussed between you and Schacht at the time?

GISEVIUS: Yes, but as far as I know it was the same type of discussion which took place whenever he was to resign. He talked to Lammers, and I assume that Lammers gave him the customary reply.

DR. DIX: In other words, he thought he had to remain, that he was forced to remain?

GISEVIUS: Yes.

DR. DIX: Now, you have made several attempts to speak about Prague, but I interrupted you. Will you please describe the effects upon your group of conspirators, as far as Schacht was concerned?

GISEVIUS: Since December our group had definite proof that Hitler would attack Prague in March. This new action was cynically called the "March whirlwind." As it was quite openly discussed in Berlin circles, we hoped that news of this action would also reach the British and French Embassies. We were firmly convinced that this time results would not be achieved by surprise; but Halder had already adopted a different view. He thought that Hitler had been given free passage to Prague by the Western Powers. He refused to have preliminary conferences and wanted to wait and see whether this Prague action could be achieved without a fight. And that is what happened.

DR. DIX: In which direction? You have already spoken about the steps with the British and French Embassies.

GISEVIUS: No, there were no steps taken with regard to the British and French Embassies.

DR. DIX: Do you want to say anything further about it? Have you anything to add?

GISEVIUS: No, I have said that we did not take any steps.

DR. DIX: Now, then, Prague is over; and I believe that you and Schacht went to Switzerland together on behalf of your group. Is that correct?

GISEVIUS: Not only together with Schacht but also with Goerdeler. We were of the opinion that Schacht in Germany—excuse me—that Prague would have incredible psychological effects in Germany. As far as foreign countries were concerned, Prague was the signal that no peace and no treaty could be kept with Hitler. Inside Germany unfortunately we were forced to see that the generals and the people were now convinced that this Hitler could do whatever he wished; nobody would stop him; he was protected by Providence. This alarmed us. On one side we saw that the Western Powers would no longer put up with these things; and on the other side we saw that within Germany the illusion was growing that the Western Powers would not go to war. We could see that a war could be prevented only if the Western Powers would tell not only the Foreign Minister, not only Hitler, but by every means of propaganda tell the German nation that any further step towards the East would mean war. It appeared to us that the only possibility was to warn the generals and to get them to revolt, and that was the subject of the talks which Schacht, Goerdeler, and I conducted in Switzerland, immediately after Prague.

DR. DIX: With whom?

GISEVIUS: We met a man who had excellent connections with the British and French Governments. This man made very exact reports at least to the French Government. I can testify to this because later after Paris was conquered, I was able to find a copy of his report among Daladier's secret papers. We told this man very clearly that in autumn at the latest, the fight for Danzig would start. We told him that, as good Germans, we were without doubt of the opinion that Danzig was a German city and that some day that point would have to be peacefully discussed; but we also warned him against having conferences now regarding Danzig alone because Hitler did not want only Danzig but the whole of Poland, not the whole of Poland but the Ukraine, and that that was the reason why the propaganda of foreign countries should make it abundantly clear to Germany that the limit had now been reached and that the Western Powers would intervene. We said that only then would a revolt be possible for us.

DR. DIX: And did this man who had your confidence make a report in the way you stipulated?

GISEVIUS: Yes, he did; and I must say that very soon public statements on the part of the British, either on the radio or in the press or in the House of Commons, began to remove these doubts among the German generals and the German people. From that time on everything which could be done was done by the British to alarm the German generals.

DR. DIX: Did not Schacht meet his friend Montagu Norman in Switzerland at that time and talk with him in the same vein? Do you know? Were you there?

GISEVIUS: Yes. We thought that the opportunity for Schacht to talk to a close friend of the British Prime Minister, Chamberlain, should not be allowed to pass; and Schacht had very detailed discussions with Montagu Norman, so as to describe to him the psychological atmosphere in Germany after Prague and to persuade him that the British Government should now undertake the necessary clarifications.

DR. DIX: Was not your slogan in reports to foreign countries at the time: "You must play off the Nazis against Germans"?

GISEVIUS: Yes, it was the tenor of all our discussions. We wanted it made clear to the German people that the Western Powers were not against Germany, but only against this Nazi policy of surprise and against the Nazi methods of terror, within the country as well as without.

DR. DIX: And now, having come back from Switzerland, what happened next, particularly with reference to Schacht?

GISEVIUS: We saw that things in Germany were rapidly drifting toward the August crisis and that the generals could not be dissuaded from the view that Hitler was only bluffing and that there would be another Munich or another Prague. And now began all those desperate efforts which we made in order to influence the leading generals, and particularly Keitel, to prevent the decisive order being given to march against Poland.

DR. DIX: Let us come back to Schacht's return from the Swiss journey in spring of 1939. You know that Schacht left Germany then and made a journey to India?

GISEVIUS: He went to India and hoped to stay there as long as possible in order to go to China. But on the way Hitler's order prohibiting him from setting foot on Chinese soil reached him, and he had to return. As far as I remember, he came back a few days before the outbreak of war.

DR. DIX: You said China; did Schacht have sympathies with Chiang-Kai-Chek in spite of the pact with Japan?

GISEVIUS: Yes. He sympathized greatly with the Chinese Government, as did our entire circle. We all had quite a number of good and dear Chinese friends with whom we attempted to keep in touch in spite of the Japanese pact.

DR. DIX: About when did Schacht come back from India?

GISEVIUS: I think it was the beginning of August; but I cannot...

DR. DIX: Now matters were rapidly heading toward war. Did Schacht, before the outbreak of war, take any steps to prevent its outbreak?

GISEVIUS: He took a great number of steps, but they cannot be described individually as that would create the impression that Schacht alone was taking these steps. Actually the situation was such that a large group of people were now in the struggle, and each one took those steps which were most suited to him, and each one informed the group of what he had done and what would be advisable for another to do. For that reason I am afraid that it would present a completely erroneous picture if I were to describe individually, and only with respect to Schacht, all those desperate efforts made from August 1939 until the attack on Holland and Belgium.

DR. DIX: The Tribunal has taken cognizance of the fact that Schacht was not acting alone; but here we are dealing with Schacht's case, and I should like to ask you, therefore, to confine yourself to the description of Schacht's efforts.

GISEVIUS: In that case I must state first that Schacht knew of all these other matters and was in a certain sense also an accomplice. Of Schacht himself I can only say at this particular moment that he was co-author of the Thomas memorandum addressed to General Keitel, or the two memoranda, in which Schacht, together with our group, pointed out the dangers of war to Keitel. Further, I can say that, through Thomas and Canaris, Schacht took steps to intervene with Brauchitsch and Halder. But I would like to emphasize expressly that all the steps taken by Beck and Goerdeler were taken with the full knowledge of Schacht and also with his participation. This was a very important undertaking.

DR. DIX: A collective action? Does not Schacht's attempt at the very last moment, at the end of August, to make representations to Brauchitsch through Canaris at headquarters play a part in this?

GISEVIUS: Yes. After General Thomas had failed with both his memoranda and after he had failed to persuade Keitel to receive Goerdeler or Schacht, Schacht tried to approach Brauchitsch or Halder. For that purpose Thomas paid frequent visits to General Halder, and it was typical that during those critical days he could not get past the anteroom of General Halder's office, past General Von Stülpnagel. Halder was not "at home," and just said that he did not want to see Schacht. Thereupon we took a further step on that dramatic 25 August, the day on which Hitler had already once given the order to march. As soon as the news reached us that Hitler had given Halder the order to march, Schacht and I first got into touch with Thomas; and then, together with Thomas, we went to Admiral Canaris so that both Thomas and Canaris should accompany Schacht when he went unannounced to the headquarters in Zossen in order to confront Brauchitsch and Halder with his presence. Schacht intended to point out to Brauchitsch and Halder that, in accordance with the existing constitution, the Reich Cabinet must be consulted before waging war. Brauchitsch and Halder would be guilty of a breach of oath if, without the knowledge of the competent political authorities, they obeyed an order for war. That was roughly what Schacht intended to say to explain his step. When Thomas and Schacht arrived at Bendlerstrasse, Thomas went to Canaris. It was about 6 o'clock or . . .

DR. DIX: The OKW is situated in Bendlerstrasse. The Tribunal should know that Bendlerstrasse meant the OKW or the OKH.

GISEVIUS: When we arrived at the OKW and were waiting at a corner of the street, Canaris sent Oster to us. That was the moment when Hitler between 6 and 7 o'clock suddenly ordered Halder to withdraw his order to march. The Tribunal will no doubt remember that Hitler, influenced by the renewed intervention of Mussolini,

suddenly withdrew the order to march which had already been given. Unfortunately, Canaris and Thomas and all our friends were now under the impression that this withdrawal of an order to march was an incredible loss of prestige for Hitler. Oster thought that never before in the history of warfare had a supreme commander withdrawn such a decisive order in the throes of a nervous breakdown. And Canaris said to me, "Now the peace of Europe is saved for 50 years, because Hitler has now lost the respect of the generals." And, unfortunately, in the face of this psychological change, we all felt that we could look forward to the following days in a quiet frame of mind. So, when 3 days later, Hitler nevertheless gave the decisive order to march, it came as a complete surprise for our group as well. Oster called me to the OKW; Schacht accompanied me. We asked Canaris again whether he could not arrange another meeting with Brauchitsch and Halder, but Canaris said to me, "It is too late now." He had tears in his eyes and added, "That is the end of Germany."

DR. DIX: Your Lordship, we now come to the war, and I think that perhaps we had better deal with the war after lunch.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. DIX: Dr. Gisevius, before the noon recess we had just come to the outbreak of the war, and so that your subsequent testimony may be understood, I must ask you first in what capacity you served during the war.

GISEVIUS: On the day of the outbreak of war I was called to Security Intelligence by General Oster by means of a forged order. However, as it was a regulation that all officers or other members of the intelligence service had to be examined by the Gestapo, and as I would never have received permission to be a member of the intelligence, they simply gave me a forged mobilization order. Then I was at the disposal of Oster and Canaris without doing any direct service.

DR. DIX: And after the outbreak of war what were the activities of your group of conspirators, the members of which you have already mentioned? Who took over the leadership, who participated, and what was done?

GISEVIUS: Immediately after the outbreak of the war General-oberst Beck was at the head of all oppositional movements which could exist in Germany at all, with the exception of the Communists with whom we had no contact at that time. We were of the opinion that only a general could be the leader during war, and Beck stood so far above purely military matters that he was the suitable man to unify all groups from the left to the right. Beck chose Dr. Goerdeler as his closest collaborator.

DR. DIX: Consequently the only civilians who worked with this group of conspirators were Schacht and Goerdeler as before?

GISEVIUS: No, on the contrary; all the opposition groups, who had so far had merely loose connections with each other, were now drawn together under the pressure of war. This was especially so with the left opposition movements, which had been greatly reduced in the early years as all their leaders had been interned. These left groups especially now came in with us. In this connection I shall merely mention Leuschner and Dr. Karl Muehlendorf. However, I must also mention the Christian Trade Unions, and Dr. Habermann, and Dr. Jacob Kaiser. Further I must mention the Catholic circles, the leaders of the Confessional Church, and individual political men such as Ambassador Von Hassell, State Secretary Planck, Minister Popitz, and many, many others.

DR. DIX: What was the attitude of these left circles, especially concerning the question of a revolt, the forceful removal of Hitler or even an attempt on his life? Did they also consider the possibility

of an attempt at assassination, which later was actually suggested in your group?

GISEVIUS: No, the left circles were very much under the impression that the "stab in the back" legend had done much harm in Germany; and the left circles thought that they ought not to expose themselves again to the danger of having it said later that Hitler or the German Army had not been defeated on the battlefield. The left wing had long been of the opinion that no matter how bitter an experience it might be for them, it must now be proved absolutely to the German people that militarism was committing suicide in Germany.

DR. DIX: I have already submitted to the Tribunal, a letter which you, Doctor, smuggled to Switzerland for Schacht at about this time—the end of 1939. It is a letter to the former president of the International Bank at Basel, later president of the First National Bank of New York; a man of influence, who probably had access to President Roosevelt.

In anticipation of the documentary evidence pertaining hereto I had originally intended to read this letter to the Tribunal now. However, in discussing the admissibility of evidence I informed the Tribunal of most of the essential points, and as Mr. Justice Jackson could not yet have the Schacht Document Book in hand, and as he remarked previously that he did not like me to produce documentary evidence at this point, I will not carry out my original intention to read this letter in its entirety. I will come back to it when I present my documentary evidence. Just to refresh the witness' memory about this letter, I will give the underlying reasons for it. Schacht suggested to President Fraser that now the moment . . .

MR. JUSTICE JACKSON: I make no objection to the use of the letter from Schacht to Leon Fraser as one banker writing to another. If you want to claim that Mr. Fraser was influential with President Roosevelt, I should want you to prove it; but I have no objection to the letter.

DR. DIX: The letter is dated 14 January 1946. I will not read it in its entirety, for there are six long pages. Its contents are . . .

THE PRESIDENT: What date was it?

DR. DIX: I had the wrong letter. The 16 October 1939. It will be Exhibit Number 31 in my document book. He writes that now would be an excellent time to give peace to the world with President Roosevelt—that would be a victory, also a German victory . . .

THE PRESIDENT: Is the letter from Schacht?

DR. DIX: From Schacht to Fraser.

THE PRESIDENT: Do you have proof for the letter?

DR. DIX: If the Tribunal prefers, Schacht can also deal with the letter. In that case I will only ask the witness whether it is true that he smuggled this letter into Switzerland.

[Turning to the witness.] Please answer the question, Witness.

GISEVIUS: Yes. I took this letter to Switzerland and mailed it there.

DR. DIX: Very well. What did your group do to bring about peace, or prevent the war from spreading? Did you undertake further activities in foreign politics in that direction in your opposition group, that is, your group of conspirators?

GISEVIUS: The main thing for us was with all possible means to prevent the war from spreading. It could only spread toward Holland and Belgium or Norway. We recognized clearly that if a step was taken in this direction, the consequences, not only for Germany, but for the whole of Europe would be tremendous. Therefore, we wanted to prevent war in the West by all means.

Immediately after the Polish Campaign Hitler decided to move his troops from the East to the West, and to launch the attack by violating the neutrality of Holland and Belgium.

We believed that if we could succeed in preventing this attack in November we would in the coming winter months gain enough time to convince the individual generals, above all Brauchitsch and Halder and the leaders of the army groups, that they must at least oppose the expansion of the war.

Brauchitsch and Halder evaded the question and said it was now too late, that the enemy would fight Germany to the end and destroy her. We did not share this opinion. We believed a peace with honor was still possible, and by honor I mean that we would of course eliminate the Nazi hierarchy to the last man. In order to prove to the generals that the foreign powers did not wish to destroy the German people, but wanted only to protect themselves against the Nazi terror, we took all possible steps abroad. The first attempt in that direction, or a small part of that attempt, was the letter written by Schacht to Fraser, the object of which was to point out that certain domestic political developments were imminent and that if we could gain time, that is, if we could come through the winter, we could perhaps persuade the generals to undertake a revolt.

DR. DIX: Thank you. May I interrupt you for a moment? I would like to call the attention of the Tribunal now to the fact that the witness is referring to a passage, to a suggestion, contained in the letter. This letter is in English. I have no German translation, and I must therefore read this sentence in English. "My feeling is that the earlier discussions be opened, the easier it will be to influence

the development of certain existing conditions." The question is now . . .

Now, I would like to ask you: What did Dr. Schacht mean by the "certain existing conditions" that were to be influenced? Did he mean your efforts?

MR. JUSTICE JACKSON: I must interpose an objection. I am not sure whether you have misunderstood it. I think that what Schacht meant is not a question to be addressed to this witness. I shall have no objection to Dr. Schacht telling us what he meant by his cryptic language, but I don't think that this witness can interpret what Schacht meant unless he has some information apart from anything that now appears. I don't want to be over technical about this, but it does seem to me that this is the sort of question which should be reserved for Dr. Schacht himself.

DR. DIX: Mr. Justice Jackson, of course, is right, but this witness said that he smuggled the letter into Switzerland, and I assume that he discussed the contents of the letter with Schacht and was therefore in a position to explain the cryptic words.

THE PRESIDENT: He didn't say this yet; he hasn't said he ever saw the letter except the outside of it. He hasn't said he ever saw the letter.

DR. DIX: Will you please tell us whether you saw the letter and knew its contents?

GISEVIUS: I am sorry that I did not so clearly at once, but I helped in drafting the letter. I was there when the letter was drafted and written.

DR. DIX: Then I believe Justice Jackson will withdraw his objection.

MR. JUSTICE JACKSON: Yes.

DR. DIX: Will you please answer my question; what is meant by those cryptic words?

GISEVIUS: We wanted to suggest that we, in Germany, were interested in forcing certain developments and that we now expected an encouraging word from the other side. I do not, however, want any misunderstanding to arise here. In this letter it also states very clearly that President Roosevelt had in the meantime been disappointed many times by the German side, so that we had to beg, to urge him to take such a step. It is a fact that President Roosevelt had taken various steps for peace.

DR. DIX: Let us go on now. If I give you the cue "Vatican Action"? . . .

GISEVIUS: In addition to this attempt to enter into discussions with America, we believed we should ask for a statement from the British Government. Again it was our aim solely to . . .

THE PRESIDENT: Is the original of this letter still available or is this only given from memory?

DR. DIX: The original copy, yes; that is, a copy signed by Schacht is here. It was kept during the war in Switzerland and was brought back to us from Switzerland by this witness.

[Turning to the witness.] Now, let us go on to the "Vatican Action."

GISEVIUS: We tried in every possible way to prove to General Halder and General Olbricht that their theory was wrong, that there could be no longer a question of dealing with a decent German government. We believed that we should now follow a particularly important and safe road. The Holy Father made personal efforts in these matters, as the British Government had, with justification, become uncertain whether there really existed in Germany a trustworthy group of men with whom talks could be undertaken. I remember that shortly afterwards the Venlo incident took place when, with the excuse that there was a German opposition group, officials of the English Secret Service were kidnapped at the Dutch border. Therefore, we were anxious to prove that there was a group here which was honestly trying to do its best and which, if the occasion arose, would stand by its word under all circumstances. I believe that we kept our word regarding the things we proposed to do, while we said quite frankly that we could not bring about this revolt as we had said previously we hoped to do.

These negotiations began in October—November 1939. They were only concluded later in the spring, and if I am asked I will continue.

DR. DIX: Yes, please describe the conclusion.

GISEVIUS: I believe I must add first that, during November of 1939, General Halder actually had intended a revolt, but that these intentions for a revolt again came to naught because at the very last minute Hitler called off the western offensive. Strengthened by the attitude of Halder at that time, we believed that we should continue these discussions at the Vatican. We reached what you might call a gentleman's agreement, on the grounds of which I believe that I am entitled to state that we could give the generals unequivocal proof that in the event of the overthrow of the Hitler regime, an agreement could be reached with a decent civil German government.

DR. DIX: Did you read the documents yourself, Doctor?

GISEVIUS: These were oral discussions which were then written down in a comprehensive report. This report was read by the Ambassador Von Hassell and by Dr. Schacht before it was given to

Halder by General Thomas. Halder was so taken aback by the contents that he gave this comprehensive report to Generaloberst Von Brauchitsch. Brauchitsch was enraged and threatened to arrest the intermediary, General Thomas, and thus this action which had every prospect of success, failed.

DR. DIX: Doctor, you have testified . . .

THE PRESIDENT: Dr. Dix, the last notes that I have got down in my notebook are these: "That we knew that if Holland, Belgium, and the other countries were attacked, it would have very grave consequences and we therefore negotiated with Halder and Brauchitsch and they weren't prepared to help us to stop the war at that time. We wanted peace with honor, eliminating politics. We took all possible steps." Well, now, since I took these notes down, I think we spent nearly 10 minutes in details, which are utterly irrelevant, about further negotiations. If they took all possible steps, what is the point of giving us these details about it?

DR. DIX: Yes, Your Lordship, if a witness is called in a matter of such importance, where he as well as the defendants' counsel must always take into account that people who are of a different opinion may say "these are just generalities, we want facts and particulars," then I cannot forego having the witness testify at least in broad outline that, for example, a detailed action had been undertaken through His Holiness in the Vatican. If he merely says that the result of this action was a comprehensive report, if with Halder and Brauchitsch the above mentioned . . .

THE PRESIDENT: I agree with you that the one sentence about some negotiations with the Vatican may have been properly given, but all the rest of it were unnecessary details.

DR. DIX: Anyway we have already concluded this chapter, Your Lordship.

[Turning to the witness.] You have already testified that the revolt which was planned for November did not occur because the western offensive did not take place. Therefore, we need not pursue this subject any further. I would merely like to ask you at this point: Did your group of conspirators remain inactive during the winter, and particularly during the spring, or were further plans followed and acted upon?

GISEVIUS: Constant attempts were made to influence all generals within our reach. Besides Halder and Brauchitsch we tried to reach the generals of the armored divisions in the West. I remember, for instance, there was a discussion between Schacht and General Hoepfner.

DR. DIX: Hoepfner?

GISEVIUS: Hoepfner. We also tried to influence Field Marshal Rundstedt, Bock, and Leeb. Here, too, General Thomas and Admiral Canaris were the intermediaries.

DR. DIX: And how did the generals react?

GISEVIUS: When everything was ready, they would not start.

DR. DIX: Now, we come to the summer of 1941. Hitler is in Paris. The aerial offensive against England is imminent. Tell us about your group of conspirators and their activity during this period and the period following.

GISEVIUS: After the fall of Paris, our group had no influence at all for months. Hitler's success deluded everyone, and it took much effort on our part, through all channels available, to try at least to prevent the bombardment of England. Here again the group made united efforts and we tried, through General Thomas and Admiral Canaris and others, to prevent this evil.

DR. DIX: Do I understand you correctly, when you use the word "group" you mean the group which was led by Beck, in which Schacht collaborated?

GISEVIUS: Yes.

DR. DIX: Now, at that time did Schacht have several talks, or one talk, along the same line in Switzerland?

GISEVIUS: That was a little later. We have now come to the year 1941, and on this trip to Switzerland Schacht tried to urge that a peace conference should be held as soon as possible. We knew that Hitler was thinking about the attack on Russia, and we believed that we should do everything to avert at least this disaster. With this thought in mind Schacht's discussions in Switzerland were conducted. I myself took part in arranging a dinner in Basel with the president of the B. I. Z., Mr. McKittrick, an American, and I was present when Schacht tried to express at least the opinion that everything possible must now be done to initiate negotiations.

DR. DIX: In this connection I would respectfully like to remind the Tribunal of the article in the *Basler Nachrichten*, of which I presented the essential contents when we discussed the admissibility of the document. It deals with a similar conversation between Schacht and an American economist. That is the same trip which the witness is now discussing. I will take the liberty of referring to this article later, when presenting documentary evidences.

[Turning to the witness.] Now, the war continued. Do you have anything to say about Russia; about the imminent war with Russia?

GISEVIUS: I can say only that Schacht knew of all the many attempts which we undertook to avert this catastrophe.

DR. DIX: Now let us go further to the time of Stalingrad. What was done by your group of conspirators after this critical period of the war?

GISEVIUS: When we did not succeed in persuading the victorious generals to engineer a revolt, we then tried at least to win them over to one when they had obviously come up against their great catastrophe. This catastrophe, which found its first visible signs in Stalingrad, had been predicted in all its details by Generaloberst Beck since December of 1942. We immediately made all preparations so that at the moment, which could be forecast with almost mathematical exactitude, when the army of Paulus, completely defeated, would have to capitulate, then at least a military revolt could be organized. I myself was called back from Switzerland and participated in all discussions and preparations. I can only testify that this time a great many preparations were made. Contact was also made with the field marshals in the East, with Witzleben in the West but again, things turned out differently, for Field Marshal Paulus capitulated instead of giving us the cue at which Kluge, according to plan, was to start the revolt in the East.

DR. DIX: This was the time of the so-called Schlaberndorff attempt?

GISEVIUS: No, a little later.

DR. DIX: Now I shall interpose another question. Until now you have always described the group led by Generaloberst Beck and supported by Schacht, Goerdeler, *et cetera*, as a revolt movement, that is, a group which wanted to overthrow the government. Did you not now more and more aim at an assassination?

GISEVIUS: Yes, from the moment when the generals again deserted us, we realized that a revolt was not to be hoped for, and from that moment on we took all the steps we could to instigate an assassination.

DR. HANS LATERNSENER (Counsel for General Staff and High Command of the German Armed Forces): Mr. President, I must object at this point to the testimony of the witness. The witness, Dr. Gisevius, by his testimony has incriminated the group which I represent. However, some of this testimony is so general that it cannot be referred to as fact. Furthermore, he has just testified that the field marshals in the East had "deserted" the group of conspirators. These statements are opinions which the witness is giving, but they are not facts, to which the witness must limit his testimony, and therefore I ask—Mr. President, I have not yet finished. I wanted to conclude with the request for a resolution by the Court that the testimony given by the witness, where he asserted that the

generals had "deserted" the group of conspirators, be stricken from the record.

DR. DIX: May I please reply briefly? I cannot agree with the opinion of my esteemed colleague Dr. Laternser that the statement "the generals deserted us" was not a statement of fact . . .

THE PRESIDENT: I don't think we need to hear further argument upon it. It certainly won't be stricken from the record until we have had time to consider it, and Dr. Laternser will have his opportunity of examining this witness, and he can then elucidate any evidence he wants to.

DR. LATERNSEER: But, Mr. President, if I make the motion for the reason that the witness is giving testimony which is beyond his scope as a witness, and that he is giving his opinion, then to that extent it is inadmissible testimony which would have to be stricken from the record.

THE PRESIDENT: If you mean that the evidence is hearsay, that will be perfectly obvious to the Tribunal, and doesn't make the evidence inadmissible, and you will be able to cross-examine him about it.

DR. LATERNSEER: Mr. President, I have been misunderstood. I did not say, and I am not basing my request to strike the testimony from the record on the allegation that the witness made statements from hearsay; but I say that it is not a statement of fact, but an opinion which the witness is giving when he says that "the generals in the East deserted the group of conspirators."

DR. DIX: May I answer briefly to that? If I try to influence a group of generals to organize a revolt and if they do not do so, that is a fact and I can state this fact with the words, "They deserted us." Naturally I can also say, "They did not revolt," but that is merely a matter of expression. Both are facts and not an opinion. He is not appraising the behavior of the generals in an ethical, military, or political sense, he is merely pointing out, "They were not willing."

THE PRESIDENT: Go on.

DR. DIX: [*Turning to the witness.*] If I recall correctly, you were just about to tell us that now the policy of the conspirators' group changed from a revolt to an assassination. Is that correct?

GISEVIUS: Yes.

DR. DIX: Do you wish to state anything further?

GISEVIUS: You had asked me about the first step in this direction after Generaloberst Beck had given up all hope of being able to win over another general to a revolt. It was said at that time that there was now nothing left for us but to free Germany, Europe, and the world from the tyrant by a bomb attack. Immediately after

this decision, preparations were started. Oster spoke to Lahousen and Lahousen furnished the bombs from his arsenal. The bombs were taken to the headquarters of Kluge at Smolensk, and with every possible means we tried to bring about the assassination, which was unsuccessful only because at a time when Hitler was visiting the front, the bomb which had been put in his airplane did not explode. This was in the spring of 1943.

DR. DIX: Now, an event took place in the Abwehr OKW, which as a result of further developments, strongly affected Schacht's further attitude and also your remaining in Germany. Will you please describe that?

GISEVIUS: Gradually even Himmler could not fail to see what was happening in the OKW, and at the urgent request of SS General Schellenberg a thorough investigation of the Canaris group was now started. A special commissioner was appointed and on the first day of this investigation Oster was relieved of his post and a number of his collaborators were arrested. A short time afterwards Canaris was also dismissed from his post. I myself could no longer remain in Germany and thus this group, which until now had in a certain sense been the directorate of all the conspiracies, was eliminated.

DR. DIX: During that time, that is January 1943, Schacht was also relieved of his position as Reich Minister without Portfolio. Did you meet Schacht after that time?

GISEVIUS: Yes. By chance I was in Berlin on the day this letter of dismissal arrived. It was an unusually sharp letter and I remember that that night I was asked to the country house of Schacht, and as the letter had simply stated that Schacht was to be dismissed, we wondered whether he was also going to be arrested.

DR. DIX: I would like to remind the Tribunal that I read this letter into the record when Lammers was examined and showed it to him. This letter—I mean Schacht's letter of dismissal signed by Lammers—has already been read into the record and is probably contained in my document book.

[Turning to the witness.] You were in Switzerland at that time, but on 20 July you were in Berlin. How did that happen?

THE PRESIDENT: You mean the 20th of July 1944?

DR. DIX: Yes, the well-known day of the 20th of July. We are rapidly approaching the end now.

GISEVIUS: A few months after the elimination of the Canaris-Oster circle we formed a new group around General Olbricht. At that time Colonel Count Von Stauffenberg also joined us. He replaced Oster in all activities, and when after several months, and after many unsuccessful attempts and discussions, the time finally

arrived in July 1944, I returned secretly to Berlin in order to participate in the events.

DR. DIX: But you had no direct connection with Schacht at this attempted assassination?

GISEVIUS: No; I, personally, was in Berlin secretly and saw only Goerdeler, Beck, and Stauffenberg; and it was agreed expressly at this time that no other civilian except Goerdeler, Leuschner, and myself were to be informed of the matter. We hoped thus to protect lives by not burdening anyone unnecessarily with this knowledge.

DR. DIX: Now I come to my last question.

You know that Schacht had after all held high government positions under the Hitler regime. You, Doctor, as is shown by your testimony today were an arch enemy of the Hitler regime. Despite that you had, as can also be seen from your testimony today, special confidence in Schacht. How do you explain this fact which at first sight seems to be contradictory in itself?

GISEVIUS: My answer can, of course, only express a personal opinion and I will formulate it as briefly as possible. However, I would like to emphasize that the problem of Schacht was confusing not only to me but to my friends as well; Schacht was always a problem and a puzzle to us. Perhaps it was due to the contradictory nature of this man that he kept his position in the Hitler government for so long. He undoubtedly entered the Hitler regime for patriotic reasons, and I would like to testify here that the moment his disappointment became obvious he decided for the same patriotic reasons to join the opposition. Despite Schacht's many contradictions and the puzzles he gave us to solve, my friends and I were strongly attracted to Schacht because of his exceptional personal courage and the fact that he was undoubtedly a man of strong moral character, and he did not think only of Germany but also of the ideals of humanity. That is why we went with him, why we considered him one of us; and, if you ask me personally, I can say that the doubts which I often had about him were completely dispelled during the dramatic events of 1938 and 1939. At that time he really fought, and I will never forget that. It is a pleasure for me to be able to testify to this here.

DR. DIX: Your Lordship, I am now through with the questioning of this witness.

THE PRESIDENT: Does any other member of the defendants counsel want to ask questions of the witness?

HERR GEORG BÖHM (Counsel for SA): Witness, yesterday you said that you were a member of the Stahlhelm. When and for how long were you a member?

GISEVIUS: I entered the Stahlhelm in 1929, I believe, and left that organization in 1933.

HERR BÖHM: You know the mentality of the members of the Stahlhelm. You know that, almost without exception, they were people who had served in the first World War, and I would like to ask you now whether the internal and foreign political goals of the Stahlhelm were to be reached by its members in a legal or in a revolutionary manner?

GISEVIUS: To my knowledge the Stahlhelm always favored the legal way.

HERR BÖHM: Yes. Was the fight of the Stahlhelm against the Treaty of Versailles which every organization with national tendencies took up, to be carried on by legal or revolutionary means, or means of force?

GISEVIUS: It is very hard for me to answer for the entire Stahlhelm, but I can only say that I, and the members of the Stahlhelm organization with whom I was acquainted, knew that the Stahlhelm wanted to take the legal way.

HERR BÖHM: Is it correct to say that in the year 1932 and 1933 hundreds of thousands, regardless of party and race, entered the Stahlhelm organization?

GISEVIUS: That is correct. The more critical matters became in Germany, the more people went to the right. I myself having experienced this growth of the Stahlhelm as an official speaker at public meetings, from 1929 to 1933, I would describe it in this way: That those who did not want to join the NSDAP and the SA, deliberately entered the Stahlhelm so that within the German rightist movement there would be a counterbalance against the rising "brown" tide. That was the underlying reason of our recruitment for the Stahlhelm at that time.

HERR BÖHM: You know, of course, that in the year 1933 the Stahlhelm organization as a whole was taken into the SA. Was it possible at that time for the individual member of the Stahlhelm to say "no," or to protest against being taken over into the SA?

GISEVIUS: That was possible, of course, as everything was possible also in the Third Reich.

HERR BÖHM: What would have been the possible consequences of such a step?

GISEVIUS: The possible consequences would have been a violent discussion with the regional Party leaders or SA leaders. At that time I was no longer a member of the Stahlhelm and I can merely say that it undoubtedly must have been very difficult for many people, particularly those living in the country, to refuse being

transferred to the SA. After they had been betrayed by their leader, Minister Seldte, or as it was said at that time "sold" to the SA, refusal to transfer to the SA was naturally a sign of open distrust toward National Socialism.

HERR BÖHM: I gather from my correspondence with the former members of the Stahlhelm, that these people who, as former members of the Stahlhelm, were taken into the SA, remained a foreign body in it and were in constant opposition to the NSDAP and the SA. Is that correct?

GISEVIUS: As I myself no longer belonged to that organization, I can only say that I assume that those members of the Stahlhelm felt very uneasy in their new surroundings.

HERR BÖHM: Do you know whether the members of the Stahlhelm, before 1934 and from 1934, participated in Crimes against Peace, against the Jews, against the Church, and so forth?

GISEVIUS: No, I know nothing about that.

HERR BÖHM: Now I would also like to question you about the SA as far as you are able to give information. Yesterday at least you expressed yourself freely with regard to the SA leaders. I would like to ask you, in replying to a question I shall now ask, to confine yourself to a circle of SA members which lies between the simple SA man and the Standartenführer or the Brigadeführer. Could you tell from the attitude and activity of the ordinary SA man and that of the Standartenführer or Brigadeführer—and I do not go beyond that limit because I well remember the statements you made yesterday concerning the Gruppenführer or Obergruppenführer—that these people intended to commit Crimes against Peace?

GISEVIUS: It is, of course, very difficult to answer such a general question. If you ask me about the majority of these SA men, I can only say no.

HERR BÖHM: Witness, did you notice that SA men were arrested and that SA men were also put into concentration camps?

GISEVIUS: I saw that many times. In 1933, 1934, and 1935, that was in the years when it was my official duty to deal with these matters, many SA men were arrested by the Gestapo, beaten to death, or at least tortured, and put into concentration camps.

HERR BÖHM: Could a man, who was in the SA, or anyone outside for that matter, judge the SA as a whole from the activity of its members, or from individual cases, and gather that the SA intended to commit Crimes against Peace?

GISEVIUS: No. When I consider what efforts even we in the High Command of the Wehrmacht had to make to try and discover

whether or not Hitler was planning a war, I naturally cannot attribute to a simple SA man knowledge of something which we ourselves did not know for certain.

HERR BÖHM: The Prosecution asserted that the SA incited the youth and the German people to war. Did you observe anything of that nature? You were a member of the Gestapo and such activities could not have escaped your notice.

GISEVIUS: That is another extremely general question, and I do not know to what extent certain songs, and other things, can be considered a preparation for war. At any rate I cannot imagine that the mass of the SA was of a different frame of mind than the mass of the German people in the years up to 1938, and the general trend of opinion beyond a doubt was that the mere thought of war was absolute madness.

HERR BÖHM: Was there anything that made you think that the SA intended to commit Crimes against Peace, or that they had committed such crimes?

GISEVIUS: As far as the ordinary SA man is concerned, I must say "no" again, and I say the same for the mass of the SA. I could not say to what extent the higher leaders were involved in plotting all the horrible things we have heard about here, but the majority undoubtedly did not know of such things and were not trained for them.

HERR BÖHM: Witness, it cannot be denied that mistakes were made by a number of SA men, and criminal acts were committed for which these people certainly should be punished.

You know the SA and know what took place during the revolutionary period and afterwards. Are you in a position to estimate or to give a proportional figure as to what percentage of the numerous members of the SA conducted themselves in a punishable manner? I call your attention to the fact that up to, perhaps 1932 or 1933, the SA...

THE PRESIDENT: Just a moment, Dr. Böhm. The Tribunal doesn't think that is a proper question to put to a witness, what percentage of a group of this sort, of hundreds of thousands of men, take a certain view.

HERR BÖHM: However the explanation of this question would be very important for my case, Mr. President. Here is a witness who was outside the SA, who as a member of the Gestapo was perhaps one of the few people who could look into the activities of the SA, and actually did look into them, and he will certainly be believed by the Tribunal. He knew fairly well what criminal procedures were carried out and also—and that is what I want to say—the number of members of the SA, and he is one of the few

who are in a position to testify on this matter. I believe that if the witness is in a position to testify hereto, the testimony given by him will be of great importance to the Tribunal also.

THE PRESIDENT: The Tribunal has already ruled that not only this witness, but other witnesses, are not in a position to give such evidence, and the question is denied.

HERR BÖHM: Witness, do you know of cases in which SA members worked in opposition to the SA?

GISEVIUS: I answered that question when I said that quite a number of SA members were arrested by the Gestapo.

HERR BÖHM: Yes. Do you know what criminal proceedings were taken against the members of the SA, and possibly how many?

GISEVIUS: Far too few, I am sorry to say, if you put it that way.

HERR BÖHM: Yes.

GISEVIUS: Unfortunately there were many who committed misdeeds in the SA and who went scot-free. I am sorry that I must answer in this way.

HERR BÖHM: Certainly. And in what relation do they stand to the entire SA?

GISEVIUS: Now we have come again to the question...

THE PRESIDENT: That is the same question over again.

HERR BÖHM: Do you know under what circumstances one could resign from the SA?

GISEVIUS: In the same manner as one could resign from all organizations of the Party. That was, of course, a brave decision to make.

HERR BÖHM: Thank you. I have no further question.

DR. LATERNSEER: Witness, in replying to a question of my colleague Dr. Dix, you told the Tribunal that after the defeat at Stalingrad a military revolt was to be organized. You testified on this point that discussions had already taken place, that preparations had been made, and that the execution of the military revolt was prevented because the field marshals in the East had deserted the group of conspirators.

I ask you now to give us more details on this question so that I can understand why you came to the conclusion that the field marshals had deserted the conspiracy group.

GISEVIUS: From the outbreak of the war Generaloberst Beck tried to contact one field marshal after another. He wrote letters and he sent messengers to them. I particularly remember the correspondence with General Field Marshal Von Manstein, and I saw

with my own eyes General Von Manstein's answer of the year 1942. To Beck's strictly military explanations that the war had been lost and why, Manstein could reply only: A war is not lost until one considers it as lost.

Beck said that with an answer like that from a field marshal strategic questions could certainly not be raised. Several months later another attempt was made to win General Field Marshal Von Manstein. General Von Tresckow, also a victim of the 20th of July, went to the headquarters of Manstein. Oberstleutnant Count Von der Schulenburg also went to the headquarters of Manstein, but we did not succeed in winning Herr Von Manstein to our side.

At the time of Stalingrad we contacted Field Marshal Von Kluge, and he, in his turn, contacted Manstein. This time discussions reached a point when Kluge definitely assured us that he would win over Field Marshal Von Manstein at a discussion definitely fixed to take place in the Führer's headquarters. Because of the importance of that day, a special telephone line was laid by the General of the Signal Corps, Fellgiebel, between the headquarters and General Olbricht at the OKW in Berlin. I myself was present when this telephone conversation took place. Even today I can still see that paper which said, in plain language, that Manstein, contrary to his previous assurances, had allowed himself to be persuaded by Hitler to remain in office. And even Kluge expressed himself as satisfied at the time with very small military strategic concessions. This was a bitter disappointment to us, and, therefore, I would like to repeat again what Beck said at that time: "We were deserted."

DR. LATERNSEER: What further preparations had been made in this special connection?

GISEVIUS: We had made definite agreements with Field Marshal Von Witzleben. Witzleben was the Commander-in-Chief in the West, and therefore he was very important for starting or protecting a revolt in the West. We had made further definite agreements with the Military Governor of Belgium, Generaloberst Von Falkenhausen. In addition, as on 20 July 1944, we had assembled a certain contingent of armored troops in the vicinity of Berlin. Furthermore, those commanders of the troops who were to participate in the action had been assembled in the OKW.

DR. LATERNSEER: All this happened after Stalingrad?

GISEVIUS: At the time of the Stalingrad revolt.

DR. LATERNSEER: Please continue.

GISEVIUS: We had made all other political preparations which were necessary. It is difficult for me to tell here the entire story of the revolts against the Third Reich.

DR. LATERNSEER: Yes. What were the reasons why this intended military revolt was not carried through?

GISEVIUS: What was that?

DR. LATERNSEER: Witness, what were the reasons why this revolt, which was intended by the group of conspirators, was not carried through?

GISEVIUS: Contrary to all expectations, Field Marshal Paulus capitulated. This, as is known, was the first wholesale capitulation of generals; whereas we had expected that Paulus with his generals would issue, before his capitulation, a proclamation to the German people and to the East Front, in which the strategy of Hitler and the sacrifice of the Stalingrad army would be branded in suitable words. When this cue had been given, Kluge was to declare that in future he would take no further military orders from Hitler. We hoped with this plan to circumvent the problem of the military oath which kept troubling us more and more; the field marshals one after the other were to refuse military obedience to Hitler, whereupon Beck was to take over the supreme military command in Berlin.

DR. LATERNSEER: Witness, you just mentioned the military oath. Do you know whether Blomberg and Generaloberst Beck opposed, or tried to oppose, the pledge the Armed Forces took to Hitler?

GISEVIUS: I know only that Beck up to the last day of his life considered the day he gave his pledge to Hitler as the blackest day of his existence, and he gave me an exact description of how completely taken unawares he had felt at the rendering of the oath. He told me that he had been summoned to a military roll call; and that suddenly it was announced that an oath of allegiance was to be given to the new head of State; that unexpectedly a new form of oath was to be used. Beck could never rid himself of the awful thought that at that time he perhaps should not have given his oath. He told me that while he was on his way home, he said to a comrade, "This is the blackest day of my life."

DR. LATERNSEER: Witness, in your testimony, you also mentioned that between the Polish campaign and the Western campaign, or with the beginning of the Western campaign, a further military Putsch was to be attempted, and that this Putsch failed because Halder and Field Marshal Von Brauchitsch shirked it. You used the term "shirked" previously in your testimony. Now I ask you to tell me on the basis of what facts did you arrive at this opinion that both these generals shirked . . .

MR. JUSTICE JACKSON: I do not raise an objection that this is harmful to us if we have plenty of time, but this evidence as to these Putsche, and threatened Putsche, and rumored Putsche, was

all admissible here in our view only as bearing on the attitude of the Defendant Schacht. We are not trying these generals for being in a Putsch or not being in a Putsch. For all purposes it is just as well as they should not be in a Putsch. I do not know what purposes this can have in doing it over again. I call the Tribunal's attention for the limited purpose for which this historical matter was admitted, and suggest that it is serving no purpose in this connection to review it.

THE PRESIDENT: What is the answer to that, Dr. Laternser?

DR. LATERNSEER: Since the witness has talked about this matter and testified that Halder as well as Brauchitsch shirked, and I cannot establish whether the opinion expressed by this witness with "shirked" is correct on the basis of the facts, I think I am obliged to clarify this point. In a general sense I would like to add further that the Prosecution is also justified in going into this point. I refer to the contention of the French Prosecutor in which he stated that in the light of all these circumstances it was beyond comprehension why Halder, as well as the entire German nation, did not rise as one man against the regime. Therefore, if I start from the viewpoint of the Prosecution, then my question on this point, as I have just put it, is undoubtedly of importance, and I, therefore, ask that this question be permitted.

THE PRESIDENT: The charge against the High Command is that they were a criminal organization within the meaning of the Charter; that is to say that they planned an aggressive war, or that they committed War Crimes or Crimes against Humanity in connection with an aggressive war. Well, whether or not they took part, or were planning to take part in a Putsch to stop the war does not seem very material to any of those questions.

DR. LATERNSEER: I agree with you entirely on this point, Mr. President, that it cannot actually be considered of special importance; but on the other hand . . .

THE PRESIDENT: I did not say that it was not of special importance. I say that it was not material to the relevancy. The Tribunal does not think that any of these questions are relevant.

DR. LATERNSEER: Then I will withdraw my question. I have one final question.

[Turning to the witness.] Witness, can you tell me the names of those generals who participated on the 20th of July?

THE PRESIDENT: Well, what has that got to do with any charge against the High Command?

DR. LATERNSEER: The General Staff is accused of having participated in a conspiracy. The question . . .

THE PRESIDENT: We are not here to consider the honor of the High Command. We are here to consider whether or not they are a criminal organization within the meaning of the Charter, and that is the only question with which we are going to deal as far as you are concerned.

DR. LATERNSEER: Mr. President, the General Staff and the OKW are accused of having participated in a conspiracy. If I prove, as I am trying to do with this question, that on the contrary, instead of participating in a conspiracy, part of the General Staff took part in an action against the regime, then the answer to this question on this point indicates that precisely the opposite was the case; and, for that reason, I ask that the question be permitted.

THE PRESIDENT: The Tribunal does not think what the General Staff did in July 1944, when the circumstances were entirely different to what they were in September 1939, has any relevancy to the question whether they took part, either before or in September 1939.

DR. LATERNSEER: Mr. President, if I put myself in the place of the Prosecution, I must assume that the Prosecution assumes that the conspiracy continued. It cannot be inferred, from testimony by the Prosecution or from anything that has been submitted, that the conspiracy was to have stopped at a certain period of time. So that the answer to this question would be of importance, I believe of decisive importance. I would like to supplement my statement, Mr. President...

THE PRESIDENT: Well, Dr. Laternseer.

DR. LATERNSEER: I would like to add that it is precisely for the members of the group I represent that the period of time between 1938 and May 1940 is considered decisive.

THE PRESIDENT: You mean the group changed; therefore, they might be different in 1944?

DR. LATERNSEER: I wish to add that a particularly large number of the members of this group only joined it in the course of 1944 because of their official positions, and I do consider this point important.

THE PRESIDENT: All right.

DR. LATERNSEER: Witness, my question was: Can you give me the names of those generals who participated in the attempted assassination of the 20th of July 1944?

GISEVIUS: Generaloberst Beck, General Field Marshal Von Witzleben, General Olbricht, General Hoepfner.

DR. LATERNSEER: One question: General Hoepfner was previously commander-in-chief of an armored army?

GISEVIUS: I believe so; General Von Haase, and certainly a large number of other generals whom I cannot enumerate offhand. Here I have mentioned only the names of those who were at Bendlerstrasse that afternoon.

DR. LATERNSEER: One question, Witness: Do you know whether Field Marshal Rommel also participated on the 20th of July 1944?

GISEVIUS: I cannot answer by merely saying "yes," for it is a fact that Rommel, as well as Field Marshal Von Kluge, did participate. However, it would give a wrong picture if Field Marshal Rommel were suddenly to appear in the category of those who fought against Hitler. Herr Rommel, as a typical Party general, sought to join us very late, and it gave us a very painful impression when suddenly Herr Rommel in the face of his own military catastrophe, proposed to us to have Hitler assassinated, and then, if possible, Göring and Himmler as well. And, even then, he did not want to join in at the first opportunity, but wanted to stay somewhat in the background in order to allow us to profit by his popularity later on. Therefore, it is extremely difficult to know whether these gentlemen, when they joined our group, came as the fallen might, as people who wished to save their pensions, or as people who, from the beginning, stood for decency and honor.

DR. LATERNSEER: Did you yourself ever speak to Field Marshal Rommel about this?

GISEVIUS: No. I never considered it worth while to make his acquaintance.

DR. LATERNSEER: A further question: Did officers of the General Staff participate in the 20th of July?

GISEVIUS: Yes, a great number.

DR. LATERNSEER: About how many would you say?

GISEVIUS: I cannot give you the number, for at that time I was not informed of how many of the General Staff Stauffenberg had on his side. I do not doubt that Stauffenberg, Colonel Hansen, and several other stout-hearted men had discovered a number of clean, courageous officers among the General Staff, and that they could count on the support of very many decent members of the General Staff, but whom they naturally could not initiate into their plans beforehand.

DR. LATERNSEER: Yes, that will be sufficient for this point. Another question has occurred to me. You mentioned General Von Tresckow previously. Did you know General Von Tresckow personally?

GISEVIUS: Yes.

DR. LATERNSEER: Do you know anything about the fact that, after he learned that the commissar decree had been issued, General Von Tresckow remonstrated with Rundstedt and that these remonstrances contributed to the fact that the commissar decree was not passed on in General Field Marshal Von Rundstedt's sector?

GISEVIUS: Tresckow belonged to our group for many years. There was no action which made us so ashamed as this one, and from the very start he courageously called the attention of his superiors to the inadmissibility of such terrible decrees. I remember how at that time we learned of the famous commissar decree at first through hearsay, and we immediately sent a courier to Tresckow to inform him simply of the intention of such an outrage, and how after the decree had been published, Tresckow, at a given signal, remonstrated with General Field Marshal Von Rundstedt in the way you described.

THE PRESIDENT: You said a while ago that you were just going to ask your last question.

DR. LATERNSEER: Mr. President, I am sorry I could not keep to that. A number of questions arose from the testimony of the witness, but this was my last question.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: Does any other member of the defendants' counsel wish to ask any questions of the witness?

[There was no response.]

Then do the Prosecution desire to cross-examine?

MR. JUSTICE JACKSON: May it please the Tribunal, I have a few questions to put to you, Dr. Gisevius, and if you will answer them as nearly as possible, "yes" or "no," as you are capable of giving a truthful answer, you will save a great deal of time.

The Tribunal perhaps should know your relations with the Prosecution. Is it not a fact that within 2 months of the surrender of Germany I met you at Wiesbaden, and you related to me your experiences in the conspiracy that you have related here?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And you were later brought here, and after coming here were interrogated by the Prosecution as well as by the counsel for Frick and for Schacht?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Now, your attitude and viewpoint are, as I understand you, those of a German who felt that loyalty to the German people required continuous opposition to the Nazi regime. Is that a correct statement of your position?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And you had a very large experience in police matters in Germany.

GISEVIUS: Yes.

MR. JUSTICE JACKSON: If your Putsche or other moves to obtain power in Germany were successful, it was planned that you would be in charge of the police in the reorganization, was it not?

GISEVIUS: Yes, indeed

MR. JUSTICE JACKSON: Either as Minister of the Interior or as Police Commissioner, whatever it might be called.

GISEVIUS: Yes, certainly.

MR. JUSTICE JACKSON: Now, you represented the belief that it was not necessary to govern Germany with concentration camps and with Gestapo methods; is that correct?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And you found all of the ways of presenting your viewpoint to the German people cut off by the Gestapo methods which were used by the Nazi regime; is that a fact?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: So that there was no way open to you to obtain any change in German policy except through revolt or assassination, or means of that kind?

GISEVIUS: No. I am convinced that until 1937 or the beginning of 1938 the position could have been changed in Germany by a majority of votes in the Reich Cabinet or through pressure by the Armed Forces.

MR. JUSTICE JACKSON: Then you fix 1937 as the time when it ceased to be possible by peaceful means to effect a change in Germany; is that correct?

GISEVIUS: That is how I would judge it.

MR. JUSTICE JACKSON: Now, it was not until after 1937 that Schacht joined your group; is that not a fact?

GISEVIUS: Yes, as I said, the group was not formed until 1937, 1938; but Schacht had already introduced me to Goerdeler in 1936, and Schacht and Oster had known each other since 1936. And naturally Schacht had also known a large number of other members of the group for a long time.

MR. JUSTICE JACKSON: But Schacht did not become convinced, as I understand your statement to us, until after 1937—until the Putsch affair—that he wouldn't be able to handle Hitler in some peaceful way; is that not correct?

GISEVIUS: In what manner? In a peaceful manner or . . .

MR. JUSTICE JACKSON: In a peaceful manner.

GISEVIUS: Yes, until the end of 1937 Schacht believed that it ought to be possible to remove Hitler legally.

MR. JUSTICE JACKSON: But by the end of 1937, as you now say, the possibility of a peaceful removal of Hitler had become impossible in fact?

GISEVIUS: Yes, that is what we thought.

MR. JUSTICE JACKSON: Yes; now, there was, as I understand your view in going to the general—there was no power in Germany that could stop or deal with the Gestapo, except the Army.

GISEVIUS: Yes. I would answer that question in the affirmative.

MR. JUSTICE JACKSON: That is, in addition to the Gestapo, this Nazi regime also had a private army in the SS, did they not? And, for a period, in the SA?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And if you were to combat successfully the Nazi regime, you had to have manpower which only the Army had; is that right?

GISEVIUS: Yes, only people who could be found in the Army; but at the same time we also attempted to influence certain people in the Police, and we needed all the decent officials in the ministries, and the broad masses of the people altogether.

MR. JUSTICE JACKSON: But the Wehrmacht was the source of power capable of dealing with the SS and the Gestapo if the generals had been willing?

GISEVIUS: That was our conviction.

MR. JUSTICE JACKSON: And that is the reason you kept seeking the help of the generals and felt let down when they wouldn't give you their assistance finally?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Now, there came a time when everybody connected with your group knew that the war was lost.

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And that was before these plots on Hitler's life, and it was apparent before the Schlaberndorff plot and before the July 20th plot, that the war was lost, was it not?

GISEVIUS: I should like to make it quite clear that there was no one in our group who did not already know, even when the war started, that Hitler would never win this war.

MR. JUSTICE JACKSON: But it became very much more apparent as time went on, not only that the war could not be won by Germany, but that Germany was going to be physically destroyed as a result of the war; is that not true?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Yet, under the system which the Nazi regime had installed, you had no way of changing the course of events in Germany except by assassination or a revolt; is that true?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And so you resorted to those extreme measures, knowing that Hitler could never make peace with the Allies; is that true?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And your purpose in this was to save Germany the last destroying blows, which unfortunately she received, from the point of view of the Germans; is that not a fact?

GISEVIUS: I should like to say that actually since the beginning of the war, we no longer thought only of Germany. I think that I may say that we bore a heavy share of responsibility towards Germany and towards the world.

MR. JUSTICE JACKSON: Well, what you were endeavoring to do was to get the war to an end, since you had not been able to stop its commencement, were you not?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And that was impossible as long as Hitler was at the head of the government and this group of men behind him?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Now, there was another plot on Hitler's life that you haven't mentioned. Was there not a bomb that was later found to have been a communist bomb?

GISEVIUS: This happened on 9 November 1939, in the Bürgerbräukeller, in Munich. It was a brave Communist who acted independently.

MR. JUSTICE JACKSON: Now, at none of these times when Hitler's life was endangered, by a strange coincidence, was Göring or Himmler ever present; is that not true?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Did you attach any importance to that fact?

GISEVIUS: We sometimes regretted it. For instance, the attempt at assassination would perhaps have succeeded, if Göring and Himmler had been with Hitler on 17 July. But as the years went by, the members of this clique separated to such an extent, and protected themselves so much that they could hardly be found together anywhere. Göring, too, was gradually so absorbed in his transactions and art collections at Karinhall that he was hardly ever to be found at a serious conference.

MR. JUSTICE JACKSON: Now, the assassination of Hitler would have accomplished nothing from your point of view if the Number 2 man had stepped into Hitler's place, would it?

GISEVIUS: That was a debatable problem for a long time, because Brauchitsch, for instance, imagined that we could create a transitional regime with Göring. Our group always refused to come together with that man even for an hour.

MR. JUSTICE JACKSON: How did you plan—if you were successful—to deal with the other defendants here, with the exception of the Defendant Schacht, all of whom, I understand, you regard as a part of the Nazi government?

GISEVIUS: These gentlemen would have been behind lock and key in an extremely short time, and I think they would not have had to wait long for their sentences.

MR. JUSTICE JACKSON: Now, does that apply to every man in this dock with the exception of Schacht?

GISEVIUS: Yes, every man.

MR. JUSTICE JACKSON: That is, you recognized them, your group recognized them all as parts and important parts of the Nazi regime—a Nazi conspiracy. Is that a fact?

GISEVIUS: I should not like to commit myself to the words "Nazi conspiracy." We considered them the men responsible for all the unspeakable misery which that government had brought to Germany and the world.

MR. JUSTICE JACKSON: I should like to ask you a few questions about the Gestapo. You had testified generally in reference to the crimes which were committed by that organization and I ask you to state whether that included the torturing and burning to death of a large number of persons?

GISEVIUS: The question does not seem to have come through correctly.

MR. JUSTICE JACKSON: I am asking you as to the crimes committed by the Gestapo, and I am asking if it included the torturing and burning to death of thousands of persons?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Did it involve the unlawful detention of thousands of innocent people?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: The throwing of them into concentration camps where they were tortured and beaten and killed?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Did the Gestapo engage in wholesale confiscation of property?

GISEVIUS: Yes, to a very large extent; they called it "property of persons hostile to the State."

MR. JUSTICE JACKSON: And did it practice extortion against Jews and against others?

GISEVIUS: In masses and by the million.

MR. JUSTICE JACKSON: Did the Gestapo hinder and molest the public officials, who were too prominent to be murdered, until they resigned or were driven from office?

GISEVIUS: The Gestapo used every means, from murder to the extortion which has just been described.

MR. JUSTICE JACKSON: Now, the question arises here as to whether the members of the Gestapo knew what the Gestapo was doing; and will you please tell the Tribunal what the situation was as to the membership in that organization and its knowledge of its program?

GISEVIUS: I have already stated at the beginning of my testimony that from the first or second day every member of the Gestapo really could not help seeing and knowing what took place in that institution.

MR. JUSTICE JACKSON: Now, there were some people who were taken into the Gestapo at the beginning, who were transferred from other branches of the civil service, were they not; who were in a sense involuntary members of the Gestapo?

GISEVIUS: Yes; these members were eliminated in the course of the first year as being politically unreliable.

MR. JUSTICE JACKSON: And the transfer took place at the time Göring set up the Gestapo, did it not?

THE PRESIDENT: What did the witness mean by "eliminated"?

MR. JUSTICE JACKSON: I think eliminated from the Gestapo.

GISEVIUS: Gradually they were released from the service of the Gestapo.

MR. JUSTICE JACKSON: Now, after the purge of the 30th of June 1934, were special pains taken to see that no one was permitted in the organization who was not in sympathy with its program?

GISEVIUS: These attempts started after 1 April 1934, when Himmler and Heydrich took over affairs. Actually, from that date, no official was allowed into the Gestapo any longer unless Himmler and Heydrich considered that he held the opinions which they desired. It may be that during the first months some officials, who had not yet been screened by the SS, may have got in. The Gestapo was, of course, a large organization and it naturally took quite a time until the SS had educated and trained their own criminal officials.

MR. JUSTICE JACKSON: However, did there come a time, and if so, will you fix it as nearly as possible, after which every member of the Gestapo must have known the criminal program of that organization?

GISEVIUS: For many years I have considered that question myself and discussed it with Nebe and my friends. The reply entails very great responsibility, and in the knowledge of that responsibility I would say that from the beginning of 1935, at the latest, everyone must have known what sort of organization he was joining and the type of orders he might have to expect.

MR. JUSTICE JACKSON: You have testified as to the investigations which you made when you were connected with the police administration and you mentioned the Reichstag fire but you did not tell us what your findings were when you investigated that. Will you please tell us?

GISEVIUS: To speak briefly and to begin with the facts, we ascertained that Hitler in a general way had expressed a wish for a large-scale propaganda campaign. Goebbels undertook to prepare the necessary proposals and it was Goebbels who first thought of setting the Reichstag on fire. Goebbels discussed this with the leader of the Berlin SA Brigade, Karl Ernst, and he suggested in detail how it should be done.

A certain chemical, known to every maker of fireworks, was chosen. After spraying it, it ignites after a certain time—hours or minutes. In order to get inside the Reichstag, one had to go through the corridor leading from the palace of the Reichstag President to the Reichstag itself. Ten reliable SA men were provided, and then Göring was informed of all the details of the plan, so that by chance he did not make an election speech on that particular

evening, but at such a late hour would still be sitting at his desk in the Ministry of the Interior in Berlin.

Göring—and he gave assurances that he would do so—was to put the police on wrong trails in the first confusion. From the very beginning it was intended that the Communists should be accused of this crime, and the 10 SA men who had to carry out the crime were instructed accordingly.

That is, in a few words, the story of the events. To tell you how we got hold of the details, I have only to add that one of these 10 who had to spray the chemical was a notorious criminal. Six months later he was dismissed from the SA, and when he did not receive the reward which he had been promised he decided to tell what he knew to the Reich Court sitting in Leipzig at the time. He was taken before an examining magistrate who made a record of his statement, but the Gestapo heard of it and the letter to the Reich Court was intercepted and destroyed. The SA man, named Rall, who betrayed the plan, was murdered in a vile manner with the knowledge of the Defendant Göring, by order of Gestapo chief Diels. Through the finding of the body, we picked up the threads of the whole story.

MR. JUSTICE JACKSON: What happened to the 10 SA men who carried out the Reichstag fire? Are any of them alive now?

GISEVIUS: As far as we are aware none of them are still alive. Most of them were murdered on 30 June under the pretext of the Röhm revolt. Only one, a certain Heini Gewaehr, was taken over by the police as a police officer, and we tracked him down as well. He was killed in the war, while a police officer on the Eastern Front.

MR. JUSTICE JACKSON: I think you testified that you also investigated, with the entire affair of Röhm, the murders that followed the Röhm affair. Didn't you so testify?

GISEVIUS: I cannot actually say that we carried out the investigation, as we, of the Ministry of the Interior, had really been excluded from the entire affair. However, matters were such that after 30 June, all the appeals for help, and all the complaints of the people who were affected reached us in the Ministry of the Interior; and during 30 June, through the continual radio messages, incidental visits to Göring's palace, and the information received from Nebe, we discovered all the details.

MR. JUSTICE JACKSON: Now, about how many people were killed in that purge?

GISEVIUS: We have never been able to establish the number exactly, but I estimate that no more than 150 to 200 persons lost their lives, which, at that time, was an enormous figure.

I myself with Minister of Justice Gürtner checked the list of the number of the dead which had been given him by Hitler and Göring, and we ascertained that the list which contained the names of 77 dead, who had allegedly been justly killed, was exceeded by nearly double that number only by those names which we had received through the prosecuting authorities, or through the appeals for help coming from relatives to the Ministry of the Interior.

MR. JUSTICE JACKSON: Now, did you ascertain who selected the men who were killed in that purge?

GISEVIUS: To begin with we ascertained that Himmler, Heydrich, and Göring had compiled exact lists of those to be murdered; for I myself heard in Göring's palace—and it was confirmed by Daluge who was present, and also by Nebe who was present from the very first second—that not one of those who were killed was mentioned by name; instead they just said: "Number so and so is now gone," or, "Number so and so is still missing," and "It will soon be Number so and so's turn."

There is, however, no doubt that Heydrich and Himmler also had a special list. On that special list there were several Catholics, Klausner, and others. I cannot, for instance, say here under oath whether Schleicher was murdered by order of Göring, or whether he was a man who was on Heydrich's and Himmler's special list.

MR. JUSTICE JACKSON: Now, was the Defendant Frick fully informed as to the facts which you knew about the illegal conduct of the Gestapo?

GISEVIUS: Yes. I had to submit to him all the material that arrived which was important, and I have already described that we reported all these matters to the Secret State Police or to the Ministries of the Interior of the Länder. Naturally I could submit only the most important of these things to Frick personally. I estimate that I received several hundred such complaints daily, but the most important had to be submitted to Frick, because he had to sign them personally; for Göring always complained as soon as he saw that such a young official signed reports and appeals to the Ministry and to himself.

MR. JUSTICE JACKSON: Now, was Frick informed of your conclusions about the Röhm purge?

GISEVIUS: Yes, because on the Sunday, while the murders were continuing, I spoke to Frick about the murder of Strasser, Klausner, Schleicher and the many other murders; and Frick was particularly disgusted at the murder of Strasser, because he considered that an act of personal revenge by Göring and Himmler. Likewise, Frick was extremely indignant about the murders of Klausner, Bose, Edgar Jung, and the many other innocent men who were murdered.

MR. JUSTICE JACKSON: But when Frick signed the decree, along with Hitler, declaring these murders legitimate and ordering no prosecutions on account of those murders, Frick knew exactly what had happened from you; is that the fact?

GISEVIUS: He knew it from me, and he had seen it for himself. The story of the 30th of June was undoubtedly known to Frick.

MR. JUSTICE JACKSON: Now, did Frick ever talk with you about Himmler and Heydrich as being bad and dangerous, cruel persons?

GISEVIUS: On that Sunday, the 1st of July, Frick said to me "If Hitler does not very soon do to the SS and Himmler what he has done to the SA today, he will experience far worse things with the SS than he has experienced now with the SA."

I was greatly struck by that prediction at the time, and by the fact that Frick should speak so openly to me.

MR. JUSTICE JACKSON: But notwithstanding the estimate he made of those men as dangerous persons, did he not thereafter appoint them both in his Ministry of Interior?

GISEVIUS: Well, of course, they were actually appointed by Hitler. However, I can only say that when I took leave of Frick, at the time I left the Ministry of the Interior in May 1935, Frick told me literally that the constant difficulties he had had because of me had taught him from now on to take Party members only in his Ministry, and as far as possible those who had the Golden Party Emblem. He said that it was possible that in the course of events he might even be forced to allow Himmler into his Ministry, but in no case would he accept the murderer Heydrich. Those were the last words I exchanged with Frick.

MR. JUSTICE JACKSON: Both were put in charge of matters that were under his legal control, were they not?

GISEVIUS: Yes, they became members of the Reich Ministry of the Interior and Frick remained their superior.

THE PRESIDENT: Did you say that those were the last words which you exchanged with the Defendant Frick?

GISEVIUS: Yes. That was in 1935 and I have not met him or talked to him since.

MR. JUSTICE JACKSON: Now, after 1934 Frick was the Minister in charge of the running and controlling of concentration camps, was he not, Dr. Gisevius?

GISEVIUS: In my opinion the Reich Minister of the Interior was responsible from the beginning for all police matters in the Reich and therefore also for the concentration camps, and I do not believe that one can say he had that responsibility only since 1934.

MR. JUSTICE JACKSON: Well, I am willing to accept your amendment to my question. I ask that you be shown Document Number 3751-PS of the United States, which has not yet been offered in evidence.

[The document was submitted to the witness.]

Now, this purports to be a communication from Dr. Gürtner, the Minister of Justice, to the Reich and Prussian Minister of the Interior. That would be from your friend Dr. Gürtner to Frick, would it not?

GISEVIUS: I believe I heard you say "friend." During the time he acted as Minister, Gürtner did not conduct himself in such a way that I could consider him my friend.

MR. JUSTICE JACKSON: Well then, tell us about Gürtner. Tell us about Gürtner's position in this situation because we have a communication here apparently from him.

GISEVIUS: Gürtner?

MR. JUSTICE JACKSON: Yes.

GISEVIUS: At that time Gürtner without doubt made many attempts to expose the cruelty in the camps and to initiate criminal proceedings. In individual cases Gürtner did make many attempts; but after the 30th of June he signed that law which legalized all those dreadful things, and also in other respects Gürtner never acted consistently with his views. But this document which you submit to me was just such an attempt by Gürtner and the many decent officials in the Ministry of Justice to bring the question of the Gestapo terror to discussion. As far as I recollect this is one of those letters which we discussed unofficially beforehand in order to provoke an answer, so to say.

MR. JUSTICE JACKSON: I now desire to read some parts of this into the record. It becomes Exhibit USA-828. I will offer it as such.

Will you kindly follow the German text and see if I correctly quote:

"My dear Reich Minister!

"Enclosed you will find a copy of a report of the Inspector of the Secret State Police, dated 28 March 1935.

"This report gives me an occasion to state my fundamental attitude towards the question of corporal punishment for internees. The numerous instances of ill-treatment which have come to the knowledge of the authorities of justice point to three different reasons for such ill-treatment of prisoners:

"1. Beating as a disciplinary punishment in concentration camps.

"2. Ill-treatment, mostly of political internees, in order to make them talk.

"3. Ill-treatment of internees arising out of sheer wantonness or for sadistic motives."

I think I will not take the Tribunal's time to read his comment on Number 1 or Number 2. About Number 3, you will find in the German text:

"The experience of the first revolutionary years has shown that the persons who are charged to administer the beatings generally lose all sense of the purpose and meaning of their action after a short time, and permit themselves to be governed by personal feelings of revenge, or sadistic tendencies. Thus members of the guard detail of the former concentration camp at Bredow, near Stettin, completely stripped a prostitute who had an argument with one of them and beat her with whips and cowhides in such a fashion that the woman 2 months later still showed two open and infected wounds."

I shall not go into the dimensions; they are not important.

"In the concentration camp at Kemna near Wuppertal, prisoners were locked up in a narrow clothing locker and were then tortured by blowing in cigarette smoke, upsetting the locker, *et cetera*. In some cases the prisoners were first given salt herring to eat, in order to produce an especially strong and torturing thirst.

"In the Hohnstein Concentration Camp in Saxony, prisoners had to stand under a dripping apparatus especially constructed for this purpose, until the drops of water, which fell down at even intervals, caused seriously infected wounds on their scalps.

"In a concentration camp in Hamburg four prisoners were lashed in the form of a cross to a grating for days, once without interruption for 3 days and nights, once for 5 days and nights and fed so meagerly with dry bread that they almost died of hunger.

"These few examples show a degree of cruelty which is such an insult to every German feeling, that it is impossible to consider any extenuating circumstances.

"In conclusion, I should like to present my opinion about these three points to you, my dear Herr Reich Minister, in your capacity as departmental minister competent for the

establishment of protective custody, and the camps for protective custody."

And he goes on to make certain recommendations for action by the Minister. I do not know whether the Tribunal cares to have more of this read.

Was any improvement in conditions noted after the receipt of that communication by Frick?

GISEVIUS: The letter was received just at the time I left the Ministry of the Interior. I should like to say only one thing concerning this letter: What is described therein is really only a fraction of what we knew. I helped prepare this letter in that I spoke to the officials concerned in the Ministry of Justice. The Minister of Justice could bring up only those matters which had by chance become known legally through some criminal record. But there can be no doubt that this communication was merely a motive, and the cause of a very bold letter from Heydrich to Göring, dated 28 March 1935, in which he disputed the right of the Minister of Justice to prosecute cases of ill-treatment. The letter, therefore does not add anything new to my descriptions, and no doubt all have been convinced that these conditions, which started at that time, never ceased but became worse as time went on.

MR. JUSTICE JACKSON: Now, there came a time when Heydrich was assassinated in Prague, was there not?

GISEVIUS: Yes, some very brave Czechs were able to do what we unfortunately could not achieve. That will always be to their glory.

MR. JUSTICE JACKSON: Now, I suppose the Czechs expected, and did you expect that the assassination of Heydrich would result in some improvement in this condition?

GISEVIUS: We doubted—we, Canaris, Oster, Nebe, and the others of the group—whether it was possible at all for an even worse man to be found to succeed such a monster as Heydrich, and to that extent we really did think that the Gestapo terror would now subside, and that perhaps we would return to a certain amount of honesty and integrity, or that at least the cruelties might be lessened.

MR. JUSTICE JACKSON: And then came Kaltenbrunner. Did you notice any improvement after the appointment of Kaltenbrunner? Tell us about that.

GISEVIUS: Kaltenbrunner came and things became worse from day to day. More and more we learned that perhaps the impulsive actions of a murderer like Heydrich were not so bad as the cold, legal logic of a lawyer who took over the administration of such a dangerous instrument as the Gestapo.

MR. JUSTICE JACKSON: Can you tell us whether Kaltenbrunner took an even more sadistic attitude than Himmler and Schellenberg had done? Were you informed about that?

GISEVIUS: Yes. I know that Heydrich, in a certain sense, really had something akin to a bad conscience when he committed his crimes. At any rate, he did not like it when those things were discussed openly in Gestapo circles. Nebe, who as Chief of the Criminal Police had the same rank as the Chief of the Gestapo, Müller, always told me that Heydrich took care to conceal his crimes.

With the entry of Kaltenbrunner into that organization, this practice ceased. All those things were now openly discussed among the department chiefs of the Gestapo. By now the war had started, of course. These gentlemen lunched together, and Nebe often came to me from such luncheons so completely exhausted that he had a nervous breakdown. On two occasions Nebe had to be sent on long sick leave because he simply could not stand the open cynicism with which mass murder, and the technique of mass murder, were discussed.

I remind you only of the gruesome chapter of the installation of the first gas chambers, which was discussed in detail in this circle, as were the experiments as to how one could remove the Jews most quickly and most thoroughly. These were the most horrible descriptions I have ever heard in my life. It is, of course, so much worse when you hear them first-hand from someone who is still under the direct impression of such discussions—and who because of this is almost at the point of physical and mental collapse, than when you hear of them now from documents. Nebe became so ill that actually as early as 20 July he suffered from a persecution mania and was a mere human wreck after everything he had gone through.

MR. JUSTICE JACKSON: Was it the custom to have daily dinner conferences of the chiefs of the Main Security Office, those who happened to be in town?

GISEVIUS: Daily conferences; everything was discussed at luncheon. This was of particular importance to us, because we heard details of the methods used by the Gestapo in the fight against our group.

To prove what I say, I can state here that, for instance, the order issued for the arrest of Goerdeler on 17 July was decided upon during such a luncheon conference, and Nebe warned us at once. That is the reason why Goerdeler was able to escape, at least for some time, and why we were able to know to what extent the Gestapo were aware of our plot.

MR. JUSTICE JACKSON: And who were the regular attendants at those luncheon conferences?

GISEVIUS: Kaltenbrunner presided. Then there were Gestapo Müller, Schellenberg, Ohlendorf, and Nebe.

MR. JUSTICE JACKSON: And do you know whether, at those meetings, the new kinds of torture and the technique of killing by gas, and other measures in the concentration camps, were discussed?

GISEVIUS: Yes. That was discussed in great detail, and sometimes I received the description only a few minutes later.

MR. JUSTICE JACKSON: Now, what is the situation with reference to the information of the Foreign Office about the conduct of the Gestapo? Will you tell us what was done to inform the Foreign Office from time to time of the crimes that the Gestapo were committing?

GISEVIUS: The Foreign Office, particularly during the earlier years, was continually kept informed, as nearly every day some foreigner was half beaten to death or robbed, and then the diplomatic missions would come with their complaints, and these complaints were sent to the Ministry of the Interior by the Foreign Office. These went through my office and sometimes I had four or five such notes a day from the Foreign Office regarding excesses by the Gestapo; and I can testify that in the course of years there were no crimes by the Gestapo which were not set forth in these notes.

MR. JUSTICE JACKSON: Did you make certain reports to the Foreign Office which were so dispatched that you are reasonably certain they would reach Neurath?

GISEVIUS: Ribbentrop was not yet the Foreign Minister at that time...

MR. JUSTICE JACKSON: No, Neurath.

GISEVIUS: I very often discussed these matters personally with the officials of the Foreign Office, because they were of a particularly difficult nature, and because the officials of the Foreign Office were very indignant, I asked them repeatedly to put these matters before the Minister through the official channels. In addition, I gave as much material as I could to one of the closest collaborators of the Foreign Minister at that time, the Chief of Protocol, "Minister" Von Bülow-Schwante; and according to the information I received from Bülow-Schwante, he very often submitted that material to Neurath.

MR. JUSTICE JACKSON: Now, were certain of the collaborators close collaborators of Von Papen? Was Von Papen subject to action by the Gestapo?

GISEVIUS: To start with, the entire group around Von Papen was continuously under surveillance by the Gestapo because in the earlier years there was an impression among great masses of people that Von Papen was a special advocate for decency and right. A large group collected around Von Papen and that, of course, was most carefully watched by the Gestapo. As the complaints, which Von Papen received by the score, were carefully compiled in his office, and as no doubt Von Papen quite often took these papers either to Göring or to the Hindenburg palace, the closest collaborators of Von Papen were especially suspected by the Gestapo. So it was that on 30 June 1934 Oberregierungsrat Von Bose, the closest collaborator of Von Papen, was shot dead in the doorway of Von Papen's office. The two other colleagues of Von Papen were imprisoned, and the man who wrote Von Papen's radio speeches, Edgar Jung, was arrested weeks before the 30th of June; and on the morning of 1 July, he was found murdered in a ditch along the highway near Oranienburg.

MR. JUSTICE JACKSON: Did Von Papen continue in office after that?

GISEVIUS: I have never heard that he resigned; and I know that very soon after the Austrian Chancellor Dollfuss was murdered, he was sent to Vienna as Hitler's ambassador.

MR. JUSTICE JACKSON: Did he ever make any protests that you know of?

GISEVIUS: I personally heard of none at the time, although, we were naturally extremely eager to hear which minister would protest. However, no letter from Papen arrived at the Ministry of the Interior.

MR. JUSTICE JACKSON: Were some of his collaborators murdered after the Anschluss in Austria?

GISEVIUS: On the day of the Anschluss, when the SS entered Austria, Von Papen's closest collaborator, Legation Counsellor Freiherr von Ketteler, was kidnapped by the Gestapo. We searched for him for weeks, until 3 or 4 weeks later his body was washed up on the banks of the Danube.

MR. JUSTICE JACKSON: After that did Papen continue to serve as a part of the Hitler Government and accept further offices from Hitler's hands?

GISEVIUS: He was no longer a member of the Government at the time. Immediately after the march into Austria Von Papen was disposed of by being made envoy. However, it was not long before he continued his activities as Ambassador at Ankara.

MR. JUSTICE JACKSON: Does the Tribunal desire to rise at this point?

THE PRESIDENT: You would like a little more time, wouldn't you, with this witness?

MR. JUSTICE JACKSON: It will take a little more time, Your Honor.

THE PRESIDENT: Yes. We will adjourn now.

[The Tribunal adjourned until 26 April 1946 at 1000 hours.]

ONE HUNDRED AND FIFTEENTH DAY

Friday, 26 April 1946

Morning Session

MR. JUSTICE JACKSON: May it please the Tribunal:

Dr. Gisevius, yesterday you made some reference to Herbert Göring in saying that Schacht had sent word to you about the Gestapo microphones in Schacht's house. Will you tell us who Herbert Göring was in relation to the defendant?

GISEVIUS: Herbert Göring was a cousin of the Defendant Göring. I had known him for many years. Herbert, as well as his brothers and sisters, warned me already years ago about the disaster which would overtake Germany if at any time a man like their cousin Hermann Göring should get a position of even the smallest responsibility. They acquainted me with the many characteristics of the defendant which all of us had come to know in the meantime, starting with his vanity, and continuing with his love of ostentation, his lack of responsibility, his lack of scruples, even to the extent of walking over the dead. In this way I already had some idea what to expect of the defendant.

MR. JUSTICE JACKSON: Now, during the period when you were making these investigations and having these early conversations with Schacht, and up until about 1937, you, as I understand it, were very critical of Schacht because he had helped the Nazis to power and continued to support them. Is that true?

GISEVIUS: I did not understand how an intelligent man, and one who was as capable in economics as he was, could enter into such a close relationship with Hitler. I was all the more bewildered because, on the other hand, this man Schacht, from the very first day and in a thousand small ways resisted the Nazis, and the German public took pleasure in many sharp and humorous remarks which he made about the Nazis. Great was my bewilderment, until I actually met the man Schacht. And then...

MR. JUSTICE JACKSON: During this period Schacht did have great influence with the German people, did he not, particularly with German people of responsibility and power?

GISEVIUS: He had great influence to the extent that many Germans hoped to find a proponent of decency and justice in him, since they heard that he undertook many steps in that direction. I

remember his activity in the Ministry of Economics, where officials who were not Party members...

MR. JUSTICE JACKSON: I think we have covered that, and I am anxious to get along with this, if I may interrupt you.

GISEVIUS: Yes.

MR. JUSTICE JACKSON: During this period you reported to Dr. Schacht fully concerning your findings about the criminal activities of the Gestapo, did you not?

GISEVIUS: Yes; from time to time I spoke more frankly, and it is obvious that I...

MR. JUSTICE JACKSON: And he took the position, as I understand you, that Hitler and Göring did not know about these things.

GISEVIUS: Yes. He was of the opinion that Hitler did not know anything about such terrible things, and that Göring knew at most only a part.

MR. JUSTICE JACKSON: And he stood by Göring until 1937, when Göring pushed him out of the economics office, did he not?

GISEVIUS: I believe that was at the end of 1936. I may be wrong. I believe it would be more correct to say that he looked for support from Göring and hoped that Göring would protect him from the Party and the Gestapo.

MR. JUSTICE JACKSON: In other words, Schacht did not heed warnings about Göring until late 1936 or 1937?

GISEVIUS: That is correct.

MR. JUSTICE JACKSON: And during this period there would be no doubt, would there, that Schacht was the dominant economic figure in the rearmament program until he was superseded by Göring with the Four Year Plan?

GISEVIUS: I do not know whether everything went through like that exactly. He was, of course, as Minister of Economics, the leading man in German economy, not only for rearmament but for all questions of German economy; rearmament was just one of them.

MR. JUSTICE JACKSON: Now Schacht believed, and as I understand it, you too believed during all this period that under German constitutional law no war could be declared except by authority of the Reich Cabinet. Is that correct?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: In other words, from the point of view of the German Constitution, the war was illegal, by German law, as declared and carried out by Hitler, in your view.

GISEVIUS: According to our firm conviction, yes.

MR. JUSTICE JACKSON: I think we found out yesterday the position you were to have if there was a successful overthrow of the Hitler regime. Schacht was under consideration for Chancellor, was he not, if that movement was successful?

GISEVIUS: No. It is only correct as to the first offer that Halder made in August of 1938, or perhaps July 1938, when he visited Schacht for the first time. At that time, according to the information which I received, Halder asked Schacht whether, in the case of an overthrow, he would be ready to take over a position like that. Schacht replied that he would be ready for anything if the generals would eliminate the Nazi regime and Hitler.

As early as the year 1939 individual opponents formed a group, and at the last, when Beck was the acknowledged head of all conspirators from the left to the right wing, Goerdeler emerged in the foreground together with Beck as the leading candidate for the position of Reich Chancellor, so that after that time we need speak only of Goerdeler in that regard.

MR. JUSTICE JACKSON: Now, I want to ask you some questions about the Defendant Keitel. Of course, we have heard that Hitler was the actual head of the state, but I want to ask you whether Keitel occupied a position of real leadership and power in the Reich.

GISEVIUS: Keitel occupied one of the most influential positions in the Third Reich. I would like to say at this point that I was a very close friend of four of the closest collaborators of Keitel. One was the Chief of the Ordnance Office in the OKW, the murdered General Olbricht; the second was the Chief of the Counterintelligence Service, Admiral Canaris, who was also murdered; the third was the Chief of the Army Legal Department, Ministerial Director Sack—he was also murdered—and finally there was the chief of the armament economy department, General Thomas, who escaped being murdered as though by a miracle. A close friendship, I might say, bound me to these men, and thus from these men I found out exactly what tremendous influence Keitel had over the OKW and in all Army matters, and thereby what influence he wielded in representing the Army in the eyes of the German people.

It may be that Keitel did not influence Hitler to a great extent. But I must testify here to the fact that Keitel influenced the OKW and the Army all the more. Keitel decided which documents were to be transmitted to Hitler. It was not possible for Admiral Canaris or one of the other gentlemen I mentioned to submit an urgent report to Hitler of his own accord. Keitel took it over, and what he did not like he did not transmit, or he gave these men the official order to abstain from making such a report. Also, Keitel repeatedly threatened these men, telling them that they were to limit themselves exclusively to their own specialized sectors, and that he would

not protect them with respect to any political utterance which was critical of the Party and the Gestapo, of the persecution of the Jews, the murders in Russia, or the anti-Church campaign, and, as he said later, he would not hesitate to dismiss these gentlemen from the Wehrmacht and turn them over to the Gestapo. I have read the notes in regard to this which Admiral Canaris made in his diary. I have read the notes of General Oster in regard to this from the conferences of commanders in the OKW. I have talked with the Chief Judge of the Army, Dr. Sack, about this, and it is my strong wish to testify here that Field Marshal Keitel, who should have protected his officers, repeatedly threatened them with the Gestapo. He put these men under pressure, and these gentlemen considered that a special insult.

MR. JUSTICE JACKSON: In other words, whether Keitel could control Hitler or not, he did have a very large control of the entire OKW underneath him. Is that not true?

GISEVIUS: Did you say Hitler? No, Keitel.

MR. JUSTICE JACKSON: Whether Keitel could control Hitler or not he did control and command the entire OKW underneath him?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: In other words, whatever Hitler's own inclinations may have been, these men in this dock formed a ring around him which kept out information from your group as to what was going on unless they wanted Hitler to hear it, isn't that a fact?

GISEVIUS: Yes. I believe that I should cite two more examples which I consider especially significant. First of all, every means was tried to persuade Keitel to warn Hitler, before the invasion of Belgium and Holland, and to tell him, that is Hitler, that the information which had been submitted by Keitel regarding the alleged violation of neutrality by the Dutch and Belgians was wrong. The counterintelligence was to produce these reports which would incriminate the Dutch and Belgians. Admiral Canaris at that time refused to sign these reports. I ask that this be verified. He told Keitel repeatedly that these reports, which were supposedly produced by the OKW, were wrong. That is one example when Keitel did not transmit to Hitler what he should have transmitted. The second was that Keitel was asked by Canaris and Thomas to submit to Hitler the details of the murders in Poland and Russia. Admiral Canaris and his friends were anxious to prevent even the beginning of these mass murders and to inform Keitel while the first preparations by the Gestapo were being made for these infamous actions. We received the documents through Nebe and others. Keitel was informed as to this in detail, and here again he did not resist at the beginning; and he who did not stop the Gestapo at the beginning

can not be surprised if in the end a millionfold injustice was the upshot.

THE PRESIDENT: Mr. Justice Jackson, I think you put your question, "Did not these men in the dock form a ring which prevented you getting to Hitler," and the question was answered rather as though it applied only to Keitel. If you intended to put it with reference to all defendants, I think it ought to be cleared up.

MR. JUSTICE JACKSON: I think that is true.

[Turning to the witness.] Each of the defendants who held ministerial positions of any kind controlled the reports which should go to Hitler from that particular ministry, did he not?

GISEVIUS: As far as this general question is concerned, I must reply cautiously, for, first of all, it was a close clan which put a cordon of silence around Hitler. A man like Von Papen or Von Neurath cannot be included in this group, for it was obvious that Von Papen and Von Neurath, and perhaps one or the other of the defendants, did not have the possibility, or much later no longer had the possibility, of having regular access to Hitler, for besides Von Neurath, Hitler already had his Ribbentrop for a long time. Thus I can only say that a certain group, which is surely well known, composed the close circle of which I am speaking.

MR. JUSTICE JACKSON: I should like you to identify those of the defendants who had access to Hitler and those who were able to prevent access to Hitler by their subordinates. That would apply, would it not, to Göring, Ribbentrop, Keitel, Kaltenbrunner, Frick, and to Schacht—during the period until he broke with them, as you have testified—and to Dönitz, Raeder, Sauckel, and Speer?

GISEVIUS: You mentioned a few too many and some are missing. Take the Defendant Jodl, for instance. I would like to call your attention to the strange influence which this defendant had and the position he had with regard to controlling access to Hitler. I believe my testimony shows that Schacht, on the other hand, did not control access to Hitler, but that he could only be glad about each open and decent report which got through to Hitler from his and other ministries. As far as the defendant Frick is concerned, I do not believe that he was necessarily in a position to control access to Hitler. I believe the problem of Frick centers in the matter of reponsibility.

MR. JUSTICE JACKSON: Should I have included Funk in the group that had access to Hitler?

GISEVIUS: Funk, without a doubt, had access to Hitler for a long time, and for his part Funk had of course the responsibility to see that affairs in the Ministry of Economics and in the Reichsbank

were conducted in the way Hitler desired. Without a doubt Funk put his surpassingly expert knowledge at the service of Hitler.

MR. JUSTICE JACKSON: Did you prepare or participate in preparing reports which were sent to Keitel as to the criminal activities of the Gestapo?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Did others participate with you in the preparation of those reports?

GISEVIUS: Yes, it was the work of a group. We gathered reports about plans and preparations of the Gestapo, and we gathered material about the first infamous acts, so that some courageous men at the front, officers of the General Staff and of the Army, went to the scene, prepared reports, made photographs, and this material came then to both Canaris and Oster. Then the problem arose: how can we bring this material to Keitel? It was generally known that officers, even highly placed officers like Canaris and Thomas, were forbidden to report on political matters. The difficulty was, therefore, not to have Canaris and the others come under the suspicion that they were dealing with politics; we employed the roundabout method of preparing so-called counterintelligence agents' reports from foreign countries or from occupied countries; and with the pretext that different agents from all countries were here reporting about these outrages, or that agents traveling through or in foreign countries had found such infamous photographs we then submitted these reports to Field Marshal Keitel.

