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TRIAL  
OF  
THE MAJOR WAR CRIMINALS

174

BEFORE

THE INTERNATIONAL  
MILITARY TRIBUNAL

NUREMBERG

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OFFICIAL TEXT  
IN THE  
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PROCEEDINGS

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# NINETIETH DAY

Monday, 25 March 1946

## *Morning Session*

MARSHAL (Colonel Charles W. Mays): May it please the Court: the Defendants Streicher and Ribbentrop are absent from this session.

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

DR. ALFRED SEIDL (Counsel for Defendant Hess): Mr. President, Your Honors, on Friday last I stated that I would not read anything from the first volume of the document book; that does not mean, however, that I should not like to refer to one or another document in my final speech. The question now arises whether, under these circumstances, documents to which I may refer, but which I will not read now should be submitted as evidence to the Court, or whether it is sufficient if these documents are copied down in the book. I would be grateful if the Court would help me regarding this question.

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): My Lord, I have a suggestion to make: That the Tribunal take these documents *de bene esse* at the moment, and that when Dr. Seidl comes to make his final speech, then any point as to admissibility can be discussed. With regard to the third book, for example, that consists of a number of opinions of various politicians and economists in various countries. The Prosecution will, in due course, submit that these have no evidential value and in fact relate to a matter too remote to be relevant. But I should have thought the convenient course would have been to discuss that when we find what ultimate use Dr. Seidl makes of the documents, at the moment letting them go in, as I suggest, *de bene esse*.

THE PRESIDENT: Dr. Seidl, the Tribunal think that you should offer the documents in evidence now, and that they should be numbered consecutively. Probably the best way would be with the letter "H" in front of them—H Number 1 and so on—and that then, as Sir David says, as they are being offered all together, objection, if necessary, can be taken to them at a later stage—objection on the ground of admissibility or relevance.

DR. SEIDL: Very well. I turn once more to Volume I of the document book. The first document is a speech made by the Defendant Rudolf Hess on 8 July 1934. This document will bear the Number H-1, Page 23 of the document book. The second document can be found on Page 27 of the document book...

THE PRESIDENT: One moment, Dr. Seidl. To what issue has this speech got relevance?

DR. SEIDL: The speech of 8 July 1934?

THE PRESIDENT: Yes. Well, it is the one on Page 23. It is 8 July 1934.

DR. SEIDL: Yes, Mr. President, this speech deals with the question of war and peace. Since the Defendant Hess is accused of having participated in the psychological preparation of aggressive war, and thus also of being a participant in the conspiracy, it seems to me that the attitude of the Defendant Hess toward the question of war is of considerable importance as regards evidence.

THE PRESIDENT: Very well. We will allow you to read it.

DR. SEIDL: Mr. President, I do not intend to read the speech now. I only want to bring up the speech as an exhibit so as to be able to refer to it in my final speech, if necessary.

THE PRESIDENT: Very well.

DR. SEIDL: I shall read nothing at all from the first document book. I shall only mention certain documents as exhibits.

I turn to Page 28 of the document book. This is another speech by the Defendant Hess, delivered on 27 November 1934. The number of this exhibit will be H-2.

THE PRESIDENT: The speech of 8 December 1934 begins on Page 27.

DR. SEIDL: Page 27, that is right. It was marked here incorrectly. As the third exhibit I submit a speech—that is to say, an excerpt from a speech—of 17 November 1935, Page 31 of the document book, Exhibit Number H-3.

I turn to Page 32 of the document book, an excerpt from a speech of 11 October 1936, Exhibit Number H-4.

Then comes a speech of 14 March 1936, Page 33 of the document book, Exhibit Number H-5.

The next exhibit is on Page 35 of the document book, a speech of 21 March 1936, Exhibit Number H-6.

Exhibit Number H-7 is a speech on Page 36 of the document book.

Exhibit Number H-8 is a speech of 6 June 1936, on Page 40 of the document book.

Then, I turn to Page 43 of the document book, a speech at the Reichsparteitag in Nuremberg 1936, Exhibit Number H-9.

There follow excerpts of a speech on Page 59 of the document book, Exhibit Number H-10.

A speech of 14 May 1938 at Stockholm is found on Page 70 of the document book, Exhibit Number H-11.

The next exhibit is on Page 78 of the document book, Exhibit Number H-12.

So much for the first volume of the document book.

I pass on to the second volume, to the affidavit which I submitted last Friday. It can be found on Page 164 of the document book. It is an affidavit made by the former Secretary, Hildegard Fath, and it will bear the Exhibit Number H-13.

The next exhibit is on Page 86 of the document book, Volume 2, a decree of 3 June 1936, Exhibit Number H-14.

And now I come to the point where I shall read certain excerpts from the minutes of the meeting between the Defendant Hess and Lord Simon, which took place on 10 June 1941. These minutes begin on Page 93 of the document book. The minutes will have the Exhibit Number H-15.

Your Honors, the Defendant Hess, on 10 May 1941, flew to England. Nobody except his then adjutant, Hitsch, knew of this flight. The Führer himself was informed about the flight and the intentions connected therewith in a letter which was delivered to the Führer after Hess had already landed in England. After his arrival in England Hess was frequently questioned by officials of the Foreign Office, and, as already mentioned, a meeting took place between him and Lord Simon on 10 June 1941. This meeting lasted two hours and a half. In the course of this meeting the Defendant Hess told Lord Simon the reasons for his extraordinary undertaking and he then submitted four proposals, or four points, which he claimed would give the intentions of Adolf Hitler, and which he considered to be the basis for an understanding and a conclusion of peace.

For the conference Lord Simon assumed a pseudonym; in the minutes which were given to the Defendant Hess shortly after the meeting, he is referred to as Dr. Guthrie.

As far as I know, this measure was probably taken to prevent the stenographers or the translators from knowing at once what it was all about. In the minutes mention is also made of a Dr. Mackenzie, an official of the Foreign Office, and of Mr. Kirkpatrick, who had previously already spoken with the Defendant Hess.

After a few introductory remarks by Lord Simon, the Defendant Hess began to explain the reasons which led him to take his singular step, and I quote liberally from Page 93 of the document book,

about the middle of the page. I must add that in the minutes, the Defendant Hess is referred to by the name "J." The Defendant Hess, after the introductory remarks, said the following . . .

THE PRESIDENT: Dr. Seidl, there seems to be a typographical error, probably in the date. The date is given as the 9th of August. You said the 10th of June, did you not?

DR. SEIDL: 10 June, yes.

THE PRESIDENT: Is this a mistake at the top of Page 93--9. 8. 41?

DR. SEIDL: On the cover of the document there is the following remark: "Minutes of the conversation which took place on 9 June 1941 somewhere in England." On the inside of the document, there is also the entry 9. 6. 41; so there must obviously be a typographical error here.

THE PRESIDENT: Yes, it must have been. They put "8" instead of "6."

DR. SEIDL: Yes.

THE PRESIDENT: Very well.

DR. SEIDL: "I know that probably nobody has correctly understood my coming; but in view of the extraordinary step that I have taken, that can by no means be expected. Therefore I would like to begin by explaining how I came to do this."

I continue on Page 94:

"The idea came to me in June of last year, during the time of the French campaign, while visiting the Führer. . . ."

I believe I may omit the following incidental remarks and continue quoting further:

"I must admit that I came to the Führer convinced, as we all were, that sooner or later in the end we would surely conquer England, and I expressed the opinion to the Führer that we must naturally demand from England the restitution of property—such as the equivalent of our merchant fleet, *et cetera*—which had been taken from us by the Versailles Treaty."

I turn to Page 95:

"The Führer then immediately contradicted me. He was of the opinion that the war could possibly be an occasion for coming to an agreement with England for which he had striven ever since he had been politically active. To this I can testify, that ever since I have known the Führer, since 1921,

the Führer has always said that an agreement between Germany and England had to be achieved. He said he would bring this about as soon as he was in power. He told me at that time in France that one should not impose any severe conditions, even if victorious, on a country with which one desired to come to an agreement. Then I conceived the idea that if this were known in England, it might be possible that England also might be ready for an agreement."

I turn now to Page 96 of the document book.

"Then, at the conclusion of the French campaign came the Führer's offer to England. The offer, as is known, was refused. This made me all the more firm in my belief that under these circumstances I had to execute my plan. During the subsequent period came the air war between Germany and England, which, on the whole, meant heavier losses and damages for England than for Germany. Consequently, I had the impression that England could not give in at all without suffering considerable loss of prestige. That is why I said to myself, 'Now I must realize my plan all the more, for if I were over in England, England could be enabled to take up negotiations with Germany without loss of prestige.'"

I turn now to Page 97 of the document book. After a short incidental remark by Dr. Mackenzie, Hess continued:

"I was of the opinion that, apart from the question of the terms for an agreement, there would be still in England a certain general distrust to overcome. I must confess that I faced a very grave decision, the gravest in my life, of course, and I believe I was aided by continuously keeping before my inner vision the picture of an endless row of children's coffins with the mothers weeping behind them on the German side as well as on the English side..."

THE PRESIDENT: Dr. Seidl, have you got the original document there before you?

DR. SEIDL: Yes.

THE PRESIDENT: Might it be handed up?

DR. SEIDL: Yes.

*[The document was handed to the President.]*

THE PRESIDENT: Yes, go on.

DR. SEIDL: "... and vice versa, the coffins of mothers with the children behind them.

"I want to mention certain points which, I believe, have a certain importance from the psychological point of view. I must go back a bit. After Germany's defeat in the World War, the

Versailles Treaty was imposed on her, and no serious historian is today still of the opinion that Germany was responsible for the World War. Lloyd George has said that the nations stumbled into the war. I recently read an English historian, Farrar, who wrote about Edward VII and his policy at that time. This historian, Farrar, lays the main guilt for the war on the policies of Edward VII. After her collapse Germany had this treaty imposed upon her, which was not only a frightful calamity for Germany but also for the whole world. All attempts of politicians, of statesmen in Germany, before the Führer came to power—that is to say, when Germany was a pure democracy—to obtain any sort of relief failed.”

I forego the reading of the following part of the minutes literally. A conversation followed on various points. Among other things the subject of the conversation then was the air strength of Germany at that time and the preparations with regard to the building of U-boats. I do not believe that these questions are relevant in the present connection, and so I shall turn at once to that part of the minutes where mention is made of the proposals which Hess made to Lord Simon. This is on Page 152 of the document book. From the minutes we can see that Hess had previously written down the proposals which he wanted to submit. He gave these notes to Dr. Mackenzie and Mr. Kirkpatrick, who then read and translated them, and now I quote on Page 152, at the bottom of the page, literally:

“Basis for an understanding.” And here I have to ask the Tribunal to turn from Page 152 of the document book to Page 159 of the document book because the first point in the proposal obviously has been presented in the wrong fashion. On Page 159, about the middle of the page, there is a statement by Dr. Mackenzie which expresses the first point correctly, and I quote:

“In order to prevent future wars between the Axis and England, the limits of the spheres of interest should be defined. The sphere of interest of the Axis is Europe, and England’s sphere of interest is the Empire.”

I ask now that you turn back, namely to Page 153 of the document book. Here we find on the last line the second point of the proposals which Hess made. Dr. Mackenzie is reading:

“2. Return of German Colonies.”

I turn to Page 154 of the document book and begin to quote at the top of the page—it is possible that the figure “2” is inadvertently repeated here in the document book. It should be:

“3. Indemnification of German citizens who before or during the war had their residence within the British Empire, and who suffered damage to life and property through measures

of a Government of the Empire or as a result of pillage, riot, *et cetera*; indemnification of British subjects by Germany on the same basis.

"4. Armistice and peace to be concluded with Italy at the same time."

Then there is a personal remark by Hess as follows:

"The Führer in our conversation repeatedly presented these points to me in general as the basis for an understanding with England."

I shall not read any further excerpts from these minutes.

I forego the reading of the other passages marked in red. The conference was terminated by a statement made by Lord Simon to the effect that he would bring the proposals made by Hess to the knowledge of the British Government. That was Exhibit Number H-15.

Your Honors, the Defendant Rudolf Hess is accused in the Indictment of helping the Nazi conspirators to seize power and of furthering the military, economic, and psychological preparations for the war as mentioned under Count One of the Indictment; of participating in the political planning and preparation of aggressive wars and of war in violation of international treaties, agreements and promises, as mentioned in Counts One and Two, and of participating in the preparation and planning of foreign political plans of the Nazi conspirators as listed under Count One.

That accusation is the nucleus of the Indictment against Rudolf Hess. It is therefore my duty to discuss also briefly in evidence the circumstances which in 1939 led to the outbreak of war. In that respect I have the following to say:

On 23 August 1939, at Moscow a non-aggression pact was concluded between Germany and the Soviet Union, which has already been submitted by the Prosecution as Exhibit GB-145 (Document TC-25). On the same day, that is to say but 1 week before the outbreak of the war and 3 days before the planned attack on Poland, these two nations made another secret agreement. This secret agreement essentially contained the definition of the spheres of interest of both nations within the European territory lying between Germany and the Soviet Union.

THE PRESIDENT: Dr. Seidl, you are not forgetting, are you, the Tribunal's ruling that this is not the opportunity for making a speech, but simply the occasion for introducing documents and calling witnesses. You will have the opportunity of making your speech at a later stage.

DR. SEIDL: Yes, indeed. I do not intend to make a speech, but I intend to say a few introductory words on a document which I shall submit to the Tribunal.

Germany, in the secret documents, declared herself disinterested in Lithuania, Latvia, Estonia, and Finland.

THE PRESIDENT: Dr. Seidl, we have not yet seen the document. If you are going to put in the document, put in the document.

DR. SEIDL: Yes, indeed. I can submit the document at once. It is an affidavit of the former ambassador, Dr. Friedrich Gaus. In the year 1939 he was the Chief of the Legal Department of the Foreign Office. He was present at the negotiations as the assistant of the then German plenipotentiary in Moscow, and it was he who drafted the non-aggression pact which has already been submitted as an exhibit, as well as the secret agreement, the contents of which I want to submit now to the Tribunal as facts which are important as evidence.

THE PRESIDENT: Well, will you hand in the document?

DR. SEIDL: Surely. However, I intend to read parts of this document later.

THE PRESIDENT: Dr. Seidl, the Tribunal does not quite understand what this document is, because it is not included in your document book and it does not appear that you made any application for it or made any reference to it, and it is in German; it is not translated.

DR. SEIDL: Mr. President, when I prepared the document book for the Defendant Hess, I did not as yet have this affidavit in my possession. It dates from 15 March 1946. At that time, when the relevancy of the applications for Defendant Hess were discussed, I had as yet no definite knowledge of the context which would have enabled me to make a proper application. The excerpts which I intend to read from this document are short, and it will be possible to have them translated immediately by the interpreters present here in the courtroom.

THE PRESIDENT: Have you a copy for the Prosecution?

DR. SEIDL: Surely, a German copy.

THE PRESIDENT: I am afraid that would not be any use to me. I do not know whether it is to all the members of the Prosecution. Have the Prosecuting Counsel any objection to passages being read from this document?

GENERAL R. A. RUDENKO (Chief Prosecutor for the U.S.S.R.): Mr. President, I did not know about the existence of this document, and I therefore strenuously object to having it read into the record. I would wish that the procedure established by the Tribunal be observed by the Defense. The Prosecution, in the past, when presenting its evidence invariably presented copies of these documents to the Defense Counsel. Counsel for Hess is now presenting

a completely unknown document, and the Prosecution, with every reason, would like to familiarize itself with this document beforehand. I do not know what secrets or what secret agreements Counsel for the Defense is talking about and on what facts he is basing his statements. I would therefore, to say the least, define them as unfounded. I request that this document should not be read into the record.

DR. SEIDL: The Prosecutor for the Soviet Union states that he has no knowledge of the existence of this secret document which shall be established by this affidavit. Under these circumstances I am compelled to move that Foreign Commissar Molotov of the Soviet Union be called as a witness, so that it can be established, firstly whether this agreement was actually concluded, secondly, what the contents of this agreement are, and thirdly, . . .

THE PRESIDENT: Dr. Seidl, the first thing for you to do is to have a translation of this document made, and until you have a translation of this document made the Tribunal is not prepared to hear you upon it. We do not know what the document contains.

DR. SEIDL: As to what the document contains, I already wanted to explain that before. In the document there is . . .

THE PRESIDENT: No, the Tribunal is not prepared to hear from you what the document contains. We want to see the document itself and see it in English and also in Russian. I do not mean, of course, you have to do it yourself, Dr. Seidl. If you would furnish this copy to the Prosecution they will have it translated into the various languages and then, after that has been done, we can reconsider the matter.

DR. SEIDL: Very well. I turn then to another document, the reading of which can certainly raise no objections, because it is a document which has already been submitted by the Prosecution. It is the address made by the Führer to the Commanders-in-Chief of the Armed Forces on 22 August 1939. It was submitted by the Prosecution of the Soviet Union as 798-PS and as Exhibit Number US-29. I quote from Page 6 of the German photostat: "Thereupon Hitler declared . . ."

THE PRESIDENT: Have you got it in your document book or not, I mean just for convenience?

DR. SEIDL: The document was already submitted by the Prosecution in full.

THE PRESIDENT: You mean it is not here. I have not got the document before me. It is not in your document book?

DR. SEIDL: No, it is not in the document book because the Court has already ruled that each defendant's counsel has the right to

refer to any document which has already been submitted by the Prosecution. I quote:

"... I have gradually brought about a change in our attitude towards Russia. In connection with the trade agreement, we got into a political conversation. Proposal of a non-aggression pact. Then came a general proposal from Russia. Four days ago I took a special step which had as a result that Russia answered yesterday she was ready for settlement. Personal contact with Stalin has been established. Von Ribbentrop will conclude the treaty the day after tomorrow. Now Poland is in the position in which I wanted her to be."

End of the quotation.

Mr. President, Gentlemen: I had now the intention to call the witness Bohle who has already been approved by the Tribunal. The Defendant Hess, however, has asked me to forego the personal appearance of that witness and read an affidavit concerning the facts of evidence in reference to which the witness was to be heard.

I have prepared such an affidavit, and undoubtedly it would accelerate the proceedings if the Tribunal would permit the reading of this affidavit. If however, the Tribunal should have the opinion that...

SIR DAVID MAXWELL-FYFE: I have not had the opportunity of seeing the affidavit. As previously advised, if the witness covers the ground for which he was asked, I should want him for cross-examination.

THE PRESIDENT: Where is the witness?

DR. SEIDL: He is here. With the permission of the Tribunal I would like to call the witness Bohle now.

THE PRESIDENT: Do you mean to call him or to read his affidavit?

DR. SEIDL: Yes, indeed; since Sir David Maxwell-Fyfe apparently protests against the reading of the affidavit, I would like to call the witness.

SIR DAVID MAXWELL-FYFE: I have not seen the affidavit, of course, My Lord, so at the moment, as I say, if the affidavit covers the ground that the witness should speak upon, then I shall want to cross-examine him.

THE PRESIDENT: Unless the Prosecution are agreeable that the affidavit should be put in, the witness must be called, but if the Prosecution are agreeable to the affidavit being read and then the witness presented for cross-examination, the Tribunal is quite willing that it should be done.

SIR DAVID MAXWELL-FYFE: I do not mind that in the least, my Lord. Of course, I am in slight difficulty not knowing what is in the affidavit.

THE PRESIDENT: Perhaps the best course would be for the Tribunal to have a 10-minute adjournment now, and you could perhaps just see what is in the affidavit.

SIR DAVID MAXWELL-FYFE: It is a pleasure, My Lord.

*[A recess was taken.]*

THE PRESIDENT: The Tribunal did not wish to hurry counsel, but we thought we had better get on with other witnesses, and this document can be translated and considered and possibly dealt with after the main adjournment.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases, I have not had the chance of reading the translation. A preliminary view of the affidavit convinced my staff that it was not of very great importance, and I was going to consider whether the quickest way might be to let the affidavit be read, if the Tribunal would then permit me to read three documents which I was going to put in cross-examination to the witness. That might be more convenient than to take the course which Your Lordship suggests, of waiting until we have seen the full affidavit and then consider what would be the best way to deal with it.

THE PRESIDENT: Well, you have perhaps seen part of the document, and you can perhaps judge better which would be the more convenient course. Whichever you think more convenient.

SIR DAVID MAXWELL-FYFE: Well, I am quite content if Dr. Seidl reads it, but it would have to be on the terms that the documents which I was going to put in cross-examination to the witness are read.

THE PRESIDENT: The Tribunal thinks he had better be called.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

THE PRESIDENT: Yes; Dr. Seidl?

DR. SEIDL: If I understood the High Tribunal correctly, they do not wish to have the affidavit read but to have the witness interrogated before the Court.

THE PRESIDENT: Well, as soon as the affidavit has been translated, and the Prosecution have had an opportunity of considering it, they can let us know whether they think it will be better to treat the affidavit as the examination of the witness, and he must

then be produced here for the purpose of cross-examination unless you prefer to examine him orally yourself.

DR. SEIDL: I believe that under these circumstances it would be best to call the witness immediately to the witness stand.

THE PRESIDENT: Very well.

*[The witness Bohle took the stand.]*

THE PRESIDENT: Will you tell me your name?

ERNST WILHELM BOHLE (Witness): Ernst Wilhelm Bohle.

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.]*

DR. SEIDL: Witness, you were ultimately the leader of the Auslands-Organisation of the NSDAP? Is that correct?

BOHLE: Yes.

DR. SEIDL: You were also State Secretary of the Foreign Office?

BOHLE: Yes.

DR. SEIDL: Mr. President, Mr. Dodd of the American Prosecution just made the suggestion that, in order to save time, it might be possible to follow the same procedure as in the case of witness Blaha, that is, first of all, to read the affidavit in the presence of the witness and then afterwards hear him in cross-examination.

THE PRESIDENT: Yes, certainly.

DR. SEIDL *[Turning to the witness.]*: You made an affidavit which I shall now read to you. Concerning the matter:

"1. The Auslands-Organisation of the NSDAP was founded on 1 May 1931 at Hamburg upon suggestion of some Germans abroad. Gregor Strasser, Reich Organization Chief at the time, appointed as its leader the NSDAP Member of the Reichstag, Dr. Hans Nieland.

"I myself became a volunteer assistant of the Auslands-Organisation in December 1931 and was taken into the Party on 1 March 1932. On 8 May 1933 Dr. Nieland resigned as leader of the Auslands-Organisation, having become in the meantime a member of the Hamburg Government and also, as a German who had always stayed at home, being less interested in questions concerning Germans abroad. On account of my experience and my connections abroad—I was born in England and raised in South Africa—I was charged with the leadership of the Auslands-Organisation.

"2. The purpose of the Auslands-Organisation was, upon the assumption of power, to hold together in an organized way

the approximately 3,300 Party members living outside the boundaries of Germany at the time of the seizure of power. Further, through it Germans abroad, who could have only a vague idea of the political happenings at home, were to be taught the philosophy and the political program of the new state.

"3. Only German nationals could become members of the Party. The acceptance of foreigners or former Germans who had acquired citizenship in another state was strictly prohibited.

"4. The guiding principle of the Auslands-Organisation of the Party concerning its attitude to foreign countries was found on the Ausland pass of every German national who was a member of the Party, in the following passage: 'Observe the laws of the country whose guest you are. Let the citizens of the country in which you stay take care of their internal politics; do not interfere in these matters, not even by way of conversation.'

"This principle was basic for the work and the attitude of the Auslands-Organisation with respect to foreign countries from the day of its founding up to its end. I myself referred to this in many public speeches, and in so doing coined, among others, the phrase: 'The National Socialist honors foreign folkdom because he loves his own.'

"My speeches in Porchester Hall in London on 2 October 1937 and in Budapest at the end of January 1938 give a comprehensive picture of the attitude of the Auslands-Organisation of the NSDAP toward foreign countries.

"Winston Churchill in the late summer of 1937 repeatedly attacked the activity of the Auslands-Organisation in newspaper articles, and in his well-known article, 'Friendship with Germany,' in the London *Evening Standard* of 17 September 1937, designated it as an encumbrance on German-English relations. In the same article he said that he was ready to converse with me in the most cordial manner about this question. The German Embassy in London informed the Foreign Office at that time that a question by Churchill in the House of Commons regarding the activity of the Auslands-Organisation would be extremely undesirable. As a result a meeting between Churchill and myself was advocated as urgent. This took place on the day of my speech to the Reich Germans in London, in Winston Churchill's London home, and lasted more than an hour. I had ample opportunity in this thoroughly cordial conversation to describe the activity of the Auslands-Organisation and to dispel his misgivings. At the end he accompanied me to my car and let himself be photographed with

me, in order, as he said, to show the world that we were parting as friends. There was no inquiry in the House of Commons. From that day Churchill never uttered a word of objection again about the activity of the Auslands-Organisation. My speech of the same date, which was published shortly afterwards in English in pamphlet form by an English concern, was very favorably received. *The Times* published from it a lengthy excerpt under the heading 'Herr Bohle's Plea for an Understanding.' After this conversation Churchill wrote me a letter in which he voiced his satisfaction with the result of our conversation.

"6. In the trial of the murderer of the Landesgruppenleiter of the Auslands-Organisation in Switzerland, Wilhelm Gustloff, which was held in a Swiss court at Chur in 1936, the legality of the activity of the Auslands-Organisation was the subject of investigation by the court. The Defendant, David Frankfurter, was sentenced to 18 years imprisonment. From what I remember, I can say that the Swiss authorities, who were in no way friendly to Nazis, had to testify that Gustloff and the Landesgruppen of the Auslands-Organisation had never in any way given reason for complaint with regard to their activity. The testimony of Federal Councillor Baumann, who, to my knowledge, was then Minister of the Interior and of the Police in Switzerland, was at that time decisive.

"7. I should further like to point out in this connection that also after the outbreak of the war the Landesgruppen of the Auslands-Organisation in neutral countries continued to function until the end of the war. That is especially true of Switzerland, Sweden, and Portugal.

"From 1943 on, at the latest, the Reich would hardly have been able to take any steps against suppression, if the Auslands-Organisation had come into conflict with the internal laws of these countries; and suppression would have been the inevitable result.

"8. Aside from the indisputable legality of the Auslands-Organisation, as its leader I have repeatedly expressed the idea that the Auslandsdeutschen (Germans abroad) would certainly be the last people who would let themselves be misused as warmongers or as conspirators against the peace. From bitter experience they knew that with the outbreak of the war they would face at once internment, persecution, confiscation of property, and destruction of their economic existence.

"9. As a result of the knowledge of the situation abroad, no one knew better than the Auslandsdeutschen that any activity

in the sense of a Fifth Column would be just as foolish as detrimental to the interests of the Reich. To my knowledge, moreover, the expression 'Fifth Column' can be traced back to the Spanish Civil War. It is in any case a foreign invention. When Franco attacked Madrid with four columns of troops, it was asserted that a Fifth Column consisting of nationalist elements was doing its seditious work underground within the besieged city.

"10. There is no basis whatsoever for applying the term 'Fifth Column' to the Auslands-Organisation of the NSDAP. If this assertion were true, it would mean that members of the Auslands-Organisation working together with local oppositional elements in one or more foreign countries had been delegated, or had by themselves tried, to undermine this state from within. Any such assertion would be pure invention.

"11. Neither from the former Deputy of the Führer, Rudolf Hess, nor from me, as the leader of the Auslands-Organisation, has this organization or members of this organization in any way received orders the execution of which might be considered as Fifth Column activity. Even Hitler himself never gave me any directive in that respect. In summary, I can say that the Auslands-Organisation at no time, as long as I was its leader, displayed any activity in the sense of a Fifth Column. Never did the Deputy of the Führer give orders or directives to the Auslands-Organisation which might have led to such activity. On the contrary, Rudolf Hess most urgently desired that members of the Auslands-Organisation should under no circumstances take part in the internal affairs of the country in which they were living as guests.

"12. Of course, it is known that just as citizens of the then enemy countries, so also Germans were employed in the espionage and intelligence services abroad. This activity had however nothing at all to do with membership in the Auslands-Organisation. In order not to imperil the existence of the Auslands-Organisation groups, which worked legally and entirely in the open, I constantly demanded that members of the Auslands-Organisation would not be used for such purposes or that I should previously be given the opportunity to relieve them of their functions within the Auslands-Organisation."

And that is the end of the statement of the witness Bohle. For the moment I have no questions to ask the witness, Your Honor.

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

DR. FRITZ SAUTER (Counsel for Defendant Von Schirach): I would like to put several questions to this witness, Your Honor.

Witness, I represent the Defendant Von Schirach, the former leader of the German Youth. Therefore the following would interest me: Did the Hitler Youth (HJ) also exist in foreign countries or only in Germany?

BOHLE: The Hitler Youth existed among German nationals in foreign countries also.

DR. SAUTER: Please tell me whether this HJ, the Hitler Youth abroad, was subject to the political directives of the competent Landesleiter of the Auslands-Organisation, or is that not right?

BOHLE: Yes, the Hitler Youth abroad was politically under the control of the Hoheitsträger of the Party.

DR. SAUTER: Once in the course of the proceedings the assertion was made that members of the Hitler Youth were trained for service as agents and for espionage work abroad and also were used for these purposes. Specific facts, that is, specific instances, were certainly not mentioned, but only a general assertion was made, and it was also asserted that Hitler Youth abroad were even used as paratroopers, that is, that they had been trained at home as paratroopers in order to be used abroad in this capacity.

That is the assertion which I submit to you, and I now ask to have your opinion on this, whether, on the basis of your knowledge as the competent leader of the Auslands-Organisation, something like that did occur or whether anything like that was at all possible?

BOHLE: I would like to say the following in reply: I consider it entirely out of the question that members of the Hitler Youth abroad were misused in this way. I can assert that so much the more since I know I would have heard anything to the contrary from the leaders of the Party in the various foreign countries. I know also nothing at all about the training of the Hitler Youth as paratroopers or anything similar. I consider these assertions as absolutely pure invention.

DR. SAUTER: Then I may assume, as the result of your testimony, that things of that sort on the basis of the entire organization would certainly have come to your knowledge, if something like that had occurred or perhaps even only had been planned; is that correct?

BOHLE: Yes, indeed.

DR. SAUTER: And then, Witness, I have a last question:

Here in the courtroom a further assertion was also made about the HJ, that is, about the Hitler Youth. It has been asserted that

at Lvov it once happened that the Hitler Youth or members of the Hitler Youth had used little children as targets. Also in this report no details of course were given, but only the assertion was made. The following would interest me:

As you know the Hitler Youth had, I believe, a membership toward the end of about 7 to 8 million.

THE PRESIDENT: Dr. Sauter, does that have anything to do with the Auslands-Organisation?

DR. SAUTER: Yes, it does insofar as my client, the Defendant Von Schirach, is charged with the fact that the Hitler Youth abroad committed such atrocities.

THE PRESIDENT: It was not suggested that they did this abroad, was it—that Hitler Youth ever used children as targets abroad?

DR. SAUTER: Yes, indeed, it was said that at Lvov, in the Government General, not in Germany, but in Lvov, which means abroad.

THE PRESIDENT: You mean after the war began?

DR. SAUTER: Yes.

THE PRESIDENT: I thought this witness was speaking about the same organization before the war.

DR. SAUTER: I do not know whether he was also talking about the Auslands-Organisation during the war. But in any case, Mr. President, the witness knows these facts, for he was the head of the Auslands-Organisation. Therefore this witness seems to me especially qualified to give us information on these matters.

THE PRESIDENT: It seems to me that we are very far from the point, but you can go on.

DR. SAUTER: Yes, Mr. President, for otherwise I would have to call expressly this witness for my client again.

Witness, do you at all recall the last question I put to you, whether you had any knowledge that the Hitler Youth, or members of the Hitler Youth abroad, which was under your jurisdiction, is supposed to have committed atrocities of that nature?

BOHLE: I regret to tell you, Mr. Attorney, that the Government General did not belong to the Auslands-Organisation, that I was never there and therefore am not in a position to state anything on that point. Obviously the erroneous opinion seems to exist that the Government General, from the point of view of the organization of the Party, was connected with the Auslands-Organisation; however that was not the case. I had no organizational powers there.

DR. SAUTER: Otherwise, I have no further questions.

DR. ROBERT SERVATIUS (Counsel for the Leadership Corps of the Nazi Party): Witness, to what extent, in your capacity as Reichsleiter of the Auslands-Organisation, were you informed about the foreign political intentions of the Führer?

BOHLE: I was not Reichsleiter, but Gauleiter, and was never informed of the foreign political intentions of the Führer.

DR. SERVATIUS: Do you know whether the Führer basically advocated to your organization an understanding with England?

BOHLE: I do not quite understand your question.

DR. SERVATIUS: Did Hitler, before the war, in your presence and before the other Gauleiter, frequently emphasize the fact that he wanted at all costs an understanding with England, and that you also were to work for its achievement?

BOHLE: I received no orders in this respect from the Führer, but certainly from the Deputy of the Führer. The Führer never discussed foreign political matters with me during the 12 years I was in office.

DR. SERVATIUS: I have no further questions.

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

LIEUTENANT COLONEL J. M. G. GRIFFITH-JONES (Junior Counsel for the United Kingdom): Your Auslands-Organisation was organized in the same way as the Party in Germany was organized; is that not so?

BOHLE: Not in all points, because there were various organizations within the body of the Party in the Reich which were not intended for foreign countries, for example, the Office for Municipal Policy.

LT. COL. GRIFFITH-JONES: Perhaps I can shorten my question: Did you have Hoheitsträger abroad in the same way as you had them in Germany?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: The organization in each country was under the Landesgruppenleiter; is that correct?

BOHLE: In almost all countries.

LT. COL. GRIFFITH-JONES: And under many there were lower-ranking Hoheitsträger?

BOHLE: Yes, the Ortsgruppenleiter.

LT. COL. GRIFFITH-JONES: Was the result of that, that you had your German population in foreign countries well organized and known to the leaders in those countries?

BOHLE: To a great extent that might be correct, but it was not so thoroughly organized, nor could it actually be so, because the leader of the Party did not know all the Reich Germans in the country concerned.

LT. COL. GRIFFITH-JONES: Did it never occur to you that in the event of your army's invading a country where you had a well-organized organization, that organization would be of extreme military value?

BOHLE: No, that was not the sense and the purpose of the Auslands-Organisation and no offices ever approached me in this connection.

LT. COL. GRIFFITH-JONES: Are you telling this Tribunal now that when the various countries of Europe were in fact invaded by the German Army your local organizations did nothing to assist them in a military or semimilitary capacity?

BOHLE: Yes, indeed.

LT. COL. GRIFFITH-JONES: Very well. Now, let me ask you about something else for a moment: You had, had you not, an efficient system of reporting from your Landesgruppenleiter to your head office in Berlin?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: I think you have said yourself, did you not, in your interrogations, that you took an especial pride in the speed with which your reports came back?

BOHLE: I did not say that, I believe, with respect to speed but rather with respect to the accuracy of their political survey.

LT. COL. GRIFFITH-JONES: In fact, your reports did come back with great speed, did they not?

BOHLE: I cannot say that in general. It depended on the possibility of dispatching these reports quickly to Berlin, and how far that was the case in individual instances, I naturally cannot say today. In any case, I had no special speed or acceleration measures at my disposal.

LT. COL. GRIFFITH-JONES: In fact, you told your interrogator—and I can refer you to it if necessary—that on occasion you got back information before Himmler or the Foreign Office had got similar information.

BOHLE: That must be a misunderstanding. It concerns the political reports from the Landesgruppenleiter which I transmitted from Berlin to the different offices.

LT. COL. GRIFFITH-JONES: Very well, we will leave the speed out. I have it from you that you had an efficient system of reporting, had you not?

BOHLE: In order to answer that question I would have to know in respect to what reports I am supposed to have had an efficient system of reporting.

LT. COL. GRIFFITH-JONES: That was going to be my next question. I was going to ask you: What in fact did your Landesgruppenleiter report to you?

BOHLE: The Landesgruppenleiter reported of their own accord to me, whenever they had anything of importance which they wanted to report to the competent offices in the Reich.

LT. COL. GRIFFITH-JONES: Did they ever report anything which might have been of military or semimilitary value?

BOHLE: That may have been the case in some instances, although at present I cannot recall any specific cases.

LT. COL. GRIFFITH-JONES: They were never given any instructions, were they, to report that kind of information?

BOHLE: No, generally not.

LT. COL. GRIFFITH-JONES: How did you get your reports back? Did you have wireless sets with your organization in foreign countries?

BOHLE: No, we did not have any such transmission or wireless stations. Reports either came through courier in special cases or were brought by individuals to Germany.

LT. COL. GRIFFITH-JONES: After the war started, did your organizations continue in neutral countries?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Did they never have wireless sets reporting back information?

BOHLE: I do not know anything about that. I do not believe they had them, for I would have had to know about it.

LT. COL. GRIFFITH-JONES: Now, I want to ask you about only one or two documents. Would you look at 3258-PS—My Lord, that is the exhibit already in, GB-262; I have copies of the extract for the Tribunal and members of Defense Counsel. I expect you read English—the book itself is coming.

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: There you have before you a copy of some extracts from it. Would you look at the bottom of the first page, last paragraph, commencing "In 1938..." Did you have a Landesgruppenleiter in the Netherlands by the name of Butting?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Just pay attention to me for perhaps one moment before you look at that document. Do you know that Butting shared a house at The Hague with the military intelligence office? Do you know that?

BOHLE: No, I do not.

LT. COL. GRIFFITH-JONES: Now, I want to quote you quite shortly two paragraphs of this document, which is a report, published as an official United States publication, called "National Socialism, Basic Principles, Their Application by the Nazi Party's Foreign Organization, and The Use of Germans Abroad for Nazi Aims." I just want you to tell the Tribunal what you think first of all about this report, which is printed in that book:

"In 1938 the German Legation owned two houses in The Hague. Both were of course the subject of diplomatic immunity and therefore inviolable as concerned search and seizure by the Dutch police. I shall call the house in which Dr. Butting had his office House Number 2. What went on in House Number 2? It had been remodeled and was divided like a two-family house—vertically, not horizontally, but between the two halves there was a communicating door. One side of the house was Dr. Butting's. The other half housed the Nazi military intelligence agent for Holland..."

You say that you do not know anything about that?

BOHLE: Butting was Landesgruppenleiter of the Auslands-Organisation. I am hearing about this house—or these two houses—for the first time, that is quite new to me.

LT. COL. GRIFFITH-JONES: Very well. I will just go on.

"S. B. (the military intelligence agent) may have had as many as a dozen subordinates working in Holland, all subagents of the Canaris bureau. These were professional spies who knew their trade. But they could not possibly know Holland as intimately as was required by the strategy of the German High Command, as it was revealed following the invasion of May 1940. For this, not a dozen but perhaps several hundred sources of information were necessary. And it is at this point that Butting and the military intelligence agent come together. Through his German Citizens' Association, Butting had a pair of Nazi eyes, a pair of Nazi ears, in every town and hamlet of the Netherlands. They were the eyes and ears of his minor Party officials. Whenever the military intelligence agent needed information concerning a corner of Holland which his people had not yet explored, or was anxious to check information relayed to him by one of his own people, he would go to Butting."

Do you know whether Butting assisted the military intelligence agent in Holland in any way like that?

BOHLE: I was told later that he aided in Holland. To what extent he helped him I do not know, for he had had no such mission from me.

LT. COL. GRIFFITH-JONES: I understand, he had no instructions but he was doing it. Just turn now to the last paragraph on that page, too:

"I know every stone in Holland," S.B. once boasted. By 'stone' he meant canal, lock, bridge, viaduct, culvert, highway, by-road, airport, emergency landing field, and the name and location of Dutch Nazi sympathizers who would help the invading army when the time came. Had Dr. Butting's Party organization not existed under the innocent cover of his Citizens' Association, S.B.'s knowledge of Holland would have been as nothing compared with what it was. Thus the Citizens' Association served a double purpose; it was invaluable for espionage at the same time as it fulfilled its primary function as a Fifth Column agency."

Do you know whether the members of your organization in Holland were given instructions to learn about every canal, lock, bridge, viaduct, railway, and so on?

BOHLE: No, I had not the least idea of this.

LT. COL. GRIFFITH-JONES: Very well. I want you to be quite clear. I am putting to you that your organization was in the first place an espionage system reporting information of importance back to the Reich, and, in the second place, it was an organization aimed to help, and which did help, your invading German armies when they overran the frontiers of their neighboring states. Do you understand those two points?

BOHLE: Yes, indeed.

LT. COL. GRIFFITH-JONES: Did your organization publish an annual book, your *Year Book of the Foreign Organization*?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: And did that book contain information as to the activities of your organization during the year?

BOHLE: Partially, yes.

LT. COL. GRIFFITH-JONES: I suppose that the Tribunal would be safe in assuming that what was published in that book was accurate information?

BOHLE: One may assume that.

LT. COL. GRIFFITH-JONES: Will you look at the *Year Book for 1942*? I have copies of the extracts. Would you turn to Page 37 of that book? If you look back one or two pages in the book, you will find that that is an article entitled "The Work of the Norway Branch of the Auslands-Organisation in the War." Is that written by your Landesgruppenleiter in Norway?

BOHLE: I assume so, I cannot recall this.

LT. COL. GRIFFITH-JONES: Will you look at Page 37, and you will see that there are some passages in the book that you have in front of you that have been lightly marked in pencil along the side.

BOHLE: Yes, I have it.

LT. COL. GRIFFITH-JONES: Will you find the paragraph which starts, "Therefore, soon after the outbreak of war in September 1939..." Have you got that?

BOHLE: Yes, I have it.

LT. COL. GRIFFITH-JONES: Perhaps you will be so kind as to follow me.

"Therefore, soon after the outbreak of war in September 1939, the enlargement and extension..."

BOHLE: Yes, I am following you.

LT. COL. GRIFFITH-JONES: "... the enlargement and extension of the German Legation in Oslo and of the consulates at Bergen, Trondheim, Stavanger, Kristiansand, Hamgesund, Narvik and Kirkenes proved to be of primary importance. This enlargement of the Reich agencies resulted in the local organization of the NSDAP in Norway having to increase its field of activity too, in the same proportion, in order to support the work of the Reich agencies, particularly by Party members and other Germans who had a thorough knowledge of the country and language."

Why, in September '39, was it necessary for the Party to increase its organization in Norway with people having higher knowledge of the country and language? Answer me that before you read on. You need not worry about the rest; we are going to deal with it. Why was it necessary in 1939 to enlarge your organization?

BOHLE: In Norway, as far as I recall, there were only 80 members of the Party in all, and it goes without saying that after the outbreak of the war the official agencies, not only of Germany but also, as you know, those of other states, were enlarged and were assisted by national elements, who knew the country

concerned. That did not hold true for Germany alone but for all the nations participating in the war.

LT. COL. GRIFFITH-JONES: Yes. I still do not understand why your perfectly harmless organization should have found it necessary to increase its membership with people who had a profound knowledge of the language and the country. Why should the Auslands-Organisation have found it necessary?

BOHLE: Because the Reich agencies needed Germans who knew the country and the people, especially to furnish information on the German targets of attack in Norway—exactly what every other nation did, too.

LT. COL. GRIFFITH-JONES: Well, your answer is, is it, that you required them to tell you about targets in Norway? Is that your answer?

BOHLE: No, I did not say that. I said that they were to be at the disposal of the agencies in Norway in case they were needed for public enlightenment, that is for German propaganda purposes among the Norwegians. I would like to emphasize once again that that was done not only by Germany but, of course, by all the warring countries.

LT. COL. GRIFFITH-JONES: Very well, let us go on and see what happens next:

“The choice and assignment of these supplementary collaborators was carried out by the local leader of the organization in close collaboration with the representatives of the Reich. Therefore, from the first moment of the outbreak of war a great number of Party members were taken away from their jobs and employed in the service of the nation and the fatherland. Without any hesitation and without considering their personal interests, their families, their careers or their property, they joined the ranks and devoted themselves body and soul to the new and often dangerous tasks.”

Tell me, was finding out and reporting about the Norwegian people, was that an “often, dangerous task”?

BOHLE: Certainly not.

LT. COL. GRIFFITH-JONES: What, then, were the often dangerous tasks which your own Landesgruppenleiter is saying members of his organization were undertaking from the very moment war broke out, in September '39?

BOHLE: I cannot tell you anything about that, for I have no knowledge whatsoever about this and I cannot conceive any of these dangerous tasks. I have the impression from this article, which, incidentally I did not know about until now, that the

Landesgruppenleiter had the plausible desire to give more importance to his organization than it had in reality.

LT. COL. GRIFFITH-JONES: But you say you did not know about this. This appeared in the official yearbook of your organization. Did you never read what appeared in that book?

BOHLE: Certainly not everything, for I am not familiar with this article.

LT. COL. GRIFFITH-JONES: You have told us that the members of your organization took no part in this. What about the people who were responsible for publishing that book? Did they not ever draw your attention to an article of that kind?

BOHLE: Obviously not.

LT. COL. GRIFFITH-JONES: Just look at the next little paragraph:

"The success of their work, which was done with all secrecy, was revealed when, on 9 April 1940, German troops landed in Norway and forestalled the planned flank attack of the Allies."

What work was revealed on the 9th of April? What work which had been done with all secrecy was revealed on the 9th of April, work carried out by members of your organization?

BOHLE: I am sorry I cannot reply, for I have no knowledge whatsoever of this. I do not know.

LT. COL. GRIFFITH-JONES: I see. Will you look down to the last paragraph of that page? It is the second sentence—four, five lines down—at the end of the fifth line. I beg your pardon. You have the book in front of you. Will you look at Page 40 of the book? In the center of a paragraph the last word of one of the lines starts with "According to the task plan..." Have you got it? It is Page 40. To save time, let me read it:

"According to the task plan which had been prepared since the outbreak of the war, the Landeskreisleitung gave orders on 7 April for Phase 1 of the state of employment..."

It does not sound, does it, like plans being made for different phases of an operation? It does not sound, does it, as if the work of your organization had been simply finding out about Norwegian people?

BOHLE: That might have been since this is entirely new to me, exclusively an agreement within the country itself with military or other authorities. I have had no knowledge of it up to this moment.

LT. COL. GRIFFITH-JONES: So I understand you to say. But you were the head of this organization, were you not?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: You have come before this International Tribunal and given them evidence, presumably saying you are in a position to give them truthful and accurate evidence; is that so?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Do you understand that?

BOHLE: Yes, I have understood that.

LT. COL. GRIFFITH-JONES: Well, then, do I understand you to say now that you do not know what was happening in your organization, and therefore you are not in a position to give evidence as to whether or not it was a Fifth Column business?

BOHLE: It is quite evident that in an organization of this size the leader, who has his office at Berlin, cannot be closely acquainted with everything which is going on abroad and, more so, what is done against his instructions. I did not have the same disciplinary authority over my Party members abroad as did, for instance, some Gauleiter within the Reich. I need not elaborate on that, because it is self-evident. It is also evident, and this I know, that some Germans abroad, who were called on because of their patriotism in individual cases let themselves be used for purposes without the knowledge of the Auslands-Organisation and against its explicit instructions.

LT. COL. GRIFFITH-JONES: In the interest of time we will not pursue that particular sphere of activity in Norway, just in case it may have been an exception which you did not know about.

Let me turn to something else. Will you look at Page 65 of that book?

Is that an article by your Landesgruppenleiter in Greece?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Is it in the form of a day-to-day diary of the activities of the Auslands-Organisation in Greece when German troops invaded that country?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Will you look at Page 65?

"Sunday the 27th of April. Swastika on the Acropolis."

That is the heading. I beg your pardon. I do not know whether it comes directly under that heading. This is the Landesgruppenleiter talking:

"I set out immediately, quickly visiting the other quarters,"—where the German colony had been interned—"the Philadelpia and the Institute. I enjoined the inmates of the house

in Academy Street to give up returning home today, and to hold themselves in readiness. After all, we did want to help the German troops immediately with our knowledge of the language and the district. Now the moment has come. We must start in immediately."

Do you know...

BOHLE: Yes, I even know all about this. It certainly must be evident that the moment German troops occupied a foreign city and freed the Germans living abroad who had been interned, the latter would put themselves at the disposal of the German troops and help them in every respect as guides, interpreters, or the like. That is certainly the most logical thing in the world.

LT. COL. GRIFFITH-JONES: That is in fact what they did do, and the assistance that your organization appears to have given them is that it managed to organize them and get them ready to do it; is that not so? That is what your Landesgruppenleiter seems to be doing?

BOHLE: I did not understand this question. Will you please repeat it?

LT. COL. GRIFFITH-JONES: Do you understand that it is your Landesgruppenleiter who is organizing the members of your organization, organizing them so that they can give their assistance most beneficially to the invading armies?

BOHLE: That is a completely wrong way to express it. The Landesgruppenleiter in Greece, who filled that post from 1934, could not possibly tell whether there was to be an invasion of Greece or not. That had not the slightest thing to do with the nature of his organization. The moment that German troops were in the country it stands to reason that they would welcome their countrymen, act as their hosts, and help them in every way. That was a patriotic duty taken for granted.

LT. COL. GRIFFITH-JONES: I see.

Just turn to Page 66, the next page. Will you find the paragraph which commences "Meanwhile I organized the employment of all Party members to do auxiliary service for the Armed Forces."

Do you have that?

BOHLE: I understand it...

LT. COL. GRIFFITH-JONES: You had better find the place.

BOHLE: Where shall I find that place?

LT. COL. GRIFFITH-JONES: On Page 66. It is a new paragraph.

BOHLE: Yes, I have it now.

LT. COL. GRIFFITH-JONES: "Meanwhile I organized the employment of all Party members to do auxiliary service for the Armed Forces."

It really looks now as though the Landesgruppenleiter is organizing them, does it not?

BOHLE: In this instance, yes.

LT. COL. GRIFFITH-JONES: "Soon our boys and girls could be seen riding proud and radiant in their Hitler Youth uniforms, beside the German soldiers on motorcycles and in Army cars...."

Did you yourself know of the organization and work that your Landesgruppenleiter had put in in Greece to assist your armies in semimilitary capacities, or was that another case like Norway which you did not know anything about?

BOHLE: The Landesgruppenleiter in Greece did not create a semimilitary organization, but set up of course in this instance an organization to aid the troops entering the country in a sector which was entirely civilian.

LT. COL. GRIFFITH-JONES: Very well; I just want to ask you about another matter. Have you got a document there which is a telegram from somebody called Stohrer, in Madrid?

BOHLE: Stohrer, yes.

LT. COL. GRIFFITH-JONES: Did Stohrer have something to do with the German Embassy in Madrid?

BOHLE: Stohrer was the German Ambassador himself; Doctor Von Stohrer.

LT. COL. GRIFFITH-JONES: This is dated 23 October 1939. Just let us see what it says:

"The Landesgruppenleiter can obtain a very suitable house for accommodating the Landesgruppe, as well as the German Labor Front, the Ortsgruppe, the Hitler Youth, and the German House Madrid, also room available in case of embassy having to spread out, and especially a very suitable isolated room for the possible installation of second secret radio transmitter, which can no longer be housed at the school because of reopening.

"Landesgruppenleiter requests me to rent the house through the embassy, in which way very considerable tax expense will be avoided. Have no hesitation, in view of anticipated partial use by embassy as mentioned above. If you do not agree I request wire by return.

"Please submit also to Gauleiter Bohle."

Were you telling the truth to this Tribunal when you told them some 30 minutes ago that you had no knowledge of wireless sets being used by your organization?

BOHLE: Yes, because I have no knowledge of these transmitters, or their use; I must assume that it concerns apparatus of the embassy.

DR. SEIDL: The copy of the telegram, as I have it before me, does not indicate to whom this wire was addressed. The last sentence of the telegram leads one to assume that it was not in any case addressed to the witness. According to my opinion, I think the witness should next be asked whether he knew about this wire and to whom it was addressed.

LT. COL. GRIFFITH-JONES: Perhaps you will tell Dr. Seidl to whom the Ambassador in Madrid was likely to send a telegram on such matters as this?

BOHLE: To the Foreign Office at Berlin.

LT. COL. GRIFFITH-JONES: And you, at that time, were State Secretary at the Foreign Office of Berlin, were you not?

BOHLE: Quite right, in October 1939.

LT. COL. GRIFFITH-JONES: Beneath his signature is set out the distribution to—it mentions various persons in departments in the Foreign Office in Berlin. Is that so?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: And are you saying now that of those departments which were asked to submit this matter you, that they all failed to do so?

BOHLE: No, I do not claim that. They surely would have done that.

LT. COL. GRIFFITH-JONES: Do you remember yourself this telegram before?

BOHLE: I cannot recall it. I would have noticed it if I had heard anything about two secret transmitters in Spain. It would also be quite in order for me to admit it. But I cannot do so because I do not know it. The distribution under Number 3 means "State Secretary," but that does not mean me, but the State Secretary of the Foreign Office, the political one. My designation in the Foreign Office was: Chief A.O.

LT. COL. GRIFFITH-JONES: I can save you the trouble of suggesting that that "State Secretary" means you; you were not asked to be submitted to you. What I was asking you or your embassy workers, or both of you

wanted with two secret wireless transmitting sets in Spain in October 1939?

Are you still saying that your organization was quite unconcerned in reporting back information of military importance?

BOHLE: Just how do you mean, "reporting back"?

LT. COL. GRIFFITH-JONES: Are you telling the Tribunal—I want you to be quite clear—are you telling the Tribunal that your organization was not being used for espionage purposes in Spain?

BOHLE: Yes indeed, I am asserting that. A distinction must be made between certain members of the Auslands-Organisation who naturally without my knowledge—I protested against this often enough—were used abroad for such purposes. I had no objection to Germans abroad being utilized in time of war for such tasks, as was the case very frequently with all other countries. However, I did not want members or officials of the Auslands-Organisation to become involved. A distinction must...

LT. COL. GRIFFITH-JONES: I do not want to stop you at all. I do not want to stop you. Go on if you have anything to say. But, in the interest of time, try and make it as short as possible.

BOHLE: It seems to me there is some confusion between the Auslands-Organisation as an organization and what certain Germans abroad did during the war as their patriotic duty. This seems to me to be the crucial point of the question.

LT. COL. GRIFFITH-JONES: Well, I will not argue about that. We see that your organization took sufficient interest to reproduce accounts of what they were doing in its official book. I just want to show you one thing further.

[Turning to the President.] Well, I have one further document to put to this witness.

THE PRESIDENT: You may as well go on.

LT. COL. GRIFFITH-JONES: It is a document which I have just had found. I have not had them copied. The Tribunal will forgive me if I read extracts from them?

[Turning to the witness.] It is an original document you hold in your hand and it appears to be, does it not, a carbon copy of a letter from...

THE PRESIDENT: Has Dr. Seidl got one?

LT. COL. GRIFFITH-JONES: Yes, he has one in German.

[Turning to the witness.] Is that a letter from your Landesgruppenleiter Konradi?

BOHLE: It seems to be a directive from Konradi, but not signed by him.

LT. COL. GRIFFITH-JONES: If you will look at the end of the letter you will see that it is actually signed "Konradi," after the usual "Heil Hitler"...

BOHLE: The copy that I have is not signed.

LT. COL. GRIFFITH-JONES: Will you get that copy back? Perhaps these documents...

*[The document was taken from the witness to Lt. Col. Griffith-Jones.]*

It is in fact signed "Konradi." Show it to him.

*[The document was returned to the witness.]*

BOHLE: It is not signed by Konradi, but typed in.

LT. COL. GRIFFITH-JONES: I am very much obliged to you. It is my fault for not making myself clear. I told you that we have here a carbon copy. A copy of a letter which was signed and sent by Konradi. That appears to be so, does it not?

BOHLE: That I do not know, for of course I do not know about all the letters written by Konradi.

LT. COL. GRIFFITH-JONES: You can take it, so far as you are concerned, that that is a German document which has been captured, that it is this bit of paper that you are holding in your hand which was found by Allied troops and that bears a typewritten signature of Konradi, who was your Landesgruppenleiter in Romania; is that correct? You remember that you had a Landesgruppenleiter in Romania?

BOHLE: His name was Konradi.

LT. COL. GRIFFITH-JONES: And is this a letter of instructions to the Zellenleiter in Constantza?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: It is dated the 25th of October 1939. Will you read the first paragraph?

"From 9 to 12 October conferences took place with the Supreme Party functionaries, or their deputies, of the South-eastern and Southern European groups at the head office of the Auslands-Organisation."

Does that mean Berlin?

BOHLE: Yes. Berlin.

LT. COL. GRIFFITH-JONES: That means your office, does it not?

BOHLE: Yes, in my office, but not in my personal office.

LT. COL. GRIFFITH-JONES: No, but is it in the office over which you had complete control?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Agreed. I imagine, before we go on, that no orders would be issued from your head office at a conference of that kind which were contrary to your direction, would they?

BOHLE: Not on important things, naturally not.

LT. COL. GRIFFITH-JONES: I am much obliged to you.

"I subsequently received direct instructions from the competent department of the head office of the Auslands-Organisation."

So it appears that the direction given at the conference was confirmed in writing.

"During the war, every National Socialist abroad must directly serve the fatherland, either through propaganda for the German cause or by counteracting enemy measures."

Now perhaps you will turn over, or rather, you will miss out—I am reading from copy—the English, the next paragraph, and the next plus one paragraph, and go on to the paragraph commencing:

"As everywhere else it is extremely important to know where the enemy is and what he is doing..."

I want you to be quite clear about this and keep it in mind. These are directions coming directly from your head office in Berlin.

"It has been ascertained that the I.S. (Intelligence Service) has attempted, sometimes most successfully, to gain admittance for seemingly trustworthy persons into the activities of the Party group and its associate organizations. It is therefore necessary that you thoroughly investigate not only all those persons coming into contact with you who are not very well known to you, and above all you must scrutinize any new persons and visitors appearing in your immediate vicinity. If possible, let them be taken in hand by a comrade whose absolute Nazi convictions are not generally known to the man in the street..."

I think we can leave the rest of that.

"You are to report everything that comes to your notice, even though it may at first appear very insignificant. Rumors suddenly arising also come in this category, however false they may be."

Do you remember your members in Romania being told to report everything? Everything they saw?

BOHLE: Yes, of course.

LT. COL. GRIFFITH-JONES: "An important section of both your work and that of your comrades' work must be industrial concerns, business enterprises, *et cetera*. Not only can you spread your propaganda very well in this way, but it is precisely in such concerns that you can easily pick up information concerning strange visitors. It is known that the enemy espionage organizations are especially active in industrial circles both in gathering information and carrying out acts of sabotage. Members with close connections with shipping and forwarding companies are particularly suitable for this work. It goes without saying that you must be meticulous and cautious when selecting your assistants."

THE PRESIDENT: Do you have some more to read from this document? If so, we will adjourn now until 2 o'clock.

*[The Tribunal recessed until 1400 hours.]*

### Afternoon Session

MARSHAL: If it please the Tribunal, the Defendant Streicher is absent from this session.

LT. COL. GRIFFITH-JONES: Witness, will you look again at the document we were reading before the Court adjourned. Would you look at the paragraph which commences "as everywhere else it is extremely important to know where the enemy is and what he is doing." My Lord, I am not absolutely certain that I did not start reading.

THE PRESIDENT: Oh, yes, you had read that and the next one and the one at the top of Page 3 in the English text. At least I think you have. You read the one beginning "An important section."

LT. COL. GRIFFITH-JONES: Perhaps I can start the paragraph commencing "An important section." Have you got that?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: "An important section of both your work and that of your comrades must be industrial concerns, business enterprises, *et cetera*. Not only can you spread your propaganda very well in this way, but it is precisely in such concerns that you can easily pick up information concerning strange visitors. It is known that the enemy espionage organizations are especially active in industrial circles, both in gathering information and carrying out acts of sabotage. Comrades with close connections with shipping and forwarding companies are particularly suitable for this work. Naturally you must be meticulous and cautious when selecting your assistants.

"In this connection a reference to interstate organizations and exchange organizations is relevant."—I particularly want you to note these next lines:

"It has been proved that these often use harmless activities as camouflage and are in reality to be regarded as branches of the Foreign Intelligence Department."

Witness, doesn't that exactly describe the way in which the Auslands-Organisation was carrying on its business? Read it again:

"It has been proved that these often use harmless activities as camouflage and are in reality to be regarded as branches of the Foreign Intelligence Department."

Doesn't that fit in with the directions that this Landesgruppenleiter of yours has been writing to his members in this document?

BOHLE: On the contrary, I find that this is clear proof of the fact that the organizations mentioned here were in a foreign espionage service and not in the German espionage service. My interpretation is the exact opposite of that of the British Prosecutor.

LT. COL. GRIFFITH-JONES: Are you not giving instructions here, or is not your Landesgruppenleiter giving instructions, to carry out counterespionage—the work that is carried on by the intelligence service? Isn't that what the writer is writing about so far?

BOHLE: The letter, with which I am not personally familiar, apparently instructs Germans abroad to turn in a report whenever they encounter the intelligence service at work. I do not think that any objection can be raised to that in time of war.

LT. COL. GRIFFITH-JONES: Very well. We will not go on arguing about it. I understand that you know nothing about the instructions which are contained in that letter. This is the first you have ever seen or heard of it; is that right?

BOHLE: No, this letter is new to me, and I do not know whether it is true, for there is no original here.

LT. COL. GRIFFITH-JONES: May I take it then that, of the countries around Germany in which your organization worked, you have no knowledge of the activities that they were carrying out in Belgium? You have no knowledge of the activities that they were carrying out in Norway, none about what they were doing in Spain, and not very much about what they were doing in Romania either; is that correct?

BOHLE: No, that is not correct. Of course I knew of the activity of these groups abroad; but the particular activity that the British Prosecutor wishes to point out as the aim of the Auslands-Organisation is not quite clear to me.

LT. COL. GRIFFITH-JONES: If you had knowledge of any of their activities—I understand from your evidence that you had none of the activities about which your own Auslands-Organisation Year-book publishes a story. Both in Norway and Greece the activities were recounted in those two stories. You knew nothing about them at all; is that right?

BOHLE: I did not know about the activity in Norway. I have already testified to that effect. I was very familiar with the activity in Greece which was along perfectly normal lines.

LT. COL. GRIFFITH-JONES: Very well. I want to leave that, and I just want to ask you two questions about another matter. Am I right in saying that the information—and I am not going to argue with you now as to what type of information it was—but the information that your organization sent back, was that passed on to the Defendant Hess?

BOHLE: Sometimes yes and sometimes no. It depended upon the nature of the information. If it was information on foreign policy it was, of course, sent to another office.

LT. COL. GRIFFITH-JONES: You were in fact acting as a pool of information, were you not? Let me explain myself: You were forwarding information that you received, to the SS?

BOHLE: Sometimes, yes; if not to the SS then probably...

LT. COL. GRIFFITH-JONES: To the Foreign Office?

BOHLE: Sometimes also to the Foreign Office.

LT. COL. GRIFFITH-JONES: And to the Abwehr, were you not?

BOHLE: Very seldom, but it happened occasionally.

LT. COL. GRIFFITH-JONES: You say very seldom. Did you not have a liaison officer attached to your organization from the Abwehr?

BOHLE: No. I had only one assistant who maintained an unofficial connection with the Abwehr, if the occasion arose.

LT. COL. GRIFFITH-JONES: Perhaps we are talking about the same gentleman. Did you not have a Captain Schmauss attached to your head office in Berlin?

BOHLE: Mr. Schmauss has never been a captain but he was a political leader and honorary SS-leader. In the Army, I believe he was a sergeant. Moreover, he did not come from the Abwehr; he was chief of personnel of the Auslands-Organisation and his function as liaison was purely unofficial.

LT. COL. GRIFFITH-JONES: You say he was not a liaison officer between your organization and the Abwehr?

BOHLE: No, he was not an officer at all. He was not a member of the Wehrmacht.

LT. COL. GRIFFITH-JONES: I do not want to quibble with you about his rank. Was he, in effect, whatever he was, acting in a capacity of liaison between you and the Abwehr?

BOHLE: Yes, that is correct.

LT. COL. GRIFFITH-JONES: Very well. Now, in addition to the information that Hess obtained through your system of reporting, that is, the Auslands-Organisation, did he also obtain information from those organizations which were dealing with the Volksdeutsche, that is to say, non-German citizens, racial Germans abroad who were not members of your organization, because you allowed only German citizens to become members of your organization. But others—Volksdeutsche, I think you call them—did Hess receive information from other sources about their activities?

BOHLE: I could not say, because I did not discuss it with Hess, and the affairs of the Volksdeutsche were entirely out of my field.

LT. COL. GRIFFITH-JONES: Dr. Karl Haushofer was for some time in 1938 and 1939 president of the VDA, was he not?

BOHLE: I believe so.

LT. COL. GRIFFITH-JONES: Which was an organization dealing with the activities of the Volksdeutsche in foreign countries. Is that correct?

BOHLE: Yes, I believe so. I am not familiar with this field.

LT. COL. GRIFFITH-JONES: And, as you know, Hess and Karl Haushofer were great friends, were they not?

BOHLE: Yes, that is correct.

LT. COL. GRIFFITH-JONES: Haushofer had been Hess' pupil at Munich University; did you know that?

BOHLE: It was the other way around.

LT. COL. GRIFFITH-JONES: Do you not know that Hess received information from Haushofer as to the activities of these other organizations?

BOHLE: No, I know nothing about it.

LT. COL. GRIFFITH-JONES: Well, now, I do not want to catch you out. Is that your answer? Are you being honest to this Tribunal?

BOHLE: No. I wanted to add that the Deputy of the Führer very painstakingly separated the "Auslandsdeutsche," that is, citizens of the Reich who worked abroad, and the "Volksdeutsche," and with equal care he made certain that I should have nothing to do with the question of Volksdeutsche. Therefore I knew nothing of these matters.

LT. COL. GRIFFITH-JONES: Hess as Deputy to the Führer was in fact in charge of all matters concerning Germanism abroad; was he not?

BOHLE: Yes, that is so, because he was born abroad. However, to my knowledge, he did not take charge of these matters in his capacity as Deputy to the Führer. I do not believe that there was any connection.

LT. COL. GRIFFITH-JONES: Are you telling the Tribunal that just because he was born in a foreign country he had charge of all matters concerning Germanism abroad?

BOHLE: I believe so, because any other Reichsleiter of the Party might just as well have taken care of these matters. However, I assume that Hess took over these functions simply because he was familiar with foreign countries.

LT. COL. GRIFFITH-JONES: I want to be quite clear. Whatever the reason was, he in fact did have charge of them. That is your evidence?

BOHLE: Yes.

LT. COL. GRIFFITH-JONES: Now, I just want to remind you of a passage in your interrogation in this building on the 9th of November. Do you remember that you were interrogated on the 9th . . .

BOHLE: [*Interposing.*]: September?

LT. COL. GRIFFITH-JONES: On 9 November last.

BOHLE: November, yes.

LT. COL. GRIFFITH-JONES: You were interrogated by a Lieutenant Martin, the afternoon of that day.

BOHLE: By Lieutenant Martin, yes.

LT. COL. GRIFFITH-JONES: Let me read a short extract from the transcript of that interrogation and ask you whether, in fact, it is correct. You were being asked about the information which came back through the Auslands-Organisation.

"Question: 'He would have to rely on you for his information on matters of that kind?'"

"Answer: 'Not entirely; I think Hess had a great many connections in Hamburg through which he obtained information which he did not relay to me.'"

"Question: 'What were his connections in Hamburg?'"

"Answer: 'The shipping companies.'"

"Question: 'Rather like your Landesgruppenleiter instructions in Romania?'"

"Answer: 'I think he knew a number of people there. I have always been convinced that he knew them.'"

"Question: 'Is that Helferich?'"

"Answer: 'Helferich was one, but then there were many people from whom he received information. I believe from Professor Haushofer, his old teacher, with whom he was very friendly. But he always made it a point not to inform us of anything that concerned the Volksdeutsche; he said, "It is not your affair at all."'"

Is that correct?

BOHLE: That is quite correct, yes.

LT. COL. GRIFFITH-JONES: And as you have said it there, is that a correct description of the position that Hess was in with regard to information from abroad, from agents abroad? Does that correctly state the facts as they were?

BOHLE: So far as I can see, it is probably correct. I myself can judge only to the extent to which the reports concerned the Auslands-Organisation. About the others I can make only a guess; I

cannot give definite information, because I was not acquainted with them.

LT. COL. GRIFFITH-JONES: I have no further questions. Perhaps I might get the exhibits in order, the ones that I have referred to.

The Yearbook of the Auslands-Organisation from which the stories about Norway and Greece came, becomes Exhibit GB-284. The two translations that you have are numbered Documents M-153 and M-156, both of which become Exhibit GB-284.

The secret wireless telegram, which was Document Number M-158, becomes Exhibit GB-285; and the letter from Landesgruppenleiter Konradi, which was Document Number 3796-PS, becomes Exhibit GB-286.

BOHLE: May I add something to a point which was brought up by the British cross-examination?

THE PRESIDENT: Yes.

BOHLE: May I begin?

THE PRESIDENT: You may give a short explanation. You are not here to make a speech.

BOHLE: No, I do not want to make a speech. I merely wish to say the following on the question of secret transmitters which was brought up this morning: Although I am not familiar with the technique of these secret transmitters, I assume that a secret transmitter would be of use in a foreign country only if there were a receiving set in Berlin.

I am quite certain that to my knowledge there was never such a receiving set, either in my office in Berlin or in any other office of the Auslands-Organisation, and therefore I may assume that such a receiving set did not exist.

COLONEL JOHN HARLAN AMEN (Associate Trial Counsel for the United States): Do you recall being interrogated on 11 September 1945, by Colonel Brundage?

BOHLE: Yes.

COL. AMEN: I want to read you a few questions and answers from your interrogation and ask you whether you recall being asked those questions and having made those answers:

"Question: 'Now, when you started, your immediate superior was who?'"

"Answer: 'Rudolf Hess, until 1941 when he left for England.'"

"Question: 'Who succeeded him?'"

"Answer: 'Martin Bormann. Martin Bormann automatically succeeded Hess, but he did not really fill Hess' position,

because Hess had been born abroad in Egypt, while Martin Bormann understood nothing about foreign affairs. He paid no attention to them at all, but of course, he was my superior.'

"Question: 'But he was nominally your chief?'"

"Answer: 'He was technically my chief, but he gave me no orders, directives or similar instructions, because he did not understand anything about these things.'

"Question: 'So that everything that was done in your office, you would say you were responsible for?'"

"Answer: 'Absolutely.'

"Question: 'And you are willing to accept the responsibility for that?'"

"Answer: 'Naturally.'"

Do you remember being asked those questions and having made those answers?

BOHLE: That is absolutely correct.

COL. AMEN: And were those answers true when you made them?

BOHLE: Absolutely true.

COL. AMEN: And are they still true today?

BOHLE: They are still true.

COL. AMEN: So that you accept responsibility for everything which your office was conducting, is that true?

BOHLE: Yes, that is correct.

COL. AMEN: Who was Von Stempel?

BOHLE: Von Stempel was, I believe, counsellor to a secretary of a legation (Gesandtschaftsrat) in the foreign office, but I do not know him very well.

COL. AMEN: Was he not the first secretary of the German Embassy in the United States from 1938 until Pearl Harbor?

BOHLE: I cannot say definitely. I knew him only slightly and had absolutely no contact with him.

COL. AMEN: Well, he was interrogated with respect to the support of the German-American Bund by the Auslands-Organisation prior to 1938, and I want to read you just one or two questions and answers which he made and ask you whether they conform to your understanding of the facts. Do you understand?

BOHLE: Yes.

COL. AMEN: "Question: 'Was the German-American Bund supported by the Auslands-Organisation?'"

"Answer: 'I am positive that it was connected with the foreign section of the Party. For example, the Bund received instructions from the Party on how to build up their political organization, how, where, and when to hold mass meetings and how to handle their propaganda. Personally, I do not know whether it received financial support.'"

Does that conform with your understanding of the facts?

BOHLE: No, that is a completely false representation. The Auslands-Organisation gave no financial support whatever and had no connection with the German-American Bund. I have stated that clearly in many interrogations here in Nuremberg, and have signed an affidavit to that effect.

COL. AMEN: I know you have. So that if Von Strempel has sworn that that is a fact, your testimony is that he was not telling the truth. Is that correct?

BOHLE: I am of the opinion that if Von Strempel was legation secretary, or secretary of another office, he could not have known of the matter and he therefore testified about something which was not quite clear to him. In any event, what he said is not true.

COL. AMEN: Are you familiar with the fact that in 1938 an order was issued prohibiting members of the German embassies and consulates to continue relations or connections with the Bund?

BOHLE: It was a general order for German citizens abroad to resign from the Bund if they were members. But as far as I know, that order was issued some years previously about 1935 or 1936, by the Deputy of the Führer upon my request.

DR. SEIDL: I object to this question; it has no connection with the evidence for which the witness Bohle was called. During his direct examination he was not questioned on any subject which has the slightest relation to the question of the activity of the German-American Bund. I do not believe that this form of interrogation is designed to test the witness, as it has not the slightest bearing on the subject.

COL. AMEN: It seems to me to have a very direct bearing on whether or not this organization was engaged in espionage work abroad and within the United States.

THE PRESIDENT: Certainly; in the opinion of the Tribunal the questions are perfectly proper.

COL. AMEN: Is it not a fact that in spite of that order the foreign section of the Nazi Party nevertheless continued to support the Bund?

BOHLE: No, I was not aware of that and I consider it to be impossible.

COL. AMEN: Now I would like to read you one or two further extracts from the interrogation of Stempel and ask you whether these statements conform with your knowledge of the facts:

“Question: ‘Did the foreign section of the Party continue to support the Bund after the order you mentioned before was issued?’

“Answer: ‘I am sure that Mr. Draeger, consul in New York City and representative of the foreign section of the Party, did continue to have relations with Bund officials.’ ”

Does that conform with your recollection of the facts?

BOHLE: No. In my opinion, that does not correspond to the facts. Naturally, I cannot say whether the consul, Dr. Draeger, maintained his contacts against my order, but there was an imperative order to withdraw completely from the Bund, because from the very beginning I objected strenuously to the activities of the Bund and was supported in my objections by the Deputy of the Führer

COL. AMEN: You were acquainted with Draeger, were you not?

BOHLE: Yes.

COL. AMEN: What was his position in the United States, insofar as your organization was concerned?

BOHLE: He was a liaison man (Vertrauensmann) of the Auslands-Organisation for the individual Party members in the United States.

COL. AMEN: He was what was known as a confidential agent, was he not?

BOHLE: No, he was not, naturally, but we had . . .

COL. AMEN: And as a matter of fact, you called him a “confidential agent” in your interrogation, did you not?

BOHLE: No. I called him a “Vertrauensmann,” and this was translated into “confidence man.” I did . . .

COL. AMEN: Well, I will accept that correction. He was a confidence man for your organization in the United States. Correct?

BOHLE: Correct, yes, that is true.

COL. AMEN: And in addition to him there were other confidence men of your organization in the United States? Correct?

BOHLE: Yes, correct.

COL. AMEN: Will you tell the Tribunal what their names were and where they were located?

BOHLE: One was Wiedemann, consul general in San Francisco. There was also Consul Dr. Gissling in Los Angeles and Consul Von Spiegel in New Orleans I believe, but I do not know; perhaps it was Boston. It was one of the two. I believe these are all.

COL. AMEN: And each of those individuals made reports from time to time which were forwarded to you through Draeger. Is that not a fact?

BOHLE: No, they made no reports to me. I cannot recall that I ever saw a report from Wiedemann, Spiegel, or Gissling. That was not their job.

COL. AMEN: Draeger made the reports to you, did he not?

BOHLE: Draeger made the reports to the Auslands-Organisation in Berlin or to me personally. Mostly to my office.

COL. AMEN: And contained in those reports were various items of information collected by other confidential agents? Isn't that correct?

BOHLE: I do not know, because I am not familiar with these reports and I cannot say whether there was anything to report. We had no Party organization in the United States, because it had been dissolved by Rudolf Hess in April 1933.

COL. AMEN: So you say; but you nevertheless had an individual in Germany whose duty it was to read and pass upon these reports from Draeger as they came in. Is that not a fact?

BOHLE: So far as I know, and I believe my information is correct; the reports that we received were of a purely technical nature. We merely had few Party members in the United States whose card index and membership fees had to be looked after in order to preserve their privileges as Party members. Political activity in the United States was forbidden and did not actually exist.

COL. AMEN: But I am suggesting to you that in spite of the order the activities of your organization nevertheless continued. Now, is it not a fact that there was an individual in your organization in Germany who received these reports from the United States regularly?

BOHLE: It was my assistant, Mr. Grothe, who . . .

COL. AMEN: I beg your pardon?

BOHLE: It was my assistant, Mr. Grothe.

COL. AMEN: Correct. Why didn't you tell me that before when I asked you about the individual who read these reports from the United States as they came in?

BOHLE: Please repeat the question. I did not fully understand it.

COL. AMEN: Well, I will withdraw that question. After Grothe received these reports from the United States regularly, to whom did he report the substance of those reports?

BOHLE: So far as I know, he usually kept them, because they contained nothing of interest and he himself was not in a position to use them. Mr. Grothe had an honorary position with us because of his advanced age and took over this branch of the office because it was of no importance at all in the Auslands-Organisation.

COL. AMEN: So that you were in no position to know what was contained in those reports? Is that correct?

BOHLE: That is for the most part correct.

COL. AMEN: So you do not know whether they were important or not and you do not know whether they contained information relative to espionage matters or not. Is that correct?

BOHLE: I am sure that if they had contained such information, Grothe would have submitted them to me.

COL. AMEN: Well, outside of that, you have no knowledge of it whatsoever. Is that correct?

BOHLE: That is correct.

COL. AMEN: Now, let me just read you one or two more excerpts from the interrogation of Von Stempel:

"Question: 'These relationships seem to have violated the order you mentioned before. Did you report these violations to the Foreign Office?'

'Answer: 'Yes, several times. In reports that I drafted for Thomsen when I was in the Embassy, we called the attention of Berlin to the fact that this relationship to the Bund was very detrimental... and stated that the continued support of the Bund by the foreign section of the Party was harming diplomatic relations with the United States.'

"Question: 'What action was taken in Berlin to halt the activities of which you complained?'

'Answer: 'I know of no action.'

Does that conform to your knowledge of the facts?

BOHLE: I have not the slightest idea of this report by Herr Von Thomsen. This is the first time that I have heard of protests from the Embassy in Washington regarding prohibited connections between Dr. Draeger and the Bund.

COL. AMEN: You know who Thomsen was, do you not?

BOHLE: Thomsen was Chargé d'Affaires in Washington.

COL. AMEN: And you know that from time to time various officials of the Bund came over here and had conferences with representatives of your organization and of the Führer, do you not?

BOHLE: I have heard that they visited the Führer but they did not visit me and we had no conferences of any description.

COL. AMEN: I did not say with you. I said with representatives of your office; perhaps your friend, Mr. Grothe?

BOHLE: That might be possible but I cannot say definitely because he did not report to me on this matter. They could not have discussed any official matters with Grothe, because he knew very well that I completely repudiated the activities of the German Volksbund in America.

COL. AMEN: In any event, however, you accept responsibility for everything which was done in your organization. Correct?

BOHLE: Naturally.

THE PRESIDENT: Do either of the other Chief Prosecutors wish to cross-examine? *[There was no response.]* Then, Dr. Seidl, you can re-examine if you wish.

DR. SEIDL: Witness, you have already answered a question that I intended to ask you, that is, that there was no secret transmitter in Germany which would have been in a position to broadcast secret communications to foreign countries. I ask you now, did you yourself have a transmitter in Germany?

BOHLE: I myself had no transmitter.

DR. SEIDL: Did the Auslands-Organisation have such a transmitter?

BOHLE: I consider that to be absolutely impossible; if there had been one, I would have known of it. I never saw one.

DR. SEIDL: Is it correct that in order to communicate with Germans overseas by radio you yourself did not use code on the German network?

BOHLE: That is correct.

DR. SEIDL: You stated previously that the Deputy of the Führer, Hess, was your immediate superior?

BOHLE: Yes.

DR. SEIDL: Were the directives given to you by the Deputy of the Führer of a general nature, or did he go into the details of the work of the Auslands-Organisation?

BOHLE: The Deputy of the Führer gave only general directives and left all the details to me because I had his complete confidence. In his general directives he impressed upon me repeatedly in the sharpest terms the fact that it was my duty to avoid any measures by the Auslands-Organisation that might be detrimental to foreign relations.

DR. SEIDL: I have no further questions.

THE PRESIDENT: The witness can retire.

*[The witness left the stand.]*

DR. SEIDL: Your Honors, before I go on to my next witness—that is the witness Strölin—I should like to submit the suggestion or rather the application to the Tribunal that the affidavit of the witness Gaus be handled in the same way as the interrogation of the witness Bohle. Gaus has already been admitted as a witness for another defendant. However, the Defense Counsel for the other defendant waived his right to call this witness. The situation is the same as it was in the case of Bohle; therefore it would be preferable, in my opinion, to hear the witness Gaus now and to read his sworn statement to him during his examination as has been done in other cases, for instance in the case of Blaha.

THE PRESIDENT: Has the affidavit been translated yet and submitted in the various languages to the Chief Prosecutors?

DR. SEIDL: I do not know whether the translation is complete. At any rate, this noon I submitted six copies of the affidavit to the Translation Division.

THE PRESIDENT: Can you tell me, Sir David or Colonel Pokrovsky?

SIR DAVID MAXWELL-FYFE: My Lord, I have not seen this affidavit, and, My Lord, with regard to the last one, we got it hurriedly translated into English, but it was only by the kindness of my Soviet colleagues, who allowed the matter to go on without a Russian translation and left it to my delegation to deal with, that the matter went on. Otherwise, my Soviet colleagues would have asked the Tribunal to have it put back.

It is very difficult when these affidavits are sought to be put in at the last minute without having given us a chance of seeing them.

THE PRESIDENT: Perhaps Colonel Pokrovsky could tell me whether he has seen this affidavit or had it translated yet.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): Members of the Tribunal, I fully share the viewpoint of Sir David Maxwell-Fyfe. It appears to me absolutely unacceptable to have this document presented immediately to the Tribunal.

If I understood Sir David Maxwell-Fyfe correctly, he did not receive this affidavit. The Soviet delegation is in the same position. Besides, I would like to remind you that the question of this witness has already been discussed, that it has been definitely solved, and it seems to me there are no grounds for a further revision of this question.

THE PRESIDENT: Dr. Seidl, the Tribunal considers that the course which must be taken is that that affidavit must be translated and submitted to the Tribunal for their consideration, for this witness was allowed to the Defendant Ribbentrop, I think, and then

he withdrew his application for the witness. You have not applied for the witness Gaus, and I would point out to you and to the other counsel for the defendants that it is very inconvenient that documents of this sort—after all the question of witnesses and documents has been thoroughly gone into by the Tribunal—should be presented at the last moment and without any translation whatever. But we will not go into it now, and it must be translated and submitted to the Tribunal in the three languages.

DR. SEIDL: Perhaps I might make one short remark in regard to the last point. Up to now I was always under the impression that a formal application to call a witness would not be necessary in the case of a witness who has already been admitted by the Tribunal for another defendant. That was undoubtedly so in the case of Gaus who was named as a witness for the Defendant Von Ribbentrop. Consequently I had no reason to make a formal application, since I would have the opportunity to interrogate the witness in cross-examination anyhow.

I have just been informed by counsel for the Defendant Von Ribbentrop that, as his representative said last Saturday, he will forego calling the witness Gaus, and now I, in turn, apply to call Ambassador Dr. Gaus as witness regarding the statements in his sworn affidavit.

THE PRESIDENT: I do not know what you mean by saying you call him. You can apply to call him if you like, but you do not call him until you apply.

DR. SEIDL: Yes, Sir.

THE PRESIDENT: When we have seen this document, we will determine the question.

DR. SEIDL: The next witness admitted by the Tribunal for the Defendant Hess is the witness Karl Strölin. In order to save time I have also prepared an affidavit for this witness, and I ask the Tribunal to inform me whether we will follow the same procedure with this witness as with the witness Bohle, or whether the Prosecution agree that only the affidavit should be presented.

THE PRESIDENT: Have they seen the affidavit?

DR. SEIDL: I gave the affidavit to the Prosecution this morning.

SIR DAVID MAXWELL-FYFE: I have got an English translation of the affidavit. There are one or two questions the Prosecution want to put to the witness, so I suggest that the most convenient course would be if Dr. Seidl did as he did with the last witness, to read the affidavit, and then after the affidavit is read, the few questions that the Prosecution desire to be put can be put to him.

THE PRESIDENT: Yes, very well.

COL. POKROVSKY: I must report to you, Mr. President, that as far as this document is concerned, the Defense Counsel has violated the procedure you have established; the Soviet Prosecution received this affidavit only a very short time ago—about 1 or 2 hours ago—and it was not received by us in Russian but in English. Therefore, I had the opportunity of familiarizing myself with it only very slightly, and I ask to have the presentation of this document postponed until such time when the order of the Tribunal is complied with, in other words, not until we have received our document in Russian.

THE PRESIDENT: But, Colonel Pokrovsky, in the interest of the time of the Tribunal, wouldn't it be better to get on with it now? Sir David has apparently seen the affidavit and read it in English, and if he is satisfied upon that, wouldn't it be better to go on with it now rather than to postpone it?

You see, Dr. Seidl has actually been allowed this witness, so that it is only a question of time, doing it by way of an affidavit when he can call him, and he can then ask him questions.

COL. POKROVSKY: I must repeat that I have familiarized myself with this document very slightly. As far as I can understand, it is of no particular interest to the Soviet Delegation; it is of greater interest to the British Delegation . . .

THE PRESIDENT: Colonel Pokrovsky, you see the witness was allowed to Dr. Seidl. Therefore, Dr. Seidl could have put him on the witness box and could have asked him questions, and the only reason for doing it by way of an affidavit is to get the matter more clearly and more quickly. So if we were to order that this affidavit was not to be used, we should then have Dr. Seidl asking the witness questions, and probably, I am afraid, taking up rather longer than it would to read the affidavit, and you would not object to that.

COL. POKROVSKY: Perhaps the Tribunal would find it advisable to have Dr. Seidl ask the witness those questions which have already been answered in the affidavit? It seems to me that that would give us an opportunity to reconcile this contradiction, especially since there are only a few questions, and the first three, as far as I can understand, are mostly of a historical nature and connected with the organization of the Institute in Stuttgart in 1917.

THE PRESIDENT: Colonel Pokrovsky, I have not read the affidavit yet so I am afraid I am not in a position to present the question which you wish me to present.

COL. POKROVSKY: All right, I withdraw my objection.

THE PRESIDENT: Call your witness then now.

*[The witness Strölin took the stand.]*

What is your name?

KARL STRÖLIN (Witness): Karl Strölin.

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 if you wish.

DR. SEIDL: Witness, you were last Lord Mayor of the City of Stuttgart; is that correct?

STRÖLIN: Yes.

DR. SEIDL: In this capacity were you also Honorary President of the German Auslands-Institut?

STRÖLIN: Yes.

DR. SEIDL: You signed a sworn affidavit this morning which I shall now read to you.

"1. The German Auslands-Institut was founded in Stuttgart in the year 1917. The fact that Stuttgart was chosen as the seat of this institute is connected with the fact that the Swabian district has always furnished a particularly high percentage of emigrants. That is precisely why there arose in Stuttgart the need to create an institution for the purpose of preserving the national ties between the old and the new homeland. The German Auslands-Institut was to serve this purpose. It had the following aims:

"(a) Scientific research on Germanism in the world.

"(b) Maintaining cultural connections with the emigrants.

"(c) Informing the people at home about Germanism abroad and about foreign countries.

"For scientific research the German Auslands-Institut had a library of more than one hundred thousand volumes on folklore and an archive for newspaper files concerning Germanism abroad. For this purpose nearly all newspapers which were published abroad in the German language and a large number of newspapers in foreign languages were subscribed to and their contents evaluated. An extensive collection of pictures was in one filing room. As the Germans abroad became increasingly interested in the homeland, genealogical research took on ever greater proportions.

"In addition to its activities of collecting and registering, the German Auslands-Institut also had advisory and representative functions. The question of emigration was also a subject for consultation for a long time. This required that the German Auslands-Institut be informed regarding the living

conditions and the possibility of finding employment in the individual areas favored by emigrants. The records of the German Auslands-Institut were placed at the disposal of the various offices and organizations upon request. The representative activities of the German Auslands-Institut consisted mainly in organizing exhibitions. The center of this activity was the Museum of Germandom Abroad, in Stuttgart.

"The scientific work of the German Auslands-Institut found expression particularly in the books, magazines, and calendars about the homeland which it published. The connections with the Germans abroad were maintained by sending out such publications. The guiding thought of the German Auslands-Institut in its relations with the Germans abroad was that these Germans abroad were to be the connecting links between nations in order to strengthen mutual understanding and the desire for co-operation. They were to be the envoys of friendship between their old and their new homeland.

"As President of the German Auslands-Institut, I particularly emphasized this thought in the speech which I made at Madison Square Garden in New York City in October 1936 on the occasion of German Day. Moreover the German Auslands-Institut had no agencies or representatives abroad acting as liaison for these corresponding members. Direct or individual care for Germans abroad was not the task of the German Auslands-Institut. The welfare of German nationals abroad was taken care of by the Auslands-Organisation of the NSDAP. Relations with the Volksdeutsche were maintained by the Volksbund für das Deutschtum im Ausland (League For Germans Abroad).

"2. The German Auslands-Institut never engaged in any activities which could be termed Fifth Column activities. No one has ever made a request of this nature to me or to the Institut.

"3. Rudolf Hess, the Deputy of the Führer, did not exert any influence on the activities of the Institute. He issued no directives or instructions which could have induced the Institute to undertake any activity along the lines of Fifth Column work."

Witness, are these statements correct?

STRÖLIN: These statements are correct.

DR. SEIDL: I have at the moment no further questions to direct to the witness.

THE PRESIDENT: Do any of the defendants' counsel wish to ask any questions of this witness?

DR. OTTO FREIHERR VON LÜDINGHAUSEN (Counsel for Defendant Von Neurath): Witness, with the permission of the Tribunal I should like to ask you a few questions.

First, from when to when were you Lord Mayor of Stuttgart?

STRÖLIN: From 1933 until the end of the war.

DR. VON LÜDINGHAUSEN: And how long have you known the Defendant Von Neurath? What was his position at that time and what was his reputation?

STRÖLIN: I have known Herr Von Neurath since the first World War. At that time, at the end of the first World War, he was Chief of the Cabinet of the King of Württemberg, and his reputation was excellent. In my capacity as Lord Mayor I met Herr Von Neurath frequently. In 1938 Von Neurath became an honorary citizen of the city of Stuttgart.

DR. VON LÜDINGHAUSEN: Did you enter in still closer relations with him later when he returned from Czechoslovakia?

STRÖLIN: When he returned from Czechoslovakia Herr Von Neurath retired to his estate of Leinfeld in the vicinity of Stuttgart, and here I had closer and more active connection with him.

DR. VON LÜDINGHAUSEN: What do you know about his ancestry, his family, his education, his personality, in general?

STRÖLIN: Von Neurath comes from an old Swabian family. His father was Lord Chamberlain of the King of Württemberg. His grandfather and his great-grandfather were ministers. Von Neurath was very much respected as a high-minded character, a distinguished personality, always ready to help, extraordinarily humane, very conscientious, straightforward and frank.

DR. VON LÜDINGHAUSEN: During his activity as Foreign Minister and possibly later, did you have an opportunity to discuss politics with him and particularly his views on foreign policy?

STRÖLIN: Von Neurath repeatedly discussed these matters with me, but of course, only in general terms. As Reich Foreign Minister he was convinced that Germany would succeed in getting by peaceful means the place in the world which she deserved. He rejected any other way. He strove to build up and strengthen relations of mutual confidence with other European powers, particularly with England. He was convinced that it was precisely in this field that he had done everything possible.

Later, I had occasion to examine with him Henderson's book *Two Years with Hitler*, which particularly emphasized how extremely popular Von Neurath had been in London at that time. I recall that we also discussed the sentence written by Henderson, that he acknowledged Von Neurath's honest devotion to peace and to peaceful

and friendly relations with England. Von Neurath was also greatly concerned with the cultivation of better relations with the United States. I recall that he discussed the subject with me after my trip to America and said that I had done well to emphasize in my various speeches Germany's desire for friendship with the United States. I also remember how severely Von Neurath criticized the tone of Hitler's speech made in the beginning of 1939 in reply to Roosevelt's message. He said at that time that the international tension had been increased by that speech. Then Von Neurath spoke of the Munich Agreement, in which he had been an active participant. Later he very frequently spoke of the tragedy that was implicit in the fact that, despite all efforts, the relation between England and Germany had not remained one of continuing confidence. He pointed out how tragic it was for Europe and for the world. All my conversations with Von Neurath convinced me that he desired an understanding and a peaceful settlement, and that he would never have pursued a policy that might lead to war.

DR. VON LÜDINGHAUSEN: What were the reasons for his appointment as an honorary citizen of Stuttgart? This happened after he resigned his office as Reich Foreign Minister, did it not?

STRÖLIN: He was appointed in 1938, on the occasion of his 65th birthday on 2 February 1938. This appointment was to express to Von Neurath the gratitude and appreciation not only of the people of Stuttgart but of all Swabia for his manifest love of peace and the calm and prudence with which he had conducted foreign affairs. It was also a token of respect for his honest and incorruptible character.

DR. VON LÜDINGHAUSEN: Witness, the British Prosecution assert that Herr Von Neurath repeatedly assured foreign governments or their representatives that Germany had no military or aggressive intentions toward these states, but that these assurances were, in fact, given for the sake of appearances, in order to lull these states into a false sense of security, because even then Von Neurath knew and approved of the fact that Hitler actually had aggressive intentions toward these states.

From your knowledge of his personality do you consider Von Neurath capable of such infamy?

STRÖLIN: No, I do not consider him capable of such action.

DR. VON LÜDINGHAUSEN: Did Herr Von Neurath inform you, at the time, of his resignation from his position as Foreign Minister?

STRÖLIN: By chance, I was with Von Neurath in the Foreign Ministry on 4 February 1938 at the very moment when his resignation was accepted. He described how this resignation came about. He said that until the end of the year 1937 he had been convinced that Hitler was completely in sympathy with the foreign policy

which he was pursuing and that Hitler as well as himself had not wanted to chance an armed conflict, but at the end of 1937 Hitler had altogether unexpectedly changed his attitude; he had suddenly struck a different note, and it was impossible to decide whether it was to be taken seriously. Von Neurath went on to say that in a personal conversation with Hitler he had attempted to persuade him to give up this altered view, but that he had the impression that he had lost his influence over Hitler, and this prompted him to submit his resignation.

**DR. VON LÜDINGHAUSEN:** After, or rather simultaneously with his discharge from the foreign ministry, Von Neurath was appointed President of the Secret Cabinet Council. Do you know anything about this appointment—how and why he received it and what he did in this capacity?

**STRÖLIN:** He received this appointment as President of the Secret Cabinet Council at the same time that his resignation was accepted, but this Cabinet never convened; this was also true of the Reich Cabinet. The Secret Cabinet was to be convened by Hitler personally, and Hitler had simply not done this. Von Neurath believed later that he had been appointed to this post as president only in order to conceal from foreign countries that the former Foreign Minister no longer had any influence on the policy of the Reich.

**THE PRESIDENT:** Dr. Lüdinghausen, I do not see how this witness can know whether the Secret Cabinet Council was ever called. In any event we have already heard it from Göring, and presumably we shall hear it again from the Defendant Von Neurath, in which case it is grossly cumulative. I do not think we should waste the time of the Tribunal with it.

**DR. VON LÜDINGHAUSEN:** Did you occasionally speak to Von Neurath regarding his attitude and relations toward the Nazi Party?

**STRÖLIN:** Von Neurath's attitude toward the Party was critical and disapproving; at first he disapproved and waited to see what would develop. His relations with the Party were bad. The Party was of the opinion that Von Neurath was not a National Socialist.

**DR. VON LÜDINGHAUSEN:** Did you ever discuss with him the policy of the Nazis toward the Christian churches, that is, the Catholic and the Protestant Church?

**STRÖLIN:** Von Neurath was a faithful Christian and disapproved of the policy of the Party toward the Christian churches. He particularly supported Bishop Bohr's efforts to maintain freedom of religion. He repeatedly used his influence to see to it that seminaries which had been requisitioned were released. Following a discussion with Von Neurath I visited Minister for Churches Kerrl personally and discussed with him the question of the policy toward the Church.

I discovered that Minister for Churches Kerrl was making every effort to represent and carry out the ideas of positive Christianity. However, he did not succeed because his work was continually sabotaged, particularly by Himmler and Bormann.

DR. VON LÜDINGHAUSEN: Later, when Herr Von Neurath retired to his estate of Leinfelden, did you discuss his activities as Reich Protector with him?

STRÖLIN: Von Neurath said that he took the post as Reich Protector in Bohemia and Moravia most unwillingly, and that he had refused it twice, but finally decided that he must make this sacrifice. He believed that it was precisely there that he could act as an intermediary and bring about reconciliation. He had personal difficulties with Himmler and Frank; he told me of his efforts to gain better treatment for the Czechs, and of the protests which he made to Hitler in vain. Once, when I visited Von Neurath in Prague, I was invited to visit President Hacha, who told me emphatically how pleased he was that Von Neurath had been sent to Bohemia and Moravia, for he enjoyed fullest confidence and performed in every respect a conciliatory function. Von Neurath told me that he was recalled and replaced because in his treatment of the Czechs he was too mild for the Führer, who preferred a particularly trustworthy SS leader in that position.

DR. VON LÜDINGHAUSEN: Who was to be appointed to that post?

STRÖLIN: That was Heydrich.

DR. VON LÜDINGHAUSEN: Was that Herr Von Neurath's reason for resigning?

STRÖLIN: Evidently.

DR. VON LÜDINGHAUSEN: Now, Von Neurath was also an Honorary Gruppenführer of the SS. Did he tell you how he attained this—let us say—honor?

STRÖLIN: He told me that he was appointed honorary leader of the SS without having been consulted. When he asked the reason, Hitler told him that Mussolini was soon to pay a visit and that he, Hitler, wanted everyone in his attendance to wear a uniform. Since Von Neurath had no uniform he appointed him an honorary leader of the SS. Von Neurath said he did not intend to become one of Himmler's subordinates. Thereupon Hitler told him that that was not necessary; it was merely a question of wearing a uniform.

DR. VON LÜDINGHAUSEN: What was Herr Von Neurath's attitude toward war?

STRÖLIN: On the first day of the war I saw Von Neurath to the railroad station. He was depressed and rather dismayed. He called

the war a terrible disaster, a gamble with the existence of the nation. He said that all his work from 1932 to 1938 had thereby been destroyed. I understood that during the war he saw the Führer occasionally, and on each such occasion he used the opportunity to ask Hitler to consider the idea of peace. That he, Neurath . . .

THE PRESIDENT: How can the witness say this? He was not present at these meetings; how can the witness tell us what the Defendant Von Neurath said to the Führer?

DR. VON LÜDINGHAUSEN: As you will understand, that is what the defendant told him. That was told the witness by the defendant directly.

STRÖLIN: Von Neurath told me so repeatedly. He told me . . .

THE PRESIDENT: It will be all extremely cumulative.

DR. VON LÜDINGHAUSEN: I do not believe so. The witness himself needs only to corroborate this to the Prosecution.

THE PRESIDENT: Dr. Lüdinghausen, the Tribunal imagines that the Defendant Von Neurath will give this evidence himself, and the Tribunal does not wish to hear evidence from witnesses that was told to them.

DR. VON LÜDINGHAUSEN: Very well, I shall dispense with any further questions along those lines. I should like to ask only one more question.

*[Turning to the witness.]* Did not Von Neurath, with you and other people, make an effort to put an end to the war and to the Hitler regime, or at least consider the possibility of doing so?

Now these are facts that the witness knows from his own observation.

STRÖLIN: Von Neurath discussed this question with me on several occasions after his return from Prague. He tried particularly to bring about a meeting of the Reich Cabinet, as did the other ministers, but he did not succeed, since Hitler disapproved of this Reich Cabinet as a "defeatists' club." As a preliminary step for ending the war Von Neurath tried to bring about a change of ministers and the appointment of a Reich Chancellor, which was also widely demanded. This also failed. During the year 1943 Neurath became more and more convinced . . .

THE PRESIDENT: This is the same thing over again—nothing about what Von Neurath did but all about what Von Neurath said to this witness.

DR. VON LÜDINGHAUSEN: I beg your pardon; these are only preliminary remarks to clarify what is to follow.

THE PRESIDENT: I thought you said you had one last question?

DR. VON LÜDINGHAUSEN: Yes, we come to that now. The question shows the attempts he made to carry out his intentions.

STRÖLIN: When Von Neurath failed in his attempts at reform, that is, when he saw that it had miscarried and that Hitler's attitude was negative and intransigent, Von Neurath came to the conviction, at the beginning of 1944, that the saving of Germany from complete destruction must not be wrecked because of Hitler. He considered the question of how to speak to Hitler once more and persuade him to end the war. He thought of Field Marshal Rommel and asked me to discuss the matters with him. Rommel was at that time very popular in Germany and abroad, and Von Neurath believed that due to the position he held, Rommel was the right person to replace Hitler, if necessary. In the beginning of March 1944, I went to Field Marshal Rommel and discussed the matter with him. Rommel was just as critical of the situation. I knew him from the first World War, so that I could speak to him frankly. He was also of the opinion that if the war could not be won on a military basis, unnecessary bloodshed and senseless destruction . . .

THE PRESIDENT: Dr. Lüdinghausen, we really do not want all this conversation between this witness and Rommel. We do not want it. We will not hear the conversation between this witness and Rommel.

DR. VON LÜDINGHAUSEN: Nor do I want the witness to discuss this matter.

THE PRESIDENT: Why don't you stop him then? Why don't you stop him?

DR. VON LÜDINGHAUSEN: I did not want to hear it from the defendant himself, but from the person who was employed by the defendant to take these steps. That in my opinion has more weight than if the defendant makes the statement himself. That is why I asked the witness about it. But it is almost finished now.

THE PRESIDENT: When we come to the defendant then we will not hear him on these subjects.

DR. VON LÜDINGHAUSEN: No, that is not intended—moreover, as far as I know, the matter will be finished with just a few words. Please, Witness.

STRÖLIN: Upon Von Neurath's instigation, Rommel wrote a letter to Hitler saying that because of the military situation he believed that it would not be possible to continue the war, and that he, Rommel, suggested to Hitler that he start political negotiations. Consequently, as he told me, after his accident Rommel fell from favor for this reason, and thus Von Neurath's attempt to end the war with Rommel's aid also failed.

DR. VON LÜDINGHAUSEN: And then came 20 July and soon afterwards the end.

I have no more questions, Mr. President.

THE PRESIDENT: The Tribunal will adjourn.

*[A recess was taken.]*

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

LT. COL. GRIFFITH-JONES: May the witness be handed GB-262 (Document Number 3258-PS). My Lord, that is the same document of which an extract has already been handed up to the Tribunal while I was cross-examining the last witness.

Witness, I want to be quite clear as to what you say about the Deutsches Auslands-Institut. Do you say that that institute had no connection with either Hess or the Auslands-Organisation?

STRÖLIN: The Deutsches Auslands-Institut had no connection with Hess. The connection with the Auslands-Organisation was due to the fact that the Auslands-Organisation had its meetings at Stuttgart.

LT. COL. GRIFFITH-JONES: So that the fact that the Auslands-Organisation and the Deutsches Auslands-Institut both had their meetings at Stuttgart, that is the only connection between the two organizations; is that so?

STRÖLIN: The Auslands-Organisation, to my knowledge, did not consult the German Auslands-Institut on practical matters, for it had its own collection of material. The Auslands-Organisation was, as far as I know, created in the year '32, and . . .

LT. COL. GRIFFITH-JONES: Now, I do not want to stop you, but if you can answer my question "yes" or "no" it will save us all a great deal of time. I will repeat my question in case you are not quite clear about it. Do you say that the fact that both those organizations held their meeting in Stuttgart is the only connection between the two? Now you can answer that "yes" or "no."

STRÖLIN: I cannot answer that with "yes" or "no." I must say that the connecting link was the fact that Stuttgart was the city of foreign Germans and so to speak the representative of Germans abroad, because of its past history.

LT. COL. GRIFFITH-JONES: Do you read English?

STRÖLIN: A little.

LT. COL. GRIFFITH-JONES: Will you look at Page 461 of the book that you have? At the bottom of Page 461 you will see

reproduced a copy of an article from the *Stuttgarter Neues Tagblatt* of 21 September 1933.

The Tribunal will find the extract on Page 4 of the translation.

That article describes the annual meeting of your institution, after its reorganization in 1933 when the Nazi Party came to power. I want to read just four short extracts from that article 2 and ask you for your comments.

"The chairman of the Deutsches Auslands-Institut, Lord Mayor, Dr. Strölin, opened the celebration."

That is yourself presumably; is that so?

STRÖLIN: Yes.

LT. COL. GRIFFITH-JONES: "Among those present, he greeted in particular, Minister President and Minister of Religion in Württemberg, Mergenthaler, as the representative of the supervisory authorities; General Haushofer of Munich as representative of Rudolf Hess, who has been entrusted by the Führer with the supreme direction of all matters concerning Germans in foreign countries...."

Did you say that?

STRÖLIN: I cannot remember having said that. Haushofer was for me the representative of the VDA, and I cannot conceive how he could have been the deputy of Hess at this occasion. However, it is probably true.

LT. COL. GRIFFITH-JONES: Do you think the Tribunal is safe in taking it that the *Stuttgarter Neues Tagblatt* on the day after that celebration would accurately report what you said in your opening address?

You need not look at the rest of it for the moment. It is not likely that that article is untrue or incorrect, is it?

STRÖLIN: No, the article is probably correct, but I did not remember—now looking back—that Haushofer was at that time the deputy of Hess, for Rudolf Hess had no connection with the Deutsches Auslands-Institut as such.

LT. COL. GRIFFITH-JONES: It appears that you are saying there, and you are saying it in a speech, that Haushofer is representing Hess, and that Hess has been charged by the Führer with the supreme command of all matters concerning Germans in foreign countries. Do you understand what you are saying there?

STRÖLIN: Yes, it may have been put that way at that time, but in practice, it never happened that I received a directive of any kind from Rudolf Hess.

LT. COL. GRIFFITH-JONES: Your institution could correctly be said to concern itself in matters concerning Germans in foreign countries, could it not?

STRÖLIN: I did not understand the question.

LT. COL. GRIFFITH-JONES: Did your institution, the Deutsches Auslands-Institut, concern itself in matters concerning Germans in foreign countries?

STRÖLIN: Yes.

LT. COL. GRIFFITH-JONES: Very well, I shall leave that. Will you look down the page and omit the next . . .

STRÖLIN: I would like to add to this point. It was the first time that I made a speech for the Deutsches Auslands-Institut and the speech was, of course drafted with the approval of the personalities who were to be welcomed there. I cannot longer remember that Haushofer was present in that capacity on that occasion and can merely repeat my statement that as the honorary president of the Institute I know nothing of Rudolf Hess having given directives to the Deutsches Auslands-Institut.

LT. COL. GRIFFITH-JONES: You may have known nothing about it, but you were the new chairman of the Deutsches Auslands-Institut at that time, were you not?

STRÖLIN: No, I was not the chairman. The chairman of the Institute was a special leader. In my capacity as Lord Mayor it was merely one of my many extra duties to act as president of the Institute. It is quite impossible for me to remember which personalities I greeted at the time, and how I did it.

LT. COL. GRIFFITH-JONES: Please confine yourself to answering the particular question I put to you: Were you or were you not the chairman of the Deutsches Auslands-Institut on 20 September 1933?

STRÖLIN: Yes, I was appointed to that position at that time.

LT. COL. GRIFFITH-JONES: You had just been appointed because you were a good Nazi and the Nazi Party had come to power and was reorganizing this institution.

STRÖLIN: I was appointed to this post because I was Lord Mayor of Stuttgart and because later the city of Stuttgart was called the "City of Germans Abroad" since, because of its history and tradition it had always had very close connection with Germans abroad.

LT. COL. GRIFFITH-JONES: Very well, now, we will go on. Will you miss out the next short paragraph and look at the paragraph which starts off, "Deputy Gauleiter Schmidt, representing Dr. Goebels, stated the local Party leadership . . ."

STRÖLIN: What page is that on?

LT. COL. GRIFFITH-JONES: It is on the same page.

STRÖLIN: Page 461?

LT. COL. GRIFFITH-JONES: I beg your pardon, it is on Page 462. And it is the third paragraph in the center of the page.

STRÖLIN: Yes, I found the place.

LT. COL. GRIFFITH-JONES: "Deputy Gauleiter Schmidt, representing Dr. Goebbels, stated, "The local Party leadership (Gauleitung) is prepared to co-operate through thick and thin with the new officers of the Deutsches Auslands-Institut.' "

Hess, you know, was in charge of the Party leadership, wasn't he—the Gauleiter? We will go on:

"National Socialism will demand the blood unity of all Germans as its historic right."

Will you look now at Page 463—we will leave that—Will you look now . . .

STRÖLIN: May I say something in connection with this?

LT. COL. GRIFFITH-JONES: If you please, yes.

STRÖLIN: The Deputy Gauleiter, Schmidt, was here purely in his capacity as a deputy of the Gauleiter, but he was not the Deputy of Rudolf Hess.

LT. COL. GRIFFITH-JONES: No. But the point I am putting—I will make it quite clear—is that the Gauleitung which came under Hess was going to co-operate with your institution through thick and thin. You appreciate that?

STRÖLIN: That is obvious.

LT. COL. GRIFFITH-JONES: Would you look at Page 463, and on the second paragraph:

"In his address the new director of the DAI, Dr. Csaki, stated: 'We followed with deep distress the inner disunity of the German people. Now since all that has been overcome, since we see that all the German Folk (Volksdeutsche) organizations are standing in one line, we are filled with a feeling of pride for our German mother-country, a feeling of happiness: Germany is united.'

"The feeling of adherence to the German people gives us a happy consciousness. In the course of centuries this or that position has been lost. We must prevent any from being lost. It gives us a feeling of pride and self-confidence that we are bridges for the German Lebensraum.' "

Was that in fact what the purpose of the Deutsches Auslands-Institut was?

STRÖLIN: Dr. Csaki said in this quotation that the Germans abroad were bridges to the German Lebensraum. This German Lebensraum also applied, for instance, to the Germans in Hungary and Rumania and to that extent it is true when he says the Germans are "bridges" to this Lebensraum, that is, the space in which Germans live. This has also always been the attitude of the Deutsches Auslands-Institut; to build bridges to the Lebensraum in which these Germans live.

LT. COL. GRIFFITH-JONES: Very well. Now, have you ever read a book by Dr. Emil Ehrlich, or seen it, entitled: *Die Auslands-Organisation der NSDAP*? You need not look at that. Have you ever read that book? A title of that kind?

STRÖLIN: I do not think so.

LT. COL. GRIFFITH-JONES: Do you know that Dr. Emil Ehrlich was the personal adviser to Bohle?

STRÖLIN: I believe he was Bohle's adjutant at one time.

LT. COL. GRIFFITH-JONES: Will you look at Page 305 of the book that you have in front of you—My Lord, this passage appears on Page 5 of the document the Tribunal has—and that is a reproduction of Dr. Emil Ehrlich's book. Would you look at the second paragraph on Page 305, half way down that paragraph, starting:

"On 27 August 1936 the Führer designated Stuttgart as the 'City of Germans Abroad,' and the Gauleiter of the Auslands-Organisation of the NSDAP assumed protection of this beautiful city, which also houses within its walls the German Auslands-Institut, which works in hearty co-operation with the Auslands-Organisation."

Would I be right in saying that throughout the whole history, from 1933 onwards, the Deutsches Auslands-Institut was working in the heartiest co-operation with the Auslands-Organisation?

STRÖLIN: This is not correct, inasmuch as there was no practical or scientific co-operation between the Deutsches Auslands-Institut and the Auslands-Organisation. The hearty co-operation, as I have already mentioned, referred to the fact that the Ausland Germans had their meetings in Stuttgart. That was the hearty co-operation between them. There was no co-operation in practical matters since it was not necessary.

LT. COL. GRIFFITH-JONES: Will you look at Page 127 of this book? I want you to tell me, looking at the last paragraph, whether that is an accurate report, "All persons who in the future..." this is, I beg your pardon, a confidential report on the special schooling work conducted by the DAI for the foreign organizations. You did in fact, did you not, assist the foreign organizations in training their Landesgruppenleiter and other leaders abroad?

STRÖLIN: May I ask who signed this article or report?

LT. COL. GRIFFITH-JONES: No, I cannot tell you who signed that report. I asked you a question. Did the Deutsches Auslands-Institut assist in training leaders for the Auslands-Organisation abroad?

STRÖLIN: I am not informed on that point.

LT. COL. GRIFFITH-JONES: Now, just turn over to Page 128, second paragraph, which I read to you quite shortly:

"The Auslands-Institut plays a part in determining the curriculum for the training camps (Schulungslager) as well as serving as an intermediary between the party authorities who run these camps and the Germans from abroad who attend them."

You still say that that report is...

STRÖLIN: May I ask the date of this report?

LT. COL. GRIFFITH-JONES: I told you it is a report...

STRÖLIN: I had no knowledge of this report.

LT. COL. GRIFFITH-JONES: Very well, I just want to ask you one or two very short questions on the evidence that you have given about the Defendant Von Neurath. You have told us that he was a man of peace, with an excellent, kind character. Do you know that on the 5th of November 1937 he attended a meeting at which Hitler addressed the leaders of his Armed Forces? Did you ever hear of that meeting, on the 5th of November 1937?

STRÖLIN: No, I did not hear of this meeting, at least not until I was imprisoned.

LT. COL. GRIFFITH-JONES: Well then, perhaps I could tell you quite shortly what took place. Hitler said at the meeting, among other things, that the only way out of the German difficulties was to secure greater living space, and he said that that problem could be solved only by force. And, having said that, he then went on to say that he had decided to attack Austria and Czechoslovakia. You never heard of that meeting?

STRÖLIN: No, I have not heard anything of that meeting, and concluded only later that...

LT. COL. GRIFFITH-JONES: But...

STRÖLIN: May I finish my sentence?

LT. COL. GRIFFITH-JONES: I only wanted to know...

STRÖLIN: I said just that Von Neurath indicated to me that he had serious differences of opinion with Hitler. That was toward the end of 1937. It was only later that I realized that he must have meant the conference with Hitler and the attitude

which he took on 5 November; however, it was only when I was in prison that I heard through the newspapers that such a conference actually took place.

LT. COL. GRIFFITH-JONES: I shall come to all that in a moment. I just want you to get a picture of what happened at this meeting, and I quote four lines from the minutes of that meeting:

“Hitler believed that very probably England and presumably France had already secretly abandoned Czechoslovakia and were satisfied that this question would one day be cleared up by Germany.”

And Hitler then went on to say that the embodiment of Czechoslovakia and Austria would constitute a conquest of food for 5 or 6 million people, and that he visualized the compulsory immigration of 2 million people from Czechoslovakia.

Now, that is what took place at that conference. Do you know that some 4 months later—on 12 March 1938—Von Neurath was giving an assurance to M. Masaryk, and among other things he assured him, on behalf of Herr Hitler, that Germany still considered herself bound by the German-Czechoslovak Arbitration Convention of 1925? Do you know that he said that?

STRÖLIN: I do not recall it.

LT. COL. GRIFFITH-JONES: Can you understand, now that I have told you that that is a fact, can you understand anybody who had been at that conference and had heard what Hitler had said on 5 November giving an assurance to Czechoslovakia 4 months later in terms of that kind? Can you understand any honest man doing that?

STRÖLIN: I cannot judge the situation prevailing at that time. I do not know from whom Von Neurath might have received an order.

LT. COL. GRIFFITH-JONES: I am not asking you to judge at that time. I am asking you now what your opinion is of a man who can do that sort of thing. I want you to tell the Tribunal.

STRÖLIN: I cannot answer that because I do not have a comprehensive picture of that situation.

DR. VON LÜDINGHAUSEN: Mr. President, I must under any circumstances object to this type of suggestive question. It is not permissible to put such a question to the witness without giving him the complete picture of how this assurance was given. The fact is, and it is correct, that in the speech of 5 November 1937, Hitler for the first time developed plans which were no longer in accord with the peace policy of Herr Von Neurath, and Von

Neurath took the opportunity—I believe in December or early in January—to discuss this thoroughly with Hitler and point out to him the impossibility of the policy which he apparently wanted to embark upon and to persuade him not to carry it out. When from Hitler's reply he was forced to the conclusion that Hitler would nevertheless insist on this policy which would lead to aggression in the future he submitted his resignation. On 4 February 1938 Herr Von Neurath was permitted to resign. He no longer participated in active politics.

On 11 or 12 March, when the invasion of Austria took place, an invasion of which Herr Von Neurath had no inkling until that day, Hitler called him...

THE PRESIDENT: Dr. Lüdinghausen, will you kindly wait? The question was put about the 5th of March 1938, whether a man who had heard the conference of the 5th of November 1937 could have given the assurance of the 5th of March.

DR. VON LÜDINGHAUSEN: Yes, I can also clarify that statement, if I may. The question put by Minister Mastny was whether any military action against Czechoslovakia was intended immediately or soon after the invasion of Austria, and Herr Von Neurath believed that he could, honestly and as a gentleman, answer this question in the negative.

We have to take into consideration the circumstances under which this statement was made. First, Hitler, in his speech of 5 November 1937, spoke of the years to come. When he marched into Austria on 12 March, that is at a time which from 5 March...

THE PRESIDENT: Just one moment. We do not want to have all this argument. The question was what was this witness' opinion of a man who had done that. That was all the question that was asked, and that question is put to credit...

DR. VON LÜDINGHAUSEN: Mr. President, I beg your pardon; no one can answer that question unless he knows in what connection it was put. Mr. Mastny asked whether the march into Austria would entail any aggressive action against Czechoslovakia and Von Neurath answered that question. No more and no less. He did not want to give an answer regarding the future. The Minister wanted to know whether in connection with the march of the German troops into Austria any military actions against Czechoslovakia were intended. According to the information which my client had, he could in the given situation answer this question in the negative with a clear conscience. This question is admissible only if the witness is informed about what I have just said. The point is not that he declared once and for all Germany will never march into Czechoslovakia, but that he merely answered the Czech

Minister Mastny's question: Is there any danger that in connection with the march into Austria, military measures will also be taken against Czechoslovakia? This question he could answer the way he did. Therefore, the question in the form in which it was put by the British Prosecution is in my opinion not admissible.

THE PRESIDENT: The Tribunal thinks the question properly admissible.

LT. COL. GRIFFITH-JONES: Well, we will not pursue the matter. I ask you just this one further question, so that I make myself quite clear. You said in your evidence, as I wrote it down, that the Defendant Von Neurath was well thought of, dignified and of noble character. Having heard what I have told you, are you still prepared to tell the Court that you think he is well thought of, dignified, and of noble character? Is that your opinion now? I just want to get the value of your evidence; do you see? After what you have been told is that your opinion?

STRÖLIN: It is still my opinion that Herr Von Neurath is a man of distinguished and decent character. I cannot judge under what circumstances he acted at the time and what considerations prompted him to act this way.

LT. COL. GRIFFITH-JONES: You say that he was in favor of peace and did all he could to avoid a war. Do you call a deceit of that kind doing everything possible to avoid war? Is that what your idea of a peaceful policy is—giving assurance 4 months after you know perfectly well that the German intention is to overrun their country? Is that what you call doing everything to avoid war?

STRÖLIN: I would like to state once more that I do not sufficiently understand the essential points and ramifications of this question to form a proper opinion on it. But obviously things cannot be as simple as they have been pictured here.

LT. COL. GRIFFITH-JONES: Let me turn to another aspect of this matter. We have been told at great length that he disapproved of Hitler's policy, and that he resigned. Do you know that, having resigned, he was appointed Reich Protector of Bohemia-Moravia in March 1939? Do you know that?

STRÖLIN: Yes.

LT. COL. GRIFFITH-JONES: That was after the remainder of Czechoslovakia had been overrun, occupied.

STRÖLIN: I said previously that Von Neurath told me that he accepted this post very reluctantly; that he had twice refused to accept it but later he believed that he had to make a sacrifice in order to achieve his ends; and, as the State President Hacha told me later, Von Neurath's personal influence was of great benefit

because, as Hacha told me, Von Neurath's activity undoubtedly had a balancing and conciliatory effect. As I said before, he was recalled because he was too mild.

LT. COL. GRIFFITH-JONES: Now, you have already said it, and we have heard it, and we have remembered it, so it is quite unnecessary for you to say it again. Do try to answer my question shortly. Let me ask you this question. Have you ever thought that the reason for that appointment might have been as a reward for his assistance in the occupation of Austria and Czechoslovakia that had followed so shortly before?

STRÖLIN: No, I never thought of that. However, if I may mention it, I have read quite a different version in the book by Henderson, that is, that Von Neurath had been put into that post so that his international prestige could be discredited. I wanted to bring in this version in order to point out that there were other possibilities that might come into question.

LT. COL. GRIFFITH-JONES: Do you remember that you described him as a disciplined, humane, and conscientious man?

STRÖLIN: Yes.

LT. COL. GRIFFITH-JONES: Will you look at that poster.

*[The poster was submitted to the witness.]*

My Lord, I regret that I have not got a copy of this for the Tribunal. It is a very short matter. It has been introduced in the Czechoslovak report on the German occupation. I will give Your Lordship the number: Document Number USSR-60.

*[Turning to the witness.]* Do you see that this is signed by the Defendant Von Neurath, the humane and conscientious man?

STRÖLIN: Yes, I see that the Czech universities were closed for a period of 3 years, and that nine culprits were shot. This announcement, however, does not say, as far as I can see, exactly why this was done. Consequently I cannot pass judgment on the announcement, because I do not know what Von Neurath proclaimed in it. The announcement does not tell me anything, if I do not know the reason why the announcement was issued. That universities were closed and nine culprits shot must have been for convincing reasons.

DR. VON LÜDINGHAUSEN: Mr. President, may I add the following? I would like to say this in order to save time. This question of Czechoslovakia and of this poster, with which I am also familiar, will, of course, be dealt with, in connection with Von Neurath's case, and at that stage of the proceedings. I will then have the opportunity to bring the proof that this poster did not originate with the Defendant Von Neurath. This witness was not in Prague

and can relate only things which he did not know of his own experience, but which Herr Von Neurath told him. Therefore, I believe that this question is not appropriate and is taking up time unnecessarily, for I would have to raise objections and describe the actual situation. We should not put questions to the witness which, though put in good faith, are positively incorrect, that is, questions which are based on inaccurately reported facts which actually occurred in a different manner. I shall prove that at the time when this poster was drafted and put up, Herr Von Neurath was not in Prague and was not informed of what was going on during his absence.

Therefore I believe that we should not deal with this question today, since, as I have said, the witness cannot know anything about it from his own observation.

THE PRESIDENT: It will be open to you to show that this poster was put up when Von Neurath was not at Prague, and that he gave no authority for it. That would clear him with reference to this poster; but what is being put to this witness is: Assuming that this poster was put up by Von Neurath, is it right to describe him as a humane man? That is all the cross-examination means.

DR. VON LÜDINGHAUSEN: But, the witness knows nothing of this poster. He cannot answer the question correctly if he does not know the ramifications, if he does not know that this poster actually did not originate with Herr Von Neurath.

THE PRESIDENT: The witness was examined at great length by you to show he was a humane man and had a very good character. Under such circumstances it is up to the Prosecution to put to the witness circumstances which would indicate that he was not of that humane character. That is all that is being done.

DR. VON LÜDINGHAUSEN: In that case the most this witness could say would be "I do not know," or "if it is true, one cannot call it humane." Any one of us can say that. The witness does not need to say it.

THE PRESIDENT: The witness can say, "If this is correct it is inconsistent with what I knew of Von Neurath."

DR. VON LÜDINGHAUSEN: He cannot and he will not say that either, for the simple reason that he does not know the circumstances under which this poster was published. Frankly I cannot see the purpose of this question, for if the question is put in that way, every decent individual will say that it is inhumane; but this would not alter the fact that the witness would be judging facts which do not exist and which are not true.

THE PRESIDENT: Colonel Griffith-Jones, don't you think this is really taking up unnecessary time, if this witness doesn't know

anything about it? I quite see that it is the proper purpose of cross-examination to discredit the witness.

LT. COL. GRIFFITH-JONES: I am much obliged to the Tribunal. The point of that cross-examination was, perhaps I might be allowed to say, this: This defendant has produced a witness to give evidence on his oath before this Tribunal. If that evidence is unchallenged, then it goes down on the record, and there is nothing to stop this Tribunal from regarding this witness as a man who is in a position to give reliable evidence of that kind. This cross-examination is rather to show that this witness, whether he is saying it truthfully or untruthfully, is certainly inaccurate. The evidence he has given as to the good character of this defendant does not bear investigation—that is quite clear—and the Tribunal is not saying we are not entitled to cross-examine as to character. However, I do not think I need occupy the time of the Tribunal with that.

THE PRESIDENT: Very well.

COL. AMEN: Witness, when were you last in New York City?

STRÖLIN: I was in New York in 1936.

COL. AMEN: At that time you made a speech at Madison Square Garden; is that correct?

STRÖLIN: Yes.

COL. AMEN: That was a rally in the Garden?

STRÖLIN: It was for "German Day," on 6 October 1936.

COL. AMEN: A "German Day" rally, correct?

STRÖLIN: It was the annual meeting of the Germans which took place on 6 October.

COL. AMEN: And a great percentage of the German-American Bund, is that correct?

STRÖLIN: Yes.

COL. AMEN: In fact, that whole rally was held under the auspices of the German-American Bund, was it not?

STRÖLIN: The fact is, a festival committee had been commissioned by all German clubs—I believe there are all in all two thousand of them in New York—and these 2,000 German clubs had united in one festival committee which organized the "German Day." I did not know the composition of this committee in detail.

COL. AMEN: And it was at the solicitation of the German-American Bund that you made your speech, was it not?

STRÖLIN: No, it was at the solicitation of the festival committee of the German clubs of New York.

COL. AMEN: Yes, and on that committee were numerous members of the German-American Bund; is that true? "Yes" or "no."

STRÖLIN: Yes.

COL. AMEN: And as a matter of fact, there were many of the members of your organization at that time who were active members of the German-American Bund; is that correct?

STRÖLIN: Yes.

COL. AMEN: And you personally had had several conferences with them, both here in Germany and in New York City, correct?

STRÖLIN: No, that is not correct.

COL. AMEN: Well, what is correct?

STRÖLIN: It is correct that I was invited, but there were no further conferences.

COL. AMEN: But you do not dispute that many of the members of your organization were at that time members of the German-American Bund?

STRÖLIN: I am not informed on that point.

THE PRESIDENT [*To the witness*]: I have just taken down that you have said that was so.

COL. AMEN: Precisely.

STRÖLIN: Please repeat the question.

COL. AMEN: Did you not just tell me a few moments ago, in response to a previous question, that many members of your organization were members of the German-American Bund at the time of your speech at the rally in Madison Square Garden?

STRÖLIN: When you speak of an "organization," do you mean members of the German Auslands-Institut?

COL. AMEN: "Your organization" is the way I put it.

STRÖLIN: I had no organization; I had an institute.

COL. AMEN: Exactly. And under whose auspices were you making this speech in Madison Square Garden?

STRÖLIN: I was asked to make this speech because I had shortly before been appointed Lord Mayor of the City of Germans Abroad. I was Lord Mayor of that city, and therefore I was asked to deliver the address. Stuttgart was made the City of Germans Abroad, since the Swabians furnished most of the emigrants, and for that reason Stuttgart was to be the home city of foreign Germans.

COL. AMEN: Well, is it not a fact that many members of the Auslands-Organisation were at that time also members of the German-American Bund? "Yes" or "no."

STRÖLIN: Yes.

COL. AMEN: Is it not also a fact that at that time many members of the Institute were also members of the German-American Bund? Yes or no.

STRÖLIN: Yes, some of these Germans had come from America; they were students who had studied in America and returned to Germany.

COL. AMEN: And is it not also a fact that many of these members of the German-American Bund, who were likewise members of the Auslands-Organisation and of the Institute, were indicted and tried and convicted for various espionage offenses in the Federal courts of the United States? Yes or no.

STRÖLIN: No, I know nothing about that.

COL. AMEN: You never heard that?

STRÖLIN: No, I never heard about it. I know of the case of Kappe, but that has no connection with the Deutsche Auslands-Institut.

COL. AMEN: That is one case, as a matter of fact; now, you know some others too, don't you?

STRÖLIN: I wonder if you could give me particulars.

COL. AMEN: I could, but I am asking you the questions rather than trying to tell you the answers.

STRÖLIN: I cannot remember any other case. Please question me.

COL. AMEN: No, I will go to another subject now, because it is getting late. Are you acquainted with a Mr. Alfred Weninger—W-e-n-i-n-g-e-r?

STRÖLIN: I did not understand the name. Alfred...

COL. AMEN: Alfred Weninger, W-e-n-i-n-g-e-r, or however you pronounce it.

STRÖLIN: Weninger—yes I am familiar with that name.

COL. AMEN: Who is he?

STRÖLIN: Alfred Weninger is, to my knowledge, at present in France. I believe he is a jurist.

COL. AMEN: Well, don't you know? Don't you know whether he is a jurist or not?

STRÖLIN: Yes, he is employed as a jurist.

COL. AMEN: What is his nationality?

STRÖLIN: He is a Frenchman.

COL. AMEN: Is he a friend of yours?

STRÖLIN: Yes.

COL. AMEN: Did you intervene on his behalf on at least one occasion?

STRÖLIN: I provided for his release from prison.

COL. AMEN: That was in March 1943?

STRÖLIN: No, there must be some misunderstanding. I mean the Alfred Weninger who is a Frenchman and whom I helped during the war so that he was not sentenced to death, and was later released from prison. However, that took place during the period from 1942 to 1944. I do not know another Alfred Weninger. There may be two Alfred Weningers.

COL. AMEN: No, that is correct. He was sentenced along with 12 other comrades for espionage and intelligence with the enemy.

STRÖLIN: Yes, and he is the one whom I helped.

COL. AMEN: And you intervened with the Attorney General at the People's Court?

STRÖLIN: Yes, I intervened with Freisler.

COL. AMEN: And also, at the Ministries of the Interior and Justice in Berlin?

STRÖLIN: I submitted to the Ministry of the Interior a memorandum regarding conditions in Alsace, at the time, in order to have the Alsatians pardoned.

COL. AMEN: And as a result of your efforts, these people received temporary suspension of their sentences; is that correct?

STRÖLIN: Yes. I would like to mention expressly that I asked Herr Von Neurath to intervene and it is due to a letter which he wrote to Hitler that these Alsatians were pardoned.

COL. AMEN: So that this individual, to put it mildly, is under a considerable obligation to you at the present time? Correct?

STRÖLIN: Yes, I imagine so.

COL. AMEN: Well, you saved his life in effect, did you not?

STRÖLIN: I also saved the lives of many others; I do not know if the people are grateful for it or not.

COL. AMEN: Well, in any event, I take it you do not question the truth of what he might report as a conversation with you, correct?

STRÖLIN: I do not doubt that he would remember this.

COL. AMEN: Do you recall having a conversation with him in June of 1940?

STRÖLIN: At the moment I cannot say unless you tell me what it was about.

COL. AMEN: Well, I will tell you what you are reported by him to have said and I ask you whether you recall having said that to him, either in the exact words which I put to you, or in substance. Do you understand?

STRÖLIN: Yes, I understand.

COL. AMEN: Here are the words: "I warn you against National Socialism, which does not recoil before anything, and which makes justice its servile agent. They are criminals and I have but the one wish—to get out of it."

Did you say that to Weninger in words or in substance? "Yes" or "no"?

STRÖLIN: I did not quite understand what you said. Will you please repeat it?

COL. AMEN: You understand English, don't you, Witness?

STRÖLIN: Some. I understand just a little.

COL. AMEN: As a matter of fact, you were interrogated in English by one of our interrogators, were you not?

STRÖLIN: I spoke a little English only on one occasion, but I believe that he did not understand me correctly.

COL. AMEN: And you understood perfectly well what I just read to you, did you not?

STRÖLIN: I did not fully understand the German translation of what you said and the substance of your question is not clear to me.

COL. AMEN: Well, I shall read it to you again. But I suggest that you are merely taking this time in order to find out what answer you want to make. I ask you again whether you said to Weninger in words or in substance, in June of 1940, the following:

"I warn you against National Socialism, which does not recoil before anything, and which makes justice its servile agent. They are criminals and I have but the one wish—to get out of it."

Do you understand?

STRÖLIN: Yes, I understand but I do not recall having made that statement.

COL. AMEN: Do you deny having made that statement when I tell you that Weninger so states—Weninger, whom you have just told us has every obligation to you?

STRÖLIN: I do not remember it. It may be true that I made critical statements, but I do not recall the wording.

COL. AMEN: Do you deny having made that statement? Answer yes or no.

STRÖLIN: I deny the statement. I deny that I made it in this form.

COL. AMEN: Did you make it in substance; did you make that statement?

STRÖLIN: I cannot remember the conversation at all.

COL. AMEN: Do you recall having made another statement to Weninger in 1936 in Strasbourg—were you in Strasbourg with Weninger in 1936?

STRÖLIN: At the moment I cannot recall.

COL. AMEN: But you do not deny it?

STRÖLIN: I cannot recall.

COL. AMEN: It is quite possible?

STRÖLIN: It is possible, but I cannot recall it. I cannot at a moment's notice recall the date I was there.

COL. AMEN: And did you not say to Weninger in Strasbourg in 1936, in words or in substance, the following: "When I am abroad I am ashamed to be a German"? "Yes" or "no."

STRÖLIN: It was entirely out of the question at that time, since in the year of 1936 I was very proud of the fact that I was a German.

COL. AMEN: And then, do you deny having made that statement to Weninger?

STRÖLIN: I am quite certain that I did not make that statement in the year 1936.

COL. AMEN: When did you make it?

STRÖLIN: I do not recall having made such a statement to Weninger at all, at least not in 1936.

COL. AMEN: When did you make that statement to Weninger or anybody else? In what year did you decide to make statements like that?

STRÖLIN: I cannot recall having made such a statement at all.

COL. AMEN: But you do not deny it?

STRÖLIN: I frankly admit that there was a time when one was no longer proud of Germany.

THE PRESIDENT: Do the other Prosecutors wish to cross-examine?

DR. SEIDL: I have no questions to put to the witness.

THE PRESIDENT: Then the witness can retire. [*The witness left the stand.*]

Does that conclude your case, Dr. Seidl, or have you got any other evidence to offer?

DR. SEIDL: Yes. First, I have to read into the record the questionnaire of the witness Alfred Hess which has arrived in the meantime. The Tribunal has admitted his testimony in the form of a questionnaire. I would then like to refer to various documents

in Document Book Number 3, but before going into that and to conclude today's proceedings, I would like to establish upon the request of the Defendant Hess—this refers to Volume 2 of the document book—that Lord Simon came to the meeting as the official representative of the British Government; I therefore read a few sentences from Page 93 (Volume II, Page 93):

“Lord Simon said: ‘Herr Reichsminister, I was informed that you had come here feeling charged with a mission and that you wished to speak of it to someone who would be able to receive it with Government authority. You know I am Dr. Guthrie and therefore I come with the authority of the Government and I shall be willing to listen and to discuss with you as far as seems good anything you would wish to state for the information of the Government.’”

That was what I wished to state in completion of my reading of the Simon minutes.

THE PRESIDENT: Would you be able to finish tonight if we went on for a few minutes or not?

DR. SEIDL: Mr. President, the answers on this questionnaire are rather long. The witness was cross-examined and I assume that the Prosecution also intend to read the particulars of the cross-examination and I do not believe this would be possible today.

THE PRESIDENT: Very well, we will adjourn.

*[The Tribunal adjourned until 26 March 1946 at 1000 hours.]*

# NINETY-FIRST DAY

Tuesday, 26 March 1946

## *Morning Session*

MARSHAL: If it please the Tribunal, Defendant Streicher will be absent from this session of the Court.

PRESIDENT: Yes, Dr. Seidl.

DR. SEIDL: Mr. President, Your Honors, I now turn to the reading of the interrogation of the witness Alfred Hess.

THE PRESIDENT: Where shall we find it?

DR. SEIDL: Mr. President, I received this transcript of the interrogation of the witness only last Saturday, and it has thus not been possible for me to incorporate it into the document book as yet. This witness was interrogated at Bad Mergentheim on 19 March.

THE PRESIDENT: Do you mean that we haven't got copies of it?

DR. SEIDL: I do not know whether the General Secretary, from whom I received this transcript, has supplied a copy for the Tribunal.

THE PRESIDENT: Well, you had better go on then. Go on.

DR. SEIDL: Yes. Before answering the first question, the witness made a few preliminary remarks which are as follows:

"It should be noted that I had to terminate my activity in the Auslands-Organisation of the NSDAP after the flight to England of my brother Rudolf Hess, Deputy of the Führer. Therefore, the following statements are valid only for the period up to 12 May 1941.

"Question 1: 'What were the tasks and the purpose of the Auslands-Organisation of the NSDAP?'

"Answer: 'The purpose of the Auslands-Organisation was the cultural, social, and economic care of all German nationals in foreign countries, regardless of whether they were Party members or not. The Auslands-Organisation in this sense was to be a bridge between Germans abroad and the home country. Its purpose was to foster and maintain love for and ties with the distant home country and to keep alive understanding for the fatherland, as well as to awaken the understanding of Germans at home for the hard battle for existence of their compatriots all over the world. The German abroad, through

his dignified, upright bearing, was to make himself popular in the country of his adoption, and thus act as the best representative of his fatherland.'

"Question 2: 'Who could become a member of the Auslands-Organisation?'

"Answer: 'The question is not understandable. There was no such thing as a membership in the Auslands-Organisation; just as little, for example, as there was a membership in the Foreign Office of the Reich or in a Gau of the NSDAP in the Reich.'