MR. JUSTICE JACKSON: Now, did Canaris and Oster participate in submitting those reports to Keitel?

GISEVIUS: Yes. Without Canaris and Oster the working out and the gathering of this material would have been inconceivable.

MR. JUSTICE JACKSON: And what positions did Canaris and Oster hold with reference to Keitel at this time when these reports were being submitted?

GISEVIUS: Canaris was the senior officer of the OKW. Formally he even had to represent Keitel when Keitel was absent. Keitel was only concerned that someone else should take his place at such times, usually his Party general, Reinecke; and Oster, as the representative, Chief of Staff for Canaris, was also in close association with Canaris. Keitel could not have wished for closer contact with reality and truth than through this connection with the Chief of his Wehrmacht Counterintelligence Service.

MR. JUSTICE JACKSON: So these reports which were sent to Keitel came from the highest men in his own organization under himself?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: Now, what did they report to Keitel? Let me ask you if they reported to him that there was a systematic program of murder of the insane going on.

GISEVIUS: Yes, indeed. On these subjects, too, records were completed in detail including the despairing reports of the directors of the lunatic asylums. I recall this exactly because here, too, we had great difficulties in giving a reason for these reports, and we actually put them through as reports of foreign doctors who had heard of these things with indignation.

MR. JUSTICE JACKSON: Did he report to him the persecution and murder of the Jews and the program of extermination of the Jews that was being carried out?

GISEVIUS: From the first Jewish pogroms in 1938 on Keitel was minutely informed of each new action against the Jews, particularly about the establishment of the first gas chamber, or rather, the establishment of the first mass graves in the East, up to the erection of the murder factories later.

MR. JUSTICE JACKSON: Did these reports mention the atrocities that were committed in Poland against the Poles?

GISEVIUS: Yes, indeed, here I would say again that the atrocities in Poland, too, started with isolated murders which were so horrible that we were still able to report on single cases, and could add the names of the responsible SS leaders. Here, too, Keitel was spared nothing of the terrible truth.

MR. JUSTICE JACKSON: And did that condition of informing Keitel also prevail as to the atrocities against nationals in other occupied countries?

GISEVIUS: Yes. First of all I must of course mention the atrocities in Russia, because I must emphasize that Keitel now certainly, on the basis of the Polish atrocities, had been warned sufficiently as to what was at hand in Russia. And I remember how the preparation of these orders, such as the order for the shooting of commissars and the Night and Fog Decree, was continued for weeks in the OKW, so that, as soon as the preparation of these orders was begun, we begged Canaris and Oster to present a petition to Keitel. But I would like to add that I do not doubt that other courageous men also presented a petition to Keitel in this connection. Since I belonged to a certain group, the impression might be created that only in this group were there persons who were interested in these problems, and I would be withholding vital information if I did not add that even in the High Command of the OKW and in the General Staff there were excellent men who did everything to reach Keitel

through their separate channels, and that there were also brave men in many ministries who tried to reach every officer whom they saw in order to plead with him to order a stop to this injustice.

MR. JUSTICE JACKSON: Did the reports to Keitel mention the forced enslavement of millions of foreign workers and their deportation or importation into Germany?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: And those enslaved laborers are the displaced persons, largely, of this day—that are plaguing Germany today, are they not?

GISEVIUS: Yes, indeed. In this connection I would also like to say that in our reports it was already mentioned just what responsibility the Wehrmacht would have to bear if these ill-treated people should be free some day. We had an idea of what was to come, and those who made the reports at that time can understand what has now taken place.

MR. JUSTICE JACKSON: Did the reports to Keitel report the persecution of the churches in the occupied countries?

GISEVIUS: Yes, they did. I would like to cite as a special example how we even once sent leading churchmen to Norway in the guise of agents. They established contact with Bishop Bergraf, and brought back very detailed reports of what Bishop Bergraf thought about the persecution of the churches in Norway and other countries. I can still see this report before me because Keitel also wrote one of his well-known National Socialist Party phrases on this document.

MR. JUSTICE JACKSON: Now, these reports consisted both of information furnished by Canaris and Oster and of the reports coming in from the field under this plan?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: I want to ask you a few questions about the SA and the SS organizations. In your book, which you have been asked about, I think you have characterized the SA as a private army of the Nazi organization. Is that a correct characterization?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: During the early part of the struggle for power the SA constituted a private army for carrying out the orders of the Nazi Party, did it not?

GISEVIUS: Yes.

MR. JUSTICE JACKSON: They took in a good many people in the SA, and it got pretty large, and there came a time when there was some danger it would get away from them; wasn't there?

GISEVIUS: Yes, that is correct.

MR. JUSTICE JACKSON: And the murder of Röhm and his associates was a struggle for power, was it not, between Göring and Himmler and the Nazi crowd associated with them on one hand and Röhm and his associates on the other?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: After the murder of Röhm, this SA organization, which was very big at the time, rather lost importance, didn't it?

GISEVIUS: Yes, completely.

MR. JUSTICE JACKSON: And the SS, which was a smaller and more compact organization, came in to take its place as a private army, didn't it?

GISEVIUS: Yes, as the decisive private army.

MR. JUSTICE JACKSON: Now, let's go back to the SA during the period before the struggle for power resulting in the Röhm purge. What part did the SA play in the battle for power, the seizure of power?

GISEVIUS: As is said in the song, "It cleared the streets for the Brown Battalions," and without a doubt the SA played a dominant role in the so-called seizure of power. Without the SA Hitler would undoubtedly never have come to power.

MR. JUSTICE JACKSON: Now, let's take up their methods. Perhaps I can shorten this by quoting from your book. I think you say that:

"Whoever had not entirely made up his mind, had it made up for him unequivocally by the SA. Their methods were primitive, therefore all the more effective. For instance, one learned the new Hitler salute very quickly when, on the sidewalks, beside every marching SA column—and where were there no parades in those days—a few stalwart SA men went along giving pedestrians a crack on the head right and left if they failed to perform the correct gesture at least three steps ahead of the SA flag. And these Storm Troopers acted the same way in all things."

Is that a correct account of their activities and influence?

GISEVIUS: I hope so.

MR. JUSTICE JACKSON: Well, you know so, don't you?

GISEVIUS: Yes, yes, of course, for it is my own description, I cannot criticize it.

MR. JUSTICE JACKSON: Yes, but you saw these things yourself, did you not? You were in Germany at that time?

GISEVIUS: Yes, certainly.

MR. JUSTICE JACKSON: You see, it is very difficult for us, with all the documents we have, Doctor, to get the picture of the day to day events, and you were there and we were not.

Now, let me make another question:

"The chronicle of that private army is colorful and stirring. It teemed with beer hall brawls, street fights, knifings, shootings, and fist fights, altogether a mad rough and tumble affair, where naturally there was no question of crises of leadership or of mutinies. In this brotherhood of the wild men of German nationalism there was undoubtedly much idealism, but at the same time the SA was the repository for political derelicts. The failures of all classes found refuge there. The discontents, the disinherited, the desperados streamed to it wholesale. The core, the paid permanent group, and particularly the leaders, were recruited, as time went on, more and more from the riffraff of a period of political and social decay."

Is that a correct statement of your observations of the SA at that time?

GISEVIUS: Yes, quite.

MR. JUSTICE JACKSON: May I call your attention to another question:

"The SA organized huge raids. The SA searched houses. The SA confiscated property. The SA cross-examined people. The SA put people in jail. In short, the SA appointed themselves permanent auxiliary police and paid no attention to any of the principles of the so-called system period (Weimar Republic). The worst problem for the helpless authorities was that the SA never returned its booty at all. Woe unto anyone who gets into their clutches!

"From this time dated the 'Bunker,' those dreaded private prisons of which every SA Storm Troop had to have at least one. 'Taking away' became the right of the SA. The efficiency of a Standartenführer was measured by the number of arrests he had made, and the good reputation of an SA man was based on the effectiveness with which he 'educated'—in quotation marks, the quotation marks being yours—" 'educated' his prisoners. Brawls could no longer be staged in the fight for power, yet the 'fight' went on, only the blows were now struck in the full enjoyment of power."

Is that a correct statement of your observations of the SA?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: I think you also used the term "Bunker," and it is a slightly technical term with which some of us are not familiar. Will you tell the Tribunal what this Bunker system of the SA was?

GISEVIUS: Bunkers were those cellars or other dungeons with thick walls in which the poor prisoners were locked up, where they were then beaten and in a large measure beaten to death. They were these private jails in which, during the first months, the leaders of the leftist parties and of the trade unions were systematically rendered harmless, which explains the phenomenon that the leftist groups did not act again for so long a time, for there, at the outset and most thoroughly, the entire leadership was done away with.

MR. JUSTICE JACKSON: You also use the expression "'taking away' became the inalienable right of the SA," and "taking away" is in quotation marks. Will you tell us about this "taking away," what it means?

GISEVIUS: That was the arbitrary arrest, whereby the relatives often for periods of weeks or months did not know where the poor victims had disappeared to, and could be glad if they ever returned home.

MR. JUSTICE JACKSON: I think you also make this observation in your book:

"Every excess, pardoned as 'overzealousness in the cause of the National Socialist Revolution,' was a demonstration of official sanction and necessarily drew in its wake a new excess. It was the bestiality tolerated during the first months that later encouraged the sadistic murderers in the concentration camps. The growth in brutality and insensibility of the general public, which toward the end of the revolution extended far beyond the domain of the Gestapo, was the unavoidable consequence of this first irresponsible attempt to give free rein to the Brown Shirts for their acts of violence."

Does that, too, represent your observation of the SA?

GISEVIUS: Yes—not of the SA alone but also of general conditions in Germany.

MR. JUSTICE JACKSON: Now, will you tell us about—as I understand you, after the Röhm Purge the SA was rather abandoned as the private army, and a more reliable and smaller and more compact private army was created under Himmler.

GISEVIUS: A guard which had been established by Himmler long before this time now actually came into action. I do not doubt that Himmler and his closest circle for years had worked toward

this very objective so that one day, with their Schutztruppe (protective guard), they could establish the terror system in Germany. But until 30 June the SS had been a part of the SA, and Göring—excuse me, Röhm was also the chief of the SS. The road for Himmler to police chief in Germany, to police chief of evil, was only open after Röhm had been eliminated with his much larger SA. But the will to power of the SS and all the confused and unscrupulous ideas connected therewith must be assumed to have existed in the leadership of the SS already for many years previous to that.

MR. JUSTICE JACKSON: Now, this SS organization selected its members with great care, did it not?

GISEVIUS: Yes, indeed.

MR. JUSTICE JACKSON: Will you tell us something about the qualifications for membership? What was necessary?

GISEVIUS: The members had to be so-called Nordic types. Actually I always considered these questionnaires as a good subject for a humorous paper, and for that reason I am not in a position today to give you exact particulars, except that, if I am not mistaken, the distinguishing characteristics of men and women went so far as underarm perspiration. I recall that Heydrich and Himmler, in selecting SS men who were to do police duty, decided only after a picture had been submitted to them of the future victim who would be charged with carrying out their evil commands. I know that, for example, Nebe repeatedly saved officials in the criminal police force (Kripo) from being transferred to the ranks of the Gestapo by having poor photographs taken of these people so that, as far as possible, they did not look Nordic. In that case, of course, they were turned down immediately. But it would be going too far afield to relate more about these dismal things in this courtroom.

MR. JUSTICE JACKSON: Well, was the membership of the SS recruited only from what we may call fanatical Nazis, reliable Nazis?

GISEVIUS: I believe we have to make a distinction. In the first years of the SS, many decent German people, especially farmers and people in the country, felt drawn to the SS, because they believed Himmler's assurance that the SS was to bring order to Germany and to be a counterbalance to the SA terror. In that way, to my knowledge, some people in the years before 1933, and even in 1933 and 1934, entered the SS, because they hoped that here would be a nucleus standing for order and right, and I believe it is my duty to point out the tragedy of these people. Each and

every case should be examined before deciding whether, later on, a member was guilty or whether he remained decent.

But from a certain period of time on—I believe I specified yesterday 1935—no one could have any doubts as to the real SS objectives. From then on—here I would like to take up your own expression—fanatical National Socialists, that is, “super” National Socialists, entered the SS.

MR. JUSTICE JACKSON: And from 1935 on, was it, in your judgment as one who was on the ground, necessarily so, that the persons who entered it knew what its actual activities were?

GISEVIUS: Yes; what he was entering into and what orders he had to expect.

MR. JUSTICE JACKSON: The Tribunal wishes me to ask you in reference to yesterday's incident if you have anything to add. I know nothing further on that incident, in reference to the threat made. Is there anything that you wish to add about that incident in order to make it clear to the Tribunal, anything that has not been told about it?

GISEVIUS: I would like to make clear that Dr. Dix did not merely inform me about a discussion he had with Dr. Stahmer. That morning I arrived in the room of the attorneys, and I do not wish to state further particulars, but the atmosphere there was not exactly cordial to begin with. Then I went up to Dr. Dix to report something else. Dr. Stahmer approached, obviously very excited, and asked Dr. Dix for an immediate interview. Dr. Dix refused on the ground that he was talking to me. Dr. Stahmer said in a loud voice that he must speak to Dr. Dix immediately and urgently. Dr. Dix took only two steps aside and the conversation that followed was carried on by Dr. Stahmer in such a loud voice, that I was bound to hear most of it. I did hear it and said to attorney Dr. Kraus who was standing nearby, “Just listen how Dr. Stahmer is carrying on.” Dr. Dix then came over to me, very excited, and after all this fuss, in response to my questions as to what precisely was the demand of the Defendant Göring, he told me what I had half heard anyway. I would like to underline that if I had had the opportunity to tell the story first in my own way, I would have emphasized that I was under the impression that Dr. Stahmer had merely transmitted a statement, or rather what I would call a threat, by the Defendant Göring.

MR. JUSTICE JACKSON: Now, in this Nazi regime, after Hitler came to power, will you state whether there was, as far as you could see, a systematic practice of the Nazi ministers and Nazi officials enriching themselves by reasons of their confiscation of property of Jews and others?

GISEVIUS: Yes. This became more cynical from year to year and we kept lists as to which of the civil ministers and, above all, which of the generals and field marshals participated in this system. We planned to inquire of all the generals and ministers at a later date whether these donations had been put into a bank account or whether they had possibly used this money for their own personal interests.

MR. JUSTICE JACKSON: And will you state to the Tribunal which of the defendants were engaged in self-enrichment in the manner that you have indicated?

GISEVIUS: I am sorry I am only able to give a negative reply since we repeatedly inquired from the Defendant Schacht...

THE PRESIDENT: Perhaps this will be a good time to adjourn for 10 minutes.

[A recess was taken.]

MR. JUSTICE JACKSON: Dr. Gisevius, I have just a few more questions which I would like to put to you in reference to the war and the resistance movement of which you were a part.

THE PRESIDENT: Mr. Justice Jackson, there is just one question I should like to ask the witness. You said that you kept lists of the ministers and generals who participated in this system of spoils. What was your source of information?

GISEVIUS: We had information from the various ministries, from antechambers of ministries, and from the Finance Ministry. But I did not finish the answer before. I said that I could answer the question as to which of the defendants had enriched himself only in the negative.

Concerning the Defendant Schacht, I wanted to continue saying that I personally did not look into these lists, and that I took part only in the questioning of the Defendant Schacht and that he personally had not enriched himself. I did not intend to say in any sense, therefore, that all the defendants, especially Defendants Von Papen or Von Neurath, to name only these two, had enriched themselves. I do not know. I wanted to say only that about Schacht we know, or rather I know, that he did not take part in that system.

MR. JUSTICE JACKSON: Well, in addition to a system of spoils from confiscated property, there were also open gifts from Hitler to the generals and ministers, were there not, of large sums of property and money?

GISEVIUS: Yes. These were the famous donations with which, especially in the years after the outbreak of the war, the top generals were systematically corrupted.

MR. JUSTICE JACKSON: And did that hold true with reference to many of the ministers?

GISEVIUS: I do not doubt it.

MR. JUSTICE JACKSON: Now, as I understood your testimony, whatever doubts you may have had before 1938 when the affair Fritsch occurred, that event or series of events convinced even Schacht that Hitler was bent on aggressive warfare.

GISEVIUS: After the Fritsch crisis Schacht was convinced that now radicalism and the course toward war could no longer be stopped.

MR. JUSTICE JACKSON: There was never any doubt in the minds of all of you men who were in the resistance movement, was there, that the attack on Poland of September 1939 was aggression on Hitler's part?

GISEVIUS: No, no, there could be no doubt about that.

MR. JUSTICE JACKSON: And that diplomatic means of righting whatever wrongs Germany felt she suffered in reference to the Corridor and Danzig had not been exhausted?

GISEVIUS: I can only point to the existing documents. There was no will for peace.

MR. JUSTICE JACKSON: Now, in the German resistance movement, as I understand you, there was agreement that you wanted to obtain various modifications of the Treaty of Versailles, and you also wanted various economic betterments for Germany, just as other people wanted them. That was always agreed upon, was it not?

GISEVIUS: We were all agreed that a calm and a reasonable balance could be achieved again in Europe only when certain modifications of the Versailles Treaty were carried through by means of peaceful negotiations.

MR. JUSTICE JACKSON: Your difference from the Nazi group was chiefly, in reference to that matter, one of method.

GISEVIUS: Yes.

MR. JUSTICE JACKSON: From the very beginning, as I understand you, it was the position of your group that a war would result disastrously for Germany as well as for the rest of the world.

GISEVIUS: Yes.

MR. JUSTICE JACKSON: And that the necessary modifications, given a little patience, could be brought about by peaceful means

GISEVIUS: Absolutely.

MR. JUSTICE JACKSON: Now, it was in the light of that difference of opinion, I suppose, that your resistance movement against the regime in power in Germany carried out these proposals for Putsche and assassinations which you have described.

GISEVIUS: Yes, but I would like to add that we were not only thinking of the great dangers outside, but we also realized what dangers lay in such a system of terror. From the very beginning there was a group of people in Germany who still did not even think of the possibility of war, and nevertheless protested against injustice, the deprivation of liberty, and the fight against religion.

In the beginning, therefore, it was not a fight against war, but if I may say so, it was a fight for human rights. From the very first moment on, among all classes of people, in all professional circles, and in all age groups, there were people who were ready to fight, to suffer, and to die for that idea.

MR. JUSTICE JACKSON: Now, the question may arise here as to what your motives and what your purposes in this resistance movement were with reference to the German people, and I shall ask you to state to the Tribunal your over-all purpose in resisting the Government in power in your country.

GISEVIUS: I should like to say that death has reaped such a rich harvest among the members of the resistance movement, that it is only for that reason I can sit here, and that otherwise more worthy and able men could give this answer. Having said this, I feel that I can answer that, whether Jew or Christian, there were people in Germany who believed in the freedom of religion, in justice, and human dignity, not only for Germany but also, in their profound responsibility as Germans, for the higher concept of Europe and the world.

MR. JUSTICE JACKSON: There was a group which composed this resistance, as I understand it.

GISEVIUS: It was not only just a group, but many individuals had to carry the secret of their resistance silently to their death rather than confide it to the Gestapo records; and only a very few persons have enjoyed the distinction of being referred to now as a group.

MR. JUSTICE JACKSON: Most of the men who were associated with you in this movement are dead?

GISEVIUS: Almost all of them.

MR. JUSTICE JACKSON: Is there anything you would like to add to clarify your position to the Tribunal, Dr. Gisevius?

GISEVIUS: Excuse me, I did not understand you.

MR. JUSTICE JACKSON: Is there anything you would like to add in order that the Tribunal may understand your position in this, your feeling, your very strong feeling in this matter, to understand and appraise your own relation to this situation?

GISEVIUS: I do not like to talk of myself, but I want to thank you, Mr. Prosecutor, for giving me an opportunity to testify emphatically on behalf of the dead and the living.

MR. JUSTICE JACKSON: I have concluded the examination.

MAJOR GENERAL G. A. ALEXANDROV (Assistant Prosecutor for the U.S.S.R.): Mr. President.

THE PRESIDENT: Was not the understanding arrived at with Counsel for the Prosecution that the witness for the Defendant Frick should only be cross-examined by one prosecutor?

GEN. ALEXANDROV: Mr. President, I have an agreement with the prosecutors to the effect that the examination of the Defendant Schacht and his witnesses will be carried out by the American Prosecution, but that, in the presence of additional questions during cross-examination, the prosecutor from the Soviet Prosecution could also join in the examination. In view of the fact that the Soviet Prosecution has several additional questions to ask the witness Gisevius, which are of great importance to the case, I ask permission to address these questions to the witness.

THE PRESIDENT: What are the questions which you say are of particular importance to the Soviet Union? I do not mean the individual questions but the general nature of them.

GEN. ALEXANDROV: Questions in connection with the part played by the Defendant Frick in the preparation for war, questions connected with the attitude of the Defendant Schacht towards the Hitler regime, as well as a number of other important questions.

THE PRESIDENT: The Tribunal will adjourn in order to consider whether the Prosecution ought to be allowed to cross-examine this witness in addition to the cross-examination which has already taken place.

[A recess was taken.]

THE PRESIDENT: The Tribunal has before it two documents which were presented to it by the Chief Prosecutors upon the subject of cross-examination. In the first of these documents it was provided that the following procedure for the cross-examination of the Defendants Keitel, Kaltenbrunner, Frank, Frick, Streicher, and Funk was agreed; and that with reference to Frick the American Prosecution was to conduct the cross-examination of the defendant and his witness. The document was presented because

of the Tribunal's express desire that too much time should not be taken up by the cross-examination by more than one prosecutor.

In addition to that document there was another document, which was only a tentative agreement, and with reference to the Defendant Schacht it provided that the American delegation should conduct the principal cross-examination and the Soviet and the French delegations should consider whether either would wish to follow.

In view of those two documents, the first of which suggests that the Prosecution have agreed to only one cross-examination of the witnesses of the Defendant Frick, and the second of which tentatively suggests that, in addition to the American Prosecution, the Soviet and the French might wish to cross-examine, the Tribunal propose to allow the additional cross-examination in the present instance, and they are loath to lay down any hard and fast rule concerning cross-examination. They hope, however, that in the present instance, after the full cross-examination by the Prosecutor of the United States, the Soviet Prosecutor will make his cross-examination as short as possible. For the future, the Tribunal hopes that the prosecutors may be able to agree among themselves that in the case of witnesses one cross-examination only will be sufficient, and that in any event the additional cross-examination will be made as brief as possible.

GEN. ALEXANDROV: Witness, in order to save time, I beg you to answer my questions as briefly as possible.

Tell me, what part did the German Ministry of the Interior and the Defendant Frick personally play in the preparation for the second World War?

GISEVIUS: This question is very difficult for me to answer. I left the Ministry of the Interior as early as May 1935, and I actually cannot say any more about conditions after that time than any other German, that is, that the Ministry of the Interior was part of the German government machine and doubtlessly there, as in all other ministries, those preparations for war were made which administrations have to make in such cases.

DR. PANNENBECKER: May I say something? The witness has just stated that he could not say any more in answering that question than any other German could. I believe that, under these circumstances, the witness is not the right person to make any factual statements.

THE PRESIDENT: He has just said so himself. That is exactly what he said. I don't see any reason for any intervention. The witness said so.

DR. PANNENBECKER: I only meant that he could not even function as a witness concerning these facts.

GEN. ALEXANDROV: For perfectly obvious reasons I am deprived of all possibility to put these questions to any German, but I am perfectly satisfied with the answers of the witness Gisevius.

[Turning to the witness.] Do you know anything about the so-called "Three Man College"? It consisted of the Plenipotentiary for the Administration of the Reich, of the Plenipotentiary for Economy, and of a representative of the OKW. This Three Man College was entrusted with the preparation of all fundamental questions pertaining to the war.

GISEVIUS: I personally cannot give any information on that.

GEN. ALEXANDROV: Do you know anything about the activities of the Ministry of the Interior in territories occupied by the Germans?

GISEVIUS: As far as I know, the Ministry of the Interior sent important officials into the military administration, but it is not clear to me whether these officials, from that moment on, were subordinate to the Ministry of the Interior or the OKW.

GEN. ALEXANDROV: Have you any special knowledge as to whether the machinery of the Reich Commission in the occupied territories of the Soviet Union was recruited from the Ministry of the Interior or at least with considerable help from this ministry?

GISEVIUS: I should assume so, yes. It holds good as far as help is concerned, because the ministry for the occupied Russian territories could take its officials only from the personnel department of the Ministry of the Interior.

GEN. ALEXANDROV: What do you know of the visits paid by the Defendant Frick to the concentration camps?

GISEVIUS: At the time when I was in the Ministry of the Interior I did not hear anything about that.

GEN. ALEXANDROV: And after that?

GISEVIUS: After that I did not hear anything about it either.

GEN. ALEXANDROV: Could a situation arise in which the Defendant Frick, although Minister of the Interior, would not be informed regarding the system of concentration camps established in Germany and of the violence and lawlessness practiced in the camps?

GISEVIUS: I believe that I have already yesterday given exhaustive information as to the fact that we were informed about everything.

GEN. ALEXANDROV: In this particular case I am interested in the Defendant Frick. What do you know about him in this connection?

GISEVIUS: I have said yesterday that the Reich Ministry of the Interior received numberless calls for help from all over the country, and yesterday we even saw a letter from the Ministry of Justice. Also I have referred . . .

THE PRESIDENT: This subject was fully covered yesterday.

GEN. ALEXANDROV: I shall pass on to the next question.

[Turning to the witness.] Are you acquainted with the secret law issued in Germany in 1940 concerning the killing of sick persons and the old?

GISEVIUS: Yes.

GEN. ALEXANDROV: What was the attitude of the Defendant Frick towards the promulgation and enforcing of this law?

GISEVIUS: I assume that he, as Minister of the Interior, signed it.

THE PRESIDENT: The law, if there was a law, was after 1935, was it not? What is the law that you are putting? If it was in 1935, then this witness was not in the Ministry of the Interior.

GEN. ALEXANDROV: I am speaking of the law which was promulgated in 1940.

THE PRESIDENT: He would not know anything about it any more than anybody else.

GEN. ALEXANDROV: I am satisfied with the answer which I have received from the witness. Will you now allow me to proceed to questions concerning the Defendant Schacht?

[Turning to the witness.] Witness, you were in close relations with the Defendant Schacht for a considerable period of time; have I understood you correctly?

GISEVIUS: Yes.

GEN. ALEXANDROV: Thus you were sufficiently acquainted with the state and political activities of the Defendant Schacht?

GISEVIUS: I believe so, yes.

GEN. ALEXANDROV: Tell me, what do you know about the part played by the Defendant Schacht in Hitler's seizure of power?

GISEVIUS: That was just the time when I did not yet know Schacht, and about which I cannot give any information.

GEN. ALEXANDROV: What do you know about it?

GISEVIUS: I knew only that he entered the Cabinet and that without doubt he assisted Hitler in the preliminary political negotiations.

GEN. ALEXANDROV: Do you know anything about the meeting engineered by Schacht between Hitler and the big industrialists, in February 1933?

GISEVIUS: No.

GEN. ALEXANDROV: As a result of this meeting a fund was created by the industrialists with a view to guaranteeing the success of the Nazi Party at the elections. What do you know about this meeting?

GISEVIUS: I know nothing about this meeting. In my book I wrote that to my knowledge the largest amount for the election campaign in 1932 was given by Thyssen at that time and Grauert, a member of the Rhein-Hessian iron and steel industry group.

GEN. ALEXANDROV: What was the part played by the Defendant Schacht on this occasion?

GISEVIUS: At that time I did not see Schacht in the Ruhr district, and I also do not know whether he was there at that time. I emphasize again that I did not know him at all.

GEN. ALEXANDROV: I know that. But in your book entitled *Until the Bitter End*, published in 1946, and in your replies to preliminary interrogations by defendant's counsel Dix, you favorably described the Defendant Schacht; is that correct?

GISEVIUS: I did not understand the last words.

GEN. ALEXANDROV: I repeat that you favorably described the Defendant Schacht; is that correct?

GISEVIUS: Yes, yes.

GEN. ALEXANDROV: You state that as from 1936, the Defendant Schacht was in opposition to Hitlerite regime, and that he expressed these opinions in a fairly open manner; is that true?

GISEVIUS: No, I state expressly that beginning with 1936 his suspicions were aroused, but that he only became an opponent of Hitler during the Fritsch crisis.

GEN. ALEXANDROV: In which year do you place this crisis?

GISEVIUS: End of 1937 and beginning of 1938. The Fritsch crisis was at the beginning of 1938.

GEN. ALEXANDROV: Tell us, under the then existing regime in Germany, could a situation arise where Hitler would not be informed as to these opposite views of Schacht which, according to you, existed at the end of 1937?

GISEVIUS: You mean that Hitler was not informed after 1938?

GEN. ALEXANDROV: No. I asked you, could it be possible, under the then existing regime in Germany, that Hitler was not informed as to this antagonistic attitude on the part of Schacht?

GISEVIUS: Hitler knew very well that Schacht was very critical towards the system and that he frequently expressed disapproval.

He often received letters from Schacht and of course heard a great deal, too. But he did not know how far that opposition went.

GEN. ALEXANDROV: Then how could Schacht remain in the Government of the Reich, as Minister without Portfolio and personal adviser to Hitler, right up to January 1943, if Hitler, as you say, was fully aware of his critical attitude towards his, Hitler's, policy?

GISEVIUS: Hitler always took care to let prominent individuals disappear quietly or put them in the shade so that foreign propaganda could not take advantage of these facts. The Schacht case is not the only one in which Hitler tried to camouflage an open crisis.

GEN. ALEXANDROV: Were you acquainted with a letter from Hitler of 19 January 1939, addressed to Schacht, who at that time was being relieved of his post as President of the Reichsbank? I should like to remind you of the contents of that letter in which Hitler writes to Schacht as follows:

"I avail myself on the occasion of your release from the post of President of the Board of Directors of the Reichsbank to thank you most warmly, most sincerely for the services you have repeatedly rendered while in that position, to Germany and to me personally, during long and arduous years. Above all else, your name will be connected forever with the first period of national rearmament. I am happy that you will now be able, as Reichsminister, to proceed to the solution of new tasks..."

THE PRESIDENT: This was all gone over yesterday by the witness.

GEN. ALEXANDROV: Please forgive me, but I have a question to put to the witness in connection with this letter.

[Turning to the witness.] It would appear, from the contents of this letter, that in January 1939—and I stress the date, Witness—Hitler expressed his appreciation of Schacht's activities rather differently from the manner in which you worded your evidence. How do you reconcile this divergence of opinion with your assertion that the Defendant Schacht was already in direct opposition to Hitler's regime towards the end of 1937 and the beginning of 1938?

GISEVIUS: I should like to answer that I am not accustomed to consider any written or oral proclamation by Hitler as truthful. That man always said only that which seemed opportune to him at the moment to deceive the world or Germany. In this particular case Hitler intended to avoid the impression that Schacht's resignation would cause a difficult economic crisis. But I am only saying now what Hitler could have had in his mind. Yesterday I

described with what indignation Schacht received that letter. He considered it derision and debasement.

GEN. ALEXANDROV: Then I shall refer to another document, to a letter from Schacht himself addressed to Hitler. This is a memorandum of 7 January 1939, in which Schacht wrote to Hitler:

"From the very beginning the Reichsbank has realized that the fruits of a successful foreign policy can only be obtained if this policy is founded on the rebirth of the Wehrmacht. It therefore took upon itself, to a very large extent, the financing of the armament program, despite the monetary and political difficulties involved. The justification of this consisted in the necessity, which far outweighed all other arguments, of manufacturing arms immediately, *ex nihilo*, often even under disguise, in order to ensure a foreign policy which would command respect."

Do you also consider this document as an expression of Schacht's attitude?

GISEVIUS: As far as I have understood, you refer to a letter from the year 1935, is that correct?

GEN. ALEXANDROV: I refer to a letter of 7 January 1939.

GISEVIUS: Please pardon me. Then I can say only what I said yesterday: that all these letters were very carefully written so that they could not be considered a provocation, and the factual contents of the letter made illusory lest Hitler should simply say, "This is a personal attack on me." I said yesterday that the problem was to convince the other conservative ministers, who were not so much against Hitler, about the actual situation and neutralize any opposition.

GEN. ALEXANDROV: What was the attitude of the Defendant Schacht towards the Anschluss?

GISEVIUS: The Anschluss happened right in the middle of the Fritsch crisis, or probably at the dramatic climax, and that is why we were firmly convinced that this was a particularly malevolent case of camouflage, and in that sense we were indignant. We had no doubt that the German Army was to be diverted outwards...

THE PRESIDENT: Witness, wait a minute. You were asked if you knew what the attitude of Schacht was to the Anschluss question at that time. You are not answering that question. Do you or do you not know?

GISEVIUS: I cannot give a definite answer about that, because all of us saw clearly that the problem of Austria had to be solved in a legal way. There were differences of opinion with regard to this question in our group. Most of us hoped that the independence of

Austria could be preserved. Especially from the German point of view, it was desirable that another independent German State should exist, if at any later time there should be a League of Nations or diplomatic negotiations. However, I cannot state under oath whether Schacht personally was of that opinion or whether he was for an outright annexation. He was certainly against the method.

GEN. ALEXANDROV: I shall quote an excerpt from a speech made by Schacht in Vienna, in March 1938:

"Thank God, these matters could not, in the end, hinder the forward march of the great German people, for Adolf Hitler has created a community of German will and thought, he supported it with the reborn strength of the Wehrmacht, and thereby gave an outward form to this spiritual union of Germany and Austria."

Do you qualify these statements of Schacht's also as expressions of his opposition to the Hitler regime?

GISEVIUS: I would have to be able to read the speech in its entirety. I personally would not have said it, but I do not know whether pure judgment on my part here serves any purpose. Would it not be better to ask Schacht what he meant?

THE PRESIDENT: The speech can be put to Schacht when he goes into the witness box, if he does.

GEN. ALEXANDROV: Tell me, Witness, you are currently residing in Switzerland? In which town?

GISEVIUS: I live near Geneva in a village called Cómugnny.

GEN. ALEXANDROV: How long have you lived in Switzerland?

GISEVIUS: Since the first of October 1940.

GEN. ALEXANDROV: Did you know about Schacht's arrival in Switzerland in 1943?

GISEVIUS: No. He did not come to Switzerland in 1943.

GEN. ALEXANDROV: In 1942?

GISEVIUS: He did not come to Switzerland in 1942 either.

GEN. ALEXANDROV: Then Schacht was not in Switzerland either in 1942 or 1943?

GISEVIUS: That is correct.

GEN. ALEXANDROV: In all the time that you yourself lived in Switzerland, did you ever meet the Defendant Schacht or not?

GISEVIUS: Yes, repeatedly. I was in Berlin at least every 4 weeks or 8 weeks and until 1943...

GEN. ALEXANDROV: No. I am asking you about Schacht's visit to Switzerland.

GISEVIUS: During the war there was only one visit to Switzerland by Schacht—in 1941, on the occasion of his wedding trip, and then I saw him.

GEN. ALEXANDROV: That was in 1941?

GISEVIUS: Yes.

GEN. ALEXANDROV: On 14 January 1946, an article was published in the newspaper *Basler Nachrichten*, entitled "What Schacht Thinks." Do you know anything about that article?

GISEVIUS: Yes.

GEN. ALEXANDROV: What do you know about that article?

GISEVIUS: Not more than I read in the paper about it. I have tried to find out who that American was with whom Schacht had the conversation.

GEN. ALEXANDROV: The details do not interest me.

One last question: Did you know anything about a conference held at Hitler's house in Berchtesgaden in the summer of 1944, when the advisability of killing imported foreign workers was discussed, in the case of further successful advances by the Allied Forces? Did you hear anything about that conference?

GISEVIUS: No, at that time I could not go to Germany any more, because there were proceedings against me, and I heard nothing about that.

GEN. ALEXANDROV: I have no further questions to ask.

THE PRESIDENT: Then do you wish to re-examine, or does any other member of the defendants' counsel wish to ask questions of the witness?

DR. PANNENBECKER: Witness, yesterday during the cross-examination the American prosecutor submitted to you a letter of 14 May 1935 by the Reich Minister of Justice to the Reich and Prussian Minister of the Interior. In that letter there is an enclosure which mentions a copy of a letter by an inspector of the Secret State Police. Witness, did I understand you correctly to say that you personally assisted in writing that letter?

GISEVIUS: We had cross-connections between the Ministry of the Interior and the Ministry of Justice, and at times it was desirable, if a letter of a severe nature came from another ministry, for me to present it to my minister. And I do not doubt that Frick was also glad when he received a sharp letter, so that he could submit a matter in a general way and before the Cabinet. Thus I remember that the sending of that letter was discussed in advance with several gentlemen of the Ministry of Justice and with myself.

DR. PANNENBECKER: Do I understand you correctly then that the letter was a joint effort of the Ministry of Justice and the Ministry of the Interior to do something against the Gestapo terror?

GISEVIUS: As for myself, I can certainly say "yes." I was at that time a member of the Ministry of the Interior. Of course I did not speak to my chief about that point.

DR. PANNENBECKER: In that letter we find on Page 5 of the German text the following sentence—I quote:

"In the concentration camp at Hohnstein in Saxony, inmates had to stand under a dripping apparatus especially constructed for that purpose, until the drops of water, falling at regular intervals, produced serious infected injuries on the scalp."

Do you know that the guards of that camp were heavily punished for that?

GISEVIUS: No, and if that happened it was an astounding exception.

DR. PANNENBECKER: Witness, then I have one more question. That is in connection with the statement which you just made, that there was an atmosphere of hostility toward you in the room of the attorneys due to the incident which has been mentioned. A number of colleagues are deeply shocked by that statement of yours, and these colleagues were glad that you described conditions in Germany so openly. Could you tell me whether that statement you made applies to all of the Defense Counsel?

GISEVIUS: I am grateful to you that you give me the opportunity to correct an apparent misstatement, or a misunderstanding which was created by my statement. I meant a different incident which occurred as I entered the counsel room, about which I do not want to speak any further here. I wish to emphasize that I realize the difficult task of the Defense Counsel, and that I want to apologize if in any way the impression was created or might be created that I had reproached the great majority of the Defense Counsel in the carrying out of their difficult task.

DR. PANNENBECKER: I thank you. I have no more questions:

THE PRESIDENT: Dr. Gisevius, I want to ask you some questions to try and get clear what your various positions were and where you were at various times.

As I understand it, in 1933 you were a civil servant, is that right?

GISEVIUS: Yes.

THE PRESIDENT: And then you became a member of the Gestapo?

GISEVIUS: The first position I held as a qualified civil servant was in the service of the Political Police. In Germany one is a civil servant even in the training stage. Therefore I have to say that I received my first real position as an official in August of 1933 when I entered the Gestapo.

THE PRESIDENT: And when did you leave that position?

GISEVIUS: The end of December 1933.

THE PRESIDENT: And to what position did you go?

GISEVIUS: Then I entered the Ministry of the Interior; that is to say, the Prussian Ministry of the Interior. In the course of the year 1934 I also entered the Reich Ministry of the Interior, and in May of 1935 I was dismissed from the Ministry of the Interior.

Then I came into the newly created, or to-be-created, Reich Criminal Office, which, at its beginning, was the Police Presidium in Berlin. On the date when Himmler was appointed Reich Chief of Police, on 17 June 1936, I was finally dismissed from the police service.

I was then transferred to the Government office in Münster, worked there in price control supervision, and, in the middle of 1937, I took an unpaid vacation, ostensibly to make studies in economics. That vacation was canceled by the Ministry of the Interior at the beginning of 1939, and I was attached to the Government office in Potsdam near Berlin. There I had to do with road building...

THE PRESIDENT: In the middle of 1937 you took unpaid service and studied in economics, I think you said, or an unpaid vacation.

GISEVIUS: Yes.

THE PRESIDENT: You still remained a member of the civil service then, did you?

GISEVIUS: Yes; until the 20th of July I was continuously in the civil service.

THE PRESIDENT: Then, in the beginning of 1939 you were posted to the Ministry of the Interior and attached to Potsdam?

GISEVIUS: Yes.

THE PRESIDENT: Well, go on; after that?

GISEVIUS: When war broke out the difficulty arose that I had no mobilization order and, on the other hand, my friends wanted to have me in the OKW. From the date of the outbreak of the war until 1 October 1940 I had only a forged mobilization order, and every day I expected to be found out. At which time I would have had to take the consequences.

After the fall of Paris I stated to Canaris and Oster that I would have to ask them now to release me from that somewhat complicated situation. At that time the position of Canaris, temporarily, was so strong that he placed me in an intelligence position with the Consulate General in Zürich. There I received the title of a Vice Consul with the Consulate General in Zürich, and I stayed there as a counterintelligence man, without belonging to the Abwehr formally, until 20 July.

After 20 July I was dismissed from all posts, and I do not know whether I was not even deprived of citizenship. I have found out nothing about that.

THE PRESIDENT: Between the time you went to Zürich and 20 July, were you returning to Germany from time to time?

GISEVIUS: During that time I was mainly in Germany, and only from time to time Oster and Canaris sent me to Switzerland as a courier, on travel orders. Schacht was still quite helpful to me at that time in getting me a Swiss visa, through the Swiss Legation.

THE PRESIDENT: During the time that you were in the Gestapo, from August to December 1933, what was your actual job or function?

GISEVIUS: When I received my first civil service position I was only in training, and I was attached to the then Chief of the Executive Department, Oberregierungsrat Nebe, for training. After the warrant for arrest was issued, at the end of October 1933, I was sent to Leipzig as a reporter for the Reichstag Fire trial.

THE PRESIDENT: You spoke yesterday very often of a man whose name I am not clear about, Nebe, I believe it was.

GISEVIUS: Yes.

THE PRESIDENT: What was his position?

GISEVIUS: Nebe was a well-known criminologist at the Berlin Police headquarters before 1933. As a National Socialist he was called into the Gestapo in July 1933 and until the beginning of 1934; he was promoted there to Oberregierungsrat. Then we were successful, with the aid of the Defendant Frick, in having him transferred for some time to the Ministry of the Interior. And then he became the founder and Chief of the Reich Office of Criminology. On the day of the appointment of Himmler as Chief of Police of the Reich he was put into the new Reich Security Main Office. In the course of time he was taken over into the SS; he became an SS Gruppenführer, SS General, and, until 20 July, he was one of the closest subordinates of the Defendant Kaltenbrunner. The Defendant Kaltenbrunner was Chief of the Gestapo as well as the Criminal Police

and the Information Service. So that thereby Nebe became a subordinate of Kaltenbrunner and received continuously official orders from him, just like the Gestapo Chief Müller.

THE PRESIDENT: Did you wish to ask any questions, Dr. Dix?

DR. DIX: Yes.

THE PRESIDENT: Well, perhaps we had better do that after the adjournment at a quarter past 2.

[The Tribunal recessed until 1415 hours.]

Afternoon Session

DR. DIX: The Soviet Prosecutor put a question to you in connection with the annexation of Austria. While answering the question you were interrupted. You had just said, I quote "But the form..." Would you please complete your answer now?

GISEVIUS: What I wanted to say was that Schacht was undoubtedly opposed to the Anschluss in this form.

DR. DIX: Then I have one last question, which concerns the so-called incident of yesterday. I discussed this incident with you yesterday and explained the situation as regards my colleague Dr. Stahmer. I also gave you permission to make use of this explanation at any time.

I now request you to give this explanation to the Tribunal.

MR. JUSTICE JACKSON: May I interpose an objection. I think that is a most irregular way to inform the Tribunal, if there is anything the Tribunal should be informed about, that Dr. Dix should tell the witness what the witness should tell the Tribunal.

Now, I have no objection to the witness' relating to the Tribunal anything that he knows from his own knowledge. I do object to the witness' being asked to relate what Dr. Dix has told him he may tell the Tribunal. I think that is a most irregular way of clarifying it.

DR. DIX: That is not the case. I made a remark about Dr. Stahmer to Dr. Gisevius. That is a matter between the witness and myself; I consider it important that this remark of mine be related and testified to by the witness. It is an incident which he observed, and I prefer that the witness should confirm the fact that I explained this to him. I cannot see anything irregular about this procedure, and I ask for a decision by the Tribunal. Otherwise I should make the explanation myself, but I consider it better for the witness to say what I told him immediately after that incident.

THE PRESIDENT: The Tribunal thinks that you may properly put the question to the witness.

DR. DIX: I have already put the question, and you may answer it at this time.

THE PRESIDENT: I am not quite sure now what your question was, but the Tribunal thinks that you may put the question. Was there anything in connection with the incident which the witness has not already told us, which he wishes to say?

DR. DIX: Yes. The question relates to a conversation between the witness and myself.

[Turning to the witness.] Witness, what did I tell you yesterday?

GISEVIUS: You told me immediately that, in your opinion, your colleague Dr. Stahmer did not wish to put undue pressure upon me but that this undue pressure came rather from the Defendant Göring.

DR. DIX: I have no further questions.

DR. SEIDL: Witness, were you, during the war...

THE PRESIDENT: Dr. Seidl, are you attempting to re-examine?

DR. SEIDL: I wanted to put a single question...

THE PRESIDENT: I was not thinking of the time which you would take up, but the question of whether you ought to be allowed to put any question. Yes, go on, Dr. Seidl.

DR. SEIDL: Witness, during the war were you at any time active in the intelligence service of a foreign power?

GISEVIUS: At no time.

DR. SEIDL: It is also not correct...

THE PRESIDENT: That is not a question which you ought to put to this witness in re-examination.

DR. SEIDL: But, Mr. President, it is a question affecting the credibility of this witness. If it should turn out that this witness, who is or was a citizen of the German Reich, had been active in the intelligence service of a foreign power, that fact would have an important bearing on the credibility of the witness.

MR. JUSTICE JACKSON: I should like to be heard on that. In the first place, I do not think that this witness should be subjected to any attacks. In the second place, I respectfully submit that it does not militate against the credibility of the witness that he should have opposed this kind of an organization. I think that the attack upon the credibility of this witness, if there were one to be made—he is sworn on behalf of the defendants and is not the Prosecution's witness—the attack is not timely, is not a proper attack, and the substance of it does not go to credibility.

THE PRESIDENT: The Tribunal will allow you to put the question.

DR. SEIDL: Please answer my question and remember your oath.

GISEVIUS: Mr. Attorney, it is not at all necessary for you to remind me of my oath. I have said that I was never in the intelligence service of a foreign power. I was in the service of a good, clean German cause.

DR. SEIDL: During the war did you receive funds from any power at war with Germany?

GISEVIUS: No.

DR. SEIDL: Do you know what the three letters OSS mean?

GISEVIUS: Yes.

DR. SEIDL: What do they stand for?

GISEVIUS: They stand for an American intelligence service.

DR. SEIDL: You had nothing to do with that organization?

GISEVIUS: I had friendly and political contacts with several members of this organization.

DR. SEIDL: I have no further questions to put to the witness.

THE PRESIDENT: I hope the defendants' counsel will remember that they have all had a free opportunity to cross-examine this witness already and have not...

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): The person of Herr Von Papen was not mentioned until the cross-examination by the American prosecutor. Therefore I could not ask questions before.

Witness, you replied in the negative to a question put by the American chief prosecutor yesterday as to whether the Defendant Von Papen at any time protested. Of course, you modified this by pointing out that some written communication by Von Papen had not been addressed to the Ministry of the Interior.

In order to clarify this problem, I should like to know whether this assertion of yours refers only to the Ministry of the Interior. On Page 133 of your book you pointed out that one of the Defendant Von Papen's main activities as Vice Chancellor consisted in handing in protests and that he addressed these protests above all to Hindenburg and Göring.

GISEVIUS: I again emphasized the latter point yesterday or today. I have no official knowledge of any protest made by Von Papen to the competent police minister after 30 June 1934. I can say only that it would greatly have strengthened the position of the ministry of police if a protest of that nature, describing in detail the murder of Von Papen's closest co-workers, had reached the Ministry of the Interior. In that case, it is unlikely that this rumor about the suicide or rather the suspicious death of Von Bose and Jung would have reached the public.

DR. KUBUSCHOK: Do you not think that it is understandable, especially considering the position held by Frick, the comparatively insignificant and uninfluential position held by Frick, that one should make such protests to higher authorities if it is possible to do so?

GISEVIUS: At the very moment when the ministers took the position that they could apply only to higher authorities, that is, the dictator himself, they, of their own accord, shattered the constitutional competency of the individual ministries and the Cabinet.

It would have meant a great deal if Herr Von Papen at that time had used the prescribed channels.

DR. KUBUSCHOK: In agreement with your book, you do not dispute the fact that Von Papen made many protests to these higher authorities in respect to other questions as well?

GISEVIUS: No; he did protest frequently.

DR. KUBUSCHOK: Yesterday, within the scope of your general statements you gave an unfavorable characterization of the Defendant Von Papen. This character sketch coincides with the one you gave in your book. In your book you pay special attention to certain details and draw your conclusions from them.

Since the Defendant Von Papen only occupies a comparatively small amount of space in your book and you probably had nothing to do with him in your official capacity, you must have had to base your statements on second-hand information. Since all these statements, as far as they refer to Von Papen, are incorrect, I refer to them briefly.

First, you proceed from the assumption that, in spite of the events of 30 June, Von Papen did not resign.

On the contrary, it is historically significant that Papen did send in his resignation after the suppression of his Marburg speech, that negotiations about this resignation were pending between Hitler and Hindenburg, and that Hitler accepted Papen's resignation immediately after the latter's release on 3 July, when it was again tendered, but did not intend to make it public until a later date, in spite of Papen's request to the contrary.

Is it possible, Witness, that you were not correctly informed of this internal event?

GISEVIUS: It is perfectly possible for me not to have known of internal events. I should like, however, to stress the fact that a minister or vice chancellor is under an obligation to give a certain amount of publicity to his opinion and to his decisions; and I can say only that, whatever Papen may have said to Hitler in private, he contrived with consummate skill to conceal from the German people the fact that he intended to resign—or had already resigned; and that is the point.

DR. KUBUSCHOK: Are you aware that this same Defendant Von Papen had had a very bad experience a few weeks earlier, when the press was forbidden to publish his speech at Marburg,

which contained a frank statement of his opinions, and warning was given that persons found circulating it would be punished?

GISEVIUS: I am aware of it because we were appalled that a Vice Chancellor of the German Reich allowed himself to be silenced in such a way. I believe that the 30th of June would not have involved such a heavy death-roll for the middle classes if Vice Chancellor Von Papen had given a manly "no"—a definite "no" at the proper time.

DR. KUBUSCHOK: Your answer makes no reference to the point which I raised before, that Von Papen had actually resigned because the publication of his Marburg speech had been prohibited.

Secondly, you make the assumption that Von Papen took part in the Cabinet session of 3 July, in which the law was passed that the measures involved by 30 June were legal as emergency measures for the protection of the State. Is it known to you that Von Papen did not participate in this session, that he had just been released and went into the Chancellery while the session was in progress, that Hitler asked him to go from the session-room into the adjoining room, that Von Papen again tendered his resignation, which Hitler accepted, and that he left the Chancellery immediately afterwards, without participating in the session at all?

THE PRESIDENT: I do not know whether it is possible for the witness to follow your questions, but they are so long and contain so many statements of fact that it is very difficult for anybody else to follow them; it is very difficult for the Tribunal.

DR. KUBUSCHOK: The gist of my question was that Von Papen did not attend the Cabinet session on 3 July. My question to the witness...

THE PRESIDENT: Dr. Kubuschok, why do you not ask the witness whether he knows whether he did participate or not? If that is the question you want to ask why do you not ask it?

DR. KUBUSCHOK: My question is simply an attempt to find out whether the assertion to the contrary which appears in his book can also be explained by an error in information obtained from a third party.

GISEVIUS: It can be explained by false information, which, through the silence of Herr Von Papen, became known to the public and by which I myself was misled.

DR. KUBUSCHOK: Thirdly, you go on with the statement that Von Papen, although he went to see Hindenburg afterwards, did not make a sufficiently strong protest against the measures taken. Is it known to you that Von Papen did everything in his power to reach Hindenburg but was kept away from him and he did not

reach Hindenburg's estate at Neudeck until after the 30th of June, after Hindenburg's death? Can the assertion to the contrary contained in your book be traced back to an error in information?

GISEVIUS: Yes, if you tell me that even in his capacity of Vice Chancellor of the Reich he did not have access to the President of the Reich and still remained in office, in spite of the fact that there were foreign journalists, the foreign diplomatic corps, and even a large number of Germans who heard of this attitude of a German vice chancellor.

DR. KUBUSCHOK: But, Witness, you are forgetting that he was a retired vice chancellor and had already been out of office for several weeks.

Fourthly, you start with the premise that Von Papen attended the Reichstag session at which the measures taken on 30 June were justified. Do you know that Von Papen did not attend that session in spite of Hitler's summons to him to do so? Is it possible that you could have been informed incorrectly on that point, too?

GISEVIUS: I believe you have already asked me that.

DR. KUBUSCHOK: No, this is not the Cabinet session; this is the Reichstag session.

GISEVIUS: Yes, then I must be misinformed.

DR. KUBUSCHOK: Thank you.

[Dr. Laternser approached the lectern.]

GEN. RUDENKO: Mr. President, it seems to me that the Defense has had every opportunity to interrogate this witness. After the witness was examined by the Prosecution, after his cross-examination, the Defense makes again an application to cross-examine the witness.

THE PRESIDENT: The Tribunal thinks, at any rate, that it is perfectly able to manage its own proceedings without any interruptions of this sort. We can deal with Dr. Laternser when he makes his application to cross-examine.

GEN. RUDENKO: I understand, Mr. President. I merely wanted to say that we would like to shorten the duration of the proceedings as much as possible, and the Prosecution would like the Defense to consider that the same way.

DR. LATERNSEER: Mr. President, I have several further questions to put to the witness, arising from his cross-examination; I assume that the Tribunal have no objection to my questioning him.

THE PRESIDENT: No, if they arise out of the cross-examination of him.

DR. LATERNSEER: Witness, yesterday, in answer to a question of the American prosecutor, you expressed the opinion that a Putsch against the then existing regime would have been possible only with the co-operation of the generals but that the many discussions which took place did not achieve this co-operation. I should like to ask you, Witness, to which generals you spoke personally about the existing plans for a Putsch on the part of your group?

THE PRESIDENT: You are not concerned with every general in the German Army; you are only concerned with those who are charged with being a criminal group.

DR. LATERNSEER: Yes.

THE PRESIDENT: Your question must be addressed to them, or with reference to them.

DR. LATERNSEER: Yes, Mr. President. Then I ask the Court's permission to describe to the witness the OKW and General Staff circle so that he can answer my question.

THE PRESIDENT: Well, you can put to him, I think, whether he had contact with any members of the General Staff who are charged with being a criminal group. You know who the generals are.

DR. LATERNSEER: Yes. I should like to make a few preliminary remarks to the witness and then put the question. Witness...

THE PRESIDENT: Now, what is the question you want to put?

DR. LATERNSEER: So that the witness can answer the question within the limits prescribed by the Tribunal, I should like to give the witness a brief explanation as to the circle of persons actually belonging to this group and then ask him with which of these persons he talked personally in order to win them over for the Putsch intended by his groups. Otherwise...

THE PRESIDENT: If you do it shortly.

DR. LATERNSEER: Witness, the group General Staff and OKW is held to include the holders of certain appointments from February 1938 to May 1945. These appointments are as follows: The Commanders-in-Chief of the various branches of the Armed Forces...

THE PRESIDENT: You are not going through the whole lot, are you, 130 of them?

DR. LATERNSEER: Mr. President, the list is really quite short and otherwise I cannot restrict my question as desired by the Tribunal.

THE PRESIDENT: I do not know what you mean. What I said was, are you proposing to go through the whole 130 generals or officers?

DR. LATERNSEER: No, Mr. President.

THE PRESIDENT: Very well, go on.

DR. LATERNSEER: The group includes those holding certain appointments; briefly, all those who were commanders-in-chief during the period February 1938 to May 1945. Now, I ask you, with which generals of this group did you personally discuss the subject of Putsch plans, in order to obtain their co-operation in a Putsch, if such were made?

GISEVIUS: You mean commanders-in-chief of groups?

DR. LATERNSEER: Of armies, of army groups, branches of the Wehrmacht, and General Staff chiefs of the Wehrmacht branches.

GISEVIUS: I have already mentioned Halder and Brauchitsch.

DR. LATERNSEER: One question, Witness; did you discuss with Field Marshal Von Brauchitsch an intended Putsch against the regime or only against the Gestapo?

GISEVIUS: I discussed both with him; and in both cases he answered in the affirmative and acted in the negative.

I spoke to Halder and Witzleben. I knew Kluge well from the old times. I do not know at what period he entered the category to which you refer. At any rate my connection with Kluge was never broken off. I may have talked to other individuals falling within this category.

DR. LATERNSEER: Yes, but to discuss Putsch plans with a high-ranking military leader is an event of some importance; if you had had a discussion of this kind with a field marshal you would surely remember it.

GISEVIUS: It was not such an important event as all that, Mr. Attorney. Field marshals were not such important people in the Third Reich.

THE PRESIDENT: Dr. Laternser, the fact that these generals were spoken to and refused to join a Putsch is not a crime within the meaning of the Charter.

DR. LATERNSEER: Mr. President, yesterday I explained that this point is very important because it would exclude the assumption of a conspiracy.

THE PRESIDENT: I am afraid, Dr. Laternser, it is no good answering me that a point is very important. What I asked you was, how is it relevant to show that these generals discussed a

revolt against the regime? That, I am putting to you, is not a crime within the meaning of the Charter.

DR. LATERNSEER: Yes, but this circumstance would exclude the assumption of the conspiracy alleged by the Prosecution.

THE PRESIDENT: But does it preclude the possibility of a conspiracy to make aggressive war? It has nothing to do with it.

DR. LATERNSEER: I did not quite understand that.

THE PRESIDENT: The question of a revolt against the regime in Germany is, it seems to me, not necessarily connected with the conspiracy to carry out aggressive war; therefore, anything which has to do with a revolt against the regime in Germany is not relevant to the question which you have to deal with.

DR. LATERNSEER: Mr. President, the conspiracy is assumed precisely in connection with the wars of aggression; and if the high military leaders turned against the regime to such an extent that they discussed and even attempted a Putsch, there would be no question of conspiracy.

THE PRESIDENT: Dr. Laternser, the Tribunal think the proper way of putting the question, which they understand you want to put, is to ask which of the generals were prepared to join in a revolt. You may put that question.

DR. LATERNSEER: Mr. President, in order to decide how far the circle as a whole was willing to take part I must ask the witness how many of them he spoke to and how many of those declared themselves ready to act with him.

THE PRESIDENT: I think you might put that to him—how many. Ask him how many.

DR. LATERNSEER: Mr. President, that was the question I asked at the beginning.

THE PRESIDENT: I said you may put it.

DR. LATERNSEER: Yes, Mr. President.

[Turning to the witness.] Witness, with how many generals of this group did you discuss the matter?

GISEVIUS: In the course of years it may have been a dozen or several dozen, but I should like to say that it was the task of Generaloberst Beck and Oster or Canaris to talk to these gentlemen rather than mine. As regards names, I cannot give you much of the information you want; on the other hand I can shorten your question by saying that, unfortunately, very few of the leading generals in the appointments referred to by the Prosecution ever seriously declared their intention of helping to overthrow the system.

DR. LATERNSEER: Witness, that is exactly what I want to know. You spoke to Field Marshal Von Brauchitsch, Halder, and Witzleben?

GISEVIUS: And Olbricht.

DR. LATERNSEER: He did not belong to this group. You did speak to these three, then?

GISEVIUS: Also to Kluge.

DR. LATERNSEER: Regarding the intended Putsch?

GISEVIUS: Yes, of course.

DR. LATERNSEER: And of these four that you mentioned did Field Marshal Von Witzleben agree?

GISEVIUS: They all agreed to begin with. Witzleben was the only one who stuck to his word.

DR. LATERNSEER: Then he did participate in this Putsch?

GISEVIUS: Yes.

DR. LATERNSEER: Did I understand you correctly when you said yesterday that the Putsch of 20 July originated mainly with the Wehrmacht, that is, with the generals and the officers of the General Staff, and that they intended to keep down as far as possible the number of those taking part?

GISEVIUS: No, I did not make such an exact statement as that. Under a terror regime, only the military circles are in a position to carry out a Putsch; to this extent it is true to say that these few generals who participated were the mainstay of the Putsch. But on 20 July the main weight lay with the wide front of the civilians who for years had fought for the generals and were invariably disappointed by the generals. For this reason alone, because the generals had repeatedly broken their word, we decided this time that on 20 July we would wait until the generals had really taken action, in order not to raise the hopes or burden the conscience of many civilians all to no purpose. That is what I meant by limitation.

DR. LATERNSEER: Then the only Putsch which was actually attempted was effected by generals and General Staff officers?

GISEVIUS: And civilians.

DR. LATERNSEER: Yes. And the head of this group was, as you testified, Generaloberst Beck?

GISEVIUS: Yes.

DR. LATERNSEER: And he also belonged to the group indicated under the name General Staff and OKW. Now, I have a further question: Do you know of relations between these military leaders

and the Minister of Finance Popitz, who also had designs for a Putsch and is even said to have negotiated with Himmler for the purpose of doing away with Hitler; and do you know anything about that?

GISEVIUS: Yes, that is true. Popitz made great efforts to incite the generals to make a Putsch and to assassinate him. I regret that I did not mention his name at the right time. He too was one of those who, from 1938 or 1939 on, did their best to overthrow the regime.

DR. LATERNSEER: Did you discuss that with Minister Popitz?

GISEVIUS: Yes, repeatedly.

DR. LATERNSEER: Did he tell you anything about the identity of the high military leaders he had contacted for this purpose?

GISEVIUS: Popitz was in contact with Beck in particular. He is certain to have been in contact with Witzleben; he was in touch with Halder and Brauchitsch. The list of his disappointments is no shorter than the list of disappointments which all the rest of us had.

DR. LATERNSEER: Did he himself call it a disappointment?

GISEVIUS: Yes, he was bitterly disappointed. This bitter, everlasting disappointment was our one topic of conversation, and that was the difficulty confronting the civilians, Mr. Attorney.

DR. LATERNSEER: There were no other possible ways of doing away with Hitler?

GISEVIUS: No. Since, through the fault of the generals, there was no other means of power, constitutional or otherwise, left in Germany, and the generals, who were the only armed power of the nation, took their orders from Hitler, it was impossible to organize opposition through any other circles. I may remind you that after 1938 every attempt made by the Leftists to organize a strike was punishable in the same way as mutiny in time of war, and I remind you of the hundreds of death sentences imposed on civilians under the war laws.

DR. LATERNSEER: Now, a different subject. When . . .

THE PRESIDENT: The Tribunal thinks that this matter has been fully covered and is really not relevant. You have already cross-examined this witness at some length before this, and the Tribunal does not wish to hear any further evidence on this subject in any further cross-examination.

DR. LATERNSEER: Mr. President, I have just finished.

Witness, as regards the Fritsch crisis, when did you . . .

THE PRESIDENT: I thought you said you had concluded?

DR. LATERNSEER: Mr. President, I am afraid I was misunderstood. I have concluded those questions referring to an intended Putsch and I should like to pass on to another point now and put a question on the Fritsch crisis.

THE PRESIDENT: What question?

DR. LATERNSEER: As regards the Fritsch crisis I should like to ask the witness when he learned of the exact state of affairs and whether he transmitted his knowledge to high military leaders or caused that knowledge to be transmitted to them.

THE PRESIDENT: But the Fritsch crisis has nothing to do with the charges against the High Command. The charges against the High Command are crimes under the Charter, and the Fritsch crisis has nothing whatever to do with that.

DR. LATERNSEER: Then I will withdraw that question.

Witness, today in cross-examination...

THE PRESIDENT: What are you going to put to him now?

DR. LATERNSEER: Mr. President, I should like to ask the witness now about some points which he made in reply to the American chief prosecutor's questions. I believe that some clarification is necessary here.

THE PRESIDENT: The principle is not whether you think the clarification is necessary, but whether the Tribunal thinks it; and, therefore, the Tribunal wishes to know what points you wish to put to him.

DR. LATERNSEER: Yes, indeed. In the course of his testimony today the witness mentioned the fact that he had in his possession documentary evidence of murders in Poland and Russia. I wanted to ask him who had prepared these reports and in particular whether he is acquainted with a very thorough and scientifically prepared report made by Blaskowitz, commander in Poland, and intended for transmission to his superiors. That would be an extremely important point. Generaloberst Blaskowitz is a member of the group which I represent. From the facts to be shown, it is clear that the members of this group have always taken a stand against cruelty, if such cases were reported to them through official channels. I must therefore establish whether these reports, the object of which was to prevent atrocities, are to be ascribed to the co-operation of generals belonging to the indicted group.

MR. JUSTICE JACKSON: It seems to me, if I may suggest, Your Honors, that counsel is under the apprehension that he has here to deal with individual generals. We are dealing only with the group. If what counsel says about General Blaskowitz is true, that is a defense for him, and I am right to say that General

Blaskowitz did defy this Nazi conspiracy. And if that fact is ever verified, he certainly should not be subject to penalties for the acts which he stood up against.

It seems to me that we are going into individual defenses here under a misapprehension that this is the occasion to try each and every one of the generals. We made no charge against them that they either did or did not have a Putsch or a Fritsch affair. The Fritsch affair is only referred to here as fixing the time when the Defendant Schacht became convinced that aggressive warfare was the purpose of the Nazi regime. The Putsch is only introduced because in his defense Schacht says he tried to induce a Putsch. It enters not at all into the case against the General Staff. And most of the General Staff who took any part in the Putsch were hanged and I cannot see how it could be any defense to those who remained and are under trial that a Putsch was or was not conducted. It seems that we are off the main track.

DR. LATERNSEER: Mr. President, I would like to define my position with regard to this point. Unless I am permitted to ask questions about the attitude of the members of this group and in respect to such an important point, from which it is clear that they combated atrocities, it is impossible for me to make clear to the Tribunal the attitude typical of the high military leaders. It is absolutely necessary for me to follow up such points, especially since I have no other evidence material at my disposal; for I cannot consider a group criminal unless—for instance—the majority of its members actually committed crimes. I must be in a position to ask in this case what position Generaloberst Blaskowitz took in regard to the murders which took place in Poland.

THE PRESIDENT: The Tribunal will adjourn to consider the matter.

[A recess was taken.]

THE PRESIDENT: Dr. Laternser, the Tribunal considers that the questions that you have been putting, if relevant at all, are only extremely remotely relevant, and they cannot allow the cross-examination to continue for any length of time, or the time of the Tribunal would be wasted further. They think, and they rule, that you may put the question which they understand you desire to put in this form: The witness has spoken of reports which were received by the group of which he has spoken about atrocities in the East, and they think you may ask him who submitted those reports.

DR. LATERNSEER: Witness, I should like you to answer this question: With whom did these reports of murders in Poland and Russia originate?

GISEVIUS: I know of one report made by Generaloberst Blaskowitz during the first few months of the Polish campaign on the basis of information received by him and the military offices under him. Beyond that, as far as I know, such reports were compiled only by the group Canaris-Oster. But I should not care to assert that another report was not written by someone else somewhere.

DR. LATERNSEER: What was the aim of the report which Generaloberst Blaskowitz submitted?

GISEVIUS: Generaloberst Blaskowitz intended...

THE PRESIDENT: The report which one particular general made does not tend to show that the group was either innocent or criminal.

DR. LATERNSEER: Mr. President, it helps us to find out what the attitude of the group was.

THE PRESIDENT: The Tribunal think that the report of one general is not evidence as to the criminality of the whole group.

DR. LATERNSEER: Mr. President, is that question approved? I asked about the aim of the report.

THE PRESIDENT: No; the Tribunal is of the opinion that what was contained in that report is not admissible.

DR. LATERNSEER: I have no more questions.

THE PRESIDENT: Then the witness may retire.

Dr. Pannenbecker, that concludes your case, does it?

DR. PANNENBECKER: The case of the Defendant Frick is hereby concluded, except for the answers to the interrogatories which I have not yet received.

THE PRESIDENT: Yes. Counsel for the Defendant Streicher, Dr. Marx, go on.

DR. HANNS MARX (Counsel for Defendant Streicher): With the permission of the Tribunal, Mr. President, I now call the Defendant Julius Streicher to the witness box.

[The Defendant Streicher took the stand.]

THE PRESIDENT: Will you state your full name?

JULIUS STREICHER (Defendant): Julius Streicher.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The defendant repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. MARX: Witness, would you give the Tribunal first a short description of your career?

STREICHER: I should like to ask the Tribunal to let me make a brief statement in respect to my defense. Firstly...

THE PRESIDENT: You really ought to answer the questions that are put to you.

STREICHER: My Lord, my defense counsel cannot say what I must say now. I should like to ask permission—in short, my defense counsel has not conducted and was not in a position to conduct my defense in the way I wanted; and I should like to state this to the Tribunal.

THE PRESIDENT: Defendant, you understand that the Tribunal does not wish to have its time taken up with unnecessary matters. It has no objection to your stating what is material or to your reading it if necessary. It hopes that you will be as brief as possible.

STREICHER: I mention only facts, four facts.

Firstly, the Charter created for this International Military Tribunal guarantees the defendant the right to an unhampered and just defense.

Secondly, before the Trial began the defendants received a list containing the names of the attorneys from whom the defendant could choose his counsel. Since the Munich attorney whom I had selected for my defense could no longer be put at my disposal, I asked the Military Tribunal to put the Nuremberg attorney Dr. Marx at my disposal. That was done.

Thirdly, when I met my counsel for the first time, I told him he must expect, as my counsel, to be attacked before the public. Shortly afterwards, an attack was made by a Communist newspaper published in the Russian zone of Berlin. The International Tribunal was compelled to make a public statement repudiating the attack of that newspaper and assuring my counsel of the express protection of the Military Tribunal.

Fourthly, although the statement made by the International Military Tribunal left no doubt as to the fact that the Tribunal wished to see the defense of the defendants unhampered, a renewed attack occurred, this time by radio. The announcer said, "There are camouflaged Nazis and anti-Semites among the defendants' counsel." That these terroristic attacks were made with the intention of intimidating the defendants' counsel is clear. These terror attacks might have contributed to the fact—that is my impression—that my own counsel had refused to submit to the Tribunal a large number of pieces of evidence which I considered important.

Fifthly, I wish to state that I have not been afforded the possibility of making an unhampered and just defense before this International Military Tribunal.

THE PRESIDENT: You can rest assured that the Tribunal will see that everything that, in the opinion of the Tribunal, bears upon the case or is relevant to your case or is in any way material in your case will be presented and that you will be given the fairest opportunity of making your defense.

STREICHER: I thank you. From my life . . .

DR. MARX: Excuse me, Mr. President; may I ask briefly to be permitted to state my position. May it please the Court, when I was asked to take over Herr Streicher's defense, I naturally had grave misgivings. I have . . .

THE PRESIDENT: Dr. Marx, I do not think it is necessary, really, for you to make any personal explanation at this stage. It is very possible that the defendant may have different ideas about his own defense. I think we had better let him go on with his defense.

DR. MARX: Nevertheless, I should like to ask permission, Mr. President, just to mention the following point: As attorney and as defense counsel of a defendant I have to reserve for myself the right to decide how I shall conduct the defense. If the client is of the opinion that certain documents or books are relevant, and the attorney is of the opinion that they are not, then that is a difference of opinion between the counsel and his client.

If Herr Streicher is of the opinion that I am incapable or not in a position to conduct his defense, then he should ask for another defense counsel. I am aware that at this stage of the proceedings it would be very difficult for me to follow the matter to its logical conclusion and ask to be relieved of this task of defense. I am not terrorized by any journalist, but for a counsel to lose the confidence of his own client is quite another matter; and for that reason I feel bound to ask the Court to decide whether in these circumstances I am to continue to defend my client.

THE PRESIDENT: The Tribunal thinks, Dr. Marx, that the explanation and the statement which you have just made is in accordance with the traditions of the legal profession and they think therefore that the case ought to proceed and that you should proceed with the case. Now, Defendant, will you go on?

STREICHER: About my life: I was born on 12 February 1885 in a small village in Bavaria Swabia. I was the youngest of nine children. My father was an elementary school teacher. I too became a teacher at an elementary school. In 1909, after I had taught for several years in my native district, I was called to the municipal school in Nuremberg. Here I had the opportunity of contact with the families of the working-class children in the suburbs and of observing social contrasts. This experience led to my decision in 1911 to go into politics. I became a member of the Democratic Party.

As a young democratic speaker, I spoke at the Reichstag election in 1912. The car put at my disposal was paid for by the banking firm of Kohn. I stress this point because at that time I had occasion to associate a good deal with Jews, even in the Democratic Party. I must therefore have been fated to become later on a writer and speaker on racial politics.

The World War came and I, too, went into the army as a lance corporal in an infantry regiment. Then I became an officer in a machine-gun unit. I returned home with both Iron Crosses, with the Bavarian Order, and the rare Austrian Cross of Merit attached to the Ribbon for Gallantry. When I had returned home, I had no desire to go into politics again. I intended only to stay in private life and devote myself to my profession. Then I saw the blood-red posters of revolution in Germany and for the first time I joined the raging masses of that time. At a meeting, when the speaker had finished, I asked to be heard as an unknown person. An inner voice sent me onto the platform and I spoke. I joined in the debate and I spoke on recent happenings in Germany. In the November revolution of 1918 the Jews and their friends had seized the political power in Germany. Jews were in the Reich Cabinet and in all the provincial governments. In my native Bavaria the Minister President was a Polish Jew called Eisner-Kosmanowsky. The reaction among the middle classes in Germany manifested itself in the form of an organization known as Schutz und Trutzbund (Society for Protective and Offensive Action). Local branches of this organization were formed in all the large cities in Germany; and fate willed that after I had again spoken at a gathering, a man came up to me and asked me to come to the Kulturverein (Cultural Society) in the Golden Hall and hear what they had to say there.

In this way, Gentlemen of the Tribunal, I became involved in what brings me here today. Destiny made of me what international propaganda thought it had made. I was called a bloodhound—a blood czar of Franconia; my honor was attacked, a criminal was paid 300 marks to swear in this very hall that he had seen me, as an officer in France during the war, rape a Madame Duquesne, a teacher's wife in Atis, near Peronne. It was 2 years before someone betrayed him and the truth came out.

Gentlemen, the receipt for 300 marks was produced here in this court. With 300 marks they tried to deprive me of my honor.

I mention this case only because my case is a special case; and if it is to be judged with justice, then I must be allowed to make such a remark in passing. In this connection, I may say that it is no coincidence that the first question asked me by the Soviet Russian officer who interrogated me was whether I was a sex criminal.

Gentlemen, I told you how I was fated to be drawn into the Schutz und Trutzbund. I told you what conditions were like in Germany at the time, and it was therefore quite a natural development that I no longer visited the centers of revolution to join in debate. I felt myself impelled to call meetings of my own and so I spoke for perhaps 15 years almost every Friday before about 5,000 to 6,000 people. I admit quite frankly that I went on making speeches over a period of 20 years in the largest cities of Germany, sometimes at meetings on sport fields and on public squares, to audiences of 150,000 to 200,000 people. I did that for 20 years, and I state here that I was not paid by the Party. The Prosecution will never succeed, not even through a public appeal, in getting anybody into this room who could testify that I had ever been paid. I still had a small salary which continued after I was relieved of my position in 1924. Nonetheless, I remained the one and only unpaid Gauleiter in the Movement. It goes without saying that my writing supported myself and my assistants later on.

And so, Gentlemen, in the year 1921—I return now to that period—I went to Munich. I was curious because someone had said to me, "You must hear Adolf Hitler some time." And now destiny again takes a hand. This tragedy can only be grasped by those whose vision is not limited to the material, but who can perceive those higher vibrations which even today have not had their full outcome.

I went to the Munich Bürgerbräukeller. Adolf Hitler was speaking there. I had only heard his name. I had never seen the man before. And there I sat, an unknown among unknowns. I saw this man shortly before midnight, after he had spoken for 3 hours, drenched in perspiration, radiant. My neighbor said he thought he saw a halo around his head; and I, Gentlemen, experienced something which transcended the commonplace. When he finished his speech, an inner voice bade me get up. I went to the platform. When Adolf Hitler came down, I approached him and told him my name.

The Prosecution has submitted a document to the Tribunal which recalls that moment. Adolf Hitler wrote in his book, *Mein Kampf*, that it must have cost me a great effort to hand over to him the movement which I had created in Nuremberg.

I mention this because the Prosecution thought that these things in Hitler's book, *Mein Kampf*, should be submitted and used against me. Yes, I am proud of it; I forced myself to hand over to Hitler the movement which I had created in Franconia. This Franconian movement gave the movement which Adolf Hitler had created in Munich and southern Bavaria a bridge to northern Germany. That was my doing.

In 1923 I took part in the first National Socialist revolution or, rather, attempted revolution. It will go down in history as the Hitler Putsch. Adolf Hitler had asked me to come to Munich for it. I went to Munich and took part in the meeting in which Adolf Hitler came to a solemn agreement with representatives of the middle classes to go to northern Germany and put an end to the chaos.

I marched with them up to the Feldherrnhalle. Then I was arrested and, like Adolf Hitler, Rudolf Hess, and others, was taken to Landsberg on the Lech. After a few months I was put up as candidate for the Bavarian Parliament by the Völkischer Block and was elected in the year 1924.

In 1925 after the Movement had been permitted again and Adolf Hitler had been released from jail, I was made Gauleiter of Franconia. In 1933 I became a deputy to the Reichstag. In 1933 or 1934 the honorary title of SA Gruppenführer was bestowed on me.

In February 1940 I was given leave of absence. I lived for 5 years, until the end of the war, on my estate. At the end of April I went to southern Bavaria, to the Tyrol. I wanted to commit suicide. Then something happened which I do not care to relate. But I can say one thing: I said to friends, "I have proclaimed my views to the world for 20 years. I do not want to end my life by suicide. I will go my way whatever happens as a fanatic in the cause of truth until the very end, a fanatic in the cause of truth."

I might mention here that I deliberately gave my fighting paper, *Der Stürmer*, the subtitle, *A Weekly for the Fight for Truth*. I was quite conscious that I could not be in possession of the entire truth, but I also know that 80 or 90 percent of what I proclaim with conviction was the truth.

DR. MARX: Witness, why were you dismissed from the teaching profession? Did you ever commit any punishable or immoral act?

STREICHER: Actually I have answered this question already. Everybody knows that I could not have been active publicly in this profession if I had committed a crime. That is not true. I was dismissed from my profession because the majority of the parties in the Bavarian Parliament in the fall of 1923, after the Hitler Putsch, demanded my dismissal. That, Gentlemen, was my crime of indecent behavior.

DR. MARX: You know that two charges are made against you. First, you are accused that you were a party to the conspiracy which had the aim of launching a war, or wars, of aggression generally, of breaking treaties and by so doing, or even at an earlier stage, of committing Crimes against Humanity.

Secondly, you are accused of Crimes against Humanity as such. I should like to ask various questions on the first point now. Did

you ever have discussions with Adolf Hitler or other leading men of the State or the Party at which the question of a war of aggression was discussed?

STREICHER: I can answer that with "no" right away, but I should like to be permitted to make a short statement.

In 1921, as I have already said, I went to Munich; and before the public on the platform I handed over my movement to the Führer. I also wrote him a letter in this connection later. No other conference took place with Adolf Hitler or any other person. I returned to Nuremberg and went on making speeches. When the Party program was proclaimed I was not present. That announcement, too, was made in public; the conspiracy was so public that political opponents could make attempts at terrorization.

To sum up: At none of the secret meetings was any oath taken or anything agreed upon which the public could not have known. The program stood; it had been submitted to the Police; on the basis of the law governing organizations the Party, like other parties, was entered in the register of organizations. So that at that time there was no conspiracy.

DR. MARX: Witness, one of the most important points of the Party program was the demand, "Freedom from Versailles." What were your ideas as to the possibility of some day getting rid of the Versailles Treaty?

STREICHER: I think I can state that very shortly. I believe the Tribunal has known this for some time. Of course you will sometimes find one traitor in a people—like the one who was sitting here today; and you will also find unlimited numbers of decent people. And after the last war these decent people themselves took up the slogan, "Freedom from Versailles."

MR. JUSTICE JACKSON: If Your Honor pleases, I think I must object to this sort of procedure. This witness has no right to call another witness a traitor. He has not been asked any question to which that is a response, and I ask that the Tribunal admonish him in no uncertain terms and that he confine himself to answering the questions here and that we may have an orderly proceeding.

THE PRESIDENT: Yes, you will observe that injunction.

STREICHER: I ask the Tribunal to excuse me. It was a slip of the tongue.

THE PRESIDENT: The observation that you apparently made I did not catch myself, but it was made with reference to a witness who has just given evidence here and you had no right at all to call him a traitor or to make any comment upon his evidence.

DR. MARX: Herr Streicher, you will please refrain from making such remarks. Adolf Hitler always spoke on the anniversary days of the Party about a sworn fellowship. What do you say about that?

STREICHER: Sworn fellowship—that meant that he, Hitler, was of the conviction that his old supporters were one with him in thought, in heart, and in political loyalty—a sworn fellowship sharing the same views and united in their hearts.

DR. MARX: Would not that mean that a conspiracy existed?

STREICHER: Then he would have said we were a fellowship of conspirators.

DR. MARX: Was there any kind of close relationship between you and the other defendants which could be termed a conspiracy, and were you better acquainted or did you have especially close relations with any one of these defendants?

STREICHER: Inasmuch as they were old members of the Party we were one community of people with the same convictions. We met at Gauleiter meetings; or when one of us spoke in the other's Gaustadt, we saw one another. But I had the honor of getting to know the Reich Ministers and the gentlemen from the Army only here. A political group therefore—an active group—certainly did not exist.

DR. MARX: In the early days of the Party what solution was foreseen for the Jewish problem?

STREICHER: Well, in the early days of the Party, the solution of the Jewish problem was never mentioned just as the question of solving the problem of the Versailles Treaty was never mentioned. You must remember the state of chaos that existed at that time in Germany. An Adolf Hitler who said to his members in 1933, "I shall start to promote a war," would have been dubbed a fool. We had no arms in Germany. Our army of 100,000 men had only a few big guns left. The possibility of making or of prophesying war was out of the question, and to speak of a Jewish problem at a time when, I might say, the public made distinctions with respect to Jews only on the basis of religion, or to speak of the solution of this problem, would have been absurd. Before 1933, therefore, the solution of the Jewish problem was not a topic of discussion. I never heard Adolf Hitler mention it; and there is no one here of whom I could say I ever heard him say one word about it.

DR. MARX: It is assumed that you had particularly close relations with Adolf Hitler and that you had considerable influence on his decisions. I should like to ask you to describe your relations with Adolf Hitler and to clarify them.

STREICHER: Anyone who had occasion to make Adolf Hitler's acquaintance knows that I am correct in saying that those who imagined they could pave a way to his personal friendship were entirely mistaken. Adolf Hitler was a little eccentric in every respect and I believe I can say that friendship between him and other men did not exist—a friendship that might have been described as intimate friendship. It was not easy to approach Adolf Hitler; and any one who wanted to approach him could do so only by performing some manly deed.

If you ask me now—I know what you mean by that question—I may say that before 1923 Adolf Hitler did not trust me. Although I had handed over my movement to him unreservedly, he sent Göring—who later became Marshal of the Reich—some time later to Nuremberg. Göring was then a young SA leader—I think he was an SA leader—and he came to investigate matters and to determine whether I or those who denounced me were in the right. I do not mean this as an accusation, but merely as a statement of fact. Soon after that he sent a second and then a third person—in short, he did not trust me before 1923.

Then came Munich and the Putsch. After midnight, when most of them had left him, I appeared before him and told him that the public must be told now when the next great day would come. He looked at me intently and said, "Will you do it?" I said, "I will do it."

Maybe the Prosecution has the document before it. Then, after midnight, he wrote on a piece of paper, "Streicher will be responsible for the entire organization." That was to be for the following day, 11 November; and on 11 November I publicly conducted the propaganda, until an hour before the march to the Feldherrnhalle. Then I returned and everything was in readiness. Our banner—which was to become a banner of blood—flew in front. I joined the second group and we marched into the city towards the Feldherrnhalle. When I saw rifle after rifle ranged before the Feldherrnhalle and knew that now there would be shooting, I marched up 10 paces in front of the banner and marched straight up to the rifles. Then came the massacre, and we were arrested.

I have almost finished.

At Landsberg—and this is the important part—Hitler declared to me and to the men who were in prison with him, that he would never forget this action of mine. Thus, because I took part in the march to the Feldherrnhalle and marched at the head of the procession, Adolf Hitler may have felt himself drawn to me more than to the others.

That was the friendship born of the deed.

DR. MARX: Have you finished?

STREICHER: Yes.

DR. MARX: Were you consulted by Adolf Hitler on important matters?

STREICHER: I saw Adolf Hitler only at Gauleiter conferences; when he came to Nuremberg for meetings we had meals together, along with five, ten, or more people. I recall having been alone with him only once in the Brown House at Munich, after the completion of the Brown House; and our conversation was not a political one. All the conversations which I had with Adolf Hitler, whether in Nuremberg, Munich, or elsewhere, took place in the presence of Party circle members.

DR. MARX: Now I come to 1933. On 1 April 1933 a boycott day was decreed throughout the entire German Reich against the Jewish population. What can you tell us about that and what part did you play in it?

STREICHER: A few days before 1 April I was summoned to the Brown House in Munich. Adolf Hitler explained to me something that I already knew, namely, that a tremendous propaganda campaign against the new Germany was being carried on by the foreign press. Although he himself had only just become Chancellor, although Hindenburg was still at the head of the Reich, although Parliament existed, a tremendous campaign of hate against Germany had begun in the foreign press.

The Führer told me that even the Reich flag, the emblem of sovereignty, was being subjected to insults abroad and that we would have to tell world Jewry, "Thus far and no farther." We would have to show them that we would not tolerate it any longer.

Then he told me that a boycott day was to be fixed for 1 April and that I was to organize it. Perhaps it would not be irrelevant to point out the following facts: Adolf Hitler thought that it might be a good thing to use my name in connection with this boycott day; that was not done in the end. So I undertook the organization of the boycott and issued a directive, which I believe is in the hands of the Court. There is no need for me to say much about it. I gave instructions that no attempts should be made on the lives of Jews, that one or more guards should be posted in front of all Jewish premises—that is to say, in front of every Jewish store—and that these guards should be responsible for seeing that no damage was done to property. In short, I organized the proceedings in a way which was perhaps not expected of me; and perhaps not expected by many members of the Party. I frankly admit that.

One thing is certain; except for minor incidents the boycott day passed off perfectly. I believe that there is not even one Jew who can contradict this. The boycott day was a disciplined proceeding

and was not "anti" in the sense of an attack on something. It has a purely defensive connotation.

DR. MARX: Was a committee formed at the time consisting of prominent, that is, leading members of the Party and did that committee ever appear?

STREICHER: As to the committee, it was like the Secret Cabinet Council in Berlin, which never met. In fact, I believe that all the members of the Cabinet did not even see each other or get to know each other.

DR. MARX: The committee members?

STREICHER: The boycott committee, that was put in the newspapers in Berlin by Goebbels. That was a newspaper story. I spoke to Goebbels on the telephone once. He asked how things were going in Munich, where I was. I said that everything was going perfectly. Thus no conference ever took place; it was only done for effect, to make it appear a much bigger thing than it was.

DR. MARX: Witness, you made a mistake a few minutes ago, speaking of the Munich affair in 1923. You meant 9 November—or did you not—9 November 1923, and what did you say?

STREICHER: I do not remember.

DR. MARX: It should be 9 November 1923?

STREICHER: 9 November 1923.

DR. MARX: Yes. The so-called "Racial Law" was promulgated at the Reich Party Day in Nuremberg in 1935. Were you consulted about the planning and preparation of the draft of that law; and did you have any part in it, especially in its preparation?

STREICHER: Yes, I believe I had a part in it insofar as for years I have written that any further mixture of German blood with Jewish blood must be avoided. I have written such articles again and again; and in my articles I have repeatedly emphasized the fact that the Jews should serve as an example to every race, for they created a racial law for themselves—the law of Moses, which says, "If you come into a foreign land you shall not take unto yourself foreign women." And that, Gentlemen, is of tremendous importance in judging the Nuremberg Laws. These laws of the Jews were taken as a model for these laws. When, after centuries, the Jewish lawgiver Ezra discovered that notwithstanding many Jews had married non-Jewish women, these marriages were dissolved. That was the beginning of Jewry which, because it introduced these racial laws, has survived throughout the centuries, while all other races and civilizations have perished.