"Question 3: 'Is it correct that on the membership card of each Reich German Party member the following principle was printed as a ruling principle of the Auslands-Organisation: "Follow the laws of the country whose guest you are, let its people make the internal policy of that country, do not interfere in this, not even in conversation"?'"

"Answer: 'It is correct that the above principle, among similar ones, was printed on the membership card or on its cover. If I am not mistaken, underneath this principle there was the warning even of expulsion from the NSDAP if this principle was not observed. This latter is to be ascertained without great difficulty by procuring a cover, which was in the possession of every Party member in a foreign country.'

"Question 4: 'Did the Auslands-Organisation of the NSDAP develop any activity which could appear as Fifth Column?'

"Answer: "'Fifth Column" is not a clear concept, uniformly used. In general, it would probably mean secret espionage or sabotage activity. According to its guiding principles, the Auslands-Organisation could not have carried on any such activity.'

"I remember that the slogan "Fifth Column" of the foreign press was considered in the Auslands-Organisation as a clever bluff of the antifascist propaganda, and it caused genuine amusement. Seriously, no state could conceive that such a widely known, rather suspect and vulnerable organization could be suited for any service in the nature of the Fifth Column. I consider it natural that some individual Germans abroad had secret missions, services such as other nationals performed likewise for their fatherland, but the Auslands-Organisation was certainly not the giver of such assignments nor the intermediary for such agents.'

"Question 5: 'What kind of instructions and directives did the Deputy of the Führer give the Auslands-Organisation for its activity?'

“Answer: ‘The instructions and directives of the Deputy of the Führer for the activity of the Auslands-Organisation are such as those mentioned in my answers to Questions 1 and 3. He pointed out again and again, with special emphasis, his strict instructions that the groups abroad were not to do anything which could be detrimental to the countries affording them hospitality, or which could be considered an interference in the affairs of those countries. The basic principle must also be that National Socialism was a purely German movement, not an article for export which one wanted to force on other countries as suitable for them.’

“Question 6: ‘Did the Deputy of the Führer give the Auslands-Organisation any directions or orders which could have caused them to carry on an activity similar to that of the Fifth Column?’

“Answer: ‘The Deputy of the Führer not only never issued any such directions or orders, but as stated above in Answer 5, laid down principles which absolutely prohibited any activity of the sort carried on by the so-called Fifth Column.’

“Question 7: ‘Is it correct that, on the contrary, the Deputy of the Führer took meticulous care that in all circumstances interference in the internal affairs of the country of adoption was to be avoided?’

“Answer: ‘I can repeat only that it was a chief concern of the Deputy of the Führer to direct the work of the Auslands-Organisation abroad in such a way that no interference of any kind should take place in the internal affairs of the country of residence. The few insignificant offenses, which were unavoidable with the then very large number of German nationals abroad—already amounting to several million—were correspondingly severely punished.’

“Question 8: ‘What were the tasks and the aims of the Volksbund für das Deutschtum im Ausland (League for Germans Abroad)?’

“Answer: ‘The Volksbund für das Deutschtum im Ausland had the cultural care of the so-called Volksdeutsche. Volksdeutsche are racial Germans who had lost their German citizenship either voluntarily or through the laws of other countries, that is, had acquired the citizenship of another country, for instance, America, Hungary, Transylvania, *et cetera*.’

“Question 9: ‘Did the Volksbund für das Deutschtum im Ausland ever, in particular however before 10 May 1941, develop any activity which could have given it the appearance of a Fifth Column?’

"Answer: 'I must state in this connection that the activity of the Auslands-Organisation did not have anything to do with the Volksbund für das Deutschtum im Ausland, so I can have no insight into its work. But I consider it entirely out of the question that my brother could have given the Volksbund tasks of a Fifth Column nature. It would neither have fallen within the jurisdiction of the Deputy of the Führer, nor have corresponded with his views as to the mission of the Volksbund für das Deutschtum im Ausland.'

"Question 10, and last question: 'What kind of directions and instructions did the Deputy of the Führer give as to the activity of this Bund?'

"Answer: 'Directions, *et cetera*, which my brother gave as to the activity' of this Bund are unknown to me, for, as already stated, my activity in the Auslands-Organisation was in no way connected with the Volksbund für das Deutschtum im Ausland.'"—Signed—"Alfred Hess. Sworn to and subscribed on 19 March 1946."

The witness Alfred Hess was then cross-examined in connection with his interrogation. I assume that the Prosecution want to submit this cross-examination themselves to the Tribunal. But if this cross-examination and the questions belonging to it have not yet been translated, it might perhaps be practicable if it were done directly, in this connection.

MR. THOMAS J. DODD (Executive Trial Counsel for the United States): If it please the Tribunal, we have received the cross-interrogatories but I suggest respectfully that, rather than take the time to read them, we offer them and if the Court will permit us, have them translated into the four languages. It will take another 10 minutes or so to read them and we are not interested in doing it unless the Tribunal feels that we should.

THE PRESIDENT: Yes, certainly, Mr. Dodd.

DR. SEIDL: Mr. President and Gentlemen, I do not know whether the affidavit of Ambassador Gaus submitted by me yesterday has been translated and whether the Tribunal has received these translations already. Yesterday at midday I gave six copies to the information office and have heard nothing further since.

THE PRESIDENT: Can the Prosecution inform the Tribunal what the position is?

SIR DAVID MAXWELL-FYFE: My Lord, the Prosecution has not had a copy of this affidavit yet so we do not know what is in it. We suggest that perhaps Dr. Seidl could postpone the reading of that until we have had a chance to consider it.

THE PRESIDENT: Yes, I am afraid that must be postponed.

DR. SEIDL: Yes. Now I turn to Volume 3 of the document book.

If it please the Tribunal, this volume of the document book contains, in substance, statements and quotations taken from books and speeches of foreign statesmen, diplomats, and political economists, regarding the history and origin of the Versailles Treaty, the contents of the Versailles Treaty, the territorial changes made by this treaty, such as the question of the Polish Corridor, and above all the disastrous economic consequences which this treaty had for Germany and also for the rest of the world.

THE PRESIDENT: Yes, Sir David?

SIR DAVID MAXWELL-FYFE: My Lord, I have read the documents in this book and I should like just to say one or two words about them.

They are opinions expressed by a great variety of gentlemen, including politicians, economists, and journalists. They are opinions that are expressed polemically and some of them journalistically, and with most of them one is familiar and knew them when they were expressed 15 to 25 years ago.

Now, while I submit, as I have submitted to the Tribunal, that the whole subject is too remote, I have a suggestion which I hope the Tribunal will consider reasonable, that the Prosecution should, as I suggested yesterday, let this book go in at the moment *de bene esse* and that when Dr. Seidl comes to making his final speech he can adopt the arguments that are put forward by the various gentlemen whom he quotes, if he thinks they are right. He can use the points as illustrations, always provided the thesis that he is developing is one which the Tribunal thinks relevant to the issues before it. That will preserve for Dr. Seidl the advantage of the right to use these documents subject, as I say, to the relevancy of the issues, but I suggest that it would be quite wrong to read them as evidence at the moment. They are merely polemical and journalistic opinions and directed to an issue which the Prosecution has submitted, and I do submit, is too remote.

However, I am most anxious that Dr. Seidl should have every advantage for his final speech. Therefore, I suggest it would be convenient if they were put in without being read at the moment and were left subject to the limitation of relevancy, which can be considered when all the evidence is before the Tribunal, for him to make use of in his final speech.

DR. SEIDL: Mr. President, may I shortly . . .

THE PRESIDENT: Just one moment, Dr. Seidl. We will hear you in a moment—perhaps it would be better to hear what you have to

say now. Do you think the suggestion made by Sir David Maxwell-Fyfe would be one which would be acceptable to you?

DR. SEIDL: Mr. President, at first glance the suggestion of Sir David Maxwell-Fyfe seems to be very reasonable. But I believe I must say that if the matter is treated in that way great difficulties will arise for the Defense. For example the arguments on relevancy, which in their nature belong in the presentation of evidence and must be heard there, will be postponed until the final speech of the Defense. This would mean that the defense counsel in his final speech would be interrupted again and again; that he would have to argue for the relevancy of his quotations; that perhaps whole parts of his speech would fall by the wayside in that manner; and that in that way the danger would arise that the cohesion of the speech will be broken completely.

THE PRESIDENT: Yes, Sir David.

SIR DAVID MAXWELL-FYFE: My Lord, that is a danger which every advocate has to meet, that certain portions of his speech may not be deemed relevant, but I thought that that might be a helpful way out. But if it is not accepted, then the Prosecution must respectfully but very strongly submit that the issues of the terms of the Treaty of Versailles are not relevant to this Tribunal.

I have already argued that and I do not want to develop it at great length. I do want to make it clear that the questions which are raised by the quotations here were, of course, the subject of political controversy in practically every country in Europe, and different opinions were expressed as to the rightness and the practicality of the provisions, especially the economic provisions of the Treaty of Versailles. I am not disputing that that is a matter of controversy, but I am saying that it is not a controversy that should come before this Tribunal. I myself have replied to practically all the quotations from the English statesmen here as a politician over the past years, and I am sure many people in this Court must have taken one view or the other, but that is not a relevant issue to this Tribunal, and, of course, especially is it wrong in my view to put forward as evidential matter opinions expressed by one side in the controversy. Every one of these speeches, as far as they were English, was either preceded by matters to which it was a reply or was followed by a reply, and I should think the same applies to those of Senator Borah in the United States.

These matters—this is my second point—are not really evidential, and this is a point for argument; and it will have to be decided what is a convenient time for the Tribunal to decide on whether this is a relevant issue. But that was why I put forward this suggestion that it was better to decide it when the whole of the true evidence of

fact had been put before the Tribunal. But I do want, apart from my suggestion, to make quite clear that as regards relevance, the Prosecution unitedly submit that the rightness or practicality of the provisions of the Treaty of Versailles is not a relevant matter. The other argument—I want to distinguish between the two—the other argument has been adumbrated by Dr. Stahmer as to the actual terms of the preamble to the military clauses. That is quite a different point which we can discuss when, as I understand, certain propositions of law are to be put forward by one of the defense counsel on behalf of the Defense. But, as I say, the rightness and practicality of the Treaty and especially the economic clauses is a subject of enormous controversy on which there are literally thousands of different opinions from one shade to the other, and I submit it is not an issue before this Court, and, secondly, I submit this is not evidence. It is not evidential matter, even if it were an issue.

DR. SEIDL: May I perhaps reply briefly?

THE PRESIDENT: Then, Sir David, your proposition would be that Dr. Seidl could not quote from any of these documents?

SIR DAVID MAXWELL-FYFE: My Lord, certainly, yes, on my premise that it is irrelevant matter, he could not.

THE PRESIDENT: Yes. They are not admissible.

SIR DAVID MAXWELL-FYFE: They are not admissible.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: My original suggestion was of course, leaving over the discussion of whether they are admissible until all the evidence had been filed, but if that is not accepted, I submit bluntly if I may use the word with all respect—that they are not admissible.

THE PRESIDENT: Now, Dr. Seidl.

DR. SEIDL: May I reply briefly, Mr. President?

THE PRESIDENT: Yes, yes.

DR. SEIDL: It would indicate a complete misinterpretation of my intentions if one were to assume that by the submission of this document book I wanted to show whether or not the Treaty of Versailles is an expression of statesmanly wisdom. I am not concerned with that here.

With the submission of this document it is to be shown, or rather there is to be brought under discussion:

Firstly: Whether the opposite side at the conclusion of the Treaty, in the preliminary negotiations—I call your attention to Wilson's Fourteen Points—was not guilty for its part, of violation of the

general treaty obligations, whether a *culpa in contrahendo* is not to be assumed here.

Secondly: The presentation of the documents should show whether the opposite side complied with the obligations arising from the treaty, in order to establish—that is, to give the Tribunal the opportunity of establishing—in this way the legal inferences which Germany might draw from this.

Thirdly: The Treaty of Versailles and its violation by the defendants forms the nucleus of Count One of the Indictment, namely, the Conspiracy charged by the Prosecution. The Prosecution, in replying to a question of the Tribunal as to when the conspiracy may be said to have started, has said that the date might be set as far back as 1921.

Fourthly: The Prosecution has extensive . . .

THE PRESIDENT: I have not the least idea what you meant by the last point. I do not understand what you said in the last point in the least.

DR. SEIDL: I wanted to say that for the beginning of the Conspiracy alleged by the Prosecution, the Treaty of Versailles played a decisive part, and that there is at least some causal nexus between the origin of this treaty and the alleged Conspiracy. Before there can be talk of illegality and of guilt, the facts have to be established which were causative for the Conspiracy charged by the Prosecution.

Fourthly: The Prosecution has submitted extensive evidence on the development of the NSDAP. Numerous document books were submitted to the Court to show the growth in membership, to demonstrate the increase in the Reichstag mandates. Now, if this evidence was relevant, it is my assertion that also the circumstances and the facts that first enabled this rise of the Party at all must be relevant, if only from the viewpoint of causal nexus.

THE PRESIDENT: Is it your contention that the opinion of a journalist after the Treaty of Versailles was made, stating that, in his opinion, the Treaty of Versailles was unjust to Germany, would be admissible either for the interpretation of the Treaty or for any other purpose with which this Tribunal is concerned?

DR. SEIDL: Mr. President, I admit that of course the isolated opinion of a foreign journalist has not in itself to be a relevant document. But I do maintain that the opinion of Secretary of State Lansing on the coming about of the Treaty of Versailles and his connection with the history of this treaty must be of some evidential relevance. What weight attaches to his opinion is a question which cannot yet be established at this point. This question can be decided by the Tribunal only when the complete evidence has been submitted. I maintain further that the opinion of the Chairman of the

Committee of Foreign Affairs of the Senate of the United States on the Treaty of Versailles, about its formulation, about its effects within the Conspiracy alleged by the Prosecution which purportedly is said to be directed chiefly against the Treaty of Versailles can *prima facie* have value as evidence. The same applies to most of the other statements quoted in this document book. I would like to call attention to Gustav Cassel, to John Maynard Keynes, the official financial advisor of the British Government, and to a number of others.

THE PRESIDENT: It is your contention that because of the provisions of the Versailles Treaty or because of an infraction of those provisions by the signatory powers, Germany was justified in making an aggressive war?

DR. SEIDL: I cannot answer that now definitely, so long as I have not heard the evidence of the other defendants. I do assert, however, that by violation of the Treaty of Versailles by the opposite side, under certain circumstances Germany or the defendants could infer the right to rearm, and that is an infraction of the Treaty of Versailles with which the defendants are charged. As far as the right to an aggressive war is concerned, I should not like to make any positive statements at least until such time as the Tribunal has taken official notice of the affidavit of Ambassador Gaus.

THE PRESIDENT: One more question I should like to ask you: Are you saying that the Fourteen Points which were laid down by President Wilson are admissible evidence to construe the written document of the Versailles Treaty?

DR. SEIDL: I do not say that the Fourteen Points of Wilson, *per se*, are admissible evidence. I do assert, on the other hand, that the connection between these Fourteen Points of Wilson and the Treaty of Versailles, and the contradiction resulting therefrom are of causal significance for the Conspiracy alleged by the Prosecution.

THE PRESIDENT: Then you are really saying that the Versailles Treaty, insofar as it departed from the Fourteen Points, was an unjust treaty?

DR. SEIDL: Mr. President, whether the treaty was just or not is a point which I do not wish to prove with this document at all. Whether the treaty was unjust or not is in my opinion a fact which perhaps is beyond the scope of these proceedings. I do assert, however, that the treaty, at least in many of its terms, did not bring that which the victorious states themselves expected of it.

THE PRESIDENT: Do you wish to add anything more, Dr. Seidl?

DR. SEIDL: Not at this point.

DR. RUDOLF DIX (Counsel for Defendant Schacht): Since it is a very fundamental question which has been raised now for discussion

by Sir David, and since the Defense must always calculate on the possibility that the Tribunal, even at this point, may make a decision on the question of whether and how far such documentary material as that discussed can be produced, I consider myself duty-bound to add to the statements of my colleague, Dr. Seidl, with whom I agree fully, just a few supplementary words. And I would like to reply to the very precise question of Your Lordship which starts, "Do you consider it relevant...?" I believe—and I will avoid any repetition—that a very vital point as far as relevancy is concerned has not been brought out yet, and that is the subjective aspect; that is the relevancy of the investigation of evidence and of facts regarding the subjective state of the individual defendant, that is, of the facts as seen from within.

If, for example, one of the defendants committed an act which was, considered purely objectively, a breach of the Treaty of Versailles, then, as far as criminal law is concerned and looking at it from the subjective view, it is of great significance whether in the opinion of reasonable, just, and educated men of all nations, he acted with an attitude and with a viewpoint which was not merely his special viewpoint, but that of the most serious men of the various nations and also of those nations which fought against Germany in the years 1914-18. In order not to be too abstract, I should like to cite a concrete example:

A defendant holds the opinion that he is entitled to rearmament—not to aggressive war; I will not touch this question. He considers rearmament justified, either because the treaty has not been kept by the other side or because owing to *expressis verbis*, or to some action, it is to be considered obsolete. In my opinion it is of decisive relevancy whether this defendant with this point of view, which explains his action, is alone in all the world, or whether the opinion which guides his action is held by men who are to be taken seriously, and who belonged to other nations, even to those who in the years 1914-18 stood on the other side and were his enemies.

Rearmament according to the Prosecution, as I understand, is not a crime, as such, but is merely used by the Prosecution as a charge for the proving of the crime of having carried on an aggressive war. If, now, a defendant can prove that he acted from clean and decent views, views which, as stated, were held by such men of other nations as I have described, and acted conscientiously and with a clear conscience both as regards international law and international morals and also as regards the needs of his country, then this material, which contains opinions, literary statements, speeches, that coincide with the views of the defendant in question, is not only of relevant, but of entirely decisive significance. This viewpoint I ask the Tribunal to bear in mind, if it desires to decide now the

question of principle which Sir David has just now raised for debate, and which he had to raise, as I fully recognize. Moreover I am also now in the agreeable position of being able to agree with Sir David in the practical handling of this matter. I too—and I am speaking now for myself only—would prefer to have the decision on this question postponed until the time suggested by Sir David. As far as I am concerned I will accept the disadvantages, which Dr. Seidl is right in seeing, because an advantage will result if the Tribunal decides this question at that time, since it will then have a much larger view on all questions and shades which are important for the decision. And at this point I am not at all in a position to speak comprehensively about them, for I do not want to make any summarizing speech, but just to treat one aspect of this question of evidence.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): I should like to add a few remarks to those made by my colleague Dr. Dix. I request the Tribunal . . .

THE PRESIDENT: The Tribunal would like to know how many of the Defense Counsel think that they are entitled to address them. If Dr. Horn wishes to add a short argument, the Tribunal are prepared to hear it, but they are not prepared to hear all the defendants' counsel upon points such as this, at this stage, and if any of the other defendants' counsel desires to address them, they will decide now whether they will hear any more or not.

It is understood, then, that Dr. Horn alone will address a short argument to the Tribunal. If it is not, then the Tribunal will decide whether they will hear any more argument upon the subject.

DR. HORN: I cannot encroach on the rights of my colleagues in this question, naturally, Mr. President. I should like personally to make only a very brief statement on the legal points.

THE PRESIDENT: Well, you must consult your colleagues then.

DR. HORN: If you wish a decision on this question now, Mr. President, I must ask my colleagues beforehand, of course.

THE PRESIDENT: Certainly.

*[There was a pause in the proceedings while the Defense conferred.]*

DR. HORN: May I make first a preliminary remark, Mr. President, to what has just been said to me by my colleagues. Firstly, this decision has for the Counsel for the organizations a very particular interest.

For myself personally I would like to make the following remarks: The Prosecution . . .

THE PRESIDENT: Dr. Horn, I asked you to consult the other defendants' counsel and ascertain whether they were willing that

you should be heard, and you alone. That is the only terms upon which I am prepared to hear you.

*[There was a pause in the proceedings while the Defense conferred.]*

DR. HORN: Yes, Mr. President, my colleagues are agreed that I shall make the last statements on this point.

THE PRESIDENT: One moment—very well. Go on.

DR. HORN: There is no doubt that the Prosecution, as far as vital questions are concerned, base their case on infractions of the Versailles Treaty. To these treaty infractions, it is absolutely necessary, in my opinion, to submit the facts which allow the legality of this treaty to be judged. There is no doubt that this treaty was signed under duress. It is recognized in international law that such treaties from the legal point of view have grave deficiencies and are infamous. In my opinion we must be allowed to submit the facts that serve to show the soundness of this assertion and legal viewpoint. A further question—and if I have understood correctly, this is Sir David's point—is that of the polemic analysis of the legal, political, and economic consequences of this treaty.

I do not wish to make any further statements on this point, but I would like to ask that my first request be granted, that the legal documentary facts be allowed which would permit a judgment on the legal value of the Versailles Treaty.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, if I might deal first with the argument which Dr. Dix has put forward. As I understood his first main proposition, it was this: That if a defendant has committed an act which is an infraction of the treaty and can show that in the opinion of reasonable and just and educated men in the states who were the other parties to the treaty, the treaty was so bad that an infraction was justifiable, that is a permissible argument.

I submit that it is, with great respect to Dr. Dix, an unsound argument and baseless, from any principle either of law or of materiality. Once it is admitted that there is a treaty and that an infraction is made, and it follows from the example that Dr. Dix was dealing with that, these are the conceded facts. It is no answer to say that a number of admirable people in the countries which were parties to the treaty believed that its terms were wrong. The treaty is there and the person who knowingly makes an infraction is breaking the treaty, however strong is his support.

In his second point Dr. Dix moved to quite different grounds. He said that this evidence might be relevant in the special reference to the question of rearmament because it might show that the treaty was considered obsolete. Now, it is a rare but nonetheless existing doctrine of international law that treaties, usually minor treaties,

can be abrogated by the conduct of the contracting parties. I would not contest that you cannot get examples of that, although they are very rare and generally deal with minor matters. But this evidence which is before the Tribunal at the moment is not directed to that point at all. This is, in the main, contemporary polemic evidence saying that certain aspects of the treaty were bad, either as regards political standards or economic standards. That is a totally different argument from the one which Dr. Dix admirably adumbrated—which is one which if it came up would have to be faced—that a treaty has become obsolete or that the breaches have been condoned and that, therefore, the terms have really ceased to exist.

My answer to that is that this evidence is not directed to that point at all.

Now, if Dr. Dix will forgive me, and I am sure the fault was mine, I did not quite appreciate what he termed his subjective argument. But insofar as I did appreciate it, there seems to be a very good answer: that if he seeks to suggest that a defendant's guilt may be less because he, that defendant, believed that the treaty was bad, that is essentially a matter which can be judged by the Tribunal who will hear that defendant and appreciate and evaluate his point of view. It really does not help in deciding whether the Defendant Hess acted because he thought that the Treaty of Versailles was a bad treaty, to know what the editor of the *Observer*, which is a Sunday paper in England, expressed as his views some twenty years ago, or the *Manchester Guardian* or indeed, with all respect to them, what distinguished statesmen have said in writing their reminiscences years after a matter occurred. The subjective point is—this is my submission—an important point in deciding on evidence. The subjective point can be answered by the defendant himself, and the view of the defendant which the Tribunal will receive.

Now, Dr. Horn has opened up a much wider question, and one which I submit is entirely irrelevant and beyond the scope of these proceedings.

He wishes the Tribunal to try whether the Treaty of Versailles was signed under duress. Well, that, of course, would involve the whole consideration of the Government of the German Republic, the position of the plenipotentiaries, and the legal position of the persons who negotiated the treaty.

The answer to that is that this Tribunal is concerned with certain quite clearly stated offenses, fully particularized, which occurred at the time that is stated in the Indictment; and all the evidence that is given as to the actions of the pre-Nazi German Government, and indeed of the Nazi Government, shows that for years Versailles was accepted as the legal and actual basis on which they must work, and various different methods were adopted in order to try to secure

changes of the treaty, and I need not go into, with the Tribunal, the whole frame work of the Locarno Treaties, recognizing Versailles, which were signed in 1925, and which were treated as existing and in operation by the Nazi Government itself.

With that, these actual facts, it would, in my submission, be completely remote, irrelevant, and contrary to the terms of the Charter, for this Tribunal to go into an inquiry as to whether the Treaty of Versailles was signed under duress.

As I gathered, Dr. Horn was not so much interested in the economic clauses and their rightness or wrongness; but I should respectfully remind the Tribunal that that is a matter which is before them at the moment—that here we have, as I have pointed out before—and I do not want to repeat myself—a number of opinions expressed by people of varying eminence and with varying degrees of responsibility at the time that they expressed them. And while strongly maintaining the position which I have endeavored to express with regard to the treaty, I do equally impress my second point: That to accept as matters of evidence statements which in the main are made from a polemical standpoint, either in answer to an attack or in an attack with background of the politics of the state in which they were made, is simply a misuse of the term "evidence". That is not evidence of any kind, and I equally—not equally because the first point is one of primary importance, which I respectfully urge to the Tribunal—but I also suggest that to tender in evidence matters of that kind is a misuse of the term "evidence," that they are matters of argument which an advocate may adopt if the argument is a relevant one, but they should not be received in evidence by the Tribunal for that reason.

THE TRIBUNAL (Mr. Francis Biddle, Member for the United States): Sir David, is there anything in the Versailles Treaty that either calls for disarmament by the signatories other than Germany or which looks to such disarmament; and, if there is, could you give us the reference to it?

SIR DAVID MAXWELL-FYFE: Yes, it is the preamble to the Military Clauses. That is the point which is usually relied on. It is about four lines at the beginning of the Military Clauses, and, in quite general terms, it looks to a general disarmament after Germany has disarmed. Of course, the position was that—I think I have got the dates right—disarmament was accepted. Whether, in view of the evidence in this case, it should have been accepted does not matter; it was accepted in 1927. After that, you may remember, there were a number of disarmament conferences which examined that question, and eventually in 1933 Germany left the then existing disarmament conference.

Now, I am trying to be entirely objective. I do not want to put the Prosecution view or the Defense view, but that is the position.

THE TRIBUNAL (Mr. Biddle): I am not quite clear. When you say "accepted," you mean that the extent of the disarmament called for had been accepted by Germany?

SIR DAVID MAXWELL-FYFE: Yes, the other way around: that Germany's response to the demand of Versailles was accepted by the Allies in 1927, and the Disarmament Commission which had been in Germany then left Germany under, I think, a French General Denoue.

THE TRIBUNAL (Mr. Biddle): Then, what I understand you to argue is that nothing contained in this folder has anything to do with that possible issue.

SIR DAVID MAXWELL-FYFE: No, no.

THE TRIBUNAL (Mr. Biddle): That is the point.

SIR DAVID MAXWELL-FYFE: It is not on that issue. I mean we will deal with that issue when we come to it. I rather thought from some words that Dr. Stahmer dropped that that would be one of the points which we should meet in the general argument on law which will be presented, which the Defense Counsel...

DR. SEIDL: I believe that Sir David is under a slight misconception. In Book 3 of the document book for the Defendant Hess there are also a number of citations of foreign statesmen that refer to this military clause in the Versailles Treaty and in which it is stated that Germany fulfilled her obligations in the Versailles Treaty, but that the reciprocal obligations in it for the opposite side were not fulfilled.

SIR DAVID MAXWELL-FYFE: Well, I am sorry. I did not remember any. I have read it through, and there may be some collateral matters dealing with that, but—and I do not think that I am doing Dr. Seidl's great industry in collecting these matters an injustice in saying that if they do exist they are collateral and the main point of this is an attack on the political and economic clauses of the treaty. I hope that I have done him justice. I certainly intended to do so. That is the impression made on me.

THE PRESIDENT: The Tribunal will adjourn.

*[The Tribunal recessed until 1400 hours.]*

*Afternoon Session*

MARSHAL: If it please the Tribunal, may I report that the Defendant Streicher will be absent from this session of Court.

THE PRESIDENT: The Tribunal rules that evidence as to the injustice of the Versailles Treaty or whether it was made under duress is inadmissible, and it therefore rejects Volume 3 of the documents on behalf of the Defendant Hess.

DR. SEIDL: Mr. President, Your Honors. Since Volume 3 of the document book for the Defendant Rudolf Hess is not admissible as documentary evidence, I am, so far as the submission of documents is concerned, at the end of my submission of evidence. Now, we are further concerned only with the affidavit of Ambassador Gaus, which I have already submitted, and I ask you not to decide on the admissibility of this document until I have had opportunity to present arguments on the relevance of it and of the secret treaty. But I should like to point out that with this affidavit only the facts and the contents of this secret treaty are to be proved; and therefore I shall read only excerpts from it, so that other events and the history prior to the treaty are not to be demonstrated by me.

THE PRESIDENT: Dr. Seidl, we understand that this affidavit of the witness Gaus is now being translated and is going to be submitted to the various prosecutors. They will then inform us of their position, and we shall be able to see whether it is admissible or not, and the Prosecution will likewise be able to tell us whether they want to have the Ambassador here for the purpose of cross-examining him.

DR. SEIDL: Yes.

THE PRESIDENT: So we must postpone that until we get the translations.

DR. SEIDL: I had then the further intention of calling the defendant himself as a witness. In view of his attitude as to the question of the competency of this Court, he has asked me, however, to dispense with this procedure. I therefore forego the testimony of the defendant as a witness and have no further evidence to put in at this point.

THE PRESIDENT: Thank you.

Then the Tribunal will now deal with the case against the Defendant Ribbentrop.

DR. HORN: Your Lordship, Your Honors, my client, Joachim von Ribbentrop, had instructed me to make the following statement for him at the beginning of the evidence:

"As Foreign Minister for the Reich, I had to carry through the directions and orders of Adolf Hitler concerning foreign policy. For the measures of foreign policy undertaken by me I accept full responsibility."

THE PRESIDENT: Dr. Horn, I thought defendants' counsel knew that the rule which we have laid down is that at this stage no speeches shall be made, but that the evidence should be called, the oral evidence should be called, and the documents should be briefly referred to and offered in evidence. Did you not understand that?

DR. HORN: I did not know, Mr. President, that one might not submit a statement on behalf of his client.

THE PRESIDENT: Well, the Tribunal has laid down on several occasions, I think, verbally and certainly once in writing, that no speeches can be made now, but that speeches can be made at the time laid down in the Charter. The present opportunity is for all evidence to be given and for documents to be offered in evidence, with such explanatory observations upon the documents as may be necessary.

DR. HORN: The former Foreign Minister for the Reich, Joachim von Ribbentrop, is, according to the general Indictment and according to the trial brief of the British Delegation and the verbally presented special charges, held responsible for all crimes cited in Article 6 of the Charter of the International Military Tribunal.

Sir David Maxwell-Fyfe, in the session of the International Military Tribunal of 8 January 1946, described the facts of the case against my client as follows:

Firstly, the using of his offices and of his personal influence and intimate connection with Hitler to facilitate the seizure of power through the NSDAP and the preparation of wars.

Secondly, the participation in the political planning, and preparation of the National Socialist Conspiracy for Wars of Aggression . . .

THE PRESIDENT: Dr. Horn, are you again making a speech or what are you doing?

DR. HORN: No, Mr. President, I am just enumerating on one page how I plan to arrange my evidence, and I ask to be allowed to divide it in this way.

THE PRESIDENT: Very well.

DR. HORN: Secondly, Sir David Maxwell-Fyfe adduced the participation in the political planning and preparation of the National Socialist conspirators for aggressive war and the wars in violation of international treaties. He accordingly bears the responsibility

for the execution of the foreign policy planned by the political conspirators.

Thirdly, participation in and approval of Crimes against Peace, War Crimes, and Crimes against Humanity, especially crimes against persons and property in the occupied territories.

The Defendant Von Ribbentrop has declared himself not guilty of all crimes charged against him. To refute the charges made against him, I will begin now my presentation of evidence.

The honorable prosecutor at the beginning of his statements quoted from Exhibit Number USA-5, Document Number 2829-PS, and brought out that the Defendant Von Ribbentrop was an SS Obergruppenführer. The honorable prosecutor asserted that this rank was not an honorary one. In opposition to this, the defendant asserts that the rank of an SS Gruppenführer and later of Obergruppenführer, bestowed by Hitler, was bestowed upon him only on an honorary basis, because Hitler wished that the members of the Government should appear on official occasions in uniform, and the rank of an SS Gruppenführer appeared in keeping with the official position of the defendant. The defendant neither served in the SS nor led an SS unit. Neither did he have any adequate military training and preparation for this high military position.

To demonstrate this I will submit evidence from the defendant himself as a witness.

The Prosecution has asserted that Von Ribbentrop, after the taking over of power, for a short period of time was adviser of the Party on foreign political matters. This assertion is refuted by Document 2829-PS which is contained in the document book in the hands of the Tribunal. I will read Paragraph 3, where it says:

"Foreign Policy Collaborator to the Führer, 1933-1938."

This is the first document of the Ribbentrop document book. According to it, in the years 1933 to 1938 Von Ribbentrop was only Hitler's adviser on foreign political questions. With reference to Document D-472, Exhibit Number GB-130, the second document in the Document Book Ribbentrop, which concerns an excerpt from the International Biographical Archives, the honorable prosecutor claimed that the defendant even before 1932 worked for the NSDAP, after he had entered the Party service in 1930. The Prosecution cites Paragraph II, Lines 6-9, of this document, which says:

"Following up his connection with foreign countries, he established new relations with England and France; having been in the service of the NSDAP since 1930, he knew how to extend them to political circles."

The statement is not correct. The defendant was until 1932 not a member of any political party in Germany, particularly not of the NSDAP. As far as his political views were concerned, he leaned toward the Deutsche Volkspartei—that is the party of Stresemann.

In the year 1932 the defendant came to know Hitler personally. His views on domestic and foreign political matters brought him . . .

THE PRESIDENT: Dr. Horn, I do not want to interrupt you unnecessarily, but I do not understand what you are doing now. You seem to me to be stating a part of the evidence which presumably the Defendant Von Ribbentrop will give, and, if so, when he gives it it will be cumulative to your statement. Also, you seem to be referring to documents which have been produced by the Prosecution and answering them yourself. Well, that is not what the Tribunal desires at this stage. It quite understands that at the appropriate time you will make whatever argument you think right with reference to the evidence which has been brought forward, on behalf of the Defendant Von Ribbentrop. But, as I have already said—I thought quite clearly—what the Tribunal wants done now is to hear all the evidence on behalf of Von Ribbentrop and to have offered in evidence the documents upon which you will rely, with any short explanatory statement as to the meaning of the documents. And if there is any part of a document which has been produced by the Prosecution but not cited by them which you think it necessary to refer to, as explanatory of the part of the document which has been used by them, then you are at liberty to put in, to offer in evidence that part of the document with any short explanatory words that you wish. But I do not understand what you are doing now except making a speech.

DR. HORN: Mr. President, I was using the opposing fact which I wish to present against the claims of the Prosecution, because according to my information and according to my documents, they do not correspond to the facts. As far as the establishment of Point 1 of what Mr. President has just said, I would like to state the following: The health of the Defendant Von Ribbentrop is quite poor at present. This morning the doctor told me that Ribbentrop is suffering from so-called vasomotor disturbances in his speech. I wanted to take a part of his evidence statement from my client by making a statement of it here and thus showing the position of the defendant to the Tribunal. I do not know whether the Defendant Von Ribbentrop, in view of his present state of health, that is, his impediment of speech, could make these explanations as briefly as I myself can. Then, when the defendant is in the box, he needs only to confirm these statements under oath.

THE PRESIDENT: If the Defendant Von Ribbentrop is too ill to give evidence today, then he must give evidence on some future occasion. If you have any oral witnesses to call other than the Defendant Von Ribbentrop, then they can give evidence today; and with reference to the documentary evidence, it is perfectly simple for you to offer those documents in evidence in the way that it was done by Dr. Stahmer, in the way that it was done by Dr. Seidl, and the way in which the Tribunal have explained over and over again.

DR. HORN: I had intended to submit documents first and not to call my witnesses until later. As far as Von Ribbentrop is concerned, I have learned that his condition has become constantly worse. I do not know therefore whether at the end of the presentation of evidence I will be in a position to summon the Defendant Von Ribbentrop; but I must be prepared for the possibility that I might not be able to call him. And otherwise I am concerned with only a very few very general points for rectification.

THE PRESIDENT: Dr. Horn, you cannot give evidence at any rate and if you cannot call Von Ribbentrop, then you must, if it is possible to do so, call some other witnesses who will give the evidence which he would have given. If, unfortunately, it is not possible to do so, then his case may suffer; but the Tribunal will give every possible facility for his being called at any stage. If he is in fact so ill, as you suggest, that he cannot give evidence, then his evidence may be put off until the end of the defendants' case, subject of course to a proper medical certificate being produced.

DR. HORN: If the Court wants then later to hear the defendant, I will postpone the matter with the request that if I cannot hear him, that is, cannot hear him fully—for I emphasize again, there is a speech disturbance—then he can at least confirm the evidence as a witness.

THE PRESIDENT: You may call any of the witnesses; the Tribunal has not laid down that the defendant must be called first. You have applied for eight witnesses, I think, in addition to the defendant and you can call any of them or you can deal with your documents, but whichever you do, you must do it in the way which the Tribunal has ordered.

DR. HORN: Then, I will turn now to the occupation of the Rhineland.

On 27 February 1936, there was ratified between the French Republic and the Soviet Union a mutual assistance pact, the content of which clearly violated the Locarno Treaty and the covenant of the League of Nations, and was solely directed against Germany. At the same time...

THE PRESIDENT: Dr. Horn, you have just said that something or other is against international law. Now, that is not a reference to any document which you are offering in evidence, nor is it any comment upon the production of oral evidence. If you have a document to offer, kindly offer it and then make any necessary explanatory remarks.

DR. HORN: Then, I wanted next to refer to Document Number 1 in the Document Book Ribbentrop. We are concerned with a memorandum of the German Government to the signatory powers of the Locarno Pact, of 7 March 1936.

THE PRESIDENT: Which page is that?

DR. HORN: That is on Page 6 of the document book. In explanation I may add that this memorandum was submitted to the signatory powers, because between the French Government and the Republic of the Soviet Union a treaty of mutual assistance had been ratified and at the same time, the German Foreign Office received knowledge of a plan which the French General Staff had worked out and which arranged that the French Army was to advance along the line of the Main, so that North and South Germany in this way would be separated, and even to join hands with the Russian Army across Czechoslovakia.

THE PRESIDENT: Dr. Horn, for the formality of the record, it is necessary to offer each document in evidence and the document should be given a number. You have not yet offered any of these documents in evidence or given them any numbers, so far as I know.

DR. HORN: I gave this document the number, Ribbentrop Exhibit Number 1. The number is in the upper right hand corner of the document.

THE PRESIDENT: Very well.

DR. HORN: And I ask—perhaps I may say this in order to save time—I ask that all these documents quoted as Ribbentrop exhibit number be accepted in evidence.

THE PRESIDENT: Very well, and in the order in which you quote them?

DR. HORN: Yes, Mr. President.

THE PRESIDENT: They will be numbered that way. Very well.

DR. HORN: As to the particulars just submitted on the reason for this memorandum being lodged, and as evidence of the fact just cited regarding the arrangement of the French General Staff, I will call Von Neurath as a witness. I will question him on this one point, when he is called into the box. In order to justify the German view, which is contained in the memorandum and which

consists in the fact that the Locarno Pact and the League of Nations covenant were considered infringed upon, I would like to refer to Page 3 of the document and wish to quote the following—this is on Page 8 of the document book:

THE PRESIDENT: Dr. Horn, was this document Exhibit Number Ribbentrop-1, one of the documents for which you applied and which you were allowed in the applications?

DR. HORN: Yes, Mr. President. This document is concerned with excerpts from the *Dokumente der Deutschen Politik (Documents of German Politics)*, Volume 4.

I want to stress that this collection of documents was granted to me at the same time as the two evidence books.

THE PRESIDENT: The Tribunal would like to see the original document.

DR. HORN: Mr. President, we are not in a position to present original documents, since the Foreign Office was confiscated by the victorious powers and with it a great part of the documents. Then I would have to make an application now that the signatory powers concerned produce these original documents, for we simply are not able to. We can only refer to document collections.

THE PRESIDENT: Where does the copy come from?

DR. HORN: This copy, Mr. President, is from the *Dokumente der Deutschen Politik*, Volume 4, as is shown in the document book which the President has before him. The document is found on Page 123 of this document collection.

I should like, Mr. President, to add an explanatory remark: If the Court is interested in seeing the original, I should have to have the collection, which is up in the document room now, brought down. It is in German, and I do not believe that it would be of any value to the Tribunal at this time. May I mention further . . .

THE PRESIDENT: You see, Dr. Horn, as a matter of formality and certainty, the Tribunal ought to have in its record every document which forms part of the record, whether it is an original or whether it is a copy; and whatever the document is that is offered in evidence, it ought to be handed in to the Tribunal and kept by the Tribunal. It ought to be put in evidence, offered in evidence, and handed to the General Secretary or his representative, and then the Tribunal has a full record of every document which is in evidence.

But we cannot have documents such as this, which is a mere copy of the original document which ought to be offered in evidence. If it is at the Information Center, then it is quite capable of being produced here.

DR. HORN: Mr. President, the Court decided that we are justified in copying documents and certifying to the authenticity in order that these documents may be submitted as evidence to the Tribunal. Therefore, we have compared every document with the original we had on hand, or with the printed copy of the document and at the end of the document we attested the authenticity of the copy. This document, certified with my own signature, is in the hands of the Tribunal, I believe in five copies.

THE PRESIDENT: Dr. Horn—Yes, Mr. Dodd.

MR. DODD: We thought that we might be helpful. We say that we are willing to accept this quotation from the volume referred to, and I do think that we did put in some documents ourselves and asked the Court's indulgence at the time in something of the same fashion.

I think the Court, if I may suggest respectfully, might take this document on that same basis.

I have conferred only with Sir David, but I feel quite sure that our French and Russian colleagues will agree as well.

THE PRESIDENT: I think, Mr. Dodd, the point is—and, of course, it is probably only a formal point—that the only document which is offered in evidence or put in evidence is a copy which does not contain Dr. Horn's signature and therefore there is nothing to show that it is in fact a true copy. Of course, if we had had Dr. Horn's signature, we would be prepared to accept that it was a true copy of the original. What we have before us is a mere mimeograph, I suppose, of some document which has not been produced to us.

MR. DODD: Very well, Your Honor. I have not had an opportunity to examine it carefully. We did not get these documents, by the way, until pretty late last night. We have not had the usual period of time to examine it, but in any event, I have suggested it might go in, and if Dr. Horn would verify it, as suggested by the President, and later furnish the original copy, it might be all right.

THE PRESIDENT: That would be all right, certainly.

Dr. Horn, you understand what I mean. If you will produce to us at some future date the actual document which you signed yourself, to show that it was a true copy, that will be quite satisfactory.

DR. HORN: Mr. President, in the entire document book there is no document which I have not signed and given in five copies to be translated. Of course, I cannot also sign all the translations. This document which is contained in the document book submitted to the President has my signature in the German text.

THE PRESIDENT: You mean that you have handed your documents in to be translated, in German, with your signature at the bottom, saying it is a true extract, and you do not know where those documents are because they have gone into the Translation Division? That is right, is it not?

DR. HORN: Only partially, Mr. President. I know that I handed in these documents, to the proper office, in German, and with my signature. Then that office kept them and had them translated. From the moment I handed them in I naturally have had no further control of what happened.

I may also point out that the document books which we used were available only in a single copy and must be used by all attorneys, even now, for their future work. Because of that, I cannot produce the original for the Tribunal since it is not my property. That can be done in agreement only with the person in charge of the document section, Lieutenant Commander Schrader.

THE PRESIDENT: Dr. Horn, if, in the future, you and the other defendants' counsel could get your document books ready in sufficient time, you could perhaps then make the arrangement that you hand in the document book, when you are offering it in evidence, and then it would be capable of being handed to the officer of the Court.

DR. HORN: Mr. President, I do not believe that that possibility exists at all, for these *Dokumente der Deutschen Politik*—just to use this example—are available only in one copy for the use of all Defense Counsel attorneys; I cannot take these books away, if they wish to continue work with them, in order to submit them to the Tribunal as evidence. I would not receive them. I receive these books only to use them, and make excerpts from them, and then I have to return them.

THE PRESIDENT: Yes, but you are putting in evidence now a certain extract from the book, and all the Tribunal wants is that that extract be certified, either by you or by some other person who can be trusted, as a correct extract from the book, and that that document, so signed, can be produced. It may be difficult to produce it at the moment because you have handed it in to some official or to somebody in the Translation Division and therefore you cannot produce it, but it could be arranged that it should be produced in the future. I do not mean this particular one, but in the future other defendants' counsel can produce their documents certified by themselves or by some other person of authority.

DR. HORN: That has already been done, Mr. President. Five document books of the same type, signed by me, were handed to the Tribunal.

THE PRESIDENT: Yes. Well, the rule of the Tribunal happens to be that they should be handed in, in this Court, at the time that they are being used, as well as their being handed in to somebody for the purpose of translation. That is the rule.

But now perhaps we had better get on as we are taking up too much time over this.

DR. HORN: I have just heard that the German documents which I signed are being procured from the Secretariat General, so I will be able to submit them to the Tribunal with signature, in the German.

THE PRESIDENT: Very well.

DR. HORN: I should like to continue and explain the aforementioned opinion of the legal consequences of the Pact made between France and Russia in 1936, and I refer to Page 3, that is, Page 8 of the document book. I quote:

"Consequently, the only question is whether France, in accepting these treaty obligations, has kept within those limits which, in her relation to Germany have been laid on her by the Rhine Pact.

"This, however, the German Government must deny.

"The Rhine Pact was supposed to achieve the goal of securing peace in Western Europe by having Germany on the one hand, and France and Belgium on the other, renounce for all time employing military force in their relations to each other. If, by the conclusion of the pact, certain reservations to this renunciation of war, going beyond the right of self-defense, were permitted, the political reason for this was, as is generally known, solely the fact that France had already taken on certain alliance obligations towards Poland and Czechoslovakia which she did not want to sacrifice to the idea of absolute peace security in the West. Germany at that time accepted in good faith these reservations to the renunciation of war. She did not object to the treaties with Poland and Czechoslovakia, placed on the table at Locarno by the representative of France, only because of the self-understood supposition that these treaties adapted themselves to the structure of the Rhine Pact and did not contain any provisions on the application of Article 16 of the Covenant of the League of Nations, such as are provided for in the new French-Soviet agreements. This was true also of the contents of these special agreements, which came to the knowledge of the German Government at that time. The exceptions permitted in the Rhine Pact did, it is true, not expressly refer to Poland and Czechoslovakia, but were formulated generally. But it was

the sense of all negotiations about this matter to find a compromise between the German-French renunciation of war and the desire of France to maintain her already existent pact obligations. If, therefore, France now takes advantage of the abstract formulation of war possibilities allowed for in the Rhine Treaty in order to conclude a new pact against Germany with a highly armed state, if thus in such a decisive manner she limits the scope of the renunciation of war mutually agreed upon with Germany, and if, as set forth above, she does not even observe the stipulated formal juridical limits, then she has created thereby a completely new situation and has destroyed the political system of the Rhine Pact both in theory and literally."

I will omit the next paragraph and will quote from Page 9 of the document book as follows:

"The German Government have always emphasized during the negotiations of the last years that they would maintain and carry out all obligations of the Rhine Pact as long as the other partners to the Pact also were willing on their part to adhere to this Pact. This natural supposition cannot any longer be regarded as fulfilled by France. In violation of the Rhine Pact, France has replied to the friendly offers and peaceful assurances, made again and again by Germany, with a military alliance with the Soviet Union, directed exclusively against Germany. Therefore the Rhine Pact of Locarno has lost its inner meaning and has ceased to exist in any practical sense. For that reason Germany also on her side does not consider herself bound any longer by this pact which has become void."

In consideration of the Franco-Russian pact and the intentions of the French General Staff, Hitler had the Defendant Von Ribbentrop come to him in order to question him about the presumable attitude of England to a possible German reoccupation...

THE PRESIDENT: You are reading from the document, are you not, Dr. Horn? You begin to tell us something about Hitler.

DR. HORN: Yes, I interrupted at the phrase "as bound by this pact which has become void," in order to bring in the role of Ribbentrop briefly. On the basis of this pact and of the intentions of the French General Staff, Hitler then had the Defendant Von Ribbentrop...

THE PRESIDENT: We shall hear that from Von Ribbentrop, shall we not?

DR. HORN: Mr. President, we are permitted to add a few connecting words to the documents. I can now...

THE PRESIDENT: Yes, Colonel Pokrovsky.

COL. POKROVSKY: As far as I can understand, the Tribunal has already explained to Ribbentrop's Defense Counsel, Dr. Horn, that the Defense is now submitting a document. Although Dr. Horn does not consider it necessary to state when he deviates from the document and when he quotes from it, I have had the opportunity of noting that in the document he has just quoted, numbered Ribbentrop-1, there is a complete absence of any reference to the plans of the French General Staff. Among the documents in the document book submitted by Ribbentrop's Defense Counsel I could not find any copies of the plans of the French General Staff. It is therefore quite incomprehensible to me how Dr. Horn happens to be informed about the plans of the French General Staff, and on what grounds he refers to these plans while presenting evidence, in Ribbentrop's case, since they appear to be completely absent among the documents to which he refers.

DR. HORN: Mr. President . . .

THE PRESIDENT: Dr. Horn, what you appeared to the Tribunal to be doing then was not anything explanatory of the document, but telling us what Hitler did, and what the Defendant Ribbentrop did, in consequence of what Hitler did. That is not in evidence. You cannot tell us what is not in evidence. You can only give us explanatory remarks to make the document itself intelligible.

DR. HORN: Mr. President, the Defendant Von Ribbentrop is accused on account of the conduct of the entire foreign policy. The Prosecution have presented the foreign political activity as they see it, and we have been permitted, not to give a speech, but, in connection with the documents submitted, to present our opposing view, as the Defense see it. In order to do that, I must refer to certain facts, documents and quotations. I can never give a complete picture if I may just submit a document without giving a large frame to this matter, a certain development in the entire policy.

THE PRESIDENT: Well, Dr. Horn, the Tribunal is not expecting you to give a complete picture at this stage. All you are doing at the present moment is introducing the evidence. You are going to give the complete picture when you make your final speech. It is intelligible, this document. It is a document which is well known; it is perfectly intelligible without telling us what Hitler or what the Defendant Ribbentrop did.

DR. HORN: Regarding these questions raised by the Russian Prosecutor, I have already asked for the Defendant Von Neurath as a witness. I can interrogate him on this point only after the Defendant Von Neurath is in the witness box. But I can still refer now to these facts that are counterevidence.

THE PRESIDENT: But, you see, that would be his function. If you are going to tell us what you think the Defendant Von Neurath is going to say in answer to questions which you put to him, that would be making an opening statement. Well, that has not been provided for by the Charter. We must wait until you call Von Neurath or until you question Von Neurath.

DR. HORN: Then I will read from this document just mentioned, Ribbentrop Exhibit Number 1, on Page 10 of the document book:

"The German Government are now forced to face the new situation created by this alliance, a situation which is made more critical by the fact that the Franco-Soviet pact has found its complement in a pact of alliance of exactly parallel nature between Czechoslovakia and the Soviet Union. In the interest of the elementary right of a nation to safeguard its borders and to guarantee its defensive capacities, the German Government have therefore re-established the full and unrestricted sovereignty of the Reich in the demilitarized zone of the Rhineland, effective today."

I ask the Tribunal to accept the entire document as evidence. Through this step of the German Government certain articles of the Treaty of Versailles which were concerned with the demilitarization of the Rhineland zone had become obsolete. Since this morning, by decision of the Court, the taking of a position on the Versailles Treaty is not permitted, I will omit the corresponding material from the document book of the Defendant Von Ribbentrop, and turn now to the document Ribbentrop Exhibit Number 8, which is on Page 21 of the document book.

May I put another question first, Mr. President?

THE PRESIDENT: Certainly.

DR. HORN: Is it permitted to submit the official documents on the Treaty of Versailles that were exchanged between governments before the conclusion of the treaty? These are purely government documents and not any arguments on the treaty itself. May these documents be submitted after the decision of the Tribunal today?

THE PRESIDENT: Which are they, the one on Page 21?

DR. HORN: This is in regard to the Ribbentrop Exhibit Number 3.

THE PRESIDENT: Where is that?

DR. HORN: It is on Page 14 of the document book.

THE PRESIDENT: Dr. Horn, the Tribunal would like to know what issue in this Trial this document is relevant to.

DR. HORN: I wanted to explain by it the German opinion of the Treaty of Versailles. Ribbentrop Exhibit Number 2 is the note of Germany to the United States that contains the offer for an armistice and conclusion of peace. And I wanted further to show in the

next note again that this offer was one based on the Wilsonian Fourteen Points. Further, with Ribbentrop Exhibit Number 4, I wanted to submit evidence that the peace and the armistice were to be concluded on the basis of the Fourteen Points with two exceptions. I also wanted to show through Ribbentrop Exhibit...

SIR DAVID MAXWELL-FYFE: My Lord, I tried not to interrupt, but really this is the issue that the Tribunal ruled on a fortnight ago when the Defendant Göring, I think, applied for documents on exactly this issue; and that also, as I understand, the Tribunal ruled on again this morning. The issue is perfectly clear; the only issue to which this can be directed is whether the Treaty of Versailles was in accordance with the Fourteen Points and if not, was therefore an unjust treaty which comes directly within the Tribunal's ruling of an hour ago.

DR. HORN: May I add something more?

As far as I and my colleagues have understood the ruling of the Tribunal today, the only prohibition is against making before this Tribunal statements on the injustice of the treaty and on the fact that it purportedly was concluded under duress. We have not understood the decision in any other way.

THE PRESIDENT: That was why I asked you to what issue this was relevant, and you said that it was relevant to showing what the German opinion on the treaty was. Well, these are documents of the period before the treaty was made, and they seem to be only relevant upon the question of whether or not the treaty was a just treaty or not a just treaty.

DR. HORN: I personally did not want to demonstrate through this document either that it was a just or an unjust peace, but only that it was a treaty which had many legal inadequacies, since the main treaty was not in line with the agreements of the preliminary treaty.

THE PRESIDENT: Well, if the main treaty was not in accordance with the preliminary treaty then the main treaty would, according to that argument be an unfair treaty. That is the very point upon which the Tribunal has ruled.

DR. HORN: For that reason, Mr. President, I have just omitted these documents also and said that I will not refer to them in view of this ruling. I will now turn to Document Number 8.

THE PRESIDENT: As you are going through a lot of documents we might break off for 10 minutes.

*[A recess was taken.]*

MR. DODD: I do not want to take much of the Tribunal's time, but in view of the statement of Dr. Horn concerning the condition of the Defendant Von Ribbentrop, I think it is required that we inform the Tribunal of the situation as we understand it, which is something quite different from the understanding of Dr. Horn.

I have talked with Colonel Andrus and with one of the Army doctors in attendance. Colonel Andrus has talked with both of them, and our understanding is that Ribbentrop is not ill and is able to take the witness stand; that he is nervous, and appears to be frightened, but he is not disabled in any sense and is capable of testifying.

DR. HORN: I come now to Page 21 of the document book, and ask the Court to take judicial notice of the document appearing under Ribbentrop Exhibit Number 8. It is a copy, again from the *Dokument der Deutschen Politik*, Volume 4, which I turned over, signed, to the Court. It is the speech of Ambassador Von Ribbentrop at the 91st session of the League of Nations Council in London, regarding the Soviet Pact, the Locarno Pact and the German Peace Plan. The speech was delivered on 19 March 1936. I refer to Page 3 of the speech and begin my quotation with Number 5. I quote:

"According to this alliance, France and Russia appoint themselves judges on their own affairs by independently determining the aggressor, if occasion arises without a resolution or a recommendation of the League of Nations, and thereby are able to go to war against Germany according to their own judgment.

"This strict obligation of the two countries is clearly and unequivocally evident from Paragraph 1 of the signatory protocol to the Treaty of Alliance. That means: In a given case France can decide, on her own judgment, whether Germany or Soviet Russia is the aggressor. She merely reserves the right not to be exposed, on account of military action based on such an individual decision, to sanctions on the part of the powers guaranteeing the Rhine Pact, namely, England and Italy.

"From the point of view of law and realistic politics, this reservation is meaningless.

"In terms of law: How will France be able to foresee, when determining the aggressor herself, what attitude the guarantors of the Locarno Pact will afterwards assume towards her one-sided definition? The answer to the question of whether France would have to fear sanctions in such a case depends in practice not only on the faithful adherence to the pact by the guarantors—about which the German Government do not wish to raise doubts in any way—but also on the most various prerequisites of a purely factual nature, the probability or

improbability of which is not to be perceived in advance. In addition, however, the evaluation of the relationship between the new Treaty of Alliance and the Rhine Pact cannot be made dependent on the treaty relationship between France and Germany on the one hand and the Guaranteeing Powers on the other, but only on the direct treaty relationship between France and Germany themselves. Otherwise one would have to expect Germany to tolerate silently every possible violation of the Rhine Pact by France, in confidence that the guarantors would have to provide for her security. That certainly is not the intention of the Rhine Pact.

"In terms of realistic politics: When a country is attacked by such a superior military coalition as a consequence of a decision, incorrect because taken in advance in one of the party's own interests, it is an empty consolation to obtain its right in subsequent sanctions against the aggressors condemned by the League of Nations Council. For what sanctions could actually hit such a gigantic coalition reaching from East Asia to the Channel? These two countries are such powerful and important members and especially militarily strong factors of the League of Nations that according to all practical considerations, sanctions would be unthinkable from the outset.

"Therefore this second reservation dealing with the consideration of probable sanctions is of no consequence at all from a realistic political point of view.

"I now ask the members of the Council to bear in mind not only the legal and practical political scope of this obligation of France's to act independently, but to ask yourselves above all whether the opinion can be advocated that the German Government of that time, which signed the Locarno Pact, would ever have taken upon themselves the obligations of this Pact, had it contained such one-sided stipulations as have now later developed."

I now go to Page 26 of the document book, and the same document, and to clarify the German point of view, I add the following. I quote:

"But the Franco-Soviet Russian alliance means, beyond that—in the German Government's view of history—a complete elimination of the hitherto existing European balance and consequently of the fundamental political and legal conditions under which the Locarno Pact was concluded at that time."

With this, Germany had expressed the legal basis of her attitude toward the Locarno Pact and the Versailles stipulations regarding the demilitarization of the Rhineland. In order to prove her will to disarm, there is in the same document on Page 7, that is, Page 27

of the document book, an exhaustive and detailed disarmament proposal.

I ask the Tribunal to accept in evidence the document just cited, so that I may later refer to it.

With this exposition I conclude my presentation on Germany's reasons for reoccupying the Rhineland. Regarding the role of the Defendant Von Ribbentrop in the occupation of the Rhineland, I shall enter upon that when I call the Defendant to the witness stand.

After the occupation of the Rhineland, the Defendant Von Ribbentrop returned to London, where he was then ambassador. On 4 February 1938 he was appointed Foreign Minister, and from that time on, conducted the foreign policy along the lines laid down by Hitler. In proof of this statement I refer to Ribbentrop Exhibit Number 10, to be found in the document book. This is a very short document that I submit to the Tribunal for judicial notice. It is an excerpt from the speech of the Führer before the German Reichstag in the Kroll Opera House in Berlin on 19 July 1940. I quote:

"I cannot conclude this appraisal without finally thanking the man who for years has carried out my foreign political directions in loyal, tireless, self-sacrificing devotion.

"The name of Party member Von Ribbentrop will be linked for all time with the political rise of the German Nation as that of the Reich Foreign Minister."

I submit this quotation to the Tribunal to show according to what principles the Defendant Von Ribbentrop had to conduct the foreign policy.

I should like now to ask the Tribunal to hear the witness State Secretary Von Steengracht.

*[The witness Von Steengracht took the stand.]*

THE PRESIDENT: Will you state your name, please?

ADOLF FREIHERR STEENGRACHT VON MOYLAND (Witness): Adolf von Steengracht.

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 if you wish.

DR. HORN: What was your last position in the Foreign Office?

VON STEENGRACHT: From May 1943 I was State Secretary of the Foreign Office.

DR. HORN: What were your activities?

VON STEENGRACHT: In order to present my activities in a comprehensible way, I must make the following prefatory remarks:

From the beginning of the war, the Foreign Minister had his office in the neighborhood of Hitler's headquarters; that is to say in most instances several hundred kilometers distant from Berlin. There he carried on business with a restricted staff. The Foreign Office in Berlin had duties of a routine and administrative nature. But above all, its duty was also the execution of the regular intercourse with foreign diplomats.

Within the limits of this field of duties, I bore the responsibility, as State Secretary, from May 1943. The molding of foreign political opinion, the decisions and instructions in foreign policy, on the other hand, originated from headquarters, mostly without any participation, sometimes also without any subsequent information to the Foreign Office.

DR. HORN: Who determined the basic lines of the foreign policy?

VON STEENGRACHT: The foreign policy, not only on its basic lines, but also usually down to the most minute details, was determined by Hitler himself. Ribbentrop frequently stated that the Führer needed no Foreign Minister, he simply wanted a foreign political secretary. Ribbentrop, in my opinion, would have been satisfied with such a position because then at least, backed by Hitler's authority, he could have eliminated partly the destructive and indirect foreign political influences and their sway on Hitler. Perhaps he might then have had a chance of influencing Hitler's speeches, which the latter was accustomed to formulate without Ribbentrop, even in the foreign political field.

DR. HORN: Were there other offices or personalities, in addition to the Foreign Office, that concerned themselves with foreign policy?

VON STEENGRACHT: Yes, there was practically no office in the Party or its organizations that, after 1933, had no foreign political ambitions. Every one of these offices had a sort of foreign bureau through which it took up connections with foreign countries in the attempt to gain its own foreign political channels.

I should judge the number of these to be approximately thirty. For example, the Hitler Jugend, the SA, the German Labor Front, the SS, the Rosenberg office with its Foreign Political office, the Propaganda Ministry, the office Waldeck, the Ribbentrop office, the Nordic Society; further, the VDA, the German Academy, the Reich Railways (Reichsbahn) and others. Besides these offices, the immediate entourage of Hitler and personalities like Himmler, Goebbels, and Bormann had an influence in the shaping of foreign policy. Göring, too, as I see it, had perhaps a certain influence,

but only until 1938—at any rate, in matters of foreign politics, scarcely later than that.

DR. HORN: Did Von Ribbentrop make efforts to prevent such influences or to exclude them?

VON STEENGRACHT: From my own observation, I can give only the following judgment: Almost every one of those persons, who had never before lived in foreign countries and who, as an occasional traveling salesman for the Third Reich, in peacetime, or after the occupation of a foreign country, had eaten well in the capital of this or that foreign country, considered himself an unrivaled expert on this country. They all had a predilection for bringing their enlightenment and discernment to Hitler. Unfortunately the further they were removed from actual conditions, the more they were in contradiction to the political requirements and necessities, and especially, unfortunately, the more so-called strength was shown and the more they stood in contradiction to the elementary feelings of humanity, the more they pleased Hitler. For Hitler regarded such statements and representations as sound judgment, and they had sometimes an irreparable effect, and formed in Hitler's mind, together with his so-called intuition, the start of some fundamental idea. To the possible objection that it should have been easy for an expert to criticize such an opinion or view, I should like to point out the following: As long as the future German Ambassador in Paris was still a teacher of painting, Hitler read his reports with interest; but when he became the official representative of the Reich, his reports were mostly thrown unread into the wastepaper basket. Himmler's reports, the slanted opinions of Goebbels, and Bormann's influence played, on the other hand, a decisive role, as did reports from agents which could not be checked and which carried more weight than the opinions of experts on the countries.

DR. HORN: Was the Foreign Office responsible for relations with all foreign countries?

VON STEENGRACHT: I should like to remark further here that I have not yet answered the second part of your question, namely, regarding the elimination of this influence.

With Hitler's methods of work, these so-called counterinfluences simply could not be eliminated. Against this "organized disorganization" Ribbentrop waged an unmitigating, bitter war, and that against almost all German offices. I should like to state further that at least 60 percent of his time was devoted to these things alone.

DR. HORN: Was the Foreign Office responsible for the relations with all foreign countries?

VON STEENGRACHT: In peacetime, yes.

DR. HORN: Did the position of the Foreign Office change with the outbreak of war?

VON STEENGRACHT: Yes. In point of fact, the Foreign Office lost its competency toward the country concerned at the moment when the German bayonet crossed the border. The exclusive right to maintain direct relations with foreign governments was eliminated in all occupied territories; in most instances even the right to have a representative of the Foreign Office whose post was for observation only and without competency. This is particularly true for the Eastern Territories and for Norway.

Where Ribbentrop made the effort to maintain, in spite of the occupation, a certain degree of independence of a country, as, for example, in Norway, this activity of our diplomats was termed weak, traitorous, stupid, and those responsible had to stop their work at once, on Hitler's orders, and disappeared from the Foreign Office.

In general the changed position of the Foreign Office during the war is best characterized by Hitler's statement: "The Foreign Office shall, as far as possible, disappear from the picture until the end of the war." Hitler wanted to limit the Foreign Office to about 20 to 40 people, and it was even partially forbidden to form or to maintain any connection with the Foreign Office.

The Foreign Office, as such, and its officials were detested by Hitler. He considered them objective jurists, defeatists, and cosmopolitans, to whom a matter can be given only if it is not to be carried out.

DR. HORN: Was there any foreign policy, in a traditional sense, in Germany?

VON STEENGRACHT: No; at least, I never noticed anything of it, for Hitler had in effect made the statement: "Diplomacy is defrauding the people. Treaties are childish; they are respected only as long as they seem useful to the respective partners." That was Hitler's opinion of all diplomats in the world.

DR. HORN: Did the Foreign Office have any influence in the Eastern territories and the territories that were under civilian administration?

VON STEENGRACHT: I have already touched on this question. I have already said that in the territories in which there was a military government or a civilian administration, a representative of the Foreign Office—if he was tolerated at all—was tolerated only as an observation post, at any rate had no functions; that was the rule.

I think I would be going too far if I went through the condition in every country. The situations varied.

DR. HORN: Do you consider Von Ribbentrop a typical National Socialist or not?

VON STEENGRACHT: Ribbentrop was, in his whole attitude, no typical exponent of National Socialism. He knew extraordinarily little of the dogma and doctrines of National Socialism. He felt himself only personally bound to Hitler, whom he followed with soldierly obedience, and he stood under a certain hypnotic dependence on Hitler. However, I cannot characterize him as a typical exponent of National Socialism.

DR. HORN: Was Hitler a man who was accessible to suggestions and objections?

VON STEENGRACHT: In the first years after 1933 he is said still to have been; but during the course of years he shut himself off more and more from expert objections and suggestions. From the time that I became State Secretary, I saw him only twice on official occasions. I can thus speak only on the success or lack of success of our work. In the course of my activities, covering almost 2 years, I can now recall almost no case in which he agreed to one of our suggestions. On the contrary, it was always to be feared that by some suggestion of a personal nature he would be led to take violent action in an opposite direction. The basic trait of his character was probably lack of confidence, and this bore unprecedented fruit. Thus, experts and decent people who tried to influence Hitler to their way of thinking were engaged, in my opinion, in an altogether vain task. On the other hand, irresponsible creatures who incited him to take violent measures, or who voiced their suspicions, unfortunately found him extremely accessible. These men were then termed strong, whereas the behavior of anyone who was even half-way normal was condemned as weak or defeatist; through a reasonable opinion voiced only once, the influence of that man could be forever destroyed.

DR. HORN: What conclusions did Hitler draw from contradictory viewpoints in respect to the contradicting persons?

VON STEENGRACHT: I cannot answer that question in general terms. I have already shown it in my previous answers. First of all the reaction depended very much, in my opinion, on the mood of the Dictator at the time. It was also a matter of importance as to who contradicted and how much strength or weakness he had already shown or seemed to have shown. But what the atmosphere was can perhaps be demonstrated by the following case, shortly after the death of President Roosevelt, as told by Ribbentrop's liaison agent with Hitler, a man named Hewel. He said:

"Today I almost met my doom. Goebbels came from the Führer, and reported on Germany's prospects, as far as the

Führer saw them affected by Roosevelt's death, and he drew up a very hopeful picture of the future. I, Hewel, was of the opinion that such a view was not justified and remarked as much cautiously to Goebbels. Goebbels fell into a rage, called me a spirit who demoralized everyone, who trampled on the happy moods and hopes of every decent person. I was forced," Hewel reports, "to make a special trip to see Goebbels and to ask him to keep the matter to himself. For if he had informed the Führer of my attitude, Hitler would have merely pressed a button, and called Rattenhuber, the Chief of his Security Service, and had me taken away and shot."

DR. HORN: How do you explain the fact that so many people remained in Hitler's circle, although they could not agree with him on basic matters?

VON STEENGRACHT: It is true that many people remained in their positions although at heart they disapproved of Hitler's methods of government and, indeed, were inimical to those methods. There are various reasons for this.