DR. MARX: Herr Streicher, this is rather too much of a digression. I asked you whether you took part in planning and working

out the draft of the law, or whether you yourself were not taken by surprise when these laws were promulgated.

STREICHER: I was quite honest in saying that I believe I have contributed indirectly to the making of these laws.

DR. MARX: But you were not consulted on the law itself?

STREICHER: No. I will make a statement, as follows:

At the Reich Party Day in Nuremberg in 1935, we were summoned to the hall without knowing what was going to happen—at least I myself had no knowledge of it—and the racial laws were proclaimed. It was only then that I heard of these laws; and I think that with the exception of Herr Hess, *et cetera*, this is true of most of the gentlemen in the dock who attended that Reich Party Day. The first we heard of these decrees was at the Reich Party Day. I did not collaborate directly. I may say frankly that I regarded it as a slight when I was not consulted in the making of these laws.

DR. MARX: It was thought that your assistance was not necessary?

STREICHER: Yes.

DR. MARX: Were you of the opinion that the 1935 legislation represented the final solution of the Jewish question by the State?

STREICHER: With reservations, yes. I was convinced that if the Party program was carried out, the Jewish question would be solved. The Jews became German citizens in 1848. Their rights as citizens were taken from them by these laws. Sexual intercourse was prohibited. For me, this represented the solution of the Jewish problem in Germany. But I believed that another international solution would still be found, and that some day discussions would take place between the various states with regard to the demands made by Zionism. These demands aimed at a Jewish state.

DR. MARX: What can you tell us about the demonstrations against the Jewish population during the night of 9 to 10 November 1938, and what part did you play in it?

THE PRESIDENT: Dr. Marx, if you are going into that, it is now 5 o'clock; and I think we had better adjourn now until Monday morning.

[The Tribunal adjourned until 29 April 1946 at 1000 hours.]

ONE HUNDRED AND SIXTEENTH DAY

Monday, 29 April 1946

Morning Session

DR. MARX: Mr. President, Gentlemen of the Tribunal: Before continuing with questions to the Defendant Streicher, may I ask permission to make a statement?

On Friday afternoon, Herr Streicher referred to a case, namely, that press event which concerned me and my professional attitude. I thereupon took the opportunity to refer to this case in my statement as well, and I pointed out that at that time I had had to ask for the protection of the Tribunal against this damaging attack on my work and that this protection was given me very graciously. On that occasion and in that extemporaneous explanation I used the expression "newspaper writer." I used it exclusively with reference to the particular journalist who had written the article in question in that Berlin newspaper regarding my person and my activity as a lawyer.

By no means did I express, or mean to express, a reference to the press in general. It was far from my intention in any way to attack the press, the group of press experts, and particularly not the members of the world press who are active here; nor did I wish to injure their professional honor.

The reason for this statement of mine is a statement made on the radio, according to which I, the attorney Marx, had attacked and disparaged the press in general. I am, of course, aware of the significance of the press. I know precisely what the press has to contribute and I should be the last person to fail to recognize fully the extremely difficult work and the responsible task of the press. May I, therefore, quite publicly before this Tribunal ask that this statement be accepted; and may I ask the gentlemen of the press to receive my statement in the spirit in which it is made, namely, that this was merely a special comment on that particular gentleman and not in any way on the entire press. That is what I wanted to say.

THE PRESIDENT: Dr. Marx, the Tribunal understood your statement the other day in the sense in which you have now explained it.

DR. MARX: Yes. With the permission of the Tribunal, I shall then continue with my examination.

Witness, what aims did you pursue with your speeches and your articles in *Der Stürmer*?

STREICHER: The speeches and articles which I wrote were meant to inform the public on a question which appeared to me one of the most important questions. I did not intend to agitate or inflame but to enlighten.

DR. MARX: Apart from your weekly journal, and particularly after the Party came into power, were there any other publications in Germany which treated the Jewish question in an anti-Semitic way?

STREICHER: Anti-Semitic publications have existed in Germany for centuries. A book I had, written by Dr. Martin Luther, was, for instance, confiscated. Dr. Martin Luther would very probably sit in my place in the defendants' dock today, if this book had been taken into consideration by the Prosecution. In the book *The Jews and Their Lies*, Dr. Martin Luther writes that the Jews are a serpent's brood and one should burn down their synagogues and destroy them...

DR. MARX: Herr Streicher, that is not my question, I am asking you to answer my question in accordance with the way I put it. Please answer now with "yes" or "no," whether there were...

MR. JUSTICE JACKSON: I should like to interpose an objection to this method of answering unresponsively and with speeches here. We are utterly unable in this procedure to make objections when answers are not responsive to questions. We have already got into this case, through Streicher's volunteered speeches, an attack on the United States which will take considerable evidence to answer if we are to answer it. It seems to me very improper that a witness should do anything but make a responsive answer to a question, so that we may keep these proceedings from getting into issues that have nothing to do with them. It will not help this Tribunal, in deciding Streicher's guilt or innocence, to go into questions which he has raised here against us—matters that are perfectly capable of explanation, if we take time to do it.

It seems to me that this witness should be admonished, and admonished so that he will understand it, if that is possible, that he is to answer questions and stop, so that we can know and object in time to orations on irrelevant subjects.

THE PRESIDENT: Dr. Marx, will you try, when you put the questions to the witness, to stop him if he is not answering the questions you put to him?

DR. MARX: Yes, Mr. President. I was just in the process...

THE PRESIDENT: Defendant Streicher, you understand, you have heard what has been said and you will understand that the Tribunal cannot put up with your long speeches which are not answers to questions which we put to you.

DR. MARX: I will now repeat the question and I want you to answer the question first with "yes" or "no" and then to add a brief explanation regarding the question.

Apart from your weekly journal, and particularly after the Party came into power, were there other publications in Germany which dealt with the Jewish question in an anti-Semitic way?

STREICHER: Yes, even before the coming to power there were in every Gau weekly journals that were anti-Semitic and one daily paper called the *Völkischer Beobachter* in Munich. Apart from that, there were a number of periodicals which were not working directly for the Party. There was also anti-Semitic literature. After the seizure of power, the daily press was co-ordinated, and now the Party found itself in control of some 3,000 daily papers, numerous weekly journals, and all type of periodicals; and orders were given by the Führer that every newspaper should provide enlightening articles on the Jewish question. The anti-Semitic enlightenment was, therefore, after the seizure of power, carried out on a very large scale in the daily press as well as in the weekly journals, periodicals, and books. Consequently, *Der Stürmer* did not stand alone in its enlightening activity. But I want to state quite openly that I make the claim of having treated the question in the most popular way.

DR. MARX: Were the directives necessary for this issued by a central office, say, for instance, by the National Socialist press service?

STREICHER: Yes. The Propaganda Ministry in Berlin had a National Socialist press service. In this service, in every issue, there were a number of enlightening articles on the Jewish question. During the war the Führer personally gave the order that the press, far more than previously, should publish enlightening articles on the Jewish question.

DR. MARX: The Prosecution accuse you of having contributed indirectly to mass murders by incitation, and according to the minutes of 10 January 1946, the following charge has been made against you: No government in the world could have undertaken a policy of mass extermination, as it was done here, without having behind it a nation which agreed to it; and you are supposed to have brought that about. What have you to say to this?

STREICHER: To that I have the following to say: Incitation means to bring a person into condition of excitement which causes

him to perform an irresponsible act. Did the contents of *Der Stürmer* incite, this is the question? Briefly stated, the question must be answered, "What did *Der Stürmer* write?" Several volumes of *Der Stürmer* are available here, but one would have to look at all the issues of 20 years in order to answer that question exhaustively. During those 20 years I published enlightening articles dealing with the race, dealing with what the Jews themselves write in the Old Testament, in their history, what they write in the Talmud. I printed excerpts from Jewish historical works, works for instance, written by a Professor Dr. Graetz and by a Jewish scholar, Gutnot.

In *Der Stürmer* no editorial appeared written by me or written by anyone of my main co-workers in which I did not include quotations from the ancient history of the Jews, from the Old Testament or from Jewish historical works of recent times.

It is important, and I must emphasize that I pointed out in all articles, that prominent Jews, leading authors themselves, admitted that which during 20 years as author and public speaker I publicly proclaimed.

Allow me to add that it is my conviction that the contents of *Der Stürmer* as such were not incitation. During the whole 20 years I never wrote in this connection, "Burn Jewish houses down; beat them to death." Never once did such an incitement appear in *Der Stürmer*.

Now comes the question: Is there any proof to be furnished that any deed was done from the time *Der Stürmer* first appeared, a deed of which one can say that it was the result of an incitement? As a deed due to an incitement I might mention a pogrom. That is a spontaneous deed when sections of the people suddenly rise up and kill other people. During the 20 years no pogrom took place in Germany, during the 20 years, as far as I know, no Jew was killed. No murder took place, of which one could have said, "This is the result of an incitement which was caused by anti-Semitic authors or public speakers."

Gentlemen, we are in Nuremberg. In the past there was a saying that nowhere were the Jews in Germany so safe and so unmolested as in Nuremberg.

THE PRESIDENT: Dr. Marx, is not this becoming a rather lengthy speech?

DR. MARX: Streicher, you have explained this now sufficiently, so that one can form an opinion—you mean, "I have not incited in such a way that any spontaneous action carried out against the Jews by any group of people or by the masses resulted"?

STREICHER: May I make a remark in this connection? Here we are concerned with the most serious, the most decisive accusation raised against me by the Prosecution, and here I ask the Tribunal to permit me to defend myself against it objectively. Is it not of tremendous significance if I can establish that in Nuremberg, of all places, no murder took place, no single murder and no pogrom either? That is a fact.

THE PRESIDENT: You have already said it. I have just written down, before I intervened, saying that no Jews have been killed not only in Nuremberg but anywhere else as a result of your incitement.

DR. MARX: Witness, we shall make reference to these demonstrations of 9 and 10 November 1938 later.

STREICHER: Yes, but may I continue? The Indictment accuses me of having indirectly contributed by incitation to mass murders, and I ask to be allowed to make a statement on this: Something has been ascertained today about which I myself did not know. I learned of the will left behind by the Führer, and I assume that a few moments before his death the Führer told the world the truth in that will. In it he says that mass killings were carried out by his order; that the mass killings were a reprisal.

Thus it is demonstrated that I, myself, cannot have been a participant in the incredible events which occurred here.

DR. MARX: Finished?

STREICHER: Yes. You said that the Indictment accuses me in saying that these mass killings could never have taken place if behind the Government and behind the leaders of the State there had not been an informed people.

Gentlemen, first of all, the question, "Did the German people really know what was happening during the years of the war?" We know today . . .

THE PRESIDENT: Defendant, that is a matter of argument and not a matter upon which you can give evidence. You can say what you knew.

STREICHER: I was a part of that nation during the war. During the war I lived alone in the country. For 5 years I never left my farm. I was watched by the Gestapo. From 1939 on I have been forbidden by the Führer to speak.

DR. MARX: Herr Streicher, we will certainly come to that later. I have interrogated you now on this question, and I will proceed with my questions. The other will come later.

STREICHER: But I wish to state that I had no opportunity—that is why I said this—to learn what was actually going on.

I first heard of the mass murders and mass killings at Mondorf when I was in prison. But I am stating here that if I had been told that 2 or 3 million people had been killed, then I would not have believed it. I would not have believed that it was technically possible to kill so many people; and on the basis of the entire attitude and psychology of the Führer, as I knew it, I would not have believed that mass killings, to the extent to which they have taken place, could have taken place. Finished.

DR. MARX: The Prosecution also raise the charge against you that it was the task of the educators of the nation to educate the people to murder and to poison them with hatred, that you had devoted yourself particularly to these tasks. What do you want to answer to this charge?

STREICHER: That is an allegation. We educated no murderers. The contents of the articles which I wrote could not have educated murderers. No murders took place, and that is proof that we did not educate murderers. What happened during the war—well, I certainly did not educate the Führer. The Führer issued the order on his own initiative.

DR. MARX: I now continue. The Prosecution further assert that the Himmler-Kaltenbrunner groups and other SS leaders would have had no one to carry out their orders to kill, if you had not made that propaganda and if you had not conducted the education of the German people along these lines. Will you make a statement on that?

STREICHER: I do not believe that the National Socialists mentioned read *Der Stürmer* every week. I do not believe that those who received the order from the Führer to carry out killings or to pass on the order to kill, were led to do this by my periodical. Hitler's book, *Mein Kampf*, existed, and the content of that book was the authority, the spiritual authority; nor do I believe that the persons mentioned read that book and carried out the order on the strength of it. Based on my knowledge of what went on in the Movement, I am convinced that if the Führer gave an order everyone acted upon it; and I state here quite openly that maybe fate has been kind to me. If the Führer had ordered me to do such things, I would not have been able to kill; but perhaps today I would face some indictment which it has not been possible to lodge against me. Perhaps because fate has taken a hand in this. But the conditions were thus, that the Führer had such a power of hypnotic suggestion that the entire people believed in him; his way was so unusual that, if one knows this fact, one can understand why everyone who received an order acted. And thus I want to reject as untrue and incorrect what was here thought fit to assert against me.

DR. MARX: What do you know about the general attitude of Adolf Hitler to the Jewish question? And when did Hitler first become hostile to the Jews, according to your knowledge?

STREICHER: Even before Adolf Hitler became publicly known at all I had occupied myself journalistically with anti-Semitic articles. However, on the strength of his book, *Mein Kampf*, I first learned about the historic connections of the Jewish problem. Adolf Hitler wrote his book in the prison in Landsberg. Anyone who knows this book will know that Hitler many years back, either by study of anti-Semitic literature or through other experiences, must have developed this knowledge in himself in order then to be able to write that book in prison in so short a time. In other words, in his book Adolf Hitler stated to the world public that he was anti-Semitic and that he knew the Jewish problem through and through. He himself often said to me personally...

THE PRESIDENT: Dr. Marx, the book *Mein Kampf* is in evidence, and it speaks for itself.

STREICHER: I will now answer your question, not with reference to the book. You asked me whether Adolf Hitler had discussed the Jewish problem with me. The answer is "yes." Adolf Hitler always discussed the Jewish problem in connection with Bolshevism. It is perhaps of importance in answering that question to ask whether Adolf Hitler wanted a war with Russia. Did he know long in advance that a war would come, or not? When he was with us Adolf Hitler spoke of Stalin as a man whom he honored as a man of action, but that he was actually surrounded by Jewish leaders, and that Bolshevism...

DR. MARX: Herr Streicher, that is going too far again. The question which I put was quite exact, and I am asking you not to go so far afield. You have heard the Tribunal object to it, and in the interest of not delaying the proceedings you must not go into so many details. You must not make speeches.

GEN. RUDENKO: Mr. President, I believe that some time ago Mr. Justice Jackson remarked, quite justly, quite reasonably, that the Defendant Streicher became so intoxicated by his own speeches that he did not answer the questions put to him or the charges made against him. I therefore invite the attention of the Tribunal to this fact and suggest that the defendant abstain from making lengthy speeches and merely give brief replies to the charges brought against him.

THE PRESIDENT: Will you go on, Dr. Marx, and try to keep the witness to an answer to the questions which you have no doubt prepared.

DR. MARX: Very well, Mr. President.

STREICHER: May I, please, as a defendant, say a few words, here? The question was...

THE PRESIDENT: [*Interposing.*] No, you may not. You will answer the questions, please.

DR. MARX: Next question. Is there reason for the assumption that Hitler, when he decided to have the Jews in Europe killed in masses, was subject to any influence, or what is to be considered the motive for that dreadful decision?

STREICHER: The Führer could not be influenced. As I know the Führer, if somebody had gone to him and said that Jews should be killed, then he would have turned him down. And if, during the war, somebody had gone to him and said, "I have learned that you are giving the order that mass killings are to be carried out," then he would have turned that man down too. I therefore answer your question by saying that the Führer could not be influenced.

DR. MARX: In other words, you want to say that the decision in this matter was made entirely on his own initiative.

STREICHER: I have already said that that becomes clear from his will.

DR. MARX: In August 1938 the main synagogue in Nuremberg was demolished. Was this done on your orders?

STREICHER: Yes. In my Gau there were approximately 15 synagogues, in Nuremberg one main synagogue, a somewhat smaller one, and I think several other prayer rooms. The main synagogue stood in the outskirts of the medieval Reichsstadt. Even before 1933, during the so-called period of struggle, when we still had the other government, I stated publicly during a meeting that it was a disgrace that there should be placed in the Old City such an oriental monstrosity of a building. After the seizure of power I told the Lord Mayor that he should have the synagogue torn down, and at the same time the planetarium. I might point out that after the World War, in the middle of the park grounds laid out for the recreation of the citizens, a planetarium had been built, an ugly brick building. I gave the order to tear down that building and said that the main synagogue, too, should be razed. If it had been my intention to deprive the Jews of their synagogue as a church or if I had wanted to give a general signal, then I would have given the order, after the seizure of power, that every synagogue in my Gau should be torn down. Then I would likewise have had all the synagogues in Nuremberg torn down. But it is a fact that in the spring of 1938 only the main synagogue was torn down; the synagogue in the Essenweinstrasse, in the new city, remained untouched. That the order was then given in November of that year to set fire to the synagogues, that is no fault of mine.

DR. MARX: In other words, you want to say that you did not order the tearing down of this building for anti-Semitic reasons but because it did not conform to the architectural style of the city?

STREICHER: For reasons of city architecture. I wanted to submit a picture to the Tribunal on this, but I have not received any.

DR. MARX: Yes, we have a picture.

STREICHER: But you cannot see the synagogue in it. I do not know whether the Tribunal want to see the picture. The picture actually shows only the old houses, but the front of the synagogue facing the Hans-Sachs-Platz is not visible. I do not know whether I may submit the picture to the Tribunal.

THE PRESIDENT: Yes, certainly, the photograph can be put in. Let us see the photograph.

DR. MARX: In that case, I will submit it to the Tribunal as evidence and I am asking you to accept it accordingly.

THE PRESIDENT: What will it be, exhibit what?

DR. MARX: I cannot say at the moment, Mr. President. I shall take the liberty of stating the number later and for the moment I confine myself to submitting it. I could not present it any earlier because I had not come into possession of this picture. It was only in the last days...

THE PRESIDENT: Yes, go on.

DR. MARX: In your measure in connection with the main synagogue did you rely on any statements of art experts?

STREICHER: I had frequent opportunities to discuss the subject with architects. Every architect said that there must have been a city council which had no feeling whatsoever for city architecture, that it was impossible to explain it.

These statements were not in any way directed against the synagogue as a Jewish church, but rather against such a building in this part of the city. Strangers, too, whom I guided—for on Party rally days I used to accompany British and American people across the Hans-Sachs-Platz—and I remember only one case where when I said “Do you not notice anything?” that the person did not. But all other strangers said “How could that building get there in the midst of these medieval buildings?” I could also have submitted a book, written in 1877, which is in the prison library, where a Professor Berneis, who was famous, wrote at that time to the author, Uhde, in Switzerland, that he had now seen the Sachs Platz...

DR. MARX: Herr Streicher, that is enough now. In other words, you have indicated that you believed you could rely on the judgment of architects who seemed to you to be authorities?

STREICHER: Yes.

DR. MARX: At the time when the synagogue was demolished, did you make a speech?

STREICHER: Yes; but I want to point out that the Prosecution have submitted an article, a report from the *Tageszeitung*, that was written by a simple young man. I want to state that this article does not contain a true representation of the statements which I made.

DR. MARX: I now come to the demonstrations on the night of 9 to 10 November 1938. What can you say concerning those demonstrations and what role did you play in that connection? Were those demonstrations initiated by the population?

STREICHER: Every year the Gauleiter and SA and SS leaders met the Führer in Munich on the occasion of the historic day of 9 November. We sat down to dinner in the old Town Hall, and it was customary for the Führer to make a short speech after the dinner. On 9 November 1938, I did not feel very well. I participated in the dinner and then I left; I drove back to Nuremberg and went to bed. Toward midnight I was awakened. My chauffeur told me that the SA leader Von Obernitz wanted to talk to the Gauleiter. I received him and he said the following: "Gauleiter, you had left already when the Minister of Propaganda, Dr. Goebbels, took the floor and said"—I can now repeat it only approximately—"said, 'Legation Counsellor Vom Rath has been murdered in Paris. That is now the second murder abroad of a prominent National Socialist. This murder is not the murder by the Jew, Grünspan; this is rather the execution of a deed which has been desired by all Jewry. Something should now be done.'" I do not know now whether Goebbels said the Führer had ordered it; I remember only that Von Obernitz told me that Goebbels had stated the synagogues were to be set on fire; and I cannot now remember exactly, but I think he told me that the windows of Jewish business houses were to be smashed and that houses were to be demolished.

Then I said to Obernitz—for I was surprised—"Obernitz, I think it is wrong that synagogues be set on fire, and at this moment I think it is wrong that Jewish business houses be demolished; I think these demonstrations are wrong. If people are let loose during the night, deeds can be perpetrated for which one cannot be responsible." I said to Obernitz that I considered the setting on fire of synagogues particularly wrong because abroad and even among the German people the opinion might arise that National Socialism

had now started the fight against religion. Obernitz replied, "I have the order." I said, "Obernitz, I will not assume any responsibility here." Obernitz left and the action took place. What I have said under oath here I have previously stated in several interrogations; and my chauffeur will confirm it, for he was witness to this night's conversation, and shortly afterwards when he went to bed told his wife what he had heard up there in my bedroom.

DR. MARX: Have you finished?

STREICHER: Yes, but you asked another question...

DR. MARX: Yes, whether it was a spontaneous act of force initiated by the masses of the people?

STREICHER: Yes. In the National Socialist press there appeared after this action an article to the same effect, which stated that a spontaneous demonstration of the people had revenged the murder of Herr Vom Rath. It had therefore been deliberately ordered from Berlin that there should be a public statement to the effect that the demonstration of 1938 was spontaneous. That this was not the case I was also able to learn in Nuremberg; and it is remarkable that the indignation at what had happened during those demonstrations expressed itself even here in Nuremberg, even among the Party members.

The Prosecution have submitted an article which is a report on a speech which I made on 10 November; and that is a remarkable piece of evidence of the fact that the people were against this action. I was forced, because of the atmosphere which prevailed in Nuremberg, to make a public speech and say that one should not have so much sympathy for the Jews. Such was the affair of November 1938.

Perhaps it might also be important for you to ask me how I, of all people, happened to oppose the idea of these demonstrations.

DR. MARX: I thought you had explained that already. Very well. Who gave the order then for the burning down of the synagogue still standing on Essenweinstrasse?

STREICHER: I do not know who gave the order; I believe it was SA leader Von Obernitz. I do not know the details.

DR. MARX: A further question: Did you yourself express publicly your disapproval of these brutalities?

STREICHER: Yes. In a small circle of leading Party members. I said what I have always said, what I have always said publicly: I stated that this was wrong. I talked to lawyers during a meeting—I do not know whether my defense counsel himself was there—I believe it was as early as November 1938 that I stated, to the Nuremberg lawyers at a meeting, that what had happened here

during that action, was wrong; that it was wrong as regards the people and as regards foreign countries. I said then that anyone who knew the Jewish question as I knew it would understand why I considered that demonstration a mistake. I do not know whether this was reported to the Führer at that time, but after November 1938 I was never again called to the Hotel Deutscher Hof when the Führer came to Nuremberg. Whether this was the reason I do not know, but at any rate I did criticize these demonstrations publicly.

DR. MARX: It is assumed by the Prosecution that in 1938 a more severe treatment of the Jews was introduced. Is that true, and what is the explanation?

STREICHER: Yes. In 1938 the Jewish question entered a new phase; that is shown, indeed, by the demonstration. I myself can only say in this connection that there was no preliminary conference on this subject. I assume that the Führer, impulsive as he was and acting on the spur of the moment, got around probably only on 9 November to saying to Dr. Goebbels, "Tell the organizations that the synagogues must be burned down." As I said, I myself did not attend such a meeting; and I do not know what happened to bring about this acceleration.

DR. MARX: On 12 November 1938 the decree was published according to which the Jews were to be eliminated from the economic life of the country. Was there a connection between the orders for the demonstrations of 9 November and that further decree of 12 November 1938, and would that decree be due to the same reason?

STREICHER: Well, here I can say only that I am convinced that there was a connection. The order, rather the decrees, which were to have such an extensive effect in the economic field, came from Berlin. We did not have any conference. I do not remember any Gauleiter meetings in which that was discussed. I do not know of any. That happened just as everything happened; we were not previously informed.

DR. MARX: How was it that not you, but the Co-defendant Rosenberg, was given the task of attending to this matter?

STREICHER: Rosenberg was the spiritual trustee of the Movement, but he was not given this particular task nor the task of the demonstration nor that of economic matters.

DR. MARX: No, we are talking of different points. Rosenberg was the one given the task by the Leaders of the State of taking care, as it was called, of racial-political and other enlightenment tasks; and you were not. How can that be explained? How can it be explained that you were not chosen?

STREICHER: Rosenberg, as he himself said, had met the Führer very early and was anyway, because of his knowledge, intellectually suited to take over this task. I devoted myself more to popular enlightenment.

THE PRESIDENT: Dr. Marx, he has told us that he wasn't given the task. Unless he had some communication with Rosenberg he can't tell us anything more about it except that he wasn't given the task. All the rest is mere comment and argument.

DR. MARX: Yes.

[Turning to the defendant.] I now put the next question to you: Was an order issued during the year 1939 forbidding you to make speeches?

STREICHER: Yes. In the autumn of 1939 my enemies went so far that the Führer, without my being asked beforehand, issued a written order through Party Member Hess forbidding me to make speeches. The threat of immediate arrest was made should I act against this order.

DR. MARX: Is it also correct that in 1938 an effort was evidently made to stop further publication of *Der Stürmer*, I mean in government circles?

STREICHER: Such intentions existed quite often, and also at that time. Perhaps I might refer to two other documents in this connection in order to save time.

The Prosecution have submitted copies of a letter from Himmler and Baldur von Schirach. Here I can give quite a simple explanation right now. At that time, in 1939, there were intentions of prohibiting *Der Stürmer*. Bormann had even issued some such order. Then the Chief Editor of *Der Stürmer* wrote to prominent members of the Party, asking them to state their opinion about *Der Stürmer*. And thereupon letters were also received from Himmler and Von Schirach. Altogether, I think about 15 letters were received from prominent members of the Movement; they were merely kind replies to an inquiry.

DR. MARX: That is sufficient. Is it true that at the outbreak of the war you were not made Armed Forces District Commissioner (Wehrkreis-Kommissar) in your own Gau?

STREICHER: Yes.

DR. MARX: How can that be explained?

STREICHER: Well, maybe that is not so important; that is how conditions were at the time. There were certain personal feelings, *et cetera*; it is of no significance. At any rate, I did not become Armed Forces District Commissioner.

DR. MARX: The Prosecution have stated that after 1 September 1939 the persecution of the Jews increased more and more. What was that due to?

STREICHER: That question only the Führer could answer; I cannot.

DR. MARX: But do you not think this had something to do with the outbreak of war?

STREICHER: The Führer always said so in public, yes.

DR. MARX: A proceeding was instituted against you before the Supreme Party Court. How did that happen? What was the development and the result of that trial?

STREICHER: I am grateful that I have an opportunity to state quite briefly before the International Military Tribunal something which I have had to keep silent about up to now because of a Führer order. I myself had instituted proceedings against myself before the Supreme Party Court in order to defend myself against people who were denouncing me. I was being accused . . .

THE PRESIDENT: Is the defendant talking about some order which Hitler gave that he was not to be allowed to speak or is he talking about something else?

You remember, Dr. Marx, that certain allegations were struck out of the record. If he is talking about those, it seems to me that we have got nothing whatever to do with it. Am I right in recollecting that something was struck out of the record?

DR. MARX: Yes it was, Mr. President, but only certain things from the Göring report were struck out, only the one passage which concerned the affair with the three young persons; but everything else was retained by the Prosecution. The Defense, therefore, must be able to take a stand in regard to these points, if the Prosecution do not say that they are dropping the entire Göring report; and in that connection this proceeding before the Supreme Party Court also plays a part. He can make a brief statement about it.

THE PRESIDENT: All right.

DR. MARX: Witness, be brief.

STREICHER: Yes. It is important then that I instituted proceedings against myself; about 10 points were involved which had been raised against me, among them a matter referring to some shares. An affidavit exists from the Göring report which states that I had been found guilty. May I state here that the trial was never completed and no sentence was passed.

That is the answer to the question which you have put to me.

DR. MARX: The matter referring to shares, does that have something to do with the shares of the Mars works?

STREICHER: We will come to it later. It was not the main point.

DR. MARX: And then you were ordered to remain permanently at the Pleikershof? Were you under the guard of the Gestapo there, and was there also a check-up as far as visitors were concerned?

STREICHER: It is not correct that I was ordered to stay at the Pleikershof. What is true is that I retired voluntarily with the intention of never again being active in the Movement. It is correct that the Gestapo watched me, and every visitor was called to the police station and interrogated as to his conversations he had had. That is a fact.

DR. MARX: During your stay at the Pleikershof did you have any connections or correspondence with any leading personalities of the Party or State?

STREICHER: No. As far as prominent persons of the Movement and of the State are concerned, I had no correspondence whatsoever with them; that is why the Prosecution could hardly find any letters. I never stated in letters my opinion on the Jewish problem or on other matters. I shall have to state then, in order to answer your question exactly, that I had no correspondence with prominent persons of the Party and the State.

DR. MARX: After the outbreak of the war, were you informed of or consulted in any way on any measures intended against the Jews?

STREICHER: No.

DR. MARX: What were your relations to Himmler? Did you know him at all closely? Did you ever speak to him about measures against the Jews or did he talk about intended mass executions of the Jews?

STREICHER: I knew Himmler just as I knew the SA leaders, or other SS leaders. I knew him from common meetings, Gauleiter conferences, *et cetera*. I did not have a single political discussion with Himmler, except in society when he may have touched on this or that, in the presence of others. The last time I saw Himmler was in Nuremberg when he spoke to the officers in their mess. When that was I cannot say exactly but I think it was shortly before the war. I never had a talk with him on the Jewish question. He himself was, of course, well informed on this question. He had an organ of his own called the *Schwarze Korps*. And what his inner attitude toward me was is something that I did not discover until

my stay on the farm. There were denunciations against me which reached him. It was stated that I was being too humane with the French prisoners. Shortly after that I received a letter in which he reproached me and made serious representations against me. I gave no answer at all. Without having made any previous inquiries with me as to whether these denunciations were true, he made a serious charge against me; and I state quite openly that it was actually my feeling at the time that I might possibly lose my liberty through arrest. These were my relations with Himmler.

DR. MARX: That is enough.

During this Trial you have heard mentioned the names of a great number of Higher SS and Police Leaders who played a leading part in the Jewish persecutions, as for instance, Heydrich, Eichmann, Ohlendorf, and so on. Were there any connections between you and one of these Higher SS and Police Leaders?

STREICHER: I heard the names you have mentioned for the first time during an interrogation here. I did not know these men; they may well have seen me, but there was never a discussion involving me and the senior SS or SA leaders. Furthermore, I never was in any of Himmler's offices in Berlin, or any Ministry in Berlin. Thus, no conference ever took place.

DR. MARX: The Prosecution have drawn the conclusion from numerous articles in *Der Stürmer*, that as early as 1942 and 1943 you must have had knowledge of the mass executions of Jews which had taken place.

What statement can you make on this, and when, and in what way, did you hear of the mass executions of Jews which took place in the East?

STREICHER: I had subscribed to the Jewish weekly that appeared in Switzerland. Sometimes in that weekly there were intimations that something was not quite in order; and I think it was at the end of 1943 or 1944—I believe 1944—that an article appeared in the Jewish weekly, in which it said that in the East—I think it was said in Poland—Jews were disappearing in masses. I then made reference to this in an article which perhaps will be presented to me later. But I state quite frankly that the Jewish weekly in Switzerland did not represent for me an authoritative source, that I did not believe everything in it. This article did not quote figures; it did not talk about mass executions, but only about disappearances.

DR. MARX: Have you finished?

STREICHER: Yes.

DR. MARX: Did you make proposals in *Der Stürmer* for the solution of the Jewish question, during the war?

STREICHER: Yes.

DR. MARX: And in what sense?

STREICHER: As I said yesterday, I represented the point of view that the Jewish question could be solved only internationally, since there were Jews in all countries. For that reason we published articles in my weekly journal referring to the Zionist demand for the creation of a Jewish state, such as had also been provided for or indicated in the Balfour Declaration. There were therefore two possibilities for a solution, a preliminary solution within the countries through appropriate laws; and then the creation of a Jewish state.

During the war, I think it was in 1941 or 1942, we had written another article—we were subject to the Berlin censorship—and the censorship office sent back the proof submitted with the remark that the article must not be published in which we had proposed Madagascar as the place for the establishment of a Jewish state. The political relations with France were given as the reason why that article should not be published.

DR. MARX: If you had expected that question to be solved by mass executions, would you then too have written this article?

STREICHER: At that time, at any rate, it would still have been nonsensical to publish it.

DR. MARX: Did it not make you uneasy to deal with the Jewish question in a biased way, in a way which left completely out of sight those qualities of the Jews which can be described as great?

STREICHER: I did not understand this question fully, perhaps I did not hear it correctly.

DR. MARX: You can be accused of treating, in a biased way, only those qualities of the Jews that appear disadvantageous to you, whereas the other qualities of the Jewish people you ignored. What is your explanation?

STREICHER: I think that this question is really superfluous here. It is perfectly natural that I, as an anti-Semitic person and as I saw the Jewish question, was in no way interested in that. Perhaps I did not see the good traits which you or some others see in the Jews. That is possible. But at any rate I was not interested in investigating as to what particular good qualities might be recognized here.

DR. MARX: Thank you.

THE PRESIDENT: This would seem a good time to break off.

[A recess was taken.]

DR. MARX: Did you visit concentration camps?

STREICHER: Yes. I visited the Dachau Concentration Camp.

DR. MARX: When was that?

STREICHER: I believe the first time was when all the Gauleiter were called together. I believe 1935, I do not know definitely, 1934 or 1935, I do not know.

DR. MARX: At what intervals did you then visit this camp? It is said that you were in Dachau every 4 weeks.

STREICHER: Altogether I was at Dachau four times.

DR. MARX: It is asserted that after each of your visits in Dachau, Jews disappeared there.

STREICHER: I do not know whether Jews disappeared.

DR. MARX: What caused you to visit the Dachau Camp repeatedly?

STREICHER: I went to the Dachau Camp to visit Social Democratic and Communist functionaries from my Gau who were in prison there to have them introduced to me. I picked out—I do not know how many hundreds of them there were—but every time I was in Dachau I picked out 10 or 20 of those of whom it had been ascertained by the Police that they had no criminal record; I had them picked out from among the inmates, and at Christmas every year I had them brought in buses to Nuremberg to the Hotel Deutscher Hof, where I brought them together with their wives and children and had dinner with them.

I should like to ask the Tribunal, for the benefit of the Nuremberg public, to permit me to make a very short statement as to why I took these Communists out. Party proceedings were initiated against me because I did this. There were rumors which were not true. May I make a very short statement as to why I did it?

DR. MARX: I should like to ask the Tribunal to approve this, Mr. President, so that the reasons why the defendant did this may be ascertained.

THE PRESIDENT: Yes, as long as it is brief.

DR. MARX: Be brief.

STREICHER: When I walked through the streets of Nuremberg children approached me and said, "My father is in Dachau." Women came to me and asked to get their husbands back. I knew many of these officials from the time when I spoke at revolutionary meetings, and I could vouch for these people. I know of only one case where I was wrong in the selection of those people. All the others behaved impeccably. They kept the word which they had given me. Thus, perhaps my Party comrades, who sit here in the

dock, see now that I did not want to harm my country but that I wanted to do, and did do, something humanely good.

DR. MARX: Now I come to the picture books which appeared in *Der Stürmer* publishing house. You know that two picture books were published, one with the title, *Trust No Fox in the Field*, and the other one with the title, *The Poisonous Toadstool*. Do you assume responsibility for these picture books?

STREICHER: Yes. May I say, by way of summary, that I assume responsibility for everything which was written by my assistants or which came into my publishing house.

DR. MARX: Who was the author of these picture books?

STREICHER: The book *Trust No Fox in the Field and No Jew Under His Oath* was done and illustrated by a young woman artist, and she also wrote the text. The title which appears on the picture book is from Dr. Martin Luther.

The second picture book was done by the Editor-in-Chief of *Der Stürmer*, who was a former schoolteacher. Two criminal cases in Nuremberg, which were tried here in this courtroom, as far as I know, were the occasion for my publishing these two books. There was a manufacturer, Louis Schloss, a Jew, who with young Nuremberg girls some of them still innocent, had . . .

DR. MARX: Herr Streicher, we do not want to hear that now. My question was only as to who was the author of these picture books and whether you assumed the responsibility for them?

STREICHER: It is important for the Tribunal, in fact, right for them to know how it came about that all of a sudden two picture books for young people appeared in my publishing house. I am making this statement absolutely objectively. I am speaking here of legal cases. There are gentlemen here, who are witnesses, who were here in this court and were present during the proceedings. Only thus can one understand why these books were published. They were the answer to deeds that had occurred.

DR. MARX: Yes, but we are concerned here only with the accusation made against you, that thereby you exerted an influence on the minds of young people which was not beneficial and which could be considered designed to have a poisonous effect.

STREICHER: And I should like to prove by my statement that we wanted to protect youth because things had, in fact, occurred.

DR. MARX: Yes, but young persons could hardly understand the Schloss case, or any such case, could they?

STREICHER: It was a matter of public discussion in Nuremberg and beyond that all over Germany.

DR. MARX: As far as I am concerned, this question is answered, Mr. President.

STREICHER: But not for me as defendant.

THE PRESIDENT: You told us that the books were published to answer things which had occurred here. That is sufficient.

DR. MARX: Witness, another serious accusation made by the Prosecution against you is that a special issue concerning ritual murders was published in the publishing house of *Der Stürmer* and appeared in one number of *Der Stürmer*. How did this special issue come about and what was the cause for it? Were you the author of that special issue?

STREICHER: No.

DR. MARX: Who was the author?

STREICHER: My collaborator, the Editor-in-Chief at that time, Karl Holz, who is now dead. But I assume the responsibility.

DR. MARX: Is it not true that even during the twenties you dealt with that question in *Der Stürmer*?

STREICHER: Yes, and in public speeches.

DR. MARX: Yes, in public speeches. Why did you now in 1935 stir up again this doubtlessly very grave matter?

STREICHER: I should like to ask my counsel to express no judgment as to what I have written; to question me, but not to express judgment. The Prosecution are going to do that.

You have asked me how this issue came about. I will explain very briefly...

DR. MARX: Excuse me, Mr. President. I have to protest against the fact that Herr Streicher here, in the course of his interrogation by me, thinks he can criticize the manner in which I put my questions. Therefore, I ask the Court to give a decision on this, since otherwise I am not in a position to ask my questions at all.

THE PRESIDENT: You have already stated your position and the Tribunal has given you full support in your position. Will you please continue?

And let me tell you this, Defendant, that if you are insolent either to your counsel or to the Tribunal, the Tribunal will not be able to continue the hearing of your case at this moment. You will kindly treat your counsel and the Tribunal with due courtesy.

STREICHER: May I ask to say something about this?

THE PRESIDENT: No. Answer the question, please.

DR. MARX: I will go on now with my questioning.

The Prosecution accuse you, in connection with this ritual murder affair, of having treated the matter without documentary proof, by referring to a story from the Middle Ages. What, in brief, was your source?

STREICHER: The sources were given in that issue. Nothing was written without the sources being given at the same time. There was reference made to a book written in Greek by a former Rabbi who had been converted to Christianity. There was reference made to a publication of a high clergymen of Milan, a book which has appeared in Germany for the last 50 years. Not even under the democratic government did Jews raise objections to that book. That ritual murder issue refers to court files which are located in Rome, it refers to files which are in Court. There are pictures in it which show that in 23 cases the Church itself has dealt with this question. The Church has canonized 23 non-Jews killed by ritual murder. Pictures of sculptures, that is, of stone monuments were shown as illustrations; everywhere the source was pointed out; even a case in England was mentioned, and one in Kiev, Russia. But in this connection I should like to say, as I said to a Jewish officer here, that we never wanted to assert that all Jewry was ready now to commit ritual murders. But it is a fact that within Jewry there exists a sect which engaged in these murders, and has done so up until the present. I have asked my counsel to submit to the Court a file from Pisek in Czechoslovakia, very recent proceedings. A court of appeal has confirmed a case of ritual murder. Thus, in conclusion I must say . . .

MR. JUSTICE JACKSON: I object to this statement, Your Honor. After his counsel has refused to submit it, he insists on stating here the contents of a court record. Now this is not an orderly way to make charges against the Jewish people. Streicher says he is asking counsel to submit. His counsel apparently has refused, whereupon he starts to give evidence of what he knows, in any case, is a resumé of the matters which his counsel has declined to submit here. It seems to me that, having appointed counsel to conduct his case, he has shown repeatedly that he is not willing to conduct his case in an orderly manner and he ought to be returned to his cell and any further statements that he wishes to make to this Court transmitted through his counsel in writing. This is entirely unfair and in contempt of Court.

THE PRESIDENT: Dr. Marx, I think you had better continue.

DR. MARX: I should like to say that that closes this affair. The essential thing is whether one can say that he treated the case without documentary proof. The Defense is not interested in the affair at all; and, according to my recollection, I even suggested to

one of the gentlemen of the Prosecution that this affair perhaps be left out altogether, because it is really so gruesome and so horrible that it is better not to treat it. But the defendant only wanted to say that it was only on the basis of various pieces of evidence that he dealt with the case, and I believe that is sufficient; that should close the matter.

Now, Herr Streicher, you fall again and again into the mistake of going too far in your explanations and of discussing things which can be considered propaganda on your part. I should like to ask you now for the last time to stick to the questions and leave out everything else. It is in your own interest. You are accused of having carried on various activities in your Gau, which were Crimes Against Humanity, of having mistreated people who lived in your Gau. Thus you are accused of having sought out a political prisoner, a certain Steinruck, in his cell and of having beaten him. Is that correct?

STREICHER: Yes.

DR. MARX: Was Steinruck a Jew?

STREICHER: No.

DR. MARX: For what reason did you do that?

STREICHER: Steinruck, in a public place, in the presence of many witnesses, had made derogatory statements about the Führer, libelous statements. He was at police headquarters. I had spoken to the Police President about it and told him that I should like to look at that Steinruck once. I went with my adjutant—the Göring report says that a Party member, Holz, was there too, but that is not correct—I went with my adjutant to police headquarters. The same Police President, who later denounced me to Reich Marshal Göring, took me to Steinruck's cell. We went into the cell; I stated here that I had come with the intention of talking to him, talking to him reasonably. We talked to him. But he behaved so cowardly that it became necessary at the moment that he be chastised. I do not mind stating here that I am sorry about that case, that I regret it as a slip.

DR. MARX: Then it is asserted that in August 1938 you beat up an editor, Burger. Is that correct?

STREICHER: No, that is not correct. If I had beaten him up, then I would say so here. But I believe that my adjutant and somebody else had an argument with him.

DR. MARX: What about the incident in the Künstlerhaus in Munich?

STREICHER: I went to Munich to the Inn Künstlerstätte, or something like that. I was received by the manager. Then a young

man came up to me, drunk and quarrelsome, and shouted at me. The manager protested and ordered him out of the place. But the drunken young fellow came back again and again and then my chauffeur grabbed him and my son helped. They took him into a room and beat him up and then the proprietor of the inn thanked me for having rid him of the drunkard.

And now I should like to have the Tribunal's permission to state very briefly my position on one case which I believe the Prosecution also have dropped, where I was accused of sadistic tendencies...

THE PRESIDENT: Defendant, you know perfectly well that that incident has been stricken from the record and is not, therefore, mentioned against you, so that it is quite unnecessary to go into it. The Tribunal cannot hear you on it.

DR. MARX: Witness, from the so-called Göring report I should like to submit to you some points which have been presented by the Prosecution.

You know that after the action of November 1938, in the district of Franconia, Aryanization of Jewish property was undertaken to the utmost extent. Would you like to make a statement about that?

STREICHER: Here in the Göring report is a reference to a statement of the deceased Party member, Holz. In that statement it is pointed out that Holz came to see me after that action, that he made a report about the action and likewise declared the action to be wrong; he said furthermore that now that this had happened, he considered it necessary to go further and Aryanize the property. The Göring report states that I then told Holz that could not be done and that I opposed it. Then it states further that Holz said to me that he still thought it would be right if one were to do it. We could then get out of it the means for the establishment of a Gau school. Holz also states that I said something like: "Well, Holz, if you believe you can do it, then go ahead and do it."

I want to state here that what Party member Holz said is true. I was opposed at first; and then, acting on a sudden impulse, which I cannot understand today, I said, "Well, if you can do it, then go ahead and do it." I want to state that at that time when I said it, I did not believe at all that it was to be done or would be done; but it was done. The Reich Marshal, as Delegate for the Four Year Plan, later stated his position on it in Berlin, sharply rejecting it. Only at that time did I find out exactly how Holz accomplished this Aryanization. I had a talk with him, got into a serious dispute; and our friendly relations were broken off at that time. Holz volunteered in an armored unit, went to the front, and resigned as deputy. I returned from Berlin to Nuremberg, and later there

appeared in Nuremberg a Police Inspector sent by the Reich Marshal in his capacity as Delegate for the Four Year Plan. He reported to me and asked me if I would agree to an investigation of the whole matter, and I stated that I would welcome the investigation. Then the investigation took place. The Aryanzation was repealed, and it was established that Holz personally had not gotten any material advantage from it. Aryanzation was then taken over by the State, repealed, and taken over.

I state frankly that in that affair I am at least guilty of negligence.

DR. MARX: Did you know that the amounts paid in the Aryanzation of houses or real estate represented only about 20 percent, or even less, of the actual value?

STREICHER: Holz had not come to see me for weeks. He had carried on the Aryanzation in the Labor Front Office with the expert there. Not until later, in Berlin during the meeting which the Reich Marshal held, did I learn of the real facts; and thus the dispute and the break between Holz and me came about, because I had to disapprove the manner in which the Aryanzation had been handled.

DR. MARX: You are further accused of having had shares in the Mars Works at Nuremberg acquired at an extraordinarily low price, for purposes of enriching yourself and, in the course of this acquisition, of having exerted an undue pressure on the owner of the shares?

STREICHER: It says in the Göring report, literally, that I had instructed and in another place that I had given the order that the Mars shares be acquired for me. I state here that I neither instructed nor ordered anyone to acquire the Mars shares. The whole thing was like this. The director of my publishing house, who had power of attorney because I, personally, never in all the years bothered with financial or business matters, could do what he wanted. One day he came to see me with my adjutant. I do not recollect now whether the adjutant or the director of my publishing house was the one who spoke first. I was told the following: An attorney had called and said that the Mars shares were being offered for sale at an advantageous price. The director of my publishing house asked me whether I agreed. I stated that never in my life had I owned any shares, that I had never bothered about financial matters in my publishing house. If he thought that the stock should be bought, then he could do it. The shares were bought. It was the most serious breach of confidence ever committed against me by any Party comrade or employee. After a short time it turned out; that is, I was informed how these shares

had been acquired. I found out that the owner had been threatened. When I found out under what conditions this stock purchase had been made, I gave the order at once to return the stock. In the Göring report it is noted that this return took place. Among the confiscated files of my publishing house there is an official statement about this affair which shows that these shares were returned.

In this connection perhaps I may be permitted to say that my publishing house was located until the end of the war in a rented house. At the time of the Aryanization I was approached with the plan that an Aryanized house be acquired for my publishing firm. I refused that. I state here in conclusion that I have in my possession no Jewish property.

When those demonstrations occurred in 1938, jewels had been brought into the Gau house. These pieces of jewelry were turned over to the police. A man who was bearer of the honorary Party emblem was convicted and sentenced to 6 years penal servitude because he had given his sweetheart a ring and another piece of jewelry dating from that time. But I may add one thing: The guilt of this bearer of the Party emblem rests perhaps with those who gave the order: "Go into the Jewish houses." That man, as far as I knew him, had always been personally decent. Because of that order, he got into a position in which he committed a crime.

I have finished what I wanted to say.

DR. MARX: Is it not true the allegations, made by the chief of the publishing firm Fink before the Party Court and also even before that, at a police interrogation, were different, in the main points, from your present statements?

STREICHER: The whole thing was that Fink, the publishing house manager, was called to police headquarters and interrogated. The police Chief was interested in the hearing since for many years he had been a friend of mine and of my family. Fink returned from the interrogation completely upset. He paced up and down in front of me and shouted, "I was threatened, I have made statements which are not true. I am blackguard. I am a criminal." A witness of that incident was my chauffeur. I calmed him down and told him, "I was called in for a hearing once, too. I was even imprisoned once. I will give you opportunity..."

THE PRESIDENT: Is it necessary to go into such detail in this matter?

DR. MARX: Excuse me, Mr. President. Perhaps this is necessary, because in this very report reference is made to the testimony of Fink; and an attempt is made to prove with this that the explanation made by the Defendant Streicher is wrong, that he gave the order to purchase this stock, possibly under pressure, and that he

approved of it, whereas he counters that he knew neither that these shares were to be bought at such a low price nor that blackmail was to be used.

If this is taken for granted, then, of course, we can close the matter.

THE PRESIDENT: That is what he has already said. He has said that quite clearly, has he not? I was only suggesting that it was not necessary to go into such detail in the matter.

DR. MARX: Witness, it may be of some importance to state what the development of *Der Stürmer* has been since 1933, as far as circulation is concerned. Give us a short statement on the circulation of *Der Stürmer*, and then I shall put another question to you.

STREICHER: *Der Stürmer* appeared in 1923 in octavo format, and in the beginning it had a circulation of 2,000 to 3,000 copies. In the course of time the circulation increased to 10,000. At that time *Der Stürmer* circulated—until 1933 really—only in Nuremberg, in my Gau, perhaps also in Southern Bavaria. The publisher was a bookseller and he worked first with one man, then with two. This is proof that the circulation was really small.

In 1933—but I say this with certain reservations because it may be that the publisher did not always tell me the correct circulation figures and I had no written contract with him—I say with reservations, that in 1933 the circulation was 25,000 copies.

In 1935 the publisher died; and at that time it was, I believe, 40,000. Then an expert took over the publishing house and organized it to cover all of Germany. The circulation increased then to 100,000, and went up as high as 600,000. It fluctuated, decreased, and then dropped during the war; I cannot say exactly but I believe it was about 150,000 to 200,000.

DR. MARX: You said that that new man organized the circulation to cover all of Germany. Was the Party machinery utilized in this, and were not industries and other offices—the German Labor Front, for instance—utilized in order to increase the circulation forcibly?

STREICHER: Well, the attitude of the Party was made manifest in a letter, which was sent to all Gaue, signed by Bormann. There it was expressly pointed out that *Der Stürmer* was not a Party organ and had nothing to do with the Party. Thereupon several Gauleiter saw this an occasion for ordering that *Der Stürmer* should not appear in their Gaue any more. Now it is clear that within the organizations there were Party members who, because of idealism or for other reasons, worked to increase the distribution of *Der Stürmer*. However, I myself, neither in writing nor orally, ever issued any order to any Party organization to support *Der Stürmer*.

DR. MARX: Herr Streicher, even before 1933 you came in contact with the courts on various occasions, both because of your articles and because of your attitude as evidenced in *Der Stürmer*. Would you give us a short statement as to how often that occurred and what consequences it had for you?

STREICHER: How often? I cannot answer that exactly now, but it was very often. I was frequently given a court summons. You ask me about the consequences. I was many times in prison, but I can say proudly that in the sentences it repeatedly stated "an incorruptible fanatic for the truth."

That was the consequence of my activity as a speaker and writer, but perhaps it is important to add the following: I never was arraigned because of criminal charges, but only because of my anti-Semitic activity; and the charge was brought by an organization of citizens of the Jewish faith. The chairman filed charges repeatedly when we made a slip in speaking and thus exposed ourselves to prosecution on the basis of the laws and regulations existing at that time. But perhaps I may also point out here that the Jewish Justizrat, Dr. Süssheim, the Prosecuting Attorney, stated before the court here in this courtroom, "Your Honors, he is our inexorable enemy, but he is a fanatic for the truth. He is convinced of what he does; he is honest about it."

THE PRESIDENT: What years were they that you were repeatedly in jail?

STREICHER: That was, of course, before 1933. The first time I went to Landsberg, to prison, because I had taken part in the Hitler Putsch. Then I was sentenced to three and a half months in prison in Nuremberg, where I am now. Then I got three months...

THE PRESIDENT: You needn't bother with the details.

STREICHER: That is to say, before 1933 I was repeatedly given prison sentences or fined.

DR. MARX: Mr. President, the Göring report also mentions the fact that the Defendant Streicher was personally interested in various Jewish plants, allegedly in order to get some capital out of them. However, I am of the opinion that it is not essential to deal with these points. The same applies to the fact that the house on Lake of Constance was sold, and to whom. I do not know whether the defendant should make any statements about this here. In my opinion there is no cause to ask him any questions concerning that.

THE PRESIDENT: I think you could leave that and see whether it is taken up in cross-examination. If it is, then you may re-examine him.

DR. MARX: Yes, certainly.

Mr. President, this concludes my questions to the defendant.

THE PRESIDENT: Do any members of defendants' counsel wish to ask questions of the defendant?

[There was no response.]

The Prosecution?

LIEUTENANT COLONEL J. M. G. GRIFFITH-JONES (Junior Counsel for the United Kingdom): If the Tribunal please.

When you handed over your Party to Hitler in 1922, did you know his policy and what was to become the policy of the Nazi Party?

STREICHER: The policy? First I should like to say, "no." At that time one could not speak of things which could not exist even as thoughts. The policy then was to create a new faith for the German people, that is, a faith which would deny the chaos and disorder and which would bring about a return to order.

LT. COL. GRIFFITH-JONES: May I take it that, within a short course of time, you knew the policy, the policy according to the Party program and according to *Mein Kampf*?

STREICHER: I did not need a Party program. I admit frankly that I never read it in its entirety. At that time programs were not important, but mass meetings...

THE PRESIDENT: That's not an answer to the question. The question was whether, a short time after 1922, you knew the policy as indicated in the Party program and in *Mein Kampf*.

LT. COL. GRIFFITH-JONES: You knew, did you not, that the policy included the Anschluss with Austria? Can you answer that "yes" or "no"?

STREICHER: No. There was never any talk about Austria. I do not remember that the Führer ever spoke about the fact that Austria should be annexed.

LT. COL. GRIFFITH-JONES: I only want you to answer my question. My question was: Did you know that the Führer's policy was the annexation of Austria to Germany? I understand your answer to be "no." Is that correct?

STREICHER: That he intended it? No, that I did not know.

LT. COL. GRIFFITH-JONES: Did you know that he intended to take over Czechoslovakia or at least the Sudetenland?

STREICHER: No.

LT. COL. GRIFFITH-JONES: Did you know that from the beginning in *Mein Kampf* his ultimate objective was Lebensraum?

STREICHER: What I read in *Mein Kampf* is marked in red. The book has been confiscated. I only read that. I read only what concerns the Jewish question; I did not read anything else. However, that we had the objective of acquiring Lebensraum for our people, that goes without saying. I personally also had set myself the objective of contributing in some way to providing a future for the surplus children.

LT. COL. GRIFFITH-JONES: Very well. May I take it that during the years 1922 and 1923, as editor and owner of *Der Stürmer*, and as a Gauleiter from 1925, you did everything you could to put the Nazi Party into power?

STREICHER: Yes; that is to be taken as a matter of course.

LT. COL. GRIFFITH-JONES: And after 1933 did you continuously support and issue propaganda on behalf of the Nazi Party's policy?

STREICHER: Yes.

LT. COL. GRIFFITH-JONES: Not only in respect to the Jewish question, but to the foreign policy as well?

STREICHER: No, that is not correct. In *Der Stürmer* there is not a single article to be found which dealt with foreign policy. I devoted myself exclusively . . .

LT. COL. GRIFFITH-JONES: That is quite enough. I am not going to occupy very much time with this matter. But I would ask you to look at Document Number D-802.

My Lord, this is a new exhibit.

THE PRESIDENT: Which will be what?

LT. COL. GRIFFITH-JONES: Exhibit Number GB-327.

My Lord, I am sorry, but the document seems to be missing for the moment. Perhaps I might read the extract.

[Turning to the defendant.] Let me just read to you an extract from an article which you wrote in *Der Stürmer* of March 1938, immediately after the Anschluss with Austria. I want you to tell me whether or not you are advocating the Nazi policy in regard to Austria.

"Our Lord is making provision that the power of the Jews may not extend to heaven itself. What was only a dream up to a few days ago has now become reality. The brother nation of Austria has returned home to the Reich."

And then, a few lines farther down:

"We are entering into glorious times, a Greater Germany without Jews."

Do you say that you are not there issuing propaganda on behalf of the Nazi policy?

STREICHER: I did not indulge in propaganda politics, for Austria was already annexed. I just welcomed the fact. I did not need to make any more propaganda about it.

LT. COL. GRIFFITH-JONES: Very well. Perhaps you'll tell me what you mean by the "Greater Germany" that you are approaching. What Greater Germany are you approaching in March 1938, a Germany greater than it was after the Anschluss with Austria?

STREICHER: A Greater Germany, a living area in which all Germans, German-speaking people, people of German blood, can live together.

LT. COL. GRIFFITH-JONES: Do I understand that you are advocating Lebensraum, greater space, not yet owned by Germany?

STREICHER: Not at first, no. At first it was merely a question of Austria and Germany. The Austrians are Germans and, therefore, belong to a Greater Germany.

LT. COL. GRIFFITH-JONES: I won't argue with you. I will just ask you once more, what do you mean by the "Greater Germany" that you are approaching in March of 1938?

STREICHER: I have already explained, a Germany where all those can live and work together who speak German and have German blood.

LT. COL. GRIFFITH-JONES: Would you look at Document Number D-818, which will become Exhibit Number GB-328. Perhaps I can carry on. In November of 1938, after Munich, did you yourself personally send a telegram to Konrad Henlein, the leader of the Sudeten-German Party?

STREICHER: If it says so here, then it is true. I do not recall it.

LT. COL. GRIFFITH-JONES: Let me refresh your recollection as to what you said, "Without your courageous preparatory work the great task would not have succeeded."

Are you there advocating and issuing propoganda in support of the policy of the Nazi Government?

STREICHER: I have to ask you again, would you please repeat your question?

LT. COL. GRIFFITH-JONES: I am asking you whether or not that telegram, which you sent to Konrad Henlein and reprinted in your newspaper under a picture of that gentleman—I am asking you whether or not that was propoganda in support of the Nazi policy, Nazi foreign policy?

STREICHER: I have to say the same to this as I said before. That was a telegram of greeting, of thanks. I did not have to make propaganda any more because the Munich Agreement had already taken place.

LT. COL. GRIFFITH-JONES: I put it to you and I'll leave it. I'll put it to you that throughout the years from 1933 until 1944 or 1945 you were in fact doing everything you could to support the policy of the Government, both domestically and in regard to its foreign affairs.

STREICHER: As far as possible within my field of activity, yes.

LT. COL. GRIFFITH-JONES: I want to turn now to the question of the Jews. May I remind you of the speech that you made on 1 April 1933, that is to say, the day of the boycott.

My Lord; this will be found in the original document book, Document Number M-33. It was not actually put in before. It now becomes Exhibit Number GB-329. It is in the document book on Page 15, in the original document book which the Tribunal have.

[Turning to the defendant.] Now, I give you the document book. If you want to see the original, you may do so in every case. *[The document book was submitted to the defendant.]*

"For 14 years we have been crying to the German nation, 'German people, learn to recognize your true enemy,' and 14 years ago the German Philistines listened and then declared that we preached religious hatred. Today German people have awakened; even all over the world there is talk of the eternal Jews. Never since the beginning of the world and the creation of man has there been a nation which dared to fight against the nation of blood-suckers and extortioners who, for a thousand years, have spread all over the world."

And then I go down to the last line of the next paragraph: "It was left to our Movement to expose the eternal Jew as a mass murderer."

Is it right that for 14 years you had been repeating in Germany, "German people, learn to recognize your true enemy"?

STREICHER: I state first of all that what you have given me here has nothing to do with that. You have given me an article...

THE PRESIDENT: You are asked a question. You are asked whether it is true that for 14 years you had been repeating to Germany, "Learn to recognize your true enemy." Is that true?

STREICHER: Yes.

LT. COL. GRIFFITH-JONES: And in doing so, is it true that you had been preaching religious hatred?

STREICHER: No.

LT. COL. GRIFFITH-JONES: Will you look at...

STREICHER: May I be permitted to make a statement concerning this answer? In my weekly, *Der Stürmer*, I repeatedly stated that for me the Jews are not a religious group but a race, a people.

LT. COL. GRIFFITH-JONES: And do you think to call them "blood-suckers," "a nation of blood-suckers and extortioners"—do you think that's preaching hatred?

STREICHER: I beg your pardon. I have not understood you?

LT. COL. GRIFFITH-JONES: You may call them a race or a nation, whichever you like, now; but you were saying, on 1 April 1933, that they were a "nation of blood-suckers and extortioners." Do you call that preaching hatred?

STREICHER: That is a statement, the expression of a conviction which can be proved on the basis of historical facts.

LT. COL. GRIFFITH-JONES: Understand me. I did not ask you whether it was a fact or not. I am asking whether you called it preaching hatred. Your answer is "yes" or "no."

STREICHER: No, it is not preaching hatred; it is just a statement of facts.

LT. COL. GRIFFITH-JONES: Will you look two pages further on in that last document, M-33, and do you see the fourth paragraph from the end of the extract? That is Page 17 of the document book: "As long as I stand at the head of the struggle, this struggle will be conducted so honestly that the eternal Jew will derive no joy from it."

STREICHER: That I wrote; that was right.

LT. COL. GRIFFITH-JONES: And you were, were you not, one of those who did stand and continue to stand at the head of that struggle?

STREICHER: Did I stand at the head? I am too modest a man for that. But I do claim to have declared my conviction and my knowledge clearly and unmistakably.

LT. COL. GRIFFITH-JONES: Why did you say that so long as you were at the head of it, the Jew would derive no joy from it?

STREICHER: Because I considered myself a man whom destiny had placed in a position to enlighten people on the Jewish question.

LT. COL. GRIFFITH-JONES: And "enlightenment"—is that another word for persecution? Do you mean by "enlightenment," "persecution"?

STREICHER: I did not understand that.

LT. COL. GRIFFITH-JONES: Do you mean by "enlightenment" the word "persecution"? Is that why the Jew was to have no joy from it, from your enlightenment?

STREICHER: I ask to have the question repeated.

LT. COL. GRIFFITH-JONES: I can show it to you and we will repeat the question as loud as you want it. Do you mean by "enlightenment" the word "persecution"? Do you hear that?

STREICHER: I hear "enlightenment" and "production." I mean by "enlightenment" telling another person something which he does not yet know.

LT. COL. GRIFFITH-JONES: We won't go on with that. You know, do you not, that starting with the boycott which you led yourself in 1933, the Jews thereafter were, during the course of the years, deprived of the right to vote, deprived of holding any public office, excluded from the professions; demonstrations were conducted against them in 1938, they were fined a billion marks after that, they were forced to wear a yellow star, they had their own separate seats to sit on, and they had their houses and their businesses taken away from them. Do you call that "enlightenment"?

STREICHER: That has nothing to do with what I wrote, nothing to do with it. I did not issue the orders. I did not make the laws. I was not asked when laws were prepared. I had nothing to do with these laws and orders.

LT. COL. GRIFFITH-JONES: But as those laws and orders were passed you were applauding them, and you were going on abusing the Jews and asking for more and more orders to be passed; isn't that a fact?

STREICHER: I ask to have put to me which law I applauded.

LT. COL. GRIFFITH-JONES: Now, you told the Tribunal yesterday, did you not, that you were responsible, you thought, for the Nuremberg Decrees, which you had been advocating for years before they came into force; isn't that a fact?

STREICHER: The Nuremberg Decrees? I did not make them. I was not asked beforehand, and I did not sign them either. But I state here that these laws are the same laws which the Jewish people have as their own. It is the greatest and most important act of legislation which a modern nation has at any time made for its protection.

THE PRESIDENT: I think that is the time to break off.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): My Lord, I wonder if the Tribunal would be good enough to consider setting aside a half hour some time for the discussion of the documents of the Defendant Von Schirach. We are ready to clear up outstanding points at any time that is suitable to the Tribunal.

THE PRESIDENT: Yes.

LT. COL. GRIFFITH-JONES: [*Turning to the defendant.*] Now, I just want to ask you a few questions as to the part you played in the various actions against the Jews between 1933 and 1939.

Will you look at Document M-6, which is at Page 20 in the document book that you have before you, Page 22 in the document book that the Tribunal have in English. It is Page 20 in the German document book; M-6, which is already Exhibit Number GB-170.

Now, I just want to refer to what you said about the Nuremberg Decrees. You told us this morning that you thought when they had been passed that that was already the final solution of the Jewish question. Will you look at the paragraph beginning in the center of the page, "However, to those who believe...":

"However, to those who believe that the Jewish question has been finally solved and the matter thus settled for Germany by the Nuremberg Decrees, be it said that the battle continues—world Jewry itself is seeing to that anyhow—and we shall only get through this battle victoriously if every member of the German people knows that his very existence is at stake. The work of enlightenment carried on by the Party seems to me to be more necessary than ever today, even though many Party members seem to think that these matters are no longer real or urgent."

STREICHER: Yes, I wrote that.

LT. COL. GRIFFITH-JONES: What do you mean by saying "the battle continues," if you have already solved the Jewish problem by the issuance of the Nuremberg Decrees?

STREICHER: I have already stated today that the solution of the Jewish problem was regarded by me as having to be solved, first of all, within the country and then in conjunction with other nations. Thus "the battle continues" means that in the International Anti-Semitic Union, which I had formed and which had representatives from all countries in it, the question was discussed as to what could be done from an international point of view to terminate the Jewish problem.

LT. COL. GRIFFITH-JONES: Are we, therefore, to take it that everything that you said and wrote after 1936 was in connection with an international problem and had nothing to do with the Jews in Germany as such?

STREICHER: Yes, mainly international, of course.

LT. COL. GRIFFITH-JONES: Let me just refer you to half way through the next paragraph, "*Der Stürmer's* 15 years' work of enlightenment has already led an army of those who know, millions strong, to National Socialism." Is that so?

STREICHER: That is correct.

LT. COL. GRIFFITH-JONES: You see, you were telling the Tribunal this morning that up to 1933, and indeed afterwards, you said the circulation of your paper was only very small. Is it true, in fact, that your 15 years' work had led an army, millions strong, to National Socialism?

STREICHER: I have said today that the moment the press was politically co-ordinated, 3,000 daily newspapers were committed to the purpose of enlightenment about the Jewish problem. There were 3,000 daily papers in addition to *Der Stürmer*.

LT. COL. GRIFFITH-JONES: Very well. I don't think you need go on. Let me just finish reading through that paragraph:

"The continued work of *Der Stürmer* will help to insure that down to the last man every German will, with heart and hand, join the ranks of those whose aim it is to crush the head of the serpent Pan-Judah."

Wait one moment, let me ask my question. There is nothing there about an international problem. You are addressing yourself to the German people, are you not?

STREICHER: In that article? Yes. And if that article was read abroad, then also to countries abroad, but as to the remark about crushing the serpent's head, that is a biblical expression.

LT. COL. GRIFFITH-JONES: Will you now let us discuss for a moment the breaking up of the synagogue in Nuremberg, which you have told about, on the 10th of August of 1938. Will you look at Page 41 of the book that you have in front of you, Page 42 of the English document book that the Tribunal has.

Now we have heard your explanation of that breaking up of the synagogue. The *Fränkische Tageszeitung* of the 11th of August states this, "In Nuremberg the synagogue is being demolished. Julius Streicher himself inaugurated this work by a speech lasting more than an hour and a half." Were you talking to the inhabitants of Nuremberg upon the architectural value of their city for an hour and a half on the 10th of August 1938?

STREICHER: I no longer know in detail what I said, but I refer to what you have remarked and what you find important. There was a branch of the Propaganda Ministry in Nuremberg. The young Regierungsrat had press conferences with the editors every day, and at that time he told the editors during a press conference that Streicher would speak and that the synagogue was being demolished and that this was to be kept secret.

LT. COL. GRIFFITH-JONES: I asked you, were you talking for that hour and a half on the architectural beauties of Nuremberg and not against the Jews? Is that what you are telling us?

STREICHER: That, too, of course.

LT. COL. GRIFFITH-JONES: At the press conference to which you referred—you no doubt have seen the document; it is Page 40 of the Tribunal's document book—do you remember that it was arranged that the show should be staged in a big way, the show of pulling down the synagogue? What was the object of arranging the demonstration to demolish that synagogue in such a big way?

STREICHER: I was merely the speaker. What you are intimating here, that was done by the representative of the Ministry of Propaganda; but I would not object to it if you decided to assume, let me put it like that, that I would naturally have been in favor of making a big show if I had been asked.

LT. COL. GRIFFITH-JONES: Let me just ask you now a word about the demonstrations which followed that in November of that year—My Lord, I refer to Page 43 of the document book; 42 of the German—as I understand it, you tell us that you disapproved of those demonstrations that took place and they took place without your knowledge or previous knowledge. Is that correct, "yes" or "no"?

STREICHER: Yes, it is correct.

LT. COL. GRIFFITH-JONES: I just want to remind you of what you said on the following day, the 10th of November. This is an account of what happened:

"In Nuremberg and Fürth there were demonstrations by the crowd against the Jewish gang of murderers. These lasted until the early hours of the morning."

I now pass to the end of that paragraph:

"After midnight the excitement of the public had reached its peak and a large crowd marched to the synagogues in Nuremberg and Fürth and burned those two Jewish buildings where the murder of Germans had been preached."

This is now what you say—it is on Page 44 of the document book, My Lord:

"From the cradle on, the Jew is not taught as we are: 'Thou shalt love thy neighbor as thyself' or 'If you are smitten on the left cheek offer then your right one.' No. He is told 'With the non-Jew you can do whatever you like.' He is even taught that the slaughtering of a non-Jew is an act pleasing to God. For 20 years we have been writing about this in *Der Stürmer*. For 20 years we have been preaching it throughout the world, and we have made millions recognize the truth."

Does that sound as though you had disapproved of the demonstrations that had taken place the night before?

STREICHER: First of all I must state that the report, part of which you read, appeared in a daily paper. Thus I am not to be held responsible for this. If someone wrote that part of the populace rose up against the gang of murderers then that is in keeping with the order from the Ministry of Propaganda in Berlin; outwardly that action was described as a spontaneous demonstration of the populace . . .

LT. COL. GRIFFITH-JONES: That does not answer my question. Does that passage that I have read sound as though you had disapproved of the demonstrations that had taken place the night before? Does it or does it not?

STREICHER: I was against that demonstration.

LT. COL. GRIFFITH-JONES: Just let me read on:

"But we know that we have in our midst people who take pity on the Jews, people who are not worthy of living in this town, who are not worthy of belonging to this people, of whom you are a proud part."

Why should it have been necessary for people to have had pity on the Jews, if you were not—you and the Nazi Party—persecuting them?

STREICHER: I have already pointed out today that I was forced, after this demonstration had taken place, to make a public comment and say that one should not have so much pity. I wanted to prove thereby that this was not a spontaneous action by the people; in other words, the matter does not speak against me; it speaks for me. The people, as I myself, were opposed to the demonstration and I found that I had cause to—should I say—get public opinion to the point where one might possibly not regard that action as something too severe.

LT. COL. GRIFFITH-JONES: But, why, if you were opposed to it and if the people were opposed to it, should it have been your duty to try and convert them so that they should be in favor of that kind of thing? Why were you opposed to it and why should you try to turn them against the Jew?

STREICHER: I do not understand what you mean.

LT. COL. GRIFFITH-JONES: I understand you to say that you were opposed to these demonstrations and that the people also were opposed to the demonstrations; that, therefore, it was your duty to try to stir them up and make them in favor of the demonstrations after they had happened. Why should it have been your duty to do that?

STREICHER: Today one can perhaps say that this or that was my duty, but one must consider what those times were—the confusion that existed—that to make a quick decision, as one might have to in this courtroom, was quite impossible. What happened has happened. I was against it and the public too. What was written about it otherwise was done so for tactical reasons.

LT. COL. GRIFFITH-JONES: Very well. Were you in favor of the Aryanization of Jewish houses and businesses? Were you in favor of that or did you disapprove of that issue?

STREICHER: I have answered that question today in great detail, in connection with a statement of Party comrade Holz. I have stated and I repeat that my deputy came to me...

LT. COL. GRIFFITH-JONES: Just stop for a moment, I don't want a speech. I asked you a question which you could answer "yes" or "no." Did you approve or disapprove of the system of Aryanization of Jewish businesses and houses?

STREICHER: One cannot answer that quickly with "yes" or "no." I have made it clear today, and you must allow me to explain it so that there is not any misunderstanding. My Party comrade...

LT. COL. GRIFFITH-JONES: I am not going to allow you to repeat it. I will go on if you are not prepared to answer that question. The Tribunal have heard it and I pass on.

STREICHER: I certainly want to answer it. After my Party comrades...

THE PRESIDENT: Defendant...

STREICHER: After the Party comrades came...

THE PRESIDENT: You have refused to answer the question properly, a question to which you can give either an affirmative or a negative answer. Did you approve or did you not approve? You can give an answer to that and then you can give any explanation afterwards.

STREICHER: I personally was not for Aryanization. When Holz repeated that, giving as a reason that the houses had been pretty badly damaged, *et cetera*, that we might get material for a Gau (district) building, I said "All right, if you can do it, go ahead." I already stated today that this was carelessness on my part.

LT. COL. GRIFFITH-JONES: There were in fact a very great number of Jewish businesses and houses Aryanized in Nuremberg and Franconia, were there not?

STREICHER: Yes.

LT. COL. GRIFFITH-JONES: Would you just look at a new exhibit, Document Number D-835, which becomes Exhibit GB-330. That is a list—it is an original document—it is a list of Jewish property in Nuremberg and Fürth which was Aryanized. Have you seen that list or anything like it before?

STREICHER: No.

LT. COL. GRIFFITH-JONES: Well, you can take it from me, that that list contains the addresses of some 800 properties in Nuremberg and Fürth which have been taken from the Jews and handed over to Aryans. Would you agree that that would be at least 800 houses in your city here that were Aryanized?

STREICHER: I do not know about it in detail; but I must establish something; I do not know—is that the official document? I have already stated today that my Party comrade Holz started Aryanizing. That was rescinded by Berlin. Then came the Aryanization carried out by the State. I could not have had any influence here, either, so that this was none of my business. This Aryanization, the expropriation of Jewish property, was ordered by Berlin.

LT. COL. GRIFFITH-JONES: Now, you mentioned this morning that you were a subscriber to a weekly newspaper called the *Israelitisches Wochenblatt*; is that correct?

STREICHER: Yes.

LT. COL. GRIFFITH-JONES: When did you start subscribing to that newspaper?

STREICHER: What did you say?

LT. COL. GRIFFITH-JONES: At what date did you start subscribing to that newspaper?

STREICHER: I do not know.

LT. COL. GRIFFITH-JONES: Well, I have no doubt you can tell the Tribunal approximately. Have you always, since 1933, been a subscriber of that newspaper?

STREICHER: Well, I do not think I could have read every issue, since I traveled a great deal.

LT. COL. GRIFFITH-JONES: You were, as I think it is stated in this application of your wife to give evidence, a regular reader of it, were you not?

STREICHER: My friends, the editors, and I used to share in the reading of this paper.

LT. COL. GRIFFITH-JONES: May I take it that between yourself and your editors—I don't say every copy was read—but it was regularly read from 1933 onwards; is that fair?

STREICHER: You cannot say "read regularly."

LT. COL. GRIFFITH-JONES: A large number of the copies that you subscribed for, which came weekly to you, were they read by yourself or by your editors?

STREICHER: Certainly.

LT. COL. GRIFFITH-JONES: Now, I want to turn to something else for a moment. I want to make myself perfectly clear to you.

DR. MARX: Mr. President, I should like to draw the attention of the Tribunal to the fact that the document which has just been presented, "Confiscated Property and Real Estate," has the heading "Aryanization Department for Real Estate, Nuremberg." That cannot mean anything except that this document comes from the official department which was later set up for the confiscation of such real estate. But by no means can this be a document to prove that we are concerned here with the real estate Aryanized by Holz, subsequent to 9 November.

LT. COL. GRIFFITH-JONES: I accept that that may be so.

DR. MARX: I should like to ask, therefore, that the appropriate correction be made.

LT. COL. GRIFFITH-JONES: If I was mistaken in saying that those properties had been Aryanized, I would be right then, would I not, in saying that that list of properties was prepared by the Aryanization Department in Nuremberg for the purpose of Aryanizing them in the future? Would that be a fair statement to make?

STREICHER: No.

LT. COL. GRIFFITH-JONES: I won't pursue that matter any further.

I want to make myself quite clear to you in what I am suggesting. I am suggesting that from 1939 onwards you set out to incite the German people to murder and to accept the fact of the murder of the Jewish race. Do you understand that?

STREICHER: That is not true.

LT. COL. GRIFFITH-JONES: No doubt you will say it isn't true. I just wanted you to be quite clear on what my suggestion is going to be.

I want you to look now at a bundle, which will be given to you, of extracts from *Der Stürmer*. You can see the originals which are in Court if you desire to do so, but it will save time if we use the document books there.

Now, will you look at Page 3-A. For convenience, the pages in this bundle are all marked "A" to distinguish them from the numbers in the original document book.

THE PRESIDENT: Are they all in evidence?

LT. COL. GRIFFITH-JONES: None of them are in evidence at the moment. Perhaps the most convenient way would be for me to put the actual documents in evidence together at the end, unless the Tribunal or the defendant desire to see any copies of them. I will give them numbers as I go along.

Will you look at Page 3-A of that bundle, Document Number D-809, which becomes Exhibit Number GB-331:

"The Jewish problem is not yet solved, nor will it be solved when one day the last Jew will have left Germany. Only when world Jewry has been annihilated, will it have been solved."

Is that what you were working for when you say you were working for the international solution to this problem, an annihilation of world Jewry?

STREICHER: If that is how you understand "annihilation." That was written by my chief editor at the time. He says that the Jewish problem will not yet be solved when the last Jew will have left Germany. And when he suddenly says that only when world Jewry has been annihilated will it be solved, then he certainly may have meant that the power of world Jewry should be annihilated. But my Party comrade Holz did not think of mass killing or the possibility of mass killing.

LT. COL. GRIFFITH-JONES: The German word used there is "vernichtet," is it not? Look at your copy. "Vernichtet" that means "to annihilate."

STREICHER: Today, when you look back, you could interpret it like that, but not at that time.

LT. COL. GRIFFITH-JONES: Very well, we won't waste time because we have quite a number to look through. Will you look on to the next page. That was in January you were writing that. In April 1939, Document D-810, Exhibit GB-332, I refer only to the last two lines. This is an article again by your editor: "Then perhaps their graves will proclaim that this murderous and criminal people has, after all, met its deserved fate."

What do you mean by "graves" there? Do you mean excluding them from the business of the world?

STREICHER: This is the first time that I have seen this article. That is the statement of opinion of a man who was probably looking ahead and making a play on words; but as far as I knew him, and as far as we discussed the Jewish problem, there was no question

of mass extermination; we did not even think of it. Maybe it was his wish—I do not know—but anyway, that is the way it happened to be written.

LT. COL. GRIFFITH-JONES: Very well. Just turn over, will you now, to May 1939, Document Number D-811, Exhibit Number GB-333. I quote the last six lines: "There must be a punitive expedition against the Jews in Russia."

This, of course, was before the Russian invasion.

"There must be a punitive expedition against the Jews in Russia, a punitive expedition which will provide the same fate for them that every murderer and criminal must expect, death sentence and execution. The Jews in Russia must be killed. They must be utterly exterminated. Then the world will see that the end of the Jews is also the end of Bolshevism."

STREICHER: Who wrote that article?

LT. COL. GRIFFITH-JONES: It is published in your *Stürmer*. We can find out, if necessary. It is not written by you, but it is published in your *Der Stürmer*; and you have told the Tribunal that you accept responsibility for everything that was written in that newspaper.

STREICHER: All right, I assume responsibility; but I want to state that, here too, this is the private opinion of a man who in May 1939 could not have thought that *ex nihilo*—for we had no soldiers—a "March to Russia" could be started. This is a theoretic and very strongly-worded expression of opinion of that anti-Semitic person.

LT. COL. GRIFFITH-JONES: All I ask you about that is: Is that not advocating the murder of Jews, that article; if it is not, what is it advocating?

STREICHER: The whole article would have to be read so that I could tell what motives existed for writing something like that. I therefore ask you to make public the whole article. Then one can form a proper judgment.

LT. COL. GRIFFITH-JONES: Well, we'll go on. We won't waste time unless you really want to see the whole article.

My Lord, if I perhaps might be allowed to put these documents in evidence. As Your Lordship will see, this bundle is a bundle of extracts from *Der Stürmer*.

DR. MARX: Mr. President, with the permission of the Tribunal, I would like to make the following statements: A number of extracts from *Der Stürmer* have been mentioned here which have been put before me for the first time. Some of them are articles

which have not been written by the defendant personally. Some are signed by Hiemer, and some by Holz, who was particularly radical in his manner of writing, and passages are being quoted which are perhaps taken out of context.

I must ask, therefore, that I be afforded the opportunity of going over these extracts together with the Defendant Streicher. Otherwise, he might come to the conclusion that his defense is being made too difficult for him and that it is being made impossible for him to prepare himself appropriately.

THE PRESIDENT: Dr. Marx, you will have an opportunity of checking up on these various extracts, and then you will be able to introduce, if necessary, any passages which explain the extracts. That is a matter which has been explained to defendants' counsel over and over again.

Colonel Griffith-Jones, are there not certain of these extracts which are written or signed by the defendant?

LT. COL. GRIFFITH-JONES: Well, with Your Lordship's permission I will refer to some of them, but so that I should not have to refer to all of them, I was going to suggest that perhaps I might put them in and, if it is necessary, let the Tribunal know afterwards the numbers of them to save time.

THE PRESIDENT: Yes, certainly.

LT. COL. GRIFFITH-JONES: I put the whole bundle in evidence and will not refer to all of them.

THE PRESIDENT: Then you can give us the exhibit numbers later.

LT. COL. GRIFFITH-JONES: If that is suitable to the convenience of the Court.

THE PRESIDENT: Yes.

LT. COL. GRIFFITH-JONES: Well now, the Tribunal will see by looking at this bundle, from the first page—which I think is 3-A—to Page 25-A, that there are various extracts which have been written either by yourself or by members of your staff between January 1939 and January 1941.

Do I understand you to say now, to have said in your evidence, that you never knew that Jews were being exterminated in thousands and millions in the Eastern territories? Did you never know that?

STREICHER: No.

LT. COL. GRIFFITH-JONES: As I understood your evidence about the *Israelitisches Wochenblatt* this morning you said this, as I have written it down:

"Sometimes that journal contained hints that everything was not in order. Later in 1943 an article appeared stating that masses of Jews were disappearing but the article did not quote any figures and did not mention anything about murders."

Are you really saying that those copies of the *Israelitisches Wochenblatt*, which you and your editors were reading, contained nothing except for a hint of disappearance with no mention of figures or murder? Is that what you are telling this Tribunal?

STREICHER: Yes, I stick to that, certainly.

LT. COL. GRIFFITH-JONES: Now, I want you, if you will, to take this bundle and keep it in front of you. It is a bundle of extracts from the *Israelitisches Wochenblatt* from July 1941 until the end of the war. The Tribunal will be able to see what a fanatic for the truth really tells.

[The document was submitted to the defendant.]

My Lord, this bundle, for convenience again, is marked "B."

[Turning to the defendant.] Will you look at the first page? That is an article on the 11th of July 1941. "Some 40,000 Jews died in Poland during the last years. The hospitals are overfull."

Now, you need not turn over for the moment, Defendant. We will turn the pages soon enough.

Did you happen to read that sentence in the issue of the 11th of July 1941?

STREICHER: No.

LT. COL. GRIFFITH-JONES: Will you look at Page 3, 3-B? In November 1941: "Very bad news comes from the Ukraine. Thousands of Jewish dead are being mourned, among whom are many of the Galician Jews who were expelled from Hungary."

Did you read that?

STREICHER: That might be possible. It says "thousands," thousands are being mourned. That is no proof that millions were killed. There are no details as to how they came to their end.

LT. COL. GRIFFITH-JONES: If that is the explanation you want us to accept we will leave it.

Just go on again to the next page, will you? The 12th of December 1941, a month later:

"According to news which has arrived from several sources, thousands of Jews—one even speaks of many thousands—are said to have been executed in Odessa"—and so on.—"Similar reports reach us from Kiev and other Russian cities."

Did you read that?

STREICHER: I do not know; and if I had read it then it would not change a thing. That is no proof.

LT. COL. GRIFFITH-JONES: But you have told the Tribunal, you know, that there was nothing except hints of disappearance. Doesn't it show that you were not telling the truth when you read these extracts?

STREICHER: In that case may I say the following? When the war started we no longer received the *Israelitisches Wochenblatt*. During the later years one could only get the *Israelitisches Wochenblatt* through the Police. We got that paper, toward the end, into Germany by smuggling. On one occasion we asked the Police to provide us with foreign newspapers and this weekly, and we were told that it was not possible. But we nevertheless got it. What I mean to say by this is that I did not read every one of those issues. The issues which I did read were confiscated on my farm. Whatever is underlined has been read by me or it was read by my editor in chief. I cannot, therefore, guarantee that I read every article.

LT. COL. GRIFFITH-JONES: No, I appreciate that and that is why we have quite a number of them. You see, we have an extract for practically every week or month over the course of 3 years.

I would just like you to turn to Page 30-A of the "A" bundle. I just want you to see what you were writing after having heard, or after having read, or anyway after those copies of the *Israelitisches Wochenblatt* had been published. This is a leading article by yourself.

"If the danger of the reproduction of that curse of God in the Jewish blood is finally to come to an end, then there is only one way open—the extermination of that people whose father is the devil."

And is the word that you use for extermination there "Ausrottung," rooting out, extirpation?

STREICHER: First of all, I would like to ask whether this issue is known to my defense counsel, and if the translation is correct?

LT. COL. GRIFFITH-JONES: It does not matter. He has copies of all this and he will be able to protect your interests. We are now just testing the truth of the evidence that you have given.

Can you tell me, is that "extermination"? Does that mean murder of Jews? What else can it mean?

STREICHER: It depends on the whole context. In that case I want you to read the whole article.

LT. COL. GRIFFITH-JONES: Well, if there is anything in the rest of the article which can be helpful to you, your counsel will have an opportunity to see the article and be able to put it before

the Tribunal. I can assure you that the remainder of your articles, as a general rule, do not assist your case.

STREICHER: When that article appeared, mass killing had already taken place a long time ago.

LT. COL. GRIFFITH-JONES: Very well. Well now, we will not go through this at any length.

If you will look at your "B" bundle, your bundle of extracts from the *Israelitisches Wochenblatt*...

THE PRESIDENT: I think you should draw his attention to the date on Page 30-A.

LT. COL. GRIFFITH-JONES: I am very much obliged to Your Lordship.

[Turning to the defendant.] The 25th of December 1941.

If you will glance at "B" bundle you will see a number of extracts going from Page A to Page 21. Now, I would like you to glance at Page 24 of that "B" bundle.

STREICHER: Page 24?

LT. COL. GRIFFITH-JONES: Yes, Page 24. This is an article which appeared in the *Israelitisches Wochenblatt* on the 27th of November 1942. I just wondered whether you read this:

"At the Zionist Congress of Switzerland the representative of the 'Jewish Agency' in Geneva... gave a report on European Jewry... The number of victims goes into millions. If the present conditions continue and the German program is carried out, it is to be reckoned that, instead of 6 or 7 million Jews in Europe only 2 million will still be left."

Then there are the three last lines of the extract:

"The Jews who were there had mostly been deported to the notorious unknown destination further to the East. At the end of this winter the number of victims will be 4 million."

Is that what you call a hint of disappearance of Jews from the East?

STREICHER: I cannot recollect that I have ever read that but I do want to say that if I had read it I would not have believed it.

LT. COL. GRIFFITH-JONES: Well now, let us just turn to the "A" bundle again and look at the article that you wrote on the 17th of December 1942. It is Page 34-A. This is an article which is initialed "STR" so I presume it was written by you.