First, it must be said that the NSDAP had come into power according to the rules of parliamentary procedure as being the strongest Party in the Reichstag. The officials employed had no reason at all to retire from service on account of the change of government. In consequence of the change to dictatorial government and the completely different concept of the State which the change of government involved, the individual suddenly found that he was no longer allowed to take a position of his own concerning this regime. The notorious reign of terror began. Everywhere, in the ministries and chancelleries, in private dwellings, and in restaurants there hovered spies who, out of fanaticism or for pay, were willing to report everything they heard.

Nevertheless, many would deliberately have risked the gravest consequences, if their withdrawal could have in any way improved anything. But it became obvious that such persons merely sacrificed themselves and especially their families unavailingly, because cases of the kind were painstakingly withheld from publicity and therefore had no effect. Worst of all was the fact that the appointment vacated was filled by an especially radical man. Many people realized this and remained at their posts in order to prevent the development that I have just described. The great number of atrocities committed or ordered by Hitler or Himmler have led many foreigners to the conclusion that the German people as a whole shared the guilt for these crimes, or at least had knowledge of them. This is not the case. The majority of people even in high government positions did not learn details of these matters—or the extent to which they were carried on—until the war was

over. Perhaps the key to this is found in the speech which Himmler delivered in Posen on 3 October 1943 to his Gruppenführer, and which I learned of for the first time here. This speech directed that his special assignments—that means the actions against the Jews and the concentration camps—were to be kept just as secret as had been the events of 30 June 1934; of which the German people have only now learned the authentic story.

Guilt for all these occurrences rests only on a relatively small group, to be appraised at a few thousand people. It was these who carried out this unparalleled terror against the German people. But those who thought differently and who remained are chiefly to be thanked for the fact that, for example, the Geneva Convention was not renounced, that tens or even hundreds of thousands of English or American airmen and prisoners were not shot, that the unfortunate prisoners, those seriously wounded, were returned during the war to their families in their home countries; Greece in her dire need received food; exchange was stabilized as far as possible, as in Belgium and France, and militarily pointless destruction ordered in foreign countries and in the home country could be in part prevented or at least lessened; indeed that the principles of human justice, in some places at least, remained alive. These circles were discouraged in their attitude earlier by the fact that no foreign power had used the conditions in Germany as a reason for breaking off diplomatic relations, but that almost all, until the outbreak of war negotiated with National Socialism, concluded treaties and even had their diplomatic representatives at the National Socialist Party Days at Nuremberg. It was particularly noted that National Socialist Germany, outwardly at any rate, received much more consideration, understanding, and respect from foreign countries than ever had the Weimar Republic despite all its fidelity to treaties or its integrity.

Then the war came, and with it special duties for civil servants, officers, and every individual German. Should, and if so when and how could these people who still felt themselves to be the servants of the nation, leave their posts under these circumstances? Would they, above all, by taking such a step be useful to their country and to humanity? Would they have frightened Hitler or even warned him?

DR. HORN: Did you make peace suggestions of a foreign political nature to Von Ribbentrop after the French campaign?

VON STEENGRACHT: Yes. I had at that time, to be sure, no official position. But I nevertheless felt the need, and I believe it was a heartfelt wish of many, if not all, Germans, to see peaceful conditions again in the world as soon as possible. On the day of the capitulation of the King of the Belgians, I suggested:

Firstly, the creation of a United States of Europe on a democratic basis. This would have meant independence of Holland, Belgium, Poland, and so on.

Secondly, if this could not be brought about with Hitler, at any rate to have as few encroachments on the autonomy of the countries as possible.

DR. HORN: Did Von Ribbentrop speak to Hitler on this matter?

VON STEENGRACHT: So far as I know, yes. But at that time Hitler considered such plans as premature.

DR. HORN: Did you speak to Von Ribbentrop again in the winter of 1942-43 on the same subject?

VON STEENGRACHT: Yes. Ribbentrop at that time also worked out very concrete proposals. They provided for the sovereignty and independence of all conquered countries, including Poland, and in addition, a far-reaching economic collaboration.

DR. HORN: How did Hitler react then to these proposals?

VON STEENGRACHT: Hitler turned down these proposals giving as reason the fact that the time was not suitable, the military situation not favorable enough, that this would be interpreted as a sign of weakness.

DR. HORN: Now to another question. Before the outbreak of the Russian campaign, did Von Ribbentrop mention to Hitler Bismarck's statement about the danger of preventive wars?

VON STEENGRACHT: Ribbentrop told me several times that he was very concerned about the pact with Russia. In regard to preventive war, he had stated to Hitler: "The good God does not let anyone look at His cards." I know too that Ribbentrop made efforts to bring our experts on Russia to Hitler in order to explain to him the situation there and to advise him against a war. Hitler did not permit these people to see him, so far as I know. Only Ambassador Count Schulenburg was granted a short audience. He, who considered such a war ill-advised and emphatically rejected the idea, could not, however, advance his views on Russia and the reasons against a war; for Hitler, having delivered a speech of his own on this subject, after about 20 minutes dismissed him abruptly without letting him speak a word.

THE PRESIDENT: Dr. Horn, the order of the Tribunal was that witnesses might refresh their memory by notes, but this witness appears to the Tribunal to have read practically every word he has said. That is not refreshing your memory with notes. That is making a speech which you have written out beforehand, and if that sort of thing goes on the Tribunal will have to consider whether it is necessary to alter its rule and adhere to the ordinary rule,

which is that no witness is allowed to refer to any notes at all except those made at the time.

DR. HORN: Mr. President, to be sure, I discussed the questions with the witness; but his notes, if they have been made, were made by the witness independently and without my knowledge of the exact contents. I shall now ask the witness to answer my questions without making use of any means which I do not know. I do not—that I want to emphasize once again—know these answers.

Witness, is it known to you that Von Ribbentrop tried to use his influence with Hitler to stop the damaging tendencies against the Church and the Jews?

VON STEENGRACHT: Yes. I know that Ribbentrop spoke frequently with Hitler on this theme. I was absolutely in despair about the policy toward the Church and the Jews, and for this reason had occasion to speak to him about it often, as I have said. But he explained to me again and again when he returned from Hitler: "Hitler cannot be spoken to on this point. Hitler says that these problems have to be solved before he dies."

DR. HORN: Did Von Ribbentrop and the Foreign Office have any knowledge of the military planning?

VON STEENGRACHT: Ribbentrop frequently told me that he was completely in the dark in military affairs. So far as the Foreign Office was concerned, it had no ideas whatever of strategic planning.

DR. HORN: What were the relations between Ribbentrop, Himmler, Goebbels, and Bormann?

VON STEENGRACHT: The relations between Ribbentrop and the aforementioned gentlemen were as bad as can be imagined. There was a perpetual fight between them. In my opinion Ribbentrop would have been Himmler's first victim if anything had happened to Hitler. A constant struggle and feud, I should like to state, went on between these men with an exceptionally sharp exchange of letters.

DR. HORN: What was the relationship in general between the highest Party and Reich offices?

VON STEENGRACHT: The relationship in the individual departments naturally varied according to the character and the origin of the department chiefs. But one can say that the relationship was bad throughout, and, especially, that reciprocal information, so urgently necessary for state business, practically never developed. It was almost more difficult for one minister to discuss a question with another minister by telephone than to have had the Angel Gabriel himself come from heaven and speak with one of us. Even on the most important and essential matters, a factual discussion

could not take place. There was, in other words, practically no connection between these departments. Moreover, they were very different, both in their character and in their ideas.

DR. HORN: Is anything known to you about objections on the part of the Vatican, above all regarding the Polish clergy?

VON STEENGRACHT: I heard about that later, and there must have been two protests concerning the Catholic Polish clergy. These two notes were submitted by the Nuncio to the State Secretary of that time. The then State Secretary turned these over to Ribbentrop according to regulation, and Ribbentrop in his turn presented them to Hitler. Since the Vatican had not recognized the Government General, and accordingly the Nuncio was not competent for these regions, Hitler declared when these notes were presented to him:

"They are just one blunt lie. Give these notes back to the Nuncio through the State Secretary in a sharp form, and tell him that you will never again accept such a matter."

DR. HORN: Were these notes then dealt with by the Foreign Office?

VON STEENGRACHT: Sharp and precise instructions were then issued that in all cases in which representatives of countries brought up matters which were not within their authority, whether in conversations, or notes, *note verbale*, memoranda, or other documents, these were not to be accepted, and verbal protests were to be turned down sharply.

DR. HORN: Is it known to you that Von Ribbentrop prevented the shooting of about 10,000 prisoners of war after the terrible air attack on Dresden?

VON STEENGRACHT: Yes, I know the following: Von Ribbentrop's liaison man with Hitler called me up one day in great excitement. He informed me that on a suggestion by Goebbels, the Führer intended, as reprisal for the holocaust of Dresden, to have English and American prisoners of war—I believe mostly airmen—shot. I went immediately to Ribbentrop and informed him of this. Ribbentrop became very excited; he turned pale as death; he was in fact almost stunned and thought it was impossible; picked up the phone and called up this liaison man in person in order to verify this report. The liaison man corroborated it. Then Ribbentrop got up immediately and went to Hitler, came back, I think after half an hour, and told me that he had succeeded in having Hitler withdraw this order. That is all I know about this matter.

DR. HORN: Do you know anything about the convocation of an anti-Jewish congress?

VON STEENGRACHT: Regarding the convocation of an anti-Jewish congress I know something; I believe our liaison man with

Hitler informed us that, on a suggestion of Bormann, Hitler had ordered the calling of an anti-Jewish congress through the Rosenberg office. Ribbentrop did not want to believe this; but nevertheless had to accept this too as true, once he had spoken with our liaison man. Then, since on the basis of this decision we could do nothing more officially to prevent the thing, we nevertheless worked our way into it, and we made efforts by a policy of hesitation, delay, and obstruction to render the convocation impossible. And although the order was given in the spring of 1944 and the war did not end until April 1945, this congress never actually took place.

DR. HORN: Could you observe whether Von Ribbentrop often adopted a stern manner with his staff, for reasons of state, although he sometimes thought entirely differently?

VON STEENGRACHT: This would be passing a judgment. But I believe that I must affirm this: Thinking that he was being loyal to Hitler, Ribbentrop—it seems to me—in those cases when he went to Hitler with a preconceived opinion and returned with a totally different view, tried afterwards to explain to us Hitler's view. This he always did with special vehemence. I would assume then that this was contrary to his own most personal original ideas.

DR. HORN: Did Von Ribbentrop during the course of the war ask that Rome and Florence be spared?

VON STEENGRACHT: So far as I know, yes. He did speak with Hitler on these subjects.

DR. HORN: Are you acquainted with an article by Goebbels in the *Reich* or perhaps the *Völkischer Beobachter*, dealing with lynch justice?

VON STEENGRACHT: Yes. Once by chance I came to Ribbentrop when he was reading a paper and was again very excited. He asked me if I had read the article yet, this shocking article by Goebbels. It was an article on lynch justice.

DR. HORN: Did Von Ribbentrop lodge a protest with Goebbels about this article?

VON STEENGRACHT: As far as I know, he charged our press chief who had the liaison with Goebbels to lodge a protest against this article. But to his surprise he was forced to see that this protest was useless since the article had not only been inspired but, I believe, ordered by Hitler, and thus there was nothing more to be done.

DR. HORN: What attitude did the Foreign Office take in view of the trend of this article?

VON STEENGRACHT: The Foreign Office repudiated the article vehemently, because it comprised an offense against international

law and thus made us depart from international law in another field. Moreover, it appealed to the lower instincts of man, and both in internal and external policy did great damage.

Besides, such an article, that has been read by several hundred thousands or by millions, does irreparable damage anyway. We therefore insisted that under no circumstances should such things appear in the press again. I must regretfully state, however, that we had a very difficult stand in this matter, especially since low-flying enemy craft often shot peasants in the fields and pedestrians in the streets, that is to say, purely civilian people, with their murder weapons. And our arguments that in our field we wanted to observe international law under all circumstances, were not taken into account at all either by most German offices, or above all by Hitler personally. On the contrary, in this case too we were regarded again only as formal jurists. But later we did try, as much as we could, with the help of military offices, to prevent the carrying out of this order.

DR. HORN: Do you know of a Battalion Günsberg?

VON STEENGRACHT: I do not know of a Battalion Günsberg. I know, of course, of a former Legation Counsellor Von Günsberg in the Foreign Office. This Legation Counsellor Von Günsberg received, as far as I recall—I did not at that time do any work at all connected with these matters—received from Ribbentrop the assignment of following, with a few people from the Foreign Office and a few drivers, the fighting troops, and seeing to it that, firstly, the foreign missions, for instance in Brussels and Paris, and so forth, that stood under the protection of the protective powers, should not be entered by our troops. And at the same time Günsberg was charged with protecting the files in the Foreign ministries that were of foreign political interest.

After the conclusion of the French campaign, Günsberg, as far as I recall, was no longer in the active service of the Foreign Office, but was listed with the Secret Field Police, from which he had received a uniform, because as a civilian he could not enter these countries.

DR. HORN: How and when did Günsberg's job end?

VON STEENGRACHT: Ribbentrop lost interest after these events in Günsberg and the original assignment. Then, after the beginning of the Russian campaign, Günsberg, so far as I remember, reported again for duty and said that he intended to do the same thing in the East, and Ribbentrop told him:

"Yes, that is very good. You may go with a few people to the army groups and see whether anything of interest for us is happening there and also see to it that when we approach

Moscow the foreign embassies *et cetera* are not entered, and that the documents are preserved."

But he did not consider himself any longer as belonging to the Foreign Office and apparently received orders from other offices. Then, as I later heard, he had a large number of men under him and had many automobiles which he could not have received from the Foreign Office any more than he could have received a military uniform from the Foreign Office so he was apparently working for other offices.

DR. HORN: He no longer belonged to the Foreign Office at any rate not in a military capacity?

VON STEENGRACHT: No. And, in addition, when Ribbentrop heard that he had undertaken such a large job, he charged me personally to call immediately on the SS and say that he, Ribbentrop, did not want to have Günsberg any longer, and at that time I told Obergruppenführer Wolff that I should like to point out that we wanted nothing more to do with Günsberg. See to it that you keep him with the Waffen-SS along with all his subordinates. That is all I know about the matter of Günsberg.

DR. HORN: Would Your Lordship like to interrupt the examination or should I continue to put further questions?

THE PRESIDENT: Unless you are going to conclude almost immediately, we had better adjourn. Will you be some time longer with this witness?

DR. HORN: I have a number of further questions.

*[The Tribunal adjourned until 27 March 1946 at 1000 hours.]*

# NINETY-SECOND DAY

Wednesday, 27 March 1946

## *Morning Session*

DR. HORN: Witness, you knew Count Ciano. Where and when did you meet him?

VON STEENGRACHT: I knew Count Ciano but not in a political sense, only personally. I cannot remember exactly when I met him; probably it was on the occasion of a state visit. I was working at the time in the Protocol Department in the Foreign Office.

DR. HORN: What experiences did you have with Count Ciano?

VON STEENGRACHT: Since I did not work with him politically, I had no political experience with him.

DR. HORN: Now, another matter. Is it correct that Herr Von Ribbentrop gave orders that under all circumstances the French franc should be sustained against inflation?

VON STEENGRACHT: Such measures can apply only to a time when I was not yet State Secretary. But I know that the basic attitude towards France and all occupied territories was that under all circumstances their currency was to be preserved as far as possible, or rather should be preserved by all means. That is why we often sent gold to Greece in order to attempt to maintain the value of the currency there to some extent.

DR. HORN: What was accomplished in Greece by sending this gold there?

VON STEENGRACHT: By sending gold to Greece we lowered the rate of exchange of foreign currencies. Thus the Greek merchants who had hoarded food to a large extent, became frightened and threw the food on the market, and in this way it was made available to the Greek population again.

DR. HORN: Is it correct that Von Ribbentrop gave strictest orders not to undertake any confiscation in occupied territories but to deal directly only with their governments?

VON STEENGRACHT: If you put the question like that, it is basically correct, but I say, as I said yesterday, that in principle we had no functions at all in the occupied territories, therefore no power to confiscate, nor was such power within the jurisdiction of other agencies; but it is correct that we negotiated only with the

foreign governments and that Von Ribbentrop had most strictly forbidden us to support any direct measures concerning an occupied country which were carried out by other departments.

DR. HORN: For the time being I have no further questions to put to this witness.

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): Witness, are you well acquainted with Von Papen as a result of the period during which you were working in the Foreign Office and particularly during the time you were active as State Secretary in the Foreign Office?

VON STEENGRACHT: I had known Herr Von Papen for several years before 1933, but privately. Then I lost track of him for some time and re-established contact with him when I became State Secretary in the German Foreign Office. Then I was continually associated with him in an official and unofficial capacity.

DR. KUBUSCHOK: Did you, particularly in the last period of your activities as State Secretary, continually receive the reports which Von Papen, as Ambassador in Ankara, sent to Berlin?

VON STEENGRACHT: Unless Herr Von Papen sent reports directly to Von Ribbentrop—which may have been possible; I do not know—I received them weekly through official channels.

DR. KUBUSCHOK: Do you remember that after two previous refusals Von Papen took over the post of Ambassador in Ankara, in April 1939, on the day that Italy occupied Albania, whereby an acute danger of war arose in the Southeast?

VON STEENGRACHT: At that time I was not State Secretary and also had no political position, so that I am not acquainted with the events of that period. But today I have the impression that he took over that position after the Italians had occupied Albania. And he himself told me later that at that time there was danger that the Italians would advance further into the Balkans, possibly causing a conflict with Turkey, as a result of which world peace would have been endangered. For that reason he had decided at the time to accept the post. Exactly on which day that was, I cannot say.

DR. KUBUSCHOK: What can you say in general about Herr Von Papen's efforts toward peace?

VON STEENGRACHT: I am under the impression that Herr Von Papen always strove to preserve peace by every means. He certainly considered that it would be a great disaster for Germany and the world if war were to break out.

DR. KUBUSCHOK: Were the efforts which Von Papen made during the war towards establishing peace aimed at foregoing any

annexations regardless of the military outcome and completely re-establishing the sovereignty of occupied territories, in short, to achieve, by means of reasonable renunciation, a bearable status for all European states?

VON STEENGRACHT: In principle it was quite clear that Von Papen always worked for the re-establishment of peace under conditions which would have re-established full sovereignty for all countries, and so that no encroachment nor damage, material or otherwise would be inflicted on any foreign countries.

DR. KUBUSCHOK: Was that Von Papen's attitude even at the time of the greatest German military successes?

VON STEENGRACHT: I believe that his basic attitude in this respect never changed.

DR. KUBUSCHOK: Were his continuous personal efforts to establish peace held against Von Papen by Hitler, and was he considered a disagreeable outsider in that connection?

VON STEENGRACHT: I did not have an opportunity to discuss it with Hitler; I only know that he was quite generally criticized by Hitler and other persons as a man who always followed a weak line.

DR. KUBUSCHOK: Did Herr Von Papen frankly acknowledge that peace would be impossible as long as Hitler and the Party existed in Germany and the necessary credit for negotiating abroad was lacking?

VON STEENGRACHT: Yes, I think it must have been about April 1943 or May 1943, that I spoke to Von Papen in detail about the whole subject, since, at that time, I had just become State Secretary. At that time he very clearly voiced the opinion to me which you have just sketched. It was quite plain to him that foreign countries would conclude no peace with Hitler and the methods he employed.

DR. KUBUSCHOK: Just one last question, Witness: The Indictment accuses the Defendant Von Papen of being an unscrupulous opportunist. You, Witness, know the defendant from the reports and from all the official relations the defendant had with his superior office for a number of years. Did you, on the strength of that knowledge, get the impression that this characterization of Von Papen is correct, or can you say, on the strength of these reports and these official relations, that Von Papen appears to you to be a man who always tells the truth, even when that truth is disagreeable to his quite unpleasant superiors, and even when the voicing of that truth involves personal danger for him?

VON STEENGRACHT: I can say that is absolutely so. I find the best evidence of it is that Herr Von Papen was finally completely

eliminated from the position of Vice-Chancellor and resigned from the government, then he became a private citizen and only in the greatest emergency was he called upon. In my opinion, Von Papen made himself available only because he said to himself, "I have still got a certain amount of credit, I am a good Catholic, and accordingly I represent an attitude which is opposed to all inhumanity, *et cetera*. Perhaps I can, through my intervention, exercise some influence in that direction." I myself never attended a meeting or a conference which took place between Hitler and Von Papen, but, particularly from my liaison officer with Hitler, I often heard that Von Papen, in his smooth way, often told Hitler many things which no one else could have told Hitler and I believe that through his manner he prevented a number of things, at least for a time.

DR. KUBUSCHOK: Thank you.

DR. OTTO NELTE (Counsel for Defendant Keitel): Witness, you have stated that Hitler, because of the terrible bombing attack on Dresden, intended to issue an order according to which thousands of prisoners of war were to be killed in reprisal.

VON STEENGRACHT: Yes.

DR. NELTE: Do I remember your testimony of yesterday correctly, that all you have said about this matter is information from, or based on information from Herr Von Ribbentrop?

VON STEENGRACHT: No.

DR. NELTE: What do you know from your own personal knowledge?

VON STEENGRACHT: From my own personal knowledge I only know that our liaison man with Hitler called me on the telephone and told me that Goebbels had proposed to Hitler that 10,000 or more British and American prisoners of war be shot in reprisal, and that Hitler would agree or had agreed. I immediately reported this to Von Ribbentrop, and he went there at once and told me after half an hour that the order had been withdrawn. About Field Marshal Keitel I know nothing at all in that connection.

DR. NELTE: You do not know, therefore, who was the originator of that order?

VON STEENGRACHT: No.

DR. NELTE: Who suggested it, I mean.

VON STEENGRACHT: The suggestion for that order evidently came from Goebbels according to the information which I received.

DR. NELTE: Through Herr Von Ribbentrop, do you mean?

VON STEENGRACHT: Who?

DR. NELTE: Through Herr Von Ribbentrop?

VON STEENGRACHT: No, Von Ribbentrop had nothing to do with that.

DR. NELTE: Then from Herr Hewel?

VON STEENGRACHT: Herr Hewel told me that. He called me up and told me that.

DR. NELTE: And you know nothing about the participation of military men?

VON STEENGRACHT: I know nothing at all about the participation of military men.

DR. NELTE: Thank you very much.

DR. HANS LATERNSENER (Counsel for General Staff and High Command of the German Armed Forces): Witness, I have only one question. Did you, as State Secretary, or did the Foreign Office regularly inform military offices, for instance, the Army High Command or the High Command of the Navy, with reference to pertinent matters of German politics?

VON STEENGRACHT: No, they were not informed.

DR. LATERNSENER: I have no further questions.

THE PRESIDENT: Does the British Prosecutor wish to cross-examine?

COLONEL H. J. PHILLIMORE (Junior Counsel for the United Kingdom): Witness, you told us yesterday that the Defendant Ribbentrop was against the persecution of the churches, was against the persecution of Jews, and did not know what was going on in the concentration camps. You have told us that he was not a typical Nazi. What are the qualities of a typical Nazi?

VON STEENGRACHT: By a typical National Socialist, I mean a man who fanatically acknowledges and represents all the doctrines of National Socialism.

Herr Von Ribbentrop, as I said, followed Hitler personally, but he really knew uncommonly little of any of the other ideology and never bothered about it. He never spoke at meetings, never participated in large rallies, and therefore, he really knew extremely little about the people and the mood of the people.

COL. PHILLIMORE: By "a typical Nazi," do you mean someone who was persecuting the churches?

VON STEENGRACHT: I did not understand that question.

COL. PHILLIMORE: I will repeat it. By "a typical Nazi," do you mean a man who was engaged in persecution of the churches?

VON STEENGRACHT: At any rate, someone who, if Adolf Hitler considered it right, did not state his personal opinion on the matter.

COL. PHILLIMORE: And a man who would take his full share in persecution and extermination of Jews?

VON STEENGRACHT: That I would not like to say either. That was limited to a certain circle of people. A large number even of fanatical Nazis knew nothing about these atrocities and repudiated them and would have repudiated them, had they been properly informed of them.

COL. PHILLIMORE: I understand you to say that you knew nothing of them yourself. Is that so?

VON STEENGRACHT: That I knew nothing?

COL. PHILLIMORE: Yes.

VON STEENGRACHT: In my position as State Secretary and because I read foreign papers, and particularly since I had contact with the opposition, I knew of many things connected with concentration camps. In all these cases, as far as it was in my power, I intervened. But regarding the things which I have heard here now, I knew nothing at all.

COL. PHILLIMORE: Now, I want to ask you about another matter. You have told us that Ribbentrop had no responsibility in the occupied territories. Your words were that "the Foreign Office lost responsibility at that moment at which the German bayonet crossed the frontier." Is that right?

VON STEENGRACHT: I said that at that moment at which the German bayonet crossed the frontier the Foreign Office lost the sole right to negotiate with foreign governments everywhere. Beyond that, in most countries, the Foreign Office did not have the right to have even a diplomatic observer without authority, particularly in Norway and the Eastern Territories.

COL. PHILLIMORE: You have said the Foreign Office had no right to have an observer there, and that direct relations with occupied territories were withdrawn, is that right?

VON STEENGRACHT: No, I said that in all occupied territories the Foreign Office no longer had the sole right to negotiate with the government, since there was then either a civil administration in those countries or a military government with auxiliary command offices and a military administrative head, and that these offices themselves then approached the foreign governments and their executive organs in the countries occupied at that time. Consequently one can no longer say that the Foreign Office had the sole right to negotiate with the governments. But in some countries, as in the North and the East, we no longer had any of our people at all, and Hitler had issued the order that we withdraw our observers

from the other countries, such as Holland, Belgium and so on. However, we did not do so.

COL. PHILLIMORE: You say that in France you had an ambassador reporting direct to Ribbentrop, did you not?

VON STEENGRACHT: Yes.

• COL. PHILLIMORE: And his duties included advising the Secret Field Police and the Secret State Police by the impounding of politically important documents and securing and seizure of public property; further, of private and, above all, Jewish artistic property on the basis of instructions especially given for the matter. Isn't that right?

VON STEENGRACHT: I already emphasized yesterday that only since 1943 had I anything at all to do with political affairs. If I understood your question correctly, Mr. Prosecutor, you are of the opinion that the Secret State Police and the German executive organs in France were under our jurisdiction. That is incorrect.

COL. PHILLIMORE: You are not answering the question. I asked you if the Minister Abetz had not got those duties.

VON STEENGRACHT: He did not have the assignment of confiscating any French property or carrying out any action against the Jews. No orders of that kind went through my hands during my time, and he could...

COL. PHILLIMORE: [*Handing the document to the witness.*] Will you look at Document 3614-PS.

My Lord, that was put in as French Exhibit Number RF-1061 on the 4th of February. It is a letter dated the 3rd of August 1940, signed by Ribbentrop, to the Chief of the Supreme Command of the Armed Forces (OKW). It reads:

"The Führer has appointed the former Minister Abetz Ambassador and after my report has decreed as follows:

"I. Ambassador Abetz has the following tasks in France..."

then it sets out a number of tasks and Number 6 is the one I put to the witness:

"6. Advising the Secret Field Police and the Secret State Police in connection with the impounding of politically important documents.

"7. Securing and seizure of public art property; further, of private and, above all, Jewish artistic property on the basis of instructions specially given for this case."

Then the concluding paragraphs:

"II. The Führer has hereby expressly ordered that Ambassador Abetz is exclusively responsible for the handling of all

political questions in Occupied and Unoccupied France. Insofar as his functions touch military interests, Ambassador Abetz will act only in agreement with the Military Commander in France.

"III. Ambassador Abetz is attached to the Military Commander in France as his Commissioner. His seat remains Paris as heretofore. He receives instructions for carrying out his tasks from me and is responsible exclusively to me on these matters."—Signed—"Ribbentrop."

I want to ask you one or two questions about the Jews. You have told us that you and the Defendant Ribbentrop...

THE PRESIDENT: Colonel Phillimore, the Tribunal would like to know why this witness told them that Ambassador Abetz did not have the task of confiscating property.

*[Turning to the witness.]* Why did you say that?

VON STEENGRACHT: Ambassador Abetz had no executive powers, and he was expressly forbidden to intervene in French internal affairs. He could, therefore, address himself exclusively to the French Government, and if the French Government did anything by means of their executive power, then that was a transaction on the part of the French Government but never a confiscation carried out by Abetz.

COL. PHILLIMORE: That is not an answer to the question. The question is why, when you were asked whether Abetz had the task of advising the Secret Field Police and the Secret State Police on the impounding of politically important documents, did you not say so?

VON STEENGRACHT: I said that no order went through my hands, since I did not become State Secretary until May 1943. This is an order of 3 August 1940. But here we are concerned only with an official directive addressed to Ambassador Abetz.

COL. PHILLIMORE: At this time you were Ribbentrop's personal adjutant, weren't you?

VON STEENGRACHT: I was adjutant, but not political secretary. I was only...

COL. PHILLIMORE: You were adjutant?

VON STEENGRACHT: I was adjutant, that is to say I was concerned with technical matters. At that time I never presented a political report to him. But I should add, if I may, this concerns a directive to Ambassador Abetz and this directive was completely outdated by actual conditions. Because advising the Secret Field Police...

COL. PHILLIMORE: How do you know that, if you were only personal adjutant and not acting in political matters?

VON STEENGRACHT: Ambassador Abetz was ambassador until May 1945. Therefore from 1943 to 1945 I continuously corresponded with him, and during that time Ambassador Abetz continually fought against the measures which were carried out by the Secret State Police anyway. It was a bitter struggle and he was personally threatened in all possible matters. One can talk about advice, but whether people heeded him—he had no power—that is quite another question.

COL. PHILLIMORE: Does it come to this, that your answer about occupied territories applies only after 1943?

VON STEENGRACHT: From my own experience I can speak only about the period after 1943.

COL. PHILLIMORE: Now, I want to turn to the question of Jews. You have told us that you and Ribbentrop, by adopting a policy of delay, prevented the holding of the Anti-Jewish Congress in 1944; is that correct?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: And that you were against the policy of persecution of the Jews.

VON STEENGRACHT: Yes.

COL. PHILLIMORE: And so was the Defendant Ribbentrop?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: I want you to look at Document 3319-PS. [*Handing the document to the witness.*]

My Lord, that is a new document. It will be Exhibit GB-287.

[*Turning to witness.*] Now you have got a photostat there. Will you look at Page 4 of the German—that's the first page of the English. That is a letter dated the 28th of April on the subject of anti-Jewish action in foreign countries. It is marked at the bottom of Page 4.

VON STEENGRACHT: I have not found it.

COL. PHILLIMORE: Will you look at Page 4, marked in a black square at the bottom of the page. You see a letter dated the 28th of April 1944, Subject: Anti-Jewish action in foreign countries, and it is addressed to practically every German legation and mission abroad.

VON STEENGRACHT: Yes.

COL. PHILLIMORE: Turn to Page 10. You will see that it purports to be signed by you; is that correct?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: You remember the letter? I will read you the first paragraph to refresh your memory. "The Reich Foreign Minister . . ."

VON STEENGRACHT: Yes.

COL. PHILLIMORE: "...has ordered the creation of Information Department XIV (Anti-Jewish Action Abroad) under the leadership of Envoy I. K. Schleier, whose task it is to deepen and strengthen the anti-Jewish information service abroad by the incorporation of all experts of the departments and working units of the Foreign Office who have an interest and take part in the anti-Jewish information service abroad, in close co-operation with all offices outside the Foreign Office which are engaged in anti-Jewish work and with the German missions in Europe."

Then you set out the co-workers, number of departments of the Foreign Office, and then one permanent representative of the Reich Security Main Office—that's Himmler's office, isn't it?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: And one representative of the office of Reichsleiter Rosenberg. That department just up above "Inland II," that is the Foreign Office which had liaison with the SS, isn't it?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: At that time the chief was a man called Wagner and the assistant chief, Von Thadden?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: Do you still say that you were against the policy of persecution of the Jews?

VON STEENGRACHT: Yes, I maintain that now as before. I also say, as I have already said during earlier interrogations, that even the holding of an anti-Jewish congress in its effect would not have been directed against the Jews because what was happening in Germany was all taking place under the seal of secrecy and no one was informed in any way. The Jews disappeared. But if there had been an international congress, one would have been forced in the first place to bring up the question: where are these Jews anyway? What is actually happening to these Jews?

COL. PHILLIMORE: Is the point this, that you wanted to put off an anti-Jewish congress because that would be known to the world, but you were quite prepared to set up an organization in the Foreign Office?

VON STEENGRACHT: Gentlemen, we must separate two completely different problems here. The one problem is this: There were

offices in Germany which conducted and carried out anti-Jewish measures. These organizations also reached abroad and there, without the knowledge and without the participation of the Foreign Office, did away with the people in foreign countries. Consequently, an improvement and a policy guided to some extent into normal channels could exist only if some German department had really assumed responsibility for these things at that time. For we did not hear of these matters; we always heard the complaints which we received from foreign mission heads about events which took place. But we had no means of control. If I applied to the inner German offices...

COL. PHILLIMORE: Was this set up to control the anti-Jewish policy, this department?

VON STEENGRACHT: Apparently we are discussing two different matters here today. The anti-Jewish congress had been ordered. The fact that Rosenberg's office was holding an anti-Jewish congress...

THE PRESIDENT: You are not answering the question. The question was: Was this organization, referred to in this letter, set up to control the organization of anti-Jewish work abroad? That is the question. Can you not answer that by "yes" or "no"?

VON STEENGRACHT: The Foreign Office could not exercise general control since all anti-Jewish questions were principally dealt with in Rosenberg's office.

COL. PHILLIMORE: Well then, what was the purpose of this organization of the Foreign Office?

VON STEENGRACHT: By Hitler's order we had to contact all German departments and archives in order to collect all the material there, and we attached importance...

COL. PHILLIMORE: And this was ordered by Ribbentrop, wasn't it?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: As set out in your letter?

VON STEENGRACHT: Yes. And we thought it important that we get an idea in this way of what was actually happening to the Jews, *et cetera*, and therefore we drew in people from all offices.

COL. PHILLIMORE: I will show you in a minute what was actually happening and out of your own files, but I just want to put this to you:

The point of your putting off the anti-Jewish congress was simply because you did not want the world to know. You had not the slightest objection to setting up an anti-Jewish organization in Germany.

Now, will you look at Page 32 of the German text.

My Lord, that is on Page 23 of the English text.

You will see there a letter from Rosenberg's office to the Foreign Office, signed by Bräutigam, Page 32 of the German text. It is marked at the bottom of Page 32.

Bräutigam was your liaison officer with Rosenberg, wasn't he, Witness? Was Bräutigam your liaison officer in Rosenberg's office?

VON STEENGRACHT: No. Bräutigam was, I think, in the Foreign Office in 1941.

COL. PHILLIMORE: And in 1942.

VON STEENGRACHT: Yes, but in 1941, since he had previously been working on Eastern problems in the Foreign Office, he had been transferred and was now in the Rosenberg office.

COL. PHILLIMORE: Very well. And you will see there he is referring to a conference with Obersturmbannführer Eichmann, that is, the chief of the Jewish section of the Gestapo, and a Dr. Wetzel, and he sends you a copy of an agreement made at Tighina in Romania on the 30th of August 1941 with the request for acknowledgment.

VON STEENGRACHT: Mr. Prosecutor, there could be an error here. This letter is dated 11 March 1942. I became State Secretary in May 1943. I therefore know nothing about this matter. I should like to remark . . .

COL. PHILLIMORE: You just listen and wait until you are asked a question. We shall get on faster if you just listen to the letter:

"I point out especially Number 7 of the agreements . . . I have already taken a position in my letter of 5 March 1942."

Now, that enclosed an agreement made between the German and Romanian General Staffs, and, if you will look at Paragraph 7, on Page 38 of the German, Page 27 of the English, this was the agreement they made:

"Deportation of Jews from Transnistria. Deportation of Jews across the Bug is not possible at present. They must, therefore, be collected in concentration camps and set to work until a deportation to the east is possible after the end of operations."

And then there's a note on the file on the next page of the German, still on Page 27 of the English:

"According to information from Director General Lecca, today 110,000 Jews are being evacuated from Bukovina and Besarabia into two forests in the Bug River Area. As far as he could learn, this action is based upon an order issued by Marshal Antonescu. Purpose of the action is the liquidation of these Jews."

Now, do you doubt that that agreement, enclosed with that letter sent to the Foreign Office, would have reached the Defendant Ribbentrop?

VON STEENGRACHT: Well. I see this document and this agreement for the first time today. Nothing of this entire affair . . .

COL. PHILLIMORE: Yes. Would you answer the question? Do you doubt that that letter and that agreement enclosed with it would have been shown to the Defendant Ribbentrop?

VON STEENGRACHT: At that time there was an Under Secretary of State Luther in the Foreign Office who acted quite independently; and I fought a bitter battle against him although I was not called upon to do it, because he wanted to introduce National Socialist methods. Whether he submitted this matter to Ribbentrop or not I cannot decide.

COL. PHILLIMORE: Very well. We come to a time when you were the State Secretary. Would you look at Page 31 of the German text, Page 20 of the English.

THE PRESIDENT: What do the words that follow the passage you have just read mean on Page 27: "Bucharest, 17 October 1941 (Signature illegible)"—and below—"To be discussed with Vice Minister President Antonescu. Confidential, Bucharest, 16 October 1943"?

COL. PHILLIMORE: My Lord, it is badly typed. "Bucharest, 17 October 1943" and then follows the next letter. The previous part is a note on the file.

THE PRESIDENT: Very well.

COL. PHILLIMORE: It is a note on the German Legation file on Bucharest.

THE PRESIDENT: Go on.

COL. PHILLIMORE: I have not troubled the Tribunal with the following letters. They deal with the earlier date on the expulsion of Jews from firms owned by citizens of the German Reich.

*[Turning to the witness.]* Now would you look at Page 31 of the German, Page 20 of the English. You will see there a document sent to . . .

THE PRESIDENT: When you started that document you didn't give the date in full. The year there appears to be 1944, doesn't it?

COL. PHILLIMORE: It is not. In 1942, I think, My Lord.

THE PRESIDENT: It should be April 29, 1942? Is the date at the head of the document?

COL. PHILLIMORE: My Lord, the letter I read was dated March '42 and marked with a foreign office stamp "Received 13th of March 1942 . . ."

THE PRESIDENT: I am speaking of the whole document, Page 1 of the document.

COL. PHILLIMORE: My Lord, it is a file, one of those rather inconvenient documents, a file, and it starts with the earliest date at the bottom and then works up to 1944.

THE PRESIDENT: Yes, then the part you read first . . .

COL. PHILLIMORE: That was 1944.

THE PRESIDENT: Very well. What page are you going to now?

COL. PHILLIMORE: I was going to Page 20 now, My Lord.

[Turning to the witness.] Now, this is a communication from Von Thadden who was, as you have told us, assistant in the Department Inland II, to the German Legation in Bucharest. It is dated 12 October 1943, and it is stamped as received on 18 October. And he encloses a letter signed by Müller in the Reichssicherheitshauptamt, to all German police authorities abroad. You will see that it goes to the commander of the Security Police in Prague, The Hague, Paris, Brussels, Metz, Strasbourg, Luxembourg, Kraków, Kiev, Smolensk, and so on. October '43. That is after you had become Secretary of State, isn't it?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: You were appointed in April?

VON STEENGRACHT: Yes.

COL. PHILLIMORE: Turning to the substance of the letter, the subject is the treatment of Jews with foreign citizenship in the sphere of German power:

"In agreement with the Foreign Office, all Jews who remain in the sphere of German power after the end of the so-called home-bringing action and who have the citizenship of the following countries may now be included in the evacuation measures: Italy, Switzerland, Spain, Portugal, Denmark, Sweden, Finland, Hungary, Romania, Turkey.

"Since the evacuation of these Jews to the East cannot yet take place at the present time, for reasons of foreign policy, a temporary stay is provided in Concentration Camp Buchenwald for male Jews over 14 years of age and in the Concentration Camp Ravensbrück for Jewesses and children.

"The necessary measures are to be carried out on the following dates:

"(a) for Jews with Italian citizenship, immediately;

"(b) for Jews with Turkish citizenship, on 20 October 1943;

"(c) for Jews with citizenship of other countries mentioned above, on 10 October 1943.

"A special application for protective custody is not required for the transfer to the concentration camp, but the concentration camp headquarters are to be notified that the transfer to the concentration camp is taking place in keeping with the evacuation measures."

And then there are arrangements about baggage. And if you look at 31-e, you will see at the foot of Page 22, on the English, that that had been signed by Müller and then was signed again by a clerk of Himmler's office. And then on the next page of the English, still on 31-e of the German, Himmler's office sends it to the Foreign Office, to Von Thadden, on 2 October.

Now, did you not see that document when it got to the Foreign Office?

VON STEENGRACHT: No, I see this document today for the first time.

COL. PHILLIMORE: You were the State Secretary?

VON STEENGRACHT: Yes. This obviously concerns a measure which was ordered by another office. Within the German Reich the Foreign Office had no executive powers at all and no possibilities and consequently . . .

COL. PHILLIMORE: No executive powers, but it was sent to you for information.

VON STEENGRACHT: That was sent to us, this affair, solely for our information, and it was not given to me, this affair.

COL. PHILLIMORE: You had a departmental liaison with the SS, a Mr. Von Thadden. Was he not a competent official?

VON STEENGRACHT: The exact content of this affair I do not even know now, because I have not read it through at leisure. I can imagine only the following in reference to this whole matter: The question whether the Jews who were in Germany could be returned to their home countries was discussed for a long time. This, I think, is what we are concerned with here?

COL. PHILLIMORE: I don't think we are interested in your imagination. Either you know or do not know. I asked you whether Von Thadden was a competent official.

VON STEENGRACHT: I have not seen this document.

COL. PHILLIMORE: You are not answering the question. Was Von Thadden a competent official?

VON STEENGRACHT: Von Thadden was a man from the Foreign Office who knew his job.

COL. PHILLIMORE: Yes, knew his job. And do you not think that as State Secretary he ought to have shown you this document?

VON STEENGRACHT: He should have done that, certainly, if this matter was not arranged in another office, and I was completely excluded from the anti-Jewish action. Also instructions about anti-Jewish actions abroad never went through my office. I pointed out yesterday, at the beginning of my statement, that many matters were arranged directly in the highest places, and that the Foreign Office also was not notified afterwards, and orders in these matters...

COL. PHILLIMORE: This is a document you were informed about?

VON STEENGRACHT: Müller sent it to the Foreign Office.

COL. PHILLIMORE: And you sent it to your legation at Bucharest?

VON STEENGRACHT: He ought certainly to have put that before me. But I did not see it.

COL. PHILLIMORE: And if you just look again at the letter, you notice how Müller's instructions start. He begins, "In agreement with the Foreign Office..."

VON STEENGRACHT: Where does it say so? Unfortunately I have not found it.

COL. PHILLIMORE: At the start of the letter: "Subject: Treatment of Jews of foreign citizenship in the sphere of German power." And then he begins: "In agreement with the Foreign Office..." Does that just mean in agreement with Mr. Von Thadden?

VON STEENGRACHT: I assume that this type of thing went to the competent experts, and since this concerns a basic matter it was put directly before Herr Von Ribbentrop. I request that Herr Von Ribbentrop should be asked whether he knows of this matter or not. I have not seen this matter.

COL. PHILLIMORE: This is a matter of such importance that it could not have been agreed with the Foreign Office without Ribbentrop being consulted; isn't that the case?

VON STEENGRACHT: In my opinion, I would never have decided alone on this matter if it had been put before me. I am of the opinion that it was an affair which would have to be put before Von Ribbentrop.

COL. PHILLIMORE: Good. And, of course, Von Ribbentrop was one of the most ruthless persecutors of Jews, wasn't he?

VON STEENGRACHT: That is not correct.

COL. PHILLIMORE: I am going to read you a short passage from a conference between the Führer, Ribbentrop and the Hungarian Regent, Horthy. This is Document D-736, which was put in as Exhibit GB-283 by Sir David Maxwell-Fyfe, to the Defendant Göring. This

was a meeting at Klessheim Castle on the morning of 17 of April 1943. And you see the minutes are signed by Schmidt.

VON STEENGRACHT: Yes.

COL. PHILLIMORE: The question of Jews was raised:

"The Führer replied that it was the fault of the Jews who considered hoarding and profiteering as their main sphere of activity, even during the World War; in exactly the same way as in England, sentences for rationing offenses, and the like, now chiefly concern Jews. To Horthy's counterquestion as to what he should do with the Jews, now that he had deprived them of almost all possibilities of livelihood—he could not kill them off—the Reich Foreign Minister declared that the Jews must either be exterminated or taken to concentration camps. There was no other possibility."

And then, you see, the Führer goes on to describe them as tuberculosis bacilli. Now, in the face of that document, do you still say that the Defendant Ribbentrop was against the policy of persecution and extermination of the Jews?

VON STEENGRACHT: I said yesterday already that Herr Von Ribbentrop, when he was with Hitler...

COL. PHILLIMORE: Never mind what you said yesterday. I am putting it to you now, today. You have now seen that document. Do you still say that Ribbentrop was against the policy of persecution and extermination of the Jews?

VON STEENGRACHT: Here, too, I should like to make a distinction between the real instincts of Von Ribbentrop and what he said when he was under Hitler's influence. I said already yesterday that he was completely hypnotized by Hitler and then became his tool.

COL. PHILLIMORE: Yes, became his tool. And from then on, he was prepared to do anything that Hitler wanted and was as violent a Nazi as anyone; isn't that right?

VON STEENGRACHT: He followed blindly the orders given by Hitler.

COL. PHILLIMORE: Yes. And to the extent of conniving at any and every atrocity, isn't that right?

VON STEENGRACHT: Since he had no executive powers he personally did not commit these cruelties.

THE PRESIDENT: Do any of the other chief prosecutors want to cross-examine?

COL. AMEN: You testified yesterday that you did not consider Ribbentrop to be a typical Nazi; is that correct?

VON STEENGRACHT: Yes.

COL. AMEN: Do you consider Göring to be a typical Nazi?

VON STEENGRACHT: Göring made speeches at every type of meeting and fought for the seizure of power, and accordingly he had a completely different position in the party than Ribbentrop.

COL. AMEN: I think you can answer my question "yes" or "no." We are trying to save time as much as possible.

VON STEENGRACHT: Yes, certainly.

COL. AMEN: Do you consider Göring to be a typical Nazi according to the same standards that you were using with Ribbentrop, yes or no?

VON STEENGRACHT: This question one cannot answer in that way with "yes" or "no." I am trying every . . .

COL. AMEN: You answered it that way with respect to Ribbentrop, didn't you?

VON STEENGRACHT: Göring was a peculiar type of person. I cannot class him with the ordinary Nazis, as one usually expresses it.

COL. AMEN: In other words, you don't know whether you think he is a typical Nazi or not, is that what you want the Tribunal to understand?

VON STEENGRACHT: By a typical Nazi one understands the "average" Nazi. Göring is a unique person and one cannot compare his manner of living with the other National Socialists.

COL. AMEN: Well, are you acquainted with all of the gentlemen in the box there in front of you?

VON STEENGRACHT: Yes.

COL. AMEN: Now, will you tell me which of those individuals you consider to be a typical Nazi, according to the standards which you applied yesterday to Ribbentrop?

THE PRESIDENT: Colonel Amen, I do not want to interrupt your cross-examination, but want to say that there is too much laughter and noise in Court, and I cannot have it. Go on, Colonel, with your cross-examination.

COL. AMEN: Do you understand my last question? Please name those of the defendants in the box whom you consider to be typical Nazis, on the same standard which you yesterday applied to Ribbentrop.

DR. HORN: Mr. President, I am convinced that here the witness is making a decision which in my opinion should be made by the

Court at the end of the proceedings. That is an evaluation which the witness cannot make.

COL. AMEN: This is the subject that was brought up by this very Counsel yesterday with respect to Ribbentrop.

THE PRESIDENT: The Tribunal thinks it a perfectly proper question. They understand that the phrase "a typical Nazi" was used by the witness himself.

COL. AMEN: And please just give us the names and not a long explanation, if you can.

VON STEENGRACHT: I said yesterday that by "typical Nazi" I meant people who are familiar with the dogma and doctrine. I want to add today that by "typical Nazis" I mean further those people who during the time of struggle represented National Socialist ideology and were propagandists of National Socialism. Rosenberg's book is known, Herr Frank, as President of the Academy for German Law is known, these are really—Hess, of course, too—and these are people whom I want to put into the foreground very particularly because by their writings and so forth and by their speeches they became known. No one ever heard Ribbentrop make an election speech.

COL. AMEN: But you are not answering my question. Am I to assume from that that in your opinion Rosenberg, Frank and Hess are the only persons whom you could characterize as being typical Nazis, according to your standards?

VON STEENGRACHT: Well, shall I go through the ranks of the defendants to give an opinion on each one?

COL. AMEN: Precisely. Just give me the names. No, I do not want your opinion. I want to know under your standards which of them you consider to be typical Nazis.

VON STEENGRACHT: I have already stated the standard before. It can be proved by whether the people unreservedly represented the National Socialist ideology in words or at meetings and in this respect I named the prominent ones.

COL. AMEN: And you consider all of the others not to be typical Nazis? Correct?

VON STEENGRACHT: I did not say that. Then I would have to go through them individually.

COL. AMEN: I have asked you to do that three times. Will you please name them individually?

VON STEENGRACHT: I also see Herr Sauckel. Herr Sauckel was Gauleiter and was active as a leader in the National Socialist

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movement. Then I see the Reich Youth Leader, who educated the Hitler Youth.

COL. AMEN: Who else? Just give me the names. Do not give these explanations, please.

VON STEENGRACHT: Well, I think that with that I have pointed out the typical representatives of the Party.

COL. AMEN: Well, how about Streicher?

VON STEENGRACHT: I do not see him here, or I would have answered in the affirmative.

COL. AMEN: In other words, you consider him to be a typical Nazi under your standards?

VON STEENGRACHT: Yes, but please do not attribute his abuses to all National Socialists.

COL. AMEN: Now, while you were working with Ribbentrop, do I understand that you knew nothing about the murders, tortures, starvations and killings which were taking place in the concentration camps?

VON STEENGRACHT: By the fact that foreign diplomats applied to me, and by the fact that I was informed by opposition elements in Germany, and from enemy propaganda, I knew of the existence and some of the methods. But, I emphasize, only a part of the methods. I learned about the total extent and degree only in internment here.

COL. AMEN: Did you know that priests were being tortured and starved and killed in concentration camps while you were working with Ribbentrop?

VON STEENGRACHT: No, I heard nothing specific regarding individual things that occurred there, and if that had happened or has happened to priests, then I would consider the only authentic information to be that which the Nuncio or the Vatican had given me; but that did not occur. But in spite of the fact that, as I said yesterday, the Vatican had no jurisdiction, I took care of all cases based on humanity, that is, all humanitarian cases. I took care of them, and always strove to handle them successfully. I handled 87 cases in which my activity threatened to bring about my death. I intervened in hundreds of cases, and thus saved, or at least improved, the lives of thousands and thousands of people.

COL. AMEN: If you don't confine your answers directly to my questions, it is very difficult to get through and to save time. Now, will you please try to answer my questions "yes" or "no," if possible, and make your explanations short. Do you understand?

VON STEENGRACHT: I understand perfectly. As far as I can, I shall of course do so.

COL. AMEN: Did you know that nuns were being tortured and starved and killed in concentrations camps, while you were working with Ribbentrop?

VON STEENGRACHT: No.

COL. AMEN: You did not know either about what was happening to priests or the nuns or to other inmates of concentrations camps? Correct?

VON STEENGRACHT: I have just said that I have intervened in hundreds of cases, in which I was approached by the Nuncio even when it concerned Jews, for whom the Nuncio was not authorized to act, and in cases in which the Nuncio was acting on behalf of Polish clergymen, also a sphere for which he was not authorized. In spite of the fact that I had strictest orders not to receive such cases, I did receive the cases; and, in spite of the "Nacht und Nebel" decree, I always gave information when I could get any information. Details other than those which I received officially I did not have.

COL. AMEN: And who gave you the instructions not to do anything about these complaints?

VON STEENGRACHT: These orders came directly from Hitler and came to me through Ribbentrop.

COL. AMEN: How do you know?

VON STEENGRACHT: I have already said yesterday that the two notes which before my time were passed by State Secretary Von Weizsäcker to Hitler through Ribbentrop were rejected with the remarks that they were blunt lies and, apart from that, this was not within the jurisdiction of the Nuncio; these notes were to be returned and in the future such documents were not to be accepted. Furthermore, there were to be no discussions and that applied, not only to the Nuncio, it applied to all unauthorized actions particularly when foreign diplomats intervened in matters in which they had no jurisdiction.

COL. AMEN: But do you want the Tribunal to understand that you went ahead and tried to do something about these complaints, whereas Ribbentrop did nothing; is that correct?

VON STEENGRACHT: I tried to settle within my own sphere of jurisdiction all cases which, according to instructions, I was not permitted to accept at all. But if a case here and there was of primary importance, or where the lives of several people could have been saved, I always applied to Ribbentrop. In most of these cases Ribbentrop took the matter before Hitler, after we had invented a

new competence, so that he could not raise the objection that the Nuncio had no jurisdiction. Upon this, Hitler either absolutely rejected them or at least said that the police would have to investigate the case first. This presented the grotesque picture that in a humanitarian matter or an affair which under all circumstances had to be handled as foreign politics, the Foreign Minister no longer made the decision, but the Criminal Inspector Meier or Schulze who only needed to state "Undesirable in the interests of state security."

COL. AMEN: Did Ribbentrop obey the instructions which you say were received from the Führer not to do anything about these complaints or did he not? "Yes" or "no"?

VON STEENGRACHT: I cannot answer that question since I do not know how many orders he received from Hitler and whether he obeyed in each individual case.

COL. AMEN: Well, you have been testifying that you received instructions not to do anything about these complaints from the Vatican; is that not correct?

VON STEENGRACHT: Yes, and I did not obey them.

COL. AMEN: Well, I am now asking you whether Ribbentrop obeyed those instructions or whether he did not.

VON STEENGRACHT: But he was in a higher position. What orders Hitler gave to Ribbentrop privately I cannot say since I do not know.

COL. AMEN: Where did you receive your instructions from?

VON STEENGRACHT: From Ribbentrop.

COL. AMEN: Ribbentrop has testified under interrogation that he knew nothing of what went on in any of these concentration camps until the Führer ordered Luther to be placed in a concentration camp. Do you know who Luther was?

VON STEENGRACHT: Yes.

COL. AMEN: Who was he, please?

VON STEENGRACHT: Luther was an Under Secretary of State of the Foreign Office who was the head of the "Deutschland" department.

COL. AMEN: And when was he placed in a concentration camp?

VON STEENGRACHT: That must have been about February 1943.

COL. AMEN: Now, as a matter of fact, is it not true that Ribbentrop had a whole deskful of complaints from the Vatican about killings, atrocities, the starving of priests and nuns, to which he never made any reply at all, even an acknowledgment?

VON STEENGRACHT: Mr. Prosecutor, what happened before May 1943, I do not know. As long as I was State Secretary, I never failed to accept a note or failed to answer it. On the contrary, I accepted all notes and attempted, as I said before, to assist these people. Regarding conditions before my term of service, I cannot give you any information because I do not know them.

COL. AMEN: Well, I am not talking about that time; I am talking about the period immediately before and following your appearance there in '43. Now I want to read you from . . .

VON STEENGRACHT: I am sorry. I would gladly answer your question if I knew anything about the matter. During my time—I cannot say anything about it because I do not know.

COL. AMEN: Well, I will read to you from the interrogation of Ribbentrop and ask you whether what he says conforms with your recollection of the facts.

VON STEENGRACHT: I should only like to say that until May 1943 I was not active politically, so that from my own knowledge I cannot make a statement about it.

COL. AMEN: Well, as I read the testimony to you, you will find that the interrogation refers to communications which remained in his desk unanswered for an indefinite period of time. Did you have access to Ribbentrop's desk? Did you know what was in it?

VON STEENGRACHT: No.

COL. AMEN: "Question: 'Did you receive from the Vatican a communication dated 2 March 1943 calling your attention to a long list of persecutions of bishops and priests, such as imprisonment, shooting, and other interferences with the exercise of religious freedom?'

"Answer: 'I do not recollect at the moment, but I know that we had protests from the Vatican, that is, we had a whole deskful of protests from the Vatican.'"

Does that conform with your recollection?

VON STEENGRACHT: That was, I must unfortunately say again, before my time. I cannot know whether he had a whole drawer full of things.

COL. AMEN: If they had remained in his desk from March until May, then you would know about them; isn't that correct?

VON STEENGRACHT: I? No. I was not Herr Ribbentrop's servant, who went over his chairs or drawers.

COL. AMEN: So that your testimony is that you knew nothing about any protests from the Vatican other than those which you have already referred to?

VON STEENGRACHT: Apart from those I have mentioned, I know nothing about protests. I emphasize again that during my time in office I accepted them all and answered them all.

COL. AMEN: I will read you further from the interrogation:

“Question: ‘Did you reply to these Papal protests?’

“Answer: ‘I think there were very many we did not reply to—quite a number.’”

Does that conform with your recollection?

VON STEENGRACHT: Certainly, that is correct. That was in accordance with the instructions which were originally given.

COL. AMEN: By whom?

VON STEENGRACHT: Hitler’s instructions.

COL. AMEN: To whom?

VON STEENGRACHT: Certainly to Ribbentrop.

COL. AMEN: Those are the instructions which you say that you were violating on the side, is that correct?

VON STEENGRACHT: Which I did not obey, for otherwise I would not have been allowed to accept the notes from the Vatican in all those cases where the jurisdiction was questioned; nor would I have been allowed to accept, for example, protests from the Swedish Ambassador regarding mistreatment in Norway, which, however, I also accepted.

COL. AMEN: I will continue to read from the interrogation:

“Question: ‘Now, do you mean to say that you did not even read a protest from the Vatican that came to your desk?’

“Answer: ‘It is really true. It is so that the Führer took such a stand in these Vatican matters that from then on they did not come to me any more.’”

Does that conform with your recollection?

VON STEENGRACHT: That Ribbentrop did not receive the protests any more? Yes, that is correct, that tallies with what I said, that in all these cases, where we could not accept them, I tried to settle them on my own responsibility, since it was against orders.

COL. AMEN: And in the course of reading these complaints from the Vatican which went unanswered, both you and Ribbentrop learned full details of exactly what was going on in the concentration camps, did you not?

VON STEENGRACHT: There was never anything about that in these notes—the ones I saw—there was never anything about the treatment in them. Instead they were concerned only with complaints asking why the death sentence was ever imposed, or why

the clergyman was ever arrested, or similar cases, or the closing of churches or the like.

COL. AMEN: I do not want to take the time of the Tribunal to read to you the documents which are already in evidence. I am referring to Document Numbers 3261-PS, 3262-PS, 3264-PS, 3267-PS, 3268-PS and 3269-PS, but in those documents—I am sorry, sir, 3269 is not in evidence. But in those documents, Witness, are set forth the details of numerous individual and collective cases of just what went on in concentration camps. You say you were not familiar with any of those matters?

VON STEENGRACHT: Mr. Prosecutor, I do not think that I expressed myself in that way. I gave you to understand that everything communicated to me by foreign diplomats I do, of course, know. In other words, if detailed reports were received during my term of office, then of course I know it. I never denied it.

THE PRESIDENT: What you said, Witness, was—at least what I took down and understood you to say—that nothing was ever mentioned in the notes about the treatment in concentration camps.

VON STEENGRACHT: But I remarked with reference to the previous question, when the question was put generally as to whether I knew about conditions in concentration camps and the ill-treatment, I said that I knew everything that had been reported to me by foreign diplomats, by people of the opposition, and what I could learn from the foreign press. In other words, if these documents contained details during my time in office, then I know that too. But may I ask the date of the documents?

COL. AMEN: There are many documents with many dates, which can be obtained, but we don't want to take too much of the Tribunal's time. What I want to find out is whether or not you and Ribbentrop did not know all about the murders, tortures, starvations, and killings that were taking place in the concentration camps, and which were the subject of constant and continuous protests from the Vatican, which Ribbentrop has testified were not even read or acknowledged? Do you understand that, Witness?

VON STEENGRACHT: I understand that. I knew nothing at all of the ill-treatment in concentration camps to the degree and in the bestial way that I have heard about here. I must strongly protest against the suggestion that I had heard things like that through the Vatican at that time. Also, I am convinced that Herr Von Ribbentrop had no idea of the details as we have heard them here and as they have been shown in the films.

COL. AMEN: Isn't it a fact, Witness, that if you had followed up any of these complaints from the Vatican which Ribbentrop has

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testified were ignored, you would have found out everything which was going on in the concentration camps to the last detail? "Yes" or "no."

VON STEENGRACHT: No, that is not correct. I said yesterday already that perhaps the key to it can be found in the speech made by Himmler on 3 October 1943, in which he said that the action against Jews and the matter of concentration camps were to be kept just as secret as the matter of 30 June 1934. And the great majority of the German people will confirm the fact that until a short time ago they could not discover anything at all about these events. If I went to Gruppenführer Müller or other officials I was always told that everything in those concentration camps was functioning beautifully and that there could be no question of ill-treatment. Then I insisted that the foreigners, particularly the Red Cross, inspect a concentration camp, and the Danish Red Cross was taken to the Concentration Camp Theresienstadt. After that inspection took place—this was a camp for Jews—the Danish Minister came to me and told me that contrary to expectation everything had been favorable there. I expressed my astonishment and he told me, "Yes, our people were there, there was a theater there, and their own police force, their own hospital, their own money; the thing is well-run." I had no reason, therefore, to doubt that it was true. But I myself could get no idea of the true conditions from any German department, since they would certainly have been afraid to tell a member of the Foreign Office anything about it. But I want to emphasize again that we really had no idea of the atrocities and such things.

COL. AMEN: Why in the world should they be afraid to advise the Foreign Office of these atrocities? Had the Foreign Office ever done anything to discourage them?

VON STEENGRACHT: In all matters which were violations of international law we attempted to bring the case to the attention of the Red Cross in one way or another. We did this particularly in all matters relating to prisoners of war and if anything appeared to be wrong we drew the attention of the Swiss Delegate to it, on our own initiative: "Go to this place and see what is going on." And in this case too, if I had gone to the Swiss and told them in confidence that this and that has occurred in the concentration camps, Switzerland and the Red Cross would probably have interfered, which could ultimately have led to unpleasant measures.

THE PRESIDENT: Colonel Amen, I think we ought to have an adjournment for 10 minutes.

COL. AMEN: I have only a few more questions.

*[A recess was taken.]*

COL. AMEN: So far as you know, after Ribbentrop had received this deskful of complaints from the Vatican, which he neither read nor acknowledged, did Ribbentrop take any steps or do anything to find out whether those complaints were justified and true, or did he not?

VON STEENGRACHT: Regarding the complaints made before my time, I have no idea.

COL. AMEN: I am asking you about any complaints that were received from the Vatican that ever came to your attention, with particular reference, of course, to the deskful to which Ribbentrop himself has testified. Do you know of any steps that were ever taken by Ribbentrop in connection with complaints received from the Vatican about the atrocities taking place in concentration camps? Please try to answer "yes" or "no."

VON STEENGRACHT: So far as I recall he submitted complaints of this sort to Hitler, when he had the opportunity, and then waited for Hitler's order.

COL. AMEN: All right. And when Hitler told him to pay no attention whatsoever to these complaints, he, as usual, did exactly what the Führer told him to do, namely, nothing. Is that correct, so far as you know?

VON STEENGRACHT: Yes, he obeyed Hitler's orders.

COL. AMEN: And did nothing?

VON STEENGRACHT: If that is how the order read, he did nothing, yes.

COL. AMEN: Well, didn't you tell the Tribunal that is what the directive from the Führer was, to pay no attention to these complaints? "Yes" or "no," please.

VON STEENGRACHT: Yes.

COL. AMEN: And so, I say, Ribbentrop, as usual, did nothing about any of these complaints after the Führer instructed him to disregard them. Is that right?

VON STEENGRACHT: I could not quite understand that question.

COL. AMEN: I say after Ribbentrop received instructions from the Führer to disregard these complaints from the Vatican, Ribbentrop, as usual, did what he was directed, namely, nothing.

VON STEENGRACHT: I assume so, except for those cases where he nevertheless tried again and then received the same answer. I also know that he once appealed to Himmler and requested on principle that the actions against the Jews should not be carried out; and he proposed that Jewish children and women should, I believe, be turned over to England and America.

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COL. AMEN: And you also know what reply he received to that suggestion, don't you?

VON STEENGRACHT: I do not know the answer.

COL. AMEN: Well, you are certainly familiar with the fact that no such thing was ever done, are you not?

VON STEENGRACHT: That it was never carried out? I did not understand the question.

COL. AMEN: The suggestion which you claim that Ribbentrop made to Himmler. That suggestion was never carried out, was it?

VON STEENGRACHT: I do not understand; in what way not carried out? So far as I know—Ribbentrop appealed directly to the foreign countries at that time. I also do not know what answer he received at that time, at least not in detail.

COL. AMEN: Well, so far as you know, nothing ever came of that suggestion, correct?

VON STEENGRACHT: No, nothing came of it.

COL. AMEN: And, as a matter of fact, you know that Ribbentrop and Himmler were not on good terms anyway, do you not?

VON STEENGRACHT: Yes.

COL. AMEN: That was a matter of common knowledge to everybody, wasn't it?

VON STEENGRACHT: Yes, the enmity became greater in the course of time.

COL. AMEN: So far as you know, did Ribbentrop take bromides every day?

VON STEENGRACHT: That I do not know. He . . .

COL. AMEN: You never saw him taking any?

VON STEENGRACHT: It could be; I do not know.

COL. AMEN: Well, did you ever see him taking any, or did he ever tell that he was taking them?

VON STEENGRACHT: Yes, I remember now that he took some sort of red substance but I did not pay particular attention to it.

THE PRESIDENT: Do we have anything to do with whether he took bromides?

COL. AMEN: Yes, your Lordship, we will, because in his interrogations he claims that his memory as to many of these events has been obscured or removed by the over-use of such medicine.

THE PRESIDENT: All right.

COL. AMEN: Now, Witness, were you incarcerated at one time at a place known as "Ash Can"?

VON STEENGRACHT: In a refuse can?

COL. AMEN: Outside of Luxembourg.

VON STEENGRACHT: In a refuse can? I cannot remember it.

COL. AMEN: Near Luxembourg.

VON STEENGRACHT: Locked in a refuse can? No, I do not remember.

COL. AMEN: After you were taken prisoner, where were you incarcerated?

VON STEENGRACHT: Mondorf.

COL. AMEN: For how long a period of time?

VON STEENGRACHT: In Mondorf altogether 11 weeks.

COL. AMEN: And at that time were numerous of the defendants in this case also incarcerated there?

VON STEENGRACHT: Yes.

COL. AMEN: And while you were there you were free to have conversations with some of the inmates?

VON STEENGRACHT: Yes.

COL. AMEN: And you did, from time to time, have such conversations? Right?

VON STEENGRACHT: Yes. I was not together with them all the time, because I was transferred to another camp.

COL. AMEN: Now, in the course of your conversations with one or another of the inmates there, did you make the statement which I am about to read to you, either in exact words or in substance? Do you understand the question? "Ribbentrop is lacking in any notion of decency and truth. The conception does not exist for him." Please answer "yes" or "no." Did you say that, Witness, did you say that?

VON STEENGRACHT: I should be grateful if I could hear that exactly again what I am supposed to have said.

COL. AMEN: Now remember, I am asking you whether you said it either in the exact words or in substance. Do you understand that?

VON STEENGRACHT: I did not precisely understand the German translation of your question.

COL. AMEN: Do you now understand it?

VON STEENGRACHT: I do not understand. I did not exactly understand the German translation.

COL. AMEN: Yes, but do you understand my question, namely, that you are to say, whether you used these exact words or some other similar words? I will now read it to you again. Do you understand?

VON STEENGRACHT: Yes, I would be grateful.

COL. AMEN: "Ribbentrop is lacking in any notion of decency and truth. The conception does not exist for him."

VON STEENGRACHT: I cannot recall that I ever made such a statement. I would have to know to whom I am supposed to have said it.

COL. AMEN: Do you deny having made that statement, or is it simply that you can't remember whether you did or not?

VON STEENGRACHT: I cannot remember having said that.

COL. AMEN: Is it possible that you did?

VON STEENGRACHT: It could be that I made such a statement, in some connection.

COL. AMEN: Very good.

THE PRESIDENT: Do the other prosecutors wish to ask any questions?

MAJOR GENERAL N. D. ZORYA (Assistant Prosecutor for the U.S.S.R.): To save time, I shall restrict myself to a few questions only. Insofar as I can understand the translation of your testimony, which you submitted yesterday, you testified to the fact that besides the Ministry for Foreign Affairs many individuals and organizations had influenced Germany's foreign policy.

VON STEENGRACHT: Yes.

GEN. ZORYA: Tell me, which of the defendants in the present Trial whom you see in the dock attempted to influence and did, to a certain extent, influence Germany's foreign policy.

VON STEENGRACHT: Foreign policy was, of course, after the beginning of the war...

GEN. ZORYA: I must ask you here and now not to make any declaration on Germany's foreign policy, but to indicate precisely, in the form of a reply to my question, which of the defendants in the present Trial attempted to influence and did influence Germany's foreign policy?