"The London newspaper, *The Times*, of the 16th of September 1942 published a...

STREICHER: I have not got it yet.

LT. COL. GRIFFITH-JONES: Page 34-A.

STREICHER: Just a minute.

LT. COL. GRIFFITH-JONES: Find it for him. It is headed: "Eye for Eye, Tooth for Tooth."

"The London newspaper, *The Times*, of 16 September 1942 published a resolution which had been unanimously passed by the Board of Deputies of British Jews. This resolution expresses the grief and horror of the Anglo-Jewish Community at the unspeakable atrocities committed by Germany and her allies and vassals against the Jews of Europe which had only one aim, to exterminate the whole Jewish population of Europe in cold blood."

Now, you must have read of that in *The Times* because you say so.

STREICHER: Yes.

LT. COL. GRIFFITH-JONES:

"Strange how the Jews of the Anglo-Jewish Community suddenly begin to prick up their ears. When the second World War began the Führer of the German nation warned the Jewish warmongers against plunging the world into a blood bath again. Since then the German Führer has warned and prophesied again and again that the second World War, instigated by world Jewry, must necessarily lead to the destruction of Jewry. In his last speech too, the Führer again referred to his prophecies."

Did you write that?

STREICHER: Yes, this is merely a quotation. It refers to a forecast from the Führer, of which nobody could possibly tell what it really meant.

LT. COL. GRIFFITH-JONES: Very well.

If you had not even read that or the *Israelitisches Wochenblatt*, did you ever hear of the declaration of the United Nations which was made on the 17th of December 1942?

[*The document was submitted to the defendant.*]

Do you remember hearing of that? You appear to have been reading *The Times*; you appear to have been reading some copies of the *Israelitisches Wochenblatt*. Maybe you heard of this declaration which was published in London, Washington, and Moscow at the same time with the assent and support of all Allied nations and dominions. I will just read it to you and see if you remember it:

"The attention of the Belgian, Czechoslovak, Luxembourg, Netherlands, Norwegian, Polish, Soviet, United Kingdom, United States, and Yugoslav Governments and also 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 often 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 labor 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 reaffirm their solemn resolution to ensure that those responsible for the crimes shall not escape retribution, and to press on with the necessary practical measures to this end."

Did you never hear of this declaration?

STREICHER: I do not know, but if I should have heard of it, then I would have to say the following:

After the seizure of power the foreign press published so many atrocity stories, which turned out to be rumors, that I would have had no reason to believe anything like this; nor is there any mention here that millions of Jews were killed.

LT. COL. GRIFFITH-JONES: Well, you see, it isn't altogether uncorroborated. You say you had no reason to believe it; but your *Israelitisches Wochenblatt*, which you were subscribing to, was saying exactly the same thing.

Would you look at Page 26-B of the "B" bundle? That is the declaration of the United Nations of the 17th of December. Just see what the *Israelitisches Wochenblatt* says on the 18th. And there I quote the second paragraph:

"At that time the Polish Government in London gave the number of Jews executed as 700,000. The Berlin radio hereupon declared that these reports were untrue, but admitted that in Poland 'Jews' had had to be executed because they carried out acts of sabotage."

Then the last paragraph quoted:

"Up to the end of September 1942,' writes the *Daily Telegraph*, '2 million Jews have lost their lives in Germany and in the countries occupied by the Axis, and it is to be feared that the number of victims will be doubled by the end of this year.'"

Did you happen to read that article?

STREICHER: I cannot remember having read it, but I would not have believed it if I had.

LT. COL. GRIFFITH-JONES: You see, there is another article in that same paper on the 23rd of December, in the same terms; another on the 30th of December; and another on the 8th of January. Look at what it says on the 8th of January:

"The Polish Government in London has issued a new declaration which states that all the information received agrees that a third of the 3 million odd Jews have lost their lives."

Did you read that?

STREICHER: I do not know, but I have to repeat, I would not have believed it.

LT. COL. GRIFFITH-JONES: Well now, just let's see just what you were writing on the 28th of January. Look at 35-A of your own bundle; 35-A. Now just see what your Chief Editor, the witness you are going to call, I understand, Hiemer—see what he has got to say first of all:

"But the ghetto too, which has today been re-established in nearly all European countries, is only an interim solution, for mankind once awakened will not merely solve the ghetto question but the Jewish question in its totality. A time will come when the present demands of the Jews will be fulfilled. The ghetto will have disappeared—and with it Jewry."

What is he referring to, if he isn't referring to the mass killing, murder, of the Jewish race?

STREICHER: That was a statement of his opinion, his conviction. That conviction must be understood in the same way as something which a Jewish author wrote in his book in America. Erich Kauffmann wrote that German men capable of fathering children should be sterilized, and in that manner the German people should be exterminated. It was at the same time that Hiemer wrote his

article, and I want to say that the very severe tone in *Der Stürmer* at that time was due to that book from America.

The interrogating officers know—and so does my counsel—that I have repeatedly pointed out that I wanted that book to be produced. It was in the *Völkischer Beobachter*.

If in America an author called Erich Kauffmann can publicly demand that all men in Germany capable of fathering children should be sterilized, for the purpose of exterminating the German people, then I say, eye for eye and tooth for tooth. This is a theoretical literary matter.

LT. COL. GRIFFITH-JONES: Very well. I am sure we have heard your explanation. Let's see what you have to say about your own article on the same date. I quote from the middle of the next paragraph:

"But now, in the fourth year of this war, world Jewry is beginning in its retrospective considerations to understand that the destiny of Jewry is finding its fulfillment at the hands of German National Socialism."

What did you mean by that? Perhaps I should have quoted a little earlier, going back to the beginning:

"When, with the outbreak of the second World War, world Jewry again began to manifest themselves as warmongers, Adolf Hitler announced to the world from the platform of the German Reichstag that the World War conjured up by world Jewry would result in the self-destruction of Jewry. This prophecy was the first big warning. It was met with derision from the Jews, as were all the subsequent warnings."

And then you go on to say:

"But now, in the fourth year of this war, world Jewry is beginning in its retrospective considerations to understand that the destiny of Jewry is finding its fulfillment at the hands of German National Socialism."

What did you mean by that?

STREICHER: Pardon me?

LT. COL. GRIFFITH-JONES: What do you mean by saying "World Jewry is finding its fulfillment at the hands of National Socialism"? How did you mean that National Socialism was finding the fulfillment of Jewry's destiny?

STREICHER: National Socialism could not fulfill the fate, that is to say, find the solution, since the Führer intervened with the hand of destiny. That was not a solution.

During an interrogation I pointed out that I who personally wanted a total solution, was, right from the beginning, against trying to solve the Jewish problem by means of pogroms. If I said that the destiny of Jewry was to be fulfilled by National Socialism, then I wanted to say that through National Socialism the world would gain the knowledge and the realization that the Jewish problem must be solved internationally.

LT. COL. GRIFFITH-JONES: Let's just go on.

"That which the Führer of the German people announced to the world as a prophecy at the beginning of this second World War is now being fulfilled with unrelenting inevitability. World Jewry, which wanted to reap big dividends from the blood of the warring nations, is rushing with gigantic steps toward its extirpation."

And again you use the word "Ausrottung."

Does that mean just as it sounds, as though the fulfillment that you were aiming at was warning the world about Jewry? What do you mean by it? "Rushing with gigantic steps toward its extirpation"—Ausrottung. What did you mean by it?

STREICHER: This is a warning. The Führer made a prophecy; nobody could interpret that prophecy properly. The prophecy was not quoted only in this article, but in 10 others. Again and again we referred to these prophecies, the first of which had been made in 1929. Today we know what the Führer wanted to say; at that time we did not. And I confess quite openly that with this quotation we wanted to warn world Jewry: "Against their threat, this threat."

So as to defend myself I might mention in this connection that the author, Dr. Emil Ludwig Kohn, who had left Germany and emigrated to France, had written in the paper *Le Fanal*, in 1934, "Hitler does not want war, but he is being forced into it. Britain has the last word." Thus...

LT. COL. GRIFFITH-JONES: We are not discussing war now. We are discussing the extermination, the mass murder of Jews, by the National Socialists. That is what we are discussing. Let me read on:

"When Adolf Hitler stepped before the German people 20 years ago to submit to them the National Socialist demands which pointed the way into the future, he also made the promise which was to have the gravest repercussions; that of freeing the world from its Jewish tormentors. How wonderful it is to know that this great man and leader is following up this promise with practical action. It will be the greatest deed in the history of mankind."

Do you say that you are not putting forward propaganda for the policy of mass extermination which the Nazi Government had set out to do?

STREICHER: We too had freedom of the press like democratic countries. Every author knew of the forecast, which perhaps later on turned out to be a fact, and could write about it. That is what I did.

LT. COL. GRIFFITH-JONES: Very well.

STREICHER: But for my defense, Mr. Prosecutor, I want to be allowed to say that wars too can be mass murder, with their bombs, *et cetera*. And if it is proved that someone says that we are forcing Hitler into war, then I can certainly say that a man who knows that Hitler is being forced into war is a mass murderer.

LT. COL. GRIFFITH-JONES: With the permission of the Tribunal I am going to interrupt you again because we are not discussing whether or not Hitler was forced into war. We will leave that now.

Just let us go on and see if you are really speaking the truth in saying that while you are writing these articles you are not perfectly well aware of what was happening in the Eastern territories.

We got as far as January 1943. I would like you to just look at one or two more of the *Israelitisches Wochenblatt* and see if you remember reading any of these. Will you look at Page 30-B the 26th of February, in your "B" bundle?

"Exchange reports from the Polish Government circles in London that Warsaw, Lvov, Lodz and other cities have been 'liquidated,' and that nobody from the ghettos remained alive. The last investigations have ascertained that only about 650,000 Jews remain out of 2,800,000."

Listen to me. Did you read that? Do you remember it?

STREICHER: I do not know. For months, perhaps half a year, we did not get an issue, but if I had read it, I would not have believed that either.

LT. COL. GRIFFITH-JONES: Did you believe Hitler? If you will turn over the page to 31-B, did you believe Hitler? According to the last two lines quoted in the *Israelitisches Wochenblatt* of the 5th of March 1943: "Hitler, in his proclamation of 24 February, again proclaimed the extermination of the Jews in Europe as his goal."

Did you believe your own beloved Führer when he was saying the same things as the *Israelitisches Wochenblatt*, the United Nations, and *The Times* newspaper in London?

STREICHER: No, I declare that whoever got to know the Führer's deepest emotions and his soul, as I have personally, and

then later had to learn from his testament that he, in full possession of his faculties, consciously gave the order for mass extermination, is confronted with a riddle. I state here . . .

LT. COL. GRIFFITH-JONES: We really don't want another long speech about the Führer. Just turn over the page and look at what is being said on the 26th of March:

"The report of the Polish Government on the measures against the Jewish population is published in full in the English press. A passage reads, 'In the town of Vilna 50,000 Jews were murdered, in Rovno 14,000; in Lvov half of the total Jewish population.'

"Many details are also given about the use of poison gas, as at Chelm, of electricity in Belzec, of the deportations from Warsaw, the surrounding of blocks of houses, and of the attacks with machine guns."

Did you read that one?

STREICHER: I do not know. However, that shootings must have occurred, of course, where Jews committed sabotage, *et cetera*, is self-evident. During a war that is considered as a matter of course. However, the figures which are quoted here were just simply not believable.

LT. COL. GRIFFITH-JONES: Yes. I understand you to say that now, but what I do not understand is what you meant when you said this morning that the *Israelitisches Wochenblatt* made no mention of murders and gave no figures. You didn't say that the figures were unbelievable; you told this Tribunal, on your oath, that the newspaper contained nothing except the hints of disappearance, with no mention of figures. What did you mean by that?

STREICHER: I have said the truth under oath, but it is possible that one might not remember everything. During an interrogation some time back I stated, based on memory, that an issue must exist which mentions the disappearance of Jews, and so on. It is in the *Israelitisches Wochenblatt*, and I thought I said that it was in 1943 and it is true. If one article after the other is put before me—well, even if I had seen it, how can I remember it? But that I, under oath, should have deliberately told you an untruth, that is, at any rate, not so.

LT. COL. GRIFFITH-JONES: We will deal with the article you mention in 1943 in one moment; but just before we do that, just see if you believe your own staff. Turn, will you, to 38-A, M-139. Now, on the 6th of May it so happens just after those last three extracts from the *Israelitisches Wochenblatt* we have looked at, within 2 or 3 months, 1 or 2 months afterwards your newspaper is publishing this article. It is headed "Children of the Devil."

"*Der Stürmer* paid a visit to the ghettos in the East. *Der Stürmer* sent its photographic reporter to various ghettos in the East; a member of *Der Stürmer's* staff is well acquainted with the Jews. Nothing can surprise him easily. But what our contributor saw in these ghettos was a unique experience for him. He wrote, 'What my eyes and my Leica camera saw here convinced me that the Jews are not human beings but children of the devil and the spawn of crime. . . . It is hard to see how it was possible that this scum of humanity was for centuries looked upon as God's chosen people by the non-Jews. . . . This satanic race really has no right to exist.' "

Now, you have heard of what was happening in the ghettos in the East during 1942 and 1943? Are you really telling this Tribunal that your photographer went with his camera to those ghettos and found out nothing about the mass murder of Jews?

STREICHER: Yes, otherwise he would have reported to us about it.

LT. COL. GRIFFITH-JONES: Warsaw ghetto, you remember, exterminated, wiped out in April 1943. Your photographer must have been around just about that time, if you were writing this on the 6th of May, if he had just returned. Did you think he could have been there looking at ghettos for *Der Stürmer*, for Julius Streicher, the Jew-baiter, and have discovered nothing of what was happening in the ghetto in Warsaw and elsewhere?

STREICHER: I can only remember that immediately after the end of the Polish campaign a Viennese reporter went over there, made films and made reports, in 1942. I would like to ask—is there a name, a signature there, to show by whom it was written? One thing I know is that the ghetto was destroyed; I read it in a summary, an illustrated report which I think originated in the Ministry of Propaganda. But as to the destruction of the ghetto during an uprising—well, I consider that legal; from my point of view it was right. But mass murders in the ghetto in Warsaw are something I never heard of.

LT. COL. GRIFFITH-JONES: Now, just let's look at the article to which you referred a moment ago. Will you look at 44-A of the document book?

My Lord, this is the same as was included at Page 53 in the original document book; it was Document Number 1965-PS, Exhibit Number GB-176, but there is slightly more of the extract quoted at Page 44-A.

[Turning to the defendant.] Now, I just want you to examine for the last time whether or not you are speaking the truth in telling the Tribunal that you did not know what was happening. You quote

in that article from the Swiss newspaper, the *Israelitisches Wochenblatt*, of the 27th August 1943—you will see that date, My Lord, in the middle of the first paragraph—I start now from that line in the middle:

“The Swiss Jewish newspaper goes on to say, ‘The Jews of Europe, with the exception of those in England and of insignificant Jewish communities in the few neutral countries, have disappeared, so to speak. The Jewish reservoir of the East that was able to counterbalance the force of assimilation in the West no longer exists.’”

That is the end of your quotation from the newspaper, and you go on to say:

“This is not a Jewish lie; it is really true that the Jews have, ‘so to speak,’ disappeared from Europe and that the ‘Jewish reservoir of the East’ from which the Jewish pestilence spread for centuries among the European nations has ceased to exist. If the Swiss newspaper wishes to affirm that the Jews did not expect this kind of development when they plunged the nations into the second World War, this is to be believed; but already at the beginning of the war the Führer of the German Nation prophesied the events that have taken place. He said that the second World War would swallow those who had conjured it.”

Now, are you really saying that when that article was written you did not know how to interpret the word “disappearance,” the disappearance of the Jews from the East? Are you really telling the Tribunal that?

STREICHER: Yes, the word “disappear” after all does not mean extermination *en masse*. This deals with a quotation from the *Israelitisches Wochenblatt* and is a repeated quotation of what the Führer had prophesied.

LT. COL. GRIFFITH-JONES: Well, now, would you look at the article from which you quote there, which you will find at Page 36-B; and I would like you to follow it, and we will read the two together. Now, the particular paragraph which I want to read in the *Israelitisches Wochenblatt* is that quotation which I have just read to you and you will find the same quotation.

My Lord, it starts at the end of the eighth but last line, “The Jews were” or rather “The Jews of Europe . . .” Have you got them in front of you, Defendant?

STREICHER: I shall listen to you.

LT. COL. GRIFFITH-JONES: It would be better, I think, if you followed it. I want to help you as much as possible. Page 44-A and 36-B. I will read slowly first of all from your *Stürmer* again:

"The Jews of Europe, with the exception of those in England and of insignificant Jewish communities in the few neutral countries, have, so to speak, disappeared..."

and you will see that you then go on in the quotation and say:

"... the Jewish reservoir of the East which was able to counter-balance the force of assimilation in the West no longer exists."

Now, would you look at the original article:

"The Jews of Europe"—this is 36-B—"the Jews of Europe, with the exception of those in England and of insignificant Jewish communities in the few neutral countries, have, so to speak, disappeared."

Now—there you go on, "The Jewish reservoir of the East"—the original goes on—"three million dead, the same number outlawed; many thousands, all over the world, mentally and physically broken."

Are you telling this Tribunal now that on the 27th of August, or when you read that article of the 27th of August, you didn't know that Jews were being murdered in the East and that you had not read of those things in the *Israelitisches Wochenblatt*?

STREICHER: Whether I had read it or not, I would not have believed it, that 3 million Jews had been killed. That is something I would not have believed, and that is why I left it out, at any rate. Anyhow, the German censorship would not have allowed the spreading of something which is not credible.

THE PRESIDENT: You didn't read the last part of the line, did you?

LT. COL. GRIFFITH-JONES: [*Repeating.*] "... were mentally and physically broken. That is the result of the new order." I am very much obliged to you.

[*Turning to the defendant.*] "That is the result," you say, "of the 'new order' in Europe..."

You say you didn't believe it. Is that what you say now, that you must have read it—must you not?

STREICHER: Yes.

LT. COL. GRIFFITH-JONES: But you just didn't believe it; is that right?

STREICHER: No, I did not believe it.

LT. COL. GRIFFITH-JONES: Even if you didn't believe it, when you were reading this newspaper more or less regularly, when your cameraman had been to the ghettos in the East, did you think it right to go on, week after week, in your newspaper crying for the extermination, murder, of the Jews?

STREICHER: That is not correct. It is not true that murder was demanded week after week. And I repeat again, the sharpening of our tone was the answer to the voice from America that called for our mass murder in Germany—eye for eye, tooth for tooth. If a Jew, Erich Kauffmann, demands mass murders in Germany, then perhaps I, as an author, can say that the Jews too should be exterminated. That is a literary matter. But the mass murders had taken place a long time before without our having known about them; and I state here that if I had known what had in fact happened in the East, then I would not have used these quotations at all.

LT. COL. GRIFFITH-JONES: But, Defendant, you must have known then, must you not, after reading that article, after sending your cameraman, after the United Nations published their declaration, after Hitler's prophecies had been made again and again in his proclamations, after you said his prophecy had been fulfilled? You really say you didn't know?

STREICHER: The cameraman is at your disposal. He is in Vienna, and I ask to have him brought here. And I state that this cameraman reported nothing, and could not have reported anything, about mass murders.

THE PRESIDENT: I think we might adjourn now.

[A recess was taken.]

DR. MARX: Mr. President, with the permission of the Tribunal, and in the interest of clarification of the facts, I should like to point out the following: The Prosecutor, Sir Griffith-Jones, has mentioned a document, Page 38-A from *Der Stürmer* of 6 May 1943. That seems to be an error, because we are dealing here with *Der Stürmer* of 6 March 1943.

That date is of the greatest importance because if the photographer of *Der Stürmer* published a report of 6 March in *Der Stürmer*, then he must have been at the ghetto in Warsaw before 6 March 1943. Presumably...

THE PRESIDENT: Why do you say 6 March? The document I have before me has 6 May.

LT. COL. GRIFFITH-JONES: There has been a mistake, I am afraid, in the German that Dr. Marx has. I have the original before me, which is 6 May 1943.

DR. MARX: Excuse me. At the present moment I cannot recall when the destruction of the ghetto of Warsaw took place. That was Document 1061-PS.

LT. COL. GRIFFITH-JONES: I cannot remember for the moment the number of the document, but the date was, I think from memory, from the 1st to the 23rd of April.

DR. MARX: Then, of course, my remark is without foundation. Please excuse me.

LT. COL. GRIFFITH-JONES: Now we had just dealt with the *Israelitisches Wochenblatt* issue for 27 August, the copy that you quoted from: I just refer you to one more copy of that newspaper. Would you look at Page 37-B, which is an issue of 10 September 1943:

"Statistics presented by the Convening Committee showed that 5 millions out of the 8.5 million Jews of Europe had died or been deported... About 3 million Jews had lost their lives through forced labor and deportation."

Did you read that one?

STREICHER: I do not know, and again I would not have believed it. To this day I do not believe that 5 million were killed. I consider it technically impossible that that could have happened. I do not believe it. I have not received proof of that up until now.

LT. COL. GRIFFITH-JONES: It is quite clear that there were plenty of figures for you, quoted in this *Israelitisches Wochenblatt* over the period that we are discussing. Plenty of figures, it now turns out, doesn't it?

STREICHER: Pardon?

LT. COL. GRIFFITH-JONES: We will go on. Now, I just want to put one or two further articles of your own to you. You remember what I am suggesting, that you are inciting the German people to murder. We know now that at least you had read one article in the *Israelitisches Wochenblatt* where murder is mentioned. I just want to see what you go on to publish in your own paper after that date.

Would you look at Page 47-A. This is an article by yourself on 6 January 1944. This is after you had been living on your estate for some time.

"After the National Socialist uprising in Germany, a development began in Europe, too, from which one can expect that it will free this continent for all time of the Jewish disintegrator and exploiter of nations; and, over and above this, that the German example will, after a victorious termination of the second World War, bring about the destruction of the Jewish world tormentor on the other continents as well."

What example was the German nation setting to the other nations of the world? What example do you mean there?

STREICHER: This article corroborates what I have been saying all along. I spoke of an international solution of the Jewish question. I was convinced that if Germany had won this war or had been victorious over Bolshevism, then the world would have agreed that an understanding should be reached with the other nations for an international solution of the Jewish question. If I wrote here about destruction, it is not to be understood as destruction by mass killing; as I have said, that is an expression; I have to point out that I do not believe that Erich Kauffmann really wanted to kill the German people by sterilization, but he wrote it, and we sometimes wrote in the same manner, echoing the sounds that we heard in the other camp.

LT. COL. GRIFFITH-JONES: You have not yet told us what is this international solution that you are advocating by talking about extermination; if it is not murder, what is it? What is the solution?

STREICHER: I have already said that I founded the Anti-Semitic Union, and through this Anti-Semitic Union we wanted to create movements among the nations which should, above and beyond governments, act in such a way that an international possibility would be created, such as has been represented today here in this Trial—thus, I conceived it, to form an international congress center which would solve the Jewish question by the creation of a Jewish state and thereby destroy the power of the Jews within the nations.

LT. COL. GRIFFITH-JONES: That is your answer—that you were advocating a Jewish state? Is that all that this comes to? Is it simply that you were advocating a Jewish national home? Is that what you have been talking about in all these extracts that we have read? Is that the solution which you are advocating?

STREICHER: Well, I do not know what you want with that question. Of course, that is the solution.

LT. COL. GRIFFITH-JONES: Very well. Let us just go on now. Turn to Page 48-A now, will you? This is 24 January 1944, "Whoever does what a Jew does is a scoundrel, a criminal, and he who repeats and wishes to copy him deserves the same fate—annihilation, death."

Are you still advocating a national Jewish home?

STREICHER: Yes, that has nothing to do with the big political plan. If you take every statement by a writer, every statement from a daily newspaper, as an example, and want to prove a political aim by it, then you miss the point. You have to distinguish between a newspaper article and a great political aim.

LT. COL. GRIFFITH-JONES: Very well, let us just turn now to the next page, 2 March 1944, "Eternal night must come over the

born criminal race of Jews so that eternal day may bless awakening non-Jewish mankind."

Were they going to have eternal night in their national Jewish state? Is that what you wanted?

STREICHER: That is an anti-Semitic play of words. Again it has nothing to do with the great political aim.

LT. COL. GRIFFITH-JONES: It may be an anti-Semitic play of words, but the only meaning it can have is murder. Is that not true?

STREICHER: No.

LT. COL. GRIFFITH-JONES: Will you turn to the next page, 25 May 1944; and I remind you that these are all after you must have read of the murder in *Israelitisches Wochenblatt*. I quote the second paragraph:

"How can we overcome this danger and restore humanity to health? Just as the individual human being is able to defend himself against contagious diseases only if he proclaims war against the cause of the disease, the germ, so the world can be restored to health only when the most terrible germ of all times, the Jew, has been removed. It is of no avail to battle against the outward symptoms of the world disease without rendering the morbific agents innocuous. The disease will break out again sooner or later. The cause and the carrier of the disease, the germ, will see to that. But if the nations are to be restored to health and are to remain healthy in the future, then the germ of the Jewish world plague must be destroyed; root and branch."

Is that what you mean? Are you saying there when you say "must be destroyed root and branch"—did you mean to say "ought to be given a Jewish national state"?

STREICHER: Yes, it is a far cry from such a statement in an article to the act, or to the will, to commit mass murder.

LT. COL. GRIFFITH-JONES: Turn over to the 10th of August. "When it loses this struggle, Judaism will be ruined, then the Jew will be extinguished. Then will Judaism be annihilated down to the last man."

Are we to read from these words: Provide the Jews with a Jewish national state?

STREICHER: That is a vision of the future. I would like to call it an expression of a prophetic vision. But it is not incitement to kill 5 million Jews. That is an opinion, a matter of belief, of conviction.

LT. COL. GRIFFITH-JONES: It is the prophetic vision of what you wanted, is it not—of what you have been advocating now for the last 4 years—the beginning of the war? Isn't that what it is?

STREICHER: Mr. Prosecutor, I cannot tell you today what I may have been thinking years ago at a certain moment when writing an article. But still I admit that when I saw lying before me on the table declarations from the Jewish front, many declarations saying, "the German nation has to be destroyed; bomb the cities, do not spare women, children, or old men"—if one has declarations like these in front of one, it is possible that things will come from one's pen such as I have often written.

LT. COL. GRIFFITH-JONES: You know, do you not, now, even if you do not believe the full figures, that millions of Jews have been murdered since the beginning of the war? Do you know that? You have heard the evidence, have you not?

STREICHER: I believe it . . .

LT. COL. GRIFFITH-JONES: I only wanted to know whether you had heard that evidence. You can answer "yes" or "no," and I presume it will be "yes."

STREICHER: Yes, I have to say, evidence for me is only the testament of the Führer. There he states that the mass executions took place upon his orders. That I believe. Now I believe it.

LT. COL. GRIFFITH-JONES: Do you think that it would have been possible to carry out the extermination of 6 million Jews in 1921? Do you think the German people would have stood for it? Do you think it would have been possible under any regime in 1921 to have carried out the murder of 6 million men, women, and children of the Jewish race?

STREICHER: Whether that would have been possible with the knowledge of the people—no, it would not have been possible. The prosecutor himself has said here that since 1937 the Party had full control over the people. Now even if the people had known this, according to the opinion of the Prosecution, they could not have done anything against that dictatorship because of that control. But the people did not know it. That is my belief, my conviction, and my knowledge.

LT. COL. GRIFFITH-JONES: Was it possible to exterminate people in that way only after some 20 years of incitement and propaganda by you and other Nazis? Is that what made that possible?

STREICHER: I deny that the population was incited. It was enlightened, and sometimes a harsh word may have been directed

against the other side as an answer. It was enlightenment, not incitement. And if we want to keep our place before history I have to state again and again that the German people did not want any killings, whether individually or *en masse*.

LT. COL. GRIFFITH-JONES: I am not going to let you go into another history about the German people. I am going to remind you of what you have said . . .

STREICHER: Adolf Hitler . . .

LT. COL. GRIFFITH-JONES: I am going to remind you of what you said yesterday. I read from the transcript: You speak of a Jewish question at the time—that is 1923—"I would like to say that the public distinguished Jews only by their religion; to speak about a Jewish problem then would have been nonsense."

Was that because there was no Jewish problem then, and that the Jewish problem had only been created by you and the Nazi regime?

STREICHER: It was my aim, and I reached that goal in part: If the laws which in the future should make impossible sexual intercourse between different races, that is to say if that should become law—then it would make the public realize that to be a Jew is not a point of religion but of people and race. I helped to create that basis. But mass killings were not the result of the enlightenment, or as the Prosecution say, incitement. Mass killings were the last acts of will of a great man of history who was probably desperate because he saw that he would not win.

LT. COL. GRIFFITH-JONES: I have no further questions. Perhaps I might be allowed to just sort out the exhibits and then mention to the Tribunal their numbers. If the Tribunal would agree, those that I have put in evidence, which are the other parts of the bundle other than I have actually quoted from—perhaps I could put them all in as one number and hand the exhibits in to the clerk, if that would be the convenient course.

THE PRESIDENT: I think so, yes. If they are in one bundle and you are going to give one number to a number of documents, it had better be in one bundle, had it not?

LT. COL. GRIFFITH-JONES: Yes.

THE PRESIDENT: Dr. Marx, do you want to re-examine?

DR. MARX: I do not consider it necessary any more.

THE PRESIDENT: Then the defendant can return to the dock. Dr. Marx, will you continue the defendant's case?

DR. MARX: I call now, with the permission of the Court, the witness Fritz Herrwerth.

[The witness Herrwerth took the stand.]

THE PRESIDENT: Will you state your full name?

FRITZ HERRWERTH (Witness): Fritz Herrwerth.

THE PRESIDENT: Will you repeat this oath after me: "I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

[The witness repeated the oath in German.]

You may sit down.

DR. MARX: How long have you known the Defendant Streicher?

HERRWERTH: Since the Party Rally in 1934.

DR. MARX: When did you enter his service and in what capacity?

HERRWERTH: I was employed on 15 October 1934, in Nuremberg, not in the personal service of Herr Streicher himself, but in the municipal motor pool. However, I worked for the then Gauleiter Streicher.

DR. MARX: When did you leave that service?

HERRWERTH: In August 1943.

DR. MARX: For what reason?

HERRWERTH: It was a personal dispute, and mainly due to my fault.

DR. MARX: Did you have any other tasks to carry out for Herr Streicher?

HERRWERTH: Yes.

DR. MARX: And which?

HERRWERTH: Well, whatever came up. I also did agricultural work at the end.

DR. MARX: Thus you were very often with Streicher?

HERRWERTH: Yes.

DR. MARX: And therefore you knew about the most important incidents during that period?

HERRWERTH: Yes. I do not know, however, what you call important incidents. There were things that I do not know about, that is, at least I assume that.

DR. MARX: I will ask you later in detail.

HERRWERTH: Yes, if you please.

DR. MARX: The Defendant Streicher is accused of having caused acts of violence against the Jews and of having participated in these acts. Do you know of any such case?

HERRWERTH: Not a single one.

DR. MARX: Will you please wait until the end of my question, and then I shall say "end of question." On 9 November 1938, did you drive Streicher back to Nuremberg from Munich, and when? End of question.

HERRWERTH: It was on 9 November, yes. I do not know the time exactly. At that time Streicher left Munich a bit earlier, and it may have been about—I do not know for sure—9 o'clock perhaps.

DR. MARX: Did Streicher know already during that ride back that something was to be done that night against the Jewish population?

HERRWERTH: No, he knew nothing about that.

DR. MARX: Then, during the night of 9 November, did you witness a conversation between Streicher and the SA Leader, Von Obernitz?

HERRWERTH: Yes.

DR. MARX: Where did that conversation take place?

HERRWERTH: In order to answer that question, I have to explain a little further. When Herr Streicher went to bed, I was usually with him or the house superintendent. On that evening Herr Streicher went to bed earlier than usual. I do not know the reason. And that concluded my work for the day. I went from Herr Streicher to the Casino of the Gauleitung. That was in the cellar of the Gauleitung building on Schlageterstrasse. I played cards there. And then the former SA Obergruppenführer, Von Obernitz, came and called me, as was customary, by the name of Fritz and told me he had to speak to Herr Streicher very urgently; and I answered him that Herr Streicher had already gone to bed. Then he said, "Then I must rouse him," and he told me he would assume the responsibility; it was an important affair. Herr Von Obernitz went to Herr Streicher's apartment in my car. Herr Streicher's bedroom is above my apartment. I had the keys and of course I could get in at any time.

On the way to the apartment at night I noticed that many SA men were in the streets. I asked Herr Von Obernitz the reason for that. He told me that that night something was going to happen; the Jewish homes were to be destroyed. He did not say anything further to me.

I accompanied Herr Von Obernitz all the way to the bed of Herr Streicher. Herr Von Obernitz then reported to Streicher about what was happening that night. I cannot recall the details very well any more, but I believe that he said that that night the Jewish homes were to be destroyed. Herr Streicher was, if I may say so,

surprised. He had not known anything about it. He said literally to Herr Von Obernitz, and I remember that very clearly, "That is wrong. One does not solve the Jewish question that way. Do what you have been ordered. I shall have no part in it. If anything should occur so that you need me, then you may come for me." I can also mention that thereupon Herr Von Obernitz said that Hitler had declared that the SA should be allowed to have a fling as retribution for what had occurred in Paris in connection with Herr Vom Rath. Streicher stayed in bed and did not go out during that night.

DR. MARX: Did Herr Von Obernitz mention anything about the fact that the synagogues were to be set on fire?

HERRWERTH: I believe so, yes. But, as far as I remember, Herr Streicher refused to do that, too, because the synagogue, as far as I know, was burned down by the regular fire department, and upon orders from Herr Von Obernitz.

DR. MARX: How do you know that?

HERRWERTH: I was there.

DR. MARX: Did you watch it?

HERRWERTH: Yes. I was at the synagogue during the night.

DR. MARX: And how could one assume that the regular fire department started the fire?

HERRWERTH: How that could be assumed I do not know, but I saw it. The regular fire department started the fire.

DR. MARX: Were you there in time to see how the fire was started or did you arrive when the building was already on fire?

HERRWERTH: The building was not yet on fire, but the fire department was there already.

DR. MARX: Is that right?

HERRWERTH: I can say nothing else.

DR. MARX: Did Herr Streicher at that time mention anything about the fact that he was afraid of a new wave of excitement on the part of the world press if the synagogue was burned? Did he say that that is why he refused to do it?

HERRWERTH: I believe so, yes, but I could not say definitely; but, if I remember correctly, they spoke about that.

DR. MARX: Did Obernitz say from whom he had received the order?

HERRWERTH: He only repeated what Hitler had said—the SA should be allowed to have a fling.

DR. MARX: Is it correct that you, Witness, told your wife during the same night about that conversation between Obernitz and Streicher?

HERRWERTH: I believe I did not speak about the conversation; but when I walked down from the second floor to the ground floor through my apartment, I told my wife that I would probably be a little late because that night that action was going to be started; I told her briefly what was happening but nothing about the conversation.

DR. MARX: Then, later you were at the Pleikershof when Streicher had been forced to retire there or had retired?

HERRWERTH: Yes.

DR. MARX: Do you remember an incident where the future Frau Streicher spoke about the incidents at Magdeburg which had occurred there the same night?

HERRWERTH: No, I know nothing of that.

DR. MARX: Did you not tell the then Frau Merkel that she should not talk about these incidents because Streicher always got very excited about them?

HERRWERTH: I can recall that Herr Streicher once said that he had been right in his opinion, for, not long after that night he received information—I do not know through whom—that, for instance, the glass for the window panes had to be bought from Holland again. Herr Streicher said then that that was the first confirmation of the correctness of the opinion he had expressed at that time.

THE PRESIDENT: Dr. Marx, just one moment.

Sir David, would it be convenient to you and the counsel for the Defendant Von Schirach if we discussed the question about the documents at 0930 tomorrow morning?

SIR DAVID MAXWELL-FYFE: My Lord, I will find out. Yes, counsel for Von Schirach says that he thinks it is all right.

THE PRESIDENT: Very well, 0930 tomorrow morning.

DR. MARX: What observations did you make during your stay at Pleikershof about the attitude of Streicher with regard to the Jewish question? What was that about the *Israelitisches Wochenblatt*?

HERRWERTH: Well, what do you want to know about the *Israelitisches Wochenblatt*? Herr Streicher received it.

DR. MARX: Did he receive it regularly?

HERRWERTH: Yes, I believe I can say that quite certainly. I always saw large bundles of newspapers of the *Israelitisches Wochenblatt*. They came continuously.

DR. MARX: Herr Streicher said that during the first years of the war he had great difficulty in getting that paper and the Police did not release it easily.

HERRWERTH: Yes, that can very well be. For I do not know, after all, of what year they were. I just saw them and it is difficult for me to tell now of what date these papers were.

DR. MARX: Yes, you said there were always large bundles of them.

HERRWERTH: Yes, on and off, but there were other newspapers too. Swiss newspapers were there, the *Israelitisches Wochenblatt*, and so on. There were always so many newspapers lying about and among them I saw here and there the *Israelitisches Wochenblatt*. I mean to say that it would not be possible for me to say how many there were.

DR. MARX: All right. Did Streicher speak at times about his knowledge of happenings in the East or of happenings in concentration camps in the East?

HERRWERTH: Well. Herr Streicher did not know anything at all about it. Thus he could not say anything about it. At least that is my conviction.

DR. MARX: Did you, then, ever speak to him about it?

HERRWERTH: Not that I know of; I did not know anything about it myself.

DR. MARX: Did you ever receive knowledge of a letter in which Streicher was reproached by Reichsführer SS Himmler because he treated the French prisoners too well? Did you understand me?

HERRWERTH: Yes, I understood, but I have to think about it. I know quite well that Herr Streicher once mentioned something about the treatment of prisoners. I know that the Frenchmen were treated very well, but whether the cause for that was a letter from Himmler I do not know.

DR. MARX: No, no. The cause for the good treatment, you mean?

HERRWERTH: No, the cause for Herr Streicher's speaking about it. Herr Streicher spoke about reproaches against the good treatment of the Frenchmen; but I do not know whether the fact that he spoke about it was due to a letter from Himmler. But I do not believe that there was a single Frenchman who could complain in any way about the treatment.

DR. MARX: You were no longer present when the Frenchmen left?

HERRWERTH: No.

DR. MARX: Do you know about an incident when the publisher Fink came into the garden of Streicher's home and admitted having lied to the police in an affair concerning shares?

HERRWERTH: The question must be put in detail, Mr. Attorney, for I do not know all about it, only part of it. I know that the then Director Fink stood in tears before Streicher, that he wailed, that he accused himself, saying that he was a rascal and a traitor. But why, I do not know. For Herr Streicher then walked farther into the garden with him, and I only saw that Herr Fink wept, and again heard how he accused himself.

DR. MARX: Do you know that Streicher at certain intervals brought people from the SPD and the KPD (Social Democratic Party and Communist Party) from the Dachau Concentration Camp?

HERRWERTH: Yes.

DR. MARX: How many do you suppose there were?

HERRWERTH: I do not know. It was every year around Christmas time. I estimate that there were about 100 to 150 men every year. They came from Dachau. Herr Streicher had dinner prepared for them in a separate room, in the Hotel Deutscher Hof, and I believe that used to be the family reunion—that is to say, the prisoners rejoined the members of their family. Streicher also saw to it that released prisoners found work, and he intervened personally for them.

DR. MARX: Did he also get work for one or another of these released persons?

HERRWERTH: Yes.

DR. MARX: What do you know about that?

HERRWERTH: I remember that three men, I believe, came into the Mars motorcycle factory. Herr Streicher at that time told the plenipotentiary of the German Labor Front to find positions for these people, as far as I remember.

DR. MARX: What was the attitude of Streicher when he found out that members of the Party had acquired cars and villas of Jewish property at very low prices?

HERRWERTH: I can still remember when Herr Streicher returned from Berlin. I do not know how much Herr Streicher knew at that time about these purchases; but at any rate, when Herr Streicher returned from Berlin where Herr Göring had expressed his views about these low-priced purchases of buildings, Herr

Streicher, just arrived at the Nuremberg railroad station, said—and I heard it myself—that these purchases had to be nullified at once.

Besides, I know only about one case where a Party member had to do with the purchase of a house. I do not know whether there were more of them.

DR. MARX: Do you know whether Streicher was under surveillance by the Gestapo while on his farm and that there was a prohibition against visiting him there?

HERRWERTH: In answering the first question, I cannot say for sure that Criminal Police agents were there. I cannot affirm categorically that Herr Streicher was once under observation, but it could be safely assumed. I know of a woman who even stated that she had been photographed in the forest when she came from the railroad station to the farm. And what was the second question?

DR. MARX: Whether people were prohibited from visiting him.

HERRWERTH: Yes. I met various members of the Party within the city and whomever I asked said to me, "Impossible to get out there, impossible to get out there." And if I asked who had issued the prohibition, then no one would talk about it; but as one heard it here and there, this prohibition was said to have been issued by the Deputy of the Führer, Herr Hess.

DR. MARX: Do you know anything about the fact that Streicher, when he found out that acts of violence against Jews or other political adversaries were intended, stopped them immediately?

HERRWERTH: Yes. At least, on the basis of his statements. He always said that that was wrong.

DR. MARX: Do you know of any case where he took measures against somebody who had been a party to such acts of violence? If you do not know it, say you do not know.

HERRWERTH: Very well, at this moment I cannot recall any case.

DR. MARX: Do you know anything about that affair concerning the Mars Works shares? What do you know about it?

HERRWERTH: Yes. I know about that case through statements made by Streicher at that time. I was not a witness to these events myself, but Herr Streicher once related to me what had happened. Shall I describe it briefly?

DR. MARX: Yes, but very condensed, please.

HERRWERTH: Streicher was in a Turkish bath at the time when the Director Fink and his adjutant, König, came and offered to sell the shares to Herr Streicher. Herr Streicher said, "What

kind of shares are they?" The answer was, "They are shares of the Mars Works." He said, "How many?" The answer was "100,000 marks' worth." Then Streicher said, "What do the shares cost?" He was told "5,000 marks." Herr Streicher asked, "Why are these shares so cheap?" Finally Herr Fink said, I believe, "Because they are Jewish shares."

Whoever knows Herr Streicher as I do, knows that Herr Streicher has never taken anything from a Jew. He protested very emphatically against the fact that such an offer had been made to him at all.

That seemed to settle the matter for the time being, and then suddenly the then Gauleiter Herr Streicher had the thought that with that money he could possibly construct the third Gau building. He mentioned that to the gentlemen as they left, and they decided to buy the shares. Herr Streicher forbade them to use Party money. Then both did not know what to do. Herr Streicher said he would advance these 5,000 marks.

That settled the case, but I had another experience later. It was about one and a half years after that trial that Streicher had had in Munich, when he was dismissed. At that time the wife of NSKK Obergruppenführer Zühlen came to me and asked whether I already knew that the criminal police was again in Nuremberg concerning the Streicher case. I said "no" to Frau Zühlen and added, "If they want to find out something why do they not come out to the farm to Herr Streicher himself? He will give them all the necessary information."

After about 2 to 3 weeks, I met the Director of *Der Stürmer*, Fischer, successor to Herr Fink. He told me—but I would like to mention first that the shares, together with the 5,000 marks, were confiscated from Herr Streicher. The then Director Fischer told me that on that same day he had received a phone call from the trustee association, and that the trustee association had reported to Director Fischer that they had transferred to the account of *Der Stürmer* the 5,000 marks which Streicher at that time had advanced for the purchase of the shares.

THE PRESIDENT: Dr. Marx, do you not think he is going into rather too much detail about this?

DR. MARX: Yes.

HERRWERTH: Yes, I will make it shorter.

The man from the trustee association said that the 5,000 marks were released because the innocence of Streicher had been proved in this matter.

DR. MARX: You witnessed the Supreme Party Court session at that time?

HERRWERTH: Yes.

DR. MARX: What did Herr Fink say at that time? Did he not accuse himself again of having made false statements?

HERRWERTH: I was not present when Herr Fink was questioned.

DR. MARX: Very well. Then I would like to ask you, were you present when the incident in Munich occurred at the Künstlerhaus Inn—with the man who accosted Streicher?

HERRWERTH: Yes.

DR. MARX: Can you give us a description of how that incident occurred?

HERRWERTH: Well, Herr Streicher left the inn after dinner. I cannot remember the exact words any more, but I am going to try to describe it as well as possible. Herr Streicher left the inn, and as he went out that man approached Herr Streicher in a—may I say—improper manner. Streicher continued on his way and was silent at first. He asked the people around him, myself also, whether we knew that man. Nobody knew him.

Then Herr Streicher sent his son, Lothar, back into the room again to speak to the man and to ask him what the reason was for such behavior. Lothar Streicher came out and said that the man had behaved in just the same manner again.

DR. MARX: Will you please be more brief? You should only tell us how that incident occurred and what caused you and also Herr Streicher to use violence against the man.

HERRWERTH: You mean his behavior?

DR. MARX: Yes. What happened then?

HERRWERTH: Herr Streicher asked the landlord for a room, and in that room Streicher spoke to the man personally. There again the man made offensive remarks, and then it came to blows, first with Lothar Streicher. Now, as it happened, he was a strong man, and of course all of us helped to get him down.

DR. MARX: All right.

I am through with the questioning of this witness, Mr. President.

THE PRESIDENT: Do any of the Defense Counsel want to ask any questions? Do any of the Prosecution Counsel wish to cross-examine? Then the witness can retire.

[The witness left the stand.]

DR. MARX: Then I should like to call the witness Wurzbacher, if he is available. Is he not? I do not know which one of the witnesses is still in the witness room. Is there anyone? Wurzbacher? Hiemer?

MARSHAL (Colonel Charles W. Mays): Frau Streicher is available.

THE PRESIDENT: Is not the witness Wurzbacher here?

MARSHAL: I will see, Sir. He was not here a while ago. He was not called for.

THE PRESIDENT: What other witnesses have you got, Dr. Marx?

DR. MARX: The wife of the defendant could be called as a witness now.

THE PRESIDENT: Very well, let her be called then.

MARSHAL: The witness Strobel is available now.

THE PRESIDENT: Dr. Marx wants to call Frau Streicher.

DR. MARX: Excuse me, Mr. President. If it is rather difficult to call Frau Streicher, then the witness...

[The witness Frau Streicher took the stand.]

THE PRESIDENT: Will you give me your full name?

FRAU ADELE STREICHER (Witness): Adele Streicher, born Tappe.

THE PRESIDENT: Will you repeat this oath after me: "I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

[The witness repeated the oath in German.]

You may sit down.

DR. MARX: Your maiden name is Tappe and you were born in Magdeburg?

FRAU STREICHER: Yes.

DR. MARX: Were you a member of the NSDAP or of the Frauenschaft?

FRAU STREICHER: No.

DR. MARX: When did you become Herr Streicher's secretary and for how long were you in that job?

FRAU STREICHER: On 7 June 1940, I became Julius Streicher's secretary and I remained in that job until the end of the war.

DR. MARX: And during that period, you were continuously on his farm?

FRAU STREICHER: Yes, I was always with him.

DR. MARX: Were you also in charge of all the correspondence for Herr Streicher?

FRAU STREICHER: Yes.

DR. MARX: What did that correspondence mainly consist of?

FRAU STREICHER: Mainly letters to his sons and to relatives.

DR. MARX: What were Streicher's activities during that period of 5 years?

FRAU STREICHER: Julius Streicher did mainly physical work; that is, agriculture and gardening, and from time to time he wrote articles for *Der Stürmer*.

DR. MARX: During these 5 years did he leave the farm at all or was he ever absent from the farm for any length of time?

FRAU STREICHER: During the first few years of his stay there Julius Streicher did not leave the farm at all; later, once in a while, he would pay a visit in the neighborhood. His longest absence did not comprise an entire day and never a single night.

DR. MARX: Did you know that it was prohibited for prominent Party members to visit Herr Streicher?

FRAU STREICHER: Yes, there was such a prohibition.

DR. MARX: How did you know that?

FRAU STREICHER: From conversations. Then, too, I myself remember, when Dr. Goebbels visited the farm, that Julius Streicher said to him, "Doctor, you dare to come here? Do you not know that it is prohibited by the Party chiefs to visit me?"

DR. MARX: When did the visits of Dr. Ley and Dr. Goebbels occur?

FRAU STREICHER: Dr. Ley came to the farm on 7 May 1944. The visit of Dr. Goebbels occurred on 4 June 1944.

DR. MARX: Would you please describe the character of these visits and what was the subject of the conversations?

FRAU STREICHER: Both visits were of a rather unofficial character. Dr. Ley wanted mainly to know how Julius Streicher was doing, personally. No political questions were raised. Ley said only, "Streicher, the Führer is waiting for you."

DR. MARX: And what did Streicher say to that?

FRAU STREICHER: Julius Streicher answered that he had become accustomed to his solitude, that he was happy as a farmer, and that Ley should tell the Führer that he, Streicher, wanted nothing more. At the visit of Dr. Goebbels the subject of the conversation dealt mainly with Julius Streicher's dismissal from his office as Gauleiter, and Dr. Goebbels was of the opinion that Julius Streicher should return into the circle of old Party members; but he gave him the same answer, "Tell the Führer I wish for nothing."

DR. MARX: Were you always present during these conversations?

FRAU STREICHER: Yes.

DR. MARX: Was not the Jewish question a subject of these conversations?

FRAU STREICHER: No, they never spoke about the Jewish question.

DR. MARX: Did they not speak about the happenings in the Eastern territories, or in the concentration camps?

FRAU STREICHER: No, that never came up any more.

DR. MARX: Did not Streicher speak to you about the articles he intended to write for *Der Stürmer*, and did he not also speak about what he considered to be the solution of the Jewish problem?

FRAU STREICHER: From all conversations with Julius Streicher I could see with certainty that he never thought of the solution of the Jewish question in terms of violence, but hoped for the emigration of Jews from Europe and their settlement in territories outside Europe.

DR. MARX: Was Herr Streicher in correspondence with leading personalities of the Party or of the State?

FRAU STREICHER: No, neither personally nor by correspondence was there any such connection.

DR. MARX: I will now mention several names, of whom I want you to tell me whether they had any connection with him: Himmler, Heydrich, Bormann, or other leading men of the Police or the SS or the Gestapo.

FRAU STREICHER: No, I know nothing of any of these men. With the exception of one letter from Herr Himmler there was never any mail.

DR. MARX: What was the reason for that letter?

FRAU STREICHER: In that letter Herr Himmler complained about the fact that the French prisoners of war who were employed on our Pleikershof farm were treated too well.

DR. MARX: How was the treatment of the prisoners of war and the foreign civilian workers on the farm?

FRAU STREICHER: On the Pleikershof eight French prisoners of war, one Polish girl, and one Slovene girl were employed. They were all treated very well and very humanely. Each service for which Julius Streicher asked, each piece of work for which he asked personally, was especially rewarded with tobacco, pastry, fruit, or even money. Such cordial relations developed with some of the Frenchmen during the years that they were there that they assured us, with tears in their eyes at their departure, that they would visit Julius Streicher after the war with their families.

DR. MARX: Did Streicher not finally receive credible information about these mass executions in the East?

FRAU STREICHER: I believe he found out about it through Swiss newspapers in 1944. We were never informed about it officially.

DR. MARX: But it is asserted that he already had knowledge before that.

FRAU STREICHER: No.

DR. MARX: You do not know anything about it?

FRAU STREICHER: I only know about the Swiss newspapers.

DR. MARX: Very well. You once brought up the subject, in a conversation, that in Magdeburg, from the 9 to 10 November 1938, you witnessed the demonstration against the Jews and that you were revolted by it. Is that true?

FRAU STREICHER: Yes, I spoke about it and said that I was shocked at this action. Julius Streicher got very excited during that conversation and said, "Such nonsense occurred in Nuremberg also. That is not anti-Semitism; that is just great stupidity."

DR. MARX: Is it correct that Herr Streicher was hardly interested in the financial affairs of the publishing firm and left these things to the manager?

FRAU STREICHER: Julius Streicher never bothered about financial affairs at all, neither in the house nor in the firm. Again and again the gentlemen of the firm were disappointed when they wanted to report about annual balances or the like and Julius Streicher would tell them, "Do not worry me with your business matters. There are other things besides that are more important than money."

DR. MARX: How did he take care of the household expenses, then?

FRAU STREICHER: I received 1,000 marks every month from the firm. That provided for the household, presents, and so on.

DR. MARX: Do you know that he is supposed to have acquired shares through illegal pressure against a Jewish banker?

FRAU STREICHER: That is completely out of the question. I consider it quite impossible that Julius Streicher acquired shares that way. I believe that he does not even know what a share looks like.

DR. MARX: Did he not tell you anything about it?

FRAU STREICHER: I only heard that he never received shares.

DR. MARX: How did it come about that you and the defendant were married as late as April 1945?

Did you understand the question?

FRAU STREICHER: Yes. Julius Streicher wanted to take part in the fighting in Nuremberg. I wanted to accompany him, so he married me before we left. We wanted to die together.

DR. MARX: Then you left the Pleikershof with him, and where did you go from there?

FRAU STREICHER: First we wanted to go to Nuremberg, and that was refused for fear of difficulties with the authorities. So we drove in the direction of Munich. In Munich we were told to continue in the direction of Passau. From Passau they sent us to Berchtesgaden; from Berchtesgaden they sent us to Kitzbühel.

DR. MARX: How did it happen that the original intention to die together was not followed up? What caused him to change his mind?

FRAU STREICHER: The cause for that was a conversation with three young soldiers.

DR. MARX: And what was that? I will be through right away, Mr. President.

THE PRESIDENT: I do not think you should go into that, Dr. Marx.

DR. MARX: Well, then. I will forego the question. Only one more question: Is it correct that Streicher gave the managers of his publishing firm a written power of attorney which meant that they could dispose of the money as they saw fit?

FRAU STREICHER: Yes, Julius Streicher gave the power of attorney to whoever happened to be the manager of the firm, and thereby gave him his full confidence without any restrictions.

DR. MARX: Mr. President, I have no more questions.

THE PRESIDENT: Do any of the defendants' counsel want to ask any questions?

Does the Prosecution wish to ask any questions?

SIR DAVID MAXWELL-FYFE: No.

THE PRESIDENT: Then the witness can retire, and the Court will adjourn until 0930 tomorrow morning.

[The Tribunal adjourned until 30 April 1946 at 0930 hours.]

ONE HUNDRED AND SEVENTEENTH DAY

Tuesday, 30 April 1946

Morning Session

THE PRESIDENT: Mr. Dodd, were you going to deal with these questions?

MR. DODD: Yes, Mr. President, I am prepared to do so. Shall I proceed to take up those documents about which we have some difficulty?

THE PRESIDENT: If you will, yes.

MR. DODD: Altogether, there are some 118 documents submitted on behalf of the Defendant Von Schirach. As a result of our conversations we have agreed on all but—I believe the number is twelve.

The first group, Numbers 30, 31, 45, 68, 73, 101, 109, 124, and 133, are all excerpts from a book entitled, *Look, the Heart of Europe*, written by a man named Stanley McClatchie. They are excerpts referring to the Hitler Youth organization, and we do object to them on the ground that they are all irrelevant and immaterial here. They describe Hitler Youth meetings at homes and Hitler health programs and Hitler athletic competitions and Hitler Youth Land Service and that sort of thing. There are general descriptions by Mr. McClatchie of some activities of the Hitler Youth organization. They are all, I say, from that same book—none of them written by the defendant himself. They were published in 1937.

Then, Document Number 118 (a) is a letter. It is unsigned, except that it is typewritten. It is by Colin Ross and his wife and it appears to be a suicide note setting forth the reasons why Ross and his wife intended to commit suicide. We have been unable to determine its probative value and do not see any probative value in it, insofar as the issues concerning this defendant are concerned. He apparently was acquainted with the Defendant Von Schirach and that is the claim, I assume, of counsel for Von Schirach, that it sheds some light of some kind on Von Schirach's attitude. But it is not clear to us.

The third document is Number 121. This is a quotation from the United States Army newspaper, *The Stars and Stripes*, issue of the 21st of February 1946. It is about the training of young people in

Yugoslavia at the present time. With respect to this we also say that we believe it to be immaterial here and not relevant and not bearing on the issues concerning this defendant as charged in the Indictment.

Those three—the first group and the two, 118 and 121, are the only documents concerning which we have any controversy.

THE PRESIDENT: Eleven.

MR. DODD: I am sorry. I said twelve.

DR. FRITZ SAUTER (Counsel for Defendant Von Schirach): Mr. President, the first group of documents to which the Prosecution has objected are from a book by an American, McClatchie.

This American, as he himself writes in the book, is of Scottish descent, and in the year 1936—that was the year of the Olympic Games—visited Germany; he was able to see for himself the conditions in Germany and the development of the German people during the first years of the Hitler regime, and here he describes the impressions he received.

Normally I would not attach any special value to this book, if it were not for the fact that the preface shows that the book was written on suggestion of the Defendant Baldur von Schirach.

The defendant, as he will explain in the course of his own examination, began very early to build up a pleasant and friendly relationship especially with the United States, and this book by McClatchie is one of the many means which the Defendant Von Schirach used for that purpose. The author himself admits in the preface of his book that he obtained a large part of the material for the book from the Defendant Von Schirach. This fact lends to the book an importance, with respect to its relevancy for the purposes of this Trial in the defense of Von Schirach, entirely different from what it would have been had it been written quite independently of Von Schirach. That is, we have to evaluate the statements and descriptions in this book more or less as though they were statements of the Defendant Von Schirach himself. This is the main reason why I have submitted the book with the request that I be permitted to quote in evidence some short passages, particularly those referring to the Youth Leadership. The rest of the book, which is also interesting but has no direct connection with the Youth Leadership of the Defendant Von Schirach, I have not mentioned; I refer only to a few short extracts which shed light exclusively on the activity and the aims of the Defendant Von Schirach; and, besides, they are intended to show you, Gentlemen, what impression even a foreigner gained of this activity, although naturally he had come to Germany with a certain prejudice which had to be overcome by his personal impressions.

That, Mr. President, is what I wanted to say to the first group, which the prosecutor listed individually from Numbers 30 to 133.

The second group consists of Number 118(a) of the Document Book Schirach, and that is a letter of farewell which the explorer, Dr. Colin Ross, left behind.

If the prosecutor objects that the letter bears no signature, the fact, in my opinion, is not particularly important. What we have submitted is the original copy of that last letter, and this original copy was found among the papers of Dr. Colin Ross.

Now, the Prosecution ask: What has that farewell letter by Dr. Colin Ross to do with the charges against Schirach? I ask the Tribunal to recall that the name of Dr. Colin Ross has been mentioned here repeatedly. He is the explorer—I believe an American by birth but I am not certain at the moment. He is the man who for many years was not only a close friend of Schirach's but one whom the Defendant Von Schirach used again and again in order to prevent the outbreak of a war with the United States, and later, to terminate the war and to bring about peace with the United States. When the evidence is presented, these points will be clarified in detail, I believe. I now submit the last letter of Dr. Colin Ross...

THE PRESIDENT: When was it dated?

DR. SAUTER: One moment please. The date is 30 April 1945. I consider the letter—it is only one page long—important for the reason that in it a man, at a moment before he committed suicide with his wife because he was desperate about the future of Germany, at this moment—in the face of death, he again confirmed the fact that he, together with the Defendant Von Schirach, continuously endeavored to maintain peace particularly with the United States. I believe, Gentlemen, that such a man...

THE PRESIDENT: Where was he at the time when, as I understand you to say, he committed suicide?

DR. SAUTER: The Defendant Von Schirach...

THE PRESIDENT: No, no, the man who wrote the letter.

DR. SAUTER: One moment, please. The Defendant Von Schirach had a small house in Upper Bavaria in Urfeld on the Walchensee, and in that house Colin Ross lived at the time with his wife, and it was here in Schirach's house that he committed suicide.

The letter is only one page, and it would not cause any considerable delay in the proceedings if it were read.

Then, Gentlemen, the third group to which the Prosecution objects again consists of one number only—a comparatively short article from *The Stars and Stripes*, Number 121. That edition of

which I shall submit the original in evidence is of 21 February 1946, that is, of this year. It explains in detail how the education of youth in Yugoslavia has now been reorganized by Marshal Tito, and the Defendant Von Schirach attaches particular value to this document because it proves that in Yugoslavia a definitely military education of youth has been decided upon this very year. The Defendant Von Schirach therefore desires to make a comparison between the kind of education which he promoted and the Yugoslav education of youth which has been adopted only this year, and which goes very much further than the program of the Defendant Von Schirach did at any time.

That is all.

MR. DODD: Mr. President, may I make just one or two short observations? I realize that ordinarily the Tribunal does not want to hear from counsel twice, but there are two matters I feel I should clear up.

First of all, this book, *Look, the Heart of Europe*, which may have been written by this man McClatchie, who, counsel says, is an American of Scotch ancestry—I think it is important that the Tribunal know that it was published in Germany. I am sure that counsel did not mean to imply that it was an American publication because, other than having been written by this man, it was published over here after he attended the Olympic Games in 1936.

THE PRESIDENT: And in the German language, I suppose?

MR. DODD: Yes, and the German title was *Sieh: Das Herz Europas*. Then with respect to the Colin Ross note. I think it is important to observe that no one knows whether Ross committed suicide or not—at least insofar as the Allied countries are concerned. His body has never been found and only this note which counsel says was found among his effects.

DR. SAUTER: Mr. President, may I make another remark concerning the first group? This book by McClatchie was published by a German publisher. The efforts of the Defendant Von Schirach made the publication possible. That again speaks for the fact that Von Schirach in furthering the publication had a certain purpose in view. That purpose was to bring about enlightenment between America and Germany and to smooth over the difficulties which he was afraid could one day lead to war. The book by McClatchie appeared not only in German, but also in the English language, and it was sold in large numbers in England and in the United States. Of course, it also appeared in German and the German language edition was sold in Germany.

That, I believe, is all I wish to say at this point.

THE PRESIDENT: Would you tell the Tribunal what these other documents are that Mr. Dodd has not objected to? Because we understand that there are 160 documents which he has not objected to. What are they all about, and how long are they?

DR. SAUTER: They are short. I have submitted only one Document Book. That is, I have limited myself to the absolute necessities, Gentlemen.

THE PRESIDENT: Of how many pages?

DR. SAUTER: Altogether, 134 pages. Of course, some cover only one-half or one-third of a page, since the majority are relatively short quotations. It was necessary for me to submit these excerpts, because I can produce evidence of the activities of the Defendant Von Schirach as Reich Youth Leader only by showing the Tribunal just what the Defendant Von Schirach told the youth of the German nation, what his teachings were, what his directives to his subordinate leaders were. And in order to do so, I must submit, as I believe the Prosecution realizes, a short report covering the entire period during which Von Schirach was Reich Youth Leader, so as to show that the opinions and theories of the Defendant Von Schirach during the last year of his activity as Reich Youth Leader were exactly the same as those during his first year. He is one of the few men within the Party who did not, in the course of the years, allow themselves to become violent, he did not go to extremes as did most of the others; and that is what I want to show by these comparatively short excerpts.

I believe that is all at the moment.

THE PRESIDENT: Then you have the supplementary applications for witnesses, have you not?

DR. SAUTER: Yes.

THE PRESIDENT: You'd better deal with those, had you not?

DR. SAUTER: Yes.

THE PRESIDENT: Well, one of them, I understand, is a person who made an affidavit which has been used by the Prosecution.

DR. SAUTER: I believe that is the witness Uiberreither.

THE PRESIDENT: No, I think it is the other one, is it not? Who are the two?

DR. SAUTER: One is, I believe . . .

THE PRESIDENT: Marsalek.

DR. SAUTER: No, not Marsalek, but Uiberreither. Marsalek, Mr. President, . . .

THE PRESIDENT: I have your application before me for Marsalek. You do not want Marsalek?

DR. SAUTER: No, that must be an error.

THE PRESIDENT: Dated the 15th of April 1946. Anyhow, you do not want him?

DR. SAUTER: No.

THE PRESIDENT: Well, then you only want one, do you?

DR. SAUTER: Yes.

THE PRESIDENT: And that is Uiberreither?

DR. SAUTER: Yes.

THE PRESIDENT: Has the Prosecution any objection to him?

MR. JUSTICE JACKSON: No, we have not, Your Honor. That affidavit I believe, was introduced by us in connection with the Kaltenbrunner case, an affidavit by Uiberreither.

THE PRESIDENT: You have no objection?

MR. JUSTICE JACKSON: No objection.

THE PRESIDENT: Very well. Thank you, Dr. Sauter. We will consider your application in respect of documents and the witness. We will consider your application, and we will now proceed with the case of Streicher.

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.

And now, Dr. Marx.

DR. MARX: May I now, with the permission of the Tribunal, continue with the examination of witnesses? I now call the witness Friedrich Strobel to the stand.

[The witness Strobel took the stand.]

THE PRESIDENT: Will you state your full name.

FRIEDRICH STROBEL (Witness): Friedrich Strobel.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

You may sit down.

DR. MARX: Witness, on 3 December 1938 were you at a meeting of the Jurists' association (Rechtswahrerbund) in Nuremberg?

STROBEL: Yes.

DR. MARX: During that meeting the Defendant Streicher is supposed to have spoken; is that correct?

STROBEL: Yes.

DR. MARX: Would you please tell us what the Defendant Streicher stated on that occasion concerning the demonstrations of 9 November 1938?

STROBEL: He said, "I should not have carried out this action in this way. In such a manner it is impossible to fight a power like World Jewry." Then he added, "What has been done cannot be undone," and some more phrases of that kind.

DR. MARX: Is it correct that at that time you were surprised that Streicher in public objected against that action, which had been ordered by the highest authorities?

STROBEL: Yes. Streicher frequently spoke against measures and directives of the Government when he was of a different opinion, as on this occasion. I had the impression that apparently he had been passed over; for in his speech there was a certain malicious undertone to the effect that the matter was having unfavorable aftereffects. I wondered at the time whether Streicher really had a lucid interval and realized how harmful that anti-Jewish action was, or whether merely his vanity was wounded, or whether he felt that a too quick and radical an extermination of the Jews would put an end also to his own importance.

DR. MARX: Witness, these are opinions which you are stating and not facts; I did not ask you about that.

STROBEL: Well, that was my impression.

DR. MARX: All right, I ask you now: On 9 and 10 November 1938 were you present in Nuremberg?

STROBEL: Yes, I believe so. I do not remember exactly, but I believe it was on the night of 8 to 9 November 1938 that that action was carried out. It was on 7 November that Herr Vom Rath was shot, and on the 8th he died, and the night after these things occurred.

THE PRESIDENT: We needn't argue about whether it was the 8th or the 9th. It doesn't matter, does it?

DR. MARX: The question which I want to put to you now is: After that night during which the demonstrations against the Jewish population took place, what observations did you make on the following morning and later, about the attitude of the population in Nuremberg toward these demonstrations?

STROBEL: I was informed about that action by the personnel in my office. Thereupon I walked into the city and looked around in the streets. People were standing in front of the damaged stores. I had the impression that the vast majority of the population was benumbed and speechless. People shook their heads, looked at each other, muttered something, and then walked away. But, generally, I had the impression that people could not speak aloud, and later I heard that those who had objected to these things were treated rather badly, when they were overheard by informers.

DR. MARX: But the general impression was, was it not, that the population definitely disapproved of that action, and that general indignation was recognizable though not loudly expressed?

STROBEL: Yes. The Russian radio at the time hit the nail on the head by saying, "Let it be said to the credit of the German people that they had no part in the events and that they were sleeping."

In fact most people heard of the events of the night only on the following morning.

THE PRESIDENT: What has this got to do with the Defendant Streicher?

DR. MARX: Well, the Defendant Streicher has been accused of openly approving this action in his speech on 10 November. The Defendant Streicher also maintains in his defense that it was an action ordered by the top authorities and not a spontaneous demonstration of the people.

THE PRESIDENT: The fact that a number of people in Nuremberg, or even the whole of the people of Nuremberg, disapproved of it wouldn't show that Streicher disapproved of it.

DR. MARX: Yes, but he maintains that there could have been no question of an incitement, since the action had been ordered and directed from the top, whereas, in the case of an incitement, the action would have been started by the people themselves. That was his conclusion.

STROBEL: May I state my opinion about that? The action was definitely not started by the people themselves, because even the majority of the SA men who took part in it did so against their will. It was an order from above; it was an organized affair. The assertion of Dr. Goebbels that the German people had risen spontaneously was an intentional incrimination of the German people.

DR. MARX: I have no more questions to ask of this witness, Mr. President.

THE PRESIDENT: Do any other of the defendants' counsel wish to ask him any questions?

[There was no response.]

Does the Prosecution wish to cross-examine?

[There was no response.]

Then the witness can retire.

DR. MARX: With the permission of the Tribunal, I now call the witness Ernst Hiemer.

MARSHAL: There is no witness.

THE PRESIDENT: Is he not there?

MARSHAL: We have no witness there.

THE PRESIDENT: He says, Dr. Marx, that he is not there, and that there are no witnesses there.

DR. MARX: Excuse me, Mr. President. The witness Hiemer is in the prison here, and I talked to him personally.

THE PRESIDENT: Well, did you inform the prison authorities yesterday that you were going to call him?

DR. MARX: I spoke to the Marshal on Monday and asked that Hiemer be brought up on Tuesday, as far as I can recall. There must be a misunderstanding.

THE PRESIDENT: Well, have you got any other witnesses besides Hiemer?

DR. MARX: Yes, the witness Wurzbacher.

THE PRESIDENT: Where is he? Where is Wurzbacher?

DR. MARX: Wurzbacher is also here in prison.

THE PRESIDENT: Well, while he is being brought, can you take up the time in dealing with your documents?

DR. MARX: Yes. We can do that.

MARSHAL: They will be here in about 5 minutes.

THE PRESIDENT: Very well. Go on, Dr. Marx.

DR. MARX: Mr. President, before coming to the question of the documents, I should like to point out the following: During the session yesterday afternoon the Prosecution submitted several documents which were new to me, and I have not yet had an opportunity of stating my position with regard to them. Nor have I yet had a chance of speaking to the Defendant Streicher about them. From the point of view of the Defense, I consider it necessary to explain my position with regard to these very important documents; and I believe that I must now examine all the articles of *Der Stürmer* to see whether Streicher used in some way or other the various pieces of information from the *Israelitisches Wochenblatt*; for his defense is, "I did not believe what I read there." If he did not use these items of information in any of his articles, then his answer is, to a certain extent, corroborated. Therefore I have to review the matter...

THE PRESIDENT: Wait a minute. In one particular article it was demonstrated yesterday in cross-examination, as I understood it, that he had used an article from the Jewish paper.

DR. MARX: Yes. I know that article. It is one of 4 November 1943.

THE PRESIDENT: Well, Dr. Marx, what exactly are you applying for now? What is your motion?

DR. MARX: My motion is that the Tribunal permit me to supplement my document book so as to be able to state my position with regard to yesterday's presentation of documents by the Prosecution by submitting counter documents of my own. My presentation of documents would be incomplete if I had no chance of replying to these new documents submitted by the Prosecution.

THE PRESIDENT: Yes, Dr. Marx; the Tribunal grants your motion provided you make it in the ordinary way, in writing, referring to any passages which you contend throw light on the passages which have been put in by the Prosecution.

DR. MARX: Yes. May I now begin to discuss the individual documents? Document Number Streicher-1 shows that the newspaper *Der Stürmer*, according to the decision of the Führer, was not an official Party organ and was not even entitled to carry the state insignia while all other press organs displayed the insignia conspicuously. That is evidence that the paper *Der Stürmer* was a private publication of the Defendant Streicher.

THE PRESIDENT: Dr. Marx, you are going to offer these documents in evidence and give them exhibit numbers, are you not?

DR. MARX: I consider these documents as submitted; I have discussed the subject with the Prosecution, and the Prosecution had no objections.

THE PRESIDENT: You see, there is a written transcript being taken down, and unless you offer each document in evidence and say that will be exhibit number so-and-so, it does not get into the transcript. If you like you can do it in a group and say, "I offer in evidence such and such documents as Exhibits 1 to 100," or whatever number you wish.

DR. MARX: Yes.

THE PRESIDENT: The book I have before me does contain certain exhibit numbers; for instance, Page 1 to 4 appears to be Exhibit Number Streicher-1 and Page 5 is Exhibit Number Streicher-5; Page 6 is Exhibit Number Streicher-6; Page 7 is Exhibit Number Streicher-7.

DR. MARX: Yes.

THE PRESIDENT: I am told that Page 4 is Exhibit Number Streicher-1; is it?

DR. MARX: The pagination made here is completely different from the one I made and consequently it is now arranged altogether differently.

THE PRESIDENT: Very well, let us get on. You only have to tell us what documents you are offering in evidence and under what exhibit numbers. Dr. Marx, you can do it later if you want to.

DR. MARX: I further submit Exhibit Number Streicher-5, an excerpt from an editorial of *Der Stürmer* of July 1938. Number 28. This article, which was not written by the Defendant Streicher but by Karl Holz, is worded in very sharp language and says that vengeance will break loose one day and all Jewry will be exterminated. But the salient point here—the article seems to have been provoked by a letter which was sent from Nuremberg to New York, and which stated that Germany in the case of war, would be destroyed from the air. And so this article also falls under the claim which the defendant made yesterday, namely that his sharp language was always caused by some preceding action from another side. That is Document Number Streicher-5 and I ask permission to submit it as an exhibit under that number.

Then I submit as Document Number Streicher-6, an excerpt from Number 40 of *Der Stürmer* of October 1938. I think I can dispense with comment on it because my argument can be seen from the document itself; or is it necessary to speak about it?

THE PRESIDENT: No, you need not speak about them; just put them in.

DR. MARX: I submit as Document Number Streicher-7, an excerpt from the *Völkischer Beobachter* of 25 February 1942, in answer to Document M-31 of the trial brief against the defendant.

Then I submit Document Number Streicher-8, an excerpt from the *Völkischer Beobachter* of 8 February 1939, Page 2.

Then as Document Number Streicher-9, an excerpt from the political testament of Adolf Hitler, dated 29 April 1945.

As Document Number Streicher-10, an excerpt from *Der Stürmer*, February 1935, Number 8, Page 4.

As Document Number Streicher-11, an excerpt from *Der Stürmer* of September 1935, Number 38.

I am giving the next page the Document Number Streicher-12. That is an excerpt from *Der Stürmer*, of September 1935, Number 38, Page 9.

Document Number Streicher-13 is an excerpt from *Der Stürmer*, of January 1938, Number 1.

Document Number Streicher-14, an excerpt from *Der Stürmer* of May 1938, Number 20.

As Document Number Streicher-15, an excerpt from *Der Stürmer* of 5 November 1943, Number 45.

As Document Number Streicher-16, of the Defense, a document submitted by the Prosecution under number 759-PS.

As Document Number Streicher-17, speeches made by Himmler in April 1943, on 4 October 1943, and 28 September 1943 at Posen and Kharkov.

As Document Number Streicher-18, a photostat of the special issue of *Der Stürmer* of May 1939, Number 20.

I ask to have these documents admitted. I have limited myself to the utmost.

THE PRESIDENT: That is all, is it?

DR. MARX: Yes.

THE PRESIDENT: Are the witnesses ready yet? Perhaps we might as well adjourn for 10 minutes now.

[A recess was taken.]

[The witness Ernst Hiemer took the stand.]

THE PRESIDENT: Will you state your full name.

ERNST HIEMER (Witness): Ernst Hiemer.

DR. MARX: May I just interrupt for a minute, Mr. President. First of all I would like to state that I am by no means holding

the Marshal responsible for the mistake. The matter was as follows: The mistake in requesting the witness...

THE PRESIDENT: It is quite all right, Dr. Marx.

DR. MARX: I consider it my duty to state here that the Marshal is not responsible for the mistake about the bringing in of the witness. One of my assistants spoke yesterday with a gentleman...

THE PRESIDENT: We quite understand, Dr. Marx.

DR. MARX: Then, Mr. President, I should like to submit Documents Number Streicher 1, 5, 6, 7, 8, 9 up to 18. I do not know whether it is clear now. The numbers are 1 and 5, and from 6 through 18. Lacking are 2, 3, and 4, which were dropped. All other exhibit numbers are contained therein, Numbers 1 and from 5 through 18.

THE PRESIDENT: You include 19, don't you?

DR. MARX: No, Numbers 19 and 20 are not necessary.

THE PRESIDENT: No, I beg your pardon. I think I must have been wrong. I have taken down 19, but you haven't got 19, have you?

DR. MARX: Number 18 is my last one, Your Honor, and I ask to have that included in the record.

THE PRESIDENT: And now you are going to go on with the witnesses?

DR. MARX: Yes.

THE PRESIDENT: Will you state your full name.

ERNST HIEMER: Ernst Hiemer.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

You may sit down.

DR. MARX: Since when have you known Herr Streicher, how did you get into contact with him, and what position did you have on *Der Stürmer*?

HIEMER: At the end of 1934 I was introduced to the then Gauleiter Julius Streicher in the Deutscher Hof in Nuremberg. Streicher gave me the assignment of working for his public health journal, *Die Deutsche Volksgesundheit*. In 1935 I also wrote reports for *Der Stürmer*. Streicher then had me transferred to the editorial staff of *Der Stürmer*.

Eventually, under Streicher's direction and the direction of other staff members of *Der Stürmer*, I did editorial work as a co-editor. The responsible editor of *Der Stürmer* was Karl Holz, Streicher's deputy, but the leading spirit of the paper was Streicher himself. In the year 1938 instructions came from Berlin to the effect that Holz was permitted to contribute to *Der Stürmer*, but in his capacity as state official—he was the Deputy Gauleiter—he was no longer to be mentioned in the editions of *Der Stürmer*. Thereupon, on instruction from Streicher, my name was entered in *Der Stürmer* as responsible editor. The over-all direction of the paper and all authority connected therewith remained in Streicher's hands, and Streicher retained this position until the collapse.

DR. MARX: What was the main idea of *Der Stürmer's* policy? What was the Leitmotiv?

HIEMER: Streicher wanted by means of *Der Stürmer*, in the simplest and most popular language, to convey to every man and every woman of the German nation knowledge about the Jews. Streicher wanted the entire German people to realize that the Jew was a stranger among them.

DR. MARX: Herr Hiemer, I do not want to know that. I want you to tell me whether Herr Streicher, let us say, wished to advocate emigration or whether he followed a different train of thought. Long expositions on the Jewish problem are not required.

HIEMER: Streicher was of the opinion that in Germany the Jewish question should be solved by emigration. He repeatedly criticized the leadership of the Reich because the emigration of Jews was not being carried through in the manner desired by Streicher. When the war came, Streicher asserted that the Jewish problem would no longer have had any significance for a Germany at war if in accordance with his idea it had been solved by complete emigration of the Jews during the preceding time of peace.

DR. MARX: Is it correct that the Palestine and Madagascar problem was discussed in the journal?

HIEMER: Yes. Streicher stated his opinion in word as well as in writing, that Palestine and Madagascar would be suitable localities for absorbing the Jews living in Germany. However, he did not follow up this thought, since not Germany but only England and France could dispose of Palestine and Madagascar.

DR. MARX: What do you think about the influence exerted by Streicher and *Der Stürmer* since 1933? Is it not true that since 1933 its influence among the German people was much in decline?

HIEMER: Yes, that is correct. In many circles it was known that the influence of Streicher and of his paper on the movement

did decrease. After 1933 Streicher had many conflicts with other Party leaders, and he made many enemies. Particularly from the year 1937, Streicher was pushed more and more into the background. Within the Party the Institute for the Study of the Jewish Problem, under the leadership of Rosenberg, dealt with the theory of the Jewish problem, and actual authority over the Jews belonged, as is well known, exclusively to Himmler.

When finally in the year 1940 Streicher was relieved of his post as Gauleiter, he was completely isolated. From then on he lived on his farm and worked there as a farmer; he wrote articles only for *Der Stürmer*.

DR. MARX: What was the circulation of *Der Stürmer* from 1933? Can you give us figures? Of course, only after the date when you joined the paper.

HIEMER: This question of the circulation could, of course, be answered best by the publication manager, who was concerned with it. However, I remember approximate figures. *Der Stürmer* was in 1933 a very small paper; but by the year 1935 its circulation increased to about 800,000. After that, however, there was a sharp decline.

Of course, during the war *Der Stürmer* had a smaller circulation. I cannot give you any exact figures and during the last months the circulation of the paper was, of course, extremely small. On the average, I might say that *Der Stürmer* had a circulation of perhaps half a million. Of course, there were special issues which had a much larger circulation.

As I said, only the publisher could authenticate these figures.

DR. MARX: What can be the reason for the increase in the year 1935?

HIEMER: It is very difficult for me to answer that question.

DR. MARX: Wasn't it because Party authorities—because subscriptions were made compulsory in factories and other places?

HIEMER: You are putting questions to me which really only a publisher can answer. I myself cannot answer the question with assurance, and therefore must remain silent; my testimony would not be reliable.

DR. MARX: Of course, if you don't know, you are free to say, "My knowledge on this point is not sufficient." Did Herr Streicher know of the happenings in the East, especially in the concentration camps, and what did he personally tell you about these things?

HIEMER: Streicher himself never told me that he knew about the happenings in the concentration camps. On the contrary,

Streicher said he learned of these things only in 1944 through the Swiss press. Streicher received the Swiss newspapers regularly, in particular the *Israelitisches Wochenblatt* of Switzerland, and in 1944 this journal published rather detailed descriptions about what was going on in the concentration camps.

Streicher at first refused to credit these reports in the Swiss press and called them premeditated lies. He declared that these reports were being printed merely for the purpose of undermining the prestige of the German people abroad. It is true Streicher soon changed his opinion. He began to doubt that his opinion was right and finally he believed that the occurrences in concentration camps, as pictured in the Swiss press, did after all correspond to the facts. Streicher said that Himmler was the only man who could have authorized such crimes.

DR. MARX: You said that Streicher soon changed his opinion. What does that mean?

HIEMER: In the beginning he had decidedly said that these reports could not be true. Then he became uncertain and said that perhaps they might be true. I had the impression that either the detailed manner of the reports in the Swiss press had convinced Streicher that these things had actually occurred or that Streicher, from one source or another, either through personal contact or through letters, had received knowledge that these happenings were actually taking place in the concentration camps. To that I ascribe his change of view.

DR. MARX: And when was that, approximately?

HIEMER: I cannot give you the exact date, but I believe it was in the middle of 1944.

DR. MARX: What attitude did he take when he was finally convinced? Did he express satisfaction at the fact that so many people had been killed?

HIEMER: No. Streicher definitely deprecated what was done in the concentration camps. It did happen that Streicher, in anger—if he had been especially upset by political events—often or at times, asserted that Jews, as an enemy of the German people, should be exterminated. However, Streicher talked in that way only in the first phase of excitement. When he was calmed, he always opposed the extermination of the Jews.

DR. MARX: But repeatedly in articles of *Der Stürmer* there is talk of the extermination of the Jews?

HIEMER: Yes. It is a fact that in reports of *Der Stürmer* the extermination of Jewry is spoken about. However, on the other hand, Streicher again and again opposed the murder of the Jews,

and I am quite convinced that Streicher and *Der Stürmer* had nothing whatever to do with the happenings in concentration camps. I do not believe it.

For it is known now that these crimes in the concentration camps were committed on the instructions of individual leading men; that is, on official orders, and it is my firm conviction that neither Streicher nor *Der Stürmer* had anything to do with them.

DR. MARX: How were the articles which you wrote prepared? Did you receive directives for the articles from Streicher and then merely edit them, or were you the real author?

HIEMER: Streicher was the founder and the publisher of *Der Stürmer*. But he was in fact also the chief editor, and all his colleagues, no matter whether it was his deputy, Holz, or others—all of them had to submit their articles to Streicher before they were printed. Streicher then ordered changes if the need arose; he also gave the editors assignments for articles, that is, he told them with what arguments these articles were to be drawn up; and Streicher knew of all the articles which appeared in *Der Stürmer*. In fact, he was the responsible head, the editor of *Der Stürmer*. All others were his assistants. He himself was, as he often said with pride, one and the same with *Der Stürmer*. "Streicher and *Der Stürmer* are one and the same." That was his maxim.

DR. MARX: That, of course, he admits; he says that he assumes the responsibility.

What can you tell us about the so-called pornographic library?

HIEMER: *Der Stürmer* was in possession of a large archive. This archive consisted of many thousands of German and foreign-language books, documents, edicts, and so forth. These books were either put at the disposal of the *Stürmer* archive by friends of *Der Stürmer*, or they came from Jewish apartments. The police put books which were found in Jewish houses at the disposal of Rosenberg's Institute for the Study of the Jewish problem for research purposes. Whatever remained in the Jewish dwellings in Nuremberg was turned over to the *Stürmer* archive. Among these books there were also numerous which dealt with sexual knowledge, books by Magnus Hirschfeld, Bloch, and some which were simply pornographic. These, then, consisted both of books which had been sent in by friends of the *Stürmer*, and books which had been found in Jewish dwellings.

These books were kept in a special section of the *Stürmer* archive under lock and key, and the public did not have access to them. This literature was no personal pornographic library of Streicher, but formed a part of *Der Stürmer's* archive. Streicher never read these books. They were to be reviewed after the war in

the course of the reconstruction. All those which were not of direct Jewish origin were to be removed, but as I said, Streicher did not read these books.

DR. MARX: Where were these books kept? Were they in the publishing house, or how is it that a part...

THE PRESIDENT: Dr. Marx, there is no charge here with respect to this particular sort of books.

DR. MARX: This is my last question. I just wanted to clarify this matter, since it played an important part in the public mind. I have no further questions to the witness.

THE PRESIDENT: Then, are there any questions from the other Defense Counsel?

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): I have one question only.

[Turning to the witness.] Did Rosenberg have any connections with the editorial staff of *Der Stürmer*?

HIEMER: To my knowledge, his connections were almost non-existent. I knew personally only Dr. Ballensiefen, who worked with Rosenberg. I also knew Dr. Pohl personally, but no relations existed between the *Der Stürmer* and the Institute for the Study of the Jewish Problem for the purposes of co-operation.

DR. THOMA: Did Ballensiefen and Pohl have connections with *Der Stürmer*?

HIEMER: Pohl had personal connections with me. He was a student of Hebrew and had made translations of the Talmud; he had also published the *Talmudgeist*. Through that I got to know him. Ballensiefen also had no personal connection with *Der Stürmer*.

DR. THOMA: Does this mean that Pohl did have personal connections...

HIEMER: Only with me, not with *Der Stürmer*.

DR. THOMA: ...or was he sent by Rosenberg in this matter?

HIEMER: No.

DR. THOMA: I have no further questions, Your Honor.

LT. COL. GRIFFITH-JONES: I have only one matter to ask you about. Do I understand you to say that by the middle of 1944 Streicher had become convinced that the reports in the Swiss newspaper, *Israelitisches Wochenblatt*, were true?

HIEMER: I did not understand you. Will you please repeat the question?

LT. COL. GRIFFITH-JONES: Do I understand you to say that by the middle of 1944 Streicher had become convinced of the truth

of the reports he was reading in the Swiss newspaper about concentration camps?

HIEMER: Yes, I had the impression that Streicher in the middle of 1944 . . .

LT. COL. GRIFFITH-JONES: I only wanted an answer "yes" or "no." That is quite sufficient.

Let me just read to you three lines of an article which was published in *Der Stürmer* on the 14th of September 1944.

HIEMER: Yes.

LT. COL. GRIFFITH-JONES:

"Bolshevism cannot be vanquished; it must be destroyed. The same is true of Judaism; it cannot be vanquished, disarmed, or rendered powerless; it must be exterminated."

That is Page 2.

Then the word that you use or is cited for exterminated is *ausgerottet*, which I understand means completely wiped out. Why was that article appearing in *Der Stürmer* in September 1944, when it was known by the owner of *Der Stürmer* what was going on in concentration camps in the East? What was the purpose of that article?

HIEMER: I personally did not write this article. I believe that Streicher wrote it, therefore I myself am not able to judge the intention of the article. But I do maintain that Streicher made statements opposing the murders in the concentration camps, and that he did not want the murder of Jewry.

LT. COL. GRIFFITH-JONES: Very well, I will leave that.

My Lord, in the interest of time I do not propose to cross-examine this witness any further. Perhaps I might be allowed to draw the Tribunal's attention to those articles contained in your bundle, which are articles actually written by this witness. There are about seven of them. Page 3A, 35A, 38A, 40A, 49A, 50A and 51A, that is, covering a period from January 1939 up to August 1944.

And, My Lord, the other matter that I would draw the Tribunal's attention to was that this witness was the author of the disgusting children's book which I presented to the Tribunal in putting the individual case against Streicher.

THE PRESIDENT: Is there any further cross-examination?