VON STEENGRACHT: The basic lines of foreign policy were determined solely by Hitler. The fact that we had occupied many countries and in these various countries had occupied the most varied positions...

GEN. ZORYA: We know all about that. I ask you to indicate by name, which of the defendants in the present Trial attempted to influence and did influence Germany's foreign policy. Is my question clear to you?

VON STEENGRACHT: Foreign policy, as I stated yesterday, was in its broad outlines determined by Hitler alone; but those people who were assigned to special fields naturally exercised some

influence in one respect or another. For example, some one who had a special assignment concerning the police, carried out police measures; some one who had to take care of labor problems conducted labor affairs. The same is true of other sectors.

GEN. ZORYA: You still do not answer my question. I ask you to indicate, regardless of the form and extent of his influence, which of the defendants in the current Trial attempted to influence, and did influence, in one form or another, Germany's foreign policy, and this apart from representatives of the Ministry for Foreign Affairs.

VON STEENGRACHT: I assume that you are asking this question in relation to Russia; as the Foreign Office no longer had jurisdiction after the entrance of German troops into Russia . . .

GEN. ZORYA: I request you to understand my question thoroughly and to answer which of the defendants, and in what form, regardless of concrete facts of foreign policy, attempted to influence this foreign policy of Germany and did, in effect, so influence it.

VON STEENGRACHT: Yes. As regards Russia, the Eastern ministry was competent for these questions.

GEN. ZORYA: No, not as regards Russia.

VON STEENGRACHT: In Norway Terboven laid down the policy. Quite naturally he influenced Hitler in his attitude toward Norway and Norwegian problems. In the same way the individual chiefs of the administrations in the individual countries exerted influence depending on how close they could come to Hitler with their reports.

THE PRESIDENT: We don't want you to make speeches; we want you to answer the question. You weren't asked who influenced the foreign policy, but which of the defendants influenced foreign policy. You may say none, or you may say some. It is a question that you must be able to answer.

VON STEENGRACHT: I would assume that Rosenberg had something to say regarding Russia, Frank had something to say regarding Poland, Seyss-Inquart had something to say regarding Holland. Other matters touched only special sectors. Naturally the SS had something to say; the Wehrmacht had something to say, also the various other offices and they naturally all exerted a certain influence but only a certain influence. However, the basic policy was conducted solely by Hitler.

GEN. ZORYA: Do you not wish in this connection to name the Defendant Göring?

VON STEENGRACHT: Göring carried on the Four Year Plan and in this capacity he naturally also exercised a certain influence on Russia.

GEN. ZORYA: What did this influence consist of?

VON STEENGRACHT: There again I must say that I and the Foreign Office had nothing to do with Russia, and that we were strictly forbidden to intervene in Russian affairs. In the sphere of propaganda and the press we were in no way permitted to become active. For this reason I am especially badly informed on Russian affairs.

GEN. ZORYA: Did the Defendant Göring have any influence in other questions besides the Russian question?

VON STEENGRACHT: I did not understand the question in German.

GEN. ZORYA: Besides the Russian question, did the Defendant Göring exercise any influence on other questions in the sphere of foreign policy?

VON STEENGRACHT: I would say that until the year 1938 he certainly had influence over Hitler in matters of foreign policy.

GEN. ZORYA: You have stated in your testimony that in July '44 the Ministry for Foreign Affairs participated in preparations for the anti-Jewish Congress which, it was assumed, would be held in Kraków. Will you please answer this question briefly, "yes" or "no."

VON STEENGRACHT: Yes.

GEN. ZORYA: Do you know who were the candidates for honorary membership in this congress?

VON STEENGRACHT: Probably there were many, Ribbentrop among others, as far as I still remember today.

GEN. ZORYA: Who else from among the defendants?

VON STEENGRACHT: I really cannot say. As far as I remember, Rosenberg and a large number of other leading personalities, but I cannot recall their names any longer. Naturally there are documents on the subject, so that it can be ascertained without trouble.

GEN. ZORYA: Did Ribbentrop attempt in any form whatsoever to protest against the inclusion of his name in the roster of honorary members of this congress?

VON STEENGRACHT: So far as I can recall he very unwillingly took over this post; but I do not believe that he really intended to take any active part in this matter.

GEN. ZORYA: If I have understood you correctly, you have recently testified to the fact that relations between Ribbentrop and Himmler were hostile.

VON STEENGRACHT: Yes, bad relations.

GEN. ZORYA: But can you state whether any contact existed between Ribbentrop and Himmler in their work, whether they maintained this contact in any one particular sphere or branch of their work?

VON STEENGRACHT: As a matter of fact, there was no working contact such as would have been considered right in a well-organized state. Of course, now and then there were matters somewhere that concerned both of these men, and to that extent they did have contact, yes.

GEN. ZORYA: What was the nature of this contact, and what, exactly, did it represent?

VON STEENGRACHT: It really only amounted to this: that Ribbentrop or Himmler saw each other every few months. Besides that, we had a liaison man in the Foreign Office for the Reichsführer SS Himmler.

GEN. ZORYA: Then how does all this fit in with the hostility which, as you have just mentioned, existed between Himmler and Ribbentrop?

VON STEENGRACHT: I presume you are referring to the second question I answered. In every normal state it was the case that the ministers saw each other at least once a year and exchanged opinions. This, however, did not take place, since, as we have already heard today at some length, the fields of jurisdiction overlapped to a great extent and the activity of one man touched very closely on the activity of the other. Therefore some connection had to be established whether one wanted it or not.

GEN. ZORYA: Do I understand you to say that Himmler and Ribbentrop never even met?

VON STEENGRACHT: They met perhaps once every 3 months. It might have been every 4 months and they usually met only if, by chance, both Ribbentrop and Himmler were visiting Hitler at the same time.

GEN. ZORYA: And there were no special meetings, no business contact between them at all?

VON STEENGRACHT: Actually not.

GEN. ZORYA: I should like you to familiarize yourself with Document Number USSR-120, which has already been submitted as evidence to the Tribunal. You will see that this is an agreement between Himmler and Ribbentrop regarding the organization of intelligence work. Are you familiar with this agreement?

VON STEENGRACHT: Yes, certainly.

GEN. ZORYA: The contact between Himmler and Ribbentrop was evidently closer than you wished to describe.

VON STEENGRACHT: I do not believe, Mr. Prosecutor, that I wanted to give you any impression other than the one that actually existed. This refers to Hitler's order of 12 February 1944. On the basis of this order Himmler took charge of all activity abroad without the participation of the Foreign Office, and after he had become the successor to Canaris, through this order he secured a predominant position abroad. And if the Foreign Office in one way or another had not tried to contact this organization, then the Foreign Office would have had no influence at all even in foreign countries. We had to fight vigorously over this document, for on the basis of this document Himmler was obliged for the first time to communicate to us also the information that he brought to Germany. Otherwise he brought these reports in without telling us about them. That was the reason why we reached this working agreement. But so far as I recall, it was not put into practice at all, because Hitler's order was issued on 12 February 1944 and we had not come to an agreement until February 1945. Then it gradually came about. That must be approximately the date. At any rate it took quite a while.

GEN. ZORYA: You say that this agreement never became valid?

VON STEENGRACHT: I did not say that. An agreement becomes effective at the moment in which it is signed. But it was not put into practice or hardly put into practice.

GEN. ZORYA: I think we shall have to content ourselves with your reply and pass over to some other questions. Did you ever come in contact with Kaltenbrunner?

VON STEENGRACHT: Did I come into contact with Kaltenbrunner? Yes.

GEN. ZORYA: On what questions?

VON STEENGRACHT: On precisely those questions which, for example, the Nuncio addressed to me and also about people who because of the Nacht und Nebel decree had been deported from abroad and about whom we were not allowed to give information, I often went privately to Kaltenbrunner and pointed out to him that this order was inhuman. As a favor Kaltenbrunner then frequently gave me information; and I, contrary to the orders, transmitted this information abroad because I considered it justified for humanity's sake. Those were the main points of contact which I had with Kaltenbrunner.

GEN. ZORYA: Did you, in particular, have any conversation with him on the subject of the Danish policemen interned by the Gestapo in a concentration camp without any concrete charges presented against them? Please reply to this question by saying "yes" or "no."

VON STEENGRACHT: Yes.

GEN. ZORYA: During one interrogation, an interrogation conducted by an American interrogator, you stated that, although these policemen were eventually sent back to Denmark, they were very badly treated.

VON STEENGRACHT: Yes.

GEN. ZORYA: What did this ill-treatment consist of?

VON STEENGRACHT: I learned at that time, I believe through the Danish Minister, that 1600 Danish policemen . . .

GEN. ZORYA: I must ask you to be brief. Of what did the ill-treatment consist which was meted out to the Danish policemen who were interned in a concentration camp without any concrete charges being presented against them?

VON STEENGRACHT: These policemen were transported from Denmark. When I learned of it, I went to Kaltenbrunner on the same day and asked him under all circumstances to treat these people as civilian internees or as prisoners of war.

GEN. ZORYA: I beg your pardon, but you are not answering my question. What did the ill-treatment of the Danish policemen consist of?

VON STEENGRACHT: I assume that you want to know whether Kaltenbrunner is personally responsible for it and to this I would have to tell you the opposite. I am . . .

THE PRESIDENT: Will you answer the question? It was repeated. You must understand what the question is: What was the bad treatment? Either you know or you do not know. If you know, you can say so.

VON STEENGRACHT: So far as I can remember, 10 percent of these prisoners died.

GEN. ZORYA: Is that all you can say in reply to the question?

VON STEENGRACHT: Regarding details of the ill-treatment I was informed by Denmark that the men were not allowed to keep their uniforms and had to wear concentration camp clothes, that this concentration camp clothing was too thin and the men frequently died of inflammation of the lungs, also that the food was insufficient. I did not learn any more at the time. They were also flogged.

GEN. ZORYA: Witness, please tell us: Did you ever come across the activities of the Defendant Sauckel?

VON STEENGRACHT: I came into touch with Sauckel's activities only insofar as we objected that so many people from abroad were brought into Germany by force.

GEN. ZORYA: Do you perhaps remember a conference at which both you and Sauckel were present? You have already mentioned

this fact in the course of your interrogation prior to the opening of the current Trial.

VON STEENGRACHT: Yes.

GEN. ZORYA: Do you perhaps remember you testified in the course of this interrogation: "But the measures adopted for recruiting people in Russia and similar countries are beyond description."

VON STEENGRACHT: In the session—I did not understand the question.

GEN. ZORYA: You stated, during the interrogation of 28 September 1945—I am quoting verbatim: "But the measures adopted for recruiting people in Russia and similar countries are beyond description." Do you remember your testimony?

VON STEENGRACHT: I confirm that statement.

GEN. ZORYA: Then you confirm it? Will you kindly enumerate, if only in brief, what precisely were the indescribable measures adopted by the Defendant Sauckel in Russia and other countries?

VON STEENGRACHT: I know of only one case that was reported to me at the time. It concerned the fact that in a certain sector, people were invited to a theatrical performance and the theatre was surrounded, and the people who were inside were brought to Germany for forced labor. It concerns these measures of which I have heard.

GEN. ZORYA: I have no further questions to ask.

COL. POKROVSKY: I request permission to ask one more question, or rather, to have one more question elucidated.

THE PRESIDENT: Colonel Pokrovsky, the Tribunal has already indicated that it wishes the cross-examination to be cut down as far as possible, and it really cannot hear more than one counsel on behalf of each of the four countries. It doesn't wish to hear more than one on behalf of each of the four countries. I am afraid we can't hear any further cross-examination from you.

COL. POKROVSKY: The question is not a new one. The witness has not answered a question which was repeated four times.

THE PRESIDENT: It is a new counsel though.

COL. POKROVSKY: No. The Soviet Prosecutor asked which of the defendants influenced the foreign policy of Germany. The witness replied, "The Armed Forces." I wished to . . .

THE PRESIDENT: I am sorry, Colonel Pokrovsky, but I have given you the Tribunal's ruling. We cannot hear more than one counsel. I hope, as I say, that the prosecutors will make their examination as short as possible.

M. EDGAR FAURE (Deputy Chief Prosecutor for the French Republic): This witness having been already interrogated at considerable length, I wish to ask only a very short question.

Witness, I should like you to confirm precisely what you have already declared, that the German Embassy in Paris was under the authority of Ribbentrop and was responsible only to him; is that correct?

VON STEENGRACHT: I did not understand that question in German.

M. FAURE: Is it correct from your declaration, and from what you know, that the German Embassy in Paris was under the authority of Ribbentrop and that it was responsible only to him?

VON STEENGRACHT: Yes.

M. FAURE: Does it mean that every important measure taken by the Embassy would have to be known by the Defendant Ribbentrop?

VON STEENGRACHT: Yes.

M. FAURE: I simply wanted to have this point elucidated in view of the interrogatory of the witness, and I have no further questions to ask.

THE PRESIDENT: The Tribunal will adjourn until 2 o'clock.

*[The Tribunal recessed until 1400 hours.]*

### *Afternoon Session*

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): Mr. President, I request permission to ask one question which I could not ask before. The Russian Prosecutor asked whether the witness had discussed the question of the Danish policemen with Kaltenbrunner. In this connection it remained entirely unanswered how Kaltenbrunner himself behaved. I simply want to ask this one question.

THE PRESIDENT: Yes, Dr. Kauffmann.

DR. KAUFFMANN: Witness, would you please tell the Tribunal how Kaltenbrunner behaved when you discussed with him the question of the Danish police who had been inhumanly treated—how Kaltenbrunner behaved in this connection and what he did.

VON STEENGRACHT: The question is perhaps not quite correct the way you put it when you say "who had been inhumanly treated," for they could not have been dealt with. They had just been turned over to the concentration camp. So the moment I heard about it I went to Kaltenbrunner and told him that these people could not be put into a concentration camp. They had to be treated either as prisoners of war or as civilian internees.

Kaltenbrunner listened to this and said he was also of that opinion, and in my presence gave the order that these men should be transferred from the concentration camp to a prisoner-of-war camp. I therefore assumed that the matter was thereby settled and then found out a fortnight later that they were still in the concentration camp. I appealed to Kaltenbrunner earnestly. Kaltenbrunner said he could find no explanation for it. I could not find any either, since the order to transfer these people had been given in my presence. We subsequently carried on many negotiations regarding this matter. I had the impression that other influences were at work there and that Kaltenbrunner could not enforce his opinion.

DR. KAUFFMANN: Was he against this inhuman treatment?

VON STEENGRACHT: He always told me that he was in favor of their being put in a prisoner-of-war camp. That was naturally a substantial improvement.

DR. KAUFFMANN: No further questions.

THE PRESIDENT: Dr. Horn, do you wish to re-examine this witness?

DR. HORN: I have no further questions to put to the witness.

THE TRIBUNAL (Mr. Biddle): Was Ribbentrop in favor of violating the Treaty of Versailles or was he opposed to that?

VON STEENGRACHT: I should like to say...

THE TRIBUNAL (Mr. Biddle): Could you say "yes" or "no" and then explain later?

VON STEENGRACHT: He wanted a modification.

THE TRIBUNAL (Mr. Biddle): Was Ribbentrop in favor of the reoccupation of the Rhineland?

VON STEENGRACHT: At that time I did not know Ribbentrop and consequently cannot answer this question.

THE TRIBUNAL (Mr. Biddle): Was Ribbentrop opposed to rearmament?

VON STEENGRACHT: I cannot answer this question either, because I did not know him at that time. I saw him for the first time in the year 1936.

THE TRIBUNAL (Mr. Biddle): Was he in favor of the Anschluss?

VON STEENGRACHT: That I assume.

THE TRIBUNAL (Mr. Biddle): Was he in favor of the Tripartite Pact?

VON STEENGRACHT: Yes.

THE TRIBUNAL (Mr. Biddle): That is all.

THE PRESIDENT: The witness may retire.

*[The witness Von Steengracht left the stand.]*

DR. HORN: Yesterday I concluded the presentation of my documents with the submission of Ribbentrop Exhibit Number 10 (Document Number Ribbentrop-10)—on page 35 of the document book. From this document I proved that Von Ribbentrop conducted his foreign policy according to lines laid down by Hitler. I should like to prove with the following documents what the foreign political situation was that Ribbentrop found when he took office in February of 1938. I ask the Court to take judicial notice of the following documents, the numbers of which I shall now communicate to the Tribunal, without my reading anything from them, in order that I may later be able to come back to them in my final speech.

The first of these documents is the document which bears the Ribbentrop Exhibit Number 14 (Document Number Ribbentrop-14). It is a question here again of an extract from the *Dokumente der Deutschen Politik*, Volume 1, and carries the heading "Proclamation of the Reich Government to the German People of 1 February 1933." This document describes briefly Germany's position at that time and the intentions of the Hitler Government that came to power on 30 January 1933.

The next document that I ask the Tribunal to take judicial notice of is Ribbentrop Exhibit 15 (Document Number Ribbentrop-15). This document is also taken from the first volume of the *Dokumente der Deutschen Politik*. It carries the title "Adolf Hitler's Address on the Occasion of the Inauguration on 21 March 1933 in Potsdam". In this document, too, basic expositions are made regarding the internal and external policy agreed upon by the new government.

As the next document, I ask the Court to take judicial notice of Ribbentrop Exhibit Number 16 (Document Number Ribbentrop-16). Again it is a document from the above-mentioned volume of documents. It is headed "Adolf Hitler's Speech on His Program at the Meeting of the Reichstag in the Kroll Opera House on 23 March 1933."

I ask the Court to take judicial notice of the next document, Ribbentrop Exhibit Number 17 (Document Number Ribbentrop-17). It is again an excerpt from the *Documente der Deutschen Politik*.

COL. POKROVSKY: I would not like to interrupt Dr. Horn, but not one single document among those which he now mentions, beginning with Number 14, and as far as I understand, until Number 44, inclusive, was put at the disposal of the Soviet Prosecution, and I cannot see any possibility of aiding the Tribunal in the study of these documents until we have received them. I suppose that the Tribunal will judge it necessary to put off the studying of these documents until the Soviet Prosecution have received them.

DR. HORN: May I give a short explanation please. I have inquired as to what extent the translations have progressed. Three weeks ago I turned in my documents in the prescribed manner, the last of them about 10 days ago. I was informed that the Translation Division unfortunately had too few French and Russian translators available to have the translation of the documents in these two languages as far advanced as is the case in the English language up to now. These are, of course, things over which I have no influence.

THE PRESIDENT: Dr. Horn, the Tribunal appreciates that you have done what fulfills the obligations which rested upon you and they, therefore, think that the documents should go in, subject of course to any objection being taken to them when the translations are available.

DR. HORN: Yes, Mr. President, as a precaution I have already informed Colonel Pokrovsky that this was the case, without knowing in detail what documents had been translated into Russian. That was as far as I could possibly go to reach an understanding, because the other thing was beyond my control.

MR. DODD: I wonder if it would be possible for Dr. Horn to indicate very briefly the purpose for which he offers these documents as they come up. We will have objection to some, I know, but some of that objection may be clarified if we hear beforehand just what the purpose of the offer is.

THE PRESIDENT: Mr. Dodd, Dr. Horn is putting in a large number of documents at the present moment and asking the Court to take judicial notice of them and if the Prosecution finds that there is something specific that they want to object to, wouldn't it be best that they should do that hereafter?

MR. DODD: I thought it might be of assistance and save us from rising very often if he gave us some idea of the purpose for which the offer is made.

THE PRESIDENT: I think it would take longer probably.

DR. HORN: May I make a short explanation on this subject? Since 1933 my client has occupied official positions that were closely tied up with foreign policy. The direction of a foreign policy that had, as its aim, the waging of aggressive war, has been charged against him. I now submit with these documents the evidence which demonstrates how the policy developed and that the Defendant Von Ribbentrop on his part made long and continuous efforts to avoid a war of aggression, for example, Ribbentrop Exhibit Number 17, (Document Number Ribbentrop-17) of which I ask the Tribunal to take judicial notice. It is in the document book on Page 40 and contains a speech of 17 May 1933 by Hitler before the German Reichstag on the National Socialist Peace Policy.

THE PRESIDENT: Yes, go on, Dr. Horn.

DR. HORN: This document of 17 May 1933 I cite as proof of Germany's general will to disarm and as proof that the Reich Government made efforts to bring about a general pacification of Europe.

As to the next document, I ask the Court to take judicial notice of Ribbentrop Exhibit Number 18 (Document Number Ribbentrop-18). It is again a document from the same collection and is headed "Treaty of Agreement and Co-operation of 15 July 1933," known in brief as the "Four Power Pact." It is on Page 42 of the document book. This Four Power Pact between Germany, France, England, and Italy was inspired by Mussolini. Its purpose was to bring about general disarmament and particularly, to make effective the revision article—Number 19—in the Covenant of the League of Nations. This pact did not come into being because France did not ratify it.

As to the next document, I ask the Court to take judicial notice of Ribbentrop Exhibit Number 20 (Document Number Ribbentrop-20).

It concerns a "Proclamation of the Reich Government to the German People in Connection with the Withdrawal from the League of Nations on 14 October 1933." This proclamation of the Reich Government affirms the failure of the disarmament conference and gives a short account of Germany's reasons for withdrawing from the League of Nations. In connection with this proclamation, Hitler on the same day made a speech over the radio in order to state the reasons for Germany's withdrawal from the League of Nations. I submit this speech to the Tribunal as Ribbentrop Exhibit Number 21 (Document Number Ribbentrop-21), and ask the Tribunal to take judicial notice of it. The speech is on Page 45 of the document book.

In order to justify the then existing foreign policy to the people as well as to obtain a confirmation of the policy at that time, Reich President Von Hindenburg, on 11 November 1933, called the German people to the ballot box. The proclamation in that connection is contained in Ribbentrop Exhibit Number 23 (Document Number Ribbentrop-23), which is found on Page 48 of the document book. I present it to the Court again with the request for judicial notice.

I further ask the Court to take judicial notice of Exhibit Number 24 (Document Number Ribbentrop-24) in which the text of the question and the results of the election are to be found. It is on Page 49 of the document book which is before you.

In the course of her disarmament policy, Germany, on 18 December 1933, issued a German Memorandum on the disarmament question and Germany's attitude regarding the disarmament problem. I offer the Court this document for judicial notice as Ribbentrop Exhibit Number 25 (Document Number Ribbentrop-25).

The next document is contained on Page 51 of the document book and describes the course of the disarmament negotiations and Germany's attitude toward these negotiations. I submit it to the Court for judicial notice as Ribbentrop Exhibit Number 26 (Document Number Ribbentrop-26). The document is on Page 51 of the document book, and is headed "The German Memorandum on Disarmament of 19 January 1934."

The German view on disarmament is again set forth in the following document, Ribbentrop Exhibit Number 27 (Document Number Ribbentrop-27), set forth on Page 53 of the document book, and is entitled "German Memorandum of 13 March 1934." I ask the Tribunal to take judicial notice of this document.

The German Government answered an English disarmament memorandum on 16 April 1934 with an *aide-memoiré* to the English Government. I ask the Court to take judicial notice of this document as Ribbentrop Exhibit Number 28 (Document Number Ribbentrop-28).

In the course of the disarmament negotiations, France, in 1934, suggested a pact which became known under the name of the "Eastern Pact." Regarding this Eastern Pact, the German Government expressed their view in a communiqué of the German Reich Government of 10 September 1934, which is on Page 56 of the document book, and to which I have given the Ribbentrop Exhibit Number 30 (Document Number Ribbentrop-30), again with the request that judicial notice be taken of it.

As the next document, which is on Page 57, I present to the Court for judicial notice: Ribbentrop Exhibit Number 31 (Document Number Ribbentrop-31). It concerns a copy of the *Dokumente der Deutschen Politik*, Volume 3, and shows the reply of the Reich Government of 14 February 1935 to the suggestion for an air pact. Germany's comments on this air pact include the following—I read Paragraph 2 from this exhibit and begin the quotation:

"The German Government welcomes the proposal to increase safety from sudden attacks from the air by an agreement to be concluded as soon as possible, which provides for the immediate use of the air forces of the signatories on behalf of the victim of an unprovoked air attack."

In the year 1935 compulsory military service was reintroduced in Germany. On this occasion the German Government addressed a proclamation to the German people. This proclamation is on Page 59 of the document book and carries the Ribbentrop Exhibit Number 33 (Document Number Ribbentrop-33). I request that this excerpt from the proclamation be given judicial notice.

As Ribbentrop Exhibit 34 (Document Number Ribbentrop-34), I submit a communiqué of the German Reich Government of 14 April 1935 on Germany's attitude toward the Eastern Pact. It is on Pages 61 and following of the document book and I ask, without my reading anything from it, that the Tribunal take judicial notice of it.

The introduction of compulsory military service was regarded by the signatory countries of the Versailles Treaty as an infraction of Part V of this treaty. The states protested against the reintroduction of compulsory military service in Germany. A protest was issued by the Reich Government against this decision of the Council of the League of Nations of 17 April 1935. This protest is on Page 63 of the document book. I have this document the Ribbentrop Exhibit Number 35 (Document Number Ribbentrop-35), and ask the Tribunal to take judicial notice of it. In this document the German Government dispute the right of the governments represented in the Council of the League of Nations, who approved the decision of 17 April, to set themselves up as judges over Germany. In this protest it is stated that this attitude is interpreted

as a manifestation of renewed discrimination against Germany and consequently is rejected.

I turn now to Ribbentrop Exhibit Number 36 (Document Number Ribbentrop-36) which is on Page 64 of the document book. This concerns the German memorandum to the Locarno Powers of 25 May 1935, and deals with the incompatibility of the Soviet Pact with the Locarno Treaty. The Defendant Ribbentrop participated decisively in the negotiations that led to the drawing up of this memorandum and to the presentation of the German point of view before the League of Nations and the Locarno Powers. I ask the Court to take judicial notice of the document because it contains Germany's legal attitude toward this problem.

A further memorandum to the Locarno Powers is to be found on Page 68 of the document book (Document Number Ribbentrop-36) Exhibit Number Ribbentrop 36, and it again exposes briefly and clearly the incompatibility of the Soviet Pact with the Locarno Treaty. I ask that also this German memorandum to the Locarno Powers—it is dated 25 May 1935—be given judicial notice.

The legal point of view which formed the basis for this memorandum was presented in a speech by Hitler, concerning the peace policy in the German Reichstag on 21 May 1935, in order again to prove German willingness for peace and disarmament. At the same time a peace and disarmament proposal was submitted in London by Ribbentrop. I ask that this document, this speech by Hitler, be given judicial notice as Ribbentrop Exhibit Number 37 (Document Number Ribbentrop-37). It is on Pages 69 and following of my document book.

As the next document to prove that Germany made continuous efforts for disarmament and attempts at agreement, I submit Ribbentrop Exhibit Number 38 (Document Number Ribbentrop-38), for judicial notice, which is on Page 77 of my document book. This concerns the Anglo-German Naval Agreement of 18 June 1935, in which Ribbentrop played a decisive role, and for the ratification of which Ribbentrop exerted himself particularly. He induced the French Government in particular, by his own efforts, to agree to this treaty. That was necessary because this naval agreement made necessary a change in Part V of the Versailles Treaty, already cited—it is the part that is concerned with disarmament instructions and armament stipulations. At that time Ribbentrop succeeded in persuading the French Government to give their approval to this agreement. I submit this document as Ribbentrop Exhibit Number 38, with the request for judicial notice.

I may, in addition, say in this connection that this treaty was at that time considered, both by Ribbentrop and Hitler, as the cornerstone of a far-reaching proposal for an understanding and an

alliance with England. During the succeeding years, as well as during the time he served as ambassador in London and also as Foreign Minister, Ribbentrop made constant efforts to bring about such a pact of agreement in some form or other.

As the next document I submit Ribbentrop Exhibit Number 39 (Document Number Ribbentrop-39), which is on Page 79 of the document book.

Again, and in view of the reoccupation of the Rhineland, the German Government found themselves compelled on 7 March 1936 to present their attitude, through a memorandum, to the signatory powers of the Locarno Pact. This point of view is found in the document just mentioned and I ask the Tribunal to take judicial notice of it.

The occupation of the Rhineland had led to a protest by the powers interested in it. Ribbentrop replied to this protest with a speech before the Council of the League of Nations in London and then delivered another protest before the Council of the League of Nations against the protest of the signatory powers of Locarno. This protest of the then Ambassador Von Ribbentrop, which I present as Ribbentrop Exhibit Number 40 (Document Number Ribbentrop-40), which is on Page 83 of my document book, I also submit for judicial notice.

As the next document I present to the Court Ribbentrop Exhibit Number 41 (Document Number Ribbentrop-41), on Page 84 of the document book, with the request for judicial notice. It contains the last peace proposals by Germany in connection with the disarmament and peace proposals of that time. It is headed "Peace Plan of the German Government of 31 March 1936."

In subsequent years Germany made repeated efforts to bring about the withdrawal of the war guilt lie. In the year 1937 German and Italian relations became constantly closer; and in connection with these relations Hitler, on 30 January 1937, on the fourth anniversary of the National Socialist revolution, made a proposal before the German Reichstag in the Kroll Opera House in Berlin, that agreements should be reached with other European nations in Europe on the same basis as between Germany and Italy, in order to attain harmonious relations. I ask that this document be accepted as Ribbentrop Exhibit Number 43 (Document Number Ribbentrop-43), which is on Page 88 of the document book. In this document the withdrawal of the war guilt lie was clearly requested once more. I quote from the third paragraph of the above:

"Above all, therefore, I solemnly withdraw Germany's signature from that statement, extorted against her better judgment from the weak German government of the day, that Germany is to blame for the war."

As the next document I bring...

THE PRESIDENT: I beg your pardon. Are you referring to 44?

DR. HORN: I was just referring to Ribbentrop Exhibit Number 43 (Document Number Ribbentrop-43), which is on Page 88 of the document book. Please pardon me if I left that out.

THE PRESIDENT: There was some passage you read in it which does not appear to be translated here.

DR. HORN: Did I correctly understand you to say, Mr. President, that there was no English translation in the document book?

THE PRESIDENT: Well, I am not quite sure. I did not catch it myself. Did you read anything which is not in the document book?

DR. HORN: No, Mr. President, I have cited only what is in the document book. It is on Page 88, Paragraph 3 and it is specifically the paragraph that begins, "And fourthly..."

THE PRESIDENT: Thirdly, isn't it?

DR. HORN: Paragraph 3, and this paragraph is again divided into four subparagraphs and I have read the fourth subparagraph.

I come now to Ribbentrop Exhibit Number 44 (Document Number Ribbentrop-44), which is on Page 90 in the document book. This document contains the German note on Belgian inviolability, dated 13 October 1937. This document is of importance in view of the events of 1940; and, in order to make clear the German view, I should like to read the last paragraph, which in my document book is on Page 91 and which is preceded by the Roman numeral II. I quote:

"The German Government assert that the inviolability and integrity of Belgium are of common interest to the western powers. They confirm their determination not to impair that inviolability and integrity under any circumstances and to respect Belgian territory at all times, excepting of course, in the case of Belgium collaborating in an armed conflict directed against Germany in which Germany would be involved."

I ask that this document be given judicial notice.

With this I conclude the series of documents which are to serve me, in my final speech, as the basis for expounding the conditions of foreign policy that Ribbentrop found upon his entry into office as Foreign Minister. I shall refer to these documents when the occasion arises.

THE PRESIDENT: Have you filed them in Court with the Secretary?

DR. HORN: Mr. President, in connection with yesterday's discussion I again untied these documents and handed them, signed, to the General Secretary.

The next documents that I submit serve as substantiation of what I shall say later regarding Ribbentrop's participation in the policy that led to the Anschluss with Austria.

I should like to refer, first of all, to Document 386-PS, already presented by the Prosecution, which is contained in my document book. I am unfortunately not in the position to read off the page numbers to the Tribunal because we ourselves have not yet received the files, that is, the document book which now follows. This document follows Ribbentrop Exhibit Number 44, which was on page 90 of the document book.

THE PRESIDENT: Exhibit Number 44 is the last document in the second document book. There are not any more, are there? There are not any more?

DR. HORN: I was informed today that the English Document Book was finished and had been presented to the Tribunal. We unfortunately have not yet received a copy, so I cannot compare the page numbers.

THE PRESIDENT: Well, we haven't got it. We have only those two and the last exhibit in the second book is Number 44, which you have just read. But, Dr. Horn, as the document has already been put into evidence, it is not necessary for you to produce it. You can say that you rely upon it; that is all that is necessary.

DR. HORN: Yes, but I believe that we must immediately decide the question of the continuation of my presentation. I want to make clear again that, after the Tribunal had ruled on the way in which documents were to be presented, I at that time immediately submitted my documents to the Tribunal for translation in the prescribed way, in that I presented 6 document books bearing my signature. Unfortunately the Translation Division was unable to keep up with the pace of the presentation of evidence by the Defense and I am in the uncomfortable position of being unable to provide the Tribunal with the assistance of pointing out the pages in order to continue my delivery smoothly.

THE PRESIDENT: Yes, Dr. Horn, we think you had better go on, just notifying us which the documents are and whether they are already in evidence or whether you are offering them in evidence now. You have told us Document 386-PS. We can make a note of that—that is already in evidence. I do not know whether all your other documents are already in evidence or whether there are any documents which are not and which you are now going to offer in evidence.

DR. HORN: The following documents are new. As to Document 386-PS, I should only like to make clear that Von Ribbentrop was

not one of those present at that time. He has also learned here for the first time of this document and its contents—it concerns the well-known Hossbach Document.

The next document to which I shall refer in my final speech is Document Number 2461-PS, already submitted by the Prosecution. It is the official German communication regarding the meeting between the Führer and Reich Chancellor with the Austrian Federal Chancellor Dr. Schuschnigg in Berchtesgaden on 12 and 15 February 1938. I refer to this document to prove to what extent Ribbentrop participated in this discussion.

The next document to which I shall refer, and which I present to the Tribunal with the request for judicial notice, is Ribbentrop Exhibit Number 11 (Document Number Ribbentrop-11), which is in my document book. This document...

THE PRESIDENT: Dr. Horn, the Tribunal does not think it is really necessary for you to refer to any documents which are completely in evidence already unless you are going to read some passage in them and rely upon some passage in them which has not already been read. I mean, supposing that the Prosecution read a particular sentence out of a particular document and you want to refer to some other sentence in it, then it will probably be right for you to indicate that; but, if the document has been read in full, any further reference is a mere matter of argument and is not really a matter of evidence, and you will be at liberty, you see, to argue it whenever you come to make your speech. So that, I mean, as a matter of saving time, it would not be necessary to refer us to 386-PS or 2461-PS unless there is some passage in them which you rely upon and which has not been read by the Prosecution.

DR. HORN: I may then go on to Ribbentrop Exhibit Number 11 and present it to the Court for judicial notice. It concerns an agreement between the German Reich Government and the Austrian Federal Government on 11 July 1936. When, on 12 February 1938, Ribbentrop drove with Hitler to Berchtesgaden to have a conference with Dr. Schuschnigg, then Chancellor of Austria, he was not informed about the deviation of Hitler's plans from the agreement of the year 1936 between Germany and Austria, and he conducted his discussion with Schuschnigg also in the spirit of the agreement of 1936. One month later the Anschluss with Austria came about.

As proof that this Anschluss corresponded to the wish of the Austrian population, I refer to Ribbentrop Exhibit Number 12 (Document Number Ribbentrop-12), which I present to the Tribunal for judicial notice. It is the result of the national plebiscite and of the election to the Greater German Reichstag of 10 April 1938. From this document it is to be seen that at that time in Austria a total

of 4,484,475 people had the right to vote, 4,471,477 voted, 4,453,772 voted for the Anschluss, and only 11,929 voted against it.

THE PRESIDENT: Have we got this document? We do not have it in our books. Does the clerk of the Court have it?

DR. HORN: It is in the document book as Ribbentrop Exhibit Number 12.

THE PRESIDENT: Well, it goes from 10 to 14 for some reason. Let me look at it. There is some mistake, apparently. It has not been copied; that is all. It is not in our books, but here it is, so it is all right. Go on.

DR. HORN: Mr. President, it is to be seen from this document that the Austrian people at that time expressed themselves in favor of the Anschluss with 99.73 percent of the votes cast.

As the next document I submit Ribbentrop Exhibit Number 13 to the Tribunal for judicial notice. I submit this document as proof that the Anschluss would hardly have come about by international negotiations, according to the opinion not only of the German Government, but also of the English Government. I should like as proof of this assertion to read the following from this document. It concerns a statement by Under Secretary of State Butler before the House of Commons, which reads as follows—it was made on 14 March 1938:

“The English Government discussed the new situation with ‘friends of the Geneva Entente’ and it was unanimously”—I emphasize the word unanimously—“agreed that a discussion in Geneva of the situation in Austria would not bring satisfactory results but that the result would probably again be some kind of humiliation. The Under Secretary of State stated that England had never assumed any special guaranty for the ‘independence’ of Austria which had been forced in the treaty of St. Germain.”

I ask the Tribunal to take judicial notice of this document. Subsequently to this the reunion of Austria with the German Reich took place as set down in the law of 13 March 1938, which also was signed by Ribbentrop.

Herewith I end the submission of those documents of mine that are related to the question of Austria. I may now...

THE PRESIDENT: Just a minute Dr. Horn, the only desire of the Tribunal is to save time, and we observe from the index in your document book that there are, I think, over three hundred separate documents upon which you wish to rely, and most of them appear to come from the various books, the German White Books and these other books, which the Tribunal provisionally allowed to you.

Wouldn't the most convenient course be for you to put them in, in bulk, saying that you are putting in Exhibits 44 to 314, or whatever it may be, rather than simply detail each document by its number? If you have a particular passage which you want to read at this moment, you can do so; but it seems to take up unnecessary time, simply to give each exhibit number one after the other.

DR. HORN: Very well, Mr. President, I shall mention those numbers in this way which I should like only to bring to judicial notice, briefly mention from such and such to such and such, when it is a matter of several numbers; and I shall ask the Court to accept them then.

THE PRESIDENT: Yes.

DR. HORN: I will now turn to the question of Czechoslovakia. The American Prosecutor stated in his presentation on this question that this marked the end of a series of events that struck him as one of the saddest chapters in human history—the violation and destruction of the weak and small Czechoslovak people. As proof that there was no Czechoslovak people in the usual sense of the term either before or after 1939, I would like to read a few extracts from Lord Rothermere's book *Warnings and Prophecies*, which has been expressly granted me through a ruling by the Tribunal. This is Ribbentrop Exhibit Number 45 (Document Number Ribbentrop-45).

THE PRESIDENT: Did the Tribunal allow Lord Rothermere's book?

DR. HORN: The Tribunal has granted it to me and even put at my disposal an English copy, which I herewith hand to the Court.

THE PRESIDENT: Dr. Horn, the question of admissibility was to be finally determined when each book is offered in evidence, and I think you will remember that the Tribunal stated in one of its orders that the opinions of particular authors upon matters of ethics, history, and events would not be admitted.

Lord Rothermere is apparently an author and was not a member of the British Government; and therefore, unless there is some very particular reason, it would not appear that his books—or statements in his books—are in any way evidence.

DR. HORN: The paragraphs to be presented are concerned entirely with matters of fact; and I therefore request that the Tribunal take judicial notice of these facts. There is no question of any polemic discussions.

THE PRESIDENT: The distinction which exists is this: The Tribunal under Article 21 is directed to take judicial notice of official government documents, reports, *et cetera*. This is not an official government document. Therefore—you say it is factual evidence—

it is not evidence, for the purpose of this Tribunal, of any facts stated in it. So far as it is facts, it is not evidence of the facts, and so far as it is opinion, it is Lord Rothermere's opinion.

Well, Dr. Horn, can you tell me what you want to prove by it?

DR. HORN: I should like to prove by it, first, a few historical facts; secondly that the difficulties of a state composed of many nationalities, of which Czechoslovakia is an example, led to this conflict with the German minority and consequently with the German Government. I want to provide you with the reasons and motives that led to the incorporation of the Sudetenland into Germany.

MR. DODD: If Your Honor please, on behalf of the United States I wish to object véry strongly to this offer for the reason given by Dr. Horn—the first reason—and for the reason given secondly. If I understood the translation correctly, I understood him to say in the first place it was offered to prove that there was no such thing as a Czech people. I don't think that is a matter that can properly be raised certainly here before this Court. We object that it is out of place to offer such proof. We object furthermore for the reason given in the second explanation by Dr. Horn.

DR. HORN: May I again point out that I wish to demonstrate by this means, the motives that led to the separation of the Sudetenland in the year 1938?

If I wish to adopt an attitude toward some international offense with which someone is charged and adjudge it, I must also be in a position to judge the motives underlying it. Otherwise it is impossible for me to conduct a legal investigation.

I may also point out that I had first of all asked the Tribunal for documents of the League of Nations as evidence and I would have referred to these official documents if this evidence had come into my possession in time; but as I am not yet in possession of them, I have resorted to presenting facts to the Tribunal instead.

THE PRESIDENT: Will you repeat that, about the League of Nations? I did not catch what you said.

DR. HORN: I have asked the League of Nations' Library for the appropriate documents regarding minorities which are in the possession of the League of Nations, in order to submit them as evidence. The office of the General Secretary is obtaining this evidence for me, but so far I have not received it. Consequently I had to refer to this weaker source of evidence in connection with documents which are comparable to the government reports of Article 21, or which are themselves such reports.

THE PRESIDENT: Have you specified the passages in the book to which you wish to refer? I mean, have you marked them somewhere in some copy of the book?

DR. HORN: I have requested documents regarding minorities in Czechoslovakia, as far as these questions have been decided by legal proceedings conducted by the League of Nations and by the International Court at The Hague. This is a collection published by the League of Nations regarding minority matters and constantly brought up to date. It is an official collection of documents.

THE PRESIDENT: I was only asking you whether you had specified the particular passages in Lord Rothermere's book which you want to put in.

DR. HORN: I am sorry. I did not understand your question. Could I request you to repeat the question?

THE PRESIDENT: The question I asked was whether you have specified the particular passages in Lord Rothermere's book which you want to use.

DR. HORN: I have marked these passages, and they are on Pages 137, 150, 138, 151, 161...

THE PRESIDENT: Not so fast, I want to get them down. 137, 138...

DR. HORN: Pages 161, 162, 140, 144, 145, 157. They are in each case just short paragraphs.

THE PRESIDENT: Dr. Horn, it is an appropriate time for us to break off.

*[A recess was taken.]*

THE PRESIDENT: Dr. Horn, the Tribunal will rule upon the admissibility of these passages from Lord Rothermere's book when they have had the translation submitted to them. In the meantime, will you go on presenting your documents in the way that I suggested, and not stopping to detail any of them except those that you particularly want to.

DR. HORN: May I explain very briefly that the oppression of German racial groups in the border territories of Czechoslovakia led to the formation of the Sudeten German Party, and to the co-operation and consultation of the latter with official German agencies. Therefore the Defendant Von Ribbentrop, in his capacity of Reich Foreign Minister and within the scope of the directives he received, held conferences with leaders of the national groups. A number of documents have already been submitted in evidence by the Prosecution and I shall refer to them later. In this connection may I ask to make a correction in Document 2788-PS, where, on Page 2, approximately in the middle, it says "by the extent and gradual"—there is an error in translation here. Our document says

“provocation,” whereas the original says “specification (Präzisierung) of the demands in order to avoid entering the government.” I request the correction of this error, as it distorts the meaning.

In the course of the Prosecution’s presentation Von Ribbentrop was said to have supported the high-handed conduct of the Sudeten German leaders. As evidence to the contrary I refer to a part of Document 3060-PS which has not yet been read and from which the contrary can be gathered, that is, that the then Foreign Minister Von Ribbentrop took measures against the high-handedness of the Sudeten German leaders with the help of his Ministry in Prague. As evidence of this, may I quote the first and second paragraphs of this document.. I quote:

“The rebuff to Frank”—that is, the leader of the Sudeten German Party at that time—“has had a salutary effect. I have discussed matters with Henlein, who had avoided me recently, and with Frank, separately, and have received the following promises:

“1. The policy and tactics of the Sudeten German Party must follow exclusively the lines of German foreign policy as transmitted through the German Legation. My directives must be obeyed implicitly.”

These directives do not apply within the frame of the general policy which had as its aim the avoidance of direct interference in Czech affairs or in the policy of the Sudeten German Party.

Regarding the details of the activity of the German Government and of the Foreign Office in their relations with the Sudeten German Party, I shall question Herr Von Ribbentrop when he is called as a witness.

I now pass on to Ribbentrop Exhibit Number 46 (Document Number Ribbentrop-46), which I submit to the Tribunal for judicial notice. This document is a report from the Legation of the Czechoslovak Republic in Paris. It is concerned with the meaning and purpose of Lord Runciman’s mission to Prague. It shows that that mission was entrusted to him by England for the purpose of gaining time for rearmament. I should like to read the document.

“Paris, 5 August 1938. Secret. Mr. Minister,

“Massigli considers the sending of Lord Runciman to Prague a good thing. Anthony Eden said, during a conversation with Ambassador Corbin (the French Ambassador to London) that on earnest reflection the sending of Lord Runciman to Prague was a step in the right direction, as he is said to be going to engage England more directly with Central Europe than has been the case up to now. Massigli says that the English know that there will be war, and that they are trying every means

to delay it. He is perfectly aware that Lord Runciman's mission to Prague for the purpose of settling that dispute is *per se* a danger to Czechoslovakia; for Lord Runciman might, for the alleged purpose of gaining time, propose something which could be tremendously detrimental to Czechoslovakia.

"To this view of Massigli's I add further information which is extremely instructive. During the recent grain conference held in London, the British, the Dominions, the United States, and France conducted separate discussions. The French Delegate had a discussion with Minister Elliot (British Minister of Health) and Morrison (British Minister for Agriculture) as well as with the distinguished expert, Sir Arthur Street, who was in the Ministry of Agriculture and who had been entrusted with a leading post in the Air Ministry. From the speeches, conduct, and negotiations of the British Delegation, the French Delegate gathered the positive impression that the British were interested in organizing grain supplies not so much to prevent the conflict as to win the conflict. The ministers Elliot and Morrison are both supposed to believe in the possibility of a conflict.

"Sir Arthur Street said that in 6 months' time he would have put British aviation on its feet. Therefore much importance is attached to the gaining of time in England.

"I mention this information at this point in connection with Lord Runciman's mission to Prague; because, as I said already, the question of gaining time plays an important if not decisive role in the sending of Lord Runciman to Prague.

"With best greetings, yours sincerely—Ususky."

On 29 September 1938, the Munich Pact was concluded, in which Von Ribbentrop also participated. Just how far, is something I shall demonstrate when the defendant is examined in the witness box regarding his policy.

On 30 September there was a mutual declaration, which I submit to the Tribunal as Ribbentrop Exhibit Number 47 (Document Number Ribbentrop-47). That declaration by the Führer and the British Prime Minister Chamberlain, dated 30 September 1938, was planned to serve the purpose of removing all differences still pending between Germany and England.

The reaction to this agreement differed in Germany and in England. As evidence for the British reaction I refer to Ribbentrop Exhibit Number 48 (Document Number Ribbentrop-48), which I am offering to the Tribunal with the request for judicial notice. This is an extract from the speech of the British Prime Minister Chamberlain in the House of Commons on 3 October 1938. May I quote the following from its first paragraph:

"If there is a lesson we can learn from the experiences of these last weeks it is the fact that lasting peace cannot be attained by sitting still and waiting for it. Active and positive efforts are required to attain this peace. We, in this country have already been busy for a long time with a rearmament program whose speed and extent increase constantly. Nobody should believe that, because of the signing of the Munich Agreement by the four powers, we can at present afford to reduce our efforts regarding this program..."

As evidence of this rearmament program, which Chamberlain himself said was constantly growing in speed and size, I should like to prove this assertion by reference to Ribbentrop Exhibit Number 49 (Document Number Ribbentrop-49). This is a speech of the British Secretary of State for War, Hore-Belisha, at the Mansion House in London, given on 10 October 1938, and I request the Tribunal to take judicial notice of this speech also, from the extracts which I am submitting. May I quote a few words from them?

"More still, however, is to be done to give full force and opportunity to the territorial army as a whole."

I am now skipping one paragraph and read the following paragraph, Paragraph 5, which says:

"As regards the organization of new formations, infantry brigades will in future have three battalions, as in the Regular Army, instead of four. Employing the material that we have, we find that we can form nine complete divisions on the Regular Army model..."

"We have provided also a considerable number of modern corps and army units, such as Army Field and Survey regiments. R.A. and Signal Corps will be ready to take their place in such formations should war eventuate. This is also in accordance with Regular Army organization."

So much for the quotation from the speech of the Secretary of State for War.

In Ribbentrop Exhibit Number 50 (Document Number Ribbentrop-50) further stress is laid on armament. It concerns a speech of Winston Churchill's of 16 October 1938, and I beg the Tribunal to take judicial notice of this speech in connection with extracts from it as a document. I am quoting only a few sentences from it:

"We must arm... We shall no doubt arm."

"Britain, casting away habits of centuries, will decree national service upon her citizens. The British people will stand erect and will face whatever may be coming. But arms—instrumentalities, as President Wilson called them—are not sufficient by themselves. We must add to them the power of ideas. People say we ought not to allow ourselves to be drawn into

a theoretical antagonism between Nazidom and democracy, but the antagonism is here now."

I prove the fact that England was arming energetically in the air far beyond the normal needs of defense, by Ribbentrop Exhibit Number 51 (Document Number Ribbentrop-51), which I am offering to the Tribunal with the request for judicial notice. This is a declaration of the British Secretary of State for Air in the House of Commons, dated 16 November 1938...

THE PRESIDENT: Dr. Horn, I thought you understood what the Tribunal wanted you to do, which was to put in the documents all together. I think I have said from 44—wasn't it the document that you had got to?—to 300 something, that you could put them in all together. But now you have gone through 46, 47, 48, 49, 50 and 51, and you seem to be going through each one in detail, doing exactly what I asked you not to do. Didn't you understand what I said?

DR. HORN: The way I understood you, Mr. President, was that I may read important parts from them. That is what I did. It concerns only important extracts.

THE PRESIDENT: Are you going to find an important passage in each of the 300 documents?

DR. HORN: No, Mr. President, certainly not; but if I cannot read these documents, these extracts, then I would like to ask the Tribunal to accept my whole document book as evidence so that I can refer to it later.

THE PRESIDENT: That is what we intended to do. What we want you to do is to offer in evidence now, stating that you offer from Exhibit 44 up to 300 and whatever the number is, and we will allow you, of course, to refer to them at a later stage when you make your speech; and if there is any passage which the Prosecution object to, they can inform you about it beforehand and the matter can then be argued. But what we do not desire to do is to take up the time of the Tribunal by either offering each of these documents by its number individually, 44, 45, and so on, or that you should read anything except passages which are of especial importance at this moment. After all, you are not putting forward your whole case now; you are only introducing your evidence.

DR. HORN: Mr. President, I had...

THE PRESIDENT: I am reminded that of these last few exhibits to which you have been referring, you have referred to about six, all of them upon British rearmament. That is obviously cumulative, isn't it? Therefore, it cannot be that all those are all particularly important to you.

We only desire to get on, and we desire you, as I have said, to put in these documents, if I may use the phrase, in bulk; and we do not desire you to refer to any of them beyond that.

DR. HORN: In that case I am offering Number 51...

COL. POKROVSKY [*Interposing*]: If I understand rightly, Dr. Horn up to now has not drawn any conclusions from those directions which were given him, time and again, by the Tribunal.

I had an opportunity, that is, as far as I could, actually to acquaint myself with those translations that are gradually coming to me, and, by the way, Dr. Horn turned over these documents, not 3 weeks ago, as he said, but considerably later. As far as I can see up to now, I have a whole series of objections.

Most of the documents in general are altogether irrelevant to the matter, and in particular, absolutely irrelevant to the case of Ribbentrop.

THE PRESIDENT: Colonel Pokrovsky, we have already indicated that we do not want to deal with questions of admissibility at the moment, because the documents are not before us. I do not understand the purpose of your objections. We haven't got the documents here. How can we tell whether they are admissible or not?

COL. POKROVSKY: I have an objection in principle. Part of the documents—I will not quote their contents but merely for illustration will name two or three numbers. Some of them are direct filthy and slanderous attacks by private persons against such statesmen as Mr. Roosevelt, the late President of the United States. I have in mind the Documents Number Ribbentrop-290(4), 290(3), 290(1). Some of them are just provocative forged documents. I have in mind Document Number Ribbentrop-286.

There is a whole series of documents which fall directly under the terms of those directions that were given to Dr. Horn by the Tribunal, and it seems to me that if Dr. Horn will continue reading those documents into the record...

THE PRESIDENT [*Interposing*]: Colonel Pokrovsky, as I have said, we haven't got these documents before us. You say documents 290(1), 290(3), 290(4), and 286—I don't know even what the documents are. I have never seen them.

I think the best way would be for the Chief Prosecutors to submit their objections in writing, and then they will be considered by the Tribunal. The documents aren't here. We can't do anything until we see what the documents are. In order to try and get on with this case, we are allowing Dr. Horn to put in the documents in bulk. But your objections now are really simply taking up time

and doing no good at all. If you would put in your objections in writing, saying that you object on certain grounds to these documents, that matter would be considered; but we can't consider it without that.

COL. POKROVSKY: My objection was dictated by the wish to save time and is of a very practical nature.

From the moment when a certain document—well, at least the contents of it—from the moment even a brief account of it is recorded in the transcript this material becomes the property of the press; and it seems to me that it is not in our interests to have a document which is a known falsification, and the fate of which has not been determined by the Tribunal, that such a document should be turned over to certain circles and that it should be made public.

Meanwhile, among the documents which have been presented by Dr. Horn, there are such documents; and it is not quite clear to me why these particular documents were delayed in translation, why these documents were presented later than others. And on the basis of this consideration I thought it my duty to address the Tribunal, and I think that the Tribunal will consider the reason for my objections.

THE PRESIDENT: I follow what you mean now with reference to documents being communicated to the press, and steps ought to be taken on that. The Tribunal will rule now that documents, upon the admissibility of which the Tribunal has not ruled, are not to be given to the press. I believe there have been some infractions of that in the past; but that is the Tribunal's ruling, that documents should not be given to the press until they have been admitted in evidence before this Court.

COL. POKROVSKY: Thank you.

THE PRESIDENT: I ought perhaps to add that the Tribunal are not in complete control of this matter. It is for the Prosecution to see—and also possibly for the Defense—that documents should not be given to the press until they have been admitted in evidence here.

COL. POKROVSKY: Up to now the order was such if the documents mentioned in Court are recorded in the transcript, then they become public property.

SIR DAVID MAXWELL-FYFE: Your Honor, I wonder if I could help on that practical point, because it is one which has given us a little concern.

As Your Lordship knows, the practice has been that the documents have been given some 24 hours before they are produced

in Court, on the understanding which has been practically entirely, completely, complied with, that the press would not publish until the document is put in evidence. And, My Lord, I am sure that if the Tribunal expressed the wish that where any objection is taken to a document and the Tribunal reserves the question of admissibility, the press would, in the spirit with which they have complied with the previous practice, comply at once with the Tribunal's desire and not publish it in these circumstances. I think that in practice that would solve the difficulty which Your Lordship has just mentioned.

THE PRESIDENT: The only thing is, of course, that we are now dealing with a very large number of documents which Dr. Horn wants to submit; and, as you have heard, for purposes of trying to save time we have asked him to submit those documents in bulk.

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: And of course it is very difficult, if not impossible, for members of the Prosecution to make their objections to documents when they are offered in bulk in that way. Therefore, I think the most convenient course would probably be if, as soon as the translation of those documents has been made, the Prosecution could indicate any objections they have to them and the Tribunal would consider them. And after the order of the Tribunal has been made upon them, they should then be made available to the press.

SIR DAVID MAXWELL-FYFE: My Lord, I respectfully and entirely agree. My Lord, the Prosecutors did confer. Of course the only material that they had to confer upon was the short description of the document in Document Book Number 1, and on that it appeared to all of us that there were a number of documents which might be and probably were objectionable. But, clearly, from our point of view it would be much more satisfactory if we had the opportunity of seeing the actual document in translation, and then we should gladly comply with what Your Lordship has suggested, namely, that we will make the objections in writing to such of those as we think are objectionable and let the Tribunal have them.

THE PRESIDENT: Sir David, a good many of them, I believe, are in English, and you could let us have your objections as soon as possible. Perhaps the press would act in accordance with our wishes and not make public those documents to which objection is taken until we have ruled upon them.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases, yes. We will make our objections as soon as we have had the opportunity of reading the documents.

THE PRESIDENT: Very well.

DR. HORN: May I, Mr. President, state that none of my material has been handed to the press by me up to now. I may further state that by an order of the Tribunal only that part was to be translated which was considered relevant by the Prosecution. On the basis of this ruling I cannot rightly comprehend the one point of Colonel Pokrovsky's objection regarding the intrinsic value of the documents. I do not believe that the Prosecution, on the strength of that ruling, would translate anything which, as Colonel Pokrovsky emphasized, must be designated as dirty in its contents. I think that would have been rejected already before now by the Prosecution and therefore the danger does not exist at all that any such translation or original will reach the press.

THE PRESIDENT: I haven't seen the documents, so I can't say, but if you would continue in accordance with the scheme that I have suggested to you, I think that would be the best course for you to take.

DR. HORN: May I now submit the documents referring to armament, military as well as economic, which at the same time show the co-operation between Britain and France? These are the Documents Number Ribbentrop-51 to 62, in my document book. I ask the Tribunal to take judicial notice of these documents.

I come to the question of Czechoslovakia. As evidence for the fact that Slovakia requested to be taken under German protection I shall present to the Court Ribbentrop Exhibit Numbers 63, 64, and 65 (Documents Ribbentrop-63, 64, and 65) with the request that they be given judicial notice. Furthermore, I shall examine the Defendant Ribbentrop concerning this subject when he takes the stand and, as far as is necessary, I shall have him express an opinion regarding these particular documents. Now I shall submit Documents Numbers 66 to 69 (Documents Ribbentrop-66 to 69) to the Tribunal for judicial notice. They contain statements regarding the reaction in Britain to the occupation of the rest of the Czech country on 15 March 1939 by Germany. Regarding the details as to how the creation of the protectorate came about I shall again question the Defendant Von Ribbentrop concerning the individual documents.

As the next group of exhibits, I present to the Tribunal the document which refers to Article 99 of the dictate of Versailles and which specifically refers to the international legal position of the Memel territory. We are concerned here with Documents Ribbentrop-70 and 71 of my document book.

Regarding the fact that in accordance with the presentation of evidence up to now, I had timed myself not to proceed any further today than to this document, I should like to ask your Lordship's permission to submit the rest of the documents to the Tribunal

tomorrow. For up to now, on the strength of the existing practice of the Tribunal that the documents be partly read with connecting text, I had expected not to go any further than to this document.

THE PRESIDENT: Dr. Horn, why don't you put them all in now? You say you have an index of them. All you have to say is that you offer in evidence the documents from 71 to 300 and something and then they go in, and then if the Prosecution should take an objection to them, of course you can be heard upon the question of the objection.

DR. HORN: May I have your permission to confer with my colleague for one moment and see how much material he has here, so that I can then offer evidence on the separate subjects to the Tribunal? May I again ask Your Lordship?—I gather from this ruling of the Tribunal that submission of evidence here is no longer to take place but merely presentation of exhibits quite apart from the contents.

THE PRESIDENT: Presumably when these documents are submitted for translation which I understand you say you have done—but at any rate, if you haven't done it already you will be doing it—you will mark the passages upon which you rely. Some may be in books, and there you will indicate only certain parts; in documents you will indicate the parts upon which you rely, which is what we desired you to do. You described all these documents by numbers and gave them exhibit numbers in your document book and all we want you to do now is to offer them in evidence and then the Prosecution, when they have been translated, will have the opportunity of objecting to them on the ground of their being cumulative or of their being inadmissible for some other reasons; and, if necessary, you will be heard upon that. All we want you to do now is to get on. What difficulty there can be in submitting these documents, all of which you have indexed in your document book, the Tribunal is quite unable to see.

DR. HORN: Until now, however, the ruling of the Tribunal was to this effect that we, in the Defense presentation, were not only allowed to submit our documents but also to deliver them with a connecting text so as to indicate the attitude of the Defense. Just recently, Mr. Justice Jackson suggested that, on the contrary, the documents should be handed over in their entirety and that objections could be raised subsequently by the Prosecution against the individual documents without their being presented. This suggestion was turned down on the strength of representations made by Dr. Dix, and the Tribunal intended to continue the established procedure, namely, that the documents could be read and brought forward with a connecting text. Now, we come today to a complete departure from this procedure, in which only the documents, and

these in bulk, are presented to the Tribunal for judicial notice. That is naturally such a deviation that one first of all has to regroup all these documents, in order to be able to submit them to the Tribunal in their proper order, for up to now we had planned to deliver at least some part of the contents.

THE PRESIDENT: I am not aware of any order of the Tribunal which refers to an interconnecting text. We did not rule that you should not be allowed to read any passage from the documents, but what we did rule was that we wished the documents to be presented and put in evidence and that the passages upon which you relied should be marked and that the Prosecution should, if they wished to object to them as being so irrelevant that they needn't be translated, that they should do so, and that the Tribunal should rule, if there was a conflict upon that. Dr. Horn, of course, you can put any document to your witnesses in the course of their examination and ask them to explain it. It isn't as though you are confined to this presentation of the documents in bulk.

DR. HORN: Mr. President, may I add another word? This matter appears to me to be again such a question of principle that I do not wish to prejudice my colleagues and I should like to have an opportunity first of all to confer with my colleagues about it. That is indeed a basic departure from the established procedure which was allowed the Defense. I would not like therefore to take it upon myself now simply to alter these matters for myself and then in so doing, also commit my colleagues. I hope that Your Lordship will understand that.

THE PRESIDENT: Dr. Horn, the only material order which the Tribunal has made, as far as I am aware, is this: It is the order of the 4th of February 1946, 2(a):

"During the presentation of a defendant's case, the defendant's counsel will read documents, will question witnesses, and will make such brief comments on the evidence as are necessary to insure a proper understanding of it."

DR. HORN: Mr. President, this ruling could naturally only be interpreted by us to the effect that we were granted approximately the same procedure as the Prosecution, for that certainly belongs to the fundamental principles of any trial, that a certain equality of rights exists between Prosecution and Defense.

So as to save time, we are prepared to adapt ourselves to the Court to the extent that we submit the documents to the Tribunal in bulk, insofar as they refer to a definite problem; but still with the reservation to make those statements upon their contents required in order to understand the whole problem. This possibility, however, is taken away from us, if we must now simply submit the

entire documentary material and can make no statements about it at all; for we certainly cannot make any comments on a document if I now, for example, submit 10 pieces altogether for a specific problem.

THE PRESIDENT: Dr. Horn, the Tribunal will adjourn now for a few minutes to consider this question and will return in a short time and announce their decision so that you can prepare yourself for tomorrow on the lines which they wish.

DR. DIX: Before the Tribunal confer, may I ask only one question. I have understood the course of the discussion up to now in this way: That the difficulty has arisen owing to the fact that as the Russian and French translations are not available, some of the Prosecution are still unable to form an opinion with reference to this material and consequently cannot decide whether they wish to raise objections or not. On the other hand the Tribunal wants to avoid quotations being read here concerning matters on which it has not yet been decided whether the Prosecution want to raise objections. This is the situation which appears to me to be the cause of the difficulties arising at present.

I have not understood the statements of the Tribunal, of His Lordship, to mean—I beg to be corrected if I am wrong—that there is to be a deviation from the already announced decision or from the procedure followed up to now, that we may quote essential and important portions of the documents submitted by us, when they have been admitted as relevant by the Tribunal.

I believe that I am right in my impression that no exception is to be made to this principle and that no basic new decision is to be made here now, but only an interim ruling is being sought: How can we surmount the difficulties that Dr. Horn may not at the moment read individual passages from his documents because the Tribunal is not yet in a position to decide their relevancy and admit them, because the Tribunal cannot yet hear the attitude of the Prosecution?

Before we adjourn, therefore, so that we have a definite basis for our discussion, I should like to ask the Court if my interpretation is correct. Is it now merely a question of finding a way out while basically maintaining the right of the Defense to speak connecting words, words of explanation of the documents, that is, such words without which the documents could not be understood, and to read individual relevant parts, but that on principle only these technical interim questions are to be decided?

I should be grateful to Your Lordship if I could be told if this conception of mine, regarding the nature of these difficulties which have arisen, is correct.

THE PRESIDENT: We will adjourn now and we will return to Court very shortly and we will consider what you have said.

*[A recess was taken.]*

THE PRESIDENT: On the 22 March 1946, the Tribunal made this ruling, repeating a ruling of 8 March 1946:

"To avoid unnecessary translations Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use in order that the Prosecution may have an opportunity to object to irrelevant passages.

"In the event of disagreement between the Prosecution and the Defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated unless the Prosecution require translation of the entire document."

That rule has not, for very likely sufficient reason, been able to be carried out, and therefore certainly the Tribunal have not got the translations, and they understand that the Prosecution have not got, at any rate, all the translations. The difficulty which has arisen, the Tribunal think, is in part, at any rate, due to that fact.

The Tribunal, in citing that order of 8 March 1946, on 22 March 1946, said this:

"In considering the matters which have been raised this morning the Tribunal has had in mind the necessity for a fair trial and at the same time for an expeditious trial, and the Tribunal has decided that for the present it will proceed under rules heretofore announced, that is to say:

"First, documents translated into the four languages may be introduced without being read, but in introducing them counsel may summarize them or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important.

"Second, when a document is offered the Tribunal will hear any objections that may be offered to it."

In this connection the Tribunal then went on to read the order of 8 March, which deals with translations.

Now, in the present case, the translations not being in the hands of the Tribunal or of all the prosecutors, it has been impossible for the prosecutors to make their objections and impossible for the Tribunal to rule upon the admissibility of the documents. Therefore, it is natural that the Prosecution have objected to the Defense reading from documents which they had not seen.

The Tribunal understands that the translations of these documents of Dr. Horn's will be ready tomorrow. They hope, therefore, that the order which I have just read will be able to be carried out tomorrow, and they propose for the present, and if the order is reasonably and fairly carried out by Defense Counsel, to adhere to it. They would draw the attention of the defendants' counsel again to the first paragraph of the order and would remind them that they must adhere strictly to that order:

"The documents having been translated into the four languages may be introduced without being read, but in introducing them counsel may summarize them, or otherwise call their relevance to the attention of the Court and may read such brief passages as are strictly relevant and are deemed important."

In that connection I would add: "and are not cumulative".

The Tribunal cannot sit here and have three or four hundred documents read to them and commented upon and argued, and therefore it is absolutely essential in the opinion of the Tribunal that counsel must summarize briefly and indicate the relevance of the documents briefly and read only such passages as are really strictly relevant and are not cumulative.

The Tribunal are prepared to adhere to that rule, as I say, if counsel will adhere strictly to it themselves, and they think if Dr. Horn will state, after offering the documents either in one complete bulk or in a group or in groups, the relevancy of each group and confine himself to the reading of only passages which are really necessary to be read in order to understand the documents, that will be satisfactory to them. But they cannot sit here to hear either each of those documents offered in evidence by its number or to hear a short speech or even a longer speech about the relevancy of each of the documents or to hear passages read from each of those documents. The number of documents is very great and it is impossible for the Tribunal to carry on an expeditious trial unless the rule which they have laid down is interpreted in the way in which I have indicated.

As I have already indicated in the emphasis which I threw upon the words, this rule was expressly made for the present and unless it is marked by the Defense Counsel in a reasonable way the rule will be altered.

*[The Tribunal adjourned until 28 March 1946 at 1000 hours.]*

# NINETY-THIRD DAY

Thursday, 28 March 1946

## *Morning Session*

DR. HORN: In accordance with the request of the Tribunal, I am now presenting in groups the documents not yet named, as follows:

First of all, the group concerning the Polish question. In my document book, you will find a document, Ribbentrop Exhibit Number 200 (Document Number Ribbentrop-200) which I am submitting to the Tribunal for judicial notice. In this document, Prime Minister Chamberlain, in a letter to Hitler dated 22 August 1939, defines his attitude regarding the basis for conflict between Germany and Poland. In this connection he emphasizes the question of minorities as one of the main causes of the conflict. As proof of the fact that this minority question already played an important part when the Polish State came into being, I refer to the document, Ribbentrop Exhibit Number 72 (Document Number Ribbentrop-72), which I submit to the Tribunal for judicial notice. This contains observations by the German Peace Delegation on the peace conditions.

In a further document—Ribbentrop Exhibit Number 74 (Document Number Ribbentrop-74), which I submit to the Tribunal for judicial notice—the President of the Supreme Council of the Allied and Associated Powers, Clemenceau, once again draws the attention of the Polish Prime Minister, Paderewski, to this problem. May I offer as proof...

SIR DAVID MAXWELL-FYFE: My Lord, I want to explain the position of the Prosecution.

We have not yet received these documents, and therefore we are in the position that we have been able to make only a tentative selection of those to which we object. All this book of documents has been objected to as far as we know. I want only to make it clear that we are admitting, without protest, the course taken by Dr. Horn on the basis which Your Lordship announced yesterday, that he is putting them in *en bloc*, subject to our right to object formally when we have the documents.