[*There was no response.*]

Dr. Marx, do you wish to re-examine? You heard what counsel said about the various articles written by this witness. You wish to re-examine or not? Have you any questions you wish to ask the witness?

DR. MARX: Yes, please.

Herr Hiemer, perhaps you did not quite understand the question a moment ago. Please tell us again just when Herr Streicher received knowledge, and when he told you that he was convinced of or believed in these mass murders.

HIEMER: It is my opinion and conviction that it was in the middle of 1944.

DR. MARX: But there had been statements to that effect in the *Israelitisches Wochenblatt* for a number of years prior to that date.

HIEMER: Yes; at that time Streicher did not believe these things. His change of view took place only in the year 1944 and I remember it was not before the middle of the year.

DR. MARX: I have no further questions to the witness.

THE PRESIDENT: The witness can retire.

[The witness left the stand.]

DR. MARX: With the permission of the Tribunal I would like to call the witness Philipp Wurzbacher.

THE PRESIDENT: Very well.

[The witness Wurzbacher took the stand.]

THE PRESIDENT: Will you state your full name?

PHILIPP WURZBACHER (Witness): Philipp Wurzbacher.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

You may sit down.

DR. MARX: Witness, you were an SA Leader in Nuremberg?

WURZBACHER: Yes.

DR. MARX: From when?

WURZBACHER: From 1928.

DR. MARX: And what position did you have?

WURZBACHER: At that time I was an SA Standartenführer and had risen from the lowest ranks.

DR. MARX: Witness, please speak more slowly and pause as frequently as possible, as your testimony has to be interpreted into several languages.

How long have you known the Defendant Streicher?

WURZBACHER: I have known him from meetings, since 1923; personally, from the time of my activity as an SA Leader in the year 1928.

DR. MARX: Were you regularly present at the meetings at which Streicher spoke?

WURZBACHER: I cannot say that I was present regularly, but I attended very frequently.

DR. MARX: Did Streicher in his speeches advocate the use of violence against the Jewish population, or did he predict it?

WURZBACHER: At no meeting did I hear suggestions that violence should be used against the Jewish population. Nor did I ever hear Streicher suggest or announce that he had any such intentions in mind.

DR. MARX: Did an act of violence against the Jewish population, originating from and carried out by the people themselves, take place in Nuremberg or the Gau Franconia at any time in the period from 1920 to 1933?

WURZBACHER: No, I cannot remember any incident of that type.

DR. MARX: Did the SA undertake any such action or was anything like that ordered?

WURZBACHER: The SA never undertook anything like that at that time. On the contrary, the SA had instructions, unequivocal instructions, to refrain from such acts of violence. Severe punishment would have resulted for anyone who did anything like that, or for an SA Leader who gave such orders. Besides, as I have already emphasized, there was never any suggestion or any order to that effect.

DR. MARX: What do you say to the events on the night of the 9 to 10 November 1938?

WURZBACHER: I was not in Nuremberg during the events from the 9 to 10 November 1938. At that time I was in Bad Ems on account of chronic laryngitis. I can only say what I know from stories which I heard afterwards.

DR. MARX: Did you talk with Obergruppenführer Obernitz?

WURZBACHER: Yes.

DR. MARX: About these events?

WURZBACHER: Yes, I talked with SA Obergruppenführer Von Obernitz in a brief conversation, when I reported my return. We spoke only a few words, since Obergruppenführer Von Obernitz was called away so that in the course of the conversation I could not return to the subject. I remember that Obergruppenführer Von Obernitz declared at the time that as far as he was concerned the matter had been put in order. That was the sense of what he said.

DR. MARX: Was there within the SA a uniform opinion, or were there, even in the circles of the SA, men who disapproved of these incredible occurrences?

WURZBACHER: Opinions were, as far as I could determine upon my return—I believe it was on 23 or 24 November—very much divided. A part of the SA was in favor, the other opposed what had happened, but at all events, the majority in general considered it to be wrong and condemned what had been done.

DR. MARX: Was there an increase, I mean, an increase of brutality in these circles after 1933 on account of the growing numbers of the SA?

WURZBACHER: It goes without saying that after the accession to power, when many doubtful elements joined, the situation was completely different from what it had been before. Up to that time, as a responsible Leader, one knew almost every member individually, but now with the tremendous influx of new men, a general survey of the new situation had first to be made. But I believe I may say that an increase of brutality did not occur. Perhaps some undesirable elements which, in the name of the SA, did this or that, had slipped in but in general I cannot say that an overall increase of brutality took place.

DR. MARX: Did you conclude that *Der Stürmer* exerted an influence in the SA with the result that an anti-Semitic tendency made itself felt among the men under your command? Did you not read a different publication, *Der SA Mann*?

WURZBACHER: *Der Stürmer* had a very divided reception, I might say, especially among the people in Nuremberg and in particular in the SA. There were large numbers in the SA who, if they did not exactly reject *Der Stürmer*, were in fact not interested because of the tedious repetitions contained in it, and for this reason the paper was of no importance to them. Moreover, it was natural that members of the SA read their own paper, *Der SA Mann*, first.

DR. MARX: When you attended a meeting in which Streicher spoke, what impression did you gain of the objectives which he pursued in his speech with regard to the solution of the Jewish problem?

WURZBACHER: The objectives which were stated by Streicher were, I should say, unequivocal and clear. He pursued the policy that the strong elements of the Jewish people which occupied positions in the German economy and above all in public life and public offices should be removed and that necessarily, expulsion or emigration should be considered.

DR. MARX: Did you participate in the boycott on 1 April 1933 in any way?

WURZBACHER: Yes, I participated in the boycott. At that time I had instructions from my Gruppenführer to see to it that this boycott should be kept within the limits of order and propriety, and that in this way the success of the boycott would be assured. I instructed the Sturmführer under my command to assign to each department store a guard of two SA men who were to see to it that nothing happened and everything took its course in an orderly and unobjectionable fashion.

DR. MARX: Were there not instructions from Streicher also?

WURZBACHER: Yes. The instructions which I received from my Gruppenführer had been issued by Gauleiter Streicher.

DR. MARX: Were attacks on Jews not to be prevented by all means?

WURZBACHER: That was so not only in this one case, but in all cases. It was repeatedly pointed out that we were to refrain from attacks or unauthorized acts of violence or other hostile acts against the Jewish people or Jewish individuals, especially in Nuremberg, and that it was strictly prohibited . . .

DR. MARX: What was Streicher's reaction when he heard that nevertheless such acts of violence had been perpetrated by individuals?

WURZBACHER: I can cite one example in which violence was used. I believe it was a small scuffle, at any rate, something had happened, but I do not recall the details of the case. In any event, he called us very sharply to account, and we SA leaders were severely reprimanded and rebuked.

DR. MARX: And what did he say? Did he make a general statement?

WURZBACHER: If I may give the essence of it, he said that he would not tolerate that human beings be beaten or molested in any way in his Gau, and for the SA leaders he had rather drastic expressions such as ruffians or similar names—I do not recall them exactly.

DR. MARX: But he was called the Bloody Czar of Franconia. How is that to be explained?

WURZBACHER: Perhaps it was his manner, the way he behaved at times. Sometimes he could be very harsh and outspoken. At any rate I can only say that during my activity I did not experience anything or hear anything suggesting that he was a "bloody czar."

DR. MARX: Do you know what his attitude was toward concentration camps? Did he visit Dachau? If so, how often, and what did he do about it?

WURZBACHER: I cannot give you any information on that point. I know just one thing and that is that he said repeatedly that people who had been taken to Dachau should be freed as soon as possible if there was no criminal or other charge against them. I also know of several cases of release very soon after the arrest of the people or their removal to a concentration camp. For example the teacher Matt, who was an old adversary of his in the Town Hall of Nuremberg, was released after a very short time—I believe three or four months. Another man, a certain Lefender, who had been active primarily in labor unions, was also released after a very short period of time. If I remember correctly, it was about the year 1935 or perhaps the beginning of 1936—I do not know exactly—when the last inmates left the camp at Dachau and were greeted with music upon their return.

DR. MARX: Was it not held against him that he freed so many members of the left-wing parties from Dachau?

WURZBACHER: It was said here and there by members of the SA that the Gauleiter's action could hardly be justified, that he took too light a view of these things and so on, but we also pointed out that after all the Gauleiter bore the responsibility and that he ought to know just what he had to do in this or that case.

DR. MARX: Do you know that Himmler told Streicher of his displeasure at these releases and said that disciplinary action would be taken against him if he continued with them? If you know nothing about this matter, please say: "No."

WURZBACHER: No.

DR. MARX: Then I have concluded my questioning of the witness.

THE PRESIDENT: Does any member of the Defense Counsel wish to ask questions?

Does the Prosecution wish to cross-examine?

SIR DAVID MAXWELL-FYFE: No, no questions.

THE PRESIDENT: Then the witness can retire.

[The witness left the stand.]

THE PRESIDENT: Does that conclude your case, Dr. Marx?

DR. MARX: Yes, Your Honor.

THE PRESIDENT: Then we go on with Dr. Schacht's case next.

DR. DIX: I begin my presentation of evidence with the calling of Dr. Schacht as a witness, and I ask Your Lordship to permit Dr. Schacht to enter the witness box.

[The Defendant Schacht took the stand.]

THE PRESIDENT: Will you state your full name?

HJALMAR SCHACHT (Defendant): Hjalmar Schacht.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath.]

You may sit down.

DR. DIX: Please tell the Tribunal briefly about your descent?

SCHACHT: The families of both my parents have lived for centuries in Schleswig-Holstein, which until 1864 belonged to Denmark. My parents were both born as Danish citizens. After the annexation by Germany my father emigrated to the United States, where three of his older brothers had already emigrated, and he became an American citizen. My two brothers, who were older than I, were born there. Later my mother's health prompted my father's return to Germany.

I was educated in Hamburg. I studied at universities in Germany and in Paris, and after receiving my doctor's degree I was active for 2 years in economic organizations. Then I began my banking career, and for 13 years I was at the Dresdner Bank, one of the large so-called "D" banks. I then took over the management of a bank of my own, which was later merged with one of the "D" banks, and in 1923 I abandoned my private career and went into public service as Commissioner for German Currency (Reichswährungskommissar). Soon afterwards I became President of the Reichsbank, and I held that office until 1930, when I resigned.

DR. DIX: Why did you resign as President of the Reichsbank at that time?

SCHACHT: In two essential points there were differences of opinion between the Government and me; one was the internal finance policy of the Government. With the terrible catastrophe of the lost war and the Dictate of Versailles behind us, it was necessary in my opinion to use thrifty and modest methods in German politics. The democratic and socialist governments of that period could not see that point, but carried on an irresponsible financial policy, especially by incurring debts which in particular were contracted to a very large extent abroad. It was quite clear that Germany, already heavily burdened with reparation payments, was under no circumstances in a position to build up as much foreign currency as was necessary for the payment of these debts. We were not even able to pay the reparations from our own economy.

Therefore I objected to the contraction of these debts in which the various governments of that period indulged, and to which they also encouraged communities and private companies. I objected to this financial policy and continually, abroad and at home, warned against such a policy of incurring foreign debts. The foreign bankers did not listen nor did the German Government. It was during that period that if in Berlin one passed the Adlon Hotel, Unter Den Linden, one could not be sure that a financial agent would not emerge and ask whether one did not need a loan.

Later I was strongly opposed by these same people, when Germany was forced to discontinue making payments of her debts. But I wish to state here that I have always and on every occasion been against such a policy of debts. That was the one reason. The other reason was in the field of foreign policy. I had not only contributed my part toward the creation of the Young Plan but in 1929 I also assisted in the setting up of the Young Committee; the so-called Young Plan had resulted in a number of improvements for Germany, which the German Government was now sacrificing step by step during the subsequent negotiations at The Hague. Thus the financial and economic condition of the nation again deteriorated. I revolted against this, and for both these reasons I resigned my office as Reichsbankpräsident in protest, in March 1930.

DR. DIX: Gentlemen of the Tribunal, in this connection, may I call your attention to Exhibit Number Schacht-6 of my Document Book. If the Tribunal agrees, I should like, in order to shorten the presentation of documents during the examination of the witness, to call your attention to those documents which have a direct connection with the questions with which the witness is dealing. I believe that this arrangement will be agreeable to the Tribunal since it will shorten the presentation of documents. It is Document Number Schacht-6, on Page 12 of the German copy of my document book and on Page 8 of the English copy, Your Lordship, Exhibit Number Schacht-6. That is a record of the statements made by Dr. Schacht during the session of the subcommittee for monetary and credit matters on 21 October 1926. I believe it is not necessary for me to read these statements. They refer to the foreign debts which Dr. Schacht has just mentioned, and contain the same thoughts which Dr. Schacht has just expressed before the Tribunal, and are proof that these thoughts are not views *ex post facto*. Therefore, without reading it, I ask the Tribunal to take judicial notice of the whole of this document.

I shall return to my examination.

[Turning to the witness.] You had resigned your office as President of the Reichsbank. What did you do then?

SCHACHT: I went to the small estate which I owned in the country and lived there as a private citizen. Then in 1930 I made a trip to the United States. I departed shortly or immediately after the Reichstag elections of September 1930 and went to New York via London. There I lectured for about two months on questions which were presented to me by American friends.

DR. DIX: When did you first get in touch with the National Socialist ideology, with the Party, and with Hitler personally, and when, in particular, did you read the Party program and Hitler's *Mein Kampf*?

SCHACHT: With the exception of a single occasion I have never in my life concerned myself with Party politics. Even at the age of 26 I was offered a sure electoral district in the Reichstag, which I did not accept, since I have never been interested in Party politics. My interest always lay in the field of economics and financial policy but, of course, for public affairs I always had a general interest, arising from a concern for the future of my country and my people.

Therefore, in 1919, I participated in the foundation of the Democratic Party.

May I say a few words here about my background and spiritual upbringing? My father, throughout his life, adhered to democratic ideals. He was a Freemason. He was a cosmopolitan. I had, and I still have, numerous relatives on my mother's side in Denmark and on my father's side in the United States, and to this day I am on friendly terms with them. I grew up among these ideas and I have never departed from these basic conceptions of Freemasonry and democracy and humanitarian and cosmopolitan ideals. Later I always remained in very close contact with foreign countries. I traveled much, and with the exception of Ireland and Finland there is no country in Europe which I have not visited. I know Asia down to India, Ceylon, and Burma. I went to North America frequently, and just before the Second World War broke out I intended to travel to South America.

I want to emphasize this in order to show that I was never interested in Party politics. Nevertheless, when in the elections of September 1930 Hitler's party suddenly and surprisingly obtained 108 seats, I began to take an interest in the phenomenon; and on board ship going to the United States I read *Mein Kampf* and, of course, also the Party program. When I arrived on the other side the first question was what was my opinion about Hitler and the Party, because naturally everyone was talking about this event in Germany. In my first publication at that time—it was an interview—I uttered an unequivocal warning and said, "If you people abroad do not change your policy towards Germany, then you will

soon have very many more adherents of Hitler in Germany than there are now." Throughout that period of 2 months I spoke about 50 times in public meetings, and I always met with understanding in the question of reparations, the mistakes of the Versailles Treaty, and the economic difficulties of Germany, and I returned with the impression that the whole American attitude, the attitude of the American people toward us, was indeed rather friendly. Not on my initiative but by coincidence, I got in touch with the adherents of the National Socialist Party. A friend of mine, a bank director, invited me at the beginning of December 1930 to dine with him at his house and to meet Hermann Göring there. I did so and gained no really definite impression from Göring's statements and conduct. He was in every respect reserved, modest, and well-mannered, and he invited me to his house in order to meet Hitler. At the beginning of January my wife and I dined with Göring and his wife one evening at their home, and on that occasion, Fritz Thyssen was also invited. It had been planned that Hitler should come also and talk with us. I say again now that Göring's apartment was extremely modestly and simply styled. We had a plain pea soup and bacon and particularly Göring's first wife made an excellent impression. After supper Hitler appeared, and the ensuing conversation was conducted in such a way that, let us say, 5 per cent of it was contributed by us, and 95 per cent by Hitler. What he said concerned national questions, in which he agreed absolutely with us. No extravagant demands were stated, but on the other hand the national necessities of Germany were definitely emphasized. In social questions Hitler expressed a number of good ideas; he was especially intent on avoiding class struggle and on eliminating strikes, lock-outs, and wage disputes by decisive intervention of the State in labor relations and the direction of economic affairs. There was no demand for abolishing private enterprise, but merely for influence in its conduct. It seemed to us these ideas were quite reasonable and acceptablé. Aside from that, he revealed practically no knowledge in the field of economy and financial policy, though on that evening he did not claim to know anything about these subjects. He merely asked that we as representatives of economy should have understanding for his ideas and give him factual advice. That was the purpose of that evening.

DR. DIX: I shall refer to this first conversation with Adolf Hitler later, but I should like to return now to the question I have put before concerning your attitude to the Party program and the ideology developed in the book, *Mein Kampf*. I am stressing this because, as you have heard, the gentlemen of the Prosecution are of the opinion that certain parts of the Party program as such and also parts of the book, *Mein Kampf*, are of a criminal character, and

that their criminal character was recognizable immediately upon their publication. Therefore I should like to ask you to explain in detail your attitude at the time, and possibly also your attitude today, toward the Party program and the ideology of National Socialism as it appears in the book *Mein Kampf*.

SCHACHT: From the proceedings in this Court so far I have not gained the impression that the opinion of the Prosecution concerning the criminal character of the Party program is a uniform one. I am unable to see in the Party program as such any sign of criminal intentions.

Federation of all Germans, which always plays a great role, is always claimed only on the basis of the right for self-determination. A position for Germany in foreign politics is demanded as constituting equality of the German nation with the other nations; that this involved the abolition of the discriminations which were imposed upon the German people by the Versailles Treaty is quite clear.

Land and soil was demanded for the nutrition of our people and the settlement of our excess population. I cannot see any crime in that, because after land and soil was expressly added in brackets the word "colonies." I have always considered that as a demand for colonies, which I myself supported a long time before National Socialism came into existence. Rather strange and, in my opinion, going somewhat beyond the limits were the points concerning the exclusion of Jews from civil rights, but on the other hand it was reassuring that the Jews were to be under the protection of the Aliens' Law, that is, subject to the same laws which applied to foreigners in Germany. I would have wished and always demanded that this legal protection should under all circumstances be given to the Jews. Unfortunately they were not given that protection. For the rest it was emphasized that all citizens should have equal rights and duties.

Promotion of popular education was stressed as being beneficial, and also gymnastics and sports were demanded for the improvement of public health. The fight against deliberate political lies was demanded, which Goebbels afterwards conducted very energetically. And, above all, demand was made for the freedom of all religious denominations and for the principle of positive Christianity.

That is, in essence, the content of the National Socialist Party program, and I cannot see anything criminal in it. It would, indeed, have been quite peculiar if, had this been a criminal Party program, the world had maintained continuous political and cultural contact with Germany for two decades, and with the National Socialists for one decade.

As far as the book, *Mein Kampf*, is concerned, my judgment has always been the same from the very beginning as it is today. It is a book written in the worst kind of German, propaganda of a man who was strongly interested in politics, not to say a fanatical, half educated man, which to me Hitler has always been. In the book *Mein Kampf* and in part also in the Party program there was one point which worried me a great deal, and that was the absolute lack of understanding for all economic problems. The Party program contained a few slogans, such as "Community interests come before private interests," and so on, and then the "breaking up of subjection to financial interests" and similar phrases which could not possibly signify anything sensible. The same held true for *Mein Kampf*, which is of no interest from the point of view of economic policy and consequently had no interest for me.

On the other hand, as regards foreign policy *Mein Kampf* contained, in my opinion, a great many mistakes, because it always toyed with the idea that within the continent of Europe the living space for Germany ought to be extended. And if nevertheless I did co-operate later on with a National Socialist Reich Chancellor, then it was for the very simple reason that expansion of the German space toward the East was in the book made specifically dependent upon the approval of the British Government. Therefore, to me, believing that I knew British policy very well, this seemed Utopian and there was no danger of my taking these theoretical extravagances of Hitler any more seriously than I did. It was clear to me that every territorial change on European territory attempted by force would be impossible for Germany, and would not be approved by the other nations.

Besides that, *Mein Kampf* had a number of very silly and verbose statements but, on the other hand, it had many a reasonable idea, too; I want to point out that I liked two things especially: first, that anyone who differs with the government in political matters is obliged to state his opinion to the government; and secondly, that, though the democratic or rather parliamentary government ought to be replaced by a Führer government, nevertheless the Führer could only remain if he was sure of the approval of the entire people, in other words, that a Führer also depended on plebiscites of a democratic nature.

DR. DIX: Dr. Schacht, you have now described the impression which you gained from your first conversation with Adolf Hitler, as well as from a study of the Party program and *Mein Kampf*. Did you believe that you would be able to work with Adolf Hitler and what practical conclusions did you derive from that first conversation with Hitler?

SCHACHT: To work with Adolf Hitler was out of the question for me personally, since I was a private citizen and not interested in Party politics and consequently after that conversation I did nothing at all to create for myself any personal relations with the Hitler circles. I simply went back to my farm and I continued to live there as a private citizen. So personally, for myself I did not draw any conclusions but I drew another conclusion. I have already said that naturally I had the future of my country at heart. After that conversation I repeatedly emphasized to Reich Chancellor Brüning and implored him when forming and heading the Cabinet to include the National Socialists in it, because I believed that only in this way the tremendous impetus, the tremendous propagandistic fervor which I had noticed in Hitler, could be caught and harnessed—by putting the National Socialists to practical government work. One should not leave them in the opposition where they could only become more dangerous, but one should take them into the government and see what they could achieve and whether they would not acquire polish within the government. That was the suggestion and the very urgent request I made to Brüning, and I might say that according to my impression Hitler would at that time have been quite ready to do that. Brüning could under no circumstances be won over to such a policy and in consequence was later crushed.

DR. DIX: Let us stop for a moment and deal with the Party. The Indictment states that you were a Party member. Now, Göring has already said that Hitler conferred the Golden Party Emblem only as a sort of decoration. Do you have anything new to add to that statement made by Göring?

SCHACHT: I do not know whether it has been mentioned here; the Golden Party Emblem was in January 1937 given to all Ministers and also to all military personalities in the Cabinet. The latter could not become Party members at all; therefore the award of the Party emblem did not entail membership. As to the rest I think Göring has testified from the witness stand. I might mention one more thing. If I had been a Party member, then doubtlessly when I was ousted from my position as Minister without Portfolio in January 1943, the Party Court would have gone into action, since a case of insubordination to Hitler would have been evident. I was never before the Party Court and even when on the occasion of my dismissal the return of the Golden Party Emblem was demanded from me, I was not told that I was being dismissed from the Party, since I was not in the Party. I was only told "return the Golden Emblem of the Party which was conferred upon you," and I promptly complied.

I believe I could not add anything else to the statements already made.

DR. DIX: Then the Indictment is wrong in this point?

SCHACHT: Yes; in this point it is absolutely wrong.

DR. DIX: Why did you not become a Party member?

SCHACHT: Excuse me, but I was opposed to quite a number of points of the National Socialist ideology. I do not believe that it would have been compatible with my entirely democratic attitude to change over to a different Party program, and one which, not in its wording but through its execution by the Party had certainly not—in the course of time—gained any more favor with me.

DR. DIX: Therefore, you did not become a Party member for reasons of principle?

SCHACHT: Yes, for reasons of principle.

DR. DIX: Now, a biography of you was published by one Dr. Reuther in 1937. There, also, it is correctly stated that you were not a Party member; but the biographer gives different, more tactical reasons for your refusing to join the Party; and he mentions the possibility of being more influential from outside the Party and so on. Maybe it is advisable, since the biography has been referred to in the course of the proceedings, that you shortly state your views on this point?

SCHACHT: I believe that at the time Hitler had the impression that I could be useful to him outside of the Party and it may be that Dr. Reuther got knowledge of this. But I would rather not be made responsible for the writings of Dr. Reuther, and in particular I should like to object to the fact that the Prosecutor who presented the brief against me described this book by Dr. Reuther as an official publication. Of course this book is the private work of a journalist for whom I have respect but who certainly states his own opinions and ideas.

DR. DIX: Did you speak in public on behalf of Hitler before the July elections in 1932?

SCHACHT: Before the July elections of 1932, which brought that tremendous success for Hitler, I was never active either publicly or privately on behalf of Hitler, except once, perhaps, or twice—I remember now, it happened once—Hitler sent a Party member to me who had plans on economic, financial, or currency policies; Hitler may have told him that he should consult me as to whether or not these plans could be put into practice. I might tell the story briefly: It was Gauleiter Röwer of Oldenburg. In Oldenburg the Nazis had already come to power before 1932 and he

was the Minister President there. He wanted to introduce an Oldenburg currency of its own, a consequence of which would have been that Saxony would have introduced its own Saxon currency, Württemberg would have introduced its own currency, and Baden would have had its own currency, and so on. I ridiculed the whole thing at the time and sent a telegram to Hitler, saying that the economic needs of the German Reich could not be cured by such miracles. If I disregard this case, which might have constituted some sort of private connection, then I may say that neither privately nor publicly, neither in speeches nor in writing, have I at all been concerned with Hitler or his Party and in no way have I recommended the Party.

DR. DIX: Did you vote National Socialist in July 1932?

SCHACHT: No, I would not think of it.

DR. DIX: The Prosecution now lists a number of points by which it wants to prove that you were an adherent of the National Socialist ideology. I am going to name them one by one, and I ask you to state your view on each of them. First, that you were an opponent of the Treaty of Versailles. Would you like to say something about that?

SCHACHT: It surprised me indeed to hear that reproach from an American Prosecutor. The lieutenant who spoke is perhaps too young to have experienced it himself, but he should know it from his education; at any rate, for all of us who have lived through that time, it was one of the outstanding events that the Treaty of Versailles was rejected by the United States, and, if I am not wrong, rejected with the resounding approval of the entire American people.

The reasons prompting that action were also my reasons for rejecting the Treaty: it stood in contradiction to the Fourteen Points of Wilson, which had been solemnly agreed upon, and in the field of economics it contained absurdities which certainly could not work out to the advantage of world economy. But I certainly would not accuse the American people of having been adherents of the Nazi ideology, because they rejected the Treaty.

DR. DIX: The Prosecution also assert that you had already been for a long time a German National Socialist, not merely a German patriot, but a German nationalist and expansionist. Would you like to state your position in that respect?

SCHACHT: You, yourself, by emphasizing the word "patriot" have recognized that one must be clear on just what a nationalist is. I have always been proud to belong to a nation which for more than a thousand years has been one of the leading civilized nations

of the world. I was proud to belong to a nation which has given to the world men like Luther, Kant, Goethe, Beethoven, to mention only a few. I have always interpreted nationalism as the desire of a nation to be an example to other nations, and to maintain a leading position in the field of spiritual and cultural achievement through high moral standards and intellectual attainment.

MR. JUSTICE JACKSON: If it please the Tribunal, it seems to me that we are getting very far from the relevant charges in this case, and particularly if they are going to be preceded by a statement of the Prosecution's position.

We have no charge against Dr. Schacht because he opposed the Treaty of Versailles; we concede it was the right of any German citizen to do that by any means short of war. Nor do we object to his being a patriotic German by any means short of war. The only purpose has been to find out what his attitude in those matters was in connection with the charge that he prepared and precipitated war.

To deal with philosophical matters separately from the war charge seems to me entirely irrelevant, and I assure the Tribunal we have no purpose in charging that it is a crime to oppose the Treaty of Versailles. Many Americans did that. It is no crime to be a German patriot. The crime is the one defined in the Indictment, and it seems to me we are a long way off from that here, and wasting time.

THE PRESIDENT: What do you say to that, Dr. Dix?

DR. DIX: I was eager and glad to hear what Justice Jackson just said, but I must quote from Wallenstein, "Before dinner we heard another version." There was no doubt—and once, because I thought I had misunderstood, I even asked again—that the criminal character of the Party program, the criminal character of the contents of *Mein Kampf*—reproachable in itself and, to say the least, indicative of crimes committed later—the willful opposition to the Treaty of Versailles—and further the accusation of having been an expansionist and nationalist, all these things have repeatedly in the course of the proceedings here been held against Dr. Schacht in order to strengthen the foundation of the charges made against him.

If Mr. Justice Jackson now with gratifying frankness states, "We do not at all blame Schacht for opposing the Treaty of Versailles; we do not assert that he was more than a patriot, that is to say, a nationalist in the sense described before, and we do not maintain either that these our statements are circumstantial evidence for his later co-operation, his financial co-operation, in the rearmament program, which in turn is proof indicative of his intent to assist in

waging a war of aggression"—if that is now stated unequivocally by the Prosecution, then we can dispense with a great many questions which I intended to put in the course of my examination of the witness; I would then gladly leave the whole subject of Schacht's expansionism and nationalism. We have not yet mentioned expansionism; Mr. Justice Jackson has not mentioned it either. I do not believe, however, that the Prosecution will withdraw the accusation of expansionism, that is the expansion of German living space in Europe. I am not sure of this but we shall certainly hear about it. As I said, if these accusations which have been made are withdrawn, then I can dispense with these questions and my client need not answer them.

MR. JUSTICE JACKSON: Of course, I made no such statement as Dr. Dix has assumed. My statement was clearly made in the opening and clearly is now, that he had a perfect right to be against the Treaty of Versailles and to be a German nationalist and to follow those aims by all means short of war. I do not want to have put in my mouth the very extensive statements made by Dr. Dix.

My statement was made clear in the opening, and these matters as to the Versailles Treaty and nationalism and Lebensraum, as political and philosophical matters, are not for the Court to determine. We are not going to ask you to say whether the Treaty of Versailles was a just document or not. It was a document. They had a right to do what they could to get away from it by all means short of war.

The charge against Dr. Schacht is that he prepared, knowingly, to accomplish those things by means of aggressive warfare. That is the nub of the case against him.

DR. DIX: Then on this point there is...

THE PRESIDENT: Dr. Dix, I think the case for the Prosecution has been clear from the outset, that all these matters are only relied upon when they were entered into with the intention of making war.

DR. DIX: Very true. I need not put these questions if the Prosecution no longer uses these accusations as circumstantial evidence for his intent to wage a war of aggression, but Mr. Justice Jackson has not yet made a statement to that effect. But there seems to be no doubt—and I do not believe that I misunderstood the Prosecution—that in order to prove Dr. Schacht's intention to wage a war of aggression, the Prosecution did refer to Schacht's opposition to the Treaty of Versailles, to his nationalism and expansionism that is, extension of Lebensraum. We do not want to make academic or theoretical statements about the ideas of Lebensraum and nationalism, but as long as these ideas, which the Prosecution

concedes he is justified in holding, as long as these characteristics are considered to be in part proof of his intent, my client must have the opportunity of telling the Tribunal just what he meant by Lebensraum if he ever spoke of it, which I do not yet know. But I think, nevertheless, that there is still a matter not quite clear between Mr. Justice Jackson and me, and that I do not quite agree either with what was said by Your Lordship...

THE PRESIDENT: What you were asking him about was his views on nationalism. That is what you were asking him about, his views upon nationalism, and that seems to be a waste of time.

DR. DIX: I put to him that he was accused of being a nationalist and an expansionist, and that the Prosecution therefrom drew the conclusion that he planned an aggressive war by financing armament; now he has to show, of course, that...

THE PRESIDENT: What Mr. Justice Jackson has pointed out is that the Prosecution have never said that he simply held the views of a nationalist and of an expansionist, but that he held those views and intended to go to war in order to enforce them.

DR. DIX: Yes, Your Lordship, but it is held that these opinions were proof—one proof among others—that he had the intention of waging aggressive war; that they therefore constitute what we jurists should call circumstantial evidence for his intent to wage war, and as long as this argument—it is no longer a charge maintained by Justice Jackson but it is an argument of the Prosecution...

THE PRESIDENT: There is no issue about it. He agrees that he did hold these views. Therefore it is quite unnecessary to go into the fact. The Prosecution say he held the views; he agrees that he held the views. The only question is whether he held them with the innocent intention of achieving them by peaceful methods, or whether he had the alleged criminal intention of achieving them by war.

DR. DIX: I only wish to say one more thing to that. Expansionism has not yet been discussed. Should Dr. Schacht have had expansionist tendencies, then Mr. Justice Jackson certainly would not say that he has no objection. Therefore...

THE PRESIDENT: Dr. Dix, I think that you may ask him questions about the expansionists, his ideas of what expansionists were, what he meant by expansion, but for the rest it seems to me you are simply proving exactly the same as the Prosecution have proved.

DR. DIX: I fully agree. Dr. Schacht, were you...

THE PRESIDENT: We will adjourn now.

[A recess was taken until 1400 hours.]

Afternoon Session

DR. DIX: I believe, Dr. Schacht, that both of us will have to speak a little more slowly and pause between question and answer.

Now, please reply to the accusation by the Prosecution that you were an expansionist. Please define your position.

SCHACHT: Never in my life have I demanded even a foot of space that did not belong to Germany, nor would I ever entertain such an idea.

I am of the opinion that neither is it national to try to dominate and govern foreign peoples, nor is appropriation of foreign territory a politically just action.

These are two questions with which we are much concerned at present.

I might perhaps add, in order to clarify my position, just what I understand by nationalism, and just why I was against each and every form of expansionism. Just one sentence will suffice, a sentence from a speech which I made in August of 1935. On that occasion I said, and I quote:

“We want to express the belief that self-respect requires respect for others, and the upholding of our national individuality must not mean disparagement of the individuality of others; by respecting the acts of others we respect our own action; and a battle of economic competition can be won in the end only through example and achievement and not through methods of violence or craft.”

DR. DIX: According to the opinion of the Prosecution, in the year 1936 you made a public threat of war, on which occasion you are alleged to have said that the spirit of Versailles was instrumental in keeping alive war mania. I am referring to Document EC-415, a document to which the Prosecution has referred.

SCHACHT: I never understood, in the course of this proceeding, how there could be a threat of war in this quotation. The quotation concludes with the words—and I must quote in English because I just have the English words before me:

“The spirit of Versailles is perpetuated in the fury of war, and there will not be a true peace, progress, or reconstruction until the world desists from this spirit. The German people will not tire of pronouncing this warning.”

The conclusion says that the German people will not tire of pronouncing this warning. It seems to be a matter of course that hereby expression is given to the fact that I am warning others from persisting in war mania. I am not warning ourselves, but the entire world, to avoid perpetuating the spirit of Versailles.

DR. DIX: The Prosecution further accuses you in this connection that you publicly approved the idea of Lebensraum, for the German people. In this special connection reference was made to the speech you made at Frankfurt on 9 December 1936, in which you said: "Germany has too limited Lebensraum for her population."

SCHACHT: This speech of 9 December 1936 was a speech which was solely concerned with a restoration of the colonial rights of Germany. I have never demanded any Lebensraum for Germany other than colonial space. And in this instance, again, I am surprised that just the American Prosecutor should accuse me on my efforts in this direction, because in the Fourteen Points of Wilson, which regrettably were not adhered to later on, the colonial interests of the Germans are taken into consideration. In consequence, I said, again and again: "If you want peace in Europe, give Germany an economic outlet into which Germany can develop and from which she can satisfy her needs. Otherwise Germany will be a center of unrest and a problem for Europe."

I would like to quote one sentence only from the speech I made: "Peace in Europe, together with the peace of the entire world, is dependent upon whether or not the densely populated areas of Central Europe will have the means of existence."

I emphasized this viewpoint again and again, but at no time did I connect these views with the idea of an armed conflict.

I would like to quote another sentence from this same speech: "I did not mention this consideration as to the parts of Germany which were separated from her"—and I am speaking of the losses suffered by Germany—"in order that we might draw the conclusion of war-like intentions; my entire position and my work are marshaled to the objective of bringing about peace in Europe through peaceful and sensible considerations and measures."

THE PRESIDENT: Will you please give me the PS numbers and the exhibit numbers of those two speeches?

DR. DIX: I cannot at this moment, Your Lordship, I am sorry, but I will try to get them and submit them in writing. The last is the speech at Frankfurt, and the others...

THE PRESIDENT: That is quite all right. You will let us know in writing, will you?

DR. DIX: Yes, indeed.

SCHACHT: Perhaps if it is permitted I might refer to two other sentences from my article which was published in *Foreign Affairs*, the well-known American magazine, in the year 1937. I

have the German translation before me, which says, in the introduction, and I quote:

"I am making these introductory remarks in order to clarify the situation. The colonial problem today, as in the past, is for Germany not a question of imperialism or militarism, but still surely and simply a question of economic existence."

Perhaps I might refer to the point that very influential Americans were in constant accord with this view. I have a statement made by the collaborator of President Wilson, Colonel House, who made the well-known distinction between the "haves" and "have nots," and who was especially influential in advocating consideration for German colonial interests. Perhaps I can dispense with the quotation.

DR. DIX: In this connection I should like to point to the document submitted by the Prosecution, Document L-111, Exhibit USA-630. This document is concerned with the conversation which you had with the American Ambassador Davies, and in which you are accused of having indirectly threatened a breach of peace.

SCHACHT: I have already set forth just now that I constantly said that Europe cannot have peaceful development if there are no means of livelihood for the completely overpopulated Central Europe, and I believe conditions at present show how absolutely right I was—just what an impossibility it is to feed these masses of people within Europe. And beyond that I had a keen interest in diverting Hitler's quite misguided ideas from Eastern Europe and therefore was constantly at pains to direct his attention to the colonial problem so that I could turn his thought from the mad ideas of expansionism in the East. I recall that in 1932, shortly before he assumed office, I had a conversation with him in which for the first time I approached him on these facts and particularly told him what utter nonsense it would be to think of an expansion in the East.

Then, constantly, in the subsequent years, again and again, I spoke about the colonial problem, until at the last in the summer of 1936 I had the possibility of pursuing my ideas and Hitler gave me the mission, which I had suggested to him, of going to Paris to discuss with the French Government the possibility of a satisfactory solution of the question of colonies for Germany. This actually happened in the summer of 1936. And for the satisfaction of myself and all other friends of peace, I might say that the Government of Léon Blum, which was in office at the time, showed gratifying appreciation of this solution for Europe's food and economic problems, and for their part stated that they were ready to deal with the colonial problem with the aim of perhaps returning

one or two colonies to Germany. Léon Blum then undertook, in agreement with me, to inform the British Government about these conversations in order to secure their consent or to bring up a discussion of this problem within the British Government. That actually did take place, but the British Government hesitated for months before they finally could decide on any position in this matter and so the discussion dragged on up to the initial months of the Spanish civil war and was eclipsed and supplanted by the problems of the Spanish civil war, so that a continuation of the discussion on this colonial problem never came about.

At that time, in January of 1937, when the American Ambassador to Moscow, Ambassador Joseph Davies, visited me at Berlin, I was rather irritated by the slowness with which the British Government was meeting these suggestions, and consequently I came forth with a request for understanding and support and told Ambassador Davies about this whole matter. I tried constantly and repeatedly to gain the understanding support of representatives of the American Government. I tried again and again to advise these gentlemen about domestic conditions and developments within Germany, to tell them as much as was possible and compatible with German interests and to keep them informed. That applies to Ambassador Davies, Ambassador Dodd, Ambassador Bullitt when he was in Berlin, and so on.

This conversation with Ambassador Davies is referred to in the document which the Prosecution has submitted, Document L-111, and which is taken from the book which Ambassador Davies wrote about his mission in Moscow, and we will perhaps come back to this book later.

As the gist of my conversation with Davies I would like to quote just one sentence again, which I must again quote in English, since I have only the English book at my disposal.

"Schacht earnestly urged that some such feasible plan could be developed if discussions could be opened; and that, if successful, would relieve the European war menace, relieve peoples of enormous expenditures for armaments, restore free flow of international commerce, give outlet to thrift and natural abilities of his countrymen and change their present desperation into future hope."

DR. DIX: In this connection the affidavit of Fuller plays an important part, that is Exhibit USA-629, and Document EC-450. According to this affidavit, you allegedly declared to Fuller that if Germany could not get colonies through negotiations she would take them. Please define your position as to this statement.

SCHACHT: In a German drama an intriguer is being instructed by a tyrant to bring a man of honor to ruin, and he says in reply,

"Just give me one word said by this man, and I will hang him thereby." I believe, My Lord Justices, that in this courtroom there is not a single person who at one time or another in his life has not said a rather unfortunate word. And how much easier is it when he is speaking in a foreign language of which he is not completely master.

Mr. Fuller is known to me as a respectable business man, and this discussion which he has here reproduced is indubitably done according to the best of his knowledge. He himself rightly says that even had he tried to put down the exact words he could not guarantee that each and every word has been said. But if I did say these words, then it seems only that I said we Germans must have colonies and we shall have them. Whether I said, "We shall take them," or "We shall get them," that, of course, it is impossible for me to say with certainty today after a period of 10 years.

The representative of the Prosecution also thought the expression, "We will take them," a little colorless in effect and therefore I believe he just added a trifle, for he said twice in his presentation of the charges that I had said, "We will take these colonies by force," and on a second occasion he even said, "We will take these colonies by force of arms." But "force" or "force of arms" are not mentioned in the whole of Fuller's affidavit. And if I had used that word or even used it only by implication, Mr. Fuller would have had to say with reason: "So you want to take colonies by force; how do you expect to do that?" It would have been utter nonsense to assert that Germany would ever have been able to take overseas colonies by force. She lacked—and always will lack—domination of the seas, which is necessary for this.

Fuller did not take exception to my manner of expression and in his conversation he immediately continued—and I quote:

"You mentioned a little while ago that necessary raw materials could not be obtained, owing to German lack of foreign exchange. Would stabilization help you?"

Therefore, rather than to become excited about the fact that I wanted to take colonies by force—something which I never said and which is contrary to my views, as I have already stated—he immediately goes on to foreign exchange and to stabilization.

DR. DIX: The prosecutor asserts further that you were interested in the conquest of neighboring territory in Europe.

SCHACHT: This matter is not quite so harmless as the previous mistake of the Prosecution. In a previous interrogation, I was accused as follows, and the prosecutor, in presenting his charges here, referred to the fact—I quote the prosecutor:

"On 16 April, on the occasion of the Paris conference on reparation payments, Schacht said, 'Germany in general can pay only if the Corridor and Upper Silesia are returned to Germany.'"

This is the interrogation of 24 August 1945. According to the verbatim record of the interrogation, I answered:

"It may be that I said such a thing."

Of course, as far as the wording of a statement, which I had made 10 to 15 years before, I did not recall it. But I did remember that in connection with the Corridor and Upper Silesia I had made a remark, and since I had to assume that if the Prosecution submitted this record to me it would be an accurate stenographic record, for that reason I did not dispute this remark which I had allegedly made and said that it might be that I said something to that effect. The Prosecution takes a "maybe" and out of that reconstructed the following sentence:

"This quotation was read to Schacht, and he said it was correct."

This assertion by the Prosecution is therefore wrong. I said, "It may be that I said something to that effect," but I did not say that this statement that was submitted to me was correct.

Then, fortunately, in my imprisonment here, I succeeded in getting hold of my book, a book which I wrote about the termination of reparation payments, which was published in 1931 and in which I luckily put down the text of my statement about the matter we are dealing with now. I have the exact text, and I would like to say that this book has been submitted in evidence, and from this text appears what I said verbatim:

"Regarding the problem of German food and food supplies, it is especially important that import of foodstuffs has been decreased"—I beg your pardon—"that import will be decreased."—I am sorry again. I cannot read this—"that the import of foodstuffs will be decreased and partially made up through home production. Therefore, we cannot let the fact be overlooked that important agricultural surplus territories in the eastern part of Germany have been lost by cession and that a large territory which was almost exclusively agrarian has been separated from the Reich. Therefore the economic welfare of this territory, East Prussia, is decreasing steadily and the Reich Government must support and subsidize it. Constantly, therefore, suitable measures should be taken to eliminate these injurious conditions, which are hindering considerably Germany's ability to pay."

DR. DIX: Your Lordship, this is from our document book, Document Schacht-16, German Page 38, English Page 44.

SCHACHT: This quotation absolutely does not agree with the statement submitted to me in the interrogation, and in no way can we draw the conclusion in consequence that I was in favor of a return of these areas. What I demanded was that the separation of these areas be taken into consideration when Germany's ability to pay and the payments were determined. When the prosecutor in his speech added: "I would like to point out that this is the same area over which the war started in September 1939," I believe it is an insinuation which characterizes the prosecutor, rather than me, against whom it was intended.

DR. DIX: As part of the circumstantial evidence, that is, the indirect evidence for the will to aggression, with which you are charged, the Prosecution includes your wish—your alleged wish—for the Anschluss of Austria. Will you please take your position as to this accusation?

SCHACHT: From 1919 I considered the Anschluss of Austria inevitable and, in the national sense, that is, spiritually and culturally, it was welcome. But that economically the Anschluss of Austria would not be for Germany so much an aggrandizement as a liability, I always knew. But the wish of the Austrian people to belong, to be incorporated into Germany—I took that wish as my own and said that if here there are six and a half million people who spontaneously in 1919 and later in innumerable demonstrations expressed their wish of being incorporated into the brotherhood of Greater Germany, that was an event to which no German could be opposed, but in the interest of Austria must hail with gladness. In that sense I always favored and respected the wish of Austria to belong to the Reich and wanted it carried through as soon as external political conditions permitted it.

DR. DIX: My attention has just been called to the fact that you are still speaking too fast and that the interpretation is lagging behind a little bit. Will you please speak a little more slowly.

What was your opinion as to the incorporation of the Sudetenland into Germany?

SCHACHT: Concerning the incorporation of the Sudetenland, I never thought of any such thing. Of course, Czechoslovakia was a European problem, and it was regrettable that in that state, which had five and a half million Czechs, two and a half million Slovaks and about three and a half million Germans, the German element had no means of expression. But just because the Czechoslovakian problem was not a purely German-Czech but also a Slovak-Czech problem, I sought a solution of this problem in such a way and

wished it to be in such a way that Czechoslovakia should constitute a federated state, similar perhaps to Switzerland, divided into three different, culturally separate, but politically unified areas, which would be a guarantee for the unity of a German-Czech-Slovak state.

DR. DIX: What was your opinion and attitude to the problem of war; by that I mean, as far as philosophical, ideological, and practical considerations are concerned?

SCHACHT: I always considered war as one of the most devastating things to which mankind is exposed and on basic principles throughout my entire life I was a pacifist.

DR. DIX: Dr. Schacht, during your meditative and thoughtful life you have certainly considered the fundamental and profound differences between legitimate and ethically based soldiership and militarism in its various degenerate forms. What did you mean by the latter and what was your attitude toward it, that is, militarism?

SCHACHT: Of course I saw the necessity of a country's defense in case of war or threats, and I stood for that theory. In that sense I was always in favor of a Wehrmacht, but the profession of a soldier I consider to be full of deprivations and characterized by willingness and readiness to sacrifice, not because perhaps during a war the soldier has to give up his life—that is the duty of every citizen of military age—but because his whole aim and aspiration must be directed to the end that never must the craft which he has learned be exercised. A soldier, a career officer, who is not intrinsically a pacifist, has really in my opinion missed his calling. Consequently, I was always an opponent of every military digression and excess. I was always against militarism, but I consider that soldiership conscious of its responsibility is the highest calling which a citizen can pursue.

DR. DIX: Now, George Messersmith, as you know, the Consul General of the United States at Berlin at one time, says in one of his various affidavits produced by the Prosecution that you had told him, and repeatedly told him, about Nazi intents of aggression. Will you please state your position in that regard?

SCHACHT: First of all, I would like to remark that of course I never made a statement of that sort, neither to Mr. George Messersmith nor to anyone else. As far as these three affidavits of Mr. Messersmith, which were submitted by the Prosecution, are concerned, I would like to make a further statement.

Mr. Messersmith asserts that he had frequent contact and numerous private conversations with me, and I would like to state here now that, according to my exact memory, I saw Mr. George Messersmith perhaps two or three times in my entire life. Mr.

George Messersmith represents himself as having had numerous contacts and many private conversations with me, and he asserts further that his official capacity brought him in contact with me as President of the Reichsbank and as Minister of Economics.

I do not recall once having received Mr. Messersmith in my office. Mr. George Messersmith takes these two or three discussions and proceeds to characterize me. He calls me cynical, ambitious, egotistic, vain, two-faced. I am, unfortunately, not in a position to give an equally comprehensive picture of the character of Mr. Messersmith. But I must definitely dispute his trustworthiness.

And as a first reason for this I should like to quote a general remark by Mr. Messersmith. In his affidavit of 30 August 1945, Document 2385-PS, Mr. George Messersmith says, and I quote: "When the Nazi Party took over Germany, it represented only a small part of the German population."

Contrary to that, I say that before the Nazi Party took over Germany it occupied about forty percent of all Reichstag seats. That percentage Mr. Messersmith calls a small part of the German population. If diplomatic reports are everywhere as reliable as in this instance, it is small wonder that nations do not understand each other.

I would still like to correct a specific remark by Mr. Messersmith. Mr. Messersmith asserts, as I have quoted just a minute ago, that his duty brought him in contact with me as Minister of Economics. In his affidavit of 28 August, 1760-PS, Mr. Messersmith says, and I quote: "During the wave of terrorist activity in May and June of 1934, I had already assumed my duties as American Charge d'Affaires in Vienna." In August of 1934 I became Minister of Economics, whereas, on the other hand, Mr. Messersmith, already in May of 1934, assumed his official duties in Vienna; but this does not prevent Mr. Messersmith from asserting that his official duties brought him in frequent contact with me as Minister of Economics. I believe this will suffice to gauge the capacity of Mr. Messersmith's memory correctly.

DR. DIX: In a similar connection, the Prosecution repeatedly referred to the diary of the former ambassador in Berlin, Mr. Dodd, which was published on the basis of his private notes by his children after his death. This document has the Document Number EC-461. The Prosecution quotes from this diary repeatedly to prove that Mr. Dodd, too, considered you a warmonger. I know, of course, that you were a friend of Mr. Dodd's, a fact which is shown in his diary. Can you tell me how the two facts can be reconciled?

SCHACHT: First of all, I might say that Ambassador Dodd was one of the most undefiled personalities I have met, an upright

character, a man of unflinching fidelity to his convictions. He was a professor of history, undoubtedly a good historian. He had studied at German universities. I believe that he would turn in his grave if he could know that the notes which he put down casually in his diary were put together by his two children without commentary and printed without investigation.

Mr. Dodd, I am sorry to say, had one characteristic which made dealing with him a little difficult. I think the reason for this lay in his steadfastness of conviction, which from the first often made him appear averse to outside influence. He found it rather hard to make himself understood easily and fluently, and he was even less in a position to view opinions of others in the right light. Many things that were told him he misunderstood and saw in a wrong light.

On Page 176 in his diary, in the lower part, there is one sentence I would like to quote to illustrate the point I am trying to make. Here he says: "I talked fifteen minutes with Phipps"—the British Ambassador at that time—"about the accumulated evidence of Germany's intense war activities." This statement dates from the autumn of 1934 and I believe no one is able to say that in the autumn of 1934 there was any talk of a war activity on the part of Germany. Mr. Dodd uses the expression "war" undoubtedly in the place of "armament"; he says "Krieg" instead of "Aufrüstung." In that sense, I believe he misunderstood the words.

And, as further evidence for the difficulty which one had in making the Ambassador understand, I might say that the Foreign Office asked him once to bring a secretary who would take notes of discussions with representatives of the Foreign Office, so that misunderstandings could be avoided.

I believe, therefore, that all these statements by Mr. Dodd are apt to be misunderstood. As for myself I can only say what I have already said about Mr. Messersmith, that of course I never talked about war intentions.

DR. DIX: Now, in this diary it says that he was favorably disposed towards you. Do you have any proof for this friendly attitude to you?

SCHACHT: May I perhaps refer to the correspondence with Henderson...

DR. DIX: Yes, we can deal with that later.

SCHACHT: Then I shall just confine myself to your question. Dodd was entirely friendly to me, and I respected him deeply. I saw a sign of his friendship in that shortly before his departure from Berlin in December of 1937 he visited me at my home, and this incident is also dealt with in his diary, and I would like to

quote just one sentence: "I went to Dr. Schacht's house in Dahlem. I wished especially to see Schacht, whose life is said to be in danger."

In other words, Mr. Dodd had heard of an imminent attack on my life on the part of National Socialists, and considered it important enough and a reason for coming to my home personally in order to warn me.

A second piece of evidence of his friendship towards me can be seen from the final visit he paid me just a few days before returning to America. At that time he again called on me and told me urgently that I should go to America with him, or as soon after him as possible, that I should change my residence to America, and that I would find a pleasant welcome there. I believe he would never have said that to me had he not felt a certain degree of friendship for me.

DR. DIX: These are express services of friendship, and it can hardly be assumed that the deceased Ambassador would have done you these good services if he had considered you a warmonger and friend of the Nazis, and especially—and I would like to say this to the High Tribunal—if one remembers that Mr. Dodd was one of the few accredited diplomats in Berlin who very obviously had no sympathy of any sort for the regime in power, in fact he was wholly and fully opposed to it.

I intentionally say "the few diplomats" and, Dr. Schacht, I would like you to define your opinion on what I am saying. You will remember that those diplomats who kept aloof from Hitler's regime politically and socially, such as the Dutch Minister, the magnificent grand seigneur Limburg-Stirum, or the Minister from Finland, the true-hearted and great Social Democrat, Wuolijoki, that most of these diplomats were recalled by their Governments. How is it that an opponent of the Nazis like Dodd did such open services of friendship to someone whom he considered a friend of the Nazis? Do you agree with my opinion?

SCHACHT: Yes. I am entirely of the same opinion.

MR. JUSTICE JACKSON: I certainly object to going into this kind of sermonizing back and forth between the box and the bar. It seems to me that the witness has been allowed to say everything that Mr. Dodd has ever written and to put in his mind what he thinks Dodd meant. He has allowed him to go to great lengths characterizing all American representatives, but it seems to me that this is utterly off the track and improper for this witness to give a characterization of him in comparison with other ambassadors and other diplomatic representatives.

There is no request here for information about facts. I reiterate, we are not accusing Dr. Schacht here because of his opinions. We

are accusing him because of very specific facts which there seems great reluctance to get to and deal with.

THE PRESIDENT: I think you should go on, Dr. Dix, and pass from this part of it, pass on from these documents.

DR. DIX: Perhaps I might mention very briefly that it is entirely far from me or from Dr. Schacht to feel impelled to express here our opinions on political or diplomatic personalities, but, on the other hand, if the Prosecution produces affidavits or diaries of these diplomats and uses these documents as pieces of evidence against the defendant in this proceeding, the defendant...

THE PRESIDENT: The Tribunal thinks that if you would put questions and put them shortly, it would be much better, and we should get on much faster.

DR. DIX: Yes. In general I have put brief questions, Your Lordship. I only said this now, because I would like to follow the procedure approved, I believe, by the High Tribunal, of dealing with part of the evidence at this stage; and so I would like to bring up the reliability of Dodd's Diary. That is Document Schacht-43 in my document book; German text, Page 194; English text, Page 202. Here we are concerned with the correspondence between the publisher of Dodd's diary and Sir Nevile Henderson, which deals with several misstatements in the diary. I will dispense with the rather long letter by Sir Nevile Henderson—there are five folio pages—and will cite just a few sentences.

On Page 196 of the German text, Sir Nevile Henderson writes:

"Take, for instance, the first statement attributed to me about Neurath. It is entirely impossible, that I, in front of Hitler..." and so on and so forth.

Then on the same page, in the middle of the page, next paragraph:

"And it is the same with the general discussion. It is quite inconceivable that I should have spoken, as there recorded, about Bismarck and the annexation of Czechoslovakia and other countries."

And on the same page, a little further down, next to the last paragraph, it says:

"Nor could I possibly have said that 'Germany must dominate the Danube-Balkan zone.'"

And on the next page, second paragraph:

"The remark attributed to me that England and Germany 'must control the world' is pure balderdash and hardly fits in with the preceding sentence about the United States."

Now, there are other similar passages on this and the following page, but I do not believe it necessary for me to quote them. I request the High Tribunal to take official notice of this document in its entirety, and I would like to submit it as such.

[Turning to the defendant.] Dr. Schacht, a little while ago you mentioned a warning on the part of Ambassador Dodd with regard to a danger which was threatening you. Was it an attack on your life?

SCHACHT: At that time—and I only heard about this in January after Mr. Dodd told me—I was informed that the SS was planning an attack on my person. The intent was, as the technical expression then had it, “to remove” me. Something like that must have been in the air; otherwise, a foreign ambassador and the circles close to me would not have known about it.

DR. DIX: Just a little while ago you set forth how your policy rejected the use of arms in bringing about equality of German rights and means of livelihood. Did you try to do anything in a practical way to further your policy of peaceful agreement with foreign countries, for example, when you were President of the bank?

SCHACHT: My entire work as President of the Reichsbank was primarily based on the principle of working with the banks in foreign countries as harmoniously as possible, of pursuing a policy of mutual assistance and support.

Secondly, I tried to enter into personal, friendly relations with the directors of all these banks in the hope of meeting understanding for German problems, and thus of contributing to a solution by way of co-operation and mutual solution of these difficult problems which had arisen in Central Europe. The word “co-operation” (*Zusammenarbeit*) was the leitmotif of our circle.

DR. DIX: To turn from the directors of the banks, what about your foreign creditors?

SCHACHT: As I already said a little while ago, from the start I was in disfavor with all the money makers, those people who had profited from German loans in foreign countries for I was against Germany's being involved in debts abroad, and I took my stand very firmly on this point.

Then later, after the misfortune which I had always predicted actually did come to pass, after the financial crash in the year 1931, these self-same financiers and money men blamed me for the fact that the interest on their money was no longer being transferred to them. Therefore in those circles I did not gain any friends, but

among serious bankers and large banking institutions which were interested in constant and regulated business with Germany, I believe I made no enemies, because all measures which I later had to take in order to protect the German currency and to maintain Germany's foreign trade, all these measures I always discussed jointly with the representatives of foreign creditors. Approximately every six months we met, and I always gave them a detailed account of German conditions. They were permitted to look into the books of the Reichsbank. They could examine and interrogate the officials of the Reichsbank and they always confirmed that I told them everything in the most frank and open manner. So that I may say that I worked in a fair and friendly way also with these men.

DR. DIX: And how did your policy of peaceful agreement affect foreign trade, export, credit, and so forth?

SCHACHT: I believe that after the happenings that have now taken place it is today even clearer than before that Germany cannot and could not live without foreign trade, and that the maintenance of export trade must be the basis for the future existence of the German nation. Consequently, I did everything in order to maintain German foreign trade. I can cite a few specific examples to supplement the general principles. I tried, for example, to do business with China in order that we might export to China. I was ready to give China credit and did. I hailed the fact that the Soviet Union kept up an extensive flow of trade with us, and I always advocated expanding and stabilizing this foreign trade in the case of Russia as well as China. About the ability and readiness to pay and the promptness of payment of the opposite parties I never had any doubts.

THE PRESIDENT: He is going into unnecessary detail in support of the allegation that he tried to maintain export trade. We do not surely need details.

DR. DIX: As far as the Soviet Union is concerned, this exposition is of great significance and relevance. It shows Schacht contrary and in opposition to the policy carried out by Hitler. Hitler was hostile to the Soviet Union and this hostility is counterbalanced by open friendliness on the part of and in the person of the Minister of Economics. If I want to prove that Schacht was pioneer of a policy of understanding between nations, even in phases where Hitler carried on a peaceful battle, so to speak, with another country, such as the war of propaganda against the Soviet Union, then, in my opinion, this point is very important for Schacht's fundamental attitude—on one side war and on the other understanding. This is of absolute relevance.

THE PRESIDENT: The defendant has made the allegation. It is for the Prosecution to dispute it in cross-examination and if they do, then the details might become material in re-examination.

DR. DIX: I believe the question has been answered, and now I shall turn to an entirely new phase of questioning.

Since it is typical of his desire for understanding and his direct basic opposition to the policy of Hitler, I would like to refer to Document Number Schacht-34, which is an affidavit of Schniewind, the banker and Swedish Consul General at Munich. This is Exhibit 34, Page 114, of the English translation, and I would like to quote a short paragraph on Page 112 of the German text, which confirms Dr. Schacht's remarks. Schniewind, who was a high official in the Ministry of Economics, says here:

"My department dealt with the Reich guarantees for deliveries to Russia, and thus I was in position to know that Schacht considered Hitler wrong in fighting Russia. Through much effort, he obtained Hitler's permission to send extensive supplies, especially machines to Russia. Frequently I gained the impression that Herr Schacht favored these deliveries because, while instrumental in giving employment, they did not benefit rearmament. Herr Schacht on several public occasions pointed out with satisfaction that trade shipments to Russia were proceeding promptly and smoothly."

There are just a few more minutes before the customary recess, Your Honor, and before we take our recess, I ask that I be permitted to reply shortly to Your Lordship's remarks of a few minutes ago. The defendant must conduct what is, to a certain degree, a very difficult defense. The Prosecution very simply argued: "You helped to finance rearmament and this rearmament in the final analysis ended in war and not only a war but a war of aggression; therefore, you as a defendant are either a conspirator or an accomplice, and that is a war crime."

As far as this argument is concerned, it must in my opinion be open to the defendant, first—and we shall deal with that later—to point out that rearmament as such by no means constitutes a desire for aggressive war; and secondly, to show that his acts actually indicate the exact opposite, namely, his desire for concord and peace; and for these fundamental reasons, I do beg the Tribunal not to cut me short in this evidence but rather to give me the time to carry it through in detail. This explains my desire to set forth Schacht's policy toward the Soviet Union, a policy in which he was in direct opposition to Hitler, to bring it forth in its entirety, and also my wish to show that he worked for agreement on all levels—with directors of banks and credit furnishers—that is, he advocated

a policy of give and take rather than one of unilateral terrorizing and strife.

Gentlemen of the Bench, it is chiefly on a psychological plain on which I have to conduct the defense; that is a very sensitive and delicate field, and I again ask that my task may not be made more difficult. Then, when the witnesses are called, I for my part will most likely dispense with every witness except one, and I beg that you show me some consideration. Does Your Lordship consider it time for a recess?

THE PRESIDENT: Yes, certainly, Dr. Dix. I thought that the Tribunal has shown you every consideration, and we will now certainly have a recess.

[A recess was taken.]

DR. DIX: Dr. Schacht, what was your attitude toward the Leadership Principle? Did you not realize the danger of giving a blank check, the danger of losing your own capacity of responsibility? You have heard that Sir David considers the Leadership Principle in itself to be criminal.

SCHACHT: As to whether the Leadership Principle is criminal or not, opinions throughout history have been much divided. If we look back through Roman history we see that from time to time in dire periods of distress a leader was selected to whom everyone else was subordinate. And if I read *Failure of a Mission* by Henderson there, too, I find sentences in which he says:

"People in England sometimes forget and fail to realize that even dictators can be, up to a point, necessary for a period and even extremely beneficial for a nation."

Another passage from the same book says:

"Dictatorships are not always evil."

In other words, it depends on just what is attributed to a Führer, how much confidence one has in a Führer, and for how long a time. Of course, it is a sheer impossibility for someone to assume the leadership of a country without giving the nation from time to time an opportunity of saying whether it still wants to keep him as Führer or not. The election of Hitler as Führer was in itself no political mistake; in my opinion one could have introduced quite a number of precautionary limitations with a view to averting the danger you have mentioned. I regret to say that that was not done, and that was a great mistake. But perhaps one was entitled to rely on the fact that from time to time a referendum, a plebiscite, a new expression of the will of the people would take place by which the Führer could have been corrected, because a leader who

cannot be corrected becomes a menace. I recognized that danger very well, I was afraid of it, and I attempted to meet it. May I say one more thing? Limitless Party propaganda attempted to introduce the idea of a Führer as a lasting principle into politics. That of course is utter nonsense, and I took the opportunity—I always took such opportunity whenever it was possible—of expressing my dissenting opinions publicly. I took the opportunity in an address to the Academy of German Law, of which not only Nazis but lawyers of all groups were members, and in that speech I lectured about the Leadership Principle in economics. And I expressed myself ironically and satirically, as unfortunately is my wont, and said that it was not necessary to have a leader in every stocking factory, that in fact, this principle was not a principle at all, but an exceptional rule which had to be handled very carefully.

DR. DIX: I know that, because I was present on the occasion of that address. What did you think about the ideology of the master race (Herrenvolk)?

SCHACHT: I have always considered it a very unhappy precedent to speak of a "chosen people," or of "God's own country," or of things like that. As a convinced adherent to the Christian faith I believe in Christian charity, which bids me extend love to all men without regard to race or faith. I would like to mention also that the silly talk about the master race, which some Party leaders made their own, was held up to constant ridicule by the German public. That was not surprising, because most of the leaders of the Hitler Party were not exactly ideal types of the Nordic race. And in that connection, when these things were discussed among the German population, little Goebbels was referred to as "Der Schrupfgermane"—the shrivelled Teuton.

Only one thing—I have to say this to be just—did most of the leaders of the Party have in common with the old Teutons—and that was drinking; excessive drinking was a main part of the Nazi ideology.

DR. DIX: What did you think of the so-called National Socialist Weltanschauung?

SCHACHT: Weltanschauung in my opinion is a summation of all those moral principles which enable me to acquire a clear judgment on all aspects of life. Therefore it is a matter of course that a Weltanschauung cannot take root in the tangible world, but must rise above it; it is something metaphysical, that is to say, it is based on faith, on religion. A Weltanschauung which is not rooted in religion is in my opinion no Weltanschauung at all. Consequently I reject the National Socialist Weltanschauung which was not rooted in religion.

DR. DIX: In the trial brief against you it is expressly stated that there are no charges against you with regard to the Jewish question. Nevertheless I am putting to you a few questions on this topic, because the trial brief by its very words takes from you what in the Jewish question it conceded you; that is to say, the trial brief accuses you repeatedly of Nazi ideology, in which strict observance of anti-Semitism is integral.

MR. JUSTICE JACKSON: I simply cannot be bound by silence after this flagrant misstatement of our position made in conjunction with this witness' testimony. It is not true that we make no charges against Dr. Schacht with reference to the Jews. What is true is that we say that he was not in complete sympathy with that aspect of the Nazi program which involved a wholesale extermination of the Jews, and he was for that reason attacked from time to time. It is further conceded that he gave aid and comfort to individual Jews, but we do charge that he believed the Jews of Germany should be stripped of their rights as citizens, and that he aided and participated in their persecution. And I do not like to have our position misstated and then be met with a claim of estoppel by silence.

DR. DIX: I have to thank you, Mr. Justice Jackson, for your clarifying statement, and it is now all the more necessary that I put in questions to Dr. Schacht, but at this moment I want to point out . . .

THE PRESIDENT: Please put it then.

DR. DIX: Your Lordship, it is not only a question, but it is a problem, and I should like to ask the Prosecution to clarify it now, because it still needs clarification even after the statement of Mr. Justice Jackson. If the Tribunal do not think that this is the opportune time I can bring it up later. I believe, however, that it would be right to bring it up now.

As I see it, there is a contradiction in the Indictment, and I would like it clarified, so that we shall not be at cross-purposes in our final speeches.

I can put it quite briefly. It is the question of whether Dr. Schacht is accused also of Crimes against Humanity, that is, not only the crime of conspiracy concerning the war of aggression, but also the typical crimes against humanity, for on this point the individual passages, both of the Indictment and of the Prosecution speech in which the charges were presented, are at variance. I wanted to take the liberty of pointing out the contradictory passages and to ask the Prosecution to be kind enough to state conclusively at some future occasion whether Schacht is accused also on Count Three and Four of the Indictment. In presenting the

charges the Prosecution stated, and that indicates that the Prosecution will limit itself to Counts One and Two:

"Our evidence against the Defendant Schacht is limited to the planning and preparation of aggressive war and his participation in the conspiracy for aggressive war."

Similar statements are on Page 3 of the trial brief. Also, in Appendix A of the Indictment the charges against Schacht are limited to Counts One and Two. However, on Page 1 of the Indictment we find the following:

"...accuse as guilty... of Crimes against Peace, War Crimes, and Crimes against Humanity, and of a Common Plan or Conspiracy to commit those Crimes..."

And then all the defendants are listed, including the Defendant Hjalmar Schacht.

On Page 17 of the German text of the Indictment we read:

"On the basis of the facts previously stated, the defendants"—that is, all the defendants—"are guilty."

That is, all the defendants are guilty of Counts One, Two, Three, Four. It also states, on Page 18 of the Indictment:

"All defendants committed, from 1 September 1939 to 8 May 1945, War Crimes in Germany and in countries and territories occupied by German troops after 1 September 1939 and in Austria, Czechoslovakia, Italy, and on the high seas."

On Page 46 it reads:

"During several years before the 8th of May 1945, all defendants committed Crimes against Humanity in Germany"—and so forth.

Therefore, some parts of the oral presentation and of the Indictment show that the Prosecution limits its charges against Schacht to Counts One and Two, but other passages express beyond doubt that he is also accused of Crimes against Humanity.

I think it would be helpful—it need not be done immediately, but I wanted as a precaution to express it now—if at the proper time the Prosecution would state to what extent the charges apply to Schacht.

MR. JUSTICE JACKSON: Your Honor, it will take only one moment to answer that, and I think the cross-examination—the examination should not proceed under any misapprehension.

At all times, and in all documents that I am aware of, the Defendant Schacht has been accused of being guilty of Count One.

Count One, as the statement of the offense, states:

"The Common Plan or Conspiracy embraced the commission of Crimes against Peace in that the defendants planned,

prepared, and initiated wars of aggression... In the development and course of the Common Plan it came to embrace the commission of War Crimes, in that it contemplated, and the defendants determined upon, and carried out ruthless war..."

And that included also Crimes against Humanity.

Our contention is that, while the Defendant Schacht himself was not in the field perpetrating these individual atrocities, he is answerable for every offense committed by any of the defendants or their co-conspirators up to the time that he openly broke with this outfit with which he became associated.

That is our contention and Dr. Dix should conduct his examination on the assumption that every charge is a charge against Schacht up to the time that he openly, and on record so that somebody knew it, became separated from the company with which he chose to travel.

DR. DIX: It is probably my fault, but I still cannot see clearly. First, I do not know what date the Prosecution means when it admits that Schacht openly broke with the regime. I must, during my examination...

THE PRESIDENT: I think you must make up your own mind as to what time it was, the time at which he openly broke.

Are you not able to hear?

DR. DIX: I have to make up my mind now?

THE PRESIDENT: Yes. I think you had better go on with the evidence.

DR. DIX: All right. I can refer to the subject again later.

[Turning to the defendant.] Well then, please do not make any statements of principle concerning the Jewish question, but tell the Tribunal, and give a few examples, of what your attitude was on the Jewish question.

SCHACHT: The Jewish question came up quite early, when, in 1933, a New York banker, the late James Meier, announced his intention to visit me. I went to Hitler at that time and told him, "Mr. James Meier, one of the most respected New York bankers and a great benefactor of his old home country, Germany, will come to visit me, and I intend to give a dinner in his honor. I assume that you have no objection." He immediately said, in a very definite and pronounced manner, "Herr Schacht, you can do everything." I assumed that he gave me absolute freedom to keep in contact with my Jewish friends, which I did. The dinner actually took place.

I only mention this because it was the first time the Jewish question was brought up between us. At every occasion I took a definite position on the Jewish question—and wherever possible, publicly—I have always looked for that opportunity.

I will give only two examples of that.

There was a branch of the Reichsbank in Arnswalde in the Province of Brandenburg. The name of the manager of that branch office was one day posted up in one of the public Stürmer boxes in his town, and termed a traitor to the people because his wife had bought 50 pfennings worth of ribbon or the like in a Jewish store. I at once approached the competent official at Arnswalde and demanded the immediate removal of the placard and an immediate correction to the effect that the man was no traitor to the people. That was refused; whereupon, without asking anyone, I closed the Reichsbank branch at Arnswalde. It took a number of weeks until, in the end, the Oberpräsident, who was of course also a Nazi boss, came to me and asked me to reopen the branch office. I told him, "As soon as they repudiate that affair publicly I shall reopen the branch office at Arnswalde." It took only a few days before the Oberpräsident and Gauleiter of Brandenburg, Grube, had the announcement made public in the Arnswalde newspaper, in large print, and so I reopened the branch office in Arnswalde. That is one example.

The second example has been mentioned briefly; I just want to sum it up once more because its effect was penetrating.

On the occasion of a Christmas celebration for the office messengers of the Reichsbank I referred to the pogrom of 9 November 1938, and I told the boys, in the presence of many—parents, Party leaders, and Party members—that I hoped they had nothing to do with these things, which should make every decent German blush with shame. But if they did they should leave the Reichsbank at once, because in an institution such as the Reichsbank, which was built up on good faith, there was no place for people who did not respect the property and life of others.

DR. DIX: May I interrupt you, Dr. Schacht, and point out to the Tribunal that in Document Number Schacht-34, which has been submitted and is an affidavit of Dr. Schniewind, on Page 118 of the German text and on Page 126 of the English text the same incident which Dr. Schacht has just related is mentioned. May I quote quite briefly:

"It is known that at the Christmas celebration of the Reichsbank in December of 1938 he"—that is Schacht—"said the following in his address to the young office boys:

“A few weeks ago things occurred in our fatherland which are a disgrace to civilization and which must turn every decent German's face red with shame. I only hope that none of you office boys participated in them, because for such an individual there is no place in the Reichsbank.”

[Turning to the defendant.] Excuse me. Please continue. You wanted to add something?

SCHACHT: When in August of 1934 I took over the Reich Ministry of Economics, of course I first put the question to Hitler: “How are the Jews in our national economy to be treated?” Hitler told me then, literally, “The Jews can be active in domestic economy in the same way as before.”

That was the directive that Hitler had promised to me, and during all the time when I was in charge of the Ministry of Economics I acted accordingly.

However, I have to add that every few weeks there was a quarrel on some Jewish question with some Gauleiter or other Party official. Also, I could not protect Jews against physical mistreatment and the like, because that came under the competence of the Public Prosecutor and not mine; but in the economic field I helped all Jews who approached me to obtain their rights, and in every individual case, I prevailed upon Hitler and succeeded against the Gauleiters and Party officials, sometimes even threatening to resign.

I believe that it is notable that the pogrom of November 1938 could only have taken place after I had resigned from my office. Had I still been in office, then that pogrom doubtlessly would not have occurred.

DR. DIX: The witness Gisevius has already testified that in the course of developments from 1933 on, fundamental changes took place in your judgment of Adolf Hitler. I ask you now, because this is a very decisive question, to give the Tribunal a detailed description of your real attitude and your judgment of Adolf Hitler in the course of the years—as exhaustively, but also as briefly, as possible.

SCHACHT: In former statements which I have made here, I have spoken of Hitler as a semi-educated man. I still maintain that. He did not have sufficient school education, but he read an enormous amount later, and acquired a wide knowledge. He juggled with that knowledge in a masterly manner in all debates, discussions, and speeches.

No doubt he was a man of genius in certain respects. He had sudden ideas of which nobody else had thought and which were at times useful in solving great difficulties, sometimes with

astounding simplicity, sometimes, however, with equally astounding brutality.

He was a mass psychologist of really diabolical genius. While I myself and several others—for instance, General Von Witzleben told me so once—while we were never captivated in personal conversations, still he had a very peculiar influence on other people, and particularly he was able—in spite of his screeching and occasionally breaking voice—to stir up the utmost overwhelming enthusiasm of large masses in a filled auditorium.

I believe that originally he was not filled only with evil desires; originally, no doubt, he believed he was aiming at good, but gradually he himself fell victim to the same spell which he exercised over the masses; because whoever ventures to seduce the masses is finally led and seduced by them, and so this reciprocal relation between leader and those led, in my opinion, contributed to ensnaring him in the evil ways of mass instincts, which every political leader should avoid.

One more thing was to be admired in Hitler. He was a man of unbending energy, of a will power which overcame all obstacles, and in my estimate only those two characteristics—mass psychology and his energy and will power—explain that Hitler was able to rally up to 40 percent, and later almost 50 percent, of the German people behind him.

What else shall I say?

DR. DIX: Well, I was mainly concerned with bringing up the subject of your own change of opinion. You have said that the break in your attitude toward Hitler was caused by the Fritsch incident. You are the best witness who can give us an explanation not of Hitler's but of your own development and your changing attitude towards Hitler.

SCHACHT: Excuse me. I think there is a basic error here. It appears from this as if I had been a convinced adherent of Hitler at some time. I was never that. On the contrary, out of concern for my people and my country, after Hitler gained power, I endeavored with all my strength to direct that power into an orderly channel, and to keep it within bounds. Therefore, there was no question of a break with Hitler. A break could only be spoken of had I been closely connected with him before. At heart I was never closely connected with Hitler, but to all appearances I worked in the Cabinet and I did so because he was after all in power, and I considered it my duty to put myself at the disposal of my people and my country for their good.

DR. DIX: All right, but at what time, by what conditions, by what realization were you influenced to begin that activity which the witness Gisevius has described?

SCHACHT: My serious criticism of Hitler's doings started already at the time of the so-called Röhm Putsch on 30 June 1934. I should like to point out first that these things occurred quite unexpectedly and took me by surprise, because I had not at all anticipated them. At that time I had told Hitler, "How could you have these people just simply killed off? Under all circumstances there should have been at least a summary trial of some sort." Hitler swallowed these remarks and merely mumbled something about "revolutionary necessity," but he did not really contradict me.

Then in the course of the second half of the year 1934 and the first half of the year 1935 I noticed that I had been under a misconception when I believed that Hitler did not approve of what might be considered revolutionary and disorderly Party excesses, and that he was really willing to restore a respectable atmosphere. Hitler did nothing to put a stop to the excesses of individual Party members or Party groups. Very likely the idea which recently—or I believe today—was mentioned by a witness was always in his mind: let the SA have its fling for once. That is to say, for the masses of the Party he sanctioned, as a means of recreation, so to speak, behavior which is absolutely incompatible with good order in the State. In the course of the following months my suspicions were confirmed and increased, and then for the first time, in May 1935, I took occasion to bring these matters up with him quite openly. I do not know if you want me to discuss these things now, but I am ready to tell about them.

DR. DIX: I consider it important that the Tribunal should hear from you how your original attitude towards Hitler, which you have just described, changed, and you became a conspirator against him.

SCHACHT: Well, the decisive change in my attitude came about by reason of the Fritsch incident, at the very moment when I had to recognize—and, of course, that did not come with lightning speed, but in the course of weeks and months it crystallized—that Hitler aimed at war, or at least was not prepared to do everything to avoid a war. At that moment I told myself that this was a tremendous danger which was raising its head, and that violence could be crushed only by violence.

Any opportunity of political propaganda within the German people was of course out of the question. There was no freedom of assembly. There was no freedom of speech. There was no freedom of writing. There was no possibility of discussing things even in a small group. From beginning to end one was spied upon, and every word which was said among more than two persons was spoken at the peril of one's life. There was only one possibility in the face of that terror, which was beyond democratic reform and

which barred every national criticism. That was to meet this situation with violence.

Then I came to the conclusion that in the face of Hitler's terror only a *coup d'etat*, a Putsch, and finally an attempt at assassination was possible.

DR. DIX: And is Gisevius right in saying that the *peripeteia*, the decisive turning-point in your attitude resulted from your impressions and experiences in the so-called Fritsch crisis?

SCHACHT: Aside from the inherent falsehood which appeared in all actions and measures of the Party men, the Fritsch crisis provided the absolute assurance that a basic change was occurring in the conduct of political affairs, for within about 10 days Blomberg was removed, Fritsch was removed, Neurath was removed, and Hitler not only appointed so unsuitable a person as Ribbentrop to be Foreign Minister, but also in his speech in the Reichstag soon afterwards announced that from now on rearmament had to be increased even more. Consequently the Fritsch crisis was the decisive turning point in my attitude, and from then on I knew that every further peaceful attempt at controlling the torrent would fail and that only violent means could meet it.

DR. DIX: For an estimate of the Fritsch crisis may I quote now from the document which I already wanted to produce on the occasion of the interrogation of Gisevius but could not because the document was not then available to the Prosecution. The same view about the Fritsch crisis which Gisevius and now Dr. Schacht have put here was also expressed abroad by an intelligent officer with political foresight. May I point to Exhibit Number 15 of my document book (Document Number Schacht-15)? That is Page 41 of the English text, and 35 of the German text. It is a biennial report of the Chief of Staff of the United States Army to the Secretary of War for the period of 1 July 1943 to 30 June 1945. I quote one sentence from it:

"The history of the German High Command from 1938 on is one of constant conflict of personalities, in which military judgment was increasingly subordinated to Hitler's personal dictates. The first clash occurred in 1938 and resulted in the removal of Von Blomberg, Von Fritsch, and Beck and of the last effective conservative influence on German foreign policy."

So here also that turning point has been clearly understood. And in summary I would like to ask this question of Dr. Schacht.

[Turning to the defendant.] Were you only disappointed by Hitler, or did you consider yourself deceived by Hitler at that time? Will you answer that?

SCHACHT: The answer is that I have never felt disappointed by Hitler, because I had not expected more of him than my appraisal of his personality allowed me. But I certainly consider myself deceived, swindled, and cheated by him to the highest degree, because whatever he had previously promised to the German people and thereby to me, he did not keep afterwards.

He promised equal rights for all citizens, but his adherents, regardless of their capabilities, enjoyed privileges before all other citizens. He promised to put the Jews under the same protection which foreigners enjoyed, yet he deprived them of every legal protection. He had promised to fight against political lies, but together with his Minister Goebbels he cultivated nothing but political lies and political fraud. He promised the German people to maintain the principles of positive Christianity yet he tolerated and sponsored measures by which institutions of the Church were abused, reviled, and damaged. Also, in the foreign political field he always spoke against a war on two fronts—and then later undertook it himself. He despised and disregarded all laws of the Weimar Republic, to which he had taken the oath when he became Chancellor. He mobilized the Gestapo against personal liberty. He gagged and bound all free exchange of ideas and information. He pardoned criminals and enlisted them in his service. He did everything to break his promises. He lied to and deceived the world, Germany, and me.

DR. DIX: Let us return to the period of the seizure of power. In November 1932, you stated publicly that Hitler would become Reich Chancellor. What caused you to make that statement?

SCHACHT: That statement was caused by the fact that Hitler in the July elections of 1932 obtained 40 percent of all seats in the Reichstag for his Party. That is an election result which, if I am informed correctly, had never occurred since 1871, when the Reichstag was founded; and to me, as a democrat and a follower of democratic parliamentary government, it was quite inevitable that that man was now to be entrusted with forming a cabinet. I do not know of any alternative at the time. There was only one other possibility, one alternative, and that was a military rule. But the Cabinet of Von Papen already had had some special presidential authority and still could not maintain itself in the face of the Reichstag; and when Herr Schleicher attempted to establish a military regime without the participation of the Nazis, he failed after just a few weeks, because he found himself confronted with the alternative either of starting a civil war or of resigning.

Hindenburg and at first Schleicher as well—although at the last moment he acted differently—were always of the opinion that the

Armed Forces could not face a civil war, and Hindenburg was certainly not ready to tolerate a civil war. But very unwillingly he saw himself forced by necessity to put the reins of government into the hands of the man who, thanks to his own propaganda and the incapability of all preceding governments, thanks also to the inconsiderate policy of the foreign countries toward Germany, had won the majority of German votes.

DR. DIX: You know that the Prosecution accuses you of having assisted Hitler and the Nazi regime to power. I therefore want to ask you now whether between the July elections 1932, and the day when Hitler became Chancellor—that is the 30th of January, 1933—you spoke publicly for Hitler.

SCHACHT: I want to state first that Hitler's power was an accomplished fact in July 1932, when he secured 230 Reichstag seats. Everything else that followed must be viewed as a consequence of that Reichstag election. During that entire period—with the exception of the one interview you mentioned, in which I said that according to democratic principles Hitler must become Reich Chancellor—I can say that I did not write or publicly speak a single word for Hitler.

DR. DIX: Did you, during the time when the reorganization of the Reich Cabinet was discussed, speak to Hindenburg on behalf of Hitler's Chancellorship?

SCHACHT: I have never in consultations with any of the competent gentlemen, be it Hindenburg, Meissner, or anyone else, contributed towards exerting any influence in favor of Hitler, nor did I participate in any way in the nomination of Hitler to be Reich Chancellor.

DR. DIX: The prosecutor accuses you in that connection of putting the prestige of your name at the disposal of Hitler in November 1932, and he refers to a statement made by Goebbels in the latter's book, *From the Kaiserhof to the Reich Chancellery*. What can you say about that?

SCHACHT: I would never have expected that this apostle of truth, Goebbels, would once more be mobilized against me here, but it is not my fault if Herr Goebbels made a mistake.

DR. DIX: The prosecutor also states that you provided the funds for Hitler in the Reichstag elections of 5 March; that is said to have happened in an industrial meeting on which there is an affidavit by the industrialist Von Schnitzler, Document Number EC-439, Exhibit USA-618. What do you have to say about that? It is our Number 3 of our document book, Page 11 of the English copy.

SCHACHT: In February of 1933, at the time when Hitler was already Reich Chancellor and the elections of 5 March were to furnish a basis for the shape of the new government, Hitler asked me whether, at the occasion of a meeting which Göring was to call and which would have the purpose of raising funds for the elections, I would be good enough to take the role of his banker. I had no reason for refusing to do that. The meeting took place on 26 February.

And now the prosecutor has made it appear that during that meeting I had solicited election funds. The Prosecution themselves, however, have presented a document, D-203, which apparently is meant to be a record of the election speech made by Hitler on that evening...

DR. DIX: May I interrupt you and point out to the Tribunal that it is our Exhibit Number Schacht-2, on Page 9 of the English text. Excuse me. Please, will you kindly go on.

SCHACHT: D-203. That document closes with the following sentence:

"Göring then passed very cleverly to the necessity that other circles not taking part in this political battle should at least make the financial sacrifices required."

Therefore from that report which was submitted by the Prosecution, it can be seen very clearly that not I but Göring pleaded for funds. I only administered these funds later, and, in the affidavit by Schnitzler, Document EC-439, Page 11, the Prosecution have carefully left out these decisive passages which do not accuse, but exonerate me. I quote the two sentences, therefore, as follows—I am sorry, I have to quote in English because I have only the English text in front of me:

"At the meeting Dr. Schacht proposed raising an election fund of as far as I remember three million Reichsmarks. The fund was to be distributed between the two 'allies' according to their relative strength at the time. Dr. Stein suggested that the Deutsche Volkspartei should be included, which suggestion, if I remember rightly, was accepted. The amounts which the individual firms were to contribute were not discussed."

It can be seen from this that the election fund was not collected only for the Nazi Party, but for the Nazi Party and the national group which was its ally and to which, for instance, also Herr Von Papen and Hugenberg belonged, and which during that very meeting was extended to comprise a third group, the German People's Party. It was, therefore, a collective fund for those parties who went into the election campaign together, and not just a Nazi fund.

DR. DIX: The Prosecution have mentioned those laws which were decreed after the seizure of power, and which introduced and then established the totalitarian rule of the Nazis and of Hitler. We have to consider the question of your personal responsibility as a later member of the cabinet and I must discuss these laws with you in detail; for the present I just want to remind you of them generally: First, the Enabling Act; then the law about the prohibition of parties and the establishment of one Party; the law about the unity of Party and State; the law decreeing the expropriation of the SPD and the trade unions; the law about civil service associations; the law about the legal limitation of professions for Jews; the law instituting the Peoples' Court; the law legalizing the murders of 30 June 1934; and the law about the merger of the offices of the Reich Chancellor and the Reich President in the person of Hitler. How do you, as a member of the Cabinet, define your personal responsibility with respect to these laws?

SCHACHT: When all these laws were issued I was not a Cabinet member. I had no vote in the Cabinet. I had a vote in the Cabinet only after 1 August 1934, at which time the last disastrous law, the merger of the offices of Reich Chancellor and Reich President was decreed. I did not participate in the discussions preceding this law, nor did I vote on it. I had absolutely no part in any of these laws.

DR. DIX: I do not know whether I mentioned it, but I want to protect you against a misunderstanding. This does not apply to the merger of the offices of the Reich President in the person of Hitler, after Hindenburg's death?

SCHACHT: Of course, I did not take part in that either.

DR. DIX: And why not?

SCHACHT: Because I was not then in the Cabinet. I received my official nomination as Minister on 3 or 4 August. I did not take part in the deliberations on that law. I did not vote for it, and did not sign it.

DR. DIX: But in the Indictment it is stated that you were a member of the Reichstag. Then as a member of the Reichstag you would have voted for these laws, inasmuch as, actually, after 1933 only unanimous votes were cast in the Reichstag?

SCHACHT: Yes. Unfortunately, there is much in the trial brief which is not correct. During my entire life I was never a member of the Reichstag. One look into the *Reichstag Handbook* could have enlightened the Prosecution that also during that time I was not a member of the Reichstag.

I had nothing to do with all these laws either as member of the Cabinet or of the Reichstag, because I had been neither during that time.

DR. DIX: Did Adolf Hitler actually take an oath to the Weimar Constitution?

SCHACHT: Of course Hitler took an oath to the Weimar Constitution when he became Reich Chancellor, to Reich President Von Hindenburg. In taking that oath he swore not only to respect the constitution but also to observe and fulfill all laws unless they were lawfully changed.

DR. DIX: Was the Weimar Constitution ever formally repealed?

SCHACHT: No, the Weimar Constitution has never been repealed.

DR. DIX: In your view was the Leadership Principle established anywhere legally or constitutionally?

SCHACHT: The Leadership Principle was not established by a single law, and the subsequent attempt to reduce the responsibility of the individual ministers—and that affects me, too—by saying that it had become prescriptive law, is not correct. The responsibility of the ministers continued to exist, my own also, and was kept down only by the terror and the violent threats of Hitler.

DR. DIX: The questions whether the Enabling Act referred to the Führer or to the Cabinet; whether the first Cabinet after 1933 was a National Socialist one or a combination of the parties of the right; and the question of the development of Hitler into an autocratic dictator, all these I have already put to the witness Lammers. I do not wish to repeat them, but do you have to add anything new to what Lammers has testified?

SCHACHT: I made only two notes. In Hitler's Reichstag speech on 23 March 1933 he said, "It is the sincere desire of the National Government . . ."—not the National Socialist, as it is always referred to later, but the National Government.

And the second point: In the proclamation to the Wehrmacht which Defense Minister Von Blomberg issued on 1 February 1933 this sentence occurs:

"I assume this office with the firm determination to maintain the Reichswehr, in accordance with the testament of my predecessors, as a power factor of the State, above Party politics."

This and other factors already mentioned convinced me that the Cabinet would be a national coalition cabinet, whereas Hitler, by his rule of terror and violence, formed a pure Nazi dictatorship out of it.

DR. DIX: The quotation mentioned by Schacht is in our document book, Document Number Schacht-4, Page 14 of the English text. Now, when you became Minister of Economics . . .

THE PRESIDENT: It is 5 o'clock; the Tribunal will adjourn.

DR. DIX: Mr. President, may I ask a question? Do we continue tomorrow, because tomorrow is the first of May, and there is some uncertainty whether there will be a session tomorrow or not?

THE PRESIDENT: Yes, the Tribunal will go on tomorrow.

[The Tribunal adjourned until 1 May 1946 at 1000 hours.]

ONE HUNDRED AND EIGHTEENTH DAY

Wednesday, 1 May 1946

Morning Session

THE PRESIDENT: Before we go on with the case of the Defendant Schacht, the Tribunal wishes to announce its decision on the applications by Dr. Sauter on behalf of the Defendant Von Schirach: The first application to which any objection was taken related to the group of documents Numbers 30, 31, 45, 68, 73, 101, 124, and 133. That application with respect to that group of documents is denied.

The next matter was an application in respect of Number 118(a). That application is granted and the document is to be translated.

The next was Number 121 and in that case the application is denied. As regard to witnesses, Dr. Sauter withdrew his application for the witness Marsalek.

In connection with the other applications, the Tribunal grants the application that Uiberreither should be called as a witness.

That is all.

DR. DIX: Yesterday, much to my regret, I neglected after an answer given by Dr. Schacht to my question as to whether he was disappointed by Hitler or whether he considered himself deceived by him, to read a passage from a document which deals with the same point. I am referring to a document which has been submitted to the High Tribunal and which has been quoted several times—Exhibit Schacht-34, Page 114 of the English text of the document book. This passage may be found on Page 124 of the English document book and reads as follows:

“Dr. Schacht, even in the years 1935-36, as may have been seen from numerous statements, had fallen into the role of a man, who in good faith had put his strength and ability at Hitler’s disposal but who now felt himself betrayed.

“Of the many statements made by Schacht, I quote only one which Schacht made at the occasion of a supper with my wife and myself in the summer of 1938. When Dr. Schacht made his appearance, it was evident that he was in a state of inner excitement and during the supper, he suddenly gave vent to his feelings, when, in deep agitation he almost shouted at my wife, ‘My dear lady, we have fallen into the hands of criminals—how could I ever have suspected that?’ ”

This is the affidavit made out by Schniewind.

Yesterday I mentioned three documents: namely, a speech made by Schacht on "Geography and Statistics" at Frankfurt-am-Main on 9 December 1936, then an article Schacht had written on the colonial problem and a speech given at Königsberg by Schacht.

I wish to submit these documents: The speech on "Geography and Statistics" at Frankfurt is the Document Schacht-19, Page 48, English Page 54. The theme on the colonial question is Exhibit Schacht-21, German version Page 53 and English version Page 59. The speech at Königsberg is Exhibit Schacht-25 of my document book, German version on Page 44 and English version Page 73.

Dr. Schacht, we stopped in the middle of 1934, shortly before you entered the Ministry of Economics, and when you became Minister of Economics, you were familiar with the happenings of 30 June 1934 and their legalization by the Cabinet. Did you not have any misgivings to enter the Cabinet or what reasons prompted you to put aside these misgivings?

SCHACHT: As far as my personal composure and comfort would have been concerned, it would have been very simple not to assume office and to resign. Of course, I asked myself what help that would be for the future development of German politics if I did refuse office. We were already at a stage in which any public and open opposition and criticism against the Hitler régime had been made impossible. Meetings could not be held, societies could not be established, every press statement was subject to censorship, and all political opposition, without which no government can thrive, had been prevented by Hitler through his policy of terror. There was only one possible way to exercise criticism and even form an opposition which could prevent bad and faulty measures being taken by the Government. And this opposition could solely be formed in the Government itself. Thus convinced, I entered the Government and I hoped in the course of the years to find a certain amount of support and backing among the German people. There was still a large mass of spiritual leaders, professors, scientists, and teachers, whom I did not expect simply to acquiesce to a regime of coercion. There were also many industrialists, leaders of economy, who I did not assume would bow to a policy of coercion incompatible with free economy. I expected a certain support from all these circles, support which would make it possible for me to have a moderating, controlling influence in the Government. Therefore, I entered Hitler's Cabinet, not with enthusiastic assent, but because it was necessary to keep on working for the German people and exercise a moderating influence within the Government.

DR. DIX: In the course of time was no opposition ever developed within the Party?

SCHACHT: In answering that question, I would like to say that within the Party, of course, the decent elements were by far in majority; the greater part of the population had joined the Party because of a healthy instinct and with good intentions driven by the need in which the German nation found itself.

I would like to say about the SS, for instance, that in the beginning numbers of decent people joined the SS because Himmler gave the SS the appearance of fighting for a life of ideals. I would like to call your attention to a book written by an SS man which appeared at that time under the significant title, *Schafft anständige Kerle* (*Let's Make Decent Men*).

But, in the course of time, Hitler knew how to gather around him all bad elements, within the Party and its organization, and to chain tightly all those elements to himself, because he understood how to exploit shrewdly any mistake, slip-up, or misdemeanor on their part. Yesterday I talked about drunkenness as a constituent part of Nazi ideology; I did not do that with the purpose of degrading anyone personally. I did it for another quite definite reason.

In the course of further developments, I observed that even many Party members who had fallen into this net of Hitler and who occupied more or less leading positions, gradually became afraid because of the consequences of the injustices and the evil deeds to which they were instigated by the regime. I had the definite feeling that these people resorted to alcohol and various narcotics in order to flee from their own conscience, and that it was only this flight from their own conscience that permitted them to act the way they did. Otherwise, there would be no explanation for the large number of suicides that took place at the end of the Nazi regime.

DR. DIX: You know that you are accused of being a participant in a conspiracy which had as its object an illegal violation of the peace. Did you at any time have secret discussions, or secret orders, or secret directives, which worked toward this objective?

SCHACHT: I may say that I myself never received any order or fulfilled any wish which might have been contrary to the conception of right. Never did Hitler request anything from me which he knew I would surely not carry out because it did not agree with my moral point of view. But neither did I ever notice or observe that one of my fellow ministers or one of the other leading men who did not belong to Hitler's inner circle—of course, I could not control that circle—or anyone else whom I met in official contacts, showed in any way that there was an intent to commit a war crime; on the contrary, we were always very glad when Hitler came off with one of his big speeches in which he assured, not only the entire world, but above all the German people that he was thinking of nothing except peace and peaceful work. The fact that Hitler deceived the

world and the German people, and many of his co-workers is one of the things that I mentioned yesterday.

DR. DIX: Did you at any time—of course, I mean outside of your normal oath of office—take any oath or bind yourself in any other way to the Party or another National Socialist organization?

SCHACHT: Not a single oath and not a single obligation beyond my oath of office to the head of the State.

DR. DIX: Did you have close private relations with leading National Socialists, for example, with Hitler or Göring?

SCHACHT: I assume you mean a close friendly or social contact?

DR. DIX: Yes.

SCHACHT: I never had relations of that sort with Hitler. He repeatedly urged me in the first years to come to the luncheons at the Reich Chancellery where he was lunching with closer friends. I tried to do that twice. I attended twice at various intervals, and I must say that not only the level of the discussion at the luncheon and the abject humility shown to Hitler repulsed me but I also did not like the whole crowd, and I never went back again.

I never called on Hitler personally in a private matter. Of course, naturally, I attended the large public functions which all the ministers, the Diplomatic Corps and high officials, *et cetera*, attended, but I never had any intimate, social, or other close contact with him. That applies to the other gentlemen as well.

As a matter of course, in the first months of our acquaintance we visited each other on occasion, but all so-called social gatherings which still took place in the first period had a more or less official character. Close private relations simply did not exist.

DR. DIX: And does this answer apply to all the other leading National Socialists as well?

SCHACHT: All of them.

DR. DIX: When, for instance, did you speak for the last time with the following persons? Let us start first with Bormann.

SCHACHT: I gather from the use of the word "first" that you are going to mention others also.

DR. DIX: Yes, Himmler, Hess, Ley, and Ribbentrop.

SCHACHT: In that case I would like to make a few preliminary remarks: At the close of the French campaign, when Hitler returned triumphant and victorious from Paris, all of us—the ministers and the Reichsleiter and the other dignitaries of the Party as I assume, and state secretaries, and so forth—received an invitation from the Reich Chancellery to be present at the Anhalter Railway Station to greet Hitler on his arrival. Since I was in Berlin at the time, it was

impossible for me to refuse this invitation. It was 1940, the conflict between Hitler and myself had been going on for some time, and it would have been a veritable affront if I had stayed at home. Consequently, I went to the station and saw a very large number of Party dignitaries, ministers and so forth, but, of course, I do not remember any more just who all these people were.

DR. DIX: I beg your pardon for interrupting you. I have a rather poor memory for films and especially for newsreels, but I believe that that reception was shown in a newsreel and I believe that you were just about the only civilian who was present among those people.

SCHACHT: I personally did not see that film, but my friends told me about it. They mentioned especially that among all the gold braid, I was the only civilian in street clothes there. Of course, it could be ascertained from the film who was present at the time.

I mentioned this reception, for it might be possible that I said "Good morning" to many people and inquired about their health and so forth, and I also recall that I arrived at the station with the Codefendant Rosenberg in the same car, because there were always two people to a car. I did not attend the reception which followed at the Reich Chancellery. Rosenberg did go but I said, "No, I would rather not go. I am going home."

DR. DIX: Then, I may assume that you probably saw the leading men, Hess, Ley, Ribbentrop, Rosenberg, Frick, Frank, Schirach, Speer, Sauckel, Seyss-Inquart, Kaltenbrunner, *et cetera*, then for the last time?

SCHACHT: It is possible that all these gentlemen were there, but I did not speak at length with any of them except Hitler himself.

DR. DIX: Did you speak with Hitler at that time?

SCHACHT: Hitler addressed me, and that was one of the strangest scenes of my life. We were all standing in line and Hitler passed everyone by rather quickly. When he saw me, he came up to me with a triumphant smile and extended his hand in a cordial manner, something which I had not seen from him for a long time, and he said to me, "Now, Herr Schacht, what do you have to say now?" Then, of course, he expected me to congratulate him or express my admiration or a similar sentiment, and to admit that my prognostication about the war and about the disaster of the war was wrong, for he knew my attitude about the war quite exactly. It was extremely hard for me to avoid such an answer and I searched my mind for something else to say, finally replying: "I can only say to you, 'God protect you.'" That was the only significant conversation which I had that day. I believed the best way to have kept my

distance was through just such a completely neutral and inconsequential remark.

DR. DIX: Well . . .

SCHACHT: But perhaps you would like me to refer to the individual gentlemen, and I can tell you with this exception just when I spoke to these gentlemen for the last time.

DR. DIX: Himmler?

SCHACHT: Himmler, I would judge that perhaps I talked to him last in 1936.

DR. DIX: Hess?

SCHACHT: Hess—of course I am not referring to the conversations here in the prison. I had not spoken with Hess for years before the beginning of the war.

DR. DIX: Ley?

SCHACHT: Ley, I had not seen him since the beginning of the war.

DR. DIX: Ribbentrop?

SCHACHT: I saw Ribbentrop last after my being thrown out of the Reichsbank, because I had to talk with him about the imminent journey to India, and that must have been, I would judge, February 1939. I have not talked with him since.

DR. DIX: Rosenberg?

SCHACHT: Rosenberg, always aside from this reception of Hitler's, perhaps not since 1936.

DR. DIX: Frick?

SCHACHT: I perhaps saw Frick last in the year 1938.

DR. DIX: Schirach?

SCHACHT: I did not even know Schirach.

DR. DIX: Speer?

SCHACHT: I talked with Speer for the last time—and I can tell you this exactly—when I went to the World Exposition in Paris in the year 1937.

DR. DIX: Of course, you are always referring to the time before you were taken prisoner?

SCHACHT: Yes, of course, naturally here I have . . .

DR. DIX: Sauckel?

SCHACHT: Not since the beginning of the war.

DR. DIX: Seyss-Inquart?

SCHACHT: Seyss-Inquart, I would judge that I spoke to him for the last time in 1936, when I visited a colleague in the National Bank in Austria.

DR. DIX: Kaltenbrunner?

SCHACHT: I saw Kaltenbrunner for the first time here at the prison.

DR. DIX: We will refer to Hitler later. Frank is still missing.

SCHACHT: I saw Frank last perhaps 1937 or 1938.

DR. DIX: Most likely at the occasion of the speech you mentioned yesterday?

SCHACHT: Yes, possibly also afterwards at an official reception, but I do not believe that I saw him after 1938.

DR. DIX: Now, how about the leading men of the Wehrmacht, Keitel, for instance?

SCHACHT: I never had any contact with Keitel. I perhaps saw him at some social gathering, but never after 1938.

DR. DIX: Jodl?

SCHACHT: I made Herr Jodl's acquaintance here in the prison.

DR. DIX: Dönitz?

SCHACHT: I met Dönitz for the first time here in the prison.

DR. DIX: Raeder?

SCHACHT: Herr Raeder, I believe I have known him for quite some time. In the beginning we exchanged occasional visits within the family, visits of a semiofficial character but always on a friendly basis; however, I believe that I have also not seen him or talked to him since 1938.

DR. DIX: Brauchitsch?

SCHACHT: I have not talked with Brauchitsch since 1939, or since 1938, since the Fritsch affair.

DR. DIX: How about Halder?

SCHACHT: As you know, I saw Halder in connection with the Putsch in the fall of 1938 but not after that.

DR. DIX: How often did you see Hitler after your dismissal as President of the Reichsbank?

SCHACHT: After my dismissal as President of the Reichsbank?

DR. DIX: Since January 1939.

SCHACHT: I saw him once more in January 1939 because I had to discuss my future activity, *et cetera*, with him. And on that occasion he asked me—he knew that I had long wished to take an extensive journey—that I might avail myself of this opportunity to

take this journey now, so there would not be so much talk about my leaving the Reichsbank. Then we agreed on the trip to India. On that occasion I also saw Göring for the last time. And then—after my return in August, I did not see him again—then the war came, during the course of which I saw him twice.

Shall I tell you about those two occasions?

DR. DIX: Yes.

SCHACHT: I saw him once in February 1940. At that time various American magazines and periodicals had requested me to write articles on Germany's interpretation of the situation, her desires, and her position in general. I had the inclination to do this, but because we were at war, I naturally could not do so without first informing the Foreign Minister. The Foreign Minister advised me that he had nothing against my writing an article for an American periodical, but that before sending off this article, he wanted to have the article submitted for censorship. Of course that did not appeal to me—I had not even thought of that—and, consequently, I did not write this article.

However, there were further inquiries from America and I said to myself, "It is not sufficient for me to talk with the Foreign Minister, I must go to Hitler in this matter." So, with that aim, I called on Hitler, who received me very soon after my request, and I told him at that time, among other things, just what my experience with Herr Von Ribbentrop had been, and I further told him that I thought it might be quite expedient to write these articles; and that it seemed vital to me to have constantly someone in America, who by means of the press, *et cetera*, could enlighten public opinion as to Germany and her interests.

Hitler was favorably impressed with this suggestion of mine and said to me, "I shall discuss this matter with the Foreign Minister." Consequently, this entire matter came to naught.

Then, later, through the good offices of my Codefendant, Funk, who probably had a discussion at that time with Ribbentrop about this matter, I tried to get at least an answer from Ribbentrop. This answer, given to Funk, was to the effect that it was still too early for a step of that sort. And that was my visit in 1940. Then I saw Hitler again in February of 1941...

DR. DIX: Pardon my interruption. So that we can avoid all misunderstandings, if Hitler had given you permission that you could have gone to America, just what would your activities have been? Tell us very briefly. I want no misunderstanding.

SCHACHT: First of all, I had not proposed going myself; I rather made a general suggestion. But, naturally, I would have been very glad to go to America for I saw a possibility...

THE PRESIDENT: The Tribunal does not think it is material to know what he would have done if something had happened which did not happen.

DR. DIX: I just wanted to preclude any misunderstanding. I said that misunderstandings—Well let us drop the subject.

[Turning to the defendant.] Then, let us go on to your second visit.

SCHACHT: In 1941, in February, I called on Hitler once more because of a private affair. The year before my wife had died and now I intended to remarry. As Minister without Portfolio, which I still was, I naturally had to inform the Reich Chancellor and head of the State of my intention and I called on him for that reason. There was no political discussion on this occasion. As I was going to the door, he asked me, "At one time you had the intention, or you advised me, that someone should go to America. It is probably too late for that, now." I replied immediately, "Of course, it is too late for that now." And that was the only remark of a political nature made. The conversation dealt mainly with my marriage, and since then I did not see Hitler any more.

DR. DIX: And now your relations with Göring?

SCHACHT: I did not see Göring either since 1939.

DR. DIX: Now, I am turning to a point which has been repeatedly stressed by the Prosecution, that is, the propaganda value of your participation at Party rallies, and I would like to remind you of what Mr. Justice Jackson has already mentioned in his opening statement. I am translating from the English because I have no German text:

"Does anyone believe that Hjalmar Schacht, seated in the first row at the Nazi Party Rally of 1935 and wearing the Party emblem, was only included in the film for the purpose of making an artistic effect? This great thinker, in lending his name to this threadbare undertaking, gave it respectability in the eyes of every hesitating German."

Will you please state your opinion on this?

SCHACHT: First of all, I would like to make a few minor corrections. In 1935 I did not have a Party emblem. Secondly, Germans who were hesitating were no longer of any importance in 1935, for Hitler's domination had been firmly established by 1935. There were only those people who were turning away from Hitler but none who were still coming to him. And then, I must really consider it as a compliment that I am called a figure of importance, a great thinker, and so forth; but I believe that the reasons for my being and working in the Hitler Cabinet have

been set forth by me in sufficient detail, so that I need not go into that any more.

The fact that in the first years especially I could not very well absent myself from the Party rallies is understandable, I believe, for they were Hitler's principal display of show and ostentation for the outside world, and not only did his ministers participate in the Party rallies but also a great many other representative guests.

May I add just a few more words?

I stayed away from the later Party rallies. For example, the Party Rally of 1935 mentioned by the Chief Prosecutor. That was the Party rally—and this is why I happen to remember it—at which the Nuremberg Laws against the Jews were proclaimed, and at the time I was not even in Nuremberg.

I attended the Party Rally in 1933 and in 1934. I am not certain whether I attended it in 1936 or 1937. I rather believe that I attended in 1936. I was decidedly missing at the later rallies and the last visit that I made at the Party Rally, which I have just mentioned, I attended only on "Wehrmacht Day."

DR. DIX: At these Party Rallies were the prominent foreigners—you already mentioned that. Was the Diplomatic Corps represented by the chiefs of the diplomatic missions?

SCHACHT: I believe that with the exception of the Soviet Ambassador, in the course of years all other leading diplomats attended the Party Rally, and I must say, in large numbers, with great ostentation and seated in the first rows.

DR. DIX: How did you explain that? The Diplomatic Corps only really takes part in functions of State and this was a purely Party matter? How was this participation explained?

MR. JUSTICE JACKSON: I think this is objectionable. If it please the Tribunal, I am in a position to object, because I am not embarrassed by it, if there is any embarrassment, but for this witness to explain the conduct of the ambassadors of other countries seems utterly beyond probative value. His opinion of what the ambassadors were doing, why they attended a Party rally which he was lending his name to, doesn't seem to me has any probative value. The fact that they attended I don't object to, but it seems to me that for him to probe, unless he has some fact—and I want to make clear I don't object to any facts that this witness knows, and I haven't objected to most of his opinions which we have been getting at great length. But I think for him to characterize the action of foreign representatives is going beyond the pale of relevant and material evidence.

SCHACHT: May I make just one remark in reply?

THE PRESIDENT: I think we had better pass on, Dr. Dix.

DR. DIX: Yes, of course. However, I would ask to be given the permission to answer Mr. Justice Jackson briefly, not because I want to be stubborn, but I believe that if I answer now I can avoid later discussions and can save time thereby. I did not ask the defendant for his opinion. Of course Mr. Justice Jackson is right in saying that he is not here to give opinions about the customs of the Diplomatic Corps; but I asked him about a fact: How this participation on the part of the Diplomatic Corps, which is significant, was explained at that time. I consider this relevant, as will be seen more than once in the course of my questioning, and that is why I am saying it now, that throughout his and his political friends' oppositional activities, it is of prime importance to know who gave them moral, spiritual, or any other support, and who did not support them. And thereby, of course, the outward demeanor of the official representatives of foreign countries during the whole period is of tremendous importance, with regard to the capacity of this opposition group to act. One can support such a group; one can be neutral to it, or one can also combat it from abroad. That is the only reason why I put my question, and I deem myself obligated to consider this angle of the problem also in the future.

THE PRESIDENT: Dr. Dix, I don't think Mr. Justice Jackson's objection was to the fact that the diplomatic representatives were there but to comment upon the reasons why they were there. If all you want to prove is the fact that they were there, then I don't think Mr. Justice Jackson was objecting to that. What the defendant was going on to give, was his opinion of why the diplomatic representatives were there.

DR. DIX: I believe I do not need to make a further reply. He has already said that he does not wish to give an explanation, but if Your Lordship will permit me, I shall continue.

[Turning to the defendant.] Around that time, you certainly came into contact with prominent foreigners both officially and privately. What position did they take towards the trend of events at the time the National Socialists consolidated their power? And how did their attitude influence your own attitude and activity?

MR. JUSTICE JACKSON: May it please the Tribunal! I dislike to interrupt with objections, but I can't see how it exonerates or aids this defendant, that prominent foreigners may have been deceived by a regime for which he was furnishing the window dressings with his own name and prestige. Undoubtedly there

were foreigners, I am willing to stipulate there were foreigners, like Dahlerus, who were deceived by this set-up of which he was a prominent and slightly respectable part. But it does seem to me that if we are going to go into the attitude of foreigners who are not indicted here or accused that we approach endless questions.

I see no relevance in this sort of testimony.

The question is here, as I have tried to point out to Dr. Dix, the sole thing that is charged against this defendant is that he participated in the conspiracy to put this nation into war and to carry out the War Crimes and Crimes against Humanity incidental to it.

Now, I can't see how the attitude of foreigners either exonerates or helps the Court to decide that question. If it does, of course I don't object to it, but I can't see the importance of it at this stage.

DR. DIX: I do believe that Mr. Justice Jackson...

THE PRESIDENT: Wait a minute, Dr. Dix, what exactly was the question that you were asking at that moment? What had it reference to?

DR. DIX: I asked the witness what the attitude was that was taken by prominent foreigners with whom he came into contact at that time, officially and privately during the period that the regime consolidated its power. Did they reject the regime, or were they sympathetic to it? In other words, just how far did these foreigners influence him and his thinking? And may I...

THE PRESIDENT: I think you know, Dr. Dix, that to ask one witness what the attitude of other people is is a very much too general form of question. Attitude—what does the word mean? It is far too general, and I do not understand exactly what you are trying to prove.

DR. DIX: I will make the question more precise.

How, Dr. Schacht, through your exchange of thoughts with foreigners, was your personal attitude influenced? How was your attitude and your activity influenced through the attitude of these foreigners?

[Turning to the Tribunal.] That is something which Dr. Schacht can testify to alone, because it is of an intimate nature and personal to Schacht. Your Lordship, I want quite openly to state the point to be proved which seems very relevant to the Defense and on which this question is based. I do not wish to conceal anything.

I, the Defense, maintain that this oppositional group—about which Gisevius has already spoken, and of which Schacht was a prominent member—that this group not only received no support from abroad, but that foreigners rendered the opposition more

difficult. That is not a criticism that is leveled towards foreign governments.

There is no doubt that the representatives of these countries took that attitude in good faith and with a sense of duty in the service of their countries. But it was of decisive value for the attitude of these men of this oppositional group what position the foreign countries took to this regime; whether they respected or whether they supported it by precedence given its representatives, socially, as far as possible, or, through caution and reserve, showed their disinclination to it, thereby strengthening this oppositional group.

This evidence is of the utmost importance to me in the carrying on of the defense. I have stated it quite openly, and, as much as I can, I will fight for this piece of evidence.

THE PRESIDENT: Dr. Dix, the Tribunal has considered the argument which you have presented to it and they think that the investigation of these facts is a waste of time and is irrelevant. They will, therefore, ask you to go on with the further examination of the defendant.

DR. DIX: Dr. Schacht, you supported the rearmament through financing by the Reichsbank. Why did you do that?

SCHACHT: I considered that Germany absolutely had to have political equality with other nations, and I am of the same opinion today; and in order to reach this state, it was necessary that either the general disarmament which had been promised by the Allied powers would come into effect, or that if equal rights were to be obtained Germany would have to rearm on a corresponding scale.

DR. DIX: Was this financial help by the Reichsbank your work alone or was that decreed through the Directorate of the Reichsbank?

SCHACHT: In the Reichsbank, the Leadership Principle was never applied; I rejected the Leadership Principle for the Reichsbank. The Reichsbank was governed by a group of men all of whom had an equal power to vote and if there was a "tie," the vote of the chairman was the decisive vote, and beyond that the chairman had no rights in this board.

DR. DIX: You are familiar with the affidavit of the former Reichsbank Director Puhl. Did—I put the question taking into consideration the contents of this affidavit with which the Tribunal is acquainted—Puhl also participate in giving financial help from the Reichsbank for rearmament?

SCHACHT: Herr Puhl participated in all decisions which were made by the Reichsbank Directorate on this question and not once did he oppose the decision reached.

DR. DIX: It is known to you that the Reichsbank's method of financing consisted in the discounting of the so-called mefo bills. The Prosecution have discussed this fact in detail and the aforementioned affidavit signed by Puhl says that this method made it possible to keep the extent of rearmament secret. Is that correct?

SCHACHT: We cannot even talk about keeping the armament a secret. I call your attention to some excerpts from documents presented and submitted by the Prosecution themselves as exhibits. I quote first of all from the affidavit by George Messersmith, dated 30 August 1945, Document Number 2385-PS, where it says on Page 3, Line 19: "Immediately after the Nazis came into power they started a vast rearmament program." And on Page 8 it says: "The huge German armament program which was never a secret..."

Thus, Mr. George Messersmith, who was in Berlin at the time, knew about these matters and I am sure, informed his colleagues also.

I continue quoting from Document Number EC-461. It is the diary of Ambassador Dodd, where it says, under 19 September 1934, and I quote in English for I just have the English text before me:

"When Schacht declared that the Germans are not arming so intensively, I said: Last January and February Germany bought from American aircraft people one million dollars worth of high-class war flying machinery and paid in gold."

This is from a conversation between Dodd and myself which took place in September 1934 and he points out that already in January and February 1934 war aircraft...

[The proceedings were interrupted by technical difficulties in the lighting system.]

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: The Tribunal would like to know how long you expect to be with your examination-in-chief of the defendant. You have already been nearly a whole day, and the Tribunal think, in view of the directions in the Charter, that the examination of the defendant ought to finish certainly in a day.

DR. DIX: Your Lordship, there are two things I do not like to do, to make prophecies which do not come true and to make a promise I cannot keep.

May I answer the question by saying that I consider it quite impossible for me to finish today. I am fully aware of the rules

of the Charter, but on the other hand I am asking you to consider that the Prosecution have tried to prove the accusations against Schacht by numerous pieces of evidence, directly and indirectly relevant facts, and that it is my duty to deal with these individual pieces of evidence offered by the Prosecution.

Please apply strict measures to my questions and if the Tribunal should be of the opinion that there is something irrelevant, then I shall certainly adhere to their ruling. However, I do think that I have not only the right, but also the duty to put any questions which are necessary to refute the evidence submitted by the Prosecution.

I shall, therefore, certainly not be able to finish today. I think—I should be extremely grateful if you would not make me prophesy, it may go faster and tomorrow I may finish in the course of the day but it may even take the whole day—I cannot say for certain. In any case, I shall make every effort to put only relevant questions. If the Tribunal should be of the opinion that something is not relevant, I ask to be told so after I have explained my standpoint.

THE PRESIDENT: I think you had better get on at once then, Dr. Dix, and we'll tell you when we think your questions are too long or too irrelevant.

DR. DIX: Now, Dr. Schacht, we were considering the mefo bills, did you consider them as a suitable means of keeping the rearmament secret? Have you anything else to say to that question?

SCHACHT: The mefo bills as such, as far as rearmament was concerned, had of course no connection with the question of secrecy, for the mefo bills were used to pay every supplier. And there were, of course, hundreds and thousands of small and big suppliers all over the country.

Apart from that, before they could be taken to the Reichsbank, the mefo bills circulated among the public for at least 3 months and the suppliers who required cash used the mefo bills to discount them in their banks or to have advances made on the strength of them, so that all banks participated in this system.

But I should like to add also that all the mefo bills, which were taken up by the Reichsbank, were listed on the bill account of the Reichsbank. Furthermore, I should like to say that the keeping secret of State expenditure—and armament expenditures were State expenditure—was not a matter for the President of the Reichsbank but an affair concerning the Reich Minister of Finance. If the Reich Minister of Finance did not publish the guarantees which he had accepted for the mefo bills, then that was his affair and not mine. I am not responsible for that. The responsibility for that lies with the Reich Minister of Finance.

DR. DIX: The next question, Your Lordship, might arouse doubts as to its relevancy. I personally consider it irrelevant for the verdict in this Trial. However, it has been mentioned by the Prosecution, and for that reason alone I think it is my duty to give Dr. Schacht an opportunity to reply and to justify himself.

The Prosecution have represented the view that the financing by means of mefo bills, from the point of view of a solid financial procedure, was also very hazardous. One might adopt the view that that may have been the case or not to make this verdict...

THE PRESIDENT: Ask the question, Dr. Dix, ask the question.

DR. DIX: You have heard what I have in mind.

SCHACHT: It goes without saying that in normal times and under normal economic conditions such means as mefo bills would not have been resorted to. But if there is an emergency, then it has always been customary, and it has always been a policy recommended by all experts, that the issuing bank should furnish cheap money and credits so that the economic system can, in turn, continue to function.

Mefo bills, of course, were a thoroughly risky operation, but they were absolutely not risky if they were connected with a reasonable financial procedure and to prove this I would say that if Herr Hitler, after 1937, had used the accruing funds to pay back the mefo bills, as had been intended—the money was available—then this system would have come to its end just as smoothly as I had put it in operation. But Herr Hitler preferred simply to refuse to pay the bills back, and instead to invest the money in further armament. I could not foresee that someone would break his word in such a matter too, a purely business matter.

DR. DIX: But, if the Reich had met the bills and had paid, then means would no doubt have partly been lacking for further rearments and the taking up of the bills would therefore have curtailed armament. Is that a correct conclusion?

SCHACHT: That, of course, was the very purpose of my wanting to terminate the procedure. I said if the mefo bills were not met, it would obviously show ill-will; then there would be further rearming, and that cannot be.

DR. DIX: Earlier you briefly dealt with the question of keeping armament secret in another connection. Have you anything to add to that?

SCHACHT: I think in a general manner it must be realized that State expenditures do not come under the jurisdiction of the President of the Reichsbank, and that the expenses and receipts of the State are under the control of the Reich Minister of Finance,

and consequently the responsibility lies in his hands and it is his duty to publish the figures. Every bill which the Reichsbank had in its possession was made known every week.

DR. DIX: Is that what you have to add to your answer to the basic question of allegedly keeping the armament program secret?

SCHACHT: Yes.

DR. DIX: You have also already explained on the side why you fundamentally were in favor of rearmament. Have you anything to add to that?

SCHACHT: Yes. A few very important remarks are, of course, to be made on that and since this question concerns the chief accusation against me, I may perhaps deal with it in greater detail.

I considered an unarmed Germany in the center of Europe, surrounded by armed nations, as a menace to peace. I want to say that these states were not only armed but that they were, to a very large part, continuing to arm and arming anew. Especially two states which had not existed before, Czechoslovakia and Poland, were beginning to arm, and England, for example, was continuing to rearm, specifically with reference to her naval rearmament in 1935, *et cetera*.

I should like to say quite briefly that I myself was of the opinion that a country which was not armed could not defend itself, and that consequently it would have no voice in the concert of nations. The British Prime Minister Baldwin once said, in 1935:

"A country which is not willing to take necessary precautionary measures for its own defense will never have power in this world, neither moral power nor material power."

I considered the inequality of status between the countries surrounding Germany and Germany as a permanent moral and material danger to Germany.

I further want to point out—and this is not meant to be criticism, but merely a statement of fact—that Germany, after the Treaty of Versailles, was in a state of extreme disorganization and confusion. Conditions in Europe were such that, for example, a latent conflict and controversy existed between Russia and Finland and between Russia and Poland which had considerable parts of Russian territory. There was Russia's latent conflict with Romania which had Bessarabia, and then Romania had a conflict with Bulgaria about the Dobruja and one with Hungary about Siebenbürgen. There were conflicts between Serbia and Hungary, and between Hungary and nearly all her neighbors and between Bulgaria and Greece. In short all of Eastern Europe was in a continuous state of mutual suspicion and conflict of interests.

In addition, there was the fact that in a number of countries there were most serious internal conflicts. I remind you of the conflict between the Czechs and the Slovaks. I remind you of the civil war conditions in Spain. All that will make it possible to understand that I considered it absolutely essential that in the event of the outbreak of any conflagration in this devil's punch bowl, it was an absolute necessity for Germany to protect at least her neutral attitude. That could not possibly be done with that small army of 100,000 men. For that an adequate army had to be created.

Here in prison I accidentally came across an edition of the *Daily Mail*, dated April 1937, where the conditions in Europe were described, and I beg you to allow me to quote one single sentence. I shall have to quote it in English. It does not represent the views of the *Daily Mail*; it only describes conditions in Europe.

I quote:

"All observers are agreed that there is continual peril of an explosion and that the crazy frontiers of the peace treaties cannot be indefinitely maintained. Here, too, rigorous non-interference should be the King of the British chariot. What vital interests have we in Austria or in Czechoslovakia, or in Romania, or in Lithuania or Poland?"

This merely describes the seething state of Europe at that time, and in this overheated boiling pot which was always on the point of exploding, there was Germany, unarmed. I considered that a most serious danger to my country.

Now, I shall probably be asked whether I considered Germany threatened in any way. No, Gentlemen of the Tribunal, I did not consider Germany threatened directly with an attack, nor was I of the opinion that Russia was likely to attack Germany. However, for example, we had experienced the invasion of the Ruhr in 1923 and these past events and the actual situation made it imperative for me to demand equality for Germany and to support a policy that would attempt to achieve this.

I assume that we shall deal with the reasons for the carrying out of the rearmament and with the reaction of foreign countries, *et cetera*.

DR. DIX: What did you know at the time about Germany's efforts to cause the other nations to disarm? Did that have anything to do with your decisions?

SCHACHT: Let me tell you the following:

Fundamentally, I was not in favor of rearmament. I only wanted equality for Germany. That German equality could be brought about either by means of disarmament on the part of the other

nations or by our own rearmament. I would have preferred, in fact I desired disarmament on the part of the others, which anyway had been promised to us. Consequently I most zealously tried all along for years to prevent a rearmament, if general disarmament could be brought about.

The disarmament on the part of the others did not take place, although the Disarmament Committee of the League of Nations had repeatedly declared that Germany had met her obligations regarding disarmament.

To all of us who were members of the so-called National Government at the time, and to all Germans who participated in political life, it was a considerable relief that during the first years Hitler, again and again, strove for and suggested general disarmament. Afterwards, of course, it is easy to say that that was a false pretense and a lie on Hitler's part, but that false pretense and that lie would have blown up quite quickly if the countries abroad had shown the slightest inclination to take up these suggestions.

I remember quite well what was told Foreign Minister Eden of Great Britain when he visited Germany at the beginning of 1934, because I was present at the social festivities. Quite concrete proposals concerning Germany's obligations in all disarmament questions, in case disarmament on the part of the others was begun and carried out, were made to him. It was promised to Eden that all so-called half-military units, like the SS, the SA, and the Hitler Youth, would be deprived of their military character if only the general disarmament could be accelerated by those means.

I could produce a number of quotations regarding these offers to disarm, but since it is the wish of the President not to delay the proceedings, I can forego that. They are all well-known statements made by statesmen and ministers, ambassadors, and such, all of which have the same tenor, namely, that it was absolutely essential that the promise made by the Allies should be kept; in other words, that disarmament should be carried out.

DR. DIX: Excuse me if I interrupt you, but we can do it more quickly and more simply by asking the Tribunal to take judicial notice of Exhibit Number Schacht-12, which I have been granted, without my reading it, Page 31 of the English translation of my document book. These are pertinent remarks and speeches made by Lord Cecil and others, by the Belgian Foreign Minister, *et cetera*. There is no need to read them; they can be presented. I just hear that they have been presented, and I can refer to them.

Pardon me, please. Continue.

SCHACHT: Well, in that case I am finished with my statement. Hitler made still further offers but the other countries did not take

up a single one of these offers, and thus, unfortunately, only one alternative remained, and that was rearmament. That rearmament carried out by Hitler was financed with my assistance, and I assume responsibility for everything I have done in that connection.

DR. DIX: Do I understand you correctly? Can one draw the conclusion from your statement that there were other reasons for your assistance in the rearmament program, that you had the tactical consideration that, by putting German rearmament up for discussion, the debate on disarmament amongst the other governments might be started again? This debate, so to say, had died down?

SCHACHT: If I may, I will illustrate it briefly by means of an example:

Two parties have a contract with each other. One party does not live up to that contract, and the other party has no way of making him fulfill his obligations. Thus the other party can do nothing except, in turn, not adhere to the contract. That is what Germany did. That is what I supported. Now, of course, I must say that I had expected a type of reaction which in such a case must always be expected from the partner to a contract, namely, that he would say, "Well, if you do not keep up the contract either, then we shall have to discuss this contract again."

I must say—and I can quite safely use the word—it was a disappointment to me that Germany's rearmament was not in any way replied to by any actions from the Allies. This so-called breach of contract on Germany's part against the Versailles Treaty was taken quite calmly. A note of protest was all; nothing in the least was done, apart from that, to bring up again the question of disarmament in which I was interested.

Not only was Germany allowed to go on rearming but the Naval Agreement with Great Britain did, in fact, give Germany the legal right to rearm contrary to the Versailles Treaty. Military missions were sent to Germany to look at this rearmament, and German military displays were visited and everything else was done, but nothing at all was done to stop Germany's rearmament.

MR. JUSTICE JACKSON: If the Tribunal please, I cannot see the point of all this detail. We have conceded that rearmament here, except as it was involved with aggressive purposes, is immaterial. As I said in the opening, the United States does not care to try here the issues of European politics, nor are they submitted to this Tribunal for decision.

The sole question here is the Indictment, charging arming with the purpose of aggression.

I do not want to interfere with the defendant giving any facts that bear on his aggressive intentions, but the details of negotiations,

of European politics and charges and countercharges between governments, it seems to me, lies way back of any inquiry that we could possibly make, and the details of this matter seem to me not helpful to the solution of the issues here, and I think was ruled out by the Tribunal in the case of Göring, if I am not mistaken.

THE PRESIDENT: Well, Dr. Dix, it all seems to be a matter of argument, and argument isn't really the subject of evidence.

DR. DIX: I do not believe so, Your Lordship. What Mr. Justice Jackson said is quite correct. Schacht is accused of having assisted in bringing about an aggressive war, but this assistance of his is supposed to have consisted in the financing which he carried out.

THE PRESIDENT: Go on, Dr. Dix, and do try to make it as short as possible.

DR. DIX: I think you had come to the end of that question anyway.

May I refer in this connection to one of the motives for Dr. Schacht's assistance in rearmament. It was his hope to renew the debate on disarmament. May I draw your attention to Exhibit Number Schacht-36, Page 141 of the German text, and Page 149 of the English text? It is an affidavit from Dr. Schacht's son-in-law, Dr. Von Scherpenberg. On Page 2 of that affidavit you will find the following brief paragraph which I propose to read; in fact, I can confine myself to one sentence:

"He"—that is to say, Schacht—"considered rearmament within certain limits to be the only means for the re-establishing of the disturbed equilibrium and the only means of inducing the other European powers to participate in a limitation of armaments which, in opposition to the Versailles Treaty, they had sought to avoid."

That is a statement of Scherpenberg regarding conversations which Schacht had had at that time. It is, therefore, not an *ex post facto* opinion; it is the report of a conversation which he, Scherpenberg, had with his father-in-law Schacht at that time. That is just an additional remark I wanted to make.

[Turning to the defendant.] You have spoken about the rearmament on the part of the other states, particularly Czechoslovakia and Poland, but can you tell us whether at the time you knew of or heard any exact details regarding the state of armament of those two states?

SCHACHT: I know only that it was known about Russia that in 1935 she announced that her peacetime army should be increased to 960,000 men.

Then I knew that in Czechoslovakia, for instance, the installation of airdromes was one of the leading tasks of rearmament. We knew that Great Britain's Navy was to be stepped up.

DR. DIX: Did you later on completely abandon your idea of general disarmament?

SCHACHT: To the contrary, I used every opportunity, in particular during conversations with men from abroad, to say that the aim should always be disarmament, that, of course, rearmament would always mean an economic burden for us, which we considered a most unpleasant state of affairs.

I remember a conversation which I had with the American Ambassador Davies. His report of this conversation is incorporated in an exhibit that has been submitted to the Tribunal. It is an entry in a diary which is repeated in his book, *Mission to Moscow*, and it is dated as early as 20 June 1937, Berlin. He is writing about the fact that among other things he and I had talked about disarmament problems, and I need only quote one sentence. I do not have the number of the document, Your Lordship, but it has been submitted to the Tribunal.

DR. DIX: It is Exhibit Schacht-18, German Page 43, English Page 49.

SCHACHT: Since I have only the English text, I shall read from it.

Davies writes:

"When I outlined the President's (Roosevelt) suggestion of limitation of armament to defensive weapons only, such as a man could carry on his shoulder, he (means Schacht) almost jumped out of his seat with enthusiasm."

It becomes clear, therefore, from Ambassador Davies' remark that I was most enthusiastic about this renewed attempt and the possibility of an imminent step towards disarmament as proposed by President Roosevelt.

In this same book, Davies reports a few days later on 26 June 1937 about the conversation he had with me, in a letter addressed to the President of the United States. I quote only one very brief paragraph—in English again:

"I then stated to him (that is, Schacht) that the President in conversation with me had analyzed the European situation and had considered that a solution might be found in an agreement among the European nations to a reduction of armaments to a purely defensive military basis and this through the elimination of aircraft, tanks, and heavy equipment, and the limitation of armaments to such weapons only

as a man could carry on his back, with an agreement among the nations for adequate policing of the plan by a neutral state. Schacht literally jumped at the idea. He said: 'That's absolutely the solution.' He said that in its simplicity it had the earmarks of great genius. His enthusiasm was extraordinary."

DR. DIX: To what extent did you want rearmament?

SCHACHT: Not beyond equality with every single one of our neighbor states.

DR. DIX: And did Hitler talk to you of far-reaching intentions, or did you hear of any?

SCHACHT: At no time did he tell them to me, nor did I hear from anyone else, whether he had made remarks about further intentions.

DR. DIX: Were you informed about the extent, the type and speed of rearmament?

SCHACHT: No, I was never told about that.

DR. DIX: Had you set yourself a limit regarding this financing or were you prepared to advance any amount of money?

SCHACHT: I was certainly, by no means, ready to advance any unlimited amount of money, particularly as these were not contributions; they were credits which had to be repaid. The limits for these credits were twofold. One was that the Reichsbank was independent of the State finance administration, and the supreme authority of the State as far as the granting of the credits was concerned. The Board of Directors of the Reichsbank could pass a resolution that credits were to be given, or were not to be given, or that credits were to be stopped, if they considered it right, and as I was perfectly certain of the policy of the Board of Directors of the Reichsbank—all of these gentlemen agreed with me perfectly on financial and banking policy—this was the first possibility of applying a brake, if I considered it necessary.

The second safeguard—limit was contained in the agreement which the Minister of Finance, the Government, and of course Hitler had made—the mefo bills, of which these credits consisted, were to be paid back when they expired. They were repayable after 5 years, and I have already said that if the repayments had been made, funds for rearmament would naturally have had to decrease. Therein lay the second possibility of limiting the rearmament.

DR. DIX: Will you please give now to the Tribunal the figures which you were dealing with at the time?

SCHACHT: We went up to . . .

MR. JUSTICE JACKSON: We have no desire to enter into controversy about the figures of financing rearmament. It seems that the detail of dollars and cents or Reichsmarks is unimportant to this, and terribly involved. We aren't trying whether it cost too much or too little; the purpose of this rearmament is the only question we have in mind. I don't see that the statistics of cost have anything to do with it.

THE PRESIDENT: Dr. Dix, we would like to know what figures the accused and you are talking about.

DR. DIX: The amounts that Schacht as President of the Reichsbank was ready to grant for the rearmament program; that, no doubt, is relevant, because if those amounts remained within such limits as might possibly be considered adequate for defensive rearmaments in case of emergency, then, of course, the extent of that financial assistance is a very important piece of evidence regarding the intentions which Schacht was pursuing at the time. That is the very thing that, in the case of Schacht, Mr. Justice Jackson considers relevant, namely, whether he helped prepare for an aggressive war. If he were considering only the possibility of a defensive war in his financing and placed only sums at the disposal of the rearmament program which would never have allowed an aggressive war, then that would refute the accusation raised by the Prosecution against the defendant, and I think that the relevance of that question cannot be doubted.

THE PRESIDENT: Are you saying that if the Defendant Schacht placed at the disposal of the Reich, say, 100 millions, or whatever the figure is, it would be defensive, and if he placed 150 millions, it would be not defensive, or what? Is it simply the amount?

DR. DIX: No, I want to say that if, as will be proved, he only wanted to give 9 and later on gave hesitatingly and unwillingly 12 millions for the purpose, then that contribution can never have been aimed at an aggressive war.

THE PRESIDENT: It is simply the amount?

DR. DIX: Yes, only the size of the amount.

THE PRESIDENT: Well, that can be stated very shortly, but as for details of finance...

DR. DIX: I am also of the opinion that we have talked about it too long. I was only going to ask, "What amount did you give?" and then the objection was raised, and thus the discussion was drawn out. May I put the question?

THE PRESIDENT: Yes.

DR. DIX: *[Turning to the defendant.]* Well, then, what amount did you intend to grant?

SCHACHT: Naturally as little as possible; however, what I contributed is what is decisive. I placed at their disposal—to give one figure and to be very brief—until 31 March 1938, credits amounting to a total of 12,000,000,000 Reichsmark. I have discussed that with one of the interrogators of the British Prosecution, who asked me about the subject, and I replied that that was about one third of the amount which was spent on rearmament. After that, without the Reichsbank, beginning with 1 April 1938, the figure stated in that budget year for rearmament was 11,000,000,000, and in the subsequent year, 20,500,000,000, and of that not a pfennig came from the Reichsbank.

DR. DIX: That was after your resignation, was it not?

SCHACHT: That was after I had stopped credits.

For the record I should like to say that I think I made a mistake before. I said millions instead of milliards, but I think it is obvious what I meant. I wanted only to correct it.

DR. DIX: Now, then, Dr. Schacht, the Prosecution have stated that on 19 February 1935 the Ministry of Finance received authority to borrow unlimited amounts of money if Hitler ordered them to do so.

SCHACHT: Here, again, the prosecutor did not see things in the proper light. The President of the Reichsbank is not responsible for the actions of the Reich Minister of Finance. I think the President of the Federal Reserve Bank in New York can hardly be held responsible for the things done by the Secretary of the Treasury in Washington.

DR. DIX: You have also been accused that the debt of the Reich increased three times during the time while you were President of the Reichsbank.

SCHACHT: I might just as well be accused of being responsible for the fact that the birth rate in Germany rose sharply during the time I was President of the Reichsbank. I want to emphasize the fact that I had nothing to do with either.

DR. DIX: You were not responsible for the same reason.

SCHACHT: No, of course I am not responsible for that.

DR. DIX: And presumably the same applies to the point made by the Prosecution that you allegedly drafted a new finance program in 1938?

SCHACHT: On the contrary, I refused to do anything else for the financing of rearmament; the finance program was drafted by a state secretary in the Reich Finance Ministry, and it looked like it.

DR. DIX: One of your economic policies, during the time you were Minister of Economy, and which you have been accused of as

being a preparation for war, was the so-called "New Plan" (Neue Plan). What was that?

SCHACHT: May I first of all say that the New Plan had nothing at all to do with rearmament. Germany, after the Treaty of Versailles, had fallen into a state of distress, economically speaking and especially export...

DR. DIX: Your Lordship, if the Tribunal is of the opinion that the New Plan has nothing to do with the rearmament and preparations for war—I think the Prosecution are of the opposite opinion—then, of course, the question is irrelevant, and I will drop it. I am only putting it because the New Plan has been used in the argumentation of the Prosecution.

THE PRESIDENT: If you say, and the defendant has just said that the New Plan had nothing to do with rearmament, I think you might leave it for cross-examination and you can raise it again in re-examination if it is cross-examined.

DR. DIX [*Turning to the defendant*]: In that case I shall not ask you about the barter agreements, either. I shall leave it to the Prosecution to bring it out during the cross-examination. I cannot see what it has to do with the preparation for war.

Now, you have already stated that you strove to remove the Versailles Treaty by means of peaceful negotiations, or at least, to modify it. In the opinion which you held at that time did any such means for a peaceful modification of the Versailles Treaty still exist?

SCHACHT: In my opinion, there were no means other than peaceful ones. The desire to modify the Versailles Treaty by means of a new war was a crime.

DR. DIX: Well. But now you are being accused that the alleged preparations for war, which really were a countermeasure to the general rearmament although not a preparation for an aggressive war, were nevertheless a rearmament, and as such, were an infringement of the Treaty of Versailles. I assume that you, at the time, decided to help finance that rearmament only after giving the problem due legal and moral considerations. What, exactly, were these considerations?

SCHACHT: I think I have already answered that question in detail. I need add nothing else.

DR. DIX: Very well. Insofar as you know, was this attitude of yours, the attitude of a pacifist and of someone who was definitely opposed to the extension of living space in Europe, known abroad?

SCHACHT: As long as I have been President of the Reichsbank, that is to say from March 1933—and I am, of course, only talking

about the Hitler regime—my friends and acquaintances abroad were fully informed about my attitude and views. I had a great many friends and acquaintances abroad, not only because of my profession but also outside of that and particularly in Basel, Switzerland, where we had our monthly meeting at the International Bank, with all the presidents of the issuing banks of all the great and certain neutral countries, and I always took occasion at all these meetings to describe quite clearly the situation in Germany to these gentlemen.

Perhaps I may at this point refer to the so-called conducting of foreign conferences or conversations. If one is not allowed to talk to foreigners any more, then one cannot, of course, reach an understanding with them. Those silly admonitions, that one had to avoid contact with foreigners, seem entirely uncalled for to me, and if the witness Gisevius deemed it necessary the other day to protect his dead comrades, who were my comrades too, from being accused of committing high treason, then I should like to say that I consider it quite unnecessary. Never at any time did any member of our group betray any German interests. To the contrary, he fought for the interests of Germany, and to prove that, I should like to give you a good example:

After we had occupied Paris, the files of the Quai d'Orsay were confiscated and were carefully screened by officials from the German Foreign Office. I need not assure you that they were primarily looking for proof whether there were not any so-called defeatists circles in Germany which had unmasked themselves somewhere abroad. All the files of the Quai d'Orsay referring to my person and, of course, there were records of many discussions which I had had with Frenchmen, were examined by the Foreign Office officials at that time, without my knowing it.

One day—I think it probably happened in the course of 1941—I received a letter from a German professor who had participated in this search carried out by the Foreign Office. I shall mention the name so that, if necessary, he can testify. He is a Professor of Finance and National Economy, Professor Stückenbeck of Erlangen, and he wrote me that at this investigation...

THE PRESIDENT: The Tribunal cannot see any point in this, so far as this Trial is concerned. In any event, if the defendant says that he did not, in any way, give away the interests of Germany, surely that is sufficient. We do not need all the details about it. What it has got to do with this Trial, I do not know.

DR. DIX: I think, Your Lordship, that that was not the point of the statement. What he wants to say is that reliable men abroad knew him and were acquainted with the fact that he was certainly a man of peace and not a man who prepared aggressive wars, and that applies even to the period of rearmament.

THE PRESIDENT: But he said that 5 minutes ago.

DR. DIX: I do not think the question of Professor Stückenbeck is so important, but it certainly seems pertinent to me what Ambassador Davies said about his conversation with the then Foreign Commissar of the Soviet Republic, Litvinov. This is contained in Exhibit Schacht-18 of my document book. It is Page 43 of the German text, and Page 49 of the English text. May I read one paragraph, and then ask Dr. Schacht briefly whether that statement of Ambassador Davies corresponds to his recollection? It is Davies' report, an extract from his book *Mission to Moscow*. A report is there to the Secretary of State in the United States. The passage is on Pages 108 and 109.

"Pursuant to an appointment made, I called upon Commissar for Foreign Affairs Litvinov to present my respects before departure for the United States.

"I then stated that the European situation in its elementals looked simple and that it was difficult to understand why the statesmanship of Europe could not provide that England, France, Germany, Italy, and Russia should agree to preserve the territorial integrity of Europe and through trade agreements provide Germany with raw materials, thereby giving the assurance that she could live, which would relieve the peoples of Europe and the world of these terrific burdens of armament and of the fear of catastrophic war. The prompt rejoinder was: 'Do you think Hitler would ever agree to anything like that?' I said that I did not know, but that it was my opinion that there was a very substantial body of influential and responsible men in Germany that such an idea would appeal to. Litvinov replied that he thought that might be so; that Schacht was of that type; he did not think they could prevail against Hitler and the political and military forces dominant in Germany."

And now I ask you, do you remember that conversation with Davies?

SCHACHT: I think there must be a mistake. I did not speak to Davies about this, I spoke to Litvinov. This is a report of Davies to the Secretary of State, about which I did not know.

DR. DIX: Yes, you are perfectly right.

It has been repeatedly emphasized by the Prosecution that your knowledge of Hitler's intentions of war resulted also from your being Plenipotentiary for War Economy and a member of the Reich Defense Counsel. Göring has made a detailed statement on it. Have you anything new to add to Göring's statement?

SCHACHT: I think the witness Lammers has also talked about it. I should like merely to confirm that the first Reich Defense Counsel of 1935 was nothing other than the legalization of a committee which existed before 1933, made up of ministerial officials who were supposed to deal with economic measures as well as administrative measures, which might have to be taken in the event of a threat of war against Germany.

DR. DIX: How often did you have a meeting especially with the Minister of War and the Plenipotentiary for Administration?

SCHACHT: This famous triumvirate, this Three Man College described by one of the prosecutors as the cornerstone of war policy, never met at all, and it is no wonder that we lost the war, if that was the cornerstone.

DR. DIX: The Prosecution have also referred to the report of the Ministry of War regarding the task of the Reich Defense Counsel of 1934. It is Document Number EC-128, Exhibit Number USA-623. Have you anything in particular to add to that?

SCHACHT: Yes, I should like to have permission to quote one very brief paragraph. I see there are only two sentences. This report contains the following statement:

Referring to the experiences of World War I, that is 1914 to 1918, and I quote—I shall have to do it in English since I have only the English, I quote:

“At that time we were able to extend our bases for raw materials and production toward the West: Longwy, Briey, Tourcoing, Roubaix, Antwerp (textiles), and toward the East, Lodz, and Southeast (ore mines in Serbia and Turkey, mineral oils in Romania). Today we have to reckon with the possibility of being thrown back in our own country and even of being deprived thereby of most valuable industrial and raw material in the West and in the East.”

I think that if anyone wanting to prepare an aggressive war had calculated in September 1934 that one would have to protect oneself against the possibility of such a situation arising, that this is the best proof that there can be no question of an aggressive war at all.

DR. DIX: In that connection, under the heading of “peaceful efforts,” can you perhaps also tell the Tribunal what your peaceful efforts were, to have the reparations clauses of the Versailles Treaty modified or even abolished?

SCHACHT: From the very first moment, after the reparations were determined in 1921 or so, I fought against this nonsense with the argument that the carrying out of those reparations would throw the entire world into economic chaos. One cannot, during one

generation, pay 120,000,000,000 Reichsmark or about 2,000,000,000 Reichsmark yearly, as at that time . . .

DR. DIX: We would like to make it brief. Will you please talk only about your peaceful efforts and not about national economy?

SCHACHT: All right, I will not talk about national economy.

I fought against it and, as time went by, I did succeed in convincing the people of almost all the countries that this was sheer nonsense. Therefore in July of 1932, if I am not mistaken, the then Reich Chancellor Papen was in a position to affix his signature to an agreement at Lausanne, which reduced reparations, *de jure*, to a pending sum of 3,000,000,000, and which, *de facto*, canceled reparations altogether.

DR. DIX: Did you then continue your definitely peaceful efforts in other fields? You have already touched upon the negotiations in Paris regarding the colonial question. I wonder if you have anything to add to that in this connection?

SCHACHT: I do not remember at the moment how far I had gone at the time, but I think I reported on the negotiations in detail, so I need not repeat.

DR. DIX: George Messersmith, the often-mentioned former Consul General of the United States in Berlin, states in his affidavit Document Number EC-451, Exhibit Number USA-626, to which the Prosecution have referred, that he is of the opinion that the National Socialist regime could not have been in a position to stay in power and build up its war machine if it had not been for your activity. At the end of the case for the Prosecution, the Prosecution present that thesis of Messersmith. Therefore I should like you to make a statement on this subject.

SCHACHT: I do not know whether that completely unsubstantiated private opinion of Mr. Messersmith has any value as evidence. Nevertheless, I should like to contradict it by means of a few figures. I had stated earlier that until 31 March 1938, the Reichsbank had given 12,000,000,000; that is to say, during the first fiscal year, about 2,250,000,000, and during the subsequent 3 years, 3,250,000,000 per annum. During those years—the Codefendant Keitel was asked about that when he was examined here—the armament expenditures, as Keitel said, amounted to the following:

In the fiscal year 1935-1936—5,000,000,000.

In the fiscal year 1936-1937—7,000,000,000.

In the following fiscal year—9,000,000,000.

And at that stage the assistance from the Reichsbank ceased. In spite of that, during the following year and without any assistance

from the Reichsbank, the expenditure for armament increased to 11,000,000,000, and in the following year it climbed to 20,500,000,000.

It appears, therefore, that even without the financial genius of Herr Schacht, they managed to raise the funds. Just how they did so is another question.

DR. DIX: I duly put these figures to the Defendant Keitel. I do not think that the Tribunal had the document at the time. It is now available and has the Exhibit Number Schacht-7. It is Page 15 of the German text and Page 21 of the English text. Herr Keitel could, of course, only refer to the first column, that is to say, total expenditure; but there is a second and a third column, in this account, and these two are calculations made by Schacht, calculations regarding what was raised with the help and without the help of the Reichsbank.

I do not intend to go through it in detail now. I should merely like to have your permission to ask Dr. Schacht whether the figures calculated by him, in Columns 2 and 3 of the document, were calculated correctly.

SCHACHT: I have these figures in the document before me. The figures are absolutely correct and again I want to declare that they show that, during the first year after the Reichsbank had discontinued its assistance, no less than 5,125,000,000 more were spent without the assistance of the Reichsbank, that is to say, a total of 11,000,000,000.

DR. DIX: Up to now you have stated to the Tribunal that you were active against a dangerous and extensive rearmament and you showed that by tying up the money bag. Did you oppose excessive rearmament in any other way, for instance, by giving lectures and such?

SCHACHT: Many times I spoke not only before economists and professors who were my main auditors, but I often spoke upon invitation of the Minister of War and the head of the Army Academy before high ranking officers. In all these lectures I continually referred to the financial and economic limitations to which German rearmament was subject and I warned against excessive rearmament.

DR. DIX: When did you first gather the impression that the extent of German rearmament was excessive and exaggerated?

SCHACHT: It is very difficult to give you a date. Beginning in 1935, I made continuous attempts to slow down the speed of rearmament. On one occasion Hitler had said—just a moment, I have it here—that until the spring of 1936 the same speed would have to be maintained. I adhered to that as much as possible,

although, beginning with the second half of 1935, I continuously applied the brake. But after 1935 I told myself that, since the Führer himself had said it, after the spring of 1936 the same speed would no longer be necessary. This can be seen from Document 1301-PS in which these statements of mine are quoted, statements which I communicated to the so-called "small Ministerial Council" (kleiner Ministerrat). Göring contradicted me during that meeting, but I of course maintain the things which I said at the time.

After that I constantly tried to make the Minister of War do something to slow down the speed of rearmament, if only in the interest of general economy, since I wanted to see the economic system working for the export trade. Proof for the fact of just how much I urged the Minister of War is contained in my letter dated 24 December 1935, which I wrote him when I saw the period desired by Hitler coming to an end, and when I was already applying the brake. It has also been presented by the Prosecution as Document Number EC-293. In the English version of the document it is on Page 25.

I beg to be allowed to quote very briefly—all my quotations are very brief—from that document. I wrote a letter to the Reich Minister of War, and I quote:

"I gather from your letter dated 29 November"—and then come the reference numbers—"that increased demands by the Armed Forces for copper and lead are to be expected, which will amount to practically double the present consumption. These are only current demands, whereas the equally urgent provisions for the future are not contained in the figures. You are expecting me to obtain the necessary foreign currency for these demands, and to that I respectfully reply that under the existing circumstances I see no possibility of doing so."

In other words, Blomberg is asking that I should buy raw materials with foreign currency, and I am stating quite clearly that I do not see any possibility of doing so.

The document goes on to say—and this is the sentence regarding the limit up to 1 April. I quote:

"In all the conferences held with the Führer and Reich Chancellor up to now, as well as with the leading military departments, I have expressed my conviction that it would be possible to supply the necessary foreign currencies and raw materials for the existing degree of rearmament until 1 April 1936. Despite the fact that, due to our cultural and agrarian policies which are being repudiated all over the world, this has been made extremely difficult for me and

continues to be difficult, I still hope that my original plan may be carried out."

That is to say, that I thought this proposed program could be carried out up to 1 April, but not over and beyond that.

DR. DIX: It is a fact that Minister of Transportation, Dörpmüller, was trying to raise credits for railway purposes. What was your attitude as President of the Reichsbank towards this?

SCHACHT: During a conference between the Führer, Dörpmüller, and myself, at which the Führer strongly supported Dörpmüller's demands, I turned that credit down straightway, and he did not get it.

DR. DIX: The meeting of 27 May 1936 of the so-called "small Ministerial Council," presided over by Göring, has been discussed here. The Prosecution contend that intentions of aggressive war became apparent from that meeting. Did you have any knowledge of that meeting?

SCHACHT: What was the date, please?

DR. DIX: 27 May 1936.

SCHACHT: No. I was present during that conference and I see nothing in the entire document pointing to an aggressive war. I have studied the document very carefully.

DR. DIX: It has furthermore been stated against you what is contained in the report of Ambassador Bullitt, Document Number L-151, Exhibit USA-70, dated 23 November 1937. You have heard, of course, that the Prosecution are also drawing the conclusion from that report that there were aggressive intentions on Hitler's part. Will you please make a statement about that?

SCHACHT: I see nothing in the entire report to the effect that Hitler was about to start an aggressive war. I was simply talking about Hitler's intentions to bring about an Anschluss of Austria, if possible, and to give the Sudeten Germans autonomy if possible. Neither of those two actions would be aggressive war, and apart from that, Mr. Bullitt says the following with reference to me in his report about this conversation. I quote: "Schacht then went on to speak of the absolute necessity for doing something to produce peace in Europe...."

DR. DIX: The memorandum of this conversation is also contained in my document book as Exhibit Number Schacht-22. It is on Page 64 of the English text and Page 57 of the German text.

We shall now have to deal in greater detail with your alleged knowledge of Hitler's intentions to start war. First of all, speaking generally, did Hitler ever, as far as you know...

SIR DAVID MAXWELL-FYFE: My Lord, I asked Dr. Dix if he would object if the Tribunal would allow me, since he is passing to a new point, to mention the question of the Raeder documents. I had a discussion with Dr. Siemers. There are still some outstanding points, and we should be grateful if the Tribunal would hear us this afternoon, if possible, because the translating division is waiting for the Raeder documents to get on with their translations.

THE PRESIDENT: How long do you think it will take, Sir David?

SIR DAVID MAXWELL-FYFE: Not more than a half hour, My Lord.

THE PRESIDENT: If the translation department are waiting, perhaps we had better do it at 2 o'clock.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

THE PRESIDENT: If it is only going to take a half hour. It isn't likely, I suppose, to take more than that?

SIR DAVID MAXWELL-FYFE: I don't think it will take more than that.

THE PRESIDENT: We will do that at 2 o'clock, and now we will adjourn.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

SIR DAVID MAXWELL-FYFE: May it please Your Lordship, the Tribunal should have in front of them a statement of our objections to certain of the documents, arranged in six groups. Attached to that sheet they will find an English summary of the documents, presenting shortly the contents of each one of them. My Lord, with regard to the first group, might I make two erasures from our objection to Number 19, which has been allowed in the case of Schacht, and if I understand Dr. Siemers correctly he doesn't press for Number 76.

Now, My Lord, the others in that group:

Number 9 is a series of quotations from Lersner's book on *Versailles*.

Number 10, the quotation from a book by the German leftwing publicist, Thomas Mann.

Number 17 is the *Failure of a Mission*, by Nevile Henderson.

Number 45 is a quotation from a book of Mr. Churchill's.

Number 47 is the report on a complaint to Lord Halifax about an article in *News Chronicle* criticizing Hitler.

My Lord, Number 66 is rather different. If the Tribunal would be good enough to look at it, it is a report by a German lawyer, Dr. Mosler I think his name should be, who is an authority on international law, dealing with the Norway action. Dr. Siemers has been, of course, absolutely frank with me and he said that it would be convenient to him to have this, which is really a legal argument, embodied in his document book. Of course, that is not really the purpose of these document books; but, of course, it is a matter for the Tribunal, and we felt we had to draw attention to it.

Then, My Lord, Number 76 comes out.

Numbers 93 to 96 are quotations from Soviet newspapers.

Number 101 is a quotation from Havas, the French News Agency.

Numbers 102 to 107 are minor orders relating to the Low Countries which, the Prosecution submit, have no evidential value.

Then in the second group, there are a number of documents which, the Prosecution submit, are not relevant to any of the issues in the case.

THE PRESIDENT: Sir David, you didn't deal with Number 109, did you?

SIR DAVID MAXWELL-FYFE: I am sorry, My Lord, it is on the second line. That is another legal argument, the effect of the war on the legal position of Iceland, which is a quotation from the *British Journal of Information in Public Law and International Law*.

THE PRESIDENT: All right.

SIR DAVID MAXWELL-FYFE: My Lord, the second group, the Prosecution submit, is irrelevant.

Number 22 is a Belgian decree of 1937 dealing with the possible evacuation of the civil population in time of war.

Number 39 is a French document of the Middle East.

Numbers 63 and 64 are two speeches, one by Mr. Emery and another by Mr. Churchill, dealing with the position in Greece at the end of 1940, some two months after the beginning of the Italian campaign against Greece.

Number 71 is an undated directive with regard to the study of routes in Belgium, which doesn't seem to us to have any evidential importance.

Number 76 comes out as the *Altmark*.

THE PRESIDENT: Did you say 76 came out?

SIR DAVID MAXWELL-FYFE: Yes, My Lord, that is the *Altmark*. It is the same one that is in Number 71. I am sorry, My Lord, it should have been marked out.

Number 99 is the minutes of the ninth meeting of the combined Cabinet Council on the 27th of April 1940, and it deals with a suggestion of M. Reynaud with regard to the Swedish ore mines. As it was long after the Norway campaign and it was never, of course, acted upon in Norway, it seems to us to have no relevance for this Trial.

Numbers 102 to 107 I have dealt with under one. They have certain very small unimportant memoranda relating to the Low Countries.

Number 112 is a French document in which Paul Reynaud quotes a statement from Mr. Churchill that he will fight on to the end, which again doesn't seem of much importance in 1946.

Now, My Lord, the next group are documents which were rejected by the Tribunal when applied for by the Defendant Ribbentrop. The first two deal with British rearmament and the others with the Balkans and Greece. The Tribunal will probably remember the group which they did reject in the Ribbentrop application; and the fourth group are other documents of the same series as those rejected by the Tribunal in the case of the Defendant Von Ribbentrop. The fifth group are really objectionable on the *tu quoque* basis. I think they are entirely French documents which deal with proposals in a very tentative stage and which were arranged, but never followed out, with regard to the destruction of oil fields or the blocking of the Danube in the Middle East. My Lord, they are documents dated in the spring of 1940 and, as I say, they deal with

the most tentative stages and were never put into operation. The plans were never in operation.

The sixth group are documents dealing with Norway, which were captured after the occupation of France. As I understand Dr. Siemers' argument, it is not suggested that these documents were within the knowledge of the defendants at the time that they carried out the aggression against Norway; but it is stated that they had other information. Of course, as to their own information, we have not made any objection at all; and that these documents might be argued to be corroborative of their agents' reports. Actually, as is shown by Document Number 83, to which we make no objection, they also deal with tentative proposals which were not put into effect and were not proceeded with; but in the submission of the Prosecution, the important matter must be what was within the knowledge of the defendants before the 9th of April 1940; and it is irrelevant to go into a large number of other documents which are only arguably consistent with the information which the defendants stated they had.

My Lord, I tried to deal with them very shortly because I made a promise to the Tribunal on the time, but I hope that I have indicated very clearly what our objections were.

DR. WALTER SIEMERS (Counsel for Defendant Raeder): Your Honors, it is extremely difficult to define my position with reference to so many documents, especially since I know that these documents have not yet been translated and that the contents, in the main, are therefore not known to those concerned. Therefore, I might point out that there is a certain danger in treating documents in this way. In part they are basic elements of my defense.

Therefore, I should like to state now that in dealing with these documents I shall be compelled, in order to give the reasons for the relevancy of this evidence, to point out those passages which I shall not need to read separately into the record, for as soon as the document book is ready they will be known to the Tribunal and can be read there.

I shall follow the order as outlined by Sir David. First of all, the first group, Document Numbers 9 and 10. The note submitted by Sir David to the Tribunal points out that the submission of these documents conflicts with the ruling given by the Tribunal on 29 March. In reply I should like to point out that this opinion of the Prosecution is an error. The ruling of the Tribunal said that no documents might be submitted concerning the injustice of the Versailles Treaty and the pressure arising from it. These documents do not concern the injustice and the pressure; rather they serve to give a few examples of the subjective attitude of a man like Noske,

who was a Social Democrat and certainly did not want to conduct any wars of aggression. A few other statements in Numbers 9 and 10 show the thought of the Government and the ruling class at that time in regard to defensive measures and the fear that in case of an attack on the part of Poland, for instance, the German Armed Forces might be too weak. These are facts pure and simple; and I give you my express assurance that I shall not quote any sentences which might introduce a polemic. Moreover, I need this mainly as a basis for my final pleading.

Number 17 is a very brief excerpt from the book by Henderson, *Failure of a Mission*, written in 1940. I believe there are no objections to my quoting about 15 lines, if I wish to use them in my final pleading in order to show that Henderson, who knew Germany well, still believed in 1940 that he had to recognize certain positive good points in the regime at that time; and I believe that the conclusion is justified that one cannot expect that a German military commander should be more sceptical than the British Ambassador at that time.

Then we turn to Document Number 45. It is true this document is taken from a book by Churchill; but it deals with a fact which I should like to prove, the fact that already many years before World War I there existed a British Committee for Defense. In the table of contents which Sir David has submitted, the word "Reichsverteidigungsausschuss" is used, and I therefore conclude that this is a mistake on the part of the Prosecution who took it to mean a German Reich Defense Committee; that is not correct. This document shows how it came about that the Prosecution wrongly overestimated the importance of the German Reich Defense Committee, as the Prosecution naturally compared it with the British Committee for Defense, which went very much further in its activities.

Number 47 is evidence to show that when the German Embassy pointed out that an extremely scathing article on Hitler had appeared in the paper *News Chronicle*, Lord Halifax pointed out in reply that it was not possible for him to exert any influence on the newspaper. I should merely like to compare this with the fact that the Prosecution made it appear as though Raeder had had something to do with the regrettable article in the *Völkischer Beobachter*: "Churchill sank the *Athenia*." Raeder was no more connected with that article than Lord Halifax with the article in the *News Chronicle* and was unfortunately even more powerless, as far as this article was concerned, than the British Government.

Number 66 deals with the opinion given by Dr. Mosler, a specialist on international law, an opinion on the Norway action in very compressed form, as the Tribunal will surely admit. The Tribunal will also concede that in my defense of the Norway action

I must speak at length about the underlying principles of international law. The underlying principles of international law are not an altogether simple matter. I have nothing against presenting this myself in all necessary detail. I was merely guided by the thought that the Tribunal have asked again and again that we save time. I believe that we can save considerable time if this statement of opinion is granted me, so that I shall not have to cite numerous excerpts and authors in detail in order to show the exact legal justification. I could then perhaps deal with the legal questions in half an hour, whereas without this statement of opinion it is utterly impossible for me to treat such a problem in half an hour. If the Prosecution do not object to more time being taken up, then I do not object if the document is denied me. I will merely have to take the consequences.

Number 76 has meanwhile been crossed out, that is, it is granted me by the Prosecution.

Numbers 93 to 96 are excerpts on statements of the official Moscow papers, *Isvestia* and *Pravda*. These statements prove that, at least at that time, Soviet opinion regarding the legality of the German action in Norway coincided with the German opinion of that time. If the Tribunal think that these very brief quotations should not be admitted as documents, I would not be too insistent, since at this point in the proceedings I shall in any case be compelled to discuss it. The Tribunal will remember that at that time Germany and Russia were friends, and Soviet opinion on a purely legal problem should, at any rate, be considered as having a certain significance.

Then, Number 101; I beg your pardon, Sir David, but if I am not mistaken Dr. Braun said an hour and a half ago that Number 101 is to be rejected. Very well, then, Numbers 101 to 107. The action against Norway, as I have already said, involved a problem of international law. It involves the problem of whether one country may violate the neutrality of another country when it can be proved that another belligerent nation likewise intends to violate the neutrality of the afore-mentioned neutral state. When presenting my evidence I shall show that Grossadmiral Raeder, in the autumn of 1939, received all sorts of reports to the effect that the Allies were planning to take under their own protection the territorial waters of Norway, that is, to land in Norway, in order to have Norwegian bases. When I deal with the Norway documents, I shall return to this point. I should like to say at this point that it is necessary to explain and to prove that the legal attitude taken by the Allies to the question of the possible violation of the neutrality of a country was in the years 1939 and 1940 entirely the same as

the attitude of the Defendant Raeder in the case of Norway at the same time.

Therefore it is necessary not only to deal with Norway; but also to show that this was a basic conception, which can readily be proved by reference to parallel cases on the strength of these documents. These parallel cases deal in the first place with the plans of the Allies with respect to the Balkans, and secondly with the plans of the Allies with respect to the Caucasian oil fields.

Your Honors, it is by no means my intention, as Sir David has suggested, to use these documents from the *tu quoque* point of view, from the point of view that the defendant has done something, which the Allies have also done or wanted to do. I am concerned only with a judgment of the Defendant Raeder's actions from the legal point of view. One can understand such actions only when the entire matter is brought to light.

It is my opinion—and in addition to this I should like to refer to the statement of Dr. Mosler's opinion, Exhibit Raeder-66—that this cannot be made the subject of an accusation.

We are concerned, Your Honors, with the right of self-preservation as recognized in principle by international law. In this connection I should like . . .

THE PRESIDENT: Dr. Siemers, we don't want to go into these matters in great detail, you know, at this stage. If you state what your reasons are in support and state them shortly, we shall be able to consider the matter.

DR. SIEMERS: I am very sorry that I have to go into these details, but if through the objection of the Prosecution the principles . . .

THE PRESIDENT: The Tribunal do not wish to hear you in detail. I have said that the Tribunal do not wish to hear you in detail.

DR. SIEMERS: I merely ask that the Tribunal take into consideration the fact that this concerns the principle of international law laid down by Kellogg himself in 1928, namely, the right of self-preservation, or "the right of self-defense." For that reason I should like to adduce these documents showing that just as the Allies acted quite correctly according to this principle, so also did the Defendant Raeder.

Document Number 22 is next. I have given various statements of principle which apply to a large number of the remaining documents, so that I can refer to the statements I have already made. These statements also apply to Documents Numbers 22 and 39.

As far as Documents Numbers 63 and 64 are concerned, I should like to point out that these documents deal with Greece; and not

only these two, but also a later group of perhaps 10 or 12 documents, with which I should like to deal very briefly.

As far as Greece is concerned, the situation is as follows:

I must admit that I was more than surprised that the Prosecution objected to these documents, about 14 in all. In Document Number C-12, Exhibit Number GB-226, the Prosecution accuse Raeder of having decreed on 30 December 1939; and I quote, "Greek merchantmen in the prohibited area declared by the United States and England are to be treated as enemy ships." The accusation would be justified, if Greece had not behaved in such a manner that Raeder had to resort to this order.

If the documents concerning Greece which show that Greece did not strictly keep to her neutrality are struck out, then I cannot bring any counterevidence. I do not believe that it is the intention of the Prosecution to restrict my presentation of evidence in this way.

These are all documents which date back to this time and which show that Greece put her merchantmen at the disposal of England who was at war with Germany. Therefore they could be treated as enemy ships.

SIR DAVID MAXWELL-FYFE: I would like to say that I should have told the Tribunal I would make no objection to Documents Numbers 53 and 54, because they do deal with the chartering of Greek steamers by the British Government.

THE PRESIDENT: But you made no objection to them; you didn't object to Numbers 53 or 54.

SIR DAVID MAXWELL-FYFE: I wanted to make clear that I don't object to them.

THE PRESIDENT: There is no objection on the paper. What you are dealing with, Dr. Siemers, is 63 and 64, not 53 and 54?

Oh, I beg your pardon, I see it further on. Yes, I see; will you please strike that out.

DR. SIEMERS: There is no objection to Numbers 53 and 54?

SIR DAVID MAXWELL-FYFE: No, no objection. My Lord, my friend was dealing with the Greek fleet.

THE PRESIDENT: Yes; I beg your pardon, I misheard.

DR. SIEMERS: The same things, as I have already stated regarding Documents Numbers 101 to 107, apply also to Document Number 71.

Number 99 belongs really to Group 6, to the Norwegian documents; and I should like to refer to these collectively and then refer

again later to Number 99. All these documents concern Norway, that is, the planning by the Allies with respect to Norway. These documents deal positively with the planning of the landing in Narvik, the landing in Stavanger, the landing in Bergen, and the absolute necessity of having Norwegian bases. The documents mention that Germany should not be allowed to continue getting ore supplies from Sweden. They also deal in some measure with Finland. There are likewise documents which support the same plan after the Finnish-Russian war had already been concluded.

I should like to quote from these documents to prove their relevancy. Since the Tribunal has told me that I cannot do that, I ask that these brief references be considered sufficient. The facts contained in these documents agree, point for point, with those reports which Grossadmiral Raeder received from September 1939 until March 1940 from the Intelligence Service of the German Wehrmacht headed by Admiral Canaris. These plans agree with the information which Raeder received during the same 6 months through the Naval Attaché in Oslo, Korvettenkapitän Schreiber, and with the information which he received in a letter from Admiral Carls at the end of September 1939.

The information from these three sources caused the Defendant Raeder to point out the great danger involved were Norway to fall into the hands of the Allies, which would mean that Germany had lost the war. It is, therefore, a purely strategic consideration. The occupation of Norway did not, as contended by the British Prosecution, have anything to do with the prestige or desire for conquest but was concerned solely with these positive pieces of information.

I must therefore prove, first of all, that the Defendant Raeder did receive this information and, secondly, that these reports were objective.

THE PRESIDENT: Dr. Siemers, you are dealing with Document Number 99, are you not?

DR. SIEMERS: Yes, 99, and all of Group 6.

THE PRESIDENT: I don't know what you mean by Group 6; 99 is in Group B.

DR. SIEMERS: The group under the letter "F," which Sir David called Group 6, the last on the page.

THE PRESIDENT: The objection of the Prosecution to that document was that it was a document of the 27th of April 1940, at a time after Germany had invaded Norway. You haven't said anything about that.

DR. SIEMERS: I wanted to avoid dealing with each document singly, because I believe that these can be treated generally. However, in this specific case...

THE PRESIDENT: I don't want you to deal with each document separately. I thought you were dealing with Document Number 99. If you can deal with them in groups, by all means do so. However, you are taking up a great deal of the Tribunal's time.

DR. SIEMERS: This Document Number 99 is the Minutes of the Ninth Meeting of the Supreme Council, that is, the military operational staff of England and France, on 27 April. The heading shows beyond doubt that it was after the occupation of Norway. However, that is only a formal objection. The contents of the document show that at this session the participants discussed the happenings during the period before the occupation, and the most important leaders of the Allies took part in this meeting. Chamberlain, Halifax, Churchill, Sir Samuel Hoare, Sir Alexander Cadogan, *et cetera* and, on the French side Reynaud, Daladier, Gamelin, and Darlan were present; and these gentlemen discussed the previous plans which, I admit, had misfired because of the German occupation of Norway. But they did discuss about how necessary it was that the iron ore deposits in Sweden should fall into the hands of the Allies and what was to be done now to prevent Germany's getting this ore and how the destruction of these iron-ore deposits could be brought about. I believe, therefore, that though this happened at a later date, the train of thought I have presented is of significance.

Then we turn to Document Number 100. This deals with the session of the French War Committee of 9 April 1940, which concerns the same problem: what the Allies had planned and what could be planned now that the report had just come in about the action on the part of Germany.

Documents Numbers 102 to 107 have already been dealt with. For Document Number 110 the same statements apply as for Documents 101 to 107.

Document Number 112 is a document which shows that Churchill, as early as May 1940, expected active intervention on the part of America. I wanted to present this in connection with the accusation raised against the Defendant Raeder, that in the spring of 1941 he was instrumental in bringing about a war against the United States by way of Japan. For me this document is not nearly so important as those basic documents which I have referred to at greater length. Therefore, I leave this completely to the discretion of the Prosecution or the Tribunal.

The next group consists of documents which were turned down in the case of Ribbentrop. I should like to point out that I did not have the opportunity in the Ribbentrop case to define my position as to the justification and relevancy of these documents. Therefore

I consider it insufficient simply to state that these documents were refused in the case of Ribbentrop, that the charges against Ribbentrop...

THE PRESIDENT: We have already carefully considered the arguments and have decided those documents were inadmissible.

DR. SIEMERS: I believed that the decision applied only to the Ribbentrop case, since no other point of view was discussed during those proceedings, namely, that of the charges raised against Raeder in which connection it is expressly said in Document C-152 that Raeder brought about the occupation of the whole of Greece. That is an accusation that was not made against Ribbentrop but only against Raeder. How can I refute this accusation if these documents are denied me?

THE PRESIDENT: Dr. Siemers, the Tribunal know the documents and know the charges against Raeder, and they don't desire to hear any further argument on it. They will consider the matter.

DR. SIEMERS: I beg the pardon of the Tribunal. Under these circumstances I am compelled to see whether all these documents were covered in Ribbentrop's case. My notes, as I told the Prosecution this morning, do not agree with the statements of the Prosecution. Perhaps after the session, if I am unable to do so at the moment, I might point out whether or not the documents are identical.

It is really a fact that in Ribbentrop's case these documents were not presented in their entirety and that the Tribunal therefore does not know them in their entirety. Whether Dr. Horn had marked exactly the same passages as I wish to use, I am not able to say as far as each individual document is concerned. I know only that in the large majority of cases Dr. Horn did not present the entire document because he was presenting it only from the point of view of the Ribbentrop case.

THE PRESIDENT: Presumably you have submitted your extracts to the Prosecution. The Prosecution tell us that those extracts are the same ones that were rejected in Ribbentrop's case.

SIR DAVID MAXWELL-FYFE: My Lord, we have only a list of those documents so far. We haven't seen the extracts.

[There was a pause in the proceedings while the Prosecution conferred.]

My Lord, I am sorry. I spoke too quickly. We have seen the extracts in German and we haven't had them translated. We have done the best we could in German.

THE PRESIDENT: 24 and 25, at any rate, are both speeches in English.

SIR DAVID MAXWELL-FYFE: Yes, My Lord, some of them are. I am sorry, My Lord; these are. Your Lordship is quite right.

THE PRESIDENT: Sir David, as I understand it, Dr. Siemers says that these are not the same passages of evidence, or suggested evidence, as were rejected in Ribbentrop's case.

SIR DAVID MAXWELL-FYFE: My Lord, I did not do the actual checking myself, but Major Barrington, who checked the Ribbentrop documents, went through these and compared the two, and he gave me that which forms the basis of our note. That is the position. I can't tell Your Lordship that I have actually checked these myself.

THE PRESIDENT: Well, Dr. Siemers is telling us that that is untrue?

SIR DAVID MAXWELL-FYFE: As I understood Dr. Siemers, he was saying that he didn't know whether they were the same extracts . . .

DR. SIEMERS: May I just make one remark in connection with that, please? I am not quite certain that I can say in each specific case which extracts were contained in the Ribbentrop case, but they are not the same. I know for certain that they are not the same because in order to relieve the work of the Translation Division I compared the numbers and in the few cases in which they were the same I told the Translation Division that these documents were identical so that they would not be translated a second time. But I am sorry to say that a large number of the documents were not the same, as they were asked for by Dr. Horn and Ribbentrop from a completely different point of view.

I might also point out that the numbers under Group D which are enumerated here as Ribbentrop Documents Numbers 29, 51, 56, 57, 60, 61, 62, although I made every effort to find them, could not be found in the Ribbentrop Document Book. And the list does not show which numbers they should be in the Ribbentrop Document Book.

SIR DAVID MAXWELL-FYFE: My Lord, that is not suggested. What is said is that they are in the same series which deals with the same subject—that is, the question of Greece and the Balkans—as those documents which the Tribunal ruled out in the case of Ribbentrop.

THE PRESIDENT: Well, Dr. Siemers, I think the best course would be for you to go through these documents this afternoon under the heading "C" and find out whether they are the same ones rejected in Ribbentrop's case; and if they are not, indicate

exactly in what they differ from the documents rejected in Ribbentrop's case, so as to show they have some relevance to your case; and we shall expect to have that by 5 o'clock.

Now will you go on with the others?

DR. SIEMERS: May I perhaps make one remark about what Sir David said regarding group "D"? They were not objected to because they have already been mentioned in Ribbentrop's case; but only because they deal with the same subject matter, that is true. The same subject matter, namely, Greece, is dealt with; and I can only reply that the Prosecution have charged the Defendant Raeder in Document C-152 with having aimed at, and brought about, the occupation of the whole of Greece. The facts concerning this statement of three lines I can present only if I am allowed some documents referring to Greece and only if these are not refused on the grounds that the documents concerning Greece were turned down quite generally in Ribbentrop's case.