Therefore it is only right that we must preserve our position, because I have arranged, and all my colleagues agree, that there should be objections to a number of these documents on our present state of knowledge.

DR. HORN: May I ask Your Lordship to hear me for a moment?

THE PRESIDENT: Do you want to say something? Were you going to add something to what Sir David had said?

DR. HORN: In view of the objections raised by the Prosecution I request that a general ruling be made now as to whether the Defense have to submit to disadvantages arising out of technical deficiencies and for which they are not responsible, and whether our already limited presentation of evidence shall be made practically impossible by our being unable to discuss even in a general way, documentary material with the Prosecution and the Tribunal.

May I ask, therefore, that the presentation of documents in their shortened form, as requested by the Tribunal yesterday, be postponed until the document books are available.

THE PRESIDENT: The difficulty seems entirely to arise from the fact that your document books are not ready. That is what causes the difficulty. If the document books had been ready and had been submitted to the Prosecution, the Prosecution would be in a position to object to them. That is the reason why Sir David is objecting in this provisional form. But if you have witnesses whom you are going to call, why do you not call them while your books are being got ready? That seems to the Tribunal to be the obvious course.

Call your witnesses and then we can have the documents introduced at a later stage, when we can see them. That is the only reasonable course and why you do not adopt it I do not know.

DR. HORN: An officer of the Translation Division informed me recently, that he is not in a position, with the personnel at his disposal, to catch up with translations. That is the cause of the trouble and it is beyond my control. I submitted the documents in good time for translation.

THE PRESIDENT: That was not the point I was dealing with. Perhaps the interpretation did not come through correctly.

What I said was that if you have witnesses whom you propose to call, why do you not call them now?

DR. HORN: I had intended to call the witnesses in the course of my presentation of documents and in accordance with the groups of questions on which witnesses could make statements.

THE PRESIDENT: No doubt you had, but as your documents are not here to be presented to the Court, then you must get on, and the only way to get on with your case is to call your witnesses.

DR. HORN: In that case, may I ask for 5 minutes so that I can have a short conversation with a woman witness and then I shall call her?

THE PRESIDENT: Certainly. Wait one moment.

Yes, Mr. Dodd?

MR. DODD: If Your Honor pleases, I would not begrudge any counsel 5 minutes. This woman witness has been here for a long time. She stood outside all day yesterday. I think Dr. Horn has talked to her before. He has had ample opportunity to confer with her. He knew he was going to call her; he asked this Court for permission to call her. I think we are faced here with almost a one-man filibuster at this time.

THE PRESIDENT: The Tribunal rules that the witness must be called at once.

DR. HORN: In that case I wish to have Fräulein Blank called as a witness.

*[The witness Blank took the stand.]*

THE PRESIDENT: Will you tell me your name?

MARGARETE BLANK (Witness): My name is Margarete Blank.

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 if you wish.

DR. HORN: When did you first meet Herr Von Ribbentrop?

FRÄULEIN BLANK: I met him at the beginning of November 1934 in Berlin, when he was delegate for disarmament questions.

DR. HORN: When did you become secretary of the former Foreign Minister Von Ribbentrop?

FRÄULEIN BLANK: On 1 November 1934 I was engaged as secretary in the Ribbentrop office. His personal secretary gave notice and, as her successor did not turn up, Von Ribbentrop asked me whether I was willing to take the post. I said "yes" and became his personal secretary on 1 February 1935.

DR. HORN: What was Von Ribbentrop's attitude towards Hitler?

FRÄULEIN BLANK: As far as I can judge Herr Von Ribbentrop always showed the greatest admiration and veneration for Adolf Hitler. To enjoy the Führer's confidence, to justify it by his conduct and work was his chief aim, to which he devoted all his efforts. To achieve this aim no sacrifice was too great. In carrying out the tasks set him by the Führer he showed utter disregard for his own person. When speaking of Hitler to his subordinates he did so with the greatest admiration. Appreciation of his services by the Führer, as for instance the award of the Golden Party Badge of Honor, the

recognition of his accomplishments in a Reichstag speech, a letter on the occasion of his fiftieth birthday, full of appreciation and praise, meant to him the highest recompense for his unlimited devotion.

DR. HORN: Is it true that Ribbentrop adhered to Hitler's views even if he himself was of a different opinion?

FRAÜLEIN BLANK: What I just said shows that in cases of differences of opinion between himself and the Führer, Herr Von Ribbentrop subordinated his own opinion to that of the Führer. Once a decision had been made by Adolf Hitler there was no more criticism afterwards. Before his subordinates Herr Von Ribbentrop presented the Führer's views as if they were his own. If the Führer expressed his will, it was always equivalent to a military order.

DR. HORN: To what do you attribute this attitude?

FRAÜLEIN BLANK: I attribute it first of all to Ribbentrop's view that the Führer was the only person capable of making the right political decisions.

Secondly, I attribute it to the fact that Herr Von Ribbentrop, as the son of an officer and as a former officer himself, having taken the oath of allegiance to the Führer, felt himself bound in loyalty and considered himself a soldier, so to say, who had to carry out orders given him, and not to criticize or change them.

DR. HORN: Do you know anything about Ribbentrop having tendered his resignation several times?

FRAÜLEIN BLANK: Yes, that happened several times. But about such personal matters Ribbentrop would not speak to his subordinates. I remember only the resignation handed in by him in 1941. I assume that this resignation, as well as the later ones, was tendered by a handwritten letter. The reason for this resignation lay in differences with other departments as to competency; in view of their encroachments upon the competence of the Foreign Office, Herr Von Ribbentrop felt he could no longer take responsibility for the Reich's foreign policy.

DR. HORN: What was the result of these offers to resign?

FRAÜLEIN BLANK: They were turned down.

DR. HORN: Were you with Von Ribbentrop while he was Ambassador in England?

FRAÜLEIN BLANK: Yes.

DR. HORN: Is it true that Ribbentrop over a number of years worked for close alliance between Germany and England?

FRAÜLEIN BLANK: Yes. For this reason Von Ribbentrop, in the summer of 1936, asked the Führer to send him as ambassador to

England. The Naval Agreement of 1935 was only a first step. Subsequently an air pact was contemplated, but, for reasons unknown to me, was not concluded.

DR. HORN: Do you know anything about Von Ribbentrop's views on the British theory of balance of power on the continent?

FRÄULEIN BLANK: From numerous statements by Ribbentrop I know he was of the opinion that England still adhered to her traditional balance of power policy. In this his ideas were opposed to those of the Führer, who was of the opinion that with the development of Russia a factor had arisen in the East which necessitated a revision of the old balance of power policy—in other words, that England had a vital interest in the steadily increasing strength of Germany. From Ribbentrop's attitude it could be inferred that he expected that in the Polish crisis the English guarantee for Poland would be honored.

DR. HORN: What political aims did Von Ribbentrop want to achieve by the conclusion of the Tripartite Pact?

FRÄULEIN BLANK: The Tripartite Pact was to be a pact for the limitation of war.

DR. HORN: Do you know whether Ribbentrop endeavored to keep America out of the war?

FRÄULEIN BLANK: Yes, the Tripartite Pact was signed with this end in view.

DR. HORN: And now another set of questions. What was Herr Von Ribbentrop's attitude in church questions?

FRÄULEIN BLANK: As far as I can judge, his attitude in church questions was very tolerant.

To my knowledge, he left the Church already in the twenties, but in this respect he exercised no pressure or influence on his personnel or, rather, he did not bother about it at all. His tolerance went even so far that in 1935 he let his two eldest children have their wish and rejoin the Church. His tolerance in personal questions of religion was in line with his political attitude towards the Church. In this connection I remember Von Ribbentrop's sending the Führer a fundamental memorandum in which he advocated a tolerant church policy. In the winter of 1944 he received Bishop Heckel to discuss church matters with him. On the occasion of a journey to Rome in 1941 or 1942, he paid a long visit to the Pope.

DR. HORN: Was Ribbentrop of an introspective and secluded character, or was he not?

FRÄULEIN BLANK: Yes, although I was his personal secretary for 10 years, I hardly ever saw him in a communicative mood. His

time and thoughts were so completely occupied by his work, to which he devoted himself wholeheartedly, that there was no room for anything private. Apart from his wife and children there was nobody with whom Von Ribbentrop was on terms of close friendship. This, however, did not prevent him from having the welfare of his subordinates at heart and from showing them generosity, particularly in time of need.

DR. HORN: Is it true that you often felt that there were certain differences of opinion between Ribbentrop and Hitler?

FRÄULEIN BLANK: Yes. True to his attitude, which I mentioned before, Von Ribbentrop never discussed such differences with his subordinates, but I do remember distinctly that there were times when such differences surely did exist. At such times the Führer refused for weeks to receive Herr Von Ribbentrop. Ribbentrop suffered physically and mentally under such a state of affairs.

DR. HORN: Was Ribbentrop independent in the attainment of the goals of his foreign policy, or was he bound by orders and directives of the Führer?

FRÄULEIN BLANK: Ribbentrop often used the phrase that he was only the minister responsible for carrying out the Führer's foreign policy. By this he meant that, in formulating his policy, he was not independent. In addition, even in carrying out the directives given him by the Führer, he was to a large extent bound by instructions from Hitler. Thus, for instance, the daily reports of a purely informative nature transmitted by the liaison officer, Ambassador Hewel, between the Minister for Foreign Affairs and the Führer were often accompanied by requests for the Führer's decision on individual questions and by draft telegrams containing instructions to the heads of missions abroad.

DR. HORN: Did Ribbentrop suffer by the fact that, although he was responsible for foreign policy, he was not allowed to direct it?

FRÄULEIN BLANK: He never complained about it in my presence, but I had the feeling that he did suffer.

DR. HORN: What was Hitler's attitude toward the Foreign Office?

FRÄULEIN BLANK: The Führer saw in the Foreign Office a body of ossified red-tape civil servants, more or less untouched by National Socialism. I gathered from men of his entourage, that he often made fun of the Foreign Office. He considered it to be the home of reaction and defeatism.

DR. HORN: In what way did Ribbentrop try to bring the Foreign Office closer to Hitler?

FRÄULEIN BLANK: When taking over the Foreign Office in February 1938; Herr Von Ribbentrop intended to carry out a

thorough reshuffle of the entire German diplomatic service. He also intended to make basic changes in the training of young diplomats. These plans did not go beyond the initial stage because of the war. In the course of the war they were taken up again when the question of new blood for the Foreign Office became acute. Ribbentrop's anxiety to counteract the Führer's animosity towards the Foreign Office led him to fill some of the posts of heads of missions abroad, not with professional diplomats, but with tried SA and SS leaders.

DR. HORN: What were Ribbentrop's views and intentions regarding Russia?

FRÄULEIN BLANK: His intentions regarding Russia were shown by the Non-aggression Pact of August 1939, and the Trade Agreement of September 1939.

DR. HORN: Do you know that, in addition to the Non-aggression Pact and the Trade Agreement, a further agreement was concluded in Moscow?

FRÄULEIN BLANK: Yes, there was an additional secret agreement.

GEN. RUDENKO: Your Honors! It appears to me that the witness who has been called to attend the present sitting of the Tribunal is, by the very nature of her position as secretary to the former Minister of Foreign Affairs, Ribbentrop, able to testify only to the personality of the defendant, to his way of life, to the reticence or frankness of his character, and so forth. But the witness is quite incompetent to pass an opinion on matters pertaining to agreements, foreign policy, *et cetera*. In this sense I consider the questions of the Defense absolutely inadmissible and request that they be withdrawn.

THE PRESIDENT: Dr. Horn, that is the same matter that is raised, is it not, upon the affidavit of Dr. Gaus? I mean, you said that you were going to produce an affidavit of Dr. Gaus which dealt with a secret agreement between—can't you hear me? I beg your pardon. I ought to have said that Dr. Seidl was going to produce an affidavit of Dr. Gaus with reference to this alleged agreement. That is right, is it not?

DR. HORN: I assume so, yes.

THE PRESIDENT: The Soviet Prosecutor objected to that agreement being referred to until the affidavit should be admitted, until it had been seen. Well, now, is the agreement in writing?

DR. HORN: No.

THE PRESIDENT: Is the alleged agreement between the Soviet Government and Germany in writing?

DR. HORN: Yes. It was put down in writing, but I am not in possession of a copy of the agreement, and I should therefore like to ask the Tribunal, in case the decision depends on the affidavit of Ambassador Gaus, to allow me to obtain, at the appropriate time, an affidavit from Fräulein Blank who saw the original. Would Your Lordship be agreeable to that?

THE PRESIDENT: Dr. Seidl, have you a copy of the agreement itself?

DR. SEIDL: Mr. President, there are only two copies of this agreement. One copy was left in Moscow on 23 August 1939. The other copy was taken to Berlin by Von Ribbentrop. According to an announcement in the press all the archives of the Foreign Office were confiscated by the Soviet troops. May I, therefore, request that the Soviet Government or the Soviet Delegation be asked to submit to the Tribunal the original of the agreement?

THE PRESIDENT: I asked you a question, Dr. Seidl. I did not ask you for an argument. I asked you whether you have a copy of that agreement available.

DR. SEIDL: I, myself, am not in possession of a copy of the agreement. The affidavit of Ambassador Gaus only states the contents of the secret agreement. He was able to give the contents of the secret agreement because he drafted it. The secret agreement, as drafted by Ambassador Gaus, was signed by Foreign Commissar Molotov and Herr Von Ribbentrop. That is all I have to say.

THE PRESIDENT: Yes, General Rudenko?

GEN. RUDENKO: Mr. President, I wish to make the following statement: With regard to what was mentioned here by Defense Counsel Seidl, about the agreement allegedly seized by Soviet troops in connection with the capture of the archives of the Ministry for Foreign Affairs—that is, the agreement concluded in Moscow in August 1939—I would draw the attention of the Defense Counsel, to the newspaper in which this agreement, the German Soviet Non-aggression Pact of 23 August 1939, was published. That is a known fact.

Insofar as other agreements are concerned, the Soviet Prosecution considers that Dr. Seidl's application for the incorporation into the record of affidavits by Friedrich Gaus should be denied, and for the following reasons:

Gaus' testimony on this pact and on the history immediately preceding the conclusion of the German-Soviet pact is irrelevant. The presentation of such affidavits, which, moreover, do not shed a true light on events, can be looked upon only as an act of provocation. This is clearly borne out by the fact that Ribbentrop himself

repudiated this witness even though his affidavits describe Ribbentrop's activities, even though Defense Counsel for Hess has accepted testimonies from this witness and applied for their incorporation into the record, despite the fact that they contain no reference to Hess. On the strength of these considerations, of these circumstances, I request the Tribunal to reject the request made by Defense Counsel Seidl and to consider the question submitted by Defense Counsel Horn as being irrelevant to the matter under our consideration.

THE PRESIDENT: Yes, Dr. Seidl? Do you want to say something?

DR. SEIDL: May I add something? The translation of what the Soviet Prosecutor has just said has come through incompletely. I could not make out whether General Rudenko wanted to deny altogether that such an agreement was concluded or whether he wanted only to state that the contents of this secret agreement are not relevant.

In the first case, I repeat my application that the Soviet Foreign Commissar Molotov be called and interrogated before this Tribunal; in the latter case, I ask to be given the opportunity here and now to submit to the Tribunal my points regarding the relevance of this secret agreement.

THE PRESIDENT: At the moment we are considering an objection to the evidence of this witness, so we won't trouble with that. The Tribunal will adjourn for a few moments.

*[A recess was taken.]*

THE PRESIDENT: The Tribunal desires to point out to Counsel for the Defense, that there was no mention of this alleged treaty in his application for evidence to be given by the witness now in the witness box, but as the matter has now been raised the Tribunal rules that the witness may be questioned upon the matter.

DR. HORN: *[To the witness.]* You were speaking about the secret agreement. How did you come to know about the conclusion of this agreement?

THE PRESIDENT: I am told that what I said was wrongly translated into the Russian language. At any rate, I don't know whether it was rightly translated into the German language; but what I said was that the witness may be questioned, not that the witness may not be questioned. Is that clear to you?

DR. HORN: Thank you. I understood the question correctly.

*[Turning to the witness.]* Taking up your previous statement about the secret agreement I should like to ask you how you came to know about the conclusion of this agreement?

FRÄULEIN BLANK: Owing to illness, I could not accompany Von Ribbentrop on his two trips to Russia. I was also absent when the preparatory work for the agreements was being done. I learned of the existence of this secret agreement through a special sealed envelope which, according to instructions, was filed separately and bore an inscription something like "German-Russian secret or additional agreement."

DR. HORN: You were also responsible for filing separately these secret matters? Is this correct?

FRÄULEIN BLANK: Yes.

DR. HORN: I should like to turn now to another group of questions. Did Von Ribbentrop endeavor to keep the pact with Russia in any case?

FRÄULEIN BLANK: Having signed the German-Russian pacts, Von Ribbentrop was, of course, interested in their being kept. Moreover, he realized fully the great danger a German-Russian war would mean for Germany; accordingly he informed and warned the Führer. For this very purpose, as far as I recall, Embassy Counsellor Hilger from Moscow and Ambassador Schnurre were called to Berchtesgaden to report. Also, in the spring of 1941 Ambassador Count von der Schulenburg was again ordered to report, to back up and to corroborate and reinforce Herr Von Ribbentrop's warnings to the Führer.

DR. HORN: Do you know whether Von Ribbentrop was informed beforehand of Hitler's intent to attach Austria to the Reich?

FRÄULEIN BLANK: At the time of the German march into Austria, Ambassador Von Ribbentrop, who in February had been appointed Foreign Minister, was in London on his farewell visit. There he heard to his surprise of the Anschluss of Austria. He himself had had a different idea of a solution of the Austria question, namely an economic union.

DR. HORN: Do you know whether Von Ribbentrop made repeated efforts to end the war by diplomatic methods?

FRÄULEIN BLANK: Yes. One of his moves was to send Minister Professor Berber to Switzerland in the winter of 1943-1944. Later on these moves were intensified by sending Herr Von Schmieden to Bern and Dr. Hesse to Stockholm. As the Führer had not given official authority to initiate negotiations, it was possible only to try to find out on what conditions discussions might be opened between Germany and the Allies. Similar missions were entrusted to the German Chargé d'Affaires in Madrid, Minister Von Bibra, Consul General Möllhausen in Lisbon, and the Ambassador to the Vatican, Von Weizsäcker. A former member of the

Office Ribbentrop living in Madrid was instructed to make a similar attempt with the British Government.

On 20 April Von Ribbentrop dictated to me a detailed memorandum for the Führer in which he asked for official authorization to initiate negotiations. I do not know the outcome of this request because I left Berlin.

DR. HORN: In the course of your duties did you get to know what Hitler's basic attitude to this question was?

FRAÜLEIN BLANK: From what I heard from men of his entourage I know that the Führer did not expect much of it, or that he would have been in favor of initiating negotiations only at a time of military successes. If and when, however, there were military successes, he was likewise against diplomatic initiative. As to the mission of Dr. Hesse—after its failure, he, it was disclosed by an indiscretion, remarked that he had not expected much of it anyway.

DR. HORN: Just one more question: Is it correct that Von Ribbentrop was notified of the impending invasion of Norway and Denmark only a very short time before this action?

FRAÜLEIN BLANK: Yes, just a few days previously.

DR. HORN: Have you heard anything to the effect that Von Ribbentrop was of the opinion England would fight for Poland?

FRAÜLEIN BLANK: Yes. In line with his view that England would adhere to the old balance of power policy, he was of the opinion that England would honor her guarantee to Poland.

DR. HORN: I have no further questions to put to this witness.

THE PRESIDENT: Do any of the defendants' counsel wish to ask any questions of this witness? [*There was no response.*] Do the Prosecution?

SIR DAVID MAXWELL-FYFE: My Lord, the Prosecution have very carefully considered this matter. They hope that the Tribunal will not hold it against them that they accept everything that this witness says, but they feel that all the matters could be more conveniently put to the defendant himself, and therefore they do not intend to cross-examine.

THE PRESIDENT: The witness may retire.

[*The witness left the stand.*]

DR. SEIDL: Mr. President, the Tribunal has permitted the question concerning the secret agreement to be put to the witness. The witness knew only of the existence of this agreement, not its contents.

May I please be told whether the admission of this question to the witness is to be considered as implying the decision by the Tribunal on the admissibility of Ambassador Gaus' affidavit, and

whether I might now be given the opportunity of reading an excerpt from this affidavit?

THE PRESIDENT: Has the affidavit been submitted to the Prosecution?

DR. SEIDL: Last Monday—that is, 3 days ago—I submitted six copies of the affidavit to the Translation Division or to Lieutenant Schrader of the Defendants' Information Center. I assume that in the meantime, since 3 days have elapsed, the Prosecution have received a copy.

SIR DAVID MAXWELL-FYFE: My Lord, the Prosecution have not received the copies. I have not seen the affidavit yet. Neither has my friend Mr. Dodd, nor have my other colleagues, General Rudenko, or M. Champetier de Ribes.

THE PRESIDENT: Then I think we had better wait until the document is in the hands of the Prosecution, then it can be considered.

DR. SEIDL: Mr. President, I believe that I did everything in my power to furnish the Prosecution with the affidavit. I have no influence on the General Secretary's business, and I should be obliged if the Tribunal would assist in this matter.

THE PRESIDENT: Nobody has said that you have done anything wrong about it, Dr. Seidl.

Yes, Dr. Horn.

DR. HORN: As my next witness I should like to call Minister Paul Schmidt.

*[The witness Schmidt took the stand.]*

THE PRESIDENT: Will you tell me your name?

DR. PAUL OTTO SCHMIDT (Witness): Schmidt is my name.

THE PRESIDENT: Your full name?

SCHMIDT: Dr. Paul Otto Schmidt.

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.]*

DR. HORN: Witness, you took part in some of the decisive discussions between the British Ambassador, Sir Nevile Henderson, and members of the Reich Government before the outbreak of war. Is it correct that you were present at the conference on 30 August 1939 between the Defendant Von Ribbentrop and the British Ambassador?

*[There was a pause in proceedings.]*

THE PRESIDENT: The Tribunal will adjourn until a quarter to 2.

*[The Tribunal recessed until 1345 hours.]*

### *Afternoon Session*

DR. HORN: Witness, is it correct that you were present at the conference on 30 August 1939 between the Defendant Von Ribbentrop and the British Ambassador, Sir Neville Henderson?

SCHMIDT: Yes, that is correct.

DR. HORN: Where did that conference take place?

SCHMIDT: It took place in the office of the Minister for Foreign Affairs in the Foreign Office in Berlin.

DR. HORN: In what capacity did you take part in that conference?

SCHMIDT: I took part in that conference as interpreter and recorder.

DR. HORN: Since when had you been employed in this capacity in the Foreign Office and for whom did you work?

SCHMIDT: I had been working in the Foreign Office as interpreter for conferences since 1923, and in this capacity I interpreted for all foreign ministers, from Stresemann to Von Ribbentrop, as well as for a number of German Reich Chancellors such as Hermann Müller, Marx, Brüning, Hitler, and for other cabinet members and delegates who represented Germany at international conferences. In other words, I participated as interpreter in all international conferences at which Germany was represented since 1923.

DR. HORN: Did you have the opportunity to act as interpreter during the discussion between Ribbentrop and Sir Neville Henderson?

SCHMIDT: No, I did not have that opportunity as the discussion was conducted in German.

DR. HORN: Was Ambassador Henderson able to speak German fluently?

SCHMIDT: Ambassador Henderson's knowledge of German was rather good, but not perfect. Hence it could happen that in moments of excitement he did not quite understand certain points, as is proved by an incident which occurred during the conference just mentioned; and it was not always easy for him to express himself in German; but when speaking to Germans he usually preferred to conduct these discussions in German.

DR. HORN: In the course of the conference Herr Von Ribbentrop read out to Henderson a memorandum containing the German proposals for a settlement of the questions pending between Germany and Poland. And now I am asking you, Witness, did Henderson ask you during that discussion to translate to him the contents of the memorandum Ribbentrop had read out?

SCHMIDT: No, he did not do that.

DR. HORN: Did you get the impression from his attitude that Sir Nevile Henderson had fully understood the contents of the memorandum?

SCHMIDT: That is, of course, very hard to say. You cannot tell what goes on inside a person's mind, but I doubt whether he understood the document in all its details.

DR. HORN: Did Ribbentrop, when he read out the document to Sir Nevile Henderson, give him any explanations?

SCHMIDT: Yes, while reading out the document the Foreign Minister now and then commented to Henderson about some points which might not have been quite clear.

DR. HORN: Did Sir Nevile Henderson himself ask for such explanations?

SCHMIDT: No, Sir Nevile Henderson sat and listened to the document being read out and the comments which were made.

DR. HORN: What atmosphere prevailed during that conference?

SCHMIDT: The atmosphere during that conference was, I think I can say, somewhat charged with electricity. Both participants were extremely nervous. Henderson was very uneasy; and never before, and perhaps only once afterwards, have I seen the Foreign Minister so nervous as he was during that conference. An incident which occurred during the first part of the discussion can perhaps serve to illustrate the atmosphere. The matter under discussion was the specifying of all the points Germany had against Poland and her government, and the Foreign Minister had done that in all details and concluded with the words: "So you see, Sir Nevile Henderson, the situation is damned serious." When Sir Nevile Henderson heard those words, "damned serious" he started up, half raised himself and pointing a warning finger at the Foreign Minister said: "You have just said 'damned.' That is not the language of a statesman in so serious a situation."

THE PRESIDENT: To what charge in the Indictment is this relevant?

DR. HORN: To the point in the Indictment that on 30 August 1939, Von Ribbentrop read out the memorandum, the decisive memorandum, so quickly that Ambassador Sir Nevile Henderson was not able to grasp its contents and transmit it to his government and have it forwarded to the Polish Government in order to continue negotiations between Germany and Poland. England at that time had offered her good offices as intermediary between both governments. Germany on the basis...

THE PRESIDENT: Which passage of the Indictment are you referring to? You may be right, I do not know. I only want to know which passage in the Indictment you are referring to.

DR. HORN: I am referring to the preparation of, that is, to the failure to prevent aggressive war for which Ribbentrop is indicted as a co-conspirator.

THE PRESIDENT: That is on Page 9, is it not, from (F) 4? There is nothing about the way in which this document was handed over to Sir Neville Henderson. Presumably you have got the Indictment. Where is it in the Indictment?

DR. HORN: It has been presented by the Prosecution and it has also been presented in the House of Commons where Chamberlain insisted that Ribbentrop had read it out so rapidly that it was impossible to grasp the contents and transmit them through diplomatic channels, which England had expressly offered to do. Thus the Defendant Von Ribbentrop is directly indicted for having prevented this last chance of further negotiations with Poland. The statement of the witness will prove that the Defendant Von Ribbentrop cannot be charged with this.

THE PRESIDENT: Well, Dr. Horn, you made the point that it was read in that way. There is no charge about it in the Indictment at all. It may be that the Prosecution referred to it in the course of the history. You have made the point, surely it is not necessary to go on at length about it.

DR. HORN: In that case may I proceed?

[Turning to the witness.] Then you had the impression that both these statesmen were extremely agitated?

SCHMIDT: Yes, I did have that impression.

DR. HORN: To what causes do you attribute this agitation?

SCHMIDT: To the tension which prevailed during the negotiations, to the numerous conferences which had taken place almost without interruption during the preceding days and which had made considerable demands upon the nerves of all participants.

DR. HORN: Is it correct that Von Ribbentrop, as Sir Neville Henderson maintains in his book, said in the worst possible language that he would never ask the Polish Ambassador to call on him?

SCHMIDT: That I cannot remember. The Foreign Minister merely said that he could receive the Polish Ambassador for negotiations or discussions only if he came to him with the necessary authority to negotiate.

DR. HORN: Ambassador Lipski did not have that authority?

SCHMIDT: He answered a question respecting this, put to him by the Foreign Minister when Ambassador Lipski was with him with an emphatic "no." He said he had no authority.

DR. HORN: Thereupon, Ribbentrop declared to Sir Neville Henderson that he could not receive the ambassador, is that right?

SCHMIDT: No. I was speaking about a conference which the Foreign Minister had with the Polish Ambassador in the course of which the latter was asked whether he had authority to negotiate. To this he replied "no," whereupon the Foreign Minister said that in this case naturally no conversation could take place.

DR. HORN: Then Von Ribbentrop did not hand the memorandum which we mentioned previously to Sir Nevile Henderson. Did you have the impression that Ribbentrop did not submit the text of the ultimatum to Ambassador Sir Nevile Henderson because he did not wish to or because he was not allowed to do so?

SCHMIDT: It is difficult for me to give a clear-cut answer to this question as I was not present at the preliminary discussions which Hitler doubtless had with the Foreign Minister regarding that point before the conference with the British Ambassador. I, therefore, have to rely on the impressions I got during the conference with the British Ambassador; and from these I can draw my conclusions as to the instructions Hitler may have given the Foreign Minister for this conference. In this connection I can say the following:

When Henderson requested that the document containing the German proposals be submitted to him, the Foreign Minister said: "No, I cannot give you the document." These are the words he used. This of course was a somewhat unusual procedure because normally Sir Nevile Henderson had the right to expect that a document which had just been read out would be handed to him. I myself was rather surprised at the Foreign Minister's answer and looked up because I thought I had misunderstood. I looked at the Foreign Minister and heard him say for the second time: "I cannot give you the document." But I saw that this matter caused him some discomfort and that he must have been aware of the rather difficult position in which he found himself by this answer, because an uneasy smile played on his lips when he said in a quiet voice to Sir Nevile Henderson these words, "I cannot give you the document." Then I looked at Sir Nevile Henderson as I of course expected him to ask me to translate the document, but this request was not forthcoming. I looked at Henderson rather invitingly, since I wanted to translate the document, knowing how extraordinarily important a quick and complete transmission of its contents to the British Government was. If I had been asked to translate I would have done so quite slowly, almost at dictation speed, in order to enable the British Ambassador in this roundabout way to take down not merely the general outline of the German proposal, but all its details and transmit them to his Government. But Sir Nevile Henderson did not react even to my glance so that the discussion soon came to an end and events took their course.

DR. HORN: Did you, on the morning of 3 September 1939, receive the British ultimatum to the German Government?

SCHMIDT: Yes, that is correct.

DR. HORN: To whom did you submit this ultimatum?

SCHMIDT: On the morning of the 3rd, at about 2 or 3 o'clock, the British Embassy telephoned the Reich Chancellery, where I was still present with the Foreign Minister in order to be available for possible conferences, to give the information that the British Ambassador had received instructions from his government, according to which, at exactly 9 o'clock, he was to make an important announcement on behalf of the British Government to the Foreign Minister. He therefore asked to be received by Herr Von Ribbentrop at that time. He was given the reply that Ribbentrop himself would not be available but that a member of the Foreign Office, namely I, would be authorized to receive the British Government's announcement from the British Ambassador on his behalf. Thus it happened that at 9 o'clock in the morning I received the British Ambassador in Ribbentrop's office. When I asked him to be seated Henderson refused and while still standing he read to me the well-known ultimatum of the British Government to the German Government, according to which, unless certain conditions were fulfilled by Germany, the British Government would consider themselves at war with Germany at 11 o'clock that morning.

After we had exchanged a few words of farewell, I took the document to the Reich Chancellery.

DR. HORN: To whom did you submit this document there?

SCHMIDT: In the Reich Chancellery I gave it to Hitler, that is to say, I found Hitler in his office in conference with the Foreign Minister and I translated the document into German for him. When I had completed my translation, there was at first silence.

DR. HORN: Was Hitler alone in the room?

SCHMIDT: No, as I said before, he was in his office with the Foreign Minister. And when I had completed my translation, both gentlemen were absolutely silent for about a minute. I could clearly see that this development did not suit them at all. For a while Hitler sat in his chair deep in thought and stared somewhat worriedly into space. Then he broke the silence with a rather abrupt question to the Foreign Minister, saying, "What shall we do now?" Thereupon they began to discuss the next diplomatic steps to be taken, whether this or that ambassador should be called, *et cetera*. I, of course, left the room since I had nothing more to do. When I entered the ante-room, I found assembled there—or rather I had already seen on my way in—some Cabinet members and higher officials, to whose

questioning looks—they knew I had seen the British Ambassador—I had said only that there would be no second Munich. When I came out again, I saw by their anxious faces that my remark had been correctly interpreted. When I then told them that I had just handed a British ultimatum to Hitler, a heavy silence fell on the room. The faces suddenly grew rather serious. I still remember that Göring, for instance, who was standing in front of me, turned round to me and said, "If we lose this war, then God help us." Goebbels was standing in a corner by himself and had a very serious, not to say depressed, expression. This depressing atmosphere prevailed over all those present, and it naturally lives in my memory as something most remarkable for the frame of mind prevailing in the anteroom of the Reich Chancellery on the first day of the war.

DR. HORN: So you did not have the impression, then, that these men expected a declaration of war?

SCHMIDT: No, I did not have that impression.

DR. HORN: Witness, were you in a position to observe how Ribbentrop reacted to the news of Japan's attack on Pearl Harbor?

SCHMIDT: I had no direct opportunity, but in the Foreign Office it was generally known that the news of Pearl Harbor took the Foreign Minister, as indeed the whole Foreign Office, completely by surprise. This impression was confirmed by what a member of the Press Department told me. The Press Department had a listening station for radio news and the official on duty had instructions to inform the Foreign Minister personally of important news at once. When the first news of Pearl Harbor was received by the listening station of the Press Department, the official on duty considered it of sufficient importance to report it to his chief, that is to say, the head of the Press Department, who in turn was to pass it on to the Foreign Minister. He was, however—so I was told—rather harshly rebuffed by the Foreign Minister who said it must be an invention of the press or a canard, and he did not wish our Press Department to disturb him with such stories. After that, a second and third message about Pearl Harbor was received, I think a Reuters report had also been received by the listening station; and the head of the Press Department then again plucked up courage and, in spite of the order not to disturb the Foreign Minister, he once more gave him this news.

THE PRESIDENT: This evidence seems to be utterly uninteresting and irrelevant to the Tribunal.

DR. HORN: Von Ribbentrop is accused also of having prepared aggressive war against the United States of America.

THE PRESIDENT: What you were telling was the reactions of the press. What have we got to do with the reactions of the press?

DR. HORN: The witness described Von Ribbentrop's reaction to the attack on Pearl Harbor. Von Ribbentrop did not know that the Japanese were about to attack Pearl Harbor or that they were about to attack America at all. Neither was there such an agreement between Japan and Germany. It is therefore not correct that Ribbentrop prepared an aggressive war against the United States of America. That is . . .

THE PRESIDENT: You were talking about the press. I am not saying that you ought not to ask him whether the Foreign Minister knew nothing about the attack upon Pearl Harbor. That was not what I said. What I said was that the Tribunal was not interested and thought it was irrelevant for you to go into the reactions of the press.

DR. HORN: Witness, you were present at the negotiations regarding the Naval Agreement with England. Can you tell us how those negotiations proceeded, and whether Von Ribbentrop was sincere, and what aims he pursued?

SCHMIDT: These negotiations, at which I was also present as interpreter, went perfectly smoothly after some difficulties had been overcome. The aims which the Foreign Minister . . .

SIR DAVID MAXWELL-FYFE: My Lord, as I understand it, this is the Naval Agreement of 1935. In my recollection—I am just trying to check it—that was one of the matters which we discussed on the application for witnesses, and the Tribunal ruled against going into the negotiations antecedent to the conclusion of that treaty. It came up on application for witnesses. One or two witnesses who were going to give the negotiations were asked for and, I think, to deal with this exact point which Dr. Horn put in his last question, namely, the state of mind of the Defendant Ribbentrop. I found one or two—there is Lord Monsell, for example, who was on the list of witnesses—who were denied by the Court, and a number of German ones were denied on the same point. My Lord, it is in the Tribunal's statement of the 26th of February; and Your Lordship will see, on Page 2, I think, certainly the witness Monsell, who happens to be the one most familiar to myself; but I am sure there were other witnesses, too. I know that we discussed this point quite fully on the application for witnesses.

THE PRESIDENT: Who were the others, Sir David?

SIR DAVID MAXWELL-FYFE: I have a list of witnesses who were refused. There is Admiral Schuster . . .

THE PRESIDENT: Yes, he is one.

SIR DAVID MAXWELL-FYFE: . . . who was relevant on this question as to who initiated the treaty. And then there is Sir Robert Craigie, Number 24. There is Lord Monsell . . .

THE PRESIDENT: He was refused.

SIR DAVID MAXWELL-FYFE: These are on the same points, Number 25.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: Yes, My Lord, I think these are the three.

THE PRESIDENT: Dr. Horn, what do you say to this? Those three witnesses—Schuster, Craigie, and Monsell—who as alleged by you were to give evidence on this 1935 treaty, were all refused. As to the witness you are now examining, no such reference was contained regarding him in the application. He was asked for only as an interpreter in the Foreign Office.

DR. HORN: I was under the impression that these other three witnesses had been refused because they were cumulative and I was not going to question the witness on the Naval Agreement but I merely want to ask him about the attitude shown by Ribbentrop when the agreement was concluded and afterwards in order to prove to the Tribunal that Von Ribbentrop was not, in any case at that time, deliberately working towards an aggressive war, nor was he participating in a conspiracy to initiate a war of aggression, at least not at that time. And I wish to prove further that this agreement was not "eyewash" as the aforementioned British Ambassador, Sir Nevile Henderson, put it.

THE PRESIDENT: Your application with reference to Ambassador Craigie was this: The witness can give evidence that in 1935 Ribbentrop approached England with a proposal that the Naval Treaty should be signed and Ribbentrop's initiative brought about an agreement by France to this treaty which involved the Treaty of Versailles. Thus the treaty has come into effect.

Is it not in connection with that, that you were going to ask this witness questions?

DR. HORN: No.

THE PRESIDENT: If you have nothing about the Naval treaty of 1935, then you can go on.

DR. HORN: Witness, in 1944, you were present at a conference between Horthy and Hitler at Klessheim, in which Von Ribbentrop also took part and during which the solution of the Jewish question in Hungary was discussed. What did Von Ribbentrop say to you about this question?

SCHMIDT: During this conference there had been a certain difficulty, when Hitler insisted that Horthy should proceed more energetically in the Jewish question, and Horthy answered with

some heat, "But what am I supposed to do? Shall I perhaps beat the Jews to death?"—Whereupon there was rather a lull, and the Foreign Minister then turned to Horthy and said, "Yes, there are only two possibilities—either that, or to intern the Jews." Afterwards he said to me—and this was rather exceptional—that Hitler's demands in this connection might have gone a bit too far.

DR. HORN: On 25 August 1939, you took part in a conference between Hitler, Henderson, and Ribbentrop, at which Ribbentrop and Hitler once more expressed their wish to come to an agreement with Poland, using Britain as intermediary. Is it correct that Ribbentrop then sent you with a draft note on this conference to Henderson at the Embassy to ask him to back this proposal as far as possible and to try to put it through? Is that correct?

SCHMIDT: Yes, that is so.

DR. HORN: May I submit to the Tribunal a copy of this telegram from Sir Nevile Henderson to Lord Halifax? (Document Number TC-72, Number 69.)

*[Turning to the witness.]* Is it correct, Witness, that on 28 August 1939, Herr Von Ribbentrop in a further discussion with Sir Nevile Henderson again stressed that an agreement between Germany and Britain after a settlement of the Polish question was Chamberlain's greatest wish, as the British Prime Minister had stated to Ribbentrop and that Von Ribbentrop then repeated this to Henderson? Is that true?

SCHMIDT: Yes, that is true.

DR. HORN: May I submit to the Tribunal the memorandum in question as an exhibit?

THE PRESIDENT: You offer a copy of that in evidence, do you?

DR. HORN: I request the Tribunal to take judicial notice of the document.

THE PRESIDENT: What number?

DR. HORN: The one number has already been submitted by the Prosecution. It bears the Document Number TC-72 and another number, and the second number has also been submitted by the Prosecution. I submit it again to the Tribunal because I have referred to it just now. (Document Number TC-72, Number 75).

Witness, one last question: In your extensive experience as an interpreter, you had much opportunity to observe Hitler in contact with foreigners. What impression, according to your observations, did Hitler make on foreign statesmen?

SCHMIDT: Naturally, it is not quite so easy to answer this question, as one cannot look into the hearts and minds of other

people. But as an observer one can naturally draw certain conclusions from the attitude...

THE PRESIDENT: Dr. Horn, the Tribunal does not think really that this is a matter which is relevant, the effect that Hitler's demeanor had on foreign statesmen. It does not influence us in the least.

DR. HORN: Then I withdraw my question. I have no further questions to put to the witness.

THE PRESIDENT: Are there any other defendants' counsel who wish to ask questions?

DR. OTTO STAHLER (Counsel for Defendant Göring): Witness, were you present at a conversation which, about one year before the outbreak of war, took place between Lord Londonderry and Field Marshal Göring at Karinhall?

SCHMIDT: Yes, I was present at this conversation.

DR. STAHLER: Describe briefly to the Tribunal the substance of this conversation.

SCHMIDT: After so long a time I cannot, of course, remember the details, but I recall merely that the subject of conversation was the Anglo-German rapprochement, or rather the elimination of any points of dispute between Germany and England, and that in addition, of course, quite a number of technical questions regarding aviation and the air force were dealt with. I have always remembered very clearly one particular remark made by Göring in the course of this conversation, when at the end of a discussion which was to prove how desirable it was that Germany and England be friendly and avoid conflicts, he said the following:

"If our two countries should be involved in a war against each other, then there will naturally be a victor and a vanquished, but the victor in this bitter conflict will in the moment of victory have just enough strength left to strike the last blow at the defeated and will then fall to the ground himself gravely wounded and for this reason alone our two countries should get along with each other without conflict and without war."

DR. STAHLER: Did you take part in the negotiations in Munich in the autumn of 1938?

SCHMIDT: Yes, I did take part in these negotiations.

DR. STAHLER: Was the then Field Marshal Göring also present?

SCHMIDT: During the first part he was not present, but later when the circle of those present became larger he likewise took part.

DR. STAHLER: In what way did he participate in the negotiations?

SCHMIDT: He intervened only in individual questions of lesser importance. However, he did take part in a way which showed that through his intervention he wanted to remove insofar as possible, any difficulties arising from certain technical points which might hamper the progress of the negotiations. In other words, he was anxious that the Munich negotiations should not collapse over such technical points of procedure, which played an important role in the second part of the negotiations.

DR. STAHLER: Were you present at a conversation which took place in the autumn of 1937 between Lord Halifax and the then Field Marshal Göring and followed a conference between Lord Halifax and Hitler at the Berghof?

SCHMIDT: Yes, I was present.

DR. STAHLER: What course did this conversation take? Briefly, please.

SCHMIDT: First I must say that at the Obersalzberg the conversation with Lord Halifax had taken a very unsatisfactory turn. The two partners could in no way come to an understanding, but in the conversation with Göring the atmosphere improved. The same points were dealt with as at Obersalzberg, the subjects which were in the foreground at the time, namely, the Anschluss, the Sudeten question, and finally the questions of the Polish Corridor and Danzig. At Obersalzberg Hitler had treated these matters rather uncompromisingly, and he had demanded more or less that a solution as he conceived it be accepted by England, whereas Göring in his discussions always attached importance to the fact or always stressed that his idea was a peaceful solution, that is to say, a solution through negotiation, and that everything should be done in this direction, and that he also believed that such a solution could be reached for all three questions if the negotiations were properly conducted.

DR. STAHLER: I have no further questions.

DR. LATERNER: Witness, you were present at numerous political conferences of Hitler's. Did you notice on such occasions that high military leaders tried to influence him to enlarge German territory in a peaceful way or by war?

SCHMIDT: No, no such efforts on the part of the military came to my notice, because at political negotiations the military representatives were for the most part not present at the beginning when the large problems were dealt with and they were called in only when purely military problems were discussed; and then, of course, they stated their opinion only on purely military questions and did not speak on any political matters.

DR. LATERNSEER: Then I have one more question: On the occasion of such discussions, did you find that high military leaders were anxious to exert political influence upon the Reich Government?

SCHMIDT: No, I did not find that, and you could not have found it, since they were hardly ever present.

DR. LATERNSEER: I have no further questions.

SIR DAVID MAXWELL-FYFE: Witness, I want you first of all to tell the Tribunal quite shortly the general background of your views. Do you remember on 28 November making an affidavit at Oberursel; do you remember?

SCHMIDT: I cannot remember the date clearly, but I do remember that I made an affidavit.

SIR DAVID MAXWELL-FYFE: Would you look at it. [*Handing the document to the witness.*] Paragraph 1 sets out your experience, the number of conferences, *et cetera*.

My Lord, I ought to have said that this document is Document Number 3308-PS and will be Exhibit GB-288.

[*Turning to the witness.*] Then, in Paragraph 2 you give the basis of your experience. Would you follow it while I read:

"Whatever success and position I have enjoyed in the Foreign Office I owe to the fact that I made it my business at all times to possess thorough familiarity with the subject matter under discussion, and I endeavored to achieve intimate knowledge of the mentality of Hitler and the other leaders. Throughout the Hitler Regime I constantly endeavored to keep myself apprised as to what was going on in the Foreign Office and in related organizations, and I enjoyed such a position that it was possible to have ready access to key officials and to key personnel in their offices."

And then, if you will look at the third paragraph, which gives your impression from that basis of the objectives of the foreign policy:

"The general objectives of the Nazi leadership were apparent from the start, namely, the domination of the European Continent, to be achieved, first, by the incorporation of all German-speaking groups in the Reich, and secondly, by territorial expansion under the slogan of 'Lebensraum.' The execution of these basic objectives, however, seemed to be characterized by improvisation. Each succeeding step apparently was carried out as each new situation arose, but all consistent with the ultimate objectives mentioned above."

Is that right, Herr Schmidt? Does that express your views?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: Now, before I go on to deal with particular matters, I want you to develop your impressions a little further. You have told us that you acted under or with every foreign minister since Herr Stresemann. Did you notice a considerable difference between the style of living of the Nazi ministers and those who had preceded them?

SCHMIDT: As far as the style of living is concerned, there were certain differences, yes.

SIR DAVID MAXWELL-FYFE: Let us take the Defendant Ribbentrop. Before the Defendant Ribbentrop went into politics, had he one house in Berlin-Dahlem? I think Lenze-Allee 19. Was that his possession?

SCHMIDT: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: Now, when he was Foreign Minister, had he six houses? Let me remind you and take them one by one. You can tell me if I am right. There was a house in Sonnenburg, somewhere near Berlin, with an estate of 750 hectares, and a private golf course. That was one, was it not?

SCHMIDT: I knew that there was a house at Sonnenburg, but I did not know how large it was.

SIR DAVID MAXWELL-FYFE: Then there was one at Tanneck bei Düren, near Aachen, a house that he used for horse breeding?

SCHMIDT: I did not know about that house.

SIR DAVID MAXWELL-FYFE: And then there was one near Kitzbühl that he used for chamois hunting?

SCHMIDT: That is not known to me in detail.

SIR DAVID MAXWELL-FYFE: Not in detail, but its existence was known?

SCHMIDT: I consider that it is not at all improbable that the house existed, but I have not heard any details about it.

SIR DAVID MAXWELL-FYFE: Then, of course, there was the Schloss Fuschl; that is in Austria, is it not?

SCHMIDT: Near Salzburg, yes.

SIR DAVID MAXWELL-FYFE: Near Salzburg, yes. That was taken over as a state residence. I will ask you about the circumstances a little later.

Then there was a Slovakian hunting estate called "Pustepole," was there not?

SCHMIDT: The name is familiar to me, and I know that Herr Von Ribbentrop sometimes went hunting there, but I know nothing regarding the proprietorship.

SIR DAVID MAXWELL-FYFE: Then he also used a hunting lodge, near Podersan, that had been that of Count Czernin, near Podersan, in Bohemia, in the Sudetenland?

SCHMIDT: There was a hunting house or something similar, I do not know the name, where receptions took place, as for instance, that given for Count Ciano. But I think it had a different name.

SIR DAVID MAXWELL-FYFE: That is the one—where Ciano visited. That is the one I was indicating to you. I think I am right that it previously belonged to Count Czernin.

Tell me, was the salary fixed for Reich Ministers?

SCHMIDT: I did not understand the question.

SIR DAVID MAXWELL-FYFE: Let me put it quite clearly. Was a salary—that is, a fixed annual remuneration—appointed for Reich Ministers?

SCHMIDT: Yes, that is quite right.

SIR DAVID MAXWELL-FYFE: How much was that?

SCHMIDT: That I cannot say.

SIR DAVID MAXWELL-FYFE: That was kept secret?

SCHMIDT: That is not the reason that I cannot give you any information. I was not at all interested in how large a salary the Reich Foreign Minister received.

SIR DAVID MAXWELL-FYFE: You do not know?

SCHMIDT: No.

SIR DAVID MAXWELL-FYFE: If you say that you do not know, that is good enough for me. I think, perhaps, you can answer this question. Had any previous Reich Foreign Minister been able to run six country houses and estates of various sizes on his salary, anyone that you had worked with?

SCHMIDT: Whether he could have done it I cannot say, but he did not do it.

SIR DAVID MAXWELL-FYFE: He did not. We will leave it there for a moment.

Now, I want you to apply your mind to May 1939. That is about four months before the war, when the Polish question was just coming up. I mean, it was getting to be quite a serious question. Do you remember what I think they call in the German Foreign Office a *conduite de langage* that was issued by Ribbentrop about that time and put out by Baron Von Weizsäcker?

SCHMIDT: No, I do not know that, or at any rate I should say that I cannot remember it.

SIR DAVID MAXWELL-FYFE: Let me try to remind you, to see if this draws it to your recollection:

“The Polish problem will be solved by Hitler in 48 hours; the Western Powers will be unable to give any assistance to Poland; the British Empire is doomed within the next 10 years; France will bleed to death if she tries to intervene.”

Do you remember a *conduite de langage* to that effect issued by the Foreign Minister?

SCHMIDT: I cannot remember a *conduite de langage* of that kind. It appears to me rather to resemble a *conduite de langage* for propaganda purposes.

SIR DAVID MAXWELL-FYFE: Do you not remember that Von Ribbentrop issued instructions that no official of the Foreign Office was to issue any different views?

SCHMIDT: That is right, that one was to adhere to those *conduites de langage*.

SIR DAVID MAXWELL-FYFE: And do you remember what he told Baron Von Weizsäcker to say would happen to anyone who expressed different views?

SCHMIDT: No, I do not recollect that, but I can imagine that severe penalties would have been threatened to such a person. But I do not remember the actual case.

SIR DAVID MAXWELL-FYFE: Do you not remember that he said they would be shot by him personally?

SCHMIDT: That such a statement may have been made by him on some occasion when he was angry, I consider perfectly possible, but I do not believe that it was meant seriously.

SIR DAVID MAXWELL-FYFE: What I thought you might remember—I just suggest it to you—was the distress and difficulty that Baron Von Weizsäcker had in deciding how he was to say it to the official conference at the Foreign Office. Do you not remember that?

SCHMIDT: At that time I had not yet been admitted to the morning conferences. I was not present at that time so I cannot tell you anything about it, but I can imagine that the State Secretary may have had quite some trouble in translating that statement into official language.

SIR DAVID MAXWELL-FYFE: Well, now, I want to deal quite shortly with the points that have been put to you about August 1939. I only want to get the facts quite clear.

Do you remember that you were with Hitler at the time that he was expecting the reactions of the Western Powers to the Soviet treaty?

SCHMIDT: No, I was attached to the delegation in Moscow and therefore not with Hitler.

SIR DAVID MAXWELL-FYFE: So did you come back with the Defendant Ribbentrop on the 24th?

SCHMIDT: Yes, but I remained in Berlin and did not go to Berchtesgaden.

SIR DAVID MAXWELL-FYFE: I see. Well, now you remember that Hitler saw Sir Nevile Henderson at 1:30 on the 25th and gave him what has been called a *note verbale*? Do you remember that?

SCHMIDT: I think that I was not present at that conference, because just at that time I was in Moscow. It must be possible to establish the date. I was not present at a conference between Hitler and the British Ambassador which took place on the Obersalzberg during the time of our Moscow journey. I think that is the conference to which you are referring.

SIR DAVID MAXWELL-FYFE: This is the day after the defendant came back from Moscow?

SCHMIDT: No, I remained in Berlin. I was not up there.

SIR DAVID MAXWELL-FYFE: I just want to remind you of the day. If you were not present, I will pass from it; but were you present when Signor Attolico, the Italian Ambassador, produced a communication from Mussolini?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: You were there?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: That is the day I am asking you about. Do you remember that a communication came from Signor Attolico that afternoon that the Italian Army and Air Force were not in a condition to go to war?

SCHMIDT: Yes, indeed.

SIR DAVID MAXWELL-FYFE: I want you to try to help me because it is rather important as to the time. Was that not about 3 o'clock in the afternoon?

SCHMIDT: That could be so; but with the many conferences which took place at the time, the question of hours and dates is naturally a bit confused.

SIR DAVID MAXWELL-FYFE: And do you remember the news that the Anglo-Polish Treaty would be signed that evening coming through about 4 o'clock?

SCHMIDT: Yes, I remember that.

SIR DAVID MAXWELL-FYFE: And do you remember about 4 o'clock M. Coulondre, the French Ambassador, having an interview with Hitler?

SCHMIDT: Yes, I remember that.

SIR DAVID MAXWELL-FYFE: Now, were you aware that on that day the orders for an attack on Poland the next morning were countermanded?

SCHMIDT: I remember that military orders had been withdrawn, but just what orders these were I naturally never learned.

SIR DAVID MAXWELL-FYFE: I would not ask you about that, Herr Schmidt, but you knew that orders had been countermanded. I wondered if you could help me on this point: Was not the countermanding of the orders at 6:15—1815 hours—after the interview with the French Ambassador, M. Coulondre, was not that the time when they were countermanded?

SCHMIDT: I cannot recall whether that was the time.

SIR DAVID MAXWELL-FYFE: And equally could you help the Tribunal on this point: Were they not issued about 2 o'clock—1400 hours—after the interview with Sir Nevile Henderson? Do you know that?

SCHMIDT: No.

SIR DAVID MAXWELL-FYFE: I see. You cannot help us on that point.

Well, now. I am not going to take time about the interview on the night of the 30-31 August between Sir Nevile Henderson and the Defendant Ribbentrop, except to ask you this: You have told us that the Defendant Ribbentrop was very excited; when he read these terms over, did he raise his voice at times, shouting?

SCHMIDT: No.

SIR DAVID MAXWELL-FYFE: How did he show his nervousness, then?

SCHMIDT: It manifested itself during some incidents which I mentioned before, which had occurred during the conversation; previously during those incidents the nervousness became apparent, but not during the reading of the document.

SIR DAVID MAXWELL-FYFE: I see, but you remember and were very much astounded at the time at the refusal to hand over the vital document to the British Ambassador?

SCHMIDT: Yes, certainly.

SIR DAVID MAXWELL-FYFE: Well, I want to see if you can help us with one or two other incidents. It has been suggested by a witness that we heard yesterday that the Defendant Ribbentrop

knew very little about concentration camps. I want to make it clear that was suggested. I think perhaps you can help us on one or two inhabitants of concentration camps that he knew about. Do you remember a man called Martin Luther? Not the religious gentleman but a contemporary?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: Do you remember that the Defendant Ribbentrop brought him into his office, the Bureau Ribbentrop, in 1936?

SCHMIDT: I am not sure about the year, but I do know that he got his job through the Bureau.

SIR DAVID MAXWELL-FYFE: Yes. I think it was not received with great joy by the older members of the German Foreign Office.

SCHMIDT: No, certainly not.

SIR DAVID MAXWELL-FYFE: There had been some trouble about a small matter of 4,000 Reichsmark that Mr. Luther had had to deal with in the past?

SCHMIDT: Yes. We learned about that afterwards.

SIR DAVID MAXWELL-FYFE: He was taken into the Foreign Office and received rapid promotion to counsellor, that is to say minister, and under secretary of state, did he not?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: And then, do you remember that in 1943 he had a quarrel with the Defendant Ribbentrop?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: And he sent to Himmler—I think he did it through Lieutenant Büttner—suggesting that Ribbentrop's state of mind was not such that he ought to continue as Foreign Secretary, and suggesting that Werner Best, I believe it was, should be appointed. Do you remember that?

SCHMIDT: Yes, I remember that; but I did not know that he suggested Werner Best as successor.

SIR DAVID MAXWELL-FYFE: At any rate, he suggested that Ribbentrop should go. I think he was quite blunt about it. I believe he suggested that his mental powers were no longer up to it.

SCHMIDT: I did not see the report. I only heard rumors about it.

SIR DAVID MAXWELL-FYFE: In consequence of that, of course, after an interview with Ribbentrop, Ribbentrop had Luther put in a concentration camp, did he not?

SCHMIDT: I do not know whether that happened on Ribbentrop's initiative, or whether it came from some other source, but it was

said among us in the office that Luther had landed in a concentration camp.

SIR DAVID MAXWELL-FYFE: Yes. Well, the sequence of events was that Luther had this disagreement with Ribbentrop and shortly afterwards he appeared in a concentration camp. And not only did he go into a concentration camp, but is it not correct that even the SS asked that he should come out of the concentration camp, and Ribbentrop would not agree to it?

SCHMIDT: That I cannot say, because the whole matter was, of course, treated rather confidentially in the office by Herr Von Ribbentrop and the members of the old Foreign Office, of whom I was one, did not have his confidence to such an extent that they were informed of all such details. In other words, I heard about the whole Luther affair only by way of rumor, through special channels—actually through prohibited channels—so that I cannot therefore give you any authentic information but I can repeat only what I have heard unofficially.

SIR DAVID MAXWELL-FYFE: I am sure you desire to be absolutely frank with the Tribunal, and the point I am putting to you is that everyone in the Foreign Office knew that Luther had landed in a concentration camp and, quite clearly, the Defendant Ribbentrop knew that he had landed in a concentration camp. That is right, is it not?

SCHMIDT: Yes, certainly.

SIR DAVID MAXWELL-FYFE: Well, now, let us just take one other incident relating to this if I may comment as to his extraordinary innocence about concentration camps.

You remember two unfortunate people called Herr and Frau Von Remitz, to whom the Schloss Fuschl used to belong? I think the name is either Remitz or Raenitz. Do you remember?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: Well, the Schloss Fuschl—would you tell me how it is pronounced?

SCHMIDT: Well, regarding these matters I am so little . . .

SIR DAVID MAXWELL-FYFE: No, I want you to tell me how it is pronounced.

SCHMIDT: Fuschl.

SIR DAVID MAXWELL-FYFE: Thank you.

The Schloss Fuschl used to belong to the people that I have just mentioned. Frau Von Remitz was a sister of August Thyssen, was she not?

SCHMIDT: I cannot say anything about that, since all these questions refer to the private household of Herr Von Ribbentrop and I had nothing to do with that. My connections with him were purely official and limited at that to routine matters and the important political interpretation affairs in the Foreign Office. I only heard about the other matters, and naturally not in such a way that I could make any authentic statements about them.

SIR DAVID MAXWELL-FYFE: Well, I will ask you only one question. After the Schloss had become the property, or at any rate had come to the use of the Foreign Minister, did not Herr Von Remitz spend several years in a concentration camp, where he ultimately died? You knew that, did you not?

SCHMIDT: I knew it as a rumor; I was told that it had happened in that way.

SIR DAVID MAXWELL-FYFE: And did he not hear of other stories stronger than these, that came out of concentration camps?

SCHMIDT: I do not believe that any authentic reports were made there regarding conditions because naturally, particularly in front of the Foreign Office, it was treated as taboo by these people who were responsible for concentration camps, since we were in any case regarded as not quite reliable and as not belonging to them. Such matters were of course diligently covered up and concealed from us. Therefore, any concrete details never became known to us at all.

SIR DAVID MAXWELL-FYFE: But you knew, did you not, even in the Foreign Office, that there were a large number of concentration camps in which a vast number of people were shut up?

SCHMIDT: We knew that, but our source of information was mostly the foreign press, which we read, of course; and the foreign radio reports which appeared on our table, translated, every morning.

SIR DAVID MAXWELL-FYFE: So that if you knew it from the foreign press and the foreign radio, whoever else in that dock did not know about concentration camps, the Defendant Ribbentrop, as Foreign Minister, did know. Is that not right?

SCHMIDT: I would like to put it this way: Of course, he had access to that foreign news material. Just how he evaluated it, whether he considered it true or completely false, or exaggerated, naturally I cannot say. Of course he also received the reports as such, but as reports from abroad and, during the war, as reports from hostile countries.

SIR DAVID MAXWELL-FYFE: Doctor, I will not pursue that further at the moment. I want you just to tell me this: You have

given us your account of the interview between Hitler and the Defendant Ribbentrop and Horthy when the question of the Jews was discussed, on the 17th of April 1943. I just wanted on record that your account is based on the fact that you actually made the minutes; the minutes are signed by you.

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: I want to pass to another point. From 1943 to 1945 were you still going to Hitler's headquarters for occasional interpreting and attending of meetings and the like?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: For example—I do not know if you can remember it, but I am sure you will try—on the 27th of February 1944, do you remember a visit of Marshal Antonescu?

SCHMIDT: Yes.

SIR DAVID MAXWELL-FYFE: Were you present at that?

SCHMIDT: I remember I was always present during all the visits of Antonescu, since the discussion could not take place any other way. Regarding the date I cannot tell you anything exact at the moment.

SIR DAVID MAXWELL-FYFE: It was actually the 27th of February. I wanted to try and fix it by an incident which might remind you of it, that Antonescu was there. Now, do you remember on that occasion that the Defendant Dönitz was present?

SCHMIDT: It is possible, but I have no exact recollection. It is quite possible that he was present during the military discussions.

SIR DAVID MAXWELL-FYFE: The Exhibit, My Lord, is GB-207, and it is dealt with on Page 2705 of the shorthand notes (Volume V, Page 249). The document was originally Number D-648.

*[Turning to the witness.]* I want you to tell the Tribunal about the general governmental setup. There has been considerable evidence given before the Tribunal that the Reichsregierung, as such, did not meet after the beginning of the war. Several people have told us that. Instead of a cabinet meeting, was it not a fact that the Government of Germany was carried on by these constant meetings at Hitler's headquarters?

SCHMIDT: I consider it possible, but naturally I have no exact knowledge, since I never took part in such internal conferences. I went to headquarters only whenever I had to accompany a foreigner there.

SIR DAVID MAXWELL-FYFE: You came only when there was a foreign visitor, but you know that these meetings were continuously taking place and that the Defendant Göring, the Defendant

Speer, the Defendant Keitel, the Defendant Jodl, the Defendant Dönitz were constantly attending these meetings.

SCHMIDT: I do not know, of course, whether you can describe that conference as a meeting.

SIR DAVID MAXWELL-FYFE: I did not mean to play with words with you at all. I used the word only to describe what was happening. If you prefer to call it a conference, I am willing to do that.

SCHMIDT: I admit that on occasions conferences with Hitler took place or could have taken place, while these people you have just named were present at the headquarters.

SIR DAVID MAXWELL-FYFE: I think you agree with me, do you not, that as far as one can find any organism or organization through which the government of the Reich was being carried on, it was this succession of meetings or conferences at Hitler's headquarters; is that not so?

SCHMIDT: Well, I do not know whether you can regard that as governmental activity, because if I drew a parallel with the conferences at which I was present with these foreign gentlemen, then you will find that the person who spoke and who pushed through decisions was Hitler alone. If it was the same at those conferences, then you could call it a government discussion; but it was only a one-man government. The others were there only as an audience or to be questioned regarding individual points. That is how I imagine it, but I was not present.

SIR DAVID MAXWELL-FYFE: I quite appreciate your point, but these were the occasions at which each service and each department and each organization—like the SS through the Reichsführer SS, Himmler—put its point of view and put the facts before Hitler on which decisions were come to, were they not? And that is what happened for the last 2 years of the war.

SCHMIDT: One could have drawn that conclusion from the presence of those people, yes, but as I say it could of course have been that there was only a sort of taking of orders at headquarters. Both possibilities exist, but which is applicable I cannot say.

SIR DAVID MAXWELL-FYFE: At any rate, I think you will agree with this, will you not, Herr Schmidt, that there was no other place at which the government of Germany took place except that?

SCHMIDT: Yes. That is right.

SIR DAVID MAXWELL-FYFE: Would you be good enough to look at your affidavit? I will just read the rest of it. It is quite short, but I want it to be on the record. Paragraph 4:

"The attempted Putsch in Austria and the murder of Dollfuss on 25 July 1934 seriously disturbed the career personnel of the Foreign Office, because these events discredited Germany in the eyes of the world. It was common knowledge that the Putsch had been engineered by the Party, and the fact that the attempted Putsch followed so closely on the heels of the blood purge within Germany could not help but suggest the similarity of Nazi methods both in foreign and domestic policy. This concern over the repercussions of the attempted Putsch was soon heightened by a recognition of the fact that these episodes were of influence in leading to the Franco-Soviet Consultative Pact of 5 December 1934, a defensive arrangement which was not heeded as a warning by the Nazis.

"5. The announcement in March of the establishment of a German Air Force and of the reintroduction of conscription was followed on 2 May 1935 by the conclusion of a mutual assistance pact between France and the Soviet Union. The career personnel of the Foreign Office regarded this as a further very serious warning as to the potential consequences of German foreign policy, but the Nazi leaders only stiffened their attitude towards the Western Powers, declaring that they were not going to be intimidated. At this time, the career officials at least expressed their reservations to the Foreign Minister, Neurath. I do not know whether or not Neurath in turn related these expressions of concern to Hitler.

"6. The re-entry of the German military forces into the Rhineland was preceded by Nazi diplomatic preparation in February. A German communiqué of 21 February 1936 reaffirmed that the French-Soviet Pact of Mutual Assistance was incompatible with the Locarno Treaties and the Covenant of the League. On the same day Hitler argued in an interview that no real grounds existed for conflict between Germany and France. Considered against the background statements in *Mein Kampf*, offensive to France, the circumstances were such as to suggest that the stage was being set for justifying some future act. I do not know how far in advance the march into the Rhineland was decided upon. I personally knew about it and discussed it approximately 2 or 3 weeks before it occurred. Considerable fear had been expressed, particularly in military circles, concerning the risks of this undertaking. Similar fears were felt by many in the Foreign Office. It was common knowledge in the Foreign Office, however, that Neurath was the only person in government circles, consulted by Hitler, who felt confident that the Rhineland could be remilitarized without armed opposition from Britain and France. Neurath's

position throughout this period was one which would induce Hitler to have more faith in Neurath than in the general run of 'old school' diplomats whom Hitler tended to hold in disrespect."

Then there is a paragraph about the sanctions in Italy which I do not think is a relevant matter before the Tribunal; and then, in Paragraph 8, I will go on:

"Plans for annexation of Austria were a part of the Nazi program from the beginning. Italian opposition after the murder of Dollfuss temporarily forced a more careful approach to this problem, but the application of sanctions against Italy by the League, plus the rapid increase of German military strength, made safer the resumption of the Austrian program. When Göring visited Rome early in 1937 he declared that union of Austria and Germany was inevitable and could be expected sooner or later. Mussolini, hearing these words in German, remained silent, and protested only mildly when I translated them into French. The consummation of the Anschluss was essentially a Party matter, in which Von Papen's role was to preserve smooth diplomatic relations on the surface while the Party used more devious ways of preparing conditions for the expected move. The speech delivered by Papen on 18 Feb. 1938, following the Berchtesgaden meeting, interpreted the Berchtesgaden agreement as the first step towards the establishment of a Central European Commonwealth under the leadership of Germany. This was generally recognized in the Foreign Office as a clear prophecy of a Greater Germany which would embrace Austria."

The final paragraph says these matters are true and that you have made this affidavit voluntarily and without compulsion. That is right, is it not, Herr Schmidt?

Now, just one more point and then I have finished with you. It is correct, is it not, that in his period as Foreign Minister the Defendant Ribbentrop brought a number of people who had rank in the SS, or, in the old days in the SA into the Foreign Office and made them part of the staff?

SCHMIDT: Yes. Principally they were members of his so-called Bureau—that is to say, his former organization. They were taken into the Office, not all, but some of them.

SIR DAVID MAXWELL-FYFE: Thank you.

THE PRESIDENT: Does any other prosecutor want to cross-examine? Dr. Horn, do you want to re-examine?

DR. HORN: I have no further questions to put to this witness.

THE PRESIDENT: The witness may retire.

DR. MARTIN LÖFFLER (Counsel for the SA): Mr. President, I have just one question to ask the witness.

THE PRESIDENT: Keep the witness.

DR. LÖFFLER: May I have your permission to put one question to the witness?

THE PRESIDENT: Would you say whom you are appearing for?

DR. LÖFFLER: Dr. Löffler, Defense Counsel for the SA.

*[Turning to the witness.]* Witness, you were, as a rule, personally present during the visit of highly placed foreign statesmen. Were you also present during the visit of statesmen during the Olympic Games of 1936?

SCHMIDT: Yes.

DR. LÖFFLER: Did any one of the foreign statesmen express the wish to inspect the German institutions and the establishments set up by the National Socialists—in particular in the social sphere—before or after 1936?

SCHMIDT: Whether any such wishes were expressed during the Olympic Games I cannot remember at the moment; but that such wishes were expressed and that they were fulfilled becomes clear from a number of facts—for instance, from Lloyd George's visit to the Obersalzberg and, later on, his inspection of social institutions in Germany; from the visit of a number of interested foreign persons who, in my opinion, took a very lively interest in the social institutions in Germany.

DR. LÖFFLER: You were present personally during these inspections. Do you remember an inspection during which you were present?

SCHMIDT: Mostly I was not present at these inspections. I only recollect that, for instance, the Labor Front had an organization which was called "Joy and Work" and that was an international organization which held a great annual congress at Hamburg, during which I often acted as interpreter.

DR. LÖFFLER: Do you know anything about the impressions made by these institutions on foreign statesmen?

SCHMIDT: The social institutions, as far as I know, always made quite a favorable impression.

DR. LÖFFLER: Do you remember the visit of the Prince of Wales to Germany?

SCHMIDT: Yes. I acted as interpreter there.

THE PRESIDENT: What has this got to do with the charges in the Indictment? Dr. Löffler, your duty was to ask any question you

have got at the same time as the other defense counsels. I asked you whether you had any questions to ask. You said "no," or you indicated that you had not. You now get up and say you have one question to ask and you have asked about—I don't know how many you are going to ask, but they are all, in the opinion of the Tribunal, I think, irrelevant.

DR. LÖFFLER: Mr. President, the questions which I am putting are caused by the cross-examination by Sir David. Sir David has mentioned the SA, and I want to put a corresponding counterquestion to the witness, and apart from that . . .

THE PRESIDENT: Sir David had not asked any question as to the social conditions of Germany, and he did not ask any questions about the Olympic Games of 1936. In any event, you are not the right person to re-examine.

DR. LÖFFLER: Mr. President, the questions which I have put are important, because, through those visits which were made here and through the statements made by the foreign statesmen afterwards, a number of our members got the impression that the important statesmen abroad were giving their recognition to the leaders of National Socialism. And that is of quite decisive importance in the question of the guilt or innocence of millions of Germans whom I represent here, since these millions of Germans regarded the attitude of those foreign statesmen as authoritative. It is therefore not irrelevant, but for us, in fact, decisive, and he is the only witness who can really make an authentic report about it. However, I am finished with my questions about the Olympic Games and I have only two more questions to ask. I ask you to permit me to put these because Sir David . . .

THE PRESIDENT: The Tribunal thinks that the questions you are putting do not arise out of the cross-examination and are entirely irrelevant, and they will not hear any further questions from you.

DR. KUBUSCHOK: In connection . . .

THE PRESIDENT: Dr. Kubuschok, as you know perfectly well, this is not the time to put questions on behalf of Von Papen. You have had your opportunity, and you have not done it.

DR. KUBUSCHOK: Mr. President, I merely propose to rectify some words which were probably incorrectly repeated through translation, since I did not receive copies of the affidavit. I heard that in that affidavit a speech of Von Papen of 8 or 18 February 1938 was mentioned . . .

THE PRESIDENT: Very well, if that is correct, you can correct anything in the translation you want to.

DR. KUBUSCHOK: I would like to mention that the names "Hitler" and "Papen" were mentioned here just now. I heard "Papen" in the translation, but Papen never made such a speech, and any conclusions drawn about Papen from that speech are incorrect.

THE PRESIDENT: Dr. Kubuschok, you will receive the affidavit. You will have an opportunity to look at the affidavit.

DR. KUBUSCHOK: I shall look at the affidavit, and, if necessary, apply in writing to have it rectified.

THE PRESIDENT: Yes. If there is any mistake in the affidavit it must be corrected.

DR. KUBUSCHOK: It really says "Papen" in the text, but that is completely wrong since he has never made such a speech. On Page 4 of the text it says "The speech delivered by Papen."

SIR DAVID MAXWELL-FYFE: My Lord, that is what the affidavit said. Learned counsel says it is completely wrong; he did not make a speech. But with the greatest respect to the learned counsel, I must suggest, if he wants to refute the affidavit, he will have the opportunity of recalling Von Papen and giving evidence then.

DR. KUBUSCHOK: Mr. President, in this case would it not be of value to put the one short question to the witness as to whether he really meant Papen?

THE PRESIDENT: Very well; put the question to the witness.

DR. KUBUSCHOK: Witness, do you think that you said that Papen made a speech on 18 February 1938? Where was this speech supposed to have been made?

SCHMIDT: That, in my opinion, is a mistake which may have crept in when I made the affidavit; because if the speech was not made—at any rate, at the moment I no longer remember such a speech as I described in that affidavit. It is, therefore, perfectly possible that a mistake crept in. And perhaps that mistake is excusable if you consider that this affidavit was submitted to me at a time when I was rather seriously ill in bed in a hospital. It can very well have happened that upon reading through the affidavit I did not notice the mistake and I really consider it to be a mistake.

DR. KUBUSCHOK: That makes the actual fact established and the conclusions drawn from it unnecessary?

SCHMIDT: After what I have said, yes. I cannot remember the speech, and I think it can be traced to a mistake on my part and I attribute it to the circumstances under which I signed the document; I was seriously ill at the time.

THE PRESIDENT: Yes, Dr. Horn.

The witness can now retire.

*[The witness left the stand.]*

DR. HORN: May I once more ask the Tribunal whether it can be ascertained if the translations of the documents will be available by tomorrow morning. I would like to base the further presentation of evidence on them. If I have translations in the morning, then I would begin now to examine the Defendant Von Ribbentrop as a witness. If translations cannot be completed by tomorrow morning, then I would ask the Tribunal to allow me to submit my documents now.

THE PRESIDENT: Dr. Horn, this Trial has been going on for many months, and it is taking a very much longer time than anybody anticipated, at any rate longer than any member of the Tribunal anticipated, and they cannot have it put off any longer. You must go on. Have you got any further witnesses to call?

DR. HORN: No, I have no further witnesses, Mr. President.

THE PRESIDENT: Are you not going to call the Defendant Von Ribbentrop?

DR. HORN: Yes.

THE PRESIDENT: Why can you not put him in the box now?

DR. HORN: I can examine him, but I asked the President whether I can have the assistance of the Tribunal, whether I can have the documents by tomorrow morning. Then I would start now to examine the Defendant as a witness and submit the documents when the Prosecution have their documents too and can raise their objections here at the same time.

THE PRESIDENT: Well, as soon as the documents are translated, you shall have them, of course. We have sent out to find out whether they will be available by tomorrow morning, but we have got 35 minutes now before 5 o'clock. We want to occupy the time.

DR. HORN: Very well, Mr. President. In that case I shall examine the Defendant as witness now.

THE PRESIDENT: Will you go on please, Dr. Horn?

DR. HORN: Yes. In that case I shall continue to present the documents.

THE PRESIDENT: Dr. Horn, you said you were going to call the Defendant Von Ribbentrop. We have not got the documents here, and you must do as you said.

DR. HORN: Then I request to be given permission to examine the defendant as a witness.

*[The Defendant Von Ribbentrop took the stand.]*

THE PRESIDENT: Will you say your full name?

JOACHIM VON RIBBENTROP (Defendant): Joachim Von Ribbentrop.

THE PRESIDENT: Will you repeat this oath after me: "I swear by God—the Almighty and Ommiscient—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. HORN: Please give the Tribunal a brief explanatory report about the most important points of your life.

VON RIBBENTROP: I was born on 30 April 1893 at Wesel. I came from an old family of soldiers. My mother came from the country. I went to school at Kassel and Metz in Alsace-Lorraine. There, in Alsace-Lorraine, I had my first contact with the domain of French culture; and at that time we learned to love that country dearly.

In 1908 my father resigned from active military service. The reason was that there were differences at that time connected with the person of the Kaiser. My father already had a strong interest in foreign politics and also social interests, and I had a great veneration for him.

At that time we moved to Switzerland and after living there for about one year I went to London as a young man, and there, for about one year, I studied, mainly languages. It was then that I had my first impression of London and of the greatness of the British Empire.

After about one year, in 1910, I went to Canada. Originally I wanted to go to the German colonies, but then I went to America instead. I wanted to see the world. I remained in Canada for several years, approximately two years as a worker, a plate layer on the railroad, and later on I turned to the bank and building trade.

In 1914 the first World War caught me in Canada. Like all Germans at the time we had only one thought—"Every man is needed at home and how can we help the homeland?" Then I traveled to New York, and finally in September 1914, after some difficulties, I arrived in Germany. After serving at the front, for approximately 4 years, and after I had been wounded, I was sent to Constantinople, to Turkey, where I witnessed the collapse of Germany in the first World War. Then I had my first impression of the dreadful consequences of a lost war. The Ambassador at that time, Count Bernstorff, and the later Ambassador, Dr. Dieckhoff, were the representatives of the Reich in Turkey. They were summoned to Berlin in order to take advantage of Count Bernstorff's connections with President

Wilson and to see—it was the hope of all of us—that on the strength of these Points perhaps a peace could be achieved and with it reconciliations.

After some difficulties, in March 1919, I came to Berlin and I became adjutant of the then General Von Seeckt for the peace delegation at Versailles. Subsequently, when the Treaty of Versailles came, I read that document in one night and it was my impression that no government in the world could possibly sign such a document. That was my first impression of foreign policy at home.

In 1919 I resigned from the Armed Forces as a first lieutenant, and I turned to the profession of a businessman. Through these business contacts, I came to know particularly England and France rather intimately during the following years. Several contacts with politicians were already established at that time. I tried to help my own country by voicing my views against Versailles. At first it was very difficult but already in the years 1919, 1920, and 1921, I found a certain amount of understanding in those countries, in my own modest way.

Then, it was approximately since the years 1929 or 1930, I saw that Germany after seeming prosperity during the years 1926, 1927, and 1928 was exposed to a sudden economic upheaval and that matters went downhill very fast.

During the year 1931 and 1932, one noticed as a business man, which I was at the time, that in practice the consequences of Versailles were such that German economic life was becoming more and more prostrate. Then I looked around. At that time, I was closely attached to the German People's Party and I saw how the parties became always more and more numerous in Germany. I remember that in the end we had something like 30 parties or more in Germany, that unemployment was growing steadily, and that the government was losing the confidence of the people more and more. From these years I clearly recollect the efforts made by the then Chancellor Brüning, which were doubtlessly meant sincerely and honestly but which nevertheless had no success.

Other governments came, that is well known. They, too, had no success. The export trade in Germany no longer paid for itself. The gold reserves of the Reichsbank dwindled, there was tax evasion, and no confidence at all in the measures introduced by the government. That, roughly, was the picture which I saw in Germany in the year 1930 and 1931. I saw then how strikes increased, how discontented the people were, and how more and more demonstrations took place on the streets and conditions became more and more chaotic.

I do not think that I am exaggerating if I say that the picture which presented itself in the years 1930, 1931, and 1932, particularly

1932, in Germany was not unlike the symptoms of civil war. For me as a German—and I think I have always been a patriot like many other Germans—it made a frightful impression. Actually I was not very close to the political world, but during those years I realized that something had to be done and that everyone, wherever he might be, would have to help or assist to create a national front on a broad basis which would once more have the confidence of men and particularly of the large working masses of the people. At the same time, I was aware that most of the men who were responsible for Versailles had not intended this—I am sure of it—but it was a fact which I believe no one can deny today. I have already mentioned the disappointment I experienced as a young officer through personal contacts, in particular, with the German Ambassador at that time, Dieckhoff, who is a distant relative of mine or relative by marriage, the disappointment which in fact we all experienced in the German Armed Forces, among the German people, and in government circles naturally even more—that these Points of Wilson had been so quickly abandoned. I do not propose to make a propaganda speech here. I merely want to represent the facts soberly as I experienced them at the time. There is no doubt that the defenselessness of the German people at that time led to the fact that unfortunately a tendency was maintained among our enemies not toward conciliation but toward hatred or revenge. I am convinced that this was certainly not the intention of Wilson, at that time President of the United States, and I myself believe that in later years, he suffered because of it. At any rate that was my first contact with German politics.

This Versailles now became . . .

But it is known that even the severe stipulations of Versailles as we experienced them, from the closest personal observation, were not adhered to as is well known. That, too, is perhaps a consequence, an after-effect of a war, in which men drifted in a certain direction and just could not or would not adhere to certain things. It is known that the stipulations of Versailles were not observed then either territorially speaking or in other very important points. May I mention that one of the most important questions—territorial questions—at that time was Upper Silesia and particularly Memel, that small territory. The events which took place made a deep impression on me personally. Upper Silesia particularly, because I had many personal ties there and because none of us could understand that even those severe stipulations of Versailles were not observed. It is a question of minorities which also played a very important part. Later I shall have to refer to this point more in detail, particularly in connection with the Polish crisis. But right from the beginning, German minorities, as is known, suffered very

hard times. At that time it was again Upper Silesia particularly, and those territories which were involved and suffering under that problem, under that treatment. Further, the question of disarmament was naturally one of the most important points of Versailles. And that, too, has already been referred to in this courtroom. Therefore I do not want to go into detail.

At any rate, it was the denial of equality in all these spheres, the denial of equal rights, which made me decide that year to take a greater part in politics. I would like to say here quite openly that at that time I often talked to French and British friends, and of course it was already a well-known fact, even then—after 1930 the NSDAP received over 100 seats in the Reichstag—that here the natural will of the German people broke through to resist this treatment, which after all meant nothing more than that they wanted to live. At the time these friends of mine spoke to me about Adolf Hitler, whom I did not know at the time, they asked me, "What sort of a man is Adolf Hitler? What will come of it? What is it?" I said to them frankly at that time, "Give Germany a chance and you will not have Adolf Hitler. Do not give her a chance, and Adolf Hitler will come into power."

That was approximately in 1930 or 1931. Germany was not given the chance, so on 30 January 1933 he came—the National Socialists seized power.

DR. HORN: How and when did you come to know Adolf Hitler?

VON RIBBENTROP: I saw Adolf Hitler for the first time on 13 August 1932 at the Berghof. Since about 1930 or 1931 I had known Count Helldorf in Berlin, whose name as a National Socialist is known. He was a regimental comrade of mine in my squadron, and we went through 4 years of war together. Through him I became acquainted with National Socialism in Berlin for the first time. I had asked him at that time to arrange a meeting with Hitler for me. He did so that time, as far as I remember, through the mediation of Herr Röhm. I visited Adolf Hitler and had a long discussion with him at that time, that is to say, Adolf Hitler explained his ideas on the situation in the summer of 1932 to me. I then saw him again in 1933—that has already been described here by Party Member Göring—at my house at Dahlem which I placed at their disposal so that I, on my part, should do everything possible to create a national front. Adolf Hitler made a considerable impression on me even then. I noticed particularly his blue eyes in his generally dark appearance, and then, perhaps as outstanding, his detached, I should say reserved—not unapproachable, but reserved—nature, and the manner in which he expressed his thoughts. These thoughts and statements always had something final and definite

about them, and they appeared to come from his innermost self. I had the impression that I was facing a man who knew what he wanted and who had an unshakable will and who was a very strong personality. I can summarize by saying that I left that meeting with Hitler convinced that this man, if anyone, could save Germany from these great difficulties and that distress which existed at the time. I need not go further into detail about the events of that January. But I would like to tell about one episode which happened in my house in Dahlem when the question arose whether Hitler was to become Reich Chancellor or not. I know that at that time, I believe, he was offered the Vice Chancellorship and I heard with what enormous strength and conviction—if you like, also brutality and hardness—he could state his opinion when he believed that obstacles might appear which could lead to the rehabilitation and rescue of his people.

DR. HORN: Did you believe in the possibility of a revision of the Versailles Treaty by means of mutual understanding?

VON RIBBENTROP: I must say that the numerous business trips which in the years of 1920 to 1932 took me abroad proved to me how endlessly difficult it was or would have to be under the system which then existed to bring about a revision of the Versailles Treaty by means of negotiations. In spite of that, I felt how from year to year the circles grew in England and France which were convinced that somehow Germany would have to be helped. During those years, I established many contacts with men of the business world, of public life, of art and science, particularly in universities in England and France. I learned thereby to understand the attitude of the English and the French. I want to say now that even shortly after Versailles it was my conviction that a change of that treaty could be carried out only through an understanding with France and Britain. I also believed that only in this way could the international situation be improved and the very considerable causes of conflict existing everywhere as consequences of the first World War be removed. It was clear, therefore, that only by means of an understanding with the Western Powers, with England and France, would a revision of Versailles be possible. Even then, I had the distinct feeling that only through such an understanding could a permanent peace in Europe really be preserved. We young officers had experienced too much at that time. And I am thinking of the Free Corps men in Silesia and all those things in the Baltic, *et cetera*. I should like to add, and say it quite openly, that right from the beginning, from the first day in which I saw and read the Versailles Treaty, I, as a German, felt it to be my duty to oppose it and to try to do everything so that a better treaty could take its place. It was precisely Hitler's

opposition to Versailles that first brought me together with him and the National Socialist Party.

DR. HORN: Did you attempt to tell Hitler your views regarding this?

THE PRESIDENT: Dr. Horn, it is 5 o'clock and the Tribunal thinks they had better adjourn now.

*[The Tribunal adjourned until 29 March 1946 at 1000 hours.]*

# NINETY-FOURTH DAY

Friday, 29 March 1946

## *Morning Session*

THE PRESIDENT: Before the examination of the Defendant Von Ribbentrop goes on, the Tribunal desires me to draw the attention of Dr. Horn and of the Defendant Von Ribbentrop to what the Tribunal has said during the last few days.

In the first place, the Tribunal said this: The Tribunal has allowed the Defendant Göring, who has given the evidence first of the defendants and who has proclaimed himself to be responsible as the second leader of Nazi Germany, to give his evidence without any interruption whatever, and he has covered the whole history of the Nazi regime from its inception to the defeat of Germany. The Tribunal does not propose to allow any of the other defendants to go over the same ground in their evidence except insofar as is necessary for their own defense.

Secondly, the Tribunal ruled that evidence as to the injustice of the Versailles Treaty or whether it was made under duress is inadmissible.

Thirdly, though this is not an order of the Tribunal, I must point out that the Tribunal has been informed on many occasions of the view of the defendants and some of their witnesses that the Treaty of Versailles was unjust and therefore any evidence upon that point, apart from its being inadmissible, is cumulative, and the Tribunal will not hear it for that reason.

And lastly, the Tribunal wishes me to point out to Dr. Horn that it is the duty of counsel to examine their witnesses and not to leave them simply to make speeches, and if they are giving evidence which counsel knows is inadmissible according to the rulings of the Tribunal it is the duty of counsel to stop the witness. That is all.

Dr. Seidl, if you are going to refer to Gaus' affidavit the Tribunal will not deal with that matter now, it will be dealt with after the Defendant Von Ribbentrop has given evidence.

DR. SEIDL: Mr. President, I agreed with Dr. Horn, Counsel for the Defendant Ribbentrop...

THE PRESIDENT: Dr. Seidl, I do not care whether you spoke to Dr. Horn or not or what arrangement you may have made with

Dr. Horn; it is not convenient for the Tribunal to hear Dr. Gaus evidence at the present moment; they want to go on with Ribbentrop's evidence.

*[Turning to the defendant.]*

DR. HORN: Yesterday at the end you were speaking about your political impressions in England and France. In connection with that I should like to put the following question: Did you make efforts to tell Hitler of your views on French and British politics at that time?

VON RIBBENTROP: Yes, after 30 January 1933 I saw Hitler repeatedly and of course told him about the impressions which I gathered on my frequent travels, particularly to England and France.

DR. HORN: What was Hitler's attitude toward France and England at that time?

VON RIBBENTROP: Hitler's attitude was as follows: He saw in France an enemy of Germany because of the entire policy which France had pursued with regard to Germany since the end of World War I, and especially because of the position which she took on questions of equality of rights. This attitude of Hitler's found expression at the time in his book *Mein Kampf*.

I knew France well, since for a number of years I had had connections there. At that time I told the Führer a great deal about France. It interested him, and I noticed that he showed an increasing interest in French matters in the year 1933. Then I brought him together with a number of Frenchmen, and I believe some of these visits, and perhaps also some of my descriptions of the attitude taken by many Frenchmen, and all of French culture...

DR. HORN: What Frenchmen were they?

VON RIBBENTROP: There were a number of French economists, there were journalists and also some politicians. These reports interested the Führer, and gradually he got the impression that there were, after all, men in France who were not averse to the idea of an understanding with Germany.

Above all I acquainted the Führer with an argument which sprang from my deepest conviction and my years of experience. It was a great wish of the Führer, as is well known, to come to a definitive friendship and agreement with England. At first the Führer treated this idea as something apart from Franco-German politics. I believe that at that time I succeeded in convincing the Führer that an understanding with England would be possible only by way of an understanding with France as well. That made, as I still remember very clearly from some of our conversations, a strong impression on him. He told me then that I should continue

this purely personal course of mine for bringing about an understanding between Germany and France and that I should continue to report to him about these things.

DR. HORN: Then you became Hitler's foreign political advisor, not the Party advisor? How was that?

VON RIBBENTROP: I have already said that I reported to Hitler about my travel experiences. These impressions which I brought from England and France were of interest to him, and, without any special conferences or discussions being arranged, I was often received by Hitler. I spoke with him repeatedly and in that way it came about of itself that, apart from the official channels, he acknowledged my co-operation and my advice as to what I had seen and heard in foreign countries.

Of course, he was particularly interested in all questions concerning England. I told him about public opinion and personalities and introduced to him, besides Frenchmen, a number of Englishmen with whom he could exchange ideas outside the official channels, something which he loved to do.

DR. HORN: In what did your personal co-operation in the efforts made by Hitler to come to an agreement with France in the years 1933 to 1935 consist?

VON RIBBENTROP: At that time the solution of the Saar question was one of the first problems up for discussion. I tried through my own private channels to make it clear to the French in Paris that a reasonable and quiet solution of the Saar question in the spirit of the plebiscite, as laid down in the Versailles Treaty, would be a good omen for the relations between the two countries. I spoke with a number of people during those years in Paris and also made the first contact with members of the French Cabinet. I might mention that I had conversations with the then French President Doumergue, with the Foreign Minister Barthou, who was later assassinated, with M. Laval, and especially with M. Daladier.

I remember that in connection with the Saar question in particular I met with considerable understanding on the part of the latter. Then somewhat later I noticed during the visits of Frenchmen to Hitler that it was always mentioned, "Yes, but there is *Mein Kampf* and your policy toward France is contained in that book." I tried to get the Führer to bring out an official revision of this passage of *Mein Kampf*. The Führer said, however—and I remember the exact words—that he was determined through his policy, as put into practice, to prove to the world that he had changed his view in this respect: Things once written down could not be changed, they were a historical fact, and his former attitude

toward France had been caused by France's attitude toward Germany at that time. But one could now turn over a new leaf in the history of the two countries.

Then I asked Adolf Hitler to receive a French journalist, in order that possibly by a public statement this revision of the view expressed in his book *Mein Kampf* could be made known to the world.

He agreed to this and then received a French journalist and gave him an interview in 1933. I do not recall the exact date. I believe this article appeared in *Le Matin* and created a great deal of excitement. I was very glad, for thereby a large step toward an understanding with France had been taken. Then I contemplated what could further be done and how, from this simple public article, one could work up to a direct contact between French and German statesmen.

DR. HORN: At that time were you not contemplating the means for bringing Hitler and Daladier together? What practical efforts did you make?

VON RIBBENTROP: I was just going to come to that. At that time Daladier was the French Premier. I had several conversations with him and suggested to him that he meet Adolf Hitler so that quite frankly, man to man, they could carry on a discussion and see whether Franco-German relations could not be put on an entirely new basis. M. Daladier was quite taken by this idea. I reported this to Hitler and Hitler was ready to meet M. Daladier.

The meeting place was to be in the German Odenwald and was already agreed upon. I went to Paris to make the last arrangements with Daladier.

MR. DODD: If Your Honor pleases, I am reluctant to interfere in any respect with this examination of this defendant, but my colleagues and I feel that this particular part of the examination is quite immaterial and in any event much too detailed and that we will never get along here. If counsel would abide by the instruction of the Court given this morning, we could move along much more directly and much more quickly.

THE PRESIDENT: Dr. Horn, the Tribunal thinks that the objection is really well founded. The defendant is dealing with a period between 1933 and 1935 and the efforts which he made for good relations with France. Well now, that is very remote from any question which we have to decide in this case, and therefore to deal with it in this detail seems to the Tribunal a waste of time.

DR. HORN: Then I will put other questions, which concern his direct co-operation.

What caused Hitler to appoint you Plenipotentiary for Disarmament?

VON RIBBENTROP: I believe I was appointed Commissioner for Disarmament in the year—in March or April. The reason was as follows:

Hitler was of the opinion that there should be equality of armament. He believed that this would be possible only through negotiations with France and England. That was also my point of view. Because of my efforts to establish good relations between Germany and England, since this was the earnest wish of the Führer, I was at that time in London and there was able to make contacts with men influential in English politics.

It was mainly the contact with Lord Baldwin. I spoke to Lord Baldwin and the then Prime Minister, Macdonald, about the German desire for equality and found that these ministers had an open ear. As the result of a long conversation which I had with the Lord Chancellor of that time, the present Lord Baldwin—the latter, I believe on 1 December 1933, made a speech in the House of Commons, in which he pointed out that one should meet Germany halfway. Armament equality had been promised and therefore it would have to be reached somehow. For this purpose there were three possibilities: One would be, that Germany arm up to the level of the other powers, and that was not desired; the second possibility, that the others would disarm to the level of Germany, and that could not be carried out; and therefore one would have to meet halfway and permit Germany a limited rearmament, and the other countries for their part would have to disarm. Adolf Hitler was very happy then about this attitude, for he considered it a practicable way of carrying through equality for Germany. Unfortunately it was not at all possible in the ensuing course of events to put into practice these good and reasonable ideas and statements made by Baldwin. Adolf Hitler therefore took the view that within the system now prevailing in the world it was apparently impossible to attain, by means of negotiations, armament equality—equality of rights—for Germany.

THE PRESIDENT: Wait. The interpreter isn't hearing you clearly. Could you put the microphone a little bit more in front of you? And would you repeat the last few sentences you said?

VON RIBBENTROP: Adolf Hitler saw that unfortunately, within the international system prevailing at that time, the good ideas of Lord Baldwin could not be carried out by means of negotiations.

DR. HORN: What practicable steps in limitation of armament did you obtain in London?

VON RIBBENTROP: It is known that Adolf Hitler, that means Germany, left the League of Nations and the Disarmament Conference because it was impossible to carry through the German

desires by way of negotiations. Hitler therefore saw no other possibility, except to achieve this aim through the efforts of the German people themselves. He knew and, of course, realized that a risk was involved, but after the experiences of the preceding few years no other means remained, so that then Germany started to rearm independently.

*[Dr. Horn attempted to interrupt.]*

VON RIBBENTROP: I should like to finish my answer to your question.

As a practical result of this, the following happened: In the course of the year 1934 there came about a closer contact between the German and the British Governments. There followed visits by British statesmen to Berlin, by Sir John Simon and Mr. Eden, and during these visits the suggestion was brought up as to whether it would not be possible to come to an agreement or an understanding at least as far as naval matters were concerned.

Hitler was very much interested in this idea and in the course of the negotiations between the British and the German Governments it was agreed that I should be sent to London to attempt to come to a naval agreement with the British Government.

It is not necessary for me to go into details of the pact which actually materialized. Hitler himself had said from the beginning that, in order to come to a final understanding with England, one would have to acknowledge the absolute naval supremacy of Great Britain once and for all. It was he who suggested the naval ratio of 100 to 35, which was an entirely different ratio from that which was negotiated between Germany and England before 1914.

After relatively short negotiations this naval agreement was then concluded in London. It was very important for future Anglo-German relations, and at that time it represented the first practical result of an actual armament limitation.

DR. HORN: At that time did France agree to this rearmament and what were your personal efforts in this step?

VON RIBBENTROP: I might say in advance that Hitler and I were extremely happy about this pact. I know, it was then styled once by certain circles, to use an English expression, an "eye-wash." I can say here from my own personal experience that I have never seen Adolf Hitler so happy as at the moment when I was able to tell him personally, in Hamburg, of the conclusion of this agreement.

DR. HORN: And what was France's attitude to this pact?

VON RIBBENTROP: With France the situation was, of course, a little difficult. I had already noticed this while the negotiations

were taking place, for one had deviated from the armament limitation of the Versailles Treaty. Then I myself proposed to the gentlemen of the Foreign Office—I can mention their names, they were Sir Robert Craigie in particular and also Little, who was then a British Admiral—that I would go to France so that I also could utilize my relations with French statesmen and make clear to them the usefulness of this agreement for a future German-Anglo-French understanding.

I should like to point out something here. In this courtroom, sometime ago, a film was shown in which a speech I made for the newsreels of that time, at the conclusion of this naval agreement, was presented as proof of the duplicity of German diplomacy. At that time I purposely made this speech in London in order to record and to declare before the whole world that this did not concern merely one-sided British-German matters, but that it was the wish of Hitler—and also the spirit of the naval agreement—to bring about a general limitation of armament, and that this naval pact was also designed to improve finally the relations between France and Germany. This wish was real and sincere.

I then went to France, spoke with French statesmen and, I believe, did help to some extent so that this first step in the limitation of armaments was considered a reasonable measure by many Frenchmen in view of the fact that in the long run equality of rights could not be withheld from the German people.

DR. HORN: Then you were appointed Ambassador to London. What led to this appointment?

VON RIBBENTROP: That came about as follows: In the time following the naval agreement, which was hailed with joy by the widest circles in England, I made great efforts to bring Lord Baldwin and the Führer together, and I should like to mention here that the preliminary arrangements for this meeting had already been made by a friend of Lord Baldwin, a Mr. Jones. The Führer had agreed to fly to Chequers to meet Lord Baldwin, but unfortunately Lord Baldwin declined at the last minute. What led to his declining, I do not know, but there is no doubt that certain forces in England at the time did not wish this German-British understanding.

Then in 1936, when the German Ambassador Von Hoesch died, I said to myself, that on behalf of Germany one should make one last supreme effort to come to a good understanding with England. I might mention in this connection, that at that time I had already been appointed State Secretary of the Foreign Office by Hitler and had asked him personally that that appointment be cancelled and that I be sent to London as Ambassador.

The following may have led to this decision of Hitler's. Hitler had a very definite conception of England's balance of power theory, but my view perhaps deviated somewhat from his. My conviction was that England would always continue to support her old balance of power theory, whereas Hitler was of the opinion that this theory of balance of power was obsolete, and that from now on, England should tolerate, that is, should welcome a much stronger Germany in view of the changed situation in Europe, and in view of Russia's development of strength. In order to give the Führer a definite and clear picture of how matters actually stood in England—that was at any rate one of the reasons why the Führer sent me to England. Another reason was that at that time we hoped, through relations with the still very extensive circles in England which were friendly to Germany and supported a German-English friendship, to make the relations between the two countries friendly and perhaps even to reach a permanent agreement.

Hitler's goal was finally and always the German-English pact.

DR. HORN: In what way was your ambassadorial activity hampered in England?

VON RIBBENTROP: I should like to say first that I was repeatedly in England in the 1930's, mainly from 1935 to 1936, and, acting on instructions from the Führer, I sounded out the opinions there on the subject of a German-British pact. The basis of this pact is known. It was to make the naval ratio of 100 to 35 permanent. Secondly the integrity of the so-called Low Countries, Belgium and Holland, and also France was to be guaranteed by the two countries forever and—this was the Führer's idea—Germany should recognize the British Empire and should be ready to stand up, if necessary even with the help of her own power, for the preservation and maintenance of the British Empire; and England, in return, should recognize Germany as a strong power in Europe.

It has already been said, and I should like to repeat, that these efforts in the 1930's unfortunately did not lead to any results. It was one of the Führer's deepest disappointments—and I must mention that here, for it is very important for the further course of events—that this pact upon which he had placed such very great hopes and which he had regarded as the cornerstone of his foreign policy did not materialize in these years. What the forces were which prevented its materializing I cannot say, because I do not know. In any case we got no further.

I came back to this question several times while I was Ambassador in London and discussed it with circles friendly to Germany. And I must say that there also were many Englishmen who had a very positive attitude towards this idea.

DR. HORN: Did you also meet with any attitude that was negative?

VON RIBBENTROP: There was naturally a strong element in England which did not look favorably upon this pact or this idea of close relations with Germany, because of considerations of principle and perhaps because of traditional considerations of British policy against definite obligations of this kind. I should like to mention here briefly, even though this goes back to the year 1936, that during the Olympic Games in the year 1936 I tried to win the very influential British politician, the present Lord Vansittart, to this idea. I had at that time a very long discussion of several hours' duration with him in Berlin. Adolf Hitler also received him and likewise spoke with him about the same subject. Lord Vansittart, even though our personal relations were good, showed a certain reserve.

In the year 1937, when I was in London, I saw that two clearly different trends were gradually forming in England; the one trend was very much in favor of promoting good relations with Germany; the second trend did not wish such close relations.

There were—I believe that I do not need to mention names, for they are well known—those gentlemen who did not wish such close relations with Germany, Mr. Winston Churchill, who was later Prime Minister, and others.

I then made strenuous efforts in London in order to promote this idea but other events occurred which made my activity there most difficult. There was first of all, the Spanish policy. It is well-known that civil war raged in Spain at that time and that in London the so-called Nonintervention Commission was meeting.

I therefore, as Ambassador to the Court of St. James, had a difficult task. On the one hand, with all means at my disposal, I wished to further German-English friendship and to bring about the German-English pact, but on the other hand, I had to carry out the instructions of my government in regard to the Nonintervention Commission and Spain. These instructions, however, were often in direct opposition to certain aims of British policy. Therefore it came about that this sort of League of Nations which the Nonintervention Commission represented at that time, and of which I was the authorized German member, prejudiced the chief aim with which Adolf Hitler had sent me to London.

But I have to say here—if I may and am supposed to explain that period openly in the interest of the case—that it was not only the policy regarding Spain, but that in these years, 1937 until the beginning of 1938, that section which did not want a pact with Germany, doubtless made itself constantly more evident in England; and that, today, is a historical fact. Why? The answer is very simple,

very clear. These circles regarded a Germany strengthened by National Socialism as a factor which might disturb the traditional British balance of power theory and policy on the Continent.

I am convinced that Adolf Hitler at that time had no intention at all of undertaking on his part anything against England, but that he had sent me to London with the most ardent wish for really reaching an understanding with England. From London I reported to the Führer about the situation. And before this Tribunal now I wish to clarify one point, a point which has been brought up very frequently and which is relevant to my own defense. It has often been asserted that I reported to the Führer from England that England was degenerate and would perhaps not fight. I may and must establish the fact here, that from the beginning I reported exactly the opposite to the Führer. I informed the Führer that in my opinion the English ruling class and the English people had a definitely heroic attitude and that this nation was ready at any time to fight to the utmost for the existence of its empire. Later, in the course of the war and after a conference with the Führer, I once discussed this subject in public, in a speech made in 1941.

Summarizing the situation in London in the years 1937 and 1938, while I was ambassador, I can at least say that I was fully cognizant of the fact that it would be very difficult to conclude a pact with England. But even so, and this I always reported, all efforts would have to be made to come by means of a peaceful settlement to an understanding with England as a decisive factor in German policy, that is, to create such a relation between the development of German power and the British basic tendencies and views on foreign policy that these two factors would not conflict.

DR. HORN: During the time you were ambassador you concluded the so-called Anti-Comintern Pact with Japan. How was it that just you, the ambassador, concluded that pact?

VON RIBBENTROP: I should like to make the preliminary remark that in 1938 I was appointed Foreign Minister on 4 February. On 4 February I was in Berlin. The Führer called me and informed me that he had appointed me Foreign Minister. After that—I am not sure, are you talking of the Three Power Pact?

DR. HORN: No, you have misunderstood me. During your activity as ambassador you concluded the Anti-Comintern Pact in 1936, which in 1937 was joined by Italy and later on by Spain, as well as other countries. How was it that you, as ambassador, concluded this pact?

VON RIBBENTROP: Adolf Hitler at that time considered the ideological difference between Germany, that is, National Socialism

and communism actually one of the decisive factors of his policy. Therefore, the question arose as to how a way could be found at all to win over other countries to counter communistic tendencies. The problem, therefore, was an ideological one. In the year 1933, I believe, Hitler discussed with me for the first time, the question of whether a closer contact with Japan could be established in some form or other. I replied that I personally had certain connections with Japanese persons and would establish contact. When I did so it came to light that Japan had the same anti-Comintern attitude as Germany. Out of these conversations of the years 1933, 1934, 1935, I believe, the idea gradually crystallized that one might make these common efforts the subject of a pact. I believe it was one of my assistants who had the idea of concluding the Anti-Comintern Pact. I presented this idea to the Führer and the Führer approved of it. However, since it was, so to speak, an ideological question, he did not wish at that time that it be done through the official channels of German politics and therefore he instructed me to prepare this pact which then was concluded in my office in Berlin, as I believe, in the course of the year 1936.

DR. HORN: If I understand you correctly, this pact was concluded by you because you were the head of the Bureau Ribbentrop?

VON RIBBENTROP: That is correct. The Bureau Ribbentrop consisted chiefly of me and just a few aides. But it is correct to say that the Führer wished that I conclude this pact because he did not wish to give it an official air.

DR. HORN: Did this pact have aims of practical policy or only ideological aims?

VON RIBBENTROP: It is certain that this pact, on principle, I should say, had an ideological aim. It was meant to oppose the work of the Comintern in the various countries at that time. But naturally it also contained a political element. This political element was anti-Russian at the time, since Moscow was the representative of the Comintern idea. Therefore, the Führer and I had a notion that through this pact a certain balance or counter-balance against the Russian efforts or against Russia was being created in a political sense as well, because Russia was at odds with Germany in respect to ideology and also, of course, to politics.

THE PRESIDENT: Dr. Horn, do you and the defendant really think it is necessary to take as long as the defendant has taken to tell us why he, as an ambassador in London, was called upon to sign the Anti-Comintern Pact?

DR. HORN: It is very difficult for me to hear Your Honor.

THE PRESIDENT: What I asked you was whether you and the defendant think it necessary for the defendant to make such a long speech in answer to your question, why he, as ambassador in London, was employed to sign the Anti-Comintern Pact. He has spoken for at least 5 minutes about it.

DR. HORN: On 4 February 1938, you were made Foreign Minister. What were the reasons for this appointment?

VON RIBBENTROP: I have already said that on 4 February 1938 I was in Berlin. The Führer called me and informed me that, because of a shift in various higher positions, he was going to appoint a new Foreign Minister, also that he had appointed the then Foreign Minister Von Neurath, President of the Secret Cabinet Council. I replied to the Führer that I, of course, would be glad to accept this appointment.

DR. HORN: On this occasion you also received a high rank in the SS? The Prosecution have asserted that this rank was not purely honorary. Is that true?

VON RIBBENTROP: I must correct this point, I believe. I had received a rank in the SS prior to this time and I do not recall whether it was on the occasion of this appointment or later on that I became SS Gruppenführer. The Führer bestowed on me the rank and the uniform of an SS Gruppenführer. That was a position, which formerly in the Army used to be known as a rank *à la suite*. It happened that I agreed definitely with the SS idea at that time. My relations with Himmler were also quite good at the time. I considered the SS idea at that time the possible basis for producing and creating an idealistic class of leaders, somewhat like that existing in England, and such as emerged symbolically through the heroism of our Waffen-SS during the war. Later on, it is true, my attitude towards Himmler changed. But the Führer bestowed this rank on me because he wished that within the Party and at the Party meetings, I should wear the Party uniform and have a Party rank.

May I at this time state briefly my attitude toward the Party. Yesterday or the day before yesterday, I believe, the question was raised as to whether I was a true National Socialist. I do not claim to be competent to judge this question. It is a fact that it was only in later years that I joined Adolf Hitler. I did not pay very much attention to the National Socialist doctrines and program nor to the racial theories, with which I was not very familiar. I was not anti-Semitic, nor did I fully understand the church question, although I had left the church a long time ago. I had my own inner reasons for doing so, reasons connected with the early 20's and the development of the church in Germany in

those years. However, I believe that I have always been a good Christian. What drew me to the Party, as I recognized at the time, was the fact that the Party wanted a strong, flourishing, and socialistic Germany. That was what I wanted too. For that reason, in the year 1932, I did, after thorough deliberation, become a member of the NSDAP.

DR. HORN: Had you put your services at the disposal of the Party before that date, as the Prosecution assert, namely, from 1930 on?

VON RIBBENTROP: It was in 1930 when in the large Reichstag election National Socialism obtained more than 100 seats in the German Reichstag. I set forth yesterday, and perhaps do not need to go into detail any more, what conditions in Germany were at that time. However, during the years 1930, 1931 and 1932 I gradually came nearer to the Party. Then from 1932 on—I believe I entered the Party in August 1932—from that moment on until the end of this war I devoted my entire strength to National Socialist Germany and exhausted my strength in so doing. I wish to profess frankly before this Tribunal and before the world that I have always endeavored to be a good National Socialist and that I was proud of the fact that I belonged to a little group of men, idealists, who did not want anything else but to re-establish Germany's prestige in the world.

DR. HORN: What foreign political problems did Hitler describe to you as requiring solution, when you took office? What directives did he give you for the conduct of foreign policy?

VON RIBBENTROP: When I took office, the Führer said relatively little to me. He said only that Germany had now assumed a new position, that Germany had once more joined the circle of nations having equal rights and that it was clear that in the future certain problems would also still have to be solved. In particular, I recall that he pointed out four problems which, sooner or later, would have to be solved. He emphasized that such problems could be solved only with a strong Wehrmacht, not by using it, but through its mere existence, because a country which was not strongly armed could practice no foreign policy whatsoever, but rather such a country operated, so to speak, in a vacuum as we had experienced during the past years. He said we would have to achieve clear-cut relations with our neighbors. The four problems he enumerated were, first of all, Austria; then he mentioned a solution of the Sudeten questions, of the question of the tiny Memel district and of the Danzig and the Corridor question, all problems which would have to be solved in one way or another. It would be my duty, he said, to assist him diplomatically in this task. From this moment

on I did my best to assist the Führer in the preparation of some solution of these problems in a way agreeable to Germany.

DR. HORN: Shortly after your appointment you...

THE PRESIDENT: I believe this would be a good time to break off.

[A recess was taken.]

DR. HORN: Which course did German foreign policy take after you were appointed Foreign Minister?

VON RIBBENTROP: First I tried to get an over-all picture of the pending affairs of the Foreign Office and of the situation. German foreign policy, as I said before, had reached a certain stage, that is, Germany had regained prestige in the eyes of the world, and the future task would be to solve in some way or other the important and vital problems created in Europe by the Versailles Treaty. This was all the more necessary since, by way of example, ethnic questions always were material for conflict, that is, contained possibilities for conflict dangerous to a peaceful development in Europe.

During the period following I familiarized myself with the affairs of the ministry. That was at first not easy, as I was dealing with altogether new men. I should like to mention here that Hitler's attitude towards the Foreign Office was not always positive and, in continuing the efforts of Minister Von Neurath, my predecessor, I considered it my most important task to bring the Foreign Office closer to Hitler and to bridge the two spheres of ideas.

It was clear to me from the very beginning, after I took over the ministry, that I would be working, so to speak, in the shadow of a titan and that I would have to impose on myself certain limitations, that is to say, that I would not be in a position, one might almost say, to conduct the foreign policy as it is done by other foreign ministers, who are responsible to a parliamentary system or a parliament. The commanding personality of the Führer naturally dominated the foreign policy as well. He occupied himself with all its details. It went like this more or less: I reported to him and forwarded to him important foreign policy reports through a liaison man, and Hitler in turn gave me definite orders as to what views I should take in regard to problems of foreign policy, *et cetera*.

In the course of these conversations the problem of Austria crystallized as the first and most important problem which had to be brought to some solution or other. Austria had always been a matter very close to the Führer's heart, because he was himself a native of Austria and naturally, with Germany's power growing,

the efforts already long in existence for bringing Germany and Austria more closely together became even more pronounced. At that time I did not yet know very much about this problem, since Hitler himself handled this problem for the most part.

DR. HORN: When you took over your office, or later, did you get to know the minutes of a conference of 5 November 1937 which has become known here under the name of the Hossbach document?

VON RIBBENTROP: I did not know this document, which has been mentioned here in various connections. I saw it here for the first time.

DR. HORN: Did Hitler ever say anything to you which conforms to the contents of this document?

VON RIBBENTROP: I do not recall all the details of the contents of this document, but it was the Führer's practice to speak very little at all about his aims and intentions and his attitude in matters of principle. At any rate, this was his practice in dealing with me. He did say that Germany had to solve certain problems in Europe, as I said before, and that for this reason it was necessary to be strong. He also mentioned the possibility that this might lead to disagreements, but he said to me nothing more specific about this. On the contrary, he always emphasized to me that it was his desire to solve by diplomatic means these problems in Europe which had to be solved and that, once he had solved these problems, he had the intention of creating an ideal social state of the people and that the Germany he would then create would be a model modern social state with all the new edifices to which he attached special value. In other words, to me he did casually admit the possibility of an armed conflict, but he always said it was his unalterable aim, and that it had always been and was his intention, to achieve this solution of the "impossibility of Versailles," as he sometimes called it, in a peaceful way.

DR. HORN: Shortly after your appointment as Foreign Minister you were called by Hitler to Berchtesgaden to the conference with Schuschnigg. What was discussed there and what was your role in these conferences?

VON RIBBENTROP: Hitler informed me—I recall this was on 12 February 1938—that he was going to meet Federal Chancellor Schuschnigg at the Obersalzberg. I do not remember the details. I see from my notes that this was on 12 February. One thing I know is that he told me that the solution to be achieved was that, in some form or other, the German National Socialists in Austria must be given assistance. Difficulties of all sorts had arisen there, the details of which I no longer recall. At any rate, I believe, there were a great many National Socialists in jail, and, as a consequence

of the natural efforts of these Austrian people to bring about a closer contact with the Reich, this Austrian problem threatened to become a really serious problem between Germany and Austria.

Adolf Hitler told me at the time that I should be present in the Berghof. Later it was said, and I have heard it said here, that Adolf Hitler once declared that he intended to fight for the right for these 6 million Germans to decide their own fate under all circumstances during the year 1938. I do not recall that he said so but it is very well possible that he did say so. On the occasion of Schuschnigg's reception I was at the Obersalzberg. Hitler received Schuschnigg alone and had a long conversation with him. The details of this conversation are not known to me because I was not present. I recall that Schuschnigg saw me after this conversation and that I in turn had a long conversation with him.

DR. HORN: Did you at that time put Schuschnigg under political pressure, as the Prosecution asserts?

VON RIBBENTROP: No, that is not true. I remember very clearly my conversation with Schuschnigg, whereas the other details of what was going on at the Obersalzberg are not so clear in my memory, since I was not present at either the first or the second meeting between Schuschnigg and Hitler. My discussion with Schuschnigg proceeded in a very amicable fashion. I felt that Schuschnigg obviously was very greatly impressed by the Führer and the Führer's personality. I wish to say first that I do not know exactly the details of what Hitler wanted to achieve or discuss with Schuschnigg, so that on this subject matter I could say to him very little, or rather nothing. Our discussion therefore was confined to more general subjects. I told Schuschnigg that in my opinion these two countries must come into closer contact and that perhaps it was his historical task to assist in this and to co-operate; that the fact was undeniable that both nations were German, and two such German nations could not forever be separated by artificial barriers.

DR. HORN: Was it already at this conference that a revision of the German-Austrian Treaty of 1936 was discussed?

VON RIBBENTROP: I did not discuss this point with Schuschnigg and I believe that the Führer did not do so either in any way because according to what Schuschnigg told me, the Führer had told him that certain measures would have to be carried out in Austria in order to eliminate the reasons for conflict between the two countries. That is what I understood him to say without remembering any details. As I said, my discussion with him was very amicable, and I might mention that, when I suggested to Schuschnigg that the two countries would have to get into closer contact, Schuschnigg showed an altogether positive attitude towards this idea so that,

a certain extent, I was even surprised by his positive attitude at that time. There can be no talk of any pressure exerted on Schuschnigg during our discussion. However, the Führer's discussion with him, I believe, was conducted in very clear language, because the Führer wanted to reach some improvement in relations in order to solve the problems between the two countries, and to achieve this it was necessary for the two statesmen to reveal their thoughts openly. I have heard here, and I think this is from an entry in General Jodl's diary, that heavy political and military pressure was exerted. I believe I can testify here that I knew nothing of any military or strong political pressure at this meeting between Schuschnigg and Hitler. I may reiterate that I am sure that the Führer used clear and frank language with Schuschnigg, but I certainly did not notice any pressure of a military or a political kind, or anything in the nature of an ultimatum. Also I assume that General Jodl's remark—I do not believe he was present—is a diary entry based on hearsay. I should like to add that at that time—and I have also stated this to several persons who were with me and also to the Führer—I had an altogether positive and pleasant impression of Schuschnigg's personality. Schuschnigg even said that the two countries, and I remember these words exactly, were bound together by fate and that he would have to assist in some way in bringing these two countries closer together. There was no mention in this discussion of an Anschluss or any such thing. Whether the Führer mentioned that, I do not know, but I do not believe so.

DR. HORN: At that time, or shortly after, did Hitler mention to you that he wished to deviate from the German-Austrian Treaty of 1936 and find some other solution?

VON RIBBENTROP: Hitler did not discuss this matter with me. If at all, I spoke very little with him about the Austrian problems. This may sound surprising, but it can be understood from the fact that it was only on 4 February that I took over the Foreign Office and that I first had to get familiar with all the problems. The Austrian problem was anyway, as I already said, a problem which was always dealt with by Hitler himself and which consequently was, so to speak, merely taken note of in the Foreign Ministry, whereas it was directed by him personally. I know and I remember that the then Ambassador Von Papen also had the right to report directly to Hitler and that the Foreign Office received copies of these reports. These reports, I believe, were presented directly to Hitler by the Reich Chancellery, so that the problem was anchored rather in the Reich Chancellery than in the Foreign Office.

DR. HORN: You then went back to London in order to give up your post as ambassador. What did you hear in London regarding the development of the Austrian question?

VON RIBBENTROP: I may say the following in this connection: I myself had always the idea that the Austrian problem should be solved by bringing about a treaty, a customs and currency union, between the two countries, since I personally believed that this was the most natural and the easiest way to bring about a close connection between the two countries. I might perhaps remind you at this point, that this idea of a currency union, or at least a customs union, was nothing new and had already been pursued by the governments before Hitler; it did not materialize at that time, I believe, because of the veto of the Allied powers. But it was a long-cherished wish of both countries. I might first answer your question concerning London. According to my notes, I went to London on 8 March. As I have already mentioned, I happened to be in Berlin for the celebration of the seizure of power on 30 January, I believe, and then was appointed Foreign Minister on 4 February. Because of this appointment I did not have the opportunity to take official leave in London. On 8 March 1938 I went to London. Before resigning my post I had a short conversation with Hitler, primarily about English matters. I remember that he remarked on this occasion that the Austrian problem beyond a doubt was progressing very nicely in line with the arrangements agreed upon with Schuschnigg at Berchtesgaden. I wish to add that I did not know all the details of the agreements but I still remember a small detail about which we sent an inquiry to the Reich Chancellery only a few weeks later for the information of our specialist on the Austrian question. After I arrived in London, I believe it was in the afternoon, I happened to hear over the radio in the embassy building a speech made by the then Federal Chancellor Schuschnigg in Innsbruck or in Graz, I believe. I must say this speech took me very much by surprise. To go into details would take too long. Nor do I remember all the details. I do know that the entire manner, and, as it seemed to me, also the tone of this speech, was such that I immediately had the impression that the Führer would not tolerate this, and that the entire speech, without any doubt, contradicted at least the spirit of the agreements made with the Führer at the Obersalzberg. As I said, I was convinced that Adolf Hitler would do something about it; and I should like to say quite openly before this Tribunal that it appeared quite in order to me that the question be solved in some way or other, I mean, that one would have to speak to Schuschnigg very frankly, to prevent matters leading to a catastrophe, perhaps even a European catastrophe. Then, on the next morning, I had a long discussion with Lord Halifax. Lord Halifax had also received reports from Austria, and I tried, without knowing the situation fully, to explain to him that it was better to solve this problem now in one form or another, and that this would be precisely in the interests of the German-English efforts

toward friendly relations; that in the long run the assumption would prove false that the friendship between Germany and England, as striven for by both countries, could be broken up by such a problem. Lord Halifax was not alarmed by the situation and told me, as far as I remember, that I should still have an opportunity to discuss these matters with the British Prime Minister Chamberlain at the breakfast which was to follow. After this I had breakfast with the then Prime Minister Chamberlain; during or after this breakfast I had a long conversation with Chamberlain. During this conversation Mr. Chamberlain again emphasized his desire to reach an understanding with Germany. I was extremely happy to hear this and told him that I was firmly convinced that this was also the Führer's attitude. He gave me a special message for the Führer that this was his desire and that he would do everything he could in this direction. Shortly after this conversation telegrams arrived from Austria, from Vienna, I believe from the Minister or the British Consul. Mr. Chamberlain and Lord Halifax asked me to come to their office. I believe the breakfast took place at 10 Downing Street and I went then to their office in order to discuss these telegrams. I told them that of course I had no precise reports; then the news of an ultimatum came, and later of the entry of German troops. We arranged that I should try to contact my government and that Lord Halifax would come to see me in the German Embassy in the afternoon to discuss these things further. I wish to emphasize that Mr. Chamberlain on this occasion also took a very composed and, it seemed to me, very sensible attitude towards the Austrian question. In the afternoon Lord Halifax visited me and we had a long talk. In the meantime the entry of German troops had become known. I should like to emphasize the fact that this talk with Lord Halifax was very amicable and that at the end of it I invited the English Foreign Minister to pay Germany another visit. He accepted with the remark that he would be glad to come and perhaps another exhibition of hunting trophies could be arranged.

DR. HORN: On the next morning you had a telephone conversation with the Defendant Göring. This telephone conversation has been put in evidence by the Prosecution, with the assertion that it is a proof of your double-crossing policy. What about that?

VON RIBBENTROP: That is not true. Reich Marshal Göring has already testified that this was a diplomatic conversation, and diplomatic conversations are carried on all over the world in the same way. But I may say that through this telephone conversation I learned for the first time of the details of the events in Austria. Without going into details I heard, first of all, that this vote without doubt was not in accordance with the true will of the Austrian people, and a number of other points which Göring asked me to

mention in my conversations with the British ministers. But I should like to say that actually such conversations did not take place because I had already taken leave of the official English circles. In fact, I did not have any further talks after my conversation with Göring; just a few hours after this conversation I left London and went to Berlin and later to Vienna.

I might say that first I flew to Karin hall to visit Göring and talked to him and found him just as happy about the Anschluss—that is, not about the Anschluss but about the whole Austrian development as I myself was. We all were happy. Then I flew, I believe, on the same day, to Vienna and arrived there at about the same time as Adolf Hitler. In the meantime I heard about the Anschluss and it was only in Vienna that I learned that the idea of the Anschluss had definitely not occurred to Hitler until his drive through Austria. I believe it was prompted by a demonstration in Linz and then he decided very quickly, I think, to accomplish the Anschluss.

DR. HORN: What problem did Hitler mention to you as the next one which you should solve following the Anschluss?

VON RIBBENTROP: The next problem which Hitler outlined to me on 4 February was the problem of the Sudeten Germans. This problem, however, was not a problem posed by Hitler or the Foreign Office or any office, it was a *de facto* problem that existed of itself. I believe it was the American prosecutor who said here that with the dissolution of Czechoslovakia a chapter ended which was one of the saddest in the history of nations, namely the oppression and destruction of the small Czechoslovak nation. I should like to state the following from my own knowledge of these matters.

One may speak in this sense of a Czechoslovak State but not of a Czechoslovak nation, because it was a state of different nationalities, a state which comprised the most varied national groups. I mention, besides Czechs, only Germans, Hungarians, Poles, Ruthenians, Carpatho-Ukrainians, Slovaks, *et cetera*. This shows that quite heterogeneous elements had been welded together in 1919 to form the state. It is certain, and probably a historical fact, that the efforts of the different nationalities within the artificially welded state were divergent to a certain extent and that the Czechs, following their own tendencies, tried to surround these nationalities with a strong ring, I should like to say, with an iron ring. This produced pressure as pressure always created counterpressure, counterpressure from the various nationalities of this state, and it is evident that a strong Germany, a Germany of National Socialism at that time, exerted a strong power of attraction on all the national segments in Europe; or, at any rate, on those living close to the German border and partly, I might say, on the others as well. So it came about that the German minorities in the Sudetenland, who, since 1919, had been

constantly exposed to a considerable pressure on the part of Prague, now were subjected to still greater pressure. I do not believe I have to go into details, but I can say from my own knowledge, and even from my own discussions while I was ambassador in London, that the question of the Sudetenland was very clearly understood by the Foreign Office in London and that it was precisely England that very often before 1938 had supported certain interests of the Sudeten Germans in co-operation with Konrad Henlein.

After the seizure of power by Adolf Hitler the suppression of these German minorities undoubtedly increased. I should also like to point out, and I know this from having read the files of the Foreign Office at the time, that the League of Nations' Committee for Minorities had a tremendous amount of documents on the Sudeten Germans and the great impediments encountered by the Germans in practicing and living their own cultural life.

I do not believe it is too much to say that the manner in which the Sudetenland was treated by Prague was, even in the opinion of the competent and unprejudiced authorities of the League of Nations, in no way in accord with the provisions of the League of Nations regarding minorities. I myself thought it was absolutely necessary to reach some solution in order that this problem might not become a matter of conflict, whereby again, as in the case of Austria, all Europe would be stirred up. I should like to emphasize that the Foreign Office and I always endeavored, from the very beginning, to solve the Sudeten German problem by way of diplomatic negotiations with the main signatory powers of Versailles. And I might add that it was my personal conviction, which I also expressed to Hitler, that with sufficient time on hand and appropriate action, the Germany that we had in 1938 could solve this problem in a diplomatic, that is, peaceful way.

The Prosecution have charged me with having stirred up unrest and discord in Czechoslovakia by illegal means and thereby with having consciously helped to bring about the outbreak of this crisis. I do not deny in any way that between the Sudeten German Party and the NSDAP there had been connections for a long time which aimed at taking care of the Sudeten-German interests. Nor do I wish to deny, for example, what was mentioned here, that the Sudeten German Party was supported with certain funds from the Reich. I might even say, and I believe the Czechoslovak Government will confirm this, that that was an open secret which was well known in Prague. However, it is not correct to say that anything was done on the part of the Foreign Office and by me to direct these efforts in such a way that a really serious problem might arise. I do not want to go into further detail, but I should like to mention one more point. Documents have been mentioned about arrests of Czech

nationals in Germany as reprisals for Czech treatment of Sudeten Germans. To that I can say merely that these were measures which can be understood and explained only in view of the situation at that time, but which were not brought about by us in the Foreign Office in order to make the situation more critical. On the contrary, in the further course of events, I attempted through the legation in Prague as well as through efforts of the gentlemen of my office to restrain the activities of the Sudeten German Party. I believe that this has to some extent been proved clearly by the documents which have been made known here. I do not have these documents before me, so I cannot deal with them in greater detail; but I believe that perhaps the Defense have the opportunity to make these matters clear in detail.

DR. HORN: What brought about the critical situation in the summer?

VON RIBBENTROP: It is natural and has always been the case that such a nationality has its own dynamics. This question of the split of German groups bordering on Germany was often referred to by us in the Foreign Office as "the sinister problem," that is a problem which could not be solved in a way compatible with the interests of foreign policy. We had to deal here not with letters and paragraphs but with living people who had laws and dynamics of their own. Therefore the Sudeten German Party naturally strove for greater and greater independence; it cannot be denied that a number of influential leaders, at least at that time, demanded absolute autonomy, if not the possibility of joining the Reich. This is perfectly clear, and that was also the goal of the Sudeten German Party. For the Foreign Office and German foreign policy, as well as for Hitler, of course, manifold difficulties arose because of this. As I said before, I tried to get the foreign policy affairs under control. At the time I received Konrad Henlein—I believe once or twice, I do not remember exactly—and asked him not to do anything, as far as Prague was concerned, in the pursuit of his political goals that might put German foreign policy into a state of emergency. This was perhaps not always so easy for Henlein either, and I know that the leaders of the Sudeten German Party could naturally approach and be received by other offices of the Reich; also Adolf Hitler himself, who was interested in this problem, occasionally received these leaders. The crisis, or rather the whole situation, developed more and more critically, because on the one hand the Sudeten Germans insisted on their demands in Prague more and more openly and stubbornly and because the Czechs, the Government in Prague, opposed these demands, which resulted in excesses, arrests and so on. Thus the situation became even more critical. At that time I often spoke with the Czech Minister. I asked him to meet the

demands of the Sudeten Germans for autonomy and all their demands to the furthest extent possible. However, matters developed in such a way that the attitude displayed by Prague became more stubborn, and so did the attitude of the Sudeten Germans.

DR. HORN: What brought about Chamberlain's visit? What were the reasons for this visit and for the role played by you on that occasion?

VON RIBBENTROP: I should like to interpolate here that in the summer of 1938 the situation was driving more and more toward a crisis. Ambassador Sir Nevile Henderson in Berlin, with whom I had often discussed this problem and who was making efforts on his part to bridge matters, undoubtedly made continuous reports to his government. I do not know exactly today, but I believe that it was through his initiative that Lord Runciman went to Prague. Runciman undoubtedly went to Prague in good faith and tried to get a clear picture of the situation. He also rendered an opinion which, as far as I recall, was to the effect—I do not remember the wording—that the right to exercise self-determination, immediate self-determination, should not be denied the Sudetenland. Thus, I believe, this opinion was favorable for the Sudeten Germans. Nevertheless, the crisis was there. I do not remember exactly what the date was, but I believe it happened that through Ambassador Henderson, Chamberlain got in touch with the Reich Government. In this way Chamberlain's visit to the Führer at the Obersalzberg came about during the first half of September. Regarding this visit, there is not very much to be said. The Führer spoke alone with Chamberlain on that occasion. I do know, however, and we all felt it, that the visit took place in an altogether good and pleasant atmosphere. As far as I remember the Führer told me that he had told Chamberlain frankly that the demand of the Sudeten Germans for self-determination and freedom in some form or other would have to be met now. Chamberlain, I believe—and this was the substance of that conference—replied that he would inform the British Cabinet of these wishes of the German Government and that he would then make further statements.

DR. HORN: How did the second visit of Chamberlain to Godesberg come about afterwards?

VON RIBBENTROP: As far as I recall, matters did not progress satisfactorily. The situation in the Sudetenland became more difficult and threatened to develop into a very serious crisis, not only within Czechoslovakia but also between Germany and Czechoslovakia, and thereby into a European crisis. The result was that Chamberlain once more took the initiative and thus his visit to Godesberg came about; I believe this was in the middle of September or during the second half of September.

DR. HORN: How, then, was the Sudeten German question solved, and what was your part in this solution?

VON RIBBENTROP: May I first report about Godesberg? In view of the crisis which had developed, Hitler informed Mr. Chamberlain at Godesberg that now he had to have a solution of this question under all circumstances. I might emphasize that I knew nothing regarding details of a military nature at that time, but I do know that the Führer concerned himself with the possibility that this problem might have to be solved by military power. He told Mr. Chamberlain at Godesberg that a solution of the Sudeten German problem would have to be found as rapidly as possible. Mr. Chamberlain was of the opinion that it would be difficult to win Prague over so quickly to a solution, and finally things broke down altogether at the conference. Adolf Hitler then personally dictated a memorandum which he or I was to give to Mr. Chamberlain. Then Sir Horace Wilson, a friend of Mr. Chamberlain, visited me, a man who deserves much credit in bridging disagreements. I succeeded in arranging for another meeting in the evening. During this meeting, which started in a rather cool atmosphere, the Führer received a report of Czechoslovakia's mobilization. This was a most deplorable circumstance since Hitler, just at this moment, resented that very strongly, and both he and Mr. Chamberlain wanted to break off the conference. This happened, I believe, exactly at the moment when the interpreter was about to read the Führer's memorandum containing a proposal for the solution of the Sudeten German problem. By a remark and a short conversation with Hitler and then with Chamberlain, I succeeded in straightening matters out. Negotiations were resumed, and after a few hours of negotiations the result was that Mr. Chamberlain told the Führer he could see now that something had to be done and that he was ready, on his part, to submit this memorandum to the British Cabinet. I believe he also said that he would suggest to the British Cabinet, that is to say, to his ministerial colleagues, that compliance with this memorandum be recommended to Prague. The memorandum contained as a solution, in general outlines, the annexation of the Sudetenland by the Reich. I believe, the Führer expressed his desire in the memorandum that, in view of the critical situation there, it would be advisable that this be carried out, if possible, within a definite period of time—I believe, by 1 October, that was within 10 days or two weeks. Mr. Chamberlain then departed and a few days passed. The crisis did not improve but rather became worse. I remember that very well. Then, during the last part of September, I do not have the date here, the French Ambassador came and said that he had good news about the Sudeten German question. Later on the British Ambassador also called. At the same time—Reich

Marshal Göring has already testified to this—Italy wanted to take part in the solution of the crisis acting on a wish made known to Göring by Mussolini and offered to mediate. Then came Mussolini's proposal that a conference be held, which proposal was accepted by England, France, and Germany. The French Ambassador, and later on the British Ambassador, saw the Führer and outlined on a map the approximate solution which apparently was being proposed by France, England, and Italy as a solution of the Sudeten problem. I still remember that the Führer in the first place stated to the French Ambassador that this proposal was not satisfactory, whereupon the French Ambassador declared that of course further discussions should be held regarding this question and the question of where Germans really were living and how far the Sudetenland extended; all these questions could still be discussed in detail.

Anyway, as far the French Government was concerned—and I believe, Sir Nevile Henderson used similar words later at his reception by the Führer—the Führer could be assured that the British as well as the French intended to contribute to the solution of this problem in conformity with the German view.

Then came the Munich conference. I take it I need not go into the details of this conference; I should like only to describe briefly the results of it. The Führer explained to the statesmen, with the aid of a map, the necessity, as he saw it, of annexing a particular part of the Sudetenland to the German Reich to reach final satisfaction. A discussion arose; Mussolini, the Italian Chief of Government, agreed in general with Hitler's ideas. The English Prime Minister made at first certain reservations and also mentioned that perhaps the details might be discussed with the Czechs, with Prague. Daladier, the French Minister, said, as far as I recall, that he thought that since this problem had already been broached, the four great powers should make a decision here and now. In the end this opinion was shared by all the four statesmen; as a result the Munich Agreement was drawn up providing that the Sudetenland should be annexed to Germany as outlined on the maps that were on hand. The Führer was very pleased and happy about this solution, and, with regard to other versions of this matter which I have heard during the Trial here, I should like to emphasize here once more particularly that I also was happy. We all were extremely happy that in this way in this form the matter had been solved.

THE PRESIDENT: We will adjourn until 10 minutes past 2.

*[The Tribunal recessed until 1410 hours.]*

### *Afternoon Session*

**THE PRESIDENT:** The Tribunal will sit tomorrow morning from 10 o'clock until 1 in open session. And now before going on, Dr. Horn, the Tribunal wish me to say that they think that entirely too much time is being taken up by the defendant in detailed accounts of negotiations which led up to an agreement which is a matter of history and which is perfectly well known to everybody. That is not the case which the defendant has to meet; what the defendant has to meet is not the making of agreements which are perfectly well known, but the breach of those agreements by Germany and any part which he may have played in the breach of those agreements. It is very important that the time of this Tribunal should not be taken up by unnecessary details of that sort.

**DR. HORN:** What foreign political reaction did the Munich Agreement have?

**VON RIBBENTROP:** The Munich Agreement is well known. Its contents were the following: Germany and England should never again wage war; the naval agreement on the ratio of 100 to 35 was to be permanent and, in important matters, consultations were to be resorted to. Through this agreement the atmosphere between Germany and England was undoubtedly cleared up to a certain degree. It was to be expected that the success of this pact would lead to a final understanding. The disappointment was great when, a few days after Munich, rearmament at any cost was announced in England. Then England started on a policy of alliance and close relationship with France. In November 1938 trade policy measures were taken against Germany, and in December 1938 the British Colonial Secretary made a speech in which a "no" was put to any revision of the colonial question. Contact with the United States of America was also established. Our reports of that period, as I remember them, showed an increased—I should like to say—stiffening of the English attitude toward Germany; and the impression was created in Germany of a policy which practically aimed at the encirclement of Germany.

**DR. HORN:** You are accused by the Prosecution of having contributed to the separation of Slovakia from Czechoslovakia in violation of international law. What part did you take in the Slovakian declaration of independence?