Now, I come to group "E" which begins with Document 26. The same statements apply which I have already set forth in regard to Documents Numbers 101 to 107. The attacks planned by the Allies on the oil regions in neutral Romania and in the neutral Caucasus—as I should like to remark in parenthesis—have already been dealt with in these proceedings. The Tribunal will remember that I asked Göring during his examination about entries in Jodl's diary pertaining to this question and he has given information about the reports received by Germany, on Pages 6031 and 6033 of the transcript of 18 March (Volume IX, Pages 402-404). This testimony too concerns only the subjective side, that is, what was known by Germany. I must prove that the objective side, the fact that this had actually been planned, agrees exactly with the subjective side, that is, with these reports. These documents, Numbers 26, 30 to 32, 36, 37, 39, 40 to 44, are to prove that. Then comes Number 99 which has already been dealt with, which seems to be here in duplicate; Number 101, and Number 110 which also seem to be duplicates.

I turn now to Group 6, which is supposed to be irrelevant, dealing with the attack on Norway. I have already, on principle, set forth my reasons and I beg the Tribunal not to deny me these documents under any circumstances. If I am not granted these documents, I shall simply not be in a position to present evidence in a reasonable manner without telling everything myself. I can present proof in regard to a question of such importance only if documents are granted me just as they are granted the Prosecution. But if all the documents, practically all the documents concerning this question are refused, then I do not know how I am to treat

such a question. And I believe that the Tribunal will wish to assist me in this matter.

I am requesting this especially for the following reasons: When I gave my reasons for wanting to present this particular evidence, I asked that those files of the British Admiralty be brought in, which dealt with the preparations and planning regarding Scandinavia, that is, Norway. Sir David did not object at that time but said he would have to consult the British Admiralty. The Tribunal decided accordingly and granted my application. In the meantime the British Admiralty has answered, and I assume that Sir David will agree to my reading the answer which has been put at my disposal. This answer is as follows—it concerns, if I may say that in advance...

THE PRESIDENT: We have had the answer, I think, have we not? We have had the answer and transmitted it to you.

DR. SIEMERS: Thank you very much. From this reply it can be seen that the files will not be submitted, that I cannot get the necessary approval. It can also be seen that certain facts which will be important for my presentation of evidence will be admitted by the British Admiralty; but in reality I am not in a position to prove anything by means of documents. Since I am unable to make use of this evidence, I ask at least to be allowed the other means of presenting evidence, that is, the documents contained in the German White Books. These are documents recognized as being correct. In all cases they are facsimiles. They can be carefully examined and I believe...

THE PRESIDENT: Dr. Siemers, we are dealing with your application for particular documents. We are not dealing with any general argument or general criticism that you have to make. We are only hearing you in answer to certain objections on behalf of the British Prosecution.

DR. SIEMERS: Your Honor, unless I am very much mistaken—in which case you will please correct me—Sir David, with a few exceptions, defined his position regarding these documents under "F"—this is a large number, from 59 to 91 with some omissions—as a whole and not his position regarding each individual document. But I have to say the same thing to practically each document and asked only that I be granted those documents as a whole, for I cannot make headway without these documents...

THE PRESIDENT: You were not referring to these documents. You were referring to the fact that the British Admiralty was not prepared to disclose its files to you. It has nothing to do with these documents at all.

DR. SIEMERS: I believe I have been misunderstood, Your Honors. I have already stated very clearly why I need these documents for my presentation of evidence regarding the Norway action. Beyond that I said merely that if these documents are not granted me, then I cannot present any evidence. I am deprived of it. I asked the Tribunal merely to take into consideration the fact that the documents from London, which I had originally counted on, are not at my disposal. And I do not know why this request, which I am submitting to the Tribunal and which is only in explanation of my previous statements, is being taken amiss by the Tribunal.

THE PRESIDENT: Is that all you have to say?

DR. SIEMERS: I have now finished, Your Honors. It is not at all my intention to read all these documents or to spend too much time on them. I believe that if I am granted these documents, the presentation of evidence will be much easier, for these are groups of documents which show the chronological development of certain plans; and if I have the 5th, 6th or 7th document, then I need not read each one. But if I am granted just one document, I will be put in an extremely difficult position and will have to speak in greater detail than I would if I could simply refer to these documents.

THE PRESIDENT: The Tribunal will consider it.
Now, Dr. Dix.

DR. DIX: [*Turning to the defendant.*] Now, we come to the whole question of your alleged knowledge of the direct war objectives of Hitler. You have already mentioned in a general way that Hitler never spoke about war to you. Have you anything to add to this?

SCHACHT: No.

DR. DIX: You also touched upon the question of the sincerity of his peaceful assurances and his disarmament proposals. Have you anything to add to that?

SCHACHT: No, at the beginning I believed that.

DR. DIX: And did the various members of the Cabinet ever speak to you about warlike intentions?

SCHACHT: Never did I hear anything from any of my fellow colleagues in the Reich Cabinet which could lead me to believe that anyone had the intention of going to war or would welcome it if Germany were to start a war.

DR. DIX: Now, we turn to your own attitude towards the war. You already indicated your general attitude when you spoke about

your philosophy as a pacifist. I believe, therefore, that it is more expedient if I read from my document book the opinion of a third person, one who knows you very well, the former member of the Reichsbank Directorate, Huelse. It is the Schacht Document 37-C, Page 160 of the German text, and 168 of the English text. It is an affidavit. And there, beginning with Paragraph 2, Huelse says:

"I recall several chance talks with Dr. Schacht during the years 1935 to 1939 about war and rearmament. In these talks he always expressed his aversion to any war and any war-like conduct. He held the firm opinion that even to the conqueror war brings only disadvantages and that a new European war would, on the whole, be a crime against culture and humanity. He hoped for a long period of peace for Germany, as she needed it more than other countries in order to improve and stabilize her unstable economic situation.

"To my knowledge, until the beginning of 1938, Dr. Schacht at meetings of the Reichsbank Board of Directors and in private conversations on the subject of armament always spoke only of defense measures. I believe I can recall that he told me in the middle of 1938 that Hitler's provocative action against Austria and the Sudeten country was worse than thoughtless from the military point of view.

"He said that Germany had undertaken only a defensive armament, which would prove absolutely inadequate as a defense in case of attack by one of the big powers, a possibility with which Hitler had to reckon. He said that he had never heard that the Wehrmacht was in any way designed or armed for an aggressive war.

"When the war did break out and spread more and more, he said repeatedly that he had greatly erred in his judgment of Hitler's personality; he had hoped for a long time that Hitler would develop into a real statesman who, after the experience of the World War I, would avoid any war."

You have already touched upon the question of an annexation of Austria and given your general opinion. I ask you now to make a concrete statement about the Anschluss after it had actually taken place and especially about the manner in which this Anschluss was carried out.

SCHACHT: That this Anschluss would come at some time we Germans all knew. As for the various political negotiations which took place between Hitler, Schuschnigg and others, I naturally was as little informed as were the other Cabinet Ministers, with the probable exception of Göring and Ribbentrop and perhaps one or two more. The actual Anschluss in March was a complete surprise

to us, not the fact but the date. A great surprise and we, at any rate my acquaintances and I myself, were completely surprised.

DR. DIX: How did you judge the manner, the nature and development of this Anschluss?

SCHACHT: I believe that much can be said about the manner. What we heard subsequently and what I have learned in these proceedings is certainly not very gratifying, but I believe that it would have had very little practical influence on the Anschluss itself and the course of events. The whole thing was more of a demonstration to the outside world, similar perhaps to the marching into the Rhineland; but it had no great effect in my opinion on the course of the negotiations. I am speaking now of the marching in of the troops. This march was more or less a festive reception.

DR. DIX: The Prosecution have pointed out that in March 1938 you regulated the relation of the schilling to the mark for the event of a possible Anschluss, and by this the Prosecution obviously want to prove that you had previous knowledge of this action. Will you tell us your position as to this?

SCHACHT: The fact to which the Prosecution refer is a communication from a Lieutenant Colonel Wiedemann. March 11, at about 3 o'clock in the afternoon—I believe I remember that but I cannot say whether it was by telephone or in person—someone, it may have been Lieutenant Colonel Wiedemann, inquired of me how the purchasing power for the troops in Austria was to be regulated if German troops should march into Austria, purely as a matter of currency policy, and whether it was necessary to have any regulation prescribed. I told him that of course everything had to be paid for, everything that the troops might buy there, and that the rate of exchange, if they paid in schillings and not in marks, would be 1 mark to 2 schillings. That was the rate which obtained at the time, which remained fairly steady and was the recognized ratio of the schilling to the mark. The fact that in the afternoon of the 11th I was approached about this matter is the best proof that I had no previous knowledge of these matters.

DR. DIX: The Prosecution further consider it an accusation against you that in your speech to the Austrian National Bank after the marching in of the troops, you used decidedly National Socialist phraseology and thus welcomed the Anschluss.

Perhaps we can use this opportunity to save time and reply to the accusation made repeatedly by the Prosecution that in speeches, petitions, *et cetera*, you sometimes thought fit to adopt a tone, of which it could perhaps be said that it exuded National Socialist ideas. That has been used as circumstantial evidence against you.

Will you please define your position to those arguments and give your reasons for this attitude of yours?

SCHACHT: If I did so in the first years, I did so only in order to remind Party circles and the people of the original program of the National Socialist Party, to which the actual attitude of the Party members and functionaries stood in direct contrast. I always tried to show that the principles which I upheld in many political matters agreed completely with the principles of the National Socialist program as they were stated in the Party program, namely, equal rights for all, the dignity of the individual, esteem for the church, and so forth.

In the later years I also repeatedly used National Socialist phraseology, because from the time of my speech at Königsberg, the contrast between my views and Hitler's views regarding the Party was entirely clear. And gradually within the Party I got the reputation of being an enemy of the Party, a man whose views were contrary to those of the Party. From that moment on not only the possibility of my co-operation, but also my very existence was endangered; and in such moments, when I saw my activity, my freedom, and my life seriously threatened by the Party I utilized these moments to show by means of an emphatically National Socialist phraseology that I was working entirely within the framework of the traditional policies and that my activity was in agreement with these policies—in order to protect myself against these attacks.

DR. DIX: In other words, recalling the testimony of the witness Gisevius about a remark of Goerdeler's, you used Talleyrand methods in this case?

SCHACHT: I am not entirely familiar with Talleyrand's methods, but at any rate I did camouflage myself.

DR. DIX: In this connection I should like to read a passage from the affidavit of Schniewind which has been quoted repeatedly. It is Schacht Number 34. I have often indicated this page. It is Page 118 of the German, Page 126 of the English text. Schniewind says:

"If Schacht on the other hand occasionally made statements, oral or written, which could be construed as signifying that he went a long way in identifying himself with the Hitler regime, these statements were naturally known to us; but what Schacht thought in reality was known to almost every official in the Reichsbank and in the Reich Ministry of Economics, above all, of course, to his closest colleagues.

"On many occasions we asked Dr. Schacht if he had not gone too far in these statements. He always replied that he was

under such heavy fire from the Party and the SS that he could camouflage himself only with strong slogans and sly statements."

I might explain that Schniewind was a high official in the Reich Ministry of Economics, and worked directly under Schacht and with him.

The Prosecution have also referred to an affidavit by Tilly to the effect that you admitted that you thought Hitler capable of aggressive intentions. Will you make a statement about that?

SCHACHT: That affidavit of the British Major Tilly is entirely correct. I told Major Tilly during the preliminary interrogation that in 1938, during the events of the Fritsch affair and afterwards, I had become convinced that Hitler at any rate would not avoid a war at all costs and that possibly he even sought to bring about a war. Looking back I pondered over a number of statements by Hitler and asked myself the reason why Hitler, in the course of the years, had reached the point where he might not avoid a war. And I told Major Tilly that the only reason which I could think of was that looking back I had the impression that Hitler had fallen into the role which necessarily falls to each and every dictator who does not want to relinquish his power in time, namely, that of having to supply his people with some sort of victor's glory—that that was probably the development of Hitler's thought.

DR. DIX: That is the same explanation as given by Prince Metternich about Napoleon?

You have already remarked parenthetically that you first became suspicious during the Fritsch affair. The witness Gisevius has described the Fritsch affair to the Tribunal in detail. We do not wish to repeat anything. Therefore, I am asking you only to state in regard to the Fritsch affair anything you might have to say to supplement or to amend Gisevius' testimony. If that is to take a long time—which I cannot judge—then I might suggest to the Tribunal that we have the recess now, if the Tribunal so desires.

SCHACHT: I have just a brief remark to make.

DR. DIX: A brief remark. Then answer the question briefly.

THE PRESIDENT: Yes, if he can do it briefly, we had better have it now.

SCHACHT: It is just a single remark that I should like to add. The account given by Gisevius of the development of the Fritsch affair is, according to my knowledge and my own experience, completely correct in every detail. I have nothing to add to that. I can only confirm it. On the other hand, I should like to refer to a speech of Hitler's on 20 February 1938 in the Reichstag which

contains a remark which even at that time aroused my attention. He said—and I quote this speech from *Die Dokumente der Deutschen Politik*, of which all copies were available here:

“The changes in the Reich Cabinet and in the military administration on 4 February”—that is, changes which were made following the Fritsch and Blomberg affair—“were for the purpose of achieving within the shortest time that intensification of our military means of power, which the general conditions of the present time indicate as advisable.”

This remark also confirmed my opinion that the change from a peaceful to a military policy on Hitler's part was becoming obvious; I did not wish to omit reference to this remark which completes the account given by Gisevius.

DR. DIX: This is Exhibit Number Schacht-28 of our document book, Page 81 of the English text, Page 74 of the German text. There this passage is quoted.

THE PRESIDENT: Very well, we will adjourn now for 10 minutes.

[A recess was taken.]

DR. DIX: [Turning to the defendant.] Several meetings have been discussed here during which Hitler is said to have spoken directly or indirectly about his war intentions. Did you participate in any such meetings?

SCHACHT: No, not in a single one.

DR. DIX: You disagreed, as you have stated, with Hitler and the Party on many issues. Did you express this disagreement or did you conform to Hitler's instructions at all times? Can you in particular make statements about your critical attitude, for instance, to the Jewish question, the Church question, the Gestapo question, the Free Mason question, *et cetera*?

SCHACHT: I might say in advance that Hitler never gave me any order or any instructions which would have been in opposition to my inner views and that I also never did anything which was in opposition to my inner convictions. From the very beginning I did not conceal my convictions concerning all these questions which you have mentioned, not only when speaking to my circle of friends and to larger Party circles, but also in addressing the public, and even when speaking to Hitler personally. I have already stated here that as early as the Party purge of 30 June 1934 I called Hitler's attention to the fact that his actions were illegal.

I refer, furthermore, to a document of which unfortunately only half has been presented by the Prosecution. It is a written report

which I personally submitted to Hitler on 3 May 1935. I remember the date very well because it happened during a trial run of the Lloyd Steamer *Scharnhorst*, at which both Hitler and I were present.

On that day I handed him two inter-related memoranda which together formed a unit. In the one half I made it clear that I wanted to stop the unrestrained and constant collections of money by various Party organizations because it seemed to me that the money ought not to be used for Party purposes, particularly Party installations, Party buildings, and the like, but that we urgently needed this money for State expenses which had to be paid and which of course included the rearmament question as well.

The second half of this report dealt with cultural questions. The Defense and I have tried for months to get this second half of the document from the Prosecution, since they had submitted the first half of the document here as evidence. It has not been possible to obtain that second half. I must therefore confine myself to communicating the contents.

I want to say in advance that, of course, I could only bring forward such charges in regard to the mistaken cultural and legal policy of the Party and of Hitler when reasons originating in my own department gave me the excuse to submit these things to Hitler. I stated that very serious harm was being done to my foreign trade policy by the arbitrary and inhuman cultural and legal policy which was being carried out by Hitler. I pointed in particular to the hostile attitude towards the churches and the illegal treatment of the Jews and, furthermore, to the absolute illegality and despotism of the whole Gestapo regime. I remember in that connection that I referred to the British Habeas Corpus Act, which for centuries protected the rights of the individual; and I stated word for word that I considered this Gestapo despotism to be something which would make us despised by the whole world.

Hitler read both parts of this memorandum while still on board the *Scharnhorst*. As soon as he had read it he called me and tried to calm me down by making statements similar to those which he had already made to me in July 1934, when he told me these were still the transitional symptoms of a revolutionary development and that as time went on this would be set right again and disappear.

The events of July 1934 had taught me a lesson, however, and consequently I was not satisfied with this explanation. A few weeks afterwards, on 18 August 1935, I used the occasion of my visit to the Eastern Fair Königsberg to mention these very things in the speech which I had to make there; and here I gave clear expression to the same objections which I had made to Hitler aboard the *Scharnhorst* at the beginning of May.

I did not talk only about the Church question, the Jewish question, and the question of despotism; I talked also about the Free Masons; and I shall quote just a few sentences from that speech (Exhibit Number Schacht-25), with the permission of the Tribunal. They are very short. I am speaking about people, and I now quote...

DR. DIX: Just one moment. I want to tell the Tribunal that this is the Königsberg speech, which I submitted to the Tribunal this morning as a document.

SCHACHT: I am talking about people and I now quote:

"... people who under cover of darkness heroically smear window panes, who brand as a traitor every German who trades in a Jewish store, who declare every former Free Mason to be a scoundrel, and who in the fight against priests and ministers who talk politics from the pulpit, cannot themselves distinguish between religion and misuse of the pulpit."

End of quotation, and then another sentence. I quote:

"In accordance with the present legislation and in accordance with the various declarations made by the Führer's Deputy, the Reich Minister of the Interior, and the Reich Minister for Public Enlightenment and Propaganda (not to mention the Ministry of Economics), Jewish businesses are permitted to carry on their business activities as heretofore."

End of quotation, and then, in the last sentences, I quote:

"No one in Germany is without rights. According to Point 4 of the National Socialist Party program the Jew can be neither a citizen nor a fellow German. But Point 5 of the Party program provides legislation for him too; that means, he must not be subjected to arbitrary action but to the law."

I assumed the same attitude on every other further occasion that offered itself.

DR. DIX: One moment, Dr. Schacht; did the regime tolerate this speech?

SCHACHT: It is a good thing that you remind me of that; because in the course of the Gisevius testimony the same question was discussed with reference to the Marburg speech of Herr Von Papen. Since up to then my speeches were not subject to censorship—of course I would not have allowed that—this speech was broadcast by mistake, so to speak, over the Deutschlandsender. In that way the speech was brought to the notice of Propaganda Minister Goebbels, and at once he issued an order prohibiting the publication of the speech in the newspapers. As a result, although the speech

was broadcast by the Deutschlandsender it did not appear in any newspaper. But as, fortunately, the Reichsbank had its own printing press which was of course not subject to censorship, I had the speech printed in the Reichsbank printing press; and 250,000 copies of it were distributed to the 400 branches of the Reichsbank throughout the country, and in that manner it became known to the entire population.

DR. DIX: You were going to continue, were you not?

SCHACHT: I wanted to go on and say that on every future opportunity which I could find I always returned to these points. I should like to touch upon only two more things in this connection.

This morning I referred to these things in connection with the letter written by me on 24 December 1935 to the Reich Minister of War, which is Document Number EC-293. I should merely like to add and point out the words, which I shall now quote:

"The economic and legal policy for the treatment of the Jews, the anti-Church activities of certain Party organizations, and the legal despotism associated with the Gestapo are detrimental to our armament program . . ."

The same attitude can also be seen from the minutes of the so-called "small Ministerial Council" for 12 May 1936, which have been submitted in evidence by the Prosecution. It says in these minutes, and I quote: "Dr. Schacht emphasized openly again and again that a cultural and legal policy must be pursued which does not interfere with economy."

I want to remark in this connection that, of course, as Minister of Economics I always linked my arguments with the work of the departments under the Minister of Economics. And, as a last example, one of many others which I cannot mention today, there is the speech on the occasion of a celebration for the apprentices at the Berlin Chamber of Artisans on 11 May 1937 which is Exhibit Number Schacht-30. On that occasion I said the following, and I quote:

"No community and, above all, no state can flourish which is not based on legality, order, and discipline."

And a second sentence, I quote:

"For that reason you must not only respect the right and the law, but you must also act against injustice and unlawful actions everywhere, wherever you find them."

And because I made known my attitude not only to a close circle but also to a wider public by using every opportunity to voice my views frankly—because of this, a few weeks ago in this court, the Chief of the RSHA, Department III, Security Service, the

witness Ohlendorf, in reply to a question, described me as an enemy of the Party, at least since the year 1937-1938. I believe that the Chief of the Security Service, the inland department, should know since he had the task of combating political opponents inside Germany.

DR. DIX: May I point out that the statements made during the meeting of the small Ministerial Council on 12 May 1936 are contained in my document book, Exhibit Schacht-20, Page 57 of the English text, Page 51 of the German text and Schacht's speech to the Chamber of Industry and Commerce on 12 May 1937 . . .

SCHACHT: [*Interrupting.*] You mean Chamber of Artisans.

DR. DIX: I shall refer to that later when I have the proper document; and I now continue.

We have talked about your participation at the Party rallies, and I should merely like to ask you in addition: Did you participate in any other Party functions?

SCHACHT: I do not remember that I ever participated in any other functions of the Party.

DR. DIX: The Indictment charges you, in substance, with using your personal influence and your close connections with the Führer for the aims as set forth. Did you, as far as you know and can judge from your experience, have any influence on the Führer?

SCHACHT: Unfortunately, I never had any influence on the Führer's actions and decisions. I had influence only insofar as he did not dare to interfere with me in my special financial and economic policies. But this lack of influence of all members of Hitler's entourage has already been mentioned by various witnesses and so much has been said about it that I think I need not take up the Tribunal's time with any further statements on that subject.

DR. DIX: What you have just said applies in the main to the question of the influence of the Reich Cabinet, the last meetings of the Reich Cabinet, and so forth. Various witnesses have made statements on that subject. Have you anything new to add?

SCHACHT: I can merely add that on the whole the Reich Cabinet did not have the slightest influence on Hitler, and that from November 1937 on—this has been stated repeatedly—there were no more meetings or consultations of the Cabinet. The Reich Cabinet was an uncorrelated group of politically powerless departmental ministers without the proper professional qualifications.

DR. DIX: I should like to add that the number of the speech to the Chamber of Artisans is Exhibit Number 30, Page 89 of the English text and Page 82 of the German text.

[Turning to the defendant.] What was the situation regarding rearmament? Whose will was decisive and authoritative as regards the extent of rearmament?

SCHACHT: I am without any basis for judgment as far as that is concerned. But I have no doubt that Hitler's will, here too, was the sole decisive and authoritative factor.

DR. DIX: That is to say, you had no influence other than that of the credit-giver?

SCHACHT: Within my Ministry, insofar as I administered this Ministry, I did nothing for which I would not assume responsibility myself.

DR. DIX: Did you speak to prominent foreigners about your lack of influence on Hitler?

SCHACHT: In this connection I recall a conversation with Ambassador Bullitt in November 1937. This conversation with Ambassador Bullitt has already been mentioned in some other connection, and Ambassador Bullitt's memorandum has been presented in evidence to the Tribunal by the Prosecution. I merely refer to the sentence which refers to me, and I quote:

"He"—that is to say Schacht—"prefaced his remarks by saying that he himself today was 'completely without influence on that man'"—meaning Hitler. "He seemed to regard himself as politically dead and to have small respect for 'that man.'"

That was said in November 1937. But if I am permitted to add to this, I want to point out that my foreign friends were kept constantly informed about my position and my entire activity as regards the directing of public affairs in Germany, as I have already mentioned once before. This will be seen on later occasions when various instances are mentioned.

DR. DIX: This morning I submitted Exhibit Number Schacht-22, Page 64 of the English text.

[Turning to the defendant.] And now a few special questions regarding your position as Minister of Economics. You have already made statements regarding the obtaining of foreign raw materials, that is, you have quoted appropriate passages. Could these not be substituted by home products in your opinion?

SCHACHT: A portion of such raw materials could certainly be replaced by home products. We had learned in the meantime how to produce a large number of new materials which we did not know about before...

DR. DIX: Please be brief.

SCHACHT: ... to produce them synthetically. But a considerable part could not be replaced in that way and could be obtained only through foreign trade.

DR. DIX: And what was your attitude towards the question of self-sufficiency?

SCHACHT: As far as self-sufficiency was concerned I believe that, if at a reasonable cost, without undue expenditure, which would have meant a waste of German public funds and German manpower, certain synthetic materials could be produced in Germany, then one should do so, but that apart from this the maintenance of foreign trade was an absolute necessity for economic reasons, and that it was even more necessary for reasons of international cultural relations so that nations might live together. I always regarded the isolation of nations as a great misfortune, just as I have always regarded commerce as the best means of bringing about international understanding.

DR. DIX: Who was the exponent in the Reich Cabinet of the self-sufficiency principle?

SCHACHT: As far as I know, the whole idea of self-sufficiency, which was then formulated in the Four Year Plan, originated with Hitler alone; after Göring was commissioned with the direction of the Four Year Plan, then Göring too, of course, represented that line of thought.

DR. DIX: Did you express your contradictory views to Göring and Hitler?

SCHACHT: I think it is clear from the record that I did so at every opportunity.

DR. DIX: One incidental question: You will remember that Göring exclaimed, "I should like to know where the 'No men' are."

I want to ask you now, do you claim this honorary title of "No man" for yourself? I remind you particularly of your letter of November 1942.

SCHACHT: On every occasion when I was no longer in a position to do what my inner conviction demanded, I said, "No." I was not content to be silent in the face of the many misdeeds committed by the Party. In every case I expressed my disapproval of these things, personally, officially, and publicly. I said "No" to all those things. I blocked credits. I opposed an excessive rearmament. I talked against the war and I took steps to prevent the war. I do not know to whom else this honorary title of "No man" might apply if not to me.

DR. DIX: Did you not swear an oath of allegiance to Hitler?

SCHACHT: I did not swear an oath of allegiance to a certain Herr Hitler. I swore allegiance to Adolf Hitler as the head of the State of the German people, just as I did not swear allegiance to the Kaiser or to President Ebert or to President Hindenburg, except in their capacity as head of the State; in the same way I did not swear an oath to Adolf Hitler. The oath of allegiance which I did swear to the head of the German State does not apply to the person of the head of the State; it applies to what he represents, the German nation. Perhaps I might add something in this connection. I would never keep an oath of allegiance to a perjurer and Hitler has turned out to be a hundredfold perjurer.

DR. DIX: Göring has made extremely detailed explanations regarding the Four Year Plan, its origin, its preparation, technical opposition by you, and the consequences you took because of this opposition. Therefore we can be brief and deal only with new material, if you have something new to say. Have you anything to add to Göring's statements or do you disagree on points which you remember or about views held?

SCHACHT: I gather from Göring's statements that he has described conditions perfectly correctly and I myself have nothing at all to add unless you have something special in mind.

DR. DIX: According to your impressions and the experience you had, when did Hitler realize that you were an obstacle in the way of a speedy and extensive rearmament? Did he acknowledge your economic arguments? Was he satisfied with your policy or not?

SCHACHT: At that time, in 1936, when the Four Year Plan was introduced in September I could not tell what Hitler's inner attitude to me was in regard to these questions of economic policy. I might say that it was clear that after my speech at Königsberg in August 1935 he mistrusted me. But his attitude to my activities in the field of economic policy was something which I was not yet sure of in 1936. The fact that I had not in any way participated in the preparation of the Four Year Plan but heard about it quite by surprise during the Party Rally and that, quite unexpectedly, Hermann Göring and not the Minister of Economics was appointed head of the Four Year Plan, as I heard for the first time at the Party Rally in September 1936—these facts naturally made it clear to me that Hitler, as far as economic policy with reference to the entire rearmament program was concerned, did not have that degree of confidence in me which he thought necessary. Subsequently, here in this prison, my fellow Defendant Speer showed me a memorandum which he received from Hitler on the occasion of his taking over the post of Minister and which, curiously enough, deals in great detail with the Four Year Plan and my activities, and is dated August 1936.

In August 1936 Hitler himself dictated this memorandum which has been shown to me in prison by my fellow Defendant Speer, and I assume that if I read a number of brief quotations from it with the permission of . . .

DR. DIX: I just want to give an explanation to the Tribunal. We received the original of this memorandum about three weeks ago from the Camp Commander of the Camp Dustbin through the kind mediation of the Prosecution. We then handed it in for translation so that we might submit it now. But the translation has not yet been completed. I shall submit the entire memorandum under a new exhibit number when I receive it.

THE PRESIDENT: Has any application been made in respect to it?

DR. DIX: No application has been made as yet. I wanted . . .

THE PRESIDENT: Which memorandum? Who drew it up?

DR. DIX: It is a Hitler memorandum of the year 1936, of which there exist three copies; and one of them was in the Camp Dustbin. This copy arrived here a fortnight or three weeks ago after we had discussed our document books with the Prosecution. I intended to submit the translation of the Hitler memorandum today and at the same time to ask that this be admitted in evidence, but unfortunately I am not in a position to do so because the translation is not yet ready. My colleague, Professor Kraus, was in fact told that it has been mislaid.

THE PRESIDENT: Dr. Dix, let the defendant go on, and you can submit the document in evidence and a translation afterwards.

DR. DIX: Very well. The defendant has a copy and he will quote the most important, very brief passages.

SCHACHT: I shall quote very brief passages. Hitler says in this memorandum, among other things, and I quote:

"It is, above all, not the task of State economic institutions to rack their brains about methods of production. This does not concern the Ministry of Economics at all."

The Ministry of Economics was under me, and this is therefore a reproach for me.

A further quotation:

"It is furthermore essential that German iron production be increased to the utmost. The objection that we are not in a position to produce the same cheap raw iron from German ore, which has only 26 percent of iron content, as from the 45 percent Swedish ores, is unimportant . . . The objection that in this case all the German smelting works would have to be

reconstructed is also irrelevant; and, in any case, this is none of the business of the Ministry of Economics."

As is apparent from the statement, I had explained that from 26 percent ore one could produce steel only at costs twice or three times those at which one could produce steel from 45 percent ore. And I explained further that, in order to use 26 percent ore, one would have to have completely different plants from those using 45 percent ore. Herr Hitler states that this is none of the business of the Ministry of Economics, and that, of course, means Herr Schacht.

There is one last, very brief quotation. I quote:

"I want to emphasize in this connection that in these tasks I see the only possible economic mobilization and not in the curbing of the armament industry..."

That statement, too, is directed, of course, against my policy.

DR. DIX: We have now reached the stage of tension of technical differences between you and Göring, the tension between you and Hitler regarding your functions as Minister of Economics. What were your thoughts at the time about resigning from your office as Minister of Economics? Was it possible for you to resign? Please do not repeat anything that Lammers and other witnesses have already told us about the impossibility of resigning. Please talk only about your own special case and what you yourself did.

SCHACHT: First of all, I tried to continue my own economic policy, in spite of the fact that Göring as head of the Four Year Plan tried, of course, as time went on to take over as many of the tasks concerned with economic policy as possible. But the very moment Göring encroached on my rights as Minister of Economics I used it as an opportunity to force my release from the Ministry of Economics. That was at the beginning of August 1937.

At the time I told Hitler very briefly the reason, namely, that if I was to assume responsibility for economic policy, then I would also have to be in command. But if I was not in command, then I did not wish to assume responsibility. The fight for my resignation, fought by me at times with very drastic measures, lasted approximately two and a half months until eventually Hitler had to decide to grant me the desired release in order to prevent the conflict from becoming known to the public more than it already was.

DR. DIX: When you say "drastic measures" do you mean your so-called sit-down strike?

In this connection I want to submit to the Tribunal Exhibit Number Schacht-40 of my document book, an affidavit from another

former colleague of Dr. Schacht in the Reich Ministry of Economics, Kammerdirektor Dr. Asmus. On Page 180 of the English version of this long affidavit there is a brief passage. I quote:

“When this was found to be unsuccessful”—it means his fight—“and when developments continued along the course which he considered wrong, he”—Schacht—“in the autumn of 1937, long before the beginning of the war, acted as an upright man and applied for release from his office as Reich Minister of Economics and thereby from his co-responsibility.

“He was obviously not able to resign his office in the normal way, because for reasons of prestige the Party required the use of his name. Therefore, in the autumn of 1937, he simply remained away from the Ministry of Economics for several weeks. He started this sit-down strike, as it was humorously called in the Ministry, and went in his official capacity only to the Reichsbank...”

THE PRESIDENT: Dr. Dix, is it necessary to trouble the Tribunal with all this detail? There is no dispute that he did resign, and the only thing that he has got to explain is why he continued to be a Minister. The Prosecution have given evidence about his resignation and about the conflict between him and the Defendant Göring. What is the good of going into all the detail of it, as to this sit-down strike and that sort of thing? That doesn't interest the Tribunal:

DR. DIX: He did not remain a Minister at that time. He resigned as Minister.

THE PRESIDENT: I thought he had remained a Minister until 1943.

DR. DIX: Minister without Portfolio, yes.

THE PRESIDENT: I didn't say Minister with Portfolio, I said Minister.

DR. DIX: Yes, but there is a difference, but I shall come to that later. I understood you to mean an active Minister, but I shall not go into that now. It was a misunderstanding. Anyway, I have already finished that. I was merely trying to show how difficult it was to resign.

[Turning to the defendant.] We now come to the manner in which you were released. Have you anything to add to the statements made by Lammers in this connection or not?

SCHACHT: I think we should inform the Tribunal of one matter about which I also learned here in prison from my fellow Defendant Speer. He overheard the argument between Hitler and

myself on the occasion of that decisive conference in which I managed to push through my resignation.

If the Tribunal allow, I shall read it very briefly. There are two or three sentences. Herr Speer informed me of the following: "I was on the terrace of Berghof on the Obersalzberg, and I was waiting to submit my building plans. In the summer of 1937 when Schacht came to the Berghof..."

MR. JUSTICE JACKSON: [*Interposing.*] Speer is present in the room. For one defendant to testify as to a conversation with another defendant is a very convenient way of getting testimony without access to cross-examination, but it seems to me that it is a highly objectionable method. I object to this on the ground that it has no probative value to testify to a conversation of this character when the Defendant Speer is in the courtroom and can be sworn and can give his testimony. He sits here and is available.

THE PRESIDENT: What is the subject of the conversation?

DR. DIX: The subject of this conversation is a matter which concerns the Defendant Schacht. It is a statement of Hitler regarding Schacht; it is not a matter which concerns the Defendant Speer. Therefore I consider it expedient for him, since it is a matter which concerns Schacht, to be able to make a statement about it. I would, of course, consider it more appropriate that he should not read something which Speer has written to him, but that he should give his own account of what happened between Hitler and Schacht and merely say, "I heard that from Speer." That appears to be better than...

THE PRESIDENT: Very well, Dr. Dix, you may give that.

DR. DIX: [*Turning to the defendant.*] Will you please not read, then, but tell of this incident and say you got it from Speer?

MR. JUSTICE JACKSON: That is even more objectionable to me than to have a written statement from Speer. If we are to have Speer's testimony, it at least should be Speer's and not a repetition of a conversation between the two defendants. If Speer has made a written statement, it can be submitted to us in the ordinary course.

This is the second document that we have not had the privilege of seeing before it has been used here; and it seems to me that if this is a document signed by Speer—which I don't understand it to be—if it is, that is one thing. We can then see it and perhaps it can be used. If it is a conversation, I should prefer Speer's version.

DR. DIX: May I add something? The question of procedure is not of basic importance for me here. In that case it can be discussed when Speer is examined. However, I do not know whether

Speer is going to be called; probably he will be. Actually it would be better for us to hear it now, but I leave it to the Tribunal to decide. It is not a question of great importance to me.

THE PRESIDENT: The Tribunal will allow the evidence.

DR. DIX: *[Turning to the defendant.]* Well then, without reading, please describe the incident.

SCHACHT: The gentlemen on the terrace, among them Speer, heard this discussion, which was conducted in very loud tones. At the end of the discussion Hitler came out on the terrace and...

THE PRESIDENT: Just a moment. *[There was a brief pause in the proceedings.]* Very well, Dr. Dix, go on.

SCHACHT: Hitler came out on the terrace after this conference and said to those present, among them Speer, that he had had a very serious argument with Schacht, that he could not work with Schacht, and that Schacht was upsetting his financial plans.

DR. DIX: Well then, after you had left your position as Minister of Economics you were still left authority as Reichsbank President. Were you approached by Hitler or the Minister of Finance in your capacity as President of the Reichsbank and asked for credit?

SCHACHT: After the Reichsbank had discontinued giving credits, on 31 March 1938, the Reich Minister of Finance of course received more urgent demands for money and toward the end of that year he found himself in the awkward situation of not being able to pay even the salaries of the civil servants from the treasury. He came to me and asked me to grant him a special credit. According to its charter and laws the Reichsbank was entitled and to a certain extent obliged, but actually only entitled, to advance to the Reich up to 400 million marks per annum. The Reich Minister of Finance had received these 400 million marks and he was asking, over and above that, for further credits; the Reichsbank refused to give him these credits. The Reich Minister of Finance had to go to the private banks and all the large banks together gave him a credit of a few hundred million marks. However, the Reichsbank did not participate in this credit.

DR. DIX: If you as President of the Reichsbank turned down those credits, then it seems there was nothing for it but to print more notes. Did Hitler or anyone else suggest to you that the note printing presses should be set in motion?

SCHACHT: After the events of November 1938 I paid one more visit to London, in December, to attend a conference regarding the financing of the Jewish emigration from Germany in an orderly manner—a thing which I myself had suggested. On that occasion

I also talked with Prime Minister Chamberlain. On 2 January 1939 I arrived at the Berghof in Berchtesgaden to report to Hitler about these matters. On that occasion we, of course, also got to talk about the financial needs of the Reich. I still refused to give credit to the Reich, and pointed out the very difficult financial situation which called for, or should have called for, a reduction of State expenditure and thus of armament expenditure.

In particular, I pointed out that at the beginning of December the first instalment of the so-called Jewish fine—which had been imposed on the Jews after the murder of Herr Vom Rath in Paris and which had been collected to the extent of 250 million marks at the beginning of December—that this first instalment of 250 million marks had not been received entirely in the form of cash, but that the Reich Minister of Finance had had to agree to accept a considerable part of it “in kind,” as the English say, because it was not possible to make liquid the cash necessary for this payment. Hitler replied: “But we can circulate notes on the basis of these goods. I have looked into the question of our future financial policy very carefully and when I get back to Berlin in a few days I shall discuss my plans with you and the Minister of Finance.”

I saw at once that it was Hitler's intention to resort to the printing of notes to meet this expenditure with or without the necessary cover, but at any rate against certain securities. The danger of inflation was now definitely imminent. And since I realized at once that this was the point where I and the Reichsbank had to say “stop,” I replied to him, “Very well, in that case I will get the Reichsbank to submit a memorandum to you, setting out the attitude of the Reichsbank to this problem and which can be used at the joint meeting with the Finance Minister.”

After that I went back to Berlin and informed my colleagues in the Reichsbank Directorate. We saw, to our personal satisfaction, that here was an opportunity for us to divorce ourselves definitely from that type of policy.

The memorandum dated 7 January which the Reichsbank Directorate then submitted to Hitler has, I think, also been submitted as evidence by the Prosecution.

In order to explain the statements which the Reichsbank Directorate made to Hitler in this decisive moment regarding further State expenditure and especially armament expenditure, I ask permission to read only two very brief sentences from this memorandum. It says, and I quote:

“Unrestrained public expenditure constitutes a definite threat to our currency. The unlimited growth of government expenditure defies any attempts to draw up a regulated budget.

It brings State finances to the verge of ruin despite a tremendous increase in taxes, and it undermines the currency and the issuing bank."

Then there is another sentence, and I quote:

"...if during the two great foreign political actions in Austria and the Sudetenland an increase in public expenditure was necessary, the fact that after the termination of these two foreign political actions a reduction of expenditure is not noticeable and that everything seems rather to indicate that a further increase of expenditure is planned, makes it now our absolute duty to point out what the consequences will be for our currency.

"The undersigned Directors of the Reichsbank are sufficiently conscious of the fact that in their co-operation they have gladly devoted all their energy to the great aims that have been set, but that a halt must now be called."

DR. DIX: This memorandum has already been submitted by the Prosecution under the Document Number EC-369, but it is being submitted again as Exhibit Schacht-24 in our document book, Page 70 of the English text, and Page 63 of the German text.

I shall have to put various questions to Dr. Schacht on that memorandum, but I think that perhaps there is not time now and that I should do so tomorrow.

THE PRESIDENT: If you must, Dr. Dix; but do you think that is very important? At any rate, you had better do it tomorrow, if you are going to do it at all.

DR. DIX: Yes.

THE PRESIDENT: Dr. Siemers?

DR. SIEMERS: Yes, Sir.

THE PRESIDENT: Dr. Siemers, can you inform us whether those extracts are the same as the extracts which were refused in the case of the Defendant Ribbentrop?

DR. SIEMERS: I have made a comparison, and I can hand it to the Tribunal in writing. Some documents are the same, some do not tally, and some are missing. I have done that in writing.

THE PRESIDENT: Thank you.

The Tribunal will adjourn.

[The Tribunal adjourned until 2 May 1946 at 1000 hours.]

ONE HUNDRED AND NINETEENTH DAY

Thursday, 2 May 1946

Morning Session

THE PRESIDENT: Dr. Siemers, the Tribunal would like to know exactly what your letter means, which they received from you, relating to the following documents which the letter says have been withdrawn. What I want to know is, does it mean that they are not to be translated? Let me read you the numbers: 18, 19, 48, 53, 76, 80, 81, 82, 86, and 101. Now, does your letter mean that those documents are not to be translated?

DR. SIEMERS: No, Your Lordship; that means that the British Delegation informed me yesterday morning that the objections against those documents on the part of the British Delegation are withdrawn.

THE PRESIDENT: I see.

DR. SIEMERS: I had written the letter on 30 April, in the afternoon, after I had had a conversation with Sir David. The following morning I was informed . . .

THE PRESIDENT: We won't bother with that. You say that their objections no longer exist. If they agree to that, well and good.

SIR DAVID MAXWELL-FYFE: My Lord, apparently there seems to have been some misunderstanding about three of them, Numbers 80, 101, and 76. The others were not objected to.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: My Lord, on 76 there seemed to be some misunderstanding between Dr. Siemers and myself. I understood that he did not want to persist in the legal report on the *Altmark* incident, and I think Dr. Siemers thought that I wasn't persisting. However, I thought Dr. Siemers was withdrawing that.

THE PRESIDENT: Yes. Well, then, are you still objecting to that?

SIR DAVID MAXWELL-FYFE: I am still objecting to it if it is not withdrawn, My Lord. However, the other ones in the list Your Lordship mentioned—that is Numbers 18, 19, 48, 53, 81, 82, and 86—there is no objection to.

THE PRESIDENT: Yes.

DR. SIEMERS: Concerning Document 76, I agree with Sir David. Number 76 can be struck out, as far as I am concerned.

THE PRESIDENT: Very well. That's all I wanted to know.

DR. SIEMERS: Number 80 about which I have spoken in detail with the British Delegation...

THE PRESIDENT: You need not tell me about it.

DR. SIEMERS: I assumed there would be no objection. I would like to ask that it be admitted in any case.

THE PRESIDENT: Yes, that is right. In order that the Translation Division should get on as soon as possible, the Tribunal has decided upon these documents and the only questions upon which the Tribunal has decided is that they shall be translated. The question of their admissibility will be decided after they have been translated, and I will take them in the categories of objection which are set out in Sir David's memorandum.

In Category A, the first category, Number 66 will be allowed. Number 76 as Dr. Siemers has now said, goes out. Numbers 101 to 106 will be allowed, the rest are disallowed in A. In B the following documents will be allowed: Numbers 39, 63, 64, 99, and 100. And, of course, Numbers 102 to 107, which are allowed under A. The rest will not be allowed.

Category C: The following will be allowed: Numbers 38, 50, 55, and 58. The remainder are not allowed.

Category D: The following will be allowed: Numbers 29, 56, 57, 60, and 62.

Category E: The following will be allowed: Numbers 31, 32, 36, 37, 39, 41, and of course 99 and 101 which have already been allowed.

In the last category, Category F, the Tribunal has very great doubts as to the relevance of any of the documents in that category, but it will have them all translated with the exception of Document 73.

LT. COL. GRIFFITH-JONES: My Lord, I wonder whether the Tribunal would allow me to mention the document numbers of the additional extracts from *Der Stürmer* which were put in cross-examination of Streicher. I had the numbers ready to present at a convenient time.

THE PRESIDENT: The exhibit numbers?

LT. COL. GRIFFITH-JONES: Yes.

THE PRESIDENT: You mean read them?

LT. COL. GRIFFITH-JONES: With the permission of the Tribunal, I have proposed to hand in that schedule, which is in effect a catalogue or index to the two bundles which the Tribunal had—Bundle A and Bundle B—and I proposed then putting this schedule in as an exhibit itself, which will become GB-450, (Document Number D-833), and if the Tribunal agrees, that would save reading any numbers out.

THE PRESIDENT: Yes.

LT. COL. GRIFFITH-JONES: There is another request I would make. The original of the newspaper, *Israelitisches Wochenblatt*, was put in, or has been put in. Those volumes I have borrowed from a library, and I was going to ask the Tribunal's permission to have the extracts photographed and to substitute with the Tribunal's Secretariat the photostats, and then take back the originals so that they might be returned.

THE PRESIDENT: There seems no objection to that.

LT. COL. GRIFFITH-JONES: I am very much obliged.

THE PRESIDENT: You have no objection to that, Dr. Marx?

DR. MARX: No, Mr. President, I have no objection to that. I reserve the right to submit some counterdocuments if it should be necessary. But the presentation of these documents is in accordance with what Colonel Griffith-Jones stated in the course of the proceedings—if they are submitted . . .

THE PRESIDENT: You have a copy of this document here, this exhibit.

DR. MARX: Yes.

THE PRESIDENT: I am asking you whether you had any objection to the original of the Jewish newspaper being returned . . .

DR. MARX: No.

THE PRESIDENT: . . . after it is photographed.

DR. MARX: No, I have no objection to that.

THE PRESIDENT: Thank you.

LT. COL. GRIFFITH-JONES: I am very much obliged.

THE PRESIDENT: Now, Dr. Dix?

DR. DIX: Dr. Schacht, I believe you still had to supplement your answer to a question I put to you yesterday. I put to you the point that different memoranda, letters, *et cetera* from you to Hitler were full of National Socialist phraseology. I said you dealt with letters and memoranda from the date of the seizure of power until later when you went into opposition. The Prosecution, however, specifically in the oral presentation of the charges, as I remember it,

referred to at least one letter which you addressed to Hitler before the seizure of power in November 1932, and there is in the files another letter of similar contents of August 1932. I think you should state your position with respect to these two letters, supplementing your answer to my question.

DR. SCHACHT: I explained to you yesterday already that up to the decisive election of July 1932, I had in no way intervened in the development of the National Socialist movement, but remained completely aloof from it. After that movement achieved its overpowering success in July 1932, of which I spoke yesterday, I foresaw very clearly the development which would now result. According to the principles of the democratic political concept there was only one possibility, namely, that the leader of that overwhelmingly large party would now have to form a new government. I rejected from the first the other theoretical possibility of a military government and a possibly resulting civil war, as being impossible and incompatible with my principles.

Therefore, after I had recognized these facts I endeavored in everything to gain influence over Hitler and his movement, and the two letters which you have just mentioned were written in that spirit.

DR. DIX: What did you know about his plans against Czecho-What did you know about Hitler's plans against Austria?

SCHACHT: I never knew anything about plans against Austria. Nor did I know in detail the plans Hitler had for Austria. I only knew—like the majority of all Germans—that he was in favor of an Anschluss of Austria with Germany.

DR. DIX: What did you know about his plans against Czecho-slovakia?

SCHACHT: I knew nothing of his plans against Czechoslovakia until about the time of the Munich Conference.

DR. DIX: Did you, after the Munich Conference, that is to say, after the peaceful, so far peaceful settlement of the Sudeten question, hear a remark of Hitler's about Munich which was of importance in your later personal attitude toward Hitler? Will you tell the Tribunal the remark which you heard?

SCHACHT: May I say first that, according to my knowledge of conditions at that time, Hitler was conceded in Munich more than he had ever expected. According to my information—and I expressed this also in the conversation with Ambassador Bullitt at that time—it was Hitler's purpose to gain autonomy for the Germans in Czechoslovakia. In Munich the Allies presented him with the transfer of the Sudeten-German territories on a silver

platter. I assumed, of course, that now Hitler's ambition would be more than satisfied and I can only say that I was surprised and shocked when a few days after Munich I saw Hitler. I had no further conversation with him at that time, but I met him with his entourage, mostly SS men, and from the conversation between him and the SS men I could only catch the remark: "That fellow has spoiled my entry into Prague." That is to say made it impossible.

Apparently he was not satisfied with the great success which he had achieved in foreign politics, but I mentioned when I spoke about it yesterday the fact that I assumed from that remark that he lacked the glory and a glamorous staging.

DR. DIX: And what were your feelings in regard to your whole political attitude towards Hitler after Munich?

SCHACHT: In spite of the foreign political success I regretted very deeply, and so did my close friends, that by this intervention on the part of the Allied Powers, our attempt to remove the Hitler regime was ruined for a long time to come—we did not know at that time of course what would happen in the future—but, naturally, at that moment we had to resign ourselves to it.

DR. DIX: What did you know about Hitler's plans against Memel?

SCHACHT: I knew nothing at all and never heard anything about it. As far as I know, I learned of the annexation of Memel by Germany on my trip to India, which I had already started at that time.

DR. DIX: And since you were in India at that time, you, of course, heard nothing either about the negotiations, *et cetera*, which preceded the attack on Poland?

SCHACHT: I had no knowledge about that and therefore I also knew nothing of the May meeting of 1939 which has been discussed several times. In the beginning of March I left Berlin and then stayed for some time in Switzerland; at the end of March I set out for India via Genoa, and so I learned nothing at all about the Hacha affair, that is the establishment of the protectorate in Czechoslovakia, nor of Memel, nor of Poland, since I did not return from the trip to India until the beginning of August.

DR. DIX: The invasions of Belgium, Holland, Norway, and Denmark have been taken up here. Did you approve of these measures and actions?

SCHACHT: Under no circumstances.

DR. DIX: Were you ever able to express that disapproval anywhere and how?

SCHACHT: Before the invasion of Belgium I was visited on the order of the Chief of the General Staff, Halder, by the Quartermaster General, the then Colonel, later General Wagner who after the collapse committed suicide. He informed me of the intended invasion of Belgium. I was shocked and I replied at that time, "If you want to commit that insanity too, then you are beyond help."

THE PRESIDENT: What time?

SCHACHT: Before the march into Belgium. Exactly when it was I could not say. It may have been already in November 1939. It may have been in April 1940. I no longer know exactly when it was.

DR. DIX: Even though you did not approve of that action, Germany was after all engaged in a life and death struggle. Did not that cause you to put your active co-operation at her disposal, since you were still Minister without Portfolio, though you no longer held a special office?

SCHACHT: I did not do that.

DR. DIX: Did anyone ask you to do that?

SCHACHT: The visit, which I have just mentioned, of Quartermaster General Wagner, upon order of the Chief of General Staff Halder, was intended to persuade me to act in Germany's interest during the expected occupation of Belgium. I was to supervise and direct currency, finance, and banking matters in Belgium. I flatly refused that. Later I was approached again by the then Military Governor of Belgium, General Von Falkenhausen, for advice concerning the Belgian financial administration. I again refused to give advice and did not make any statements or participate in any way.

DR. DIX: When did you for the first time...

SCHACHT: I could perhaps relate another instance when I was approached. One day, shortly after America was drawn into the war, I received a request from the newspaper published by Goebbels, that, on account of my knowledge of American conditions, I should write an article for *Das Reich*, to assure the German people that the war potential of the United States should not be overestimated. I refused to write that article for the reason that precisely because I knew American conditions very well, my statement could only amount to the exact opposite. And so I refused in this instance also.

DR. DIX: When did you hear for the first time of the meeting which we call here simply the Hossbach meeting, or the meeting concerning the Hossbach protocol?

SCHACHT: To my great surprise, I was informed of that meeting on 20 October 1945, here in my cell, and I was extremely

astonished that during all previous interrogations I had never been asked about this record, because it can be seen clearly from it that the Reich Government was not to be informed of Hitler's intentions for war and therefore could not know anything about them.

DR. DIX: Did you take part in similar conferences which were preparatory to attacks, for instance the meeting of November 1940 in which the attack on Russia was discussed? I do not wish to be misunderstood—the Speer document which you spoke of yesterday discusses an attack which according to Hitler was threatened by Russia. I am speaking now of discussions in which the subject was an attack on Russia.

SCHACHT: The fear of an attack from Russia dates back to the fall of 1936 and therefore has as yet nothing to do with the war. I never took part in any conference which indicated intentions of war, consequently not in the conference on the intended attack on Russia, and I never heard anything about it.

DR. DIX: Does that also apply to the meeting of May 1941?

SCHACHT: At the moment, I do not know which meeting that is, but I did not in any way take part in any meeting in May 1941, as during the entire period when I was Minister without Portfolio, I never took part in any official conference.

DR. DIX: Then you also did not get any information about the conferences which the Japanese Foreign Minister Matsuoka had in Berlin?

SCHACHT: I did not have the slightest knowledge of the Matsuoka conference except what may perhaps have been said on the radio or in the press.

DR. DIX: Mention has been made in some way that you at one time had made available 200,000 marks for Nazi propaganda purposes in Austria. Is there any truth in this?

SCHACHT: I have not the slightest knowledge of that.

DR. DIX: Now we come to your dismissal as President of the Reichsbank. As you have heard, the Prosecution asserts that you finally brought about your own dismissal in order to evade the financial responsibility. I ask you to reply to that accusation and to tell the Tribunal briefly but exhaustively the reasons and the tactical deliberations leading to your dismissal and that of your assistants. They appear here in the memorandum of the Reichsbank Directorate which has been under consideration several times.

SCHACHT: I should like to divide the question into two parts: The first question is whether I tried to rid myself of my office as President of the Reichsbank. My answer to that question is a most emphatic "yes." Since the middle of 1938, we in the Reichsbank

always considered that if there were no change in policy, we in no event wanted to continue in office, because—and that brings me to the second part of the question—we did not want to assume the responsibility which we were then expected to bear.

For everything which we did previously and for a defensive rearmament in order to achieve equal rights for Germany in international politics, we gladly assumed responsibility, and we assume it before history and this Tribunal. But the responsibility for continuing rearmament which possibly in itself constituted a serious potential danger of war or which would ever aim at war intentionally—that responsibility none of us wanted to assume. Consequently, when it became clear that Hitler was working toward a further increase in rearmament—and I spoke about that yesterday in connection with the conversation of 2 January 1939—when we became aware of that we wrote the memorandum which was openly quoted and is in the hands of this Tribunal as an exhibit. It indicates clearly that we opposed every further increase of state expenditure and would not assume responsibility for it. From that, Hitler gathered that he would in no event be able to use the Reichsbank with its present Directorate and President for any future financial purposes. Therefore, there remained only one alternative; to change the Directorate, because without the Reichsbank he could not go on. And he had to take a second step; he had to change the Reichsbank Law. That is to say, an end had to be put to the independence of the Reichsbank from government decrees. At first he did that in a secret law—we had such things—of 19 or 20 January 1939. That law was published only about 6 months later. That law abolished the independence of the Reichsbank and the President of the Reichsbank became a mere cashier for the credit demands of the Reich, that is to say, of Hitler.

The Reichsbank Directorate did not want to continue along this line of development. Therefore, on 20 January the President of the Reichsbank, the Vice President, and the main financial expert, Reichsbank Director Huelse, were dismissed; three other members of the Directorate of the Reichsbank, Geheimrat Vocke, Director Erhard, and Director Blessing pressed insistently for their resignation from the Reichsbank until it was also granted. Two other members of the Reichsbank Directorate, Director Puhl, whose name has been mentioned here already, and an eighth director, Director Poetschmann, remained in the Directorate even under the new conditions. They were both Party members, the only ones in the Directorate, and therefore they could not easily withdraw.

DR. DIX: That is one accusation which is made by the Prosecution concerning your reasons for writing the memorandum, that

is to say, to evade the financial responsibility. The second accusation is that not a word of this memorandum expressly mentions limitation of armaments, but that it essentially treats only matters of currency, technical questions of finance, and economic considerations; and that it was therefore the Dr. Schacht who in his capacity of Bank Director was concerned about the currency, rather than the opponent of rearmament, who made himself heard by this memorandum.

It is necessary that as co-author of the memorandum—as its main author—you state your position with regard to this incriminating interpretation of the memorandum.

SCHACHT: Even at an earlier time I said here that every objection which I made and had to make to Hitler—and that applies not only to myself but to all ministers—could only be made with arguments arising out of the particular department administered.

Had I said to Hitler, "I shall not give you any more money because you intend to wage war," I should not have the pleasure of conducting this animated conversation here with you. I could then have consulted a priest, and it would have been a very one-sided affair because I would have lain silently in my tomb, and the priest would have delivered a monologue.

DR. DIX: This memorandum is certainly very important, and therefore we have to pause here for a moment. In summarizing—and please check me—I believe I can express your views in this way: This memorandum at the end contained demands such as further means of raising funds by increase of taxation or else by making use of the stock market—both impossible. Taxation could not be increased any more. The stock market had just unsuccessfully attempted a loan.

If these actually impossible demands had been granted, the Reichsbank would have created guarantees that no further funds would be used for one or another form of rearmament. This success was not to be expected; rather you could expect your dismissal. Did my brief but comprehensive summary of this matter express your views correctly?

SCHACHT: That entire letter was composed in such a way that there were only two possible answers to it; either an alteration of financial policy—and that meant a stop to rearmament, which would have amounted to a complete change of Hitler's policy—or else the dismissal of the Reichsbank President; and that happened. We expected it because at that time I no longer believed that Hitler would change his policy so completely.

DR. DIX: Therefore, the Prosecution are right in saying that your mission ended with your dismissal.

SCHACHT: Hitler certainly confirmed that himself and in the letter of dismissal to me said it expressly. We heard from the testimony of Herr Lammers in this Court that Hitler with his own hand wrote that addition into the letter, that my name would remain connected with the first stage of rearmament. The second stage of rearmament I rejected and Hitler understood that very clearly, because when he received that letter from the Reichsbank he said to those who were present: "This is mutiny."

DR. DIX: How do you know that?

SCHACHT: The witness Vocke who will, I hope, appear in this Court will testify to that.

DR. DIX: Furthermore, the Prosecution asserted that your exit from the political stage could not be attributed to your policy of opposition to a war but to disputes with Hermann Göring over power and rank. As such, that accusation seems to me to have been refuted already by statements which Göring and Lammers have made up to now. We do not wish to recapitulate. I merely want to ask you whether you have anything to add to the statements made on this subject by Göring and Lammers, or whether you disagree with them.

SCHACHT: In his oral presentation the prosecutor said that throughout the entire material which he had studied he could not find one piece of evidence for my opposition to a policy of war. I can only say in this respect: If someone on account of his short-sightedness does not see a tree on a level plain, there is surely no proof that the tree is not there.

DR. DIX: You have heard from the Prosecution that you are accused of having remained a member of the Cabinet as a Reich Minister without Portfolio. That was also the cause for misunderstanding yesterday. I merely wanted to express yesterday that you had resigned as an active minister and head of a department, that you resigned as Minister of Economy and His Lordship correctly pointed out, that of course you remained a Minister without Portfolio, that is without a special sphere of activity until January 1943. Of that you are accused by the Prosecution. What caused you to remain Reich Minister without Portfolio? Why did you do that? Did you have any particular financial reasons? Excuse my mentioning that, but the trial brief, on Page 5, charges you with that motive.

SCHACHT: I have already repeatedly explained here that my release from office as Minister of Economy encountered very great difficulties, and you have also submitted several affidavits confirming the fact.

Hitler did not, under any circumstances, want it to be known that a break or even so much as a difference of opinion had occurred between one of his assistants and himself. When he finally approved my release, he attached the condition that nominally I should remain Minister without Portfolio.

As regards the second accusation, it is as unworthy as it is wrong. There was a law in Germany that if a person held two public offices he could be paid only for one. Since I was in addition President of the Reichsbank I continuously received my income from the Reichsbank, at first my salary and later my pension; therefore as a minister I drew no salary whatever.

DR. DIX: Did you then, during the entire period of your position as Reich Minister without Portfolio, have any other function to fulfill in that capacity? Did you take any part in important decisions of the Cabinet, did you participate in discussions—in brief, was the Minister without Portfolio just a fancy dress major or was the position one of substance?

SCHACHT: I have already emphasized again and again in this Court—and I can only repeat it again—that after I left the Reichsbank I had not a single official discussion; I did not take part in a single ministerial or official conference and that, unfortunately, it was not possible for me to bring up any subject for discussion; for I had no factual basis or pretext for such a possibility, for the very reason that I had no particular field to administer. I believe that I was the only Minister without Portfolio—there were also a few others—who was not active in any way at all. As far as I know, Seyss-Inquart was undoubtedly Minister without Portfolio; he had his administration in Holland. Frank was Minister without Portfolio and had his administration in Poland. Schirach—I do not know whether he was Minister without Portfolio; I think it has been mentioned once, but I do not know if it is correct—he had his Austrian administration in Vienna. I had nothing further to do with the state administration or in any other way with the State or the Party.

DR. DIX: What about the ordinary course of affairs? Were there perhaps any circulars sent out by Lammers on which you acted?

SCHACHT: On the whole—and I think it is understandable after what I have stated here—I watched carefully for every possibility of intervening again in some way but I remember and state with absolute certainty, that during the entire time until the collapse I received all in all three official memoranda. The numerous invitations to state funerals and similar social state functions really need not be mentioned here as official communications. I did not participate in these occasions either. However, these three instances are interesting. The first time it was a letter from Hitler—pardon, from

Himmler—a circular or request or a bill proposed by Himmler who intended to transfer court jurisdiction over the so-called asocial elements of the population to the police, or rather the Gestapo, that is to say, a basic principle of the administration of justice to separate the functions of prosecution and judge...

DR. DIX: Well, that is known, Dr. Schacht. You can assume that is known.

SCHACHT: In regard to this question I immediately assented in the copy of a letter which Reich Minister Frank had sent me in which he took a stand against this basic violation of legal principles, and the bill was not made law. It would indeed have been extremely regrettable, because I am firmly convinced that I myself was a definite antisocial element in Himmler's sense.

The second instance was a letter concerning some discussions about state property in Yugoslavia, after we had occupied Yugoslavia. I answered that since I had not taken part in the preliminary discussions on the draft of the law I should not be counted upon to assist in this matter.

Finally, the third incident—and this is the most important—occurred in November 1942. Apparently by mistake there came into circulation the draft for a law of the Reich Minister for Air, which contained the suggestion of taking 15 and 16 year old students away from the high school to enlist them for military service in the anti-aircraft defense, the so-called Flakdienst. I answered this letter because it was a welcome opportunity for me to state for once my opinion on the military situation in a long detailed reply which I sent to Göring.

DR. DIX: On the third of November?

SCHACHT: It is a letter of 30 November, which on the second of December I believe was given personally by my secretary to the adjutant of Göring in a closed envelope, with the request that he himself open it.

DR. DIX: One moment, Dr. Schacht.

[Turning to the Tribunal.] That letter has already been submitted under Document Number 3700-PS by the Prosecution, but it is also in our document book under Exhibit Number 23; Page 66 of the English text and Page 59 of the German text. If we were not so pressed for time, it would have been especially gratifying for me to read this letter here in full. It is a very fine letter. However, I want to take time into consideration and I merely ask you, Dr. Schacht, to state briefly your opinion of its content.

THE PRESIDENT: The Tribunal will read the letter. It isn't necessary for you to read it now, is it?

DR. DIX: Very well. Well, then, would he speak quite briefly about the letter before the recess or do you not wish to say anything further?

SCHACHT: Yes. I would like to say in this connection, if it is permitted, that to my knowledge this letter has already been read here by the American Chief Prosecutor, that is . . .

DR. DIX: Read?

SCHACHT: Or mentioned, or at least the most important points were read. I believe it is sufficient if you submit the letter to the Court in evidence.

DR. DIX: Yes, that has been done.

Now, that constituted your entire activity as Reich Minister without Portfolio?

SCHACHT: Yes, that was the end of it.

DR. DIX: Therefore if one wanted to define your position in one word, one would say, just a kind of retired major (Charaktermajor).

SCHACHT: I don't know what a "Charaktermajor" is, at any rate, I was never a major, but I have always had character.

DR. DIX: But, Dr. Schacht, that is a historical remark about authority conferred by Kaiser Wilhelm the First as German Emperor on Bismarck.

THE PRESIDENT: I think this is a convenient time to break off.

[A recess was taken.]

DR. DIX: Dr. Schacht, we spoke of the letter, dated 30 November 1942, to Göring. Did that letter have any consequences?

SCHACHT: Yes, the letter had very considerable consequences. It had the result that on 22 January I did at last receive my long hoped-for release from my position of a nominal Minister without Portfolio. The reason given for it, however, was less pleasant. I believe the letter is already in the files of the Tribunal. It is a letter attached to the official document of release from Lammers.

DR. DIX: Yes, very well. We put a question on that subject during Lammers' hearing.

SCHACHT: Yes. But I should only like to refer to the statement which says: ". . . in view of your entire conduct in the present fateful struggle of the German nation . . ."—so that was my whole attitude.

DR. DIX: Gentlemen of the Tribunal, it is Number 26 of the document book. It is on Page 76 of the English text and on Page 69 of the German text.

[Turning to the defendânt.] Please continue.

SCHACHT: It was, therefore, my entire attitude during this war which led to my dismissal, and the letter of dismissal also contained the statement that I would be dismissed for the time being. According to Lammers' statement, as we have heard, this expression "for the time being" was included in the letter, also on the Führer's initiative. I was very clearly aware of this wording when I received the letter.

Two days later I was removed from the Prussian State Council, of which I was a member—a body, incidentally, which had not met for at least 8 years. At any rate, I was not at the meetings. Perhaps it was 6 years, I do not know. The text of that decision was communicated to me by the chairman of that State Council, Hermann Göring, and because of its almost amusing contents, I still recollect it very clearly. It stated:

"My answer to your defeatist letter undermining the power of resistance of the German people is that I remove you from the Prussian State Council."

I say it was amusing because a sealed letter written by me to Göring could not possibly shake the power of resistance of the German people. A further result was that Party Leader Bormann demanded from me the return of the Golden Party Badge and I did that at once. After that I was particularly closely watched by the Gestapo. I gave up my residence in Berlin immediately, within 24 hours, and for the whole day the Gestapo spies followed me all over Berlin both on foot and by car. Then I quietly retired to my estate in the country.

DR. DIX: Now, since the trial brief has mentioned material and pecuniary reasons for the decisions which you made, it appears to me justified and necessary to ask what was the position regarding your property and your income after 1933? In your reply please take into consideration that it is striking that in 1942 there was an increase in your income.

SCHACHT: A few months ago, apparently with the approval of the Military Government, there appeared in the press a list of donations which the Party leaders and ministers in Germany received and, in that connection, of their income and their property. I was also listed, not under "donations," but it was stated that in 1942 I had an unusually high income. This list is incorrect, since it is a gross figure which is mentioned and it does not take into consideration the fact that the war profit tax was later deducted from it. When the list was compiled the tax was not yet determined, so that about 80 percent must be deducted from the sum which is given there. The income is then no longer striking in any way. In regard

to my property, the list shows that over a period of 10 years it has hardly changed, and I want to emphasize here particularly that in the last 20 years my property remained approximately the same and did not increase.

DR. DIX: If I remember rightly you reduced your own salary as President of the Reichsbank at a certain time on your own initiative?

SCHACHT: When, on Hitler's suggestion, President Hindenburg in March of 1933 appointed me again to the position of President of the Reichsbank, Hitler left it to me to fix my own income. At that time, I voluntarily reduced my income to less than 25 percent of my former income from the Reichsbank.

DR. DIX: Did you ever receive presents or donations from Hitler, either in money or in valuables?

SCHACHT: As I have just mentioned, I have never received any kind of donations from Hitler, and I think he would hardly have risked offering me one. I did, indeed, receive one present from Hitler, on the occasion of my 60th birthday. He gave me a picture which certainly had the value of about 20,000 marks. It was an oil painting by a German painter Spitzweg; and would have been worth approximately 200,000 marks if it had been genuine. As soon as the picture was brought into my room I recognized it as a forgery, but I succeeded about 3 months later in tracing the original. I started proceedings on the subject of the genuineness of the picture, and the forgery was established before a court.

THE PRESIDENT: It is not appropriate for the Tribunal to listen to this.

DR. DIX: Did Hitler ever bestow on you the right to wear a uniform or give you any kind of decoration or military rank?

SCHACHT: If the Tribunal will permit me I would like to say that I returned the forgery and it was never replaced; so that I have received no presents from Hitler.

Hitler offered me a uniform. He said I could have any uniform I desired but I only raised my hands in refusal and did not accept any, not even the uniform of an official, because I did not wish to have a uniform.

DR. DIX: Now, another subject: Did you know anything about the concentration camps?

SCHACHT: Already in the year 1933, when Göring established concentration camps, I heard several times that political opponents and other disliked or inconvenient persons were taken away to a concentration camp. That these people were deprived of their liberty perturbed me very much at the time, of course, and I continuously

demanding, as far as I was in a position to do so during conversations, that the arrest and removal to concentration camps should be followed by a clarification before the law with a defense and so on, and suitable legal proceedings. At that early time the Reich Minister of the Interior Frick also protested energetically along the same lines. Subsequently this type of imprisonment, *et cetera*, became less known in public, and in consequence I assumed that things were slowly abating. Only much later—let us say the second half of 1934 and 1935 . . .

DR. DIX: When you met Gisevius, you mean?

SCHACHT: Yes, when I met Gisevius—I heard on repeated occasions that not only were people still being deprived of their liberty, but that sometimes they were being ill-treated, that beatings, *et cetera*, took place. I have already said before this Tribunal that as a result, as early as May 1935, I personally took the opportunity of drawing Hitler's attention to these conditions and that I told him at the time that such a system was causing the whole world to despise us and must cease. I have mentioned that I repeatedly took a stand against all these things publicly, whenever there was a possibility of doing so.

But I never heard anything of the serious ill-treatment and outrages—murder and the like—which started later. Probably because, firstly, these conditions did not begin until after the war, after the outbreak of war, and because already from 1939 onwards I led a very retired life. I heard of these things and of the dreadful form in which they happened only here in prison. However, I did hear, as early as 1938 and after, of the deportation of Jews; but because individual cases were brought to my notice I could only ascertain that there were deportations to Theresienstadt, where allegedly there was an assembly camp for Jews, where Jews were accommodated until a later date when the Jewish problem was to be dealt with again. Any physical ill-treatment, not to speak of killing or the like, never came to my knowledge.

DR. DIX: Did you ever take a look at a concentration camp?

SCHACHT: I had an opportunity of acquainting myself with several concentration camps when, on 23 July 1944, I myself was dragged into a concentration camp. Before that date I did not visit a single concentration camp at any time, but afterwards I got to know not only the ordinary concentration camps but also the extermination camp in Flossenbürg.

DR. DIX: Did you not, while in Flossenbürg, receive a visit from a "comrade-in-ideas"—if I may say so?

SCHACHT: I know of this matter only from a letter which this gentleman sent to you or to this Tribunal, I believe, and in which he describes that visit. I can only, on my own observation . . .

MR. JUSTICE JACKSON: I think it is improper to give the contents of a letter from a person unidentified. I have said to this Tribunal before that these letters which come from unidentified persons—if he is identified, it has not been done in evidence—come to all of us. I am sure members of the Tribunal get a great many of them. If that is evidence, then the Prosecution should reopen its case, because I have baskets of them.

I think it is highly improper to take communications and put them in evidence directly and it is even more improper to relate all of them by oral testimony when the document is not produced. I think this kind of evidence has no probative value and I object to it.

DR. DIX: May I be permitted to say that I would never do anything improper nor have I done it. I do not intend in any way to submit this very harmless jocular letter to the Tribunal as evidence. But this letter, which reached me through quite regular channels, informed Dr. Schacht and myself that there existed a plan to murder him in Flossenbürg. That is why I also questioned the witness Kaltenbrunner on this matter. The only reason why I am asking Dr. Schacht is that I expect him to inform the Tribunal that according to this information there was in fact at that time an order to murder him. This fact, not the letter, is not without some significance, because if a regime wants to kill a man then that is at least proof of the fact that it is not particularly well-disposed toward him. That is the only reason why I asked that this letter be submitted, and it is, of course, also at Mr. Justice Jackson's disposal. It is really quite an amusing letter, written by a simple man.

But I would never have considered submitting this letter as a document in evidence. If the Tribunal have objections to hearing the matter, a matter which was also discussed when Kaltenbrunner was examined, then I shall willingly omit it. I am quite astonished that the matter should be given so much significance.

THE PRESIDENT: Dr. Dix, the Tribunal thinks that the letter isn't being offered in evidence, and therefore you ought not to refer to it. Well, then, don't refer to it.

DR. DIX: All right, we shall leave it.

[Turning to the defendant.] Well, now, at last you were released. What did you do then?

SCHACHT: After that time I did nothing more apart from continuing my efforts towards the removal of Hitler. That was my only political activity. For the rest, I was living on my estate.

DR. DIX: Did you not go on a journey in the spring of 1939?

SCHACHT: Excuse me, you are speaking of the time after the dismissal as President of the Reichsbank, I thought you meant minister. I was just talking of 1943.

DR. DIX: No. No.

SCHACHT: You are going back to the year 1939. After the dismissal in January 1939 I already mentioned that Hitler suggested to me that I should go on an extensive journey abroad and at the time I went to India by way of Switzerland, where I again saw my friends.

DR. DIX: Were you in any way politically active in India?

SCHACHT: In India I merely traveled as a tourist. I was not politically active but, of course, I visited several governors and I spent 3 days as the Viceroy's guest in his house in Simla.

DR. DIX: Did you not have political connections with Chinese statesmen in Rangoon?

SCHACHT: When I was in Burma, after leaving India, I received a visit in Rangoon from a Chinese friend who had visited me before in Berlin on occasion and who had been commissioned by his government to talk to me about the situation of China.

DR. DIX: That is Chiang Kai-Shek's China?

SCHACHT: Chiang Kai-Shek's China which was already at war with Japan at the time. The other China did not then exist and this gentleman asked me upon the request of Chiang Kai-Shek and the Chinese Cabinet...

MR. JUSTICE JACKSON: I can't see the slightest relevancy to this. In the first place, we heard it once and secondly, after we had heard it it has no relevancy to the case. We have no charge against him that he did anything in China and we will stipulate that he was as pure as snow all the time he was in China. We haven't a thing to do with that and it is taking time here that just gets us nowhere and is keeping us away from the real charge in the case.

THE PRESIDENT: The Tribunal quite understands that you say it is irrelevant. Why do you say it is relevant?

DR. DIX: I regret that Mr. Justice Jackson and I understand each other too little. The matter is relevant in the following connection: In this testimony and also in an affidavit which has been read...

THE PRESIDENT: I think we heard three times that the Defendant Schacht went to India. Three times in his evidence he dealt with the fact that he went to India and China. How is it relevant?

DR. DIX: I am not speaking of the journey to India. It had to be mentioned only briefly to explain the connection of time. I put

a question, referring to Schacht's negotiations in Rangoon with the envoy from Chiang Kai-Shek—with the Chinese—and at that point Mr. Justice Jackson raised his objection. But the fact that Schacht maintained friendly connections with Chiang Kai-Shek's Government and gave support to it, that fact is relevant, and for the same reason for which I attached importance to the fact that it became clear here that in regard to the Union of Soviet Republics also Schacht pursued a pro-Soviet line in his economic policy during the years when Hitler was conducting a political campaign against Russia. Here we have a second instance, where he is demanding relations which were contrary to the principles of Hitler's policy; that is relations with Chiang Kai-Shek, and so against Hitler's ally, Japan. It is in this connection that the negotiations with the Chinese are of significance. They will take only a moment's time at most. They were merely to be mentioned in passing.

THE PRESIDENT: The Tribunal thinks that if you consider his relations with China of any importance, it can be stated in one sentence.

DR. DIX: I am of the same opinion.

SCHACHT: I will sum it up in one sentence. In a written memorandum I advised Chiang Kai-Shek's government to continue holding out against Japan, giving as reason that the economic resources of China would last longer than the economic resources of Japan; and I advised Chiang Kai-Shek to rely primarily on the United States of America in his foreign policy.

DR. DIX: Then upon your return from India, that is, in August 1939, you found a situation which must have appeared quite tense to someone who was just coming back. Did you not then attempt to contact the Cabinet or Hitler in order to discuss this situation?

SCHACHT: Of course, I found a very tense situation in the question of Poland and I used my return as an occasion for writing a letter to Hitler, a letter to Göring, and a letter to Ribbentrop; that is to say, the three leading men, in order to inform them that I had come back from India, leaving it to their discretion and expecting that at least one of them would ask me for an account of my experiences; and then, I should have had an opportunity of talking to the leading men once again. To my very great surprise, I did not get an answer from Hitler at all; I received no reply from Göring; and Herr Von Ribbentrop answered me that he had taken note of my letter. There was therefore no other way for me but to make my own inquiries regarding the real state of affairs on Poland, and when things became critical I took the well-known step, which has already been described here by Herr Gisevius; namely the attempt to gain access to the Führer's headquarters.

DR. DIX: We need not repeat that. The only question which I still want to ask you is what were you going to tell the generals, particularly General Von Brauchitsch, at that last moment?

SCHACHT: That he still had a chance to avert a war. I knew perfectly well that bare economic and general political statements would of course accomplish nothing with Von Brauchitsch because he would then certainly have referred to Hitler's leadership. Therefore I wanted to say to him something of quite a different nature and, in my opinion, that is of the most decisive significance. I was going to remind him that he had sworn an oath of allegiance to the Weimar Constitution. I wanted to remind him that the Enabling Act did not delegate power to Hitler but to the Reich Cabinet and I wanted to remind him that in the Weimar Constitution there was and still is a clause, which has never been annulled and according to which, war cannot be declared without previous approval by the Reichstag. I was convinced that Brauchitsch would have referred me to his oath sworn to Hitler and I would have told him: "I also have sworn this oath. You have sworn no oath other than your military one, perhaps, but this oath does not in any way invalidate the oath sworn to the Weimar Constitution; on the contrary, the oath to the Weimar Constitution is the one that is valid. It is your duty, therefore, to see to it that this entire question of war or no war be brought before the Cabinet and discussed there, and when the Reich Cabinet has made a decision, the matter will go before the Reichstag." If these two steps had been taken, then I am firmly convinced that there would have been no war.

DR. DIX: You never reached Brauchitsch. We do not want to repeat the description of that whole affair or of your attempts at the Bendlerstrasse and so on. Have you anything to add to Gisevius' testimony or do you wish to change anything in it?

SCHACHT: I can only confirm that Gisevius' statement is correct in every single point and I myself merely want to add that Canaris mentioned among many reasons which then kept us from making the visit, that Brauchitsch would probably have us arrested immediately if we said anything to him against the war or if we wanted to prevent him from fulfilling his oath of allegiance to Hitler. But the main reason why the visit did not come about was quite correctly stated by Gisevius. Moreover it is also mentioned by General Thomas in his affidavit which we shall later submit. The main reason was: the war was canceled. And so I went to Munich on a business matter and to my surprise while in Munich, war was declared on Poland; the country was invaded.

DR. DIX: You mentioned the Reichstag a short time ago. A meeting of the Reichstag did in fact take place, though not before

the war or before the declaration of war, but immediately thereafter. At the time you were still a Minister without Portfolio.

Normally you would have had to sit on the minister's bench during that meeting.

Did you take part in that meeting?

SCHACHT: I did not participate in that meeting at all and I would like to add at once that during the entire war, I was present at only one meeting of the Reichstag. I could not avoid it, considering the matters which I already mentioned here yesterday. It was after Hitler's return from Paris. I had to participate in this meeting of the Reichstag, which followed the reception at the station because, as I said, it would otherwise have been too obvious an affront. It was the meeting during which political matters were not dealt with at all, but at which the field marshal's rank was granted by the dozen.

DR. DIX: Now, this last effort which has just been mentioned to stop the outbreak of war through Canaris brings us to the particular chapter of your attempts at a coup to overthrow Hitler and his government. We want to make it a rule, if possible, not to repeat what the witness Gisevius has already stated but only to supplement or correct or state what you know from your own memory. Before I touch upon that chapter, however, may I ask you whether you know from information you received or from other indications, that your oppositional attitude and that of your similarly minded friends, and your oppositional aims, were known in authoritative circles abroad?

SCHACHT: I do not wish to repeat anything; I merely want to point out that I have already stated repeatedly here that I continually discussed the situation in Germany—thus also my own position—with my friends abroad—not only with Americans, Englishmen, and Frenchmen but also with neutrals—and I would like to add one more thing; foreign broadcasting stations did not tire at all of speaking constantly about Schacht's opposition to Hitler. My friends and family received a shock whenever information on this subject transpired in Germany.

DR. DIX: When did your attempts to overthrow the Hitler government begin?

SCHACHT: As early as 1937 I tried to determine which groups in Germany one might rely upon in an attempt to remove the Hitler regime. Unfortunately in the years 1935, 1936, and 1937, I got to know that all those circles in which I had placed my hope were failing, namely the scientists, the educated middle class, and the leaders of economy.

I need only mention that the scientists permitted themselves to listen to the most nonsensical National Socialist lectures without opposing them in the least. I call attention to the fact that when the economic leaders saw that I was no longer a figure in economy, they disappeared from my anteroom and thronged into that of Göring. In a word, one could not rely upon these circles. Consequently, one could depend only on the generals, on the military, because according to my conception at the time, one could certainly count on an armed resistance even by the SS bodyguard.

Therefore, as has been stated here—and I do not want to pursue it further—I tried at first to contact such generals as Kluge, for instance, merely in order to ascertain whether among the military there were people with whom one could speak openly. And this first occasion led me to a great many generals whom I contacted in the course of time.

DR. DIX: That was then in the year 1937; now we come to 1938, still limiting ourselves by what Gisevius has already said, merely touching on it briefly and confirming it. By the way, were you in any way directly or indirectly involved in the negotiations at Godesberg or Munich?

SCHACHT: In no way.

DR. DIX: Now we continue with your political work, aiming at a revolt. Is Gisevius' account of the year 1938 correct or is there something to be added to it?

SCHACHT: Gisevius' statement is complete and reliable.

DR. DIX: That also applies to the attempt at a *coup d'etat* in the late summer of 1938?

SCHACHT: Yes.

DR. DIX: Then came the war. Did you fold your arms after war broke out?

SCHACHT: No; throughout the entire war I pleaded with every general whom I could contact. I used the same arguments which I have just mentioned in connection with the prospective interview with Brauchitsch; therefore, it was not merely theory, but I actually spoke to all these generals.

DR. DIX: Was not a visit to General Hoepfner significant in this connection?

SCHACHT: In 1941 I tried not only to get in touch with General Hoepfner but in a whole series of conversations I attempted to make him take action. Hoepfner was perfectly willing and prepared and later he too, unfortunately, lost his life as a consequence of 20 July 1944.

In the year 1942—and this has not been mentioned here up to now, because Gisevius did not participate—I tried again to mobilize General Von Witzleben to renewed activity. I went on a special journey to Frankfurt-on-the-Main, where he had his headquarters at that time, and Von Witzleben proved as ever to be completely resolved to act, but he told me that, of course, he could only do so if he again received a command at the front. Then I...

DR. DIX: At that time Frau Strünck, who knew of these matters, was in Frankfurt?

SCHACHT: She knew of these things and can confirm them.

DR. DIX: Perhaps I may tell the Tribunal at this point that Frau Strünck was granted me as a witness and she was here. In order to save time, however, I have decided to dispense with this witness since she could make only cumulative statements on what Gisevius has already said and I do not think it is necessary. Schacht himself has just stated the only piece of information which she could have added, namely this trip, this special journey to Frankfurt to Von Witzleben. On the strength of experience the Tribunal will itself know that in the course of a revolutionary movement, stretching over years such as this, many journeys are made and in respect to this particular journey it is not important to submit special evidence. In order to save time, therefore, I have decided to dispense with the testimony of Frau Strünck. Excuse me, I merely wanted to say this now. Then there is the next...

SCHACHT: May I perhaps say one more thing? I of course always participated in the conversations—mentioned by Gisevius here—with the other generals, that is the group of Beck, Fromm, Olbricht, *et cetera*. These things did not come about for some time on account of the negotiations abroad for which the generals were always waiting. I think that enough has been said here about this topic and I need not make further report on it. I come then to one last point, which does not become apparent from Gisevius' statement but about which an affidavit from Colonel Gronau will be submitted here. I can mention it quite briefly in order to save time. Naturally, together with the group of Beck, Goerdeler, my friend Strünck, Gisevius, and others I was completely informed of, and initiated into, the affair of 20 July. However, and I think it was mutual, we told each other whenever possible only those things which the other absolutely had to know, in order not to embarrass the other man, should he at any time be submitted to the tortures of the Gestapo. For that reason, apart from being in touch with Beck, Goerdeler, Gisevius, and Strünck, *et cetera*, I had another connection with the generals who were at the head of this revolt and that was the General of Artillery Lindemann, one of the main participants in the coup, who unfortunately also lost his life later.

DR. DIX: Perhaps it would be proper—and also more intelligible in connection with your participation in 20 July—if I read a brief part of Colonel Gronau's affidavit which refers to Lindemann.

[Turning to the Tribunal.] It is Exhibit Number 39 of our document book, Page 168 of the German text and Page 176 of the English text. I shall omit the first part of the affidavit, but I ask the Tribunal to take judicial notice of it; essentially it contains only matters on which evidence has already been given. I shall read only the part that deals with 20 July. It begins on Page 178 of the English text and on Page 170 of the German text, and I start with Question 5:

"Question 5) You brought Schacht and General Lindemann together. When was that?

"Answer 5) In the fall of 1943, for the first time in years, I again saw General Lindemann, my former school and regiment comrade. While discussing politics I told him that I knew Schacht well, and General Lindemann asked to be introduced to him, whereupon I established the connection.

"Question 6) What did Lindemann expect from Schacht, and what was Schacht's attitude toward him?

"Answer 6) The taking up of political relations with foreign countries following a successful attempt at revolt. He promised his future co-operation. At the beginning of 1944 Lindemann made severe reproaches that the generals"—that should read "he severely reproached Lindemann"; it is incorrectly copied here—"because the generals were hesitating so long. The attempt at revolt would have to be made prior to the landing of the Allies.

"Question 7) Was Lindemann involved in the attempted assassination of 20 July 1944?

"Answer 7) Yes, he was one of the main figures.

"Question 8) Did he inform Schacht of the details of this plan?

"Answer 8) Nothing about the manner in which the attempt was to be carried out; he did inform him, however, of what was to happen thereafter.

"Question 9) Did Schacht approve the plan?

"Answer 9) Yes.

"Question 10) Did Schacht put himself at the disposal of the military in the event of a successful attempt?

"Answer 10) Yes.

"Question 11) Were you arrested after 20 July 1944?

"Answer 11) Yes.

"Question 12) How were you able to survive your imprisonment?"

"Answer 12) By stoically denying complicity."

Now, we have left the years 1941 and 1942 and to explain the Putsch in logical sequence we reached the year 1944, something that could not be avoided, but we must now go back again to the year 1941. You have already mentioned, in passing, the efforts made abroad. In 1941 you were in Switzerland. Did you make any efforts in that direction there?

SCHACHT: Every time I went abroad I talked at length to my foreign friends and again and again looked for some way by which one might shorten the war and begin negotiations.

DR. DIX: In this connection, the Fraser letter is of importance. I think the Fraser letter and the way it was smuggled into Switzerland has been sufficiently discussed by the witness Gisevius. I have on two occasions stated the contents briefly, once when the translation was discussed and again during the discussion on the admissibility of the letter as evidence before the Court. I do not think I need do it here nor that I need read it. I should merely like to submit it. It is Exhibit 31, on Page 84 of the German and Page 91 of the English text. And—I say this now, we shall discuss it later—the same applies to the article which appeared this year in the *Basler Nachrichten* and which deals with a conversation which an American had with Schacht recently. I shall not read that either since I have already stated the main points of its contents. I submit it as Exhibit Number 32, Page 90 of the German text and Page 99 of the English text. I might point out that this article has already been the subject of certain accusations made during the cross-examination of Gisevius by the representative of the Soviet Prosecution.

GEN. RUDENKO: I should like to raise one objection in regard to Document 32; this is an article about Dr. Schacht and his ideas by an unknown writer describing his conversations with an unknown economist. The article in question was published in the *Basler Nachrichten* on 14 January 1946, that is, when the present Trial was already well under way, and I cannot consider that this article can be presented in evidence with regard to Schacht's case.

DR. DIX: I might—may I, before the Tribunal decides, say something very briefly?

THE PRESIDENT: Yes, certainly.

DR. DIX: The article has already been admitted as evidence. We have discussed it, and the Tribunal approved the article as evidence. The Tribunal can, of course, revoke that decision. I think, for me it would . . .

THE PRESIDENT: I think the Tribunal has always made it clear that the allowance of these documents is a provisional allowance and that when the document is actually offered in evidence, they will then decide the relevancy or its admissibility, rather, and its relevancy.

DR. DIX: That is quite beyond doubt. I merely wanted to point out that we have already discussed the question once before. Of course, the Tribunal can today reject the document. I shall...

THE PRESIDENT: The allowance is provisional. It is not a question of the Tribunal's reversing its previous decision. The previous decision was merely provisional, and the question of admissibility now comes up for decision.

DR. DIX: It is quite clear to me, Your Lordship. I am merely surprised at the objection raised by the Soviet Prosecution, inasmuch as the representative of the Soviet Delegation himself referred to that article in his observations during the cross-examination of the witness Gisevius. It is true, he did not submit it to the Tribunal, but he referred to it in his observations to the witness Gisevius. However, if the Tribunal has the slightest objections to allowing the article as documentary evidence, then I shall ask permission to leave it. I will then—and I think I may—ask the witness Schacht whether it is true that in 1941 he had a conversation with an American who was a professor of national economy, a conversation which dealt with the possibility of peace. I leave it to the Tribunal. For me, it is no—I thought it would be simpler, if I submitted the article.

THE PRESIDENT: General Rudenko, as you have raised the objection to this document, what have you to say about the point that Dr. Dix makes that you used the document yourself in cross-examination?

GEN. RUDENKO: Mr. President, we did not use this document in the cross-examination of the witness Gisevius. An explanatory question was asked in order to reach a decision on this point and I particularly emphasize...

THE PRESIDENT: Will you say that again? I did not understand you.

GEN. RUDENKO: I say that we did not use this document during the cross-examination of the witness Gisevius, but we did ask an explanatory question in order that when the document was presented by Dr. Dix, we could object to it as being of no probative value. I especially...

THE PRESIDENT: But did you not put the contents of the document to Gisevius? I do not remember. What I want to know is did you not put the contents of the document?

GEN. RUDENKO: No, no, we did not submit the contents, and we did not discuss the substance of the document. We merely asked a question—did the witness Gisevius know about the article in the *Basler Nachrichten* of 14 January 1946? That was the question, and the witness answered that it was known to him.

DR. DIX: May I say one more thing? It appears to me that the Soviet Delegation does not desire to have the article submitted as evidence. I therefore withdraw it as evidence. And since I have no due reasons to the contrary, no factual reason to the contrary, I can certainly fulfill this wish of the Soviet Delegation. I would like the Tribunal to consider the matter as settled.

May I now put my question?

[Turning to the defendant.] Well, you had conversations in Switzerland?

SCHACHT: Yes.

DR. DIX: What was the subject of these conversations, in broad outlines, and with whom did you have them?

SCHACHT: This article, which has just been discussed...

MR. JUSTICE JACKSON: First, Your Honor, may I interpose an objection? The reason I did not join in the Soviet objection to this document was that I want to know who this economist is. I want to check this thing. There are very peculiar circumstances about this document, and I object to his retelling a conversation with an unknown economist. All I ask is that he identify time and place and person with whom he had his conversation, so that we can do a little verifying of this effort to get something before the Tribunal that did not appear until 1946.

DR. DIX: The question is now being given a significance which its comparative triviality really does not merit. I shall, therefore, dispense with this question too. Please do not now refer to the conversation with the professor, and I shall leave it to the Prosecution to put the question which Mr. Justice Jackson has just mentioned during cross-examination.

Well, your conversations in Switzerland, then, excepting that with the unknown professor.

SCHACHT: Yes, I tried again and again to shorten the war and to bring about some form of mediation which I always sought for particularly through the good offices of the American President. That is all that I can say here. I do not think I need go into details.

DR. DIX: Very well. Did you in your letters to Ribbentrop and Göring—you have already mentioned Hitler—or besides, did you,

during the war, state your views about the policy of the war in writing at any time? First of all, as far as Hitler was concerned.

SCHACHT: I mentioned my discussion with Hitler in February 1940. In the summer of 1941 I wrote a detailed letter to Hitler, and the witness Lammers has admitted its existence. I do not think he was asked about the contents of this letter here, or he was not allowed to talk about it. If I may come back to it; in that letter, I pointed out somewhat as follows—I shall use direct language—“You are at present at the height of your success.”—This was after the first Russian victories.—“The enemy believes that you are stronger than you really are. The alliance with Italy is rather a doubtful one, since Mussolini will one day fall and then Italy will drop out. Whether Japan can still come to your aid at all is questionable in view of Japan’s weakness in the face of America. I assume that the Japanese will not be so foolish as to wage war against America. The output of steel, for instance, in spite of approximately similar population figures, amounts to one-tenth of the American production. I do not think, therefore, that Japan will enter into the war. I now recommend you at all events to reverse foreign policy completely and to attempt with every means to conclude a peace.”

DR. DIX: Did you state your views to Ribbentrop during the war?

SCHACHT: I do not know when it was. On one occasion Herr Von Ribbentrop conveyed to me through his State Secretary, Herr Von Weizsäcker, the reproachful message that I should not indulge in defeatist remarks. That may have been in 1940 or in 1941, during one of those 2 years. I asked where I had made defeatist remarks and it appeared that I had talked to my colleague Funk and had given him extensive reasons why Germany could never win this war. I held this conviction unchangeable at all times before and during the war, even after the fall of France. I answered Ribbentrop through his State Secretary that I, as Minister without Portfolio, considered it my duty to state my opinion to a ministerial colleague in its true conception, and in this written reply I maintained the view that Germany’s economic power was not sufficient to wage this war. This letter, that is, a copy of this letter was sent both to Minister Funk and to Minister Ribbentrop through his State Secretary.

DR. DIX: I think, Your Lordship, this would be a suitable moment...

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. DIX: I spoke before of 20 July. Do you recall a statement made by Hitler about you in connection with 20 July?

SCHACHT: Codefendant Minister Speer was present and told me about it. It was on 22 July 1944 when Hitler issued the order to his circle for my arrest. At that time he made derogatory remarks about me and stated that he had been greatly hindered in his rearmament program by my negative activities, and that it would have been better if he had had me shot before the war.

DR. DIX: To conclude I come to a few general collective questions. Voices were heard within the country, and also abroad—and even the Prosecution, although recognizing your intellectual capacities and the services you rendered, appears to consider it also—that it was incomprehensible that a man as clever as you did not recognize the true nature, the real intentions of Hitler in time. I would like you to state your position with regard to that accusation.

SCHACHT: I should like very much to have known the gentlemen who are now judging me, at a time when it might have been of use. These are the people who always know afterwards what ought to have been done before. I can only state that first of all, from 1920 until the seizure of power by Hitler, I tried to influence the nation and foreign countries in a way which would have prevented the rise and seizure of power by a Hitler. I warned the country to be thrifty but I was not heeded. I repeatedly warned the foreign nations to develop an economic policy which would enable Germany to live. I was not heeded, although as it now appears, I was considered a clever and foresighted man. Hitler came to power because my advice was not followed. The German people were reduced to great economic need and neither...

GEN. RUDENKO: Mr. President. For 2 days now we have been listening to lengthy explanations on the part of the Defendant Schacht, and I rather think that the explanations which have just been given by the Defendant Schacht are not definite answers to questions concerned with the Indictment brought against him, but mere speeches. I consider that they will only prolong the Trial.

THE PRESIDENT: Dr. Dix, the Tribunal is, I think, fully apprised with the case on behalf of Defendant Schacht. They don't want to stop him putting forward his defense fully, but they would be glad if you could make it as short as possible and if he could make it as short as possible.

DR. DIX: My Lord, I am certain that I shall be through by the recess, and perhaps even before the recess; but I beg you to bear

in mind that the defendant is accused of having assisted in the seizure of power. The question arises, how was it that...

THE PRESIDENT: I wasn't ruling that this evidence was inadmissible. I was only asking you to get on with it as quickly as you could.

DR. DIX: Very well. Dr. Schacht, please continue and try to comply with the suggestions of the representative of the Soviet Prosecution as far as possible.

SCHACHT: As briefly as possible. I will not go into detail; I will merely state that due to the collapse of 1918 and the unsatisfactory conditions of the Versailles Treaty, Germany was faced with a severe depression. The democratic parties, which had a firm hold on the regime at that time, were not able to improve the situation; and the other nations did not know what policy to take towards Germany. I do not reproach any one; I merely state facts. Consequently, in this state of depression, Hitler received a larger majority in the Reichstag than had ever been the case since the formation of the Reich.

Now, I ask the people who, although silent at the time, can tell me now what I should have done; I ask them what they would have done. I have stated that I was against a military regime, that I wanted to avoid a civil war, and that, in keeping with democratic principles, I saw only the one possibility: To allow the man to lead the government once he had come to power. I said further that from the moment I realized this I tried to participate in the government, not with the intention of supporting this man in his extremist ideas, but to act as a brake and, if possible, to direct his policies back into normal channels.

DR. DIX: Then there came a time later when you recognized the dangers, when you yourself suffered under the unbearable conditions of terror and of suppressed opinion, so that perhaps this question is pertinent and admissible: Why did you not emigrate?

SCHACHT: Had it been only a question of my personal fate, nothing would have been simpler, especially since, as we have heard before, I would have been offered that opportunity and it would have been made easy for me. It was not merely a question of my own welfare; but as I had devoted myself to the public interest since 1923, it was the question of the existence of my people, of my country. I know of no instance in history where emigrants were of help to their own nation. Of course, I speak of those emigrants who leave of their own free will, not those that have been expelled. It was not the case in 1792, at the time of the French Revolution; it was not the case in 1917, during the Russian Revolution; and it was not the case at the time of the National Socialist revolution which

we witnessed. To sit in a safe harbor abroad and to write articles which no one reads in the home country...

THE PRESIDENT: Dr. Dix, we don't want a historical lecture, do we?

DR. DIX: I believe we can stop here. He merely wanted to state why he did not emigrate. [*Turning to the defendant.*] You have been understood.

SCHACHT: Thank you.

DR. DIX: In the course of these proceedings, either in a letter or in a poem—I do not know which at the moment—there was some mention of your thoughts on the possibility of dying a martyr's death; whether it would have served the cause of peace and the German nation, if you had done more than you did; if you had sacrificed your life...

SCHACHT: I think that you are referring to a quotation from one of my notes, which a representative of the American Prosecution read here, in which I spoke of the silence of death.

DR. DIX: Yes.

SCHACHT: If I had sacrificed myself, it would not have been of the slightest use because the circumstances of my sacrifice would never have become known. Either I would have disappeared in some prison or I would have died there, and no one would have known whether I was alive or not; or I would have been the victim of a planned accident, and it would not have been possible to become a martyr. Martyrs can be effective only if their martyrdom becomes known to the public.

DR. DIX: May I ask for the attention of the Tribunal for a moment? Yesterday I was denied a question concerning the social attitude of the diplomatic corps and its influence on men like Schacht, for instance. The question which I want to put now is not the same question; otherwise I would not put it. But it has nevertheless...

THE PRESIDENT: The objection that I made was to the use of the word "attitude," because I don't see how witnesses can give evidence about the attitude of a corps. I said I think especially that the fact that the diplomatic corps were present at the Party rally might be given in evidence, but I said that the word "attitude" was far too general. What is it you want to put now?

DR. DIX: Yesterday, the question which I framed in the following manner was denied: "How was Schacht influenced by the collective attitude of the diplomatic corps?" That question was denied, and that concludes the matter. Now, I should like first to clarify the matter because I do not want to create the impression

of smuggling into the proceedings a question which may raise the same objections. On the one hand, it is essential for my line of defense to show that people from abroad with judgment, who were above being suspected of wanting to prepare for an aggressive war, had the same attitude toward the regime as Schacht had. On the other hand, it is one of the strong points of my defense to show that the work of these people in their opposition was not only not supported by foreign countries but was actually made more difficult. That is the *thema probandum* that is important for me, and on this theme—but please, Herr Schacht, do not answer before I have received the permission of the Tribunal—this theme...

THE PRESIDENT: State exactly what the question is.

DR. DIX: Yes, I will put the question now. According to my notes I intended to refer to the tokens of honor, which the Nazi regime received from abroad, and to the representatives and numerous state visits paying honor to the regime, which have already been mentioned here. I wanted to ask the defendant what influence these frequent marks of great honor had on the work and aims of this group of conspirators. However, since that question is very similar to the one that has been rejected—and I prefer to make my objections myself rather than to have them made to me—I wanted to submit the question to the Tribunal first and make sure that it is admissible.

THE PRESIDENT: Dr. Dix, the question being: "What effect did the recognition of the Nazi regime from abroad have upon the group of conspirators with whom the Defendant Schacht was in contact?" That is the question, is it not? Well, that question, as the Tribunal thinks, you may put.

DR. DIX: It is admissible if "Anerkennung" is translated correctly as "honor"—honor, not recognition in the sense of recognition of a government in diplomatic official language, but honor, respect. It is a difficulty of translation and I do not want a misunderstanding—may I put to him, first, the individual official visits which I have noted, so that he can answer the question? May I do that?

THE PRESIDENT: Yes, you may; actual visits?

DR. DIX: Yes. The list will not be complete.

[Turning to the defendant.] I remind you that in 1935, the delegate of the Labor Party, Alan Hartwood...

THE PRESIDENT: The Tribunal thinks that you ought to put the question in the general way in which I put it to you, and not go into details of each visit or the details of each number of visits.

MR. JUSTICE JACKSON: If Your Honor pleases, I want to object to it as generalities, because it already appears that the United States did not participate in this and I tried to keep the European politics out of this case, and this is the entering wedge. Now, I don't want to get into this sort of thing. I think it is entirely irrelevant that some foreigner, deceived by the appearance which the Defendant Schacht was assisting in putting up, didn't start a war earlier. This thing is entirely irrelevant. The United States has desired to keep this sort of thing out of this case because it is endless if we go into it. It seems to me, if Herr Schacht wants to put the responsibility for his conduct on some foreigner, that foreigner should be named. He has already said that the United States representatives, Mr. Messersmith and Mr. Dodd, had no part in it because they were always against them. Now, it gets into a situation here which seems to me impossible before this Tribunal, and I cannot understand how it constitutes any defense for mitigation for Schacht to show that the foreign powers maintained intercourse with Germany even at a period of its degeneration.

THE PRESIDENT: The Tribunal thinks the question is relevant but should be put without detail.

DR. DIX: I will put the question without detail, and I would like to say that I cannot, of course, speak of myself and America in the same breath; but I, too, am trying to avoid foreign politics. However, my question does not concern foreign politics.

[Turning to the defendant.] Here is the one question: What influence did the honors which were showered upon the Nazi regime by foreign countries, in a manner well known to you, have on the work of your group of conspirators?

SCHACHT: Throughout the years from 1935, up to and including 1938, numerous statesmen from almost all other nations came to Berlin to visit Hitler, including some crowned heads. From America, for instance, there was Under Secretary of State Phillips.

DR. DIX: Do not mention any names.

SCHACHT: I said that only because names were expressly mentioned here. It is not limited to Europe. I do not intend to make any political explanations, I merely say that there were so many visitors, which meant not only recognition but respect for Hitler, that this man appeared a very great man in the eyes of the German people. I still remember that in 1925, I believe, the King of Afghanistan, Amanullah, appeared in Berlin. He was the first foreigner to visit the Social Democratic Government, and there was a celebration because at last a great man from another country had visited us. In the case of Hitler, starting with 1935 there was one visitor after another; and Hitler went from one foreign political

success to another, which made it extremely difficult to enlighten the German people and made it impossible to work for that enlightenment within the German nation.

DR. DIX: And now, two final questions.

You have heard the speech by the British Attorney General Shawcross, who said that there should have been a point where the servants of Hitler refused to follow him. We want to accept that point of view, and I ask you: Do you believe that you yourself acted in accord with that postulate of the leader of the British Delegation?

SCHACHT: I not only accept it, but I fully approve of it. From the very moment when I recognized what a harmful individual Hitler was, what a threat to world peace, I broke with him, not only secretly, but publicly and personally.

DR. DIX: So you consider that when you realized the truth you did everything humanly possible to try and save humanity from the disaster of this war and bring it to an end, once it had started.

SCHACHT: I know of no one in Germany who would have done more in that respect than I did. I warned against excessive armament, I impeded, and if you like, sabotaged effective armament through my economic policy. I resigned from the Ministry of Economics against the will of Hitler; I publicly protested to Hitler against all the abuses of the Party; I continuously warned people abroad and gave them information; I attempted to influence the policy of other nations with respect to the colonial question in order to achieve a more peaceful atmosphere. Credits for continued armaments . . .

THE PRESIDENT: I think we have heard this more than once, you know.

DR. DIX: Yes.

SCHACHT: May I be permitted one sentence: I blocked Hitler's credits and I finally tried to remove him.

DR. DIX: Gentlemen, I am now at the end of my presentation of evidence for Schacht's case, and I have only one request. During the last few days, I have received a large number of letters and also affidavits from well-known people who know Schacht. I will examine them; and if I should decide that any of the affidavits are relevant, I will get in touch with the Prosecution and discuss with them whether they have any objection to having them translated, so that we can perhaps submit them to the Tribunal—not to have them read, but merely to have them put in evidence. May I request that I be granted this right.

At the end of my entire presentation, I will briefly submit my documents; this has been only partially done.

THE PRESIDENT: Do any of the other defendants' counsel wish to ask any questions?

DR. VON LÜDINGHAUSEN: I have only a few questions to put to Dr. Schacht.

How long have you known Herr Von Neurath, Dr. Schacht?

SCHACHT: I cannot state the exact year, but at any rate for a very long time; for many, many years.

DR. VON LÜDINGHAUSEN: For some time, for about 4 years, you were both colleagues as ministers in the government. During that time, did you have any contact with him other than in purely official capacity?

SCHACHT: Unfortunately not enough, but of course I saw him from time to time. I would have liked to have seen him more often.

DR. VON LÜDINGHAUSEN: But from conversations with him, or from what you heard about him, you certainly formed an opinion about his political views.

SCHACHT: I was well acquainted with his views.

DR. VON LÜDINGHAUSEN: And what was the trend of his political thought?

SCHACHT: I had the impression that basically Von Neurath believed in a conservative policy, but was open to conviction where progressive measures were concerned. He was above all in favor of peaceful international co-operation.

DR. VON LÜDINGHAUSEN: Do you consider it possible, or do you have any reason to believe, that under certain circumstances he would also resort to belligerent methods or that he would even consider them, if the peaceful understanding which he desired was quite impossible?

SCHACHT: According to my understanding of Neurath, I think that he was entirely averse to any aggressive policy.

DR. VON LÜDINGHAUSEN: You witnessed the various...

THE PRESIDENT: Dr. Lüdinghausen, will you kindly put the earphones on, the Tribunal thinks these questions are not questions which can properly be put because of their general nature.

DR. VON LÜDINGHAUSEN: Did you have the impression that in everything that he achieved, particularly in the occupation of the Rhineland, Herr Von Neurath...

THE PRESIDENT: Dr. Lüdinghausen, this is not a proper question to put to a witness, "Did you have an impression about him?"

You can ask him what he said and what he did; what did Von Neurath do and what did he say?

DR. VON LÜDINGHAUSEN: Yes; then I will not put this question. I have only one last question.

[Turning to the defendant.] You know that on the 4th of February 1938 Von Neurath resigned as Foreign Minister. What did you and your immediate circle say to the resignation of Von Neurath from foreign politics? What impression did it make upon you?

SCHACHT: I believe I have already said in the course of the interrogation that I considered Von Neurath's resignation a very bad sign, for it meant departing from the previous policy of understanding in foreign politics.

DR. VON LÜDINGHAUSEN: I have no further questions.

THE PRESIDENT: Any other defendants' counsel want to ask questions?

Does the Prosecution desire to cross-examine?

MR. JUSTICE JACKSON: I think it might save time, Your Honor, if we could take our recess at this time. It is a little early, I know, but it takes some time to arrange our material.

THE PRESIDENT: Certainly.

[A recess was taken.]

MR. JUSTICE JACKSON: Dr. Schacht, according to the transcript of the testimony at Page 8698 (Volume XII, Page 460), you said that in 1938 you told a certain lady while you were dining: "My dear lady, we have fallen into the hands of criminals. How could I ever have suspected that!" You recall that testimony?

SCHACHT: It was not I who gave that testimony; it came from an affidavit submitted here by my Defense Counsel, but it is correct.

MR. JUSTICE JACKSON: I am sure you want to help the Tribunal by telling us who those criminals were.

SCHACHT: Hitler and his confederates.

MR. JUSTICE JACKSON: Well, you were there; you know who the co-operators were. I am asking you to name all that you put in that category of criminals with Hitler. Hitler, you know, is dead.

SCHACHT: Mr. Justice, it is very difficult for me to answer that question fully because I do not know who was in that close conspiracy with Hitler. The Defendant Göring has told us here that he considered himself one of that group. There were Himmler and Bormann, but I do not know who else there was in the small circle of men who were trusted by Hitler.

MR. JUSTICE JACKSON: You have only named three men. Let me put it this way: You named four men criminals, three of whom are dead and one of them you say admitted . . .

SCHACHT: I can add one more, if you will permit me. I assume that the Foreign Minister Von Ribbentrop was also always acquainted with Hitler's plans. I must assume that; I cannot prove it.

MR. JUSTICE JACKSON: Whom else did you include when you were talking to the lady?

SCHACHT: On that evening I did not mention any names.

MR. JUSTICE JACKSON: But whom did you have in mind? You surely were not making charges against your own people, who were in charge of your own government, without having definite names in mind.

SCHACHT: I have taken the liberty of mentioning the names to you.

MR. JUSTICE JACKSON: Are those all?

SCHACHT: I do not know, but I assume that there were more. I would add without hesitation, Heydrich. But I cannot know with whom . . .

MR. JUSTICE JACKSON: Heydrich is a dead man.

SCHACHT: I regret that these people are dead, I would have liked to see them die some other way; but . . .

MR. JUSTICE JACKSON: Well, are those the only people that you included?

SCHACHT: I have no proof of the fact that there was anyone else in this conspiracy about whom I could say that there is proof that he was a conspirator.

MR. JUSTICE JACKSON: Now, Dr. Schacht, at the time the Nazis seized power you had a world-wide acquaintance and very great standing as a leading banker in Germany and in the world, did you not?

SCHACHT: I do not know whether that is so, but if that is your opinion I do not wish to contradict you.

MR. JUSTICE JACKSON: Well, at first you would admit that? Wouldn't you?

SCHACHT: I do not contradict.

MR. JUSTICE JACKSON: And yet as we understand it, you made public appearances in Germany before the German people in support of the Nazi regime, alongside of characters such as Streicher and Bormann.

SCHACHT: Mr. Justice, I have taken the liberty of explaining here that until July 1932 I did not in any way come forward publicly for Hitler or the Party and that, on the contrary, in America for instance, I warned the people against Hitler. At that time I—the name Bormann was, of course, unknown to me at the time; and Streicher's paper, *Der Stürmer*, was just as revolting to me before that time as afterwards. I did not think that I had anything in common with Herr Streicher.

MR. JUSTICE JACKSON: Well, I didn't either, but that is why I wondered about your appearing with him publicly before the German people after 1933 when the Nazi regime was consolidating its power. You did that, didn't you?

SCHACHT: What did I do, Mr. Justice?

MR. JUSTICE JACKSON: I spoke of your appearances, publicly, before the German people with Streicher and Bormann in support of the Nazi program after the seizure of power.

SCHACHT: I do not think so. I was never seen publicly with Herr Streicher or with Mr. Bormann—certainly not at that time. It is quite possible that he attended the same Party rallies as I, or that I sat next to him; but, at any rate, in 1933 I was never seen publicly either with Streicher or with Bormann.

MR. JUSTICE JACKSON: I ask to have you shown the photograph from the Hoffmann collection, marked Number 10. You have no difficulty recognizing yourself in that, do you?

SCHACHT: No.

MR. JUSTICE JACKSON: And on the right sits Bormann?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And next to him the Minister of Labor?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And on the other side of you is Hitler?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And beyond him, Streicher?

SCHACHT: I do not recognize him; I do not know whether it is Streicher, but perhaps it is.

MR. JUSTICE JACKSON: Well, I will offer the photograph in evidence. And perhaps the identification will be sufficient.

And also Frick is in that picture?

SCHACHT: Yes.

MR. JUSTICE JACKSON: This becomes Exhibit Number USA-829.

[Turning to the defendant.] I will ask to have you shown . . .

THE PRESIDENT: Justice Jackson, what is the date of that photograph?

MR. JUSTICE JACKSON: There is no date given on the photographs. Perhaps the defendant can tell us.

SCHACHT: Mr. Justice, you said that in 1933 I had permitted myself to be seen publicly with Streicher and Bormann as a representative of the National Socialist Party; and I should like to know, therefore, where this picture was taken and when. I cannot identify it.

MR. JUSTICE JACKSON: I asked you about after 1933. Schacht, do you deny this is a photograph . . .

SCHACHT: No, no. By no means, I am merely asking when it was taken. I do not think this refers to 1933 or 1934.

MR. JUSTICE JACKSON: When was it, if you want to tell us?

SCHACHT: I do not know; I cannot tell you.

MR. JUSTICE JACKSON: I will show you another photograph—two photographs, Numbers 3 and 4. Number 3 shows you marching with Dr. Robert Ley among others.

SCHACHT: Yes.

MR. JUSTICE JACKSON: Number 4 shows you entering the hall, marching, and giving the Nazi salute.

SCHACHT: Yes, yes.

MR. JUSTICE JACKSON: And Ley the man who suppressed the labor unions of Germany?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And those are correct photographs, are they not?

SCHACHT: Certainly.

MR. JUSTICE JACKSON: I offer them in evidence under Exhibit Number USA-829.

[Turning to the defendant.] I will show you photographs marked Numbers 1 and 2 and 6—and 7. Now let us look at Number 1. Do you recall where that was taken?

SCHACHT: Yes—one moment, if it is the number I have here—yes, just a minute.

MR. JUSTICE JACKSON: Where was it taken?

SCHACHT: I think Number 1 is a picture from the Reich Chancellery, if I am not mistaken.

MR. JUSTICE JACKSON: Among the persons appearing in Number 1 is Frick?

SCHACHT: Gürtner, Goebbels, Popitz, Schacht, Papen, Göring, and others, and Hitler in the middle.

MR. JUSTICE JACKSON: And Neurath, do you recognize?

SCHACHT: Neurath. Yes; I think he is immediately on Hitler's right, in the background.

MR. JUSTICE JACKSON: Goebbels?

SCHACHT: Yes, I said Goebbels.

MR. JUSTICE JACKSON: You identify Funk as present in the picture, at the extreme right, only a part of his body showing.

SCHACHT: Who is that?

MR. JUSTICE JACKSON: Funk, the Defendant Funk.

SCHACHT: No, that is Göring.

MR. JUSTICE JACKSON: Back of Göring and back of Neurath.

SCHACHT: I beg your pardon. Perhaps I have a different picture. I beg your pardon. That is Number 2. On Number 2 I see from left to right: Popitz, Rust, Göring, Neurath, Hitler, Blomberg, Schacht, Gürtner, Krosigk, Eitz von Rübenach, and then at the very back on the right, Funk.

MR. JUSTICE JACKSON: And let us take Number 7. Who do you identify as your company in that photograph?

SCHACHT: On the extreme left, my late wife; then the Vice President of the Reichsbank, Dreyse, Hitler, and myself. There is an adjutant of Hitler, and the heavy-set man on the right—I do not know who he is.

This is a photograph taken when the foundation of the new Reichsbank building was laid in 1934. Directly behind me, on the right, is Blomberg.

MR. JUSTICE JACKSON: And Number 6?

SCHACHT: One moment. That is the picture where I am walking alongside Hitler, is that right? That is Hitler's entrance in my company, on the occasion when the foundation of the new Reichsbank building was laid. Behind me, or rather behind Hitler, you can see Geheimrat Vocke, who is to appear as a witness here tomorrow, and several other gentlemen from the directorate of the Reichsbank.

MR. JUSTICE JACKSON: I offer the remaining photographs, 1, 6, and 7 in evidence under the same number.

So that it would appear, Dr. Schacht, that a good deal of your present company was the company that started off with you in 1933 and 1934?

SCHACHT: Is that a question?

MR. JUSTICE JACKSON: Well, is that not true?

SCHACHT: No. If you had photographed me with my other acquaintances just as often, the number would be 10 times as great.

MR. JUSTICE JACKSON: You testified—and I refer to Page 8650 of the record (Volume XII, Page 424)—that there were reasons of principle why you did not become a Party member and that Party membership would not be compatible with your principles?

SCHACHT: That is right.

MR. JUSTICE JACKSON: And you also testified—I refer to Page 8692 of the record (Volume XII, Page 455)—that from 1932 to the 30th of January 1933—I am quoting you, “I have not written or spoken a single word publicly for Hitler.”

SCHACHT: I think that is right, if you emphasize “publicly.”

MR. JUSTICE JACKSON: You must emphasize “publicly”?

SCHACHT: Yes.

MR. JUSTICE JACKSON: I want yet to ask you about the next thing. You also said:

“I have never helped in any way to exert influence in favor of Hitler through discussions with any of the competent gentlemen: Hindenburg, Meissner, *et cetera*; and I did not participate in any way in the appointment of Hitler to Reich Chancellor.”

Is that correct?

SCHACHT: That is correct.

MR. JUSTICE JACKSON: Now, are there any words that we have to emphasize in that in order to understand it correctly?

SCHACHT: No, in reference to Hitler's becoming Chancellor, please note I said, “competent men.”

MR. JUSTICE JACKSON: Well, I don't just know what you mean by that, but I'll give you a chance to explain.

SCHACHT: Yes. When I say “competent,” I mean those people who could decide as to who was to be Chancellor. Of course, I did say that Hitler would be Chancellor and must become Chancellor, and I expressed those convictions in private circles.

MR. JUSTICE JACKSON: Did you say that in public?

SCHACHT: No, I said that only in a circle of my friends, business acquaintances, and such like.

MR. JUSTICE JACKSON: Now, I want to quote you a statement by Von Papen:

"When I was Chancellor of Germany, in 1932, Schacht came to see me in July or August while I was at home. He said, 'here's a very intelligent man.'—It was in the presence of my wife and I have never forgotten it.—He said, 'Give him your position. Give it to Hitler. He is the only man who can save Germany.'"

Did you say that or didn't you?

SCHACHT: I do not know whether I said that he was the only man who could save Germany, but I did tell him that Hitler would and must become Chancellor. But that was in August or July of 1932, after the July elections; and it has nothing to do with Hitler's nomination, which did not take place until after the Schleicher Cabinet, about which I have been examined here.

MR. JUSTICE JACKSON: Now, Dr. Schacht, I just asked you if you had not testified that you had nothing to do with his coming to the Chancellorship and you said...

SCHACHT: That is the truth.

MR. JUSTICE JACKSON: ... and it is here said that you asked Von Papen to give the place to him and...

SCHACHT: Yes.

MR. JUSTICE JACKSON: ... and do you contend—and I want you to say anything you want to about this—do you contend that that was not aiding Hitler to the Chancellorship?

SCHACHT: I do not know whether it was aiding Hitler. In the course of my examination here, I have been asked whether I had exerted any influence in connection with Hitler's election or his nomination for the Chancellorship in January 1933. I have given the names of Hindenburg, Meissner, and so forth, that is to say, Hindenburg's circle. Since the beginning of November 1932, Papen was no longer Chancellor and thus he had no influence upon these matters at all. I did not talk to Papen at all during those weeks. On the contrary, after the elections of 1932, I said that it was inevitable that a man who had obtained so many votes in the Reichstag must take over the political lead.

MR. JUSTICE JACKSON: Now let me get you correctly. When you saw Hitler was going to win you joined him?

SCHACHT: No.

MR. JUSTICE JACKSON: Well, I'll just make it clear what you do mean. You did not assist him until he had already accumulated more votes than any other Party in the Reichstag?

SCHACHT: I did not join Hitler when I saw that he would win, but when I had discovered that he had won.

MR. JUSTICE JACKSON: Oh, well, I'll accept the amendment.

You have referred to your letter to Hitler on the 29th of August 1932...

SCHACHT: Yes.

MR. JUSTICE JACKSON: ...in which you advised him not to put forward any detailed economic program?

SCHACHT: Yes.

MR. JUSTICE JACKSON: You told him there was no such program on which 14 millions could agree?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And that economic policy is not a factor for building up a party?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And you added that, "You can always count on me as your reliable assistant"; did you not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And then that was after he had won?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And then on the 12th of...

SCHACHT: November.

MR. JUSTICE JACKSON: Yes, I just want to refer to that document as EC-456, Exhibit Number USA-773. Now, then, on the 12th of November 1932, you wrote a letter to him, in which you said, among other things, "I have no doubt that the present development of things can only lead to your becoming Chancellor."

SCHACHT: Yes.

MR. JUSTICE JACKSON: "It seems as if our attempt to collect a number of signatures from business circles for this purpose is not altogether in vain..."

SCHACHT: Yes.

MR. JUSTICE JACKSON: You were collecting signatures for this purpose?

SCHACHT: Not I, but I participated.

MR. JUSTICE JACKSON: You were assisting.

SCHACHT: Yes.

MR. JUSTICE JACKSON: And that was Document Number EC-456.

Now, as of November 1932, a document was prepared for a large number of industrialists to sign, urging the selection of Hitler as Chancellor, in substance, was there not?

SCHACHT: I no longer remember the document, but I assume that that is the document.

MR. JUSTICE JACKSON: And men like Schacht, Schröder, and Krupp, and a great number of industrialists signed that document, did they not?

SCHACHT: That is possible, yes.

MR. JUSTICE JACKSON: And it was sent to Von Hindenburg?

SCHACHT: I do not know.

MR. JUSTICE JACKSON: Well, the purpose of it was to aid Hitler in obtaining the Chancellorship?

SCHACHT: That is possible.

MR. JUSTICE JACKSON: It is addressed to the Reich President, is it not? Document Number 3901-PS, Exhibit Number USA-837.

SCHACHT: I have not seen it; but it is probably correct.

MR. JUSTICE JACKSON: Well, you do not deny that that occurred?

SCHACHT: I assume that it is correct. I have not seen it, but I do not doubt it at all.

MR. JUSTICE JACKSON: Then, in November of 1932 you communicated to Hitler the result of your money-raising campaign, did you not?

SCHACHT: I do not know anything about that.

MR. JUSTICE JACKSON: Well, I'll remind you from your own interrogation. Well, I'll remind you first, of your testimony, in which you say that it appears that you did not plead for funds but that Göring pleaded for funds; and I ask if you did not, on the 9th of October 1945, give these answers to these questions as to events of February 1933?

SCHACHT: Events of what?

MR. JUSTICE JACKSON: Events of February 1933.

SCHACHT: Yes, thank you very much.

MR. JUSTICE JACKSON: Going back to 1933. This is the question:

"Prior to the time that Hitler appointed you as President of the Reichsbank, do you recall a meeting in the home of Göring?

"Answer: 'Yes. That was a financial meeting. I have been interrogated about that several times already.'

"Question: 'Tell me about it.'

"Answer: 'Yes, I will. Hitler had to go to the elections on 5 March, if you will remember, and for these elections he wanted money for the campaign. He asked me to procure the money and I did. Göring called these men together and I made a speech—not a speech, for Hitler made the speech—then I asked them to write down the amounts and to subscribe for the elections, which they did. They subscribed a total of 3 millions and they allocated the sum among themselves.'

"Question: 'Who were the people who made up that subscription list?'

"Answer: 'I think that all of them were bankers and industrialists. They represented the chemical industry, iron industry, textile industry, all of them.'

"Question: 'Representatives of all the industries?'

"Answer: 'All of them; all of the big industries.'

"Question: 'Do you recall any of their names?'

"Answer: 'Oh certainly; Krupp was there—the old gentleman, Gustav. He arose from his seat and thanked Hitler and was very enthusiastic about him at the time. And then there was Schnitzler—I think it was he—and Vögler for the United Steel Works.'

Did you give that testimony?

SCHACHT: Certainly.

MR. JUSTICE JACKSON: Now, at that meeting you have referred to Document Number D-203, which is a record of the meeting—at that meeting Göring said this in substance, did he not?

"The sacrifices which are required would be so much easier for industry to bear if it knew that the election of 5 March would surely be the last one for the next 10 years, probably even for the next 100 years."

You heard that, did you not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now yesterday or the day before you were interrogated about your support and about the tribute that Goebbels paid to you; and you said to the Court, "It is not my fault if Goebbels made a mistake." Do you recall that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And I ask you, if testifying about Dr. Goebbels you did not say this to the interrogator of the United

States, on the 17th day of October 1945, Exhibit Number USA-616 (Document Number 3729-PS)?

"Question: 'When did you become interested in becoming a co-worker of Hitler?'

"Answer: 'I should say in the years of 1931, 1932.'

"Question: 'And that was when you saw that he had a mass movement that was likely to take power?'

"Answer: 'Quite right; it was growing continually.'

"Question: 'And did you publicly record your support for Hitler in those years?'

"Answer: 'I think I made a statement in December 1930 once at the Bavarian People's Party, upon coming back from America. I said that there was a choice for any future Government, either to hold against 25 percent socialists, or against 20 percent National Socialists.'

"Question: 'But what I mean—to make it very brief indeed—did you lend the prestige of your name to help Hitler come to power?'

"Answer: 'I stated publicly that I expected Hitler to come into power for the first time that I remember in November 1932.'

"Question: 'And you know, or perhaps you don't, that Goebbels in his diary, records with great affection...'

"Answer: 'Yes.'

"Question: '... the help that you gave him at that time?'

"Answer: 'Yes, I know that.'

"Question: 'November 1932?'

"Answer: 'You say the book is called *From the Kaiserhof to the Reich Chancellery*?'

"Question: 'That's right; you have read that?'

"Answer: 'Yes.'

"Question: 'And you don't deny that Goebbels was right?'

"Answer: 'I think his impression was that he was correct at that time.'"

Did you give that testimony?

SCHACHT: Yes. I never doubted that Goebbels was under this impression; I merely said that he was mistaken.

MR. JUSTICE JACKSON: Then you didn't—Well, I won't bother. Now, you made some extensive quotations from Ambassador Dodd yesterday, the day before. Did you not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And let's have this understood: Ambassador Dodd was consistently and at all times opposed to the entire Nazi outfit, wasn't he?

SCHACHT: Yes.

MR. JUSTICE JACKSON: So you got no encouragement from him to be in this outfit?

SCHACHT: Oh, no.

MR. JUSTICE JACKSON: Now, you testified, as I understood you, that Ambassador Dodd invited you to go to the United States of America and you say—I am quoting from Page 8670 of the record (Volume XII, Page 439):

“At that time, 1937, he called on me and urged me to go with him, or follow him as soon as possible, and change my residence to America. He said that I would find a very pleasant welcome in America. I believe he never would have said that to me if he had not had a friendly feeling towards me.”

You said that to the Tribunal?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And I think you intended to convey to the Tribunal the impression that Ambassador Dodd had great confidence in you and great friendship for you?

SCHACHT: I had that impression.

MR. JUSTICE JACKSON: Have you read his entire diary, or did you confine yourself to reading extracts?

SCHACHT: Yes. I also know of the passage where he said, “You would make a very bad American,” or something like that.

MR. JUSTICE JACKSON: Yes, yes, you didn't mention that to the Tribunal.

SCHACHT: I think that would be better for the Prosecution.

MR. JUSTICE JACKSON: Well, we are not disappointing you then.

Are you not familiar with his entry under the date of December 21, 1937, where he speaks of the luncheon at which you were present?

“Schacht spoke of the defeat of Germany in 1918 as wholly due to Woodrow Wilson's bringing America into the World War. But I said Wilson's Fourteen Points were the one great promise of international peace and co-operation, and every country on both sides had helped to defeat his purpose. Don't you think Wilson, 50 years from now, will be regarded as one of the greatest presidents the United States has ever had? He

evaded an answer but turned his attention to the Japanese-Chinese war and opposed Germany's alliance to Japan. Then he showed the true German attitude, quoting, 'If the United States would stop the Japanese War and leave Germany to have her way in Europe, we would have world peace.'

SCHACHT: What is the question?

MR. JUSTICE JACKSON: Did you make those statements?

SCHACHT: I do not know whether I said it, but even today it seems an extremely reasonable statement. I am of the opinion that it was correct with one exception, I believe...

MR. JUSTICE JACKSON: Yes, now let's get this straight. As I understand you correctly, you can have peace, world peace, if Germany was left to have her way in Europe?

SCHACHT: Yes. May I say that there were various opinions about the path Germany was to take; mine was a peaceful one.

MR. JUSTICE JACKSON: Now, he goes on:

"I did not comment, and others also failed to make remarks. Schacht meant what the Army Chiefs of 1914 meant when they invaded Belgium, expecting to conquer France in 6 weeks, namely; domination and annexation of neighboring little countries, especially north and east."

SCHACHT: Am I to reply?

MR. JUSTICE JACKSON: Did you say that?

SCHACHT: No, no.

MR. JUSTICE JACKSON: Was that what Dodd said about your conversation?

SCHACHT: But I did not say that.

MR. JUSTICE JACKSON: And you?

SCHACHT: No, may I...

MR. JUSTICE JACKSON: What was the impression?

SCHACHT: No, may I answer please?

MR. JUSTICE JACKSON: I ask you this question: What is the impression received over the course of his acquaintance with you by a man whom you describe as being a decent fellow and a friend of yours?

SCHACHT: May I answer that I have already stated that Mr. Dodd was the victim of many misconceptions. In this case, too, he does not say that I said it; he says, "Schacht meant." That was his opinion which he attributed to me. I never said that.

MR. JUSTICE JACKSON: I so understood it; but it was the estimate of a friendly observer, I take it from you.

SCHACHT: A friendly observer who continually misunderstood; Ambassador Henderson has proved that in his book.

MR. JUSTICE JACKSON: He may have misunderstood Henderson; but there is never any doubt that he understood the Nazi danger from the beginning, is there?

SCHACHT: Yes; but he misunderstood my attitude.

MR. JUSTICE JACKSON: Now, when you went and asked first the Foreign Minister and then Hitler to go to the United States, or have some one go to the United States, you testified, on Page 8708 of the record (Volume XII, Page 467) that you told Hitler this:

"It seems vital to me that there should be someone constantly in America who could clarify German interests publicly, in the press, *et cetera*."

Did you say that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now, is that what you actually said to Hitler?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now, I call your attention to your own letter, Document Number 3700-PS to the Reich Marshal.

"In the beginning of 1940 I proposed to the Führer that I should go to the United States in order to attempt to slow down America's assistance to England in the matter of armaments and, if possible, to prevent America becoming involved more deeply in the war."

I ask you, which of those is true?

SCHACHT: Both of them.

MR. JUSTICE JACKSON: Both? Then you did not reveal to the Tribunal yesterday, when you reported the conversation, all that you had pretended that you would do in the United States, did you?

SCHACHT: No, certainly not. I wanted, for instance, to try to persuade the President to intervene for peace. That, too, I did not mention here.

MR. JUSTICE JACKSON: Now, you also testified yesterday that you were never told about the extent, the type, and the speed of rearmament. Do you recall that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: But although you had no such information, you said it was too much?

SCHACHT: I had the feeling that one ought to go slowly.

MR. JUSTICE JACKSON: Now, let me remind you of certain statements made by General Von Blomberg concerning 1937.

"Answer: 'At that time, the organization of the planned Wehrmacht was about complete.'

"Question: 'When? 1937?'

"Answer: 'I believe it was 1937.'

"Question: 'Was that a plan that had been discussed with Doctor Schacht in connection with the financing, as to how big the Wehrmacht would be?'

"Answer: 'Yes. Schacht knew the plan for the formation of the Wehrmacht very well, since we informed him every year about the creation of new formations for which we had been expending money. I remember that in the year 1937 we discussed what the Wehrmacht would need for current expenses after a large amount had been spent for creating it.'

"Question: 'That means that you gave Schacht a clear statement of how much money each year went into the creation of new units, new installations, and so forth, and how much you were using for the operating expenses of the Wehrmacht?'

"Answer: 'Exactly right.'

"Question: 'When you say that by 1937 the plan had been fulfilled, do you mean in the main?'

"Answer: 'In the main.'"

Another question. I skip two or three irrelevant ones.

"When you say that Schacht was familiar with those figures, how were they brought to his attention?

"Answer: 'The demands for the money needed were handed to Schacht in writing.'

"Question: 'That means that in connection with the money which Schacht was raising for the rearmament program, he was informed of how many divisions and how many tanks and so forth would be procured through these means?'

"Answer: 'I don't think we put down the amount of money we would need for every tank and so forth, but we would put down how much every branch of the Wehrmacht, like the Navy or Air Force, needed, and then we would state how much was required for activating and how much for operating.'

"Question: 'That is, Doctor Schacht could see each year how much of an increase there would be in the size of the Armed Forces as a result of the money he was procuring?'

"Answer: 'That is certain.'"

I ask whether you deny the statements made by Von Blomberg as I have put them to you?

SCHACHT: Yes, unfortunately, I must say that I know nothing about this. A member of the Reichsbank Directorate, Geheimrat Vocke, will testify tomorrow; and I ask that you put this matter to him so that the question will be clarified. The question was not one of informing me, but of informing the Reichsbank Directorate. Everything that I knew the Reichsbank Directorate naturally also knew.

MR. JUSTICE JACKSON: Dr. Schacht, I don't care whether you know or didn't know as far as the Prosecution's case is concerned. What I am asking you these questions for is to know how far we can rely on your testimony.

SCHACHT: Yes, I understand.

MR. JUSTICE JACKSON: So there will be no misunderstanding about that. And you deny that Von Blomberg was telling the truth when he says, when he reported to you in writing, those facts?

SCHACHT: Yes, unfortunately I must deny it. Evidently he does not remember.

MR. JUSTICE JACKSON: Now, you testified yesterday or the day before, that the so-called New Plan had nothing to do with the armament program, did you not?

SCHACHT: Nothing in particular with armament.

MR. JUSTICE JACKSON: Oh, nothing in particular.

SCHACHT: No. I mean of course—the Tribunal was expressly asked whether I was to speak about the New Plan here or not, and the Tribunal decided that it was to be brought up at your cross-examination. I am prepared to inform you now about the New Plan before you...

MR. JUSTICE JACKSON: Now, Dr. Schacht, you have no objection to answering my questions, have you?

SCHACHT: Certainly not.

MR. JUSTICE JACKSON: I am referring to the answer which you gave—the one which you were not allowed to give—find the Page 8732 of this record (Volume XII, Pages 484 and 485):

"Question: 'Some of your economic policies during the time you were Minister of Economics, which have been accused as being in preparation for war, were the so-called New Plan. What was that?'"

And your answer:

"May I state first of all that the New Plan had nothing at all to do with rearmament."

And then you went into an explanation of the New Plan which the Court did not receive, and I am asking you only this question: Did you not say, in your speech on the Miracle of Finance on the 29th day of November 1938, this—after quoting a great number of figures: "These figures show how much the New Plan contributed to the execution of the armament program as well as to the securing of our food."

Did you say that or didn't you?

SCHACHT: Yes.

MR. JUSTICE JACKSON: That is Document Number EC-611, Exhibit Number USA-622.

Now, I understood you to say in your testimony that you really didn't have anything to do socially with Hitler or with the other Nazis and that you refused their invitation to lunch at the Reich Chancellery; and one of the chief reasons was that those present showed such abject humility to Hitler. Did you say that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now, I want to read to you from your speech, Document Number EC-501, your inaugural speech on the occasion of the Führer's birthday. This was a public speech, by the way, wasn't it?

SCHACHT: I do not know. I do not remember.

MR. JUSTICE JACKSON: You made a speech on the Führer's birthday on the 21st of April 1937, carried in the newspapers?

SCHACHT: Maybe.

MR. JUSTICE JACKSON: "We are meeting together here to remember with respect and love the man to whom the German people entrusted the control of its destiny more than 4 years ago."

And then, after some other remarks, you say,

"With the limitless passion of a glowing heart and the infallible instinct of a born statesman, Adolf Hitler, in a struggle which he led for 14 years with calm logic, has won for himself the soul of the German people."

Was that a part of your published and public speech?

SCHACHT: I assume that you have quoted it quite correctly. I do not believe that anyone, on the occasion of the birthday celebration of the head of a state, could say anything very different.

Mr. Justice, may I make one request. You have completely passed over the New Plan, while the Tribunal has pointed out that it was to be discussed here in cross-examination. If you are not going to refer to the New Plan, may I ask that the New Plan be discussed again in re-examination by my attorney.

MR. JUSTICE JACKSON: I did not ask you what the New Plan was; I asked whether your statement that it had nothing to do with armaments was true or not. But if your solicitor wants to ask about it, it is open to ruling by the Tribunal. You quoted today Hitler's letter of the 19th of January 1939, in which you were dismissed from the presidency of the Reichsbank; and you did not quote the concluding sentence, as I recall it, which reads, "I am happy to be able to avail myself of your services for the solution of new tasks in your position as Reich Minister." That is a correct quotation, is it not?

SCHACHT: I refer to the testimony by the witness Gisevius, who has already said that outwardly Hitler would never indicate that there was dissension between himself and his collaborators but that he always attempted to give a false impression to the world. After January 1939 Hitler never asked for my opinion or my cooperation.

MR. JUSTICE JACKSON: Were you asked by anyone else?

SCHACHT: No. I cited this morning the occasions when I was asked for assistance. That was in connection with Belgium, and in connection with the periodical, *Das Reich*. I think that was all.

MR. JUSTICE JACKSON: And you performed no functions whatever in reference to Belgium?

SCHACHT: No.

MR. JUSTICE JACKSON: Now, I quote your letter of the 17th of October 1940 to the Reich Minister of Economics, Document EC-504, USA-830. At that time you had ceased to be President of the Reichsbank, had you not?

SCHACHT: Yes. I was only a minister without portfolio.

MR. JUSTICE JACKSON: "So that the German banks in the occupied western territories need not work side-by-side, or rather against each other, you had assigned the Deutsche Bank the task of clearing the way for closer economic cooperation with Holland; and you entrusted the Dresdner Bank with the same task for Belgium."

And you go on to describe that situation and say:

"In order to remove this difficulty, you, Herr Reich Minister, have agreed that the undersigned comply with the requests of both banking houses for a decisive expression of opinion in

this question. I have subsequently discussed the situation with both banks and it was confirmed in the course of the conversation that at present there is no tendency on the part of Dutch or Belgian financial institutions to enter into general ties with the German business men."

Do you recall?

SCHACHT: Yes, I remember it, now that you have read it to me. May I make a statement, or what was your question?

MR. JUSTICE JACKSON: I just wondered if you remembered that.

SCHACHT: Yes, and I ask permission to make a statement. It concerns...

MR. JUSTICE JACKSON: If you think it needs explaining...

SCHACHT: I would think so; but I leave that to the Tribunal. If I may speak: It concerns a rivalry between two large banks. Both these large banks approached me—as a former banker and President of the Reichsbank—to decide the matter, and I did. I really do not see what that has to do with the official participation in the Belgian administration.

MR. JUSTICE JACKSON: And the purpose of your intervention was to avoid misunderstanding in the occupied countries between the banking interests of the occupied countries and the German banks, was it not?

SCHACHT: Certainly, they were to work together peacefully.

MR. JUSTICE JACKSON: Yes. Although you have said to the Tribunal that you were entirely opposed to the Germans being in there at all?

SCHACHT: Of course. But now that they were there I tried to keep peace.

MR. JUSTICE JACKSON: You also were approached by Krupp von Bohlen about raising a fund known as the "Hitler spending fund," were you not?

SCHACHT: No.

MR. JUSTICE JACKSON: You never were?

SCHACHT: Never.

MR. JUSTICE JACKSON: Well, that is most unfortunate—that your name should be connected with...

SCHACHT: Yes, I know the letter.

MR. JUSTICE JACKSON: You never received such a letter?

SCHACHT: Yes, I know the letter, but I was not assigned the task of raising that fund.

MR. JUSTICE JACKSON: Well, you assisted in raising it, didn't you?

SCHACHT: No.

MR. JUSTICE JACKSON: Did you contribute to it?

SCHACHT: I personally, certainly not. I do not know what you are accusing me of.

MR. JUSTICE JACKSON: I thought you knew about the letter from Von Bohlen.

SCHACHT: Yes, but I ask you of what are you accusing me? Please tell me.

MR. JUSTICE JACKSON: Did you raise any money or help to organize a loan with Krupp von Bohlen in May of 1933—the Hitler spending fund?

SCHACHT: No.

MR. JUSTICE JACKSON: How did you answer Krupp von Bohlen's letter asking you to do so?

SCHACHT: Would you please remind me of what Herr Von Krupp wrote to me at the time?

MR. JUSTICE JACKSON: Have you the letter of the 29th of May?

SCHACHT: Yes, one moment, please, I have nearly finished. May I reply now? From this...

MR. JUSTICE JACKSON: First of all, did you receive such a letter?

SCHACHT: Yes, of course.

MR. JUSTICE JACKSON: All right. Tell us what happened.

SCHACHT: In that letter Herr Von Krupp informed me that industry and other economic circles, such as agriculture, *et cetera*, intended to organize a joint Hitler fund in order to combine in one collection the unrestrained Party collections which were making the entire country insecure. He informed me of this, and also of the fact that a board of trustees was to be appointed for this Hitler fund. I want to say that I never joined the board of trustees and was not a member of it. He further informed me that the representatives of the banks, Dr. Fischer and Dr. Mosler, would contact me and inform me about these things. That is all that the letter says.

MR. JUSTICE JACKSON: That I offer as Exhibit Number USA-831, (Document Number D-151).

[Turning to the defendant.] Will you look at the following letter of the 30th of May 1933, which says they had the opportunity of mentioning it to you?

SCHACHT: One moment, please. I do not think the letter is in my document book. No, it is not here.

[The document was handed to the defendant.]

MR. JUSTICE JACKSON: I asked you to read the letter of the 29th of May first; one of the 29th of May and one of the 30th. The 29th of May has not been translated.

SCHACHT: I see. Just a minute. I read.

This letter never reached me. It has been crossed out and apparently it was not sent, because Krupp and I had a personal conversation to which Krupp refers in the letter of the following day, 30 May; the letter begins, "As Dr. Köttgen and I had the opportunity of mentioning to you yesterday..." That apparently was a personal conversation.

MR. JUSTICE JACKSON: Yes, and you had also said:

"You were kind enough to promise me to obtain from Messrs. Otto Christian Fischer and Dr. Mosler... full particulars, and especially information on how far banks which are public corporations can participate in this task."

SCHACHT: No, Mr. Justice Jackson, it does not say that in the letter. Please, will you be good enough to read the letter of 29 May? Where does it say that I spoke to Dr. Fischer or would speak to Dr. Mosler?

MR. JUSTICE JACKSON: Do you deny receiving the letter of the 29th?

SCHACHT: Yes.

MR. JUSTICE JACKSON: You never received it?

SCHACHT: No.

MR. JUSTICE JACKSON: Do you deny having a conversation with Krupp von Bohlen-Halbach, the substance of which is set forth in that letter?

SCHACHT: No—One moment. Please, let me answer quietly. I do not wish to be accused of anything without replying.

I did not receive that letter on 29 May, nor did I receive it later. Instead, there was a personal conversation. The subject of that conversation is contained in the letter of 30 May, which we read before and which I received. You have just asserted that I had promised Krupp von Bohlen to speak to Dr. Fischer and Dr. Mosler. The letter makes no mention of that.

MR. JUSTICE JACKSON: Does it not say so in the memorandum which you say was replaced by a conversation? That is what I am trying to ask you.

SCHACHT: At any rate, I did not promise to talk to the gentlemen.

MR. JUSTICE JACKSON: Anything more you want to say?

SCHACHT: No. That is enough.

MR. JUSTICE JACKSON: Now, yesterday, I think it was, you testified that you had made public statements against the terror policy of the regime; and in evidence you quoted from your Königsberg speech.

SCHACHT: Yes.

MR. JUSTICE JACKSON: Unfortunately, Dr. Schacht, you stopped just at the point where I got interested in it.

SCHACHT: Yes, that is generally the case.

MR. JUSTICE JACKSON: After you had stated that there are people who ran Germany—let me quote the part you quoted, because it is important in connection . . .

SCHACHT: Quote the whole thing.

MR. JUSTICE JACKSON: Yes. This is what you quoted:

“Those are the people who heroically smear window panes in the middle of the night; who brand every German who trades in a Jewish store as a traitor; who condemn every former Freemason as a scoundrel, and who, in the just fight against priests and ministers who talk politics from the pulpit, cannot themselves distinguish between religion and misuse of the pulpit. The goal at which these people aim is generally correct and good.”

That is what you quoted?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now let us go on:

“The goal at which these people aim is generally correct and good. There is no place in the Third Reich for secret societies, regardless of how harmless they are. The priests and ministers should take care of souls, and not meddle in politics. The Jews must realize that their influence is gone for all time.”

That was also a part of that speech, was it not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And you pointed out in that speech that on the Jewish problem, as you called it, legislation is being prepared and must be awaited?

SCHACHT: Yes, I had hoped so.

MR. JUSTICE JACKSON: You assured them so, did you not?

SCHACHT: I beg your pardon? Yes, that was the intention as I gathered from my conversation with Hitler.

MR. JUSTICE JACKSON: And you knew that the laws on the Jewish subject were on their way?

SCHACHT: Not the laws which were passed later. I always urged Hitler to give legal protection to the Jews. I wanted to see this law enacted, and I assumed that it would be done; but instead the Racial Laws of September or November, yes, November, 1935, were passed.

MR. JUSTICE JACKSON: I have quoted from Exhibit Number USA-832, which is Document EC-433, and you say the laws you were forecasting and promising were laws for the protection of the Jews?

SCHACHT: Yes.

MR. JUSTICE JACKSON: We will get to that later.

You gave your reasons, which you said were reasons of principle, to the Tribunal for not becoming a Party member?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Yesterday in Court, do you recall that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now isn't it a fact that you have told the United States Prosecution Staff that you asked Hitler whether to join the Party, and that to your great relief Hitler told you not to?

SCHACHT: Yes. Before I co-operated with him I wanted to find out whether he demanded that I should become a member of the Party. I was most relieved when he said I need not.

MR. JUSTICE JACKSON: So you remained out of the Party with Hitler's consent and approval?

SCHACHT: Yes, of course. I think that is just another reason which will prove that I have never been a member of the Party.

MR. JUSTICE JACKSON: But you did not mention that to the Tribunal when you were giving your reasons for setting out, that Hitler had given permission?

SCHACHT: No, I thought the Tribunal would believe me anyway.

MR. JUSTICE JACKSON: When you received the Party golden swastika, you stated that it was the greatest honor that could be conferred by the Third Reich, did you not?

SCHACHT: I did, yes.

MR. JUSTICE JACKSON: And while you didn't wear it in your daily life, you did wear it on official occasions, you stated, did you not?

SCHACHT: Yes. It was very convenient on railroad journeys, when ordering a car, *et cetera*.

MR. JUSTICE JACKSON: From 1933 to 1942 you contributed a thousand Reichsmark a year to the Nazi Party?

SCHACHT: No. Yes, I beg your pardon; from 1937 to 1942.

MR. JUSTICE JACKSON: Didn't you say on interrogation that it was from 1933 to 1942?

SCHACHT: No, that is an error. From 1937, after I had received the swastika. Evidently that is a misunderstanding. After I had received it I said to myself, "It would be fitting—give the people a thousand marks a year, and have done with it."

MR. JUSTICE JACKSON: For upwards of ten years, not quite ten years, you accepted and held office of one kind or another under this regime, did you not?

SCHACHT: From 17 March 1933 to 21 January 1943.

MR. JUSTICE JACKSON: And as I understand you, that during this time, at least a part of the time, Hitler deceived you, and all the time you deceived Hitler.

SCHACHT: No, oh no.

MR. JUSTICE JACKSON: I have misunderstood you?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Well now...

SCHACHT: I believe that in the first years, at least, I did not deceive Hitler.

I not only believe so, I know it. I only started to deceive him in 1938. Until then, I always told him my honest opinion. I did not cheat him at all; on the contrary...

MR. JUSTICE JACKSON: What becomes, then, of your explanation that you entered his government in order to put brakes on his program? Did you tell him that?

SCHACHT: Oh, no. I should hardly have done that or he would never have admitted me into the government. But I did not deceive him about it.

MR. JUSTICE JACKSON: Did he know your purpose in joining his government was to defeat his program by sabotage?

SCHACHT: I did not say that I wanted to defeat his program. I said that I wanted to direct it into orderly channels.

MR. JUSTICE JACKSON: Well, you have said that you wanted to put brakes on it. You used that expression.

SCHACHT: Yes.

MR. JUSTICE JACKSON: Which meant slow down? Didn't it?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And he wanted to speed it up, isn't that right?

SCHACHT: Yes, perhaps.

MR. JUSTICE JACKSON: You never allowed him to know that you had entered his government for the purpose of slowing down his rearmament program, did you?

SCHACHT: It was not necessary to tell him what I was thinking. I did not deceive him. I made no false statements, but I would hardly tell him what I actually thought and wanted. He did not tell me his innermost thoughts either, and you do not tell them to your political opponents either. I never deceived Hitler except after 1938.

MR. JUSTICE JACKSON: I daresay. I am not asking you about a political opponent. I am asking you about the man in whose government you entered and became a part.

SCHACHT: Yes.

MR. JUSTICE JACKSON: You don't tell your opponents; but is it customary in Germany that members of the government enter for the purpose of defeating the head of the government's program?

SCHACHT: I have already told you that the word defeat is incorrect. I did not intend to defeat him. I intended to slow him down; and that is indeed the custom, for that is how every coalition government is constructed. If you enter into a coalition government, you must discuss certain matters with your neighboring parties and come to an agreement about them, and you must use your influence to check certain projects of the other party. That is not a deception; it is an attempt at a compromise solution.

MR. JUSTICE JACKSON: You claim you entered as a coalition?

SCHACHT: Yes. I explained that in a distinct and comprehensive manner.

MR. JUSTICE JACKSON: You used the word yourself today, in describing your activities, as sabotaging his rearmament program, did you not?

SCHACHT: Yes, I did so, shall we say, after 1936. But he noticed it. That was not a deception.

MR. JUSTICE JACKSON: You take some part of the responsibility, I take it, for the loss of the war by Germany.

SCHACHT: That is a very strange question. Please forgive me if I say that I assume no responsibility. Since I am not responsible for the fact that the war started I cannot assume any responsibility for the fact that it was lost. I did not want war.

MR. JUSTICE JACKSON: And when did your doubts about Hitler as a man, his integrity, first arise?

SCHACHT: I have explained that in such detail during the examination that I do not think I need repeat it.

MR. JUSTICE JACKSON: Did that occur—I'll put it in the terms of your interrogation, since your interrogation is a little clearer.

"In 1934"—so your interrogation runs—"he killed many people without having any legal justification or had them killed; and a few days after, in the Reichstag, he said he was the highest judge in Germany. He was certainly not, and for the first time I was shaken by his conception. It seemed to me absolutely immoral and inhuman."

Is that correct?

SCHACHT: I said that here yesterday or the day before; exactly the same thing.

MR. JUSTICE JACKSON: Well, I want to fix these dates, Dr. Schacht. You see, your purpose in this trial and mine aren't exactly the same.

SCHACHT: No, no, I know that.

MR. JUSTICE JACKSON: Now, you also received full information about the operation of the Gestapo from Gisevius in 1934 or 1935, as he testified, did you not?

SCHACHT: No, he did not say that. He said that he knew about these matters. He did not tell me everything, but I admitted earlier today—this morning—that he did inform me of certain things; and from that I drew my conclusions. At the beginning of May 1935 I had already discussed this matter with Hitler.

MR. JUSTICE JACKSON: You were informed about the Gestapo terrorism, Reichstag Fire...

SCHACHT: The Reichstag Fire?

MR. JUSTICE JACKSON: ...the falsity of the purge claim...

SCHACHT: One moment, please. May I take them in order? I was not told about the Reichstag Fire until years later by the late Count Helldorf, who has been mentioned by Gisevius.

MR. JUSTICE JACKSON: You mean Gisevius never told you about that?

SCHACHT: I think I heard it from Helldorf. I may have heard it from Gisevius, but I think it was Helldorf. At any rate, it was after 1935 that I heard about it. Until then, I did not think it was possible.

MR. JUSTICE JACKSON: You never doubted Gisevius' word when he told you in 1934 or 1935 as he testified, did you?

SCHACHT: One moment. He told me this either in 1934 or 1935, but not 1934 and 1935, and if he did tell me—well if Gisevius said so, I assume that it is true.

MR. JUSTICE JACKSON: It was then that you knew about the persecution of the churches and the destruction of the labor unions, wasn't it?

SCHACHT: The destruction of the labor unions took place as early as May 1933.

MR. JUSTICE JACKSON: You knew all about that, didn't you?

SCHACHT: I did not know everything, only what was generally known. I knew exactly what every other German knew about it and what the labor unions themselves knew.

MR. JUSTICE JACKSON: As a matter of fact, that was one of the reasons for the contributions by yourself and other industrialists to the Nazi Party, wasn't it?

SCHACHT: Oh, no; oh, no. There was never any question of that.

MR. JUSTICE JACKSON: You mean that meetings of industrialists were held, and as important a thing to industry as the destruction of the labor unions was never mentioned in your conferences?

SCHACHT: I know nothing about it. Will you please remind me of something definite.

MR. JUSTICE JACKSON: Confiscation of the properties; the putting of labor union leaders into concentration camps.

SCHACHT: I heard about that—one moment. I do not know exactly who was put into the concentration camps. I was informed about the confiscation of property because that was publicly announced; but, if I understand you correctly, I do not know what the meetings of industrialists had to do with it.

MR. JUSTICE JACKSON: Now, you also knew very early about the persecution of the Jews, didn't you?

SCHACHT: I explained yesterday exactly what I knew about the persecution of the Jews, how I acted in connection with the persecution of the Jews, and I state that as long as I was a minister I did everything to prevent these things.

MR. JUSTICE JACKSON: I understood your generality, and I am trying to get at a little more detail about it, Dr. Schacht. Did you not testify as follows, on your interrogation on the 17th of October 1945:

"The National Socialists, as I understood from the program, intended to have a smaller percentage of Jews in the governmental and cultural positions of Germany, with which I agreed."

SCHACHT: Yes.

MR. JUSTICE JACKSON: "Question: 'Well, now, you had read *Mein Kampf*, had you not?'"

"Answer: 'Yes.'"

"Question: 'And you knew the views of Hitler on the Jewish question. Did you not?'"

"Answer: 'Yes.'"

You so testified, did you not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: "Question: 'Well, now, during your time as Reich Minister, statutes were passed, were they not, prohibiting all Jewish lawyers, for example, from practicing in the courts?'"

"Answer: 'Yes, that is what I said.'"

"Question: 'Did you agree with that?'"

"Answer: 'Yes.'"

Did you say that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And you did agree with excluding ...

SCHACHT: Yes, I always agreed with that principle.

MR. JUSTICE JACKSON: Yes. And you also agreed with the principle of excluding all Jews from civil service positions; did you not?

SCHACHT: No: I want to emphasize in this connection ...

MR. JUSTICE JACKSON: Well ...

SCHACHT: May I finish?

MR. JUSTICE JACKSON: Yes.

SCHACHT: With regard to the principle of the dominating Jewish influence in government, legal, and cultural questions I have always said that I did not consider this influence to be of advantage either to the German people and Germany, which was a Christian state and based on Christian conceptions, or to the Jews, since it increased the animosity against them. For these reasons I was always in favor of limiting Jewish participation in those fields, not actually according to the population, but nevertheless limiting them to a certain percentage.

MR. JUSTICE JACKSON: Well, let's go on with the interrogation. The interrogations are always so much briefer than the answers made in court where the press is present, if I may say so.

Did you not give these answers:

"Question: 'Now, with respect to civil service. There was this Aryan clause that was put in. Did you agree with that legislation?'

"Answer: 'With the same limitation.'

"Question: 'Now, did you ever express yourself in the Cabinet or elsewhere to the point that you wanted these restrictions put in, restrictions you have been talking about?'

"Answer: 'I don't think so; useless to do it.'

"Question: 'You say "useless to do it?"'

"Answer: 'Yes.'

"Question: 'I thought you said at one time or another that the reason you stayed in is because you thought you might have some influence on policy.'

"Answer: 'Yes.'

"Question: 'You didn't consider this as important enough a matter to take a position on it?'

"Answer: 'Not an important enough matter to risk a break.'"

SCHACHT: To break, that is right.

MR. JUSTICE JACKSON: Then, you were asked this:

"You certainly signed a law with respect to the prohibition of Jews receiving licenses to deal in foreign currencies."

Do you remember that?

SCHACHT: Yes.

MR. JUSTICE JACKSON: "Answer: 'Yes, maybe.'"

"Question: 'You were in favor of that?'

"Answer: 'I don't remember the details of that question.'

"Question: 'Well, it is not a matter of details. The question is a matter of discrimination.'

"Answer: 'Yes.' "

You said that?

SCHACHT: Yes, certainly.

MR. JUSTICE JACKSON: You were in favor of that legislation, or were you not?

SCHACHT: Is that the question now, or from the interrogation?

MR. JUSTICE JACKSON: I am asking you now.

SCHACHT: Yes. I agreed to it. Yes.

MR. JUSTICE JACKSON: You were in favor of it. Well, you were not when you were interrogated.

SCHACHT: You can see how difficult it is.

MR. JUSTICE JACKSON: The question then was, you were in favor of it, and you said:

"I wasn't in favor, but I had to sign it.

"Question: 'Well, you were the only one who signed it. You were the Reich Minister of Economics?'

"Answer: 'Yes.' "

"Question: 'And, obviously, it was a bill which was put in by your Ministry, was it not?'

"Answer: 'Yes.' "

Is that correct?

SCHACHT: Yes, I assume so. You see, in these matters it was a question of degrees. I have just explained the principles of my policy. The extent to which these individual laws went is a question of politics. Today, you can say what you like about it.

MR. JUSTICE JACKSON: Now, you also favored the law, and signed the law, prohibiting all Jews from being admitted to examinations for public economic advisors, for co-operatives, for example.

SCHACHT: Yes, possibly. I do not remember but probably it is right.

MR. JUSTICE JACKSON: And you also approved a law imposing the death penalty on German subjects who transferred German property abroad, or left German property abroad.

SCHACHT: Yes.

MR. JUSTICE JACKSON: And of course you knew that that affected, chiefly and most seriously, the Jews who were moving abroad.

SCHACHT: I hope that the Jews did not cheat any more than the Christians.

MR. JUSTICE JACKSON: Well, the death penalty on German subjects for transferring German property abroad was your idea of a just law?

SCHACHT: I do not understand. My idea?

MR. JUSTICE JACKSON: Yes.

SCHACHT: It was an idea of the Minister of Finance, and I signed it.

MR. JUSTICE JACKSON: Now, the question was then asked you after these were recited:

"Well, now, was there a matter of conscience involved, or was there not?"

And you answered:

"To some extent, yes, but not important enough to risk a break."

SCHACHT: Yes.

MR. JUSTICE JACKSON: And the question:

"Yes. In other words, you had quite another objective which was more important?"

SCHACHT: Yes.

MR. JUSTICE JACKSON: "Well what was that objective, Dr. Schacht?" I am still reading. It saves time.

SCHACHT: Oh, pardon me.

MR. JUSTICE JACKSON: "Answer: 'Well, the objective was to stay in power and to help carry this through in an ordinary and reasonable way.'

"Question: 'That is to say, the restoration of the German economy?'

"Answer: 'Quite.'

"Question: 'And the completion of the armament program?'

"Answer: 'The completion of the international equality, the political equality of Germany.'

"Question: 'By means of armament, as you yourself have said?'

"Answer: 'Also by means of armament.'"

SCHACHT: All correct, and I stand by that today.

MR. JUSTICE JACKSON: Yes. So the armament question was so important that you didn't want to risk any break about the Jews.

SCHACHT: Not the armament question, but the equality of Germany.

MR. JUSTICE JACKSON: Well, now, I just asked you "by means of armament, as you yourself have said."

SCHACHT: And I say, also by means of armament. That is one of the means.

MR. JUSTICE JACKSON: And it is the only one that was used ultimately, wasn't it?

SCHACHT: No, it was not. There were other ones.

MR. JUSTICE JACKSON: We will get to that in time.

Now, isn't it a fact that you also approved the law dismissing all Jewish officials and notaries public?

SCHACHT: That is possible.

MR. JUSTICE JACKSON: And you wrote to Blomberg on the 24th of December 1935 giving your motives, did you not, saying this:

"The economic and illegal treatment of the Jews, the anti-Church movement of certain Party organizations, and the lawlessness which centers in the Gestapo are a detriment to our rearmament task which could be considerably lessened through the application of more respectable methods, without abandoning the goals in the least." (Exhibit Number Schacht-13).

You wrote that, did you not?

SCHACHT: Yes. I quoted it myself yesterday.

MR. JUSTICE JACKSON: Now, as to the rearmament program, you participated in that from three separate offices, did you not?

SCHACHT: I do not know which offices you mean, but please go ahead.

MR. JUSTICE JACKSON: I will help you to list them. In the first place, you were Plenipotentiary for War.

SCHACHT: Yes.

MR. JUSTICE JACKSON: That was the secret office at first.

SCHACHT: Yes.

MR. JUSTICE JACKSON: You were President of the Reichsbank. That was the financial office.

SCHACHT: Yes.

MR. JUSTICE JACKSON: And you were Minister of Economics, in which position you had control with the minister for the general economic situation.

SCHACHT: Yes. This word "control" is such a general term that I cannot confirm your statement without question, but I was Minister of Economics.

MR. JUSTICE JACKSON: Now, let us take up first this position of Plenipotentiary for War. You have testified that this position was created for two purposes: (a) Preparation for war. (b) Control of the economy in event of war.

Is that correct?

SCHACHT: That means preliminary planning in case war should come, and the direction of economy when war had broken out. In other words, a preparatory period and a later period in the event of war.

MR. JUSTICE JACKSON: And, you were asked about your functions and gave these answers, did you not, "As the Chief of Staff provides for mobilization from a military point of view... so you were concerned with it from the economic point of view."

SCHACHT: Yes.

MR. JUSTICE JACKSON: You answered, "certainly." And your position as Plenipotentiary for War was of equal rank with the War Ministry, was it not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: And, as you told us, those charged with responsibility in event of war were: First, the Minister of War and the Chief of the General Staff of the Wehrmacht; and, secondly, on an equal footing, Dr. Schacht, as Plenipotentiary for Economics. Is that correct?

SCHACHT: I assume so, yes.

MR. JUSTICE JACKSON: And in January of 1937 you wrote this, did you not?

"I am entrusted with the preparation of the war economy according to the principle that our economic war organization must be so organized in time of peace that the war economy can be directly converted in case of emergency from this peacetime organization and need not be created at the outbreak of war."

SCHACHT: I assume that that is correct.

MR. JUSTICE JACKSON: And who was your Deputy in that office? Wohlthat?

SCHACHT: I think Wohlthat.

MR. JUSTICE JACKSON: Now, those being your functions as Plenipotentiary for the War Economy, let's turn to your functions as President of the Reichsbank.

You said that the carrying out of the armament program was the principal task of the German policy in 1935, did you not?

SCHACHT: Undoubtedly.

MR. JUSTICE JACKSON: There is no doubt that you voluntarily assumed the responsibility for finding financial and economic means for doing that thing.

SCHACHT: No doubt.

MR. JUSTICE JACKSON: And you were the financial and economic administrator in charge of developing the armament industry of Germany.

SCHACHT: No.

MR. JUSTICE JACKSON: You were not?

SCHACHT: No, in no way.

MR. JUSTICE JACKSON: Well, I may have misunderstood you. "Question: 'Now, in connection with this development'—I am referring to your interrogation of the 16th of October 1945, Exhibit USA-636 (Document Number 3728-PS), Page 44—'Now in connection with this development of the armament industry, you charged yourself as the financial and economic administrator of it.'

"Nodding your head."

SCHACHT: I beg your pardon?

MR. JUSTICE JACKSON: Nodding your head.

SCHACHT: Yes.

MR. JUSTICE JACKSON: "You charged yourself"—I will ask the whole question so you will get it.

SCHACHT: Yes.

MR. JUSTICE JACKSON: "Now, in connection with this development of the armament industry, you charged yourself as the financial and economic administrator of it."

The record says that you nodded your head. The next question was:

"And in that connection you took various steps. Would you be good enough to describe for us the larger steps which you took with reference to this goal of rearmament, first, internally, and, second, with respect to foreign nations?"

"Answer: 'Internally, I tried to collect all money available for financing the mefo bills. Externally, I tried to maintain foreign commerce as much as possible.'"

Did you make those answers, and are they correct?

SCHACHT: I am sure that you are correct.

MR. JUSTICE JACKSON: And your purpose in maintaining foreign trade was to obtain enough foreign exchange to permit the imports of raw materials, not manufactured, which were required for the rearmament program. Is that not correct?

SCHACHT: That is the question that is put to me. Now comes the answer. Please, will you read the answer?

MR. JUSTICE JACKSON: What is your answer now?

SCHACHT: My answer today is that that was not the only aim.

MR. JUSTICE JACKSON: Not the only aim?

SCHACHT: Right.

MR. JUSTICE JACKSON: But that was the primary aim, was it not?

SCHACHT: No, not at all.

MR. JUSTICE JACKSON: All right, what was the other aim?

SCHACHT: To keep Germany alive, to assure employment for Germany, to obtain sufficient food for Germany.

MR. JUSTICE JACKSON: Which was your dominant aim?

SCHACHT: The food supply in Germany and work for the export industry.

MR. JUSTICE JACKSON: Well, I should like to go over one or two of these documents with you as to your aim. I refer to Document 1168-PS of May 3, 1935.

SCHACHT: Yes.

MR. JUSTICE JACKSON: Title, "Financing of Armament," Exhibit Number USA-37.

"The following comments are based on the assumption that the completion of the armament program in regard to speed and extent is the task of German policy and that accordingly everything else must be subordinated to this aim, insofar as this main goal is not endangered, by neglecting other questions."

Did you write that?

SCHACHT: Not only did I write it, but I handed it to Hitler personally. It is one of twin documents, one of which has already been submitted in evidence and discussed in detail by the Prosecution. I did not receive the second document.

When my defense counsel examined me I stated here that I was intent on stopping the Party collections and Party moneys, which

were extracted everywhere from the German people, because it was extremely difficult for me to get the money to finance the armament program and the mefo bills.

I could only get that point across to Hitler if I told him that of course this was being done in the interests of armament. If I had told him that this was done...

MR. JUSTICE JACKSON: Yes, but...

SCHACHT: No, please let me finish. If I had told him that this was done for the building of theaters, or something similar, it would have made no impression on him. However, if I said it must be done because otherwise we could not arm, that was a point which influenced Hitler and that is why I said it. I admitted that and explained it during the examination by my attorney.

MR. JUSTICE JACKSON: And you didn't call that misleading him?

SCHACHT: I would not call it "misleading"; I would call it "leading."

MR. JUSTICE JACKSON: But leading without telling him the true motives which actuated you, at least.

SCHACHT: I think you can be much more successful in leading a person if you do not tell him the truth than if you do tell him the truth.

MR. JUSTICE JACKSON: I am very glad to have that frank statement of your philosophy, Dr. Schacht. I am greatly indebted to you. Well, you devised all kinds of plans, one for the control of foreign exchange, blocked foreign accounts; and mefo bills was one of the principal ones of your devices for financing was it not?

SCHACHT: Yes.

MR. JUSTICE JACKSON: Now, I don't care about the details of mefo bills, but I would like to ask you this. Isn't it correct, as you testified in the inquiry of the 16th of October 1945—Exhibit Number USA-636—as follows:

"Question: 'Actually, as a matter of fact, let me ask you this. At the time when you started the mefo bills, for example, there were no ready means available for financing the rearmament?'"

"Answer: 'Quite.'"

"Question: 'That is to say, through normal budget finance methods?'"

"Answer: 'Not enough.'"

"Question: 'Also, you were limited at that time by the statute of the Reichsbank which did not permit you to give anything near the sufficient credit which was required by the armament program.'

"Answer: 'Quite.'

"Question: 'And you found a way?'

"Answer: 'Yes.'

"Question: 'And the way you found was by creating a device in effect which enabled the Reichsbank to lend, by a subterfuge, to the Government what it normally or legally could not do?'

"Answer: 'Right.'"

Is that true?

SCHACHT: That was my answer.

MR. JUSTICE JACKSON: The following questions were then asked:

"I understand that basically what was built up in Germany in the way of an armament industry, a domestic economy that was sound, and a Wehrmacht, the efforts that you put in from 1934 to the spring of 1938, when mefo financing stopped, were responsible in large part for the success of the whole program.

"Answer: 'I don't know whether they were responsible for it, but I helped a great deal to achieve that.'"

SCHACHT: Yes.

MR. JUSTICE JACKSON: And you were asked as follows, on the 17th of October 1945:

"In other words, in effect you are not taking the position that you are not largely responsible for the rearming of the German Army?

"Answer: 'Oh no, I never did that.'

"Question: 'You have always been proud of that fact, I take it.'

"Answer: 'I wouldn't say proud, but satisfied.'"

Is that still your position?

SCHACHT: In reply to that I should like to say: The question of mefo bills was quite certainly a system of finance which normally would never have been attempted. I made a detailed statement on this subject when I was questioned by my attorney. On the other hand, however, I can say that this question was examined by all legal experts in the Reichsbank and by means of this

subterfuge, as you put it, a way was found which was legally possible.

MR. JUSTICE JACKSON: No, I didn't put it that way; you said so.

SCHACHT: No, no. I mean the sentence you have just quoted as being my answer. I beg your pardon. The matter was investigated from a legal viewpoint, and we assured ourselves that it could be done in this way. Moreover, I am still satisfied today that I contributed to the rearmament, but I wish that Hitler had made different use of it.

MR. JUSTICE JACKSON: Well, on your 60th birthday Minister of War Blomberg said that, "Without your help, my dear Mr. Schacht, there could have been no rearmament," did he not?

SCHACHT: Yes, those are the sort of pleasantries which one exchanges on such occasions. But there is quite a bit of truth in it. I have never denied it.

MR. JUSTICE JACKSON: That is the way it looks to me.

Now, when you finally made some suggestion that the armament should stop or slow up, as I understand, you made that suggestion without knowing what the armament was.

SCHACHT: Yes.

MR. JUSTICE JACKSON: The only thing you were judging by was financial conditions, was it not?

SCHACHT: Oh, no.

MR. JUSTICE JACKSON: Well, what was it?

SCHACHT: I did, of course, have a general impression of these matters because General Thomas always discussed them with me. However, I do not remember that General Von Blomberg gave me detailed information about what he thought. Of course, I was informed in a general way regarding the progress made by the armament program, and that is why I said "more slowly." My opinion was strengthened because of the general conditions.

MR. JUSTICE JACKSON: Well now, let's see what reasons you gave in Document Number EC-286. That is Exhibit Number USA-833:

"I am therefore of the opinion that we should promote our export with all resources by a temporary"—and I emphasize the word "temporary"—"decrease of armament."

SCHACHT: Decrease?

MR. JUSTICE JACKSON: Decrease, yes, temporary.

SCHACHT: Yes.

MR. JUSTICE JACKSON: I emphasize "temporary," and you emphasize "decrease."

SCHACHT: Oh no, no; I agree with you.

MR. JUSTICE JACKSON: "And that further, with reference to the Four Year Plan, we should solve only those problems which appear most pressing. Among these I include the oil-fuel program, the buna program, and the program of developing ore resources, insofar as this development does not of itself require large amounts of raw materials which must be withheld from export.

"On the other hand, all other measures of the Four Year Plan should be postponed for the time being. I am convinced that by such a policy our export could be increased so greatly that there would be a certain improvement in our exhausted stocks, and that the resumption of the strengthened armament would again be possible in the not too distant future, from the point of view of raw materials. I am unable to judge to what extent a temporary postponement of armament would have military advantages. However, I presume that such a pause in armament would not only have advantages for the training of officers and men, which has yet to be done, but that this pause would also afford an opportunity to survey the technical results of previous armament and to perfect the technical aspect of armament."

Now that you addressed to Göring, did you not?

SCHACHT: That is perfectly possible. I cannot remember the letter, but it looks quite like one of mine.

MR. JUSTICE JACKSON: Yes; and you were correctly giving to Göring your true views; were you not?

SCHACHT: No; I believe that this was merely a tactical letter. I think that I was mainly trying to limit armament. If I had told him that we wanted to stop arming, Göring would probably have denounced me to the Führer accordingly. Therefore I told him, "Let's stop for the time being"—temporary. I also emphasize "temporary." It was a tactical measure to convince Göring that for the time being it should be temporary.

MR. JUSTICE JACKSON: Then, with your fellow officers in the Government you were also using tactical statements which did not represent your true views?

SCHACHT: That was absolutely necessary.

MR. JUSTICE JACKSON: When did it cease to be necessary, Dr. Schacht?

SCHACHT: Cease?

MR. JUSTICE JACKSON: Yes; when did it cease to be necessary?

SCHACHT: I think it more important to ask when it commenced; when it started.

MR. JUSTICE JACKSON: Well?

SCHACHT: During the first years I did not do it, of course, but later on I did to a considerable extent. I could say always; it never stopped.

MR. JUSTICE JACKSON: Has it stopped now?

SCHACHT: I have no more colleagues, and here before this Tribunal I have nothing to tell but the truth.

MR. JUSTICE JACKSON: Well, on the 24th of September, 1935—December—you wrote EC-293, which is Exhibit Number USA-834, and used this language, did you not:

“If there is now a demand for greater armament, it is, of course, not my intention to deny or change my attitude, which is in favor of the greatest possible armament and which I have expressed for years both before and since the seizure of power; but it is my duty to point out the economic limitations of this policy.”

SCHACHT: That is very good.

MR. JUSTICE JACKSON: And that is true?

SCHACHT: Certainly.

MR. JUSTICE JACKSON: Now, there came in the Four Year Plan in 1936?

SCHACHT: Yes.

MR. JUSTICE JACKSON: You did not like the appointment of Göring to that position?

SCHACHT: I thought he was unsuited and, of course, it made an opening for a policy which was opposed to mine. I knew perfectly well that this was the start of exaggerated armament, whereas I was in favor of restricted rearmament.

MR. JUSTICE JACKSON: Why do you say that Göring's appointment meant exaggeration of armament? Can you point to anything that Göring has said in favor of rearmament that is any more extreme than the things you have said?

SCHACHT: Oh yes.

MR. JUSTICE JACKSON: Well, will you do it?

SCHACHT: Yes, I think if you read the record of the so-called "small Ministerial Council," of the year 1936, and in particular 1938, which you yourself introduced, you will see at once that here the necessity of increased armament was emphasized. For instance, those of November or October 1936, I think.

MR. JUSTICE JACKSON: Well, it was also emphasized in your documents, was it not, throughout?

SCHACHT: No.

MR. JUSTICE JACKSON: You say that your statements of that sort were merely tactical.

SCHACHT: No, I beg your pardon. I said arm within the limits of what is economically possible and reasonable. Göring, if I may say it again, wanted to go beyond those limits.

MR. JUSTICE JACKSON: That is exactly the point I want to make. Your difference with Göring over rearmament was entirely a question of what the economy of Germany would stand, was it not?

SCHACHT: No. I said that the most important thing was that Germany should live and have foreign trade, and within those limits we could arm. However, it is out of the question that Germany should arm for the sake of arming, and thus ruin her economy.

MR. JUSTICE JACKSON: Well that's the difference between you and Göring; it was over what the economy would stand, was it not?

SCHACHT: No, it was a question of the extent of rearmament. The point is, Mr. Justice Jackson, that German economy paid the price for Göring's action. The only question is, was it reasonable or unreasonable? If I may state it pointedly, I would say that I considered Göring's economic policy to be unreasonable and a burden to the German nation; while I considered it most important that rearmament should not be extended and that the German nation should have a normal, peacetime standard.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 3 May 1946 at 1000 hours.]