**VON RIBBENTROP:** There is no doubt that there were relations between Slovaks and quite a number of members of the National Socialist German Workers Party. These tendencies naturally were known to the Foreign Office, and it would be wrong to say that we in any way did not welcome them. But it is not correct to say that

the autonomy was demanded or forced by us in any way. I remember that Dr. Tiso proclaimed this autonomy; and the Prague Government, under the influence of Munich, also recognized the autonomy. What the situation was like at the time after Munich can be seen from the fact that all minorities of Czechoslovakia wanted autonomy and independence. Shortly thereafter the Carpatho-Ukrainians declared their independence and others as well had similar aspirations. In the Munich Agreement, I should like to add, there was a clause according to which Germany and Italy were to give Czechoslovakia a guarantee; but a declaration to this effect was not made. The reason for that was that Poland, after the Munich Agreement, sent an ultimatum to Czechoslovakia, and on her own initiative, severed the Polish minorities and occupied these areas. The Hungarians also wanted autonomy, or rather, incorporation of Hungarian areas; and certain areas of Czechoslovakia were thereupon given to Hungary by the Vienna decision. The situation in Czechoslovakia, however, was not yet clear and also remained difficult during the following period. Then the Slovak, Tuka, approached us. He wanted to win Germany's approval for Slovakia's independence. The Führer received Tuka at that time and, after a few interludes, the final result was the declaration of independence of Slovakia made by Tiso on 13 March. The Prosecution have submitted a document in which I am alleged to have said, during the conversation which took place between the Führer and Tiso, that it was only a matter of hours, not of days, that Slovakia would have to come to a decision. However, this was to be understood to mean that at that time preparations for an invasion had been made by Hungary in order to occupy Carpatho-Ukraine as well as some other regions of Slovakia. We wanted to prevent a war between Slovakia and Hungary or between Czechoslovakia and Hungary; Hitler was greatly concerned about it, and therefore he gladly complied with Tiso's desire. Later, after the declaration of Slovakia's independence by the Slovak parliament, he complied with Tiso's request and took over the protection of Slovakia.

DR. HORN: What brought about Hacha's visit to Berlin on 14 March 1939?

VON RIBBENTROP: Events in Slovakia had their repercussions, of course, and chiefly very strong excesses against racial Germans in the area of Prague, Brünn, Iglau, *et cetera*, were reported to Hitler. Many fugitives came into the old Reich. In the winter of 1938-39 I repeatedly attempted to discuss these matters with the Prague Government. Hitler was convinced that a development was being initiated in Prague which could not be tolerated by the German Reich. It was the attitude of the press and the influential government circles in Prague. The Führer also wished that the

Czech nation should reduce her military power, but this was refused by Prague.

During these months I tried repeatedly to maintain good German relations with Prague. In particular I spoke frequently with Chvalkovsky, the Czechoslovakian Foreign Minister. In the middle of March, Chvalkovsky, the Czechoslovakian Foreign Minister, turned to our German representative in Prague to find out whether Hitler would give Hacha the opportunity of a personal interview. I reported this to the Führer and the Führer agreed to receive Hacha; however, he told me that he wished to deal with this matter personally. To that effect I had an exchange of telegrams with Prague: A reserved attitude should be taken in Prague but Hacha should be told that the Führer would receive him.

At this point I should like to mention briefly that the Foreign Office and I myself did not know anything at this date of impending military events. We learned about these things only shortly before they happened. Before the arrival of Hacha I asked the Führer whether a treaty was to be prepared. The Führer answered, as I recall distinctly, that he had the intention of going far beyond that. After the arrival of Hacha in Berlin I visited him at once and he told me he wanted to place the fate of the Czech State in the Führer's hands. I reported this to the Führer and the Führer instructed me to draft an agreement. The draft was submitted to him and corrected later on, as I remember. Hacha was then received by the Führer and the results of this conference, as far as I know, are already known here and have been submitted in documentary form so that I do not need to go into it.

I know that Adolf Hitler at that time spoke pointedly to Hacha and told him that he intended to occupy Czechoslovakia. It concerned old historic territory which he intended to take under his protection. The Czechs were to have complete autonomy and their own way of living, and he believed that the decision which was being made on that day would result in great benefit for the Czech people. While Hacha talked to the Führer, or rather afterwards—I was present at the Führer's conference with Hacha—I had a long discussion with the Foreign Minister Chvalkovsky. He adopted our point of view fairly readily and I asked him to influence Hacha so that the Führer's decision and the whole action might be carried out without bloodshed.

I believe it was the deep impression made on him first of all by the Führer and then by what Adolf Hitler had told him which caused Hacha to get in touch by telephone with his Government in Prague and also, I believe, with the Chief of the General Staff. I do not know this exactly. He obtained the approval of his Government to sign the agreement which I mentioned at the beginning. This

agreement was then signed by Hitler, Hacha, and both the Foreign Ministers, that is by myself also. Then Hacha, as I recall, gave instructions that the German Army should be received cordially and, as far as I know, the march into and the occupation of Czechoslovakia, that is Bohemia and Moravia, was completed without serious incident of any kind.

After the occupation I went to Prague with the Führer. After the occupation, or maybe it was in Prague, the Führer gave me in the morning a proclamation in which the countries of Bohemia and Moravia were declared to be a protectorate of the Reich. I read out this proclamation in Prague which, I may say, was somewhat a surprise to me. No protest of any sort was made as far as I recall, and I believe I might mention that the occupation of Bohemia and Moravia, which the Führer considered necessary in the ultimate interest of the Reich, took place for historical and economic reasons and above all for reasons of security for the German Reich. I believe that Göring has given the details.

DR. HORN: What did the European situation look like to you at the time of the occupation of the remainder of Czechoslovakia?

VON RIBBENTROP: I might say that after the proclamation at Prague I had a lengthy discussion with the Führer. I pointed out to the Führer that this occupation, of course, would have considerable repercussions in British-French circles. In this connection I should like to point out that in England those circles which had turned against Germany had grown larger and were led by important persons. In this connection I should like to come back to or mention briefly one incident which took place while I was still Ambassador in London, when Mr. Winston Churchill paid me a visit at the Embassy. Mr. Winston Churchill was not in the government at that time, and I believe he was not leader of the opposition—it has already been discussed—but he was one of the most outstanding personalities in England. I was especially interested in arranging a meeting between him and Adolf Hitler and therefore had asked him to come to see me at the Embassy. We had a conversation which lasted several hours and the details of which I recall exactly. I believe it would go too far to relate all the details of this conversation. But whereas important men like Lord Vansittart in 1936 ...

THE PRESIDENT: Documents with reference to Mr. Winston Churchill at this time when he was not a member of the government have already been ruled by the Tribunal to be irrelevant and what he said and such a conversation as this appears to the Tribunal to be absolutely irrelevant and the Tribunal will not hear it.

VON RIBBENTROP: I have already said that I called the Führer's attention to the British reaction. Adolf Hitler explained to me the

necessity of the occupation of Bohemia and Moravia, especially on historic and strategic grounds. I remember that in this connection he quoted especially the former French Minister of Aviation, Pierre Cot, who had called Bohemia and Moravia, that is Czechoslovakia, the "airplane carrier" against Germany. I believe it was Reich Marshal Göring who already mentioned that at that time we received intelligence reports of Russian pilots or Russian missions being on Czech airdromes.

Hitler said to me, and I remember these words distinctly, that he could not tolerate an inimical Czech thorn in the German flesh. One could get along well enough with the Czechs, but it was necessary for Germany to have in her hands the protection of these countries. He mentioned Soviet Russia, allied with Czechoslovakia, as a factor of inestimable power. When I mentioned England and her reaction he said that England was in no position to take over the protection of the Germans in Czechoslovakia. Furthermore, the structure of the Czechoslovakian State had disintegrated and Slovakia had become independent. Therefore he thought it was necessary in the interest of future German-English relations that the countries of Bohemia and Moravia should come into a close contact with the Reich. A protectorate seemed to him to be the appropriate form. Adolf Hitler said that while this question was utterly unimportant to England it was absolutely vital for Germany. This becomes evident if one glances at the map—this is what he literally said. Besides, he said, he was unable to see how this solution could disturb the co-operation which was being striven for between Germany and England. Hitler pointed out that England—by chance I still remember the figure—had about 600 dominions, protectorates, and colonies and therefore should understand that such problems have to be solved.

I told Adolf Hitler about the difficulties which might confront Mr. Chamberlain personally because of this action on the part of Germany, that England might consider this an increase of Germany's power and so on; but the Führer explained the whole question with the reasons I have mentioned before.

The English reaction at first, in the person of Mr. Chamberlain in the House of Commons, was rather a positive one. He said it was not a violation of the Munich Agreement and the British Government was not bound by any obligation. The Czechoslovakian State had disintegrated and the guarantee which England had said she would give had not come into effect, or rather the obligations of the guarantee did not apply under the circumstances.

I might say that all of us were glad that this attitude was taken in England. I believe it was 2 or 3 days later when Mr. Chamberlain in Birmingham...

THE PRESIDENT: Dr. Horn, what have we got to do with the reactions in England unless they took the form of a note? I do not see what it has to do with it. What we want to know is the part that the Defendant Ribbentrop played in the breach of the Munich Agreement.

DR. HORN: The Defendant Von Ribbentrop is accused of having participated in a conspiracy when he was Foreign Minister, and it is charged that his foreign policy contributed to the bringing about of aggressive war. If the Defendant Von Ribbentrop wishes and is allowed to defend himself against these charges then he must be permitted to describe the circumstances as he saw them and the motives behind his actions. I am putting only such questions to the defendant in this case as have reference to his forming certain opinions.

THE PRESIDENT: Well, I don't think you asked him any question about it. He was just...

DR. HORN: It is not coming through quite audibly.

THE PRESIDENT: What I said was, I did not think you asked him any questions as to the reactions in England.

THE INTERPRETER: The channels seem to be disturbed in some way. I think they are getting more than one language.

THE PRESIDENT: The Tribunal had better adjourn, I think.

*[A recess was taken.]*

THE PRESIDENT: Dr. Horn, what I was attempting to say to you when the system broke down was that it seems to the Tribunal that the defendant ought to be able to keep his evidence within stricter limits and not to go into so much detail, and that, with regard to the reactions, the political reactions in England, they are not relevant in themselves, and that the bearing which they may have upon the case is really remote.

DR. HORN: What caused Hitler to commission you, in October 1938, to enter into negotiations with Poland?

VON RIBBENTROP: There had always been the minority problem in Poland, which had caused great difficulties. Despite the agreement of 1934, this situation had not changed. In the year 1938 the "de-Germanization" measures against German minorities were continued by Poland. Hitler wished to reach some clear settlement with Poland, as well as with other countries. Therefore he charged me, I believe during October 1938, to discuss with the Polish ambassador a final clarification of the problems existing between Germany and Poland.

DR. HORN: Besides the minority problem, what other problems were involved?

VON RIBBENTROP: There were two questions: One, the minority problem, was the most burning one; the second problem was the question of Danzig and the Corridor, that is to say, of a connection with East Prussia.

DR. HORN: What was Hitler's and your attitude toward the Danzig and Corridor questions?

VON RIBBENTROP: It is clear that these two questions were the problems that had caused the greatest difficulties since Versailles. Hitler had to solve these problems sooner or later one way or another. I shared this point of view. Danzig was exposed to continual pressure by the Poles; they wanted to "Polandize" Danzig more and more and by October of 1938 from 800,000 to a million Germans, I believe, had been expelled from the Corridor or had returned to Germany.

DR. HORN: How did the Polish Ambassador take your suggestions in October 1938?

VON RIBBENTROP: The Polish Ambassador was reticent at first. He did not commit himself, nor could he do so. I naturally approached him with the problem in such a way that he could discuss it at ease with his government, and did not request, so to speak, a definitive answer from him. He said that of course he saw certain difficulties with reference to Danzig, and also a corridor to East Prussia was a question which required much consideration. He was very reticent, and the discussion ended with his promise to communicate my statements, made on behalf of the German Government, to his government, and to give me an answer in the near future.

DR. HORN: How did your second discussion with Ambassador Lipski on 17 November 1938 end?

VON RIBBENTROP: On 17 November 1938 Lipski came to see me and declared that the problem involved considerable difficulties and that the Danzig question in particular was very difficult in view of Poland's entire attitude.

DR. HORN: Did you then, on Hitler's order, submit the request to Lipski to take up direct negotiations with Foreign Minister Beck?

VON RIBBENTROP: I invited Foreign Minister Beck to Berlin.

DR. HORN: When did Foreign Minister Beck come to Berchtesgaden?

VON RIBBENTROP: Unfortunately, Minister Beck did not come to Berlin; he went to London.

DR. HORN: You misunderstood my question. When did Foreign Minister Beck come to Berchtesgaden?

VON RIBBENTROP: Hitler had said that he wanted to speak with Mr. Beck personally about this problem. Thereupon Mr. Beck came; I do not know the date exactly . . .

DR. HORN: It was the beginning of January, on 5 January.

VON RIBBENTROP: . . . to Berchtesgaden and had a long talk with Adolf Hitler.

DR. HORN: What was the result of this talk?

VON RIBBENTROP: I was present at that conversation. The result was that Adolf Hitler informed Beck, once more in detail, of his desire for good German-Polish relations. He said that a completely new solution would have to be found in regard to Danzig, and that a corridor to East Prussia should not give rise to insurmountable difficulties. During this conversation Mr. Beck was rather receptive. He told the Führer that naturally the question of Danzig was difficult because of the mouth of the Vistula, but he would think the problem over in all its details. He did not at all refuse to discuss this problem, but rather he pointed out the difficulties which, due to the Polish attitude, confronted a solution of the problem.

DR. HORN: Is it true that Beck was, as a matter of principle, willing to negotiate and therefore invited you, at the end of January, to make a visit to Warsaw?

VON RIBBENTROP: One cannot put it quite that way. After the meeting at Berchtesgaden with the Führer, I had another lengthy conversation with Beck in Munich. During this conversation Beck explained to me again that the problem was very difficult, but that he would do everything he could; he would speak to his governmental colleagues, and one would have to find a solution of some kind. On this occasion we agreed that I would pay him a return visit in Warsaw. During this visit we also spoke about the minority question, about Danzig and the Corridor. During this conversation the matter did not progress either; Mr. Beck rather repeated the arguments why it was difficult. I told him that it was simply impossible to leave this problem the way it was between Germany and Poland. I pointed out the great difficulties encountered by the German minorities and the undignified situation, as I should like to put it, that is, the always undignified difficulties confronting Germans who wanted to travel to East Prussia. Beck promised to help in the minority question, and also to re-examine the other questions. Then, on the following day, I spoke briefly with Marshal Smygly-Rydz, but this conversation did not lead to anything.

DR. HORN: At that time did you ask Beck to pay another visit to Berlin, and did this visit take place, or did Beck decide on a different course?

VON RIBBENTROP: What happened was that I invited Foreign Minister Beck to Berlin, because his first visit was not an official one. Unfortunately, however, Beck did not come to Berlin, but, as I have already said, he went to London.

DR. HORN: What was the effect of his visit to London on the subsequent negotiations?

VON RIBBENTROP: The effect of this London visit was a complete surprise to us. Minister Lipski, I believe it was on 21 March, yes, it was, suddenly handed us a memorandum.

DR. HORN: Let me interrupt you. On 21 March you had previously another conversation with Lipski regarding the partition of Czechoslovakia and the problems arising from the establishment of the Protectorate?

VON RIBBENTROP: That may be true, in that case I meant 26.

DR. HORN: Yes.

VON RIBBENTROP: That is right; on the 21st I had a talk with Lipski, that is true, and in this talk Lipski expressed certain doubts concerning Slovakia and the protection afforded by Germany. He expressed the wish that between Hungary and Poland, two countries which had always had close relations with each other, a direct, common boundary might be established and asked whether or not this would be possible. He also inquired indirectly whether the protection afforded to Slovakia was directed in any way against Poland. I assured Mr. Beck that neither Hitler nor anybody else had been motivated by the slightest intention of acting against Poland when the protection was promised. It was merely a measure to point out to Hungary that the territorial questions were now settled. However, I believe I told Mr. Lipski to look forward to such a link being established via the Carpatho-Ukraine.

DR. HORN: Is it true that consultations were initiated between Poland and the British Government, the French Government and the Russian Government about 20 March?

VON RIBBENTROP: Yes, that is right. These consultations, as far as I recall, go back to a suggestion made by Lord Simon. A common declaration was to be made with regard to Poland. But Poland did not regard this as satisfactory, and made it clear in London that this solution was out of the question for Poland.

DR. HORN: Is it true that Poland worked toward a concrete alliance with England and France?

VON RIBBENTROP: There can be no doubt, and it is a historical fact that Poland strove for an alliance with England.

DR. HORN: When did the German Government find out that Poland had been promised support by England and France?

VON RIBBENTROP: That became known, I cannot tell you the date precisely, but it was, at any rate, during the latter part of March. Anyway, I know, and we all were convinced of what, I believe, is an established fact today, that these relations taken up during the latter part of March between Warsaw and London determined the answer which was, to our surprise, communicated to us by memorandum on 26 March, I believe.

DR. HORN: Is it correct that this memorandum stated that a further pursuit of German aims regarding a change in the Danzig and Corridor questions would mean war as far as Poland was concerned?

VON RIBBENTROP: Yes, that is correct. That was a great surprise to us. I know that I read the memorandum, and for a moment I simply could not believe that such an answer had been given, when one considers that for months we had tried to find a solution, which—and I wish to emphasize this—only Adolf Hitler, at that time, with his great authority over the German people could bring about and be responsible for.

I do not want to get lost in details, but I do want to say that the Danzig and Corridor problem, since 1919, had been considered by statesmen of great authority the problem with which somehow the revision of Versailles would have to start. I should like to remind you of the statement by Marshal Foch and other statements by Winston Churchill, who also elaborated on this subject, as well as by Clemenceau, *et cetera*. All these statesmen were undoubtedly of the opinion that a territorial revision of this Corridor would really have to be undertaken. But Hitler, for his part, wanted to make it an over-all settlement and reach an understanding with Poland on the basis of his putting up with the Corridor and taking only Danzig back into the Reich, whereby Poland was to be afforded a very generous solution in the economic field. That, in other words, was the basis of the proposals which I had been working on for 4 to 5 months on Hitler's order. All the greater was our surprise when, suddenly, the other side declared that a further pursuit of these plans and solutions, which we regarded as very generous, would mean war. I informed Hitler of this, and I remember very well that Hitler received it very calmly.

DR. HORN: Is it correct that on the following day you stated to the Polish Ambassador that the memorandum of 26 March 1939 could not serve as the basis for a solution?

VON RIBBENTROP: That is true. I just said that Hitler received this harsh and serious message of the Polish Ambassador very calmly. He said, however, that I should tell the Polish Ambassador that of course no solution could be found on this basis. There should be no talk of war.

DR. HORN: Is it true that thereupon, on 6 April 1939, the Polish Foreign Minister Beck traveled to London and returned with a temporary agreement of mutual assistance between Poland, England, and France?

VON RIBBENTROP: Yes, that is correct.

DR. HORN: What was the German reaction to this pact of mutual assistance?

VON RIBBENTROP: The German reaction—here I might refer to Hitler's Reichstag speech in which he stated his attitude toward this whole problem. We felt this pact of mutual assistance between Poland and England to be not in agreement with the German-Polish pact of 1934, for in the 1934 pact any application of force was excluded between Germany and Poland. By the new pact concluded between Poland and England without previous consultation with Germany, Poland had bound herself for example, to attack Germany in case of any conflict between Germany and England. I know that Adolf Hitler felt that it was also not in conformity with the agreements between him and Mr. Chamberlain in Munich, namely, the elimination of any resort to force between Germany and England, regardless of what might happen.

DR. HORN: Is it true that Germany then sent through you a memorandum to Poland on 28 April by which the German-Polish declaration of 1934 was rescinded?

VON RIBBENTROP: That is true. It was, I believe, on the same day as the Reichstag speech of the Führer. This memorandum stated more or less what I have just summarized here, that the pact was not in agreement with the treaty of 1934 and that Germany regarded this treaty as no longer valid.

DR. HORN: Is it true that as a consequence of this memorandum German-Polish relations became more tense and that new difficulties arose in the minority question?

VON RIBBENTROP: Yes, that is true. During the preceding period negotiations had been pending in order to put the minority problem on a new basis. I still remember that no progress was made. That was already the case before 28 May, and after 28 May the situation of the German minority became even more difficult. In particular the Polish association for the Western Territories was very active at that time and persecution of Germans and their expulsion from hearth and home was the order of the day. I know

that just during the months following 28 May, that is to say, in the summer of 1939, the so-called refugee reception camps for German refugees from Poland showed a tremendous influx.

DR. HORN: How did you and Hitler react to the British-French declarations of guarantee to Romania and Greece, and later on Turkey?

VON RIBBENTROP: These declarations could be interpreted by the German policy only as meaning that England was initiating a systematic policy of alliances in Europe which was hostile to Germany. That was Hitler's opinion and also mine.

DR. HORN: Is it true that these declarations of guarantee and Roosevelt's message of 14 April 1939 were then, on 22 May 1939, followed by the German-Italian pact of alliance? And what were the reasons for this pact?

VON RIBBENTROP: It is known that between Germany and Italy friendly relations had naturally existed for a long time; and when the European situation became more acute these relations were, at Mussolini's suggestion, intensified and a pact of alliance, which was discussed first by Count Ciano and me in Milan, was drawn up and provisionally signed on the order of the Government heads. This was an answer to the efforts of English-French policy.

DR. HORN: Is it correct that the crisis with Poland became acute through the fact that on 6 August in Danzig a dispute with the customs inspectors took place by which Germany was forced to take a stand?

VON RIBBENTROP: Yes, that is so. A quarrel had arisen between the Polish representative and the Senate of the City of Danzig. The Polish representative had sent a note to the President of the Senate informing him that certain customs officers of the Senate wanted to disobey Polish regulations. This information proved later to be false, was answered by the Senate, and led to a sharp exchange of notes between the Senate and the Polish representative. On Hitler's order I told the State Secretary of the Foreign Office to lodge appropriate protests with the Polish Government.

DR. HORN: Is it true that Weizsäcker, the then State Secretary, on 15 August called the English and French Ambassadors in order to inform both these ambassadors in detail of the seriousness of the situation?

VON RIBBENTROP: Yes, that is true. He did that on my order.

DR. HORN: On 18 August was Ambassador Henderson again asked to see your State Secretary because the situation was becoming more acute in Poland and Danzig?

VON RIBBENTROP: Yes. A conversation took place a few days later between the English Ambassador and the State Secretary. The

State Secretary explained to him in very clear words the great seriousness of the situation and told him that things were taking a very serious turn.

DR. HORN: Is it true that in this phase of the crisis you made up your mind, on the basis of a suggestion made to you, to initiate negotiations with Russia, and what were your reasons for doing that?

VON RIBBENTROP: Negotiations with Russia had already started sometime previously. Marshal Stalin, in March 1939, delivered a speech in which he made certain hints of his desire to have better relations with Germany. I had submitted this speech to Adolf Hitler and asked him whether we should not try to find out whether this suggestion had something real behind it. Hitler was at first reluctant, but later on he became more receptive to this idea. Negotiations for a commercial treaty were under way, and during these negotiations, with the Führer's permission, I took soundings in Moscow as to the possibility of a definite bridge between National Socialism and Bolshevism and whether the interests of the two countries could not at least be made to harmonize.

DR. HORN: How did the relations taken up by the Soviet Russian commercial agency in Berlin with your Minister Schnurre develop?

VON RIBBENTROP: The negotiations of Minister Schnurre gave me within a relatively short period of time a picture from which I could gather that Stalin had meant this speech in earnest. Then an exchange of telegrams took place with Moscow which, in the middle of August, led to Hitler's sending a telegram to Stalin, whereupon Stalin in answer to this telegram invited a plenipotentiary to Moscow. The aim in view, which had been prepared diplomatically, was the conclusion of a non-aggression pact between the two countries.

DR. HORN: Is it true that you were sent to Moscow as plenipotentiary?

VON RIBBENTROP: Yes, that is known.

DR. HORN: When did you fly to Moscow, and what negotiations did you carry on there?

VON RIBBENTROP: On the evening of 22 August I arrived in Moscow. The reception given me by Stalin and Molotov was very friendly. We had at first a 2-hour conversation. During this conversation the entire complex of Russo-German relations was discussed. The result was, first, the mutual will of both countries to put their relations on a completely new basis. This was to be expressed in a pact of non-aggression. Secondly, the spheres of interests of the two countries were to be defined; this was done by a secret supplementary protocol.

DR. HORN: Which cases were dealt with in this secret supplementary protocol? What were its contents and what the political bases?

VON RIBBENTROP: I should like to say, first of all, that this secret protocol has been spoken about several times here in this Court. I talked very frankly during the negotiations with Stalin and Molotov, and the Russian gentlemen also used plain language with me. I described Hitler's desire that the two countries should reach a definitive agreement, and, of course, I also spoke of the critical situation in Europe. I told the Russian gentlemen that Germany would do everything to settle the situation in Poland and to settle the difficulties peacefully in order to reach a friendly agreement despite everything.

However, I left no doubt that the situation was serious and that it was possible that an armed conflict might break out. That was clear anyway. For both statesmen, Stalin as well as Hitler, it was a question of territories which both countries had lost after an unfortunate war. It is, therefore, wrong to look at these things from any other point of view. And just as Adolf Hitler was of the opinion which I expressed in Moscow, that in some form or other this problem would have to be solved, so also the Russian side saw clearly that this was the case.

We then discussed what should be done on the part of the Germans and on the part of the Russians in the case of an armed conflict. A line of demarcation was agreed upon, as is known, in order that in the event of intolerable Polish provocation, or in the event of war, there should be a boundary, so that the German and Russian interests in the Polish theater could and would not collide. The well-known line was agreed upon along the line of the Rivers Vistula, San, and Bug in Polish territory. And it was agreed that in the case of conflict the territories lying to the west of these rivers would be the German sphere of interest, and those to the east would be the Russian sphere of interest.

It is known that later, after the outbreak of the war, these zones were occupied on the one side by Germany and on the other side by Russian troops. I may repeat that at that time I had the impression, both from Hitler and Stalin, that the territories—that these Polish territories and also the other territories which had been marked off in these spheres of interest, about which I shall speak shortly—that these were territories which both countries had lost after an unfortunate war. And both statesmen undoubtedly held the opinion that if these territories—if, I should like to say, the last chance for a reasonable solution of this problem was exhausted—there was certainly a justification for Adolf Hitler to incorporate these territories into the German Reich by some other procedure.

Over and above that, it is also known that other spheres of interest were defined with reference to Finland, the Baltic States, and Bessarabia. This was a great settlement of the interest of two great powers providing for a peaceful solution as well as for solution by war.

DR. HORN: Is it correct that these negotiations were drawn up specifically only in the event that, on the basis of the non-aggression pact and the political settlement between Russia and Germany, it might not be possible to settle the Polish question diplomatically?

VON RIBBENTROP: Please repeat the question.

DR. HORN: Is it correct that it was clearly stated that this solution was designed only to provide for the event that, despite the Pact of Non-aggression with Russia, the Polish conflict might not be solved by diplomatic means and that the treaty was to become effective only in this case?

VON RIBBENTROP: Yes, that is so. I stated at that time that on the German side everything would be attempted to solve the problem in a diplomatic and peaceful way.

DR. HORN: Did Russia promise you diplomatic assistance or benevolent neutrality in connection with this solution?

VON RIBBENTROP: It could be seen from the Pact of Non-aggression and from all the conferences in Moscow that this was so. It was perfectly clear, and we were convinced of it, that if, due to the Polish attitude, a war broke out, Russia would assume a friendly attitude towards us.

DR. HORN: When did you fly back from Moscow, and what sort of situation did you find in Berlin?

VON RIBBENTROP: The Pact of Non-aggression with the Soviet Union was concluded on the 23rd. On the 24th I flew back to Germany. I had thought at first that I would fly to the Führer, to the Berghof in Berchtesgaden, but during the flight or prior to it—I do not know exactly—I was asked to come to Berlin.

We flew to Berlin, and there I informed Hitler of the Moscow agreements. The situation which I found there was undoubtedly very tense. On the next day I noticed this particularly.

DR. HORN: To what circumstances was this aggravation of the German-Polish situation to be attributed?

VON RIBBENTROP: In the middle of August all sorts of things had happened which, as I should like to put it, charged the atmosphere with electricity: frontier incidents, difficulties between Danzig and Poland. On the one hand, Germany was accused of sending arms to Danzig, and, on the other hand, we accused the Poles of taking military measures in Danzig, and so on.

DR. HORN: Is it true that on your return from Moscow to Berlin, you were informed of the signing of the British-Polish Pact of Guarantee and what was your reaction and that of Hitler to this?

VON RIBBENTROP: That was on 25 August. On 25 August I was informed about the conversation which the Führer had had with Ambassador Henderson during my absence from Germany, I believe at Berchtesgaden on 22 August. This was a very serious conversation. Henderson had brought over a letter from the British Prime Minister which stated clearly that a war between Germany and Poland would draw England into the picture.

Then, early on the 25th I—the Führer then answered this letter, I believe on the same day—and the answer was couched so as to mean that at the moment a solution by diplomatic means could not be expected. I discussed with the Führer on the 25th this exchange of letters and asked him to consider this question once more and suggested that one more attempt might be made with reference to England. This was 25 August, a very eventful day. In the morning a communication came from the Italian Government, according to which Italy, in the case of a conflict over Poland, would not stand at Germany's side. The Führer decided then to receive Ambassador Henderson once more in the course of that day. This meeting took place at about noon of the 25th. I was present. The Führer went into details and asked Henderson once more to bear in mind his urgent desire to reach an understanding with England. He described to him the very difficult situation with Poland and asked him, I believe, to take a plane and fly back to England in order to discuss this whole situation once more with the British Government. Ambassador Henderson agreed to this and I sent him, I believe in the course of the afternoon, a memo or a *note verbale* in which the Führer put in writing his ideas for such an understanding, or rather what he had said during the meeting, so that the ambassador would be able to inform his government correctly.

DR. HORN: Is it correct that after the British-Polish Pact of Guarantee became known, you asked Hitler to stop the military measures which had been started in Germany?

VON RIBBENTROP: Yes, that is so. I was just about to relate that. During the course of the afternoon—I heard in the course of the day that certain military measures were being taken and then in the afternoon I received, I believe, a Reuters dispatch, at any rate it was a press dispatch—saying that the Polish-British Pact of Alliance had been ratified in London.

I believe there was even a note appended that the Polish Ambassador Raczynski had been sick but had nevertheless suddenly given his signature in the Foreign Office.

DR. HORN: Was this treaty signed before or after it was known that Italy refused to sign the Italian mobilization?

VON RIBBENTROP: This treaty was undoubtedly concluded afterwards. Of course, I do not know the hour and the day, but I believe it must have been on the afternoon of 25 August, and Italy's refusal had already reached us by noon; I believe in other words, it had undoubtedly been definitively decided in Rome in the morning or on the day before. At any rate, I can deduce this from another fact. Perhaps I might, however, answer your other question first, namely, what I did upon receipt of this news.

DR. HORN: Yes.

VON RIBBENTROP: When I received this press dispatch, of which I was informed once more when I came to the Chancellery, I went immediately to Hitler and asked him to stop at once the military measures, whatever they were—I was not familiar with military matters in detail—and I told him that it was perfectly clear that this meant war with England and that England could never disavow her signature. The Führer reflected only a short while and then he said that was true and immediately called his military adjutant, and I believe it was Field Marshal Keitel who came, in order to call together the generals and stop the military measures which had been started. On this occasion he made a remark that we had received two pieces of bad news on one day. That was Italy and this news, and I thought it was possible that the report about Italy's attitude had become known in London immediately, whereupon the final ratification of this pact had taken place. I still remember this remark of the Führer's very distinctly.

DR. HORN: Did you and Hitler, on this day, make efforts with Henderson to settle the conflict, and what were your proposals?

VON RIBBENTROP: I have already stated that the Führer, I believe it was in the early afternoon, saw Henderson on the 25th and told him that he still had the intention of reaching some final understanding with England. The question of Danzig and the Corridor would have to be solved in some way and he wanted to approach England with a comprehensive offer which was not contained in the *note verbale*, in order to settle these things with England on a perfectly regular basis.

DR. HORN: Is it true that Hitler then put an airplane at Henderson's disposal so that the latter could submit these proposals to his government at once and request his government to make their promised mediation effective in regard to Poland?

VON RIBBENTROP: Yes, that is true. I know that Henderson—I believe it was on the next day, the 26th—flew to London in a German airplane. I do not know the details, but I know that the

Führer said during the meeting, "Take an airplane immediately and fly to your government."

DR. HORN: What results did Ambassador Henderson bring back to Berlin on 28 August?

VON RIBBENTROP: I should like to say in this connection, that in view of the critical situation between Poland and Germany, which, of course, was also known to the British Ambassador, Hitler expressed to me a certain disappointment that the British Ambassador had not returned more quickly with his answer, for the atmosphere was charged with electricity on that day. On the 28th, Henderson then had another discussion with the Führer. I was also present. The answer brought back by Sir Nevile Henderson from London appeared at first not very satisfactory to the Führer. It contained various points which seemed unclear to the Führer. But the main point was that England announced her readiness for a wholesale solution of the existing problems between Germany and England, on the condition that the German-Polish question could be brought to a peaceful solution.

In the discussion Adolf Hitler told Sir Nevile Henderson that he would examine the note and would then ask him to come back. Then he . . .

DR. HORN: Is it true that in this memorandum England suggested that Germany take up direct negotiations with Poland?

VON RIBBENTROP: That is true. One of the points in the note—I intended to go into that—was that the English suggested that German-Polish direct negotiations would be the most appropriate way to reach a solution and, secondly, that such negotiations should take place as soon as possible, because England had to admit that the situation was very tense because of the frontier incidents and in every respect. Furthermore the note stated that no matter what solution might be found—I believe this was in the note—it should be guaranteed by the great powers.

DR. HORN: Did England offer a mediator to forward to Poland German proposals for direct negotiations?

VON RIBBENTROP: Yes, that is right.

DR. HORN: What were these German proposals like, which on 29 August 1939, were given by Hitler to Henderson in answer to Henderson's memorandum?

VON RIBBENTROP: The situation was this: On the 29th Adolf Hitler again received the British Ambassador and on this occasion told him that he was ready to take up the English suggestion of the 28th, that is to say, that despite the great tension and despite the Polish attitude, which he resented so profoundly, he was prepared to

offer his hand once more for a peaceful solution of the German-Polish problems, as suggested in the British note of the 28th.

DR. HORN: What were the reasons for including in this German proposal a request that a Polish plenipotentiary be sent by 30 August?

VON RIBBENTROP: In Adolf Hitler's communication to Ambassador Henderson for the British Government it was stated that the German Government, in view of the tense situation, would immediately set about working out proposals for a solution of the Danzig and Corridor problems. The German Government hoped to be in a position to have these proposals available by the time a Polish negotiator arrived who was expected during the course of 30 August.

DR. HORN: Is it correct that Hitler included this condition or this request to send a plenipotentiary within 24 hours because he was afraid that a conflict might arise due to the fact that the mobilized armies of the two countries faced each other?

VON RIBBENTROP: That is absolutely true. I might say that during the meeting on the 29th Ambassador Henderson, as I recall, asked the Führer whether this was an ultimatum. The Führer answered "No," that that was not an ultimatum, but rather, I believe he said, a practical proposal or a proposal arising from the situation, or something of that sort. I should like to repeat that it was a fact that the situation near the frontiers of Danzig and the Corridor during the last days of August looked, one might say, as if the guns would go off on their own unless something was done rather soon. That was the reason for the relatively short respite which was made a condition by the Führer. He feared that if more time were allowed, matters would drag out and danger of war not decrease but rather increase.

DR. HORN: Is it true that, despite this information given to Ambassador Henderson, the answer of the British Government called this proposal unreasonable?

VON RIBBENTROP: I know of the British reaction from several documents that I saw later. The first reaction came during my discussion with Henderson on 30 August.

DR. HORN: Is it true that on 30 August you received a confidential communication regarding Poland's total mobilization?

VON RIBBENTROP: That is true. On the 30th Hitler awaited word from the Polish negotiator. This, however, did not come, but, I believe, on the evening of the 30th the news arrived that Poland had ordered, although not announced, general mobilization. I believe it was not announced until the next morning. This, of course, further aggravated the situation enormously.

DR. HORN: Is it true that the British Government then practically withdrew their offer to mediate by suggesting that Germany take immediate and direct steps to prepare negotiations between Germany and Poland?

VON RIBBENTROP: You mean on the 30th?

DR. HORN: Yes, on the 30th.

VON RIBBENTROP: That is so. As I said before, we had been waiting on the 30th, but the Polish negotiator had not arrived. In the meantime, Hitler had prepared the proposals which he wanted to hand to a Polish negotiator who, as he had expressly promised Sir Nevile Henderson, would be able to negotiate with Germany on the basis of complete equality. Not until shortly before midnight, or at least in the late evening, a call came through saying that the British Ambassador wanted to transmit a communication from his government. This meeting, I believe, was then postponed once more; at any rate at midnight on 30 August the well-known conversation between Henderson and me took place.

DR. HORN: You heard yesterday Minister Schmidt's description of this meeting. Do you have anything to add to his description of it?

VON RIBBENTROP: I should like to add the following about this conversation. It is perfectly clear that at that moment all of us were nervous, that is true. The British Ambassador was nervous and so was I. I should like to and must mention here the fact that the British Ambassador had had on the day before a minor scene with the Führer which might have ended seriously. I succeeded in changing the subject. Therefore, there was also a certain tension between the British Ambassador and myself. However, I intentionally received the British Ambassador composedly and calmly, and accepted his communication. I hoped that this communication would, in the last moment, contain his announcement of a Polish negotiator.

However, this did not happen. Rather, Sir Nevile Henderson told me:

1. That his government could not recommend this mode of procedure, despite the tense situation, which had been aggravated still more by the Polish total mobilization; rather the British Government recommended that the German Government use diplomatic channels;

2. That, if the German Government would submit the same proposals to the British Government, the British Government would be ready to exert their influence in Warsaw in order to find a solution, as far as these suggestions appeared to be reasonable. In view of the whole situation this was a very difficult answer because, as I said, the situation was extremely tense and the Führer had been waiting

since the day before for a Polish emissary. I, in turn, feared also that the guns would go off by themselves unless a solution or something else came quickly, as I have said. I then read to Henderson the proposals given to me by the Führer. I should like to state here once more under oath that the Führer had expressly forbidden me to let these proposals out of my hands. He told me that I might communicate to the British Ambassador only the substance of them, if I thought it advisable. I did a little more than that; I read all the proposals, from the beginning to the end, to the British Ambassador. I did this because I still hoped that the British Government wanted to exert their influence in Warsaw and assist in a solution. But here too I must state frankly that from my talk with the British Ambassador on 30 August, from his whole attitude, which Minister Schmidt also described to a certain extent yesterday, as well as from the substance of the communication of the British Government, I got the impression that England at this moment was not quite prepared to live up to the situation and, let us say, to do her utmost to bring about a peaceful solution.

DR. HORN: What did the German Government do after the contents of the note were made known to Ambassador Henderson?

VON RIBBENTROP: After my conversation with the British Ambassador I reported to the Führer. I told him it had been a serious conversation. I told him also that in pursuance of his instructions I had not handed the memorandum to Sir Nevile Henderson despite the latter's request. But I had the impression that the situation was serious and I was convinced that the British guarantee to Poland was in force. That had been my very definite impression from this conversation. Then, in the course of the 31st the Führer waited the whole day to see whether or not some sort of Polish negotiator would come or whether a new communication would come from the British Government. We have heard here about Reich Marshal Göring's intervention, how he informed Mr. Dahlerus of the contents of this note in every detail. There can thus be no doubt that during the course of that night, at the latest in the morning of the 31st the precise proposals of the Reich Government were in the hands of both the London Government and the Warsaw Government. On the 31st the Führer waited the whole day and I am convinced, and I want to state it very clearly here, that he hoped that something would be done by England. Then in the course of the 31st the Polish Ambassador came to see me. But it is known that he had no authority to do anything, to enter into negotiations or even to receive proposals of any sort. I do not know whether the Führer would have authorized me on the 31st to hand proposals of this sort to him, but I think it is possible. But the Polish Ambassador was not authorized to receive them, as he expressly told me.

I might point out briefly that regarding the attitude in Warsaw the witness Dahlerus has already given additional testimony.

DR. HORN: It is correct that England did not forward the German proposals to Warsaw until the evening of 31 August?

VON RIBBENTROP: Please repeat the question.

DR. HORN: Is it correct that the German proposals which had been submitted by you on the preceding evening of the 30th to Ambassador Sir Nevile Henderson were not forwarded to Warsaw until the evening of 31 August?

VON RIBBENTROP: You mean from London?

DR. HORN: From London?

VON RIBBENTROP: That I cannot tell you precisely, but that can undoubtedly be verified from official documents.

DR. HORN: What considerations then led to the final decision to take military action against Poland?

VON RIBBENTROP: I cannot tell you the details of this. I know only that the Führer—that the proposals which I had read to the British Ambassador in the night of the 30th were published by broadcast, as I believe, on the evening of the 31st. The reaction of the Warsaw radio, I remember this reaction exactly, was unfortunately such as to sound like a veritable battlecry in answer to the German proposals which, as I heard, had been characterized by Henderson as reasonable. I believe they were characterized by the Polish radio as an insolence, and the Germans were spoken of as Huns or the like. I still remember that. At any rate, shortly after the announcement of these proposals a very sharp negative answer came from Warsaw. I assume that it was the answer which persuaded the Führer in the night of the 31st to issue the order to march. I, for my part, can say only that I went to the Reich Chancellery, and the Führer told me that he had given the order and that nothing else could be done now, or something to this effect, and that things were now in motion. Thereupon I said to the Führer merely, "I wish you good luck."

I might also mention that the outbreak of these hostilities was the end of years of efforts on the part of Adolf Hitler to bring about friendship with England.

DR. HORN: Did Mussolini make another proposal of mediation and how did this proposal turn out?

VON RIBBENTROP: Yes, that is true. On 3 September, in the morning, such a proposal of mediation arrived in Berlin stating that Mussolini was still in a position to bring the Polish question in some way before the forum of a conference, and that he would do so if the German Government agreed rapidly. It was said at the same

time that the French Government had already approved this proposal. Germany also immediately agreed. But a few days later—I cannot now state the time precisely—it was reported that, in a speech I believe, by the British Foreign Minister Halifax in the House of Commons or in some other British declaration, this proposal had been turned down by London.

DR. HORN: Do you know whether France also turned down this proposal?

VON RIBBENTROP: I have already said that we received along with the proposal, I believe through the Italian Government, the information that the French Government either was in favor of the suggestion or had already accepted it.

DR. HORN: Did you see any possibilities for peace after the conclusion of the Polish campaign and were they pursued?

VON RIBBENTROP: After the conclusion of the Polish campaign I had some lengthy conversations with Adolf Hitler. The situation was then such that beyond a doubt there was a certain lack of enthusiasm for this whole war on the part of the French. During these weeks military people occasionally used the expression "potato war in the West." Hitler, as far as I can judge from everything that he told me, was not interested in bringing the war in the West to a decision, and I believe this was true of all of us members of the Government. I should like to remind you of the speech made by Reich Marshal Göring to this effect at that time. Hitler then made a speech in Danzig, and I believe later somewhere else, perhaps in the Reichstag, I believe in the Reichstag, in which he twice told England and France in unmistakable language that he was still ready to open negotiations at any time. We tried to find out also very cautiously by listening to diplomatic circles what the mood was in the enemy capitals. But the public replies to Adolf Hitler's speeches clearly demonstrated that there could be no thought of peace.

DR. HORN: What did you do from then on to prevent the war from becoming more extended?

VON RIBBENTROP: It was, I should like to say, my most ardent endeavor after the end of the Polish campaign to attempt to localize the war, that is, to prevent the war from spreading in Europe. However, I soon was to find out that once a war has broken out, politics are not always the only or rather not at all, the decisive factor in such matters, and that in such cases the so-called timetables of general staffs start to function. Everybody wants to outdo everybody else. Our diplomatic efforts were undoubtedly everywhere, in Scandinavia as well as in the Balkans and elsewhere, against an extension of the war. Nevertheless, the war did take that course. I should like to state that according to my conversations with Adolf

Hitler, and I am also convinced that the German military men were of the same opinion, Hitler wished in no way to extend the war anywhere.

DR. HORN: Is it correct that you received information which pointed to the intention of the Western Powers to invade the Ruhr?

VON RIBBENTROP: Yes, that is true. We received numerous reports all the time. Our intelligence service was such that we had a great many channels doing intelligence work. All of these channels led to the Führer. The Foreign Office had relatively little intelligence service, but relied rather on official diplomatic channels. But we too received reports and news at that time which undoubtedly allowed inferences to be drawn. We in the Foreign Office also received reports implying that the Western Powers had the intention of advancing into the Ruhr area at the first appropriate opportunity. The situation in the West was such that the West Wall was a very strong military barrier against France and this naturally gave rise to the idea that such an attack might come through neutral territory, such as Belgium and Holland.

THE PRESIDENT: How much longer will you take, Dr. Horn?

DR. HORN: I believe an hour to an hour and a half, Your Lordship.

THE PRESIDENT: Well, the Tribunal has listened with great patience to a very great deal of detail. All I can say is that this exaggerated going into detail does not do the defendant's case any good in my opinion. We will adjourn now.

*[The Tribunal adjourned until 30 March 1946 at 1000 hours.]*

# NINETY-FIFTH DAY

Saturday, 30 March 1946

## *Morning Session*

MARSHAL: May it please the Tribunal, the Defendant Dönitz is absent from Court this morning.

THE PRESIDENT: Yes, Dr. Horn.

DR. HORN: On 16 February 1923 a conference of ambassadors transferred to Lithuania the sovereignty over the territory of Memel, which had already been annexed in 1923 by a surprise attack by Lithuanian troops. What caused Hitler to issue these directives for the reintegration of the Memel territory in 1939?

VON RIBBENTROP: The small territory of Memel, being the land mentioned in our National anthem, was always very dear to the hearts of the entire German people. The military facts are well known. It was placed under the control of the Allied Powers after the World War I and was later seized and occupied by Lithuanian soldiers by a *coup de main*. The country itself is ancient German territory, and it was natural that it should wish to become a part of Germany once more. As early as 1938, the Führer referred to this problem in my presence as one which would have to be solved sooner or later. In the spring of 1939 negotiations were begun with the Lithuanian Government. These negotiations resulted in a meeting between Urbisk, the Lithuanian Foreign Minister, and myself, and an agreement was signed, by means of which the Memel territory was once more to become part of the Reich. That was in March 1939. I do not need to describe the sufferings which this region has had to endure in the past years. At any rate it was quite in accordance with the principle of the self-determination of peoples, that the will of the people of Memel was granted in 1939, and all that the agreement did, was to restore a perfectly natural state of affairs and one which would have had in any case to be established sooner or later.

DR. HORN: It was followed half a year later by the war with Poland. What, in your opinion, were the decisive causes which brought about this war?

VON RIBBENTROP: I gave evidence in this matter yesterday. The decisive factor was the English guarantee extended to Poland. I do not need to elaborate this point. This guarantee, combined

with the Polish mentality, made it impossible for us to negotiate with the Poles or to come to an understanding with them. As for the actual outbreak of war, the following reasons for it can be given:

1. There is no doubt...

MR. DODD: If Your Honor please, I generalized this morning and I repeat my assertion of yesterday that I am most reluctant to interfere here with this examination. But as the witness has said himself, we did go all through this yesterday, we have heard this whole story already in the occasion of yesterday afternoon's session. My point is that the witness himself, before going into his answer, stated that he had already given the causes for the war, yesterday afternoon, and I quite agree. I think it is entirely unnecessary for him to go over it again today. I might add parenthetically that we had some great doubt about the relevancy or the materiality of it even on yesterday's occasion, but surely we do not have to hear him again.

THE PRESIDENT: What do you say to that, Dr. Horn?

DR. HORN: I would like to say that the former German Minister for Foreign Affairs, who is accused of being co-responsible for a war of aggression, might perhaps say a few words about the decisive causes, which according to him led to this war. The defendant, of course, should not repeat what he said yesterday. I want him to give only some details on points to which he referred in only a general way yesterday, and it will not take up very much of the Tribunal's time.

THE PRESIDENT: Very well, Dr. Horn, provided, of course, that he does not go over the identical ground that he went over yesterday.

DR. HORN: Please tell us very briefly the facts that determined your attitude.

VON RIBBENTROP: There are just a few brief facts that I would like to mention, and they concern only the events of these last 2 days:

First of all, there is no doubt that on 30 and 31 August, England was well aware of the extreme tension of the situation. This fact was communicated to Hitler in a letter, and Hitler said that the decision must be made and a way of solving the problem found, with all possible speed. This was Chamberlain's letter to Hitler.

Secondly: England knew that the proposals made by Germany were reasonable, for we know that England was in possession of these proposals in the night of 30 to 31 August. Ambassador Henderson himself declared that these proposals were reasonable.

Thirdly: It would have been possible, therefore, on 30 or 31 August, to give a hint to Warsaw and tell the Poles to begin some sort of negotiations with us. This could have been done in three different ways: Polish negotiator could have flown to Berlin, which would have been, as the Führer said, a matter of an hour to an hour and a half; or, a meeting could have been arranged between the foreign ministers or the heads of the states to take place on the frontiers; or else, Ambassador Lipski could simply have been instructed at least to receive the German proposals. If these instructions had been given, the crisis would have been averted and diplomatic negotiations could have been initiated. England herself, had she wished to do so, could have sent her ambassador to represent her at the negotiations, which action, after what had gone before, would undoubtedly have been regarded very favorably by Germany.

This, however, did not take place, and, as I gather from documents which I saw for the first time here, nothing was done during this period to alleviate this very tense situation. Chauvinism is natural to the Poles; and we know from Ambassador Henderson's own words and from the testimony of Mr. Dahlerus that Ambassador Lipski used very strong language illustrative of Polish mentality. Because Poland was very well aware that she would, in all circumstances, have the assistance of England and France, she assumed an attitude which made war inevitable to all intents and purposes. I believe that these facts really are of some importance for the historical view of that entire period. I would like to add that I personally regretted this turn of events. All my work of 25 years was destroyed by this war; and up to the last minute I made every possible effort to avert this war. I believe that even Ambassador Henderson's documents prove that I did make these attempts. I told Adolf Hitler that it was Chamberlain's most ardent desire to have good relations with Germany and to reach an agreement with her; and I even sent a special messenger to the Embassy to see Henderson, to tell him how earnestly the Führer desired this, and to do everything in his power to make this desire of Adolf Hitler's clear to his government.

**DR. HORN:** Denmark and Norway were occupied in April 1940. You had concluded a non-aggression pact with Denmark on 31 May 1939 and on the basis of these facts you are accused by the Prosecution of perfidious diplomacy. When and in what way did you receive knowledge of the imminent occupation of Denmark and Norway?

**VON RIBBENTROP:** It had always been the Führer's wish and mine to keep Scandinavia neutral. In accordance with Adolf Hitler's policy, I did my best to prevent the war from spreading.

One day in April 1940 Hitler summoned me to the Chancellery. He told me that he had received reports stating that the British were on the point of occupying Norway, or of landing troops there. He had therefore decided to occupy Norway and Denmark on the morning of the day after next. That was the first I heard of it. I was amazed; and the Führer then showed me the documentary evidence which he had received through his intelligence service. He ordered me to prepare notes at once, informing the Norwegian and the Danish governments that German troops were about to march in. I reminded the Führer that we had a non-aggression pact with Denmark and that Norway was a neutral country, and told him that reports received from our Legation at Oslo did not indicate any landing. When the documents were shown to me, however, I realized how grave the situation was and that these reports had to be taken seriously.

The next day along with my assistants, I prepared diplomatic notes to be sent by plane to Oslo and Copenhagen on 8 April. On that day we worked day and night in order to finish these notes. The Führer had given orders that these notes were to arrive shortly before the German occupation. The order was executed.

The occupation of Denmark was completed without trouble, as far as I know. I believe that hardly a shot was fired. As soon as we had occupied the country, we negotiated with the Danish Government, under Stauning, and made agreements so that everything should go on without disturbances and as far as possible in a friendly atmosphere. Denmark's integrity was fully guaranteed, and matters went on, even in the later stages, in a comparatively quiet and orderly way.

The situation was rather different in Norway. Resistance had developed. We tried to keep the King of Norway in the country and to induce him to stay there. We negotiated with him but we had no success. He went north, I believe, to Narvik; and so there was no longer any possibility of negotiating with Norway. Norway was occupied, as you know, and a civil administration established. After this date, Norway was no longer any concern of the Foreign Office; but one thing I should like to add: that the Führer told me repeatedly that the measures he had taken were extremely necessary, and that documents found after the landing of British troops in Norway, and published at a later date, showed that the occupation of these countries and the landing in Norway had doubtlessly been planned for a long time by England.

Frequent allusions have been made in the course of this Trial to the great sufferings of the Norwegian and Danish peoples. I personally am of the opinion that whatever one may think of the

German occupation, for all intents and purposes it prevented Scandinavia from becoming a theater of war, and I believe, that in that way the Norwegian and Danish peoples were spared untold suffering. If war had broken out between Germany and the Scandinavian countries, these people would have been exposed to much greater suffering and privation.

DR. HORN: Did you have anything to do with Quisling before the occupation of Norway?

VON RIBBENTROP: I must explain that the name of Quisling became known only at a much later date. Before the occupation of Norway his name meant nothing to me. It is true that Herr Rosenberg contacted me with a view to assisting pro-German Scandinavians within the frame of the former Nordic Movement (Nordische Bewegung) and that was a perfectly natural thing to do. At that period, we also provided funds for newspapers, propaganda, and also for political activities in Norway.

At these discussions, I remember this distinctly, no mention was ever made of any seizing of political power through certain circles in Norway, or of military operations.

DR. HORN: What influence did the Foreign Office have in Denmark after the occupation of the country?

VON RIBBENTROP: After the occupation of Denmark the Foreign Office was represented by a minister at the Danish Court. Later, because of certain events—I believe it would take too long to enumerate them—the Danish Government resigned and a Reich Plenipotentiary was appointed. There was also a Military Commander in Denmark and later on a Higher SS and Police Leader.

The activities of the minister of the Danish Court were those of an ordinary and very influential minister, who tried to straighten out all the difficulties which might naturally arise during an occupation; and later on the function of the Reich Plenipotentiary, according to my instructions, was to treat Denmark, not as an enemy of Germany, but as a friend. This was always guiding principle in Denmark and even at a much later period, when more serious difficulties arose as a result of the intensified warfare, there was really complete quiet and calm in Denmark throughout the long years of war and we were very well satisfied with conditions there.

Later, because of the activities of enemy agents against our measures, *et cetera*, things took a more rigorous turn; the Reich Plenipotentiary always had instructions from me not to aggravate things but to straighten them out and to work on the continuation of good relations between the Danes and the Germans. His task was not always an easy one; but on the whole, I believe, he did his work satisfactorily.

DR. HORN: Since when and how did you receive reports about the intention of the Franco-British General Staff to include Belgium and Holland in their theater of operations?

VON RIBBENTROP: Great importance has obviously been attached to this question during the proceedings here as well. The situation was as follows: In 1937, Germany declared that she had made an agreement with Belgium in which Germany undertook to respect Belgium's strict neutrality on condition that Belgium on her part would maintain her neutrality.

After the Polish campaign the Führer told me on several occasions that, according to his intelligence reports, the enemy intended to cross Dutch and Belgian territory to attack the Ruhr. We also sometimes received reports of this kind; these were of a less concrete nature.

In any event, Adolf Hitler believed that an attack on the Ruhr district, which was Germany's most vital area, was a possibility that had to be reckoned with at all times. I had a good many discussions with the Führer about that time, regarding the importance of Belgian neutrality for the world in general; but I knew, too, that we were involved in a struggle, a hard struggle of larger dimensions where completely different standards would have to be applied.

In the course of events, in the spring of 1940, our intelligence reports about an attack of this kind became more and more concrete, and I may mention that documents belonging to the French General Staff, *et cetera*, which were found later and published by the German Foreign Office, proved conclusively that the reports which Germany had received were absolutely true and that an attack on the Ruhr area had actually been repeatedly considered by the enemies of Germany, that is, by those who were her enemies at the time.

In this connection I would like to call attention to a document concerning a meeting between Prime Minister Chamberlain and M. Daladier in Paris, at which Mr. Chamberlain suggested an attack for the destruction of the vitally important industrial areas of the Ruhr through the so-called "chimneys" of Holland and Belgium. I believe this document is here and has been granted to the Defense.

The situation before the offensive in the West on which the Führer had decided was therefore such that an attack by the enemy through these great areas had to be expected at any time. For this reason he decided to attack across this area, across these two neutral territories, and I believe that after the attack—the military authorities will confirm this—further documents were found and facts established, which as far as I remember, showed that the closest co-operation had existed between the Belgian and I believe also the Dutch General Staffs, and the British and French General Staffs.

Of course it is always a very grave matter in such a war to violate the neutrality of a country, and you must not think that we dismissed it, so to speak, with a wave of the hand. It cost me many a sleepless night and I would like to remind you that the same questions arose on the other side and other statesmen also discussed them at the time. I remind you of a statement to the effect that "one got tired of thinking of the rights of neutrals"; and this assertion was made by the eminent British statesman, Winston Churchill.

DR. HORN: What caused Germany to violate the integrity of Luxembourg?

VON RIBBENTROP: Luxembourg was in much the same situation as Belgium and Holland. It is a very small country, and obviously in a war on the scale of this one the armies cannot suddenly bypass one particular country. But I would like to point out just one thing in connection with Luxembourg: The summer before, that is during the summer of 1939, we had started negotiations with France and Luxembourg with a view to making perfectly definite pacts of neutrality to be established by treaties. At first, the negotiations seemed to be going very well; but they were suddenly broken off by both France and Luxembourg. At the time we did not understand the reason for this, but I know that when I reported it to the Führer, it made him a little distrustful as to the motives that may have been of importance on the other side. We never knew the exact reason.

DR. HORN: How far was the German Foreign Office able to exert its influence in France after the partial occupation of the country?

VON RIBBENTROP: After the occupation or partial occupation of France, although we were not yet at peace with France and there was therefore really no reason to resume diplomatic relations, as only an armistice had been declared, the Führer, at my request, appointed an ambassador to the Vichy Government. I was especially anxious for this to be done because it had always been my aim to come to a closer co-operation with France. I would like to emphasize the fact that I resumed my efforts in this direction immediately after the victory and the armistice. I have—the Führer readily agreed to this and also initiated the so-called Montoire policy at my request, by meeting Marshal Pétain at Montoire after a meeting with General Franco. I was present at this meeting.

I believe I may say in the interests of historical truth that Adolf Hitler's treatment of the head of the defeated French nation is probably unexampled and must be described as chivalrous. There cannot be many parallel cases in history. Adolf Hitler immediately made proposals to Marshal Pétain for a closer collaboration between

Germany and France, but Marshal Pétain, even at the very first meeting, adopted an attitude of marked reserve towards the victor, so that, to my great personal regret this first meeting came to an end somewhat more quickly than I had really hoped it would. In spite of this, we continued to try to carry out a systematic policy of conciliation and even of close collaboration with France. Our lack of success was probably due to the natural attitude of France and the will of influential circles. Germany did not fail to make every effort.

DR. HORN: What influence did you yourself, and the German Foreign Office have on conditions in Belgium after the occupation?

VON RIBBENTROP: We had no influence whatsoever on conditions in Belgium or in Holland. The Führer set up military and civilian administrations, and the Foreign Office had no further connection with them, beyond being represented by a liaison officer who, in practice, had nothing or almost nothing to do. I would like to add that it was rather different in France, inasmuch as we were naturally in a position to exercise a certain amount of influence on the Vichy Government through our ambassador. I did so, for instance, in matters of finance.

We have heard here in court a good deal about the activities of Herr Hemmen. I should just like to say that, no matter how his powers may have been defined, I appointed him for the express purpose of preventing inflation and the collapse of the French currency. That was the special mission entrusted to Hemmen. Even if France was no longer willing to co-operate politically with Germany, she was undoubtedly of economic importance to us; and I wanted to keep her on a sound basis and to preserve her system of finance. That was the real reason for Herr Hemmen's mission.

DR. HORN: What plans did Hitler have with regard to his foreign policy after the conclusion of the campaign in the West?

VON RIBBENTROP: After the conclusion of the campaign in the West, I discussed future developments with the Führer at his headquarters. I asked him what his further intentions were with regard to England. The Führer and I proposed at the time, whether we had not better make another attempt with England. The Führer seemed to have had the same idea and was delighted with my proposal for making a fresh peace offer or attempting to make peace with England. I asked the Führer whether I should draft such a treaty for this case. The Führer spontaneously replied: "No, that will not be necessary, I will do that myself, that is, there is no need to do it at all."

He said, word for word: "If England is ready for peace, there are only four points to be settled. Above all, after Dunkirk, I do not want England in any circumstances to suffer a loss of prestige,

so under no circumstances do I want a peace which would involve that."

With regard to the contents of such a treaty, he enumerated four points:

1. Germany is ready to recognize in all respects the existence of the British Empire.

2. England must, therefore, acknowledge Germany to be the greatest continental power, if only because of the size of her population.

3. He said, "I want England to return the German colonies. I would be satisfied with one or two of them, because of the raw materials."

4. He said that he wanted a permanent alliance with England for life and death.

DR. HORN: Is it correct that at the end of 1939, you heard from Hitler that conferences had taken place between the Greek and French General Staffs and that French officers had been sent to Greece?

VON RIBBENTROP: Yes, that is correct. It came within the scope of the Führer's policy for preventing the war from spreading, as entrusted to me, that I should keep a sharp watch on these things and, of course, especially on the Balkans; Adolf Hitler wished in all circumstances to keep the Balkans out of the war.

As for Greece the situation was as follows: Greece had accepted a British guarantee. Also, there were close links between Yugoslavia and England and, especially, France. Through the Führer's intelligence service and through military channels we repeatedly heard about staff conferences between Athens, Belgrade, London and Paris, which were supposed to be taking place. About that time I summoned the Greek Minister on several occasions and drew his attention to these things. I asked him to be very careful, and told him that Germany had no intention of taking any steps against the Greek people, who had always been very much liked in Germany.

• However, further intelligence reports came in to the effect that Britain had been given permission to establish naval bases in Greece. I believe—and all this led up to the intervention of Italy, which we did not desire at all—I believe Reich Marshal Göring has already discussed this topic. It was impossible to prevent this intervention, for when we arrived in Florence—I was with Adolf Hitler at the time—for his conference with Mussolini, it was too late and Mussolini said: "We are on the march."

The Führer was very much upset and depressed when he heard this news. We then had to do everything in our power so that the war between Greece and Italy might at least be prevented from

spreading. Yugoslav policy was naturally the decisive factor here. I tried in every possible way to establish closer links with Yugoslavia and to win her over to the Tripartite Pact which had already been concluded then. It was difficult at first, but with the help of the Regent Prince Paul and the Zvetkovitch Government, we finally succeeded in inducing Yugoslavia to join the Tripartite Pact. We knew very well, however, that there was strong opposition in Belgrade to the adhesion of Yugoslavia to the Tripartite Pact and to any kind of closer connection with Germany. In Vienna at the time the Führer said that the signing of the Tripartite Pact seemed like a funeral to him.

All the same, we were very much surprised when—I think it was 2 or 3 days after the conclusion of this pact—the government was overthrown by General Simovic's coup and a new government was set up which certainly could not be described as friendly to Germany.

Reports came from Belgrade concerning close collaboration with the British General Staff. I believe American observers in this field are informed on the point, and during the last few months I have heard from English sources that British elements had played a part in this coup. That was quite natural, for we were at war.

All these events caused the Führer to intervene in the Balkans, first of all, to help Italy, whom the courageous resistance of the Greeks had forced into a very difficult position in Albania; and secondly, to prevent a possible attack from the north on the part of Yugoslavia, which might have made the Italian situation still more serious or even brought about a crushing defeat for our Italian ally.

Those were the military and strategic factors which induced the Führer to intervene and to conduct the campaign against Greece and Yugoslavia.

DR. HORN: If I understood you correctly, Greece put bases on her territory at the disposal of the British Navy before the Italian attack in October 1940, in spite of the fact that she had declared her neutrality. Is that correct?

VON RIBBENTROP: That was the substance of the military reports which I received.

DR. HORN: In September 1939, General Gamelin, then French Commander-in-Chief, approved the project for an Allied landing at Salonika. When did Germany receive knowledge of this intention?

VON RIBBENTROP: We first learned the exact details from the files of the French General Staff on the outbreak of war. But I know that from the very beginning all the reports which the Führer received from the various intelligence branches of the Reich caused

him to fear the possibility that a new front might be built up at any moment in Salonika as had happened in the first World War, and that would mean a considerable dispersal of the German forces.

DR. HORN: In September 1939 you made a second trip to Moscow. What was the reason for this visit and what was discussed there?

VON RIBBENTROP: My second visit to Moscow was made necessary by the ending of the Polish campaign. I flew to Moscow toward the end of September, and this time I received an especially cordial reception. The situation then was such that we had to create clear conditions in the Polish territory. Soviet troops had occupied the eastern regions of Poland, and we had occupied the western parts up to the line of demarcation previously agreed upon. Now we had to fix a definite line of demarcation. We were also anxious to strengthen our ties with the Soviet Union and to establish cordial relations with them.

An agreement was reached in Moscow, fixing a definite line in Poland, and an economic treaty to put economic relations on an entirely new basis was envisaged. A comprehensive treaty regulating the exchange of raw materials was envisaged and later on concluded. At the same time this pact was politically amplified into a treaty of friendship, as is well known. One question remained, about the territory of Lithuania. For the sake of establishing particularly trustful relations between Moscow and Berlin, the Führer renounced influence over Lithuania and gave Russia predominance in Lithuania by this second treaty, so that there was now a clear understanding between Germany and Soviet Russia with respect to territorial claims as well.

DR. HORN: Is it correct that on 15 June 1940, after the delivery of an ultimatum, the Russians occupied the whole of Lithuania, including the part which was still German, without notifying the Reich government?

VON RIBBENTROP: There was no special agreement concerning this, but it is well known that these areas were actually occupied.

DR. HORN: What further Russian measures caused Hitler anxiety as to Russia's attitude and intentions?

VON RIBBENTROP: Various things made the Führer a little sceptical about the Russian attitude. One was the occupation of the Baltic States, which I have just mentioned. Another was the occupation of Bessarabia and North Bukovina after the French campaign and of which we were simply informed without any previous consultation. The King of Romania asked us for advice at that time. The Führer, out of loyalty to the Soviet pact, advised the King of Romania to accept the Russian demands and to evacuate Bessarabia.

In addition, the war with Finland in 1940 caused a certain uneasiness in Germany, among the German people who had strong sympathies for the Finns. The Führer felt himself bound to take this into account to some extent. There were two other points to consider. One was that the Führer received a report on certain communist propaganda in German factories which alleged that the Russian trade delegation was the center of this propaganda. Above all, we heard of military preparations being made by Russia. I know after the French campaign he spoke to me about this matter on several occasions and said that approximately 20 German divisions had been concentrated near the East Prussian border; and that very large forces—I happen to remember the number, I think about 30 army corps—were said to be concentrated in Bessarabia. The Führer was perturbed by these reports and asked me to watch the situation closely. He even said that in all probability the 1939 Pact had been concluded for the sole purpose of being able to dictate economic and political conditions to us. In any case, he now proposed to take countermeasures. I pointed out the danger of preventive wars to the Führer, but the Führer said that German-Italian interests must come first in all circumstances, if necessary. I said I hoped that matters would not go so far and that, at all events, we should make every effort through diplomatic channels to avoid this.

DR. HORN: In November, from 12 to 14 November 1940 to be exact, the Russian Foreign Commissar Molotov visited Berlin. On whose initiative did this visit take place and what was the subject under discussion?

VON RIBBENTROP: The conferences with Molotov at Berlin concerned the following subjects: I might interpolate that when we were trying to effect a settlement with Russia through diplomatic channels, I wrote a letter to Marshal Stalin, with the Führer's permission, in the late autumn of 1940 and invited Mr. Molotov to come to Berlin. This invitation was accepted, and Russo-German relations were discussed in their entirety during a conversation between the Führer and Mr. Molotov. I was present at this discussion. Mr. Molotov first discussed with the Führer Russo-German relations in general and then went on to mention Finland and the Balkans. He said that Russia had vital interests in Finland. He said that when the delimitation of zones of influence had been settled, it had been agreed that Finland should be included in the Russian sphere of influence. The Führer replied that Germany also had extensive interests in Finland, especially with regard to nickel, and furthermore, it should not be forgotten that the entire German people sympathized with the Finns. He would therefore ask Mr. Molotov to compromise on this question. This topic was brought up on several occasions.

With regard to the Balkans, Mr. Molotov said that he wanted a non-aggression pact with Bulgaria, and generally closer ties with Bulgaria. He also thought of establishing bases there. The Führer replied, or rather asked, whether Bulgaria had approached Molotov in the matter, but that apparently was not the case. The Führer then said that he could not express any opinion on this question until he had discussed it with Mussolini, who was his ally and who was naturally interested in the Balkans too.

Various other points were also discussed, but no final settlement was reached at this discussion. The discussion rather proceeded on lines which seemed to me not those best calculated to lead to a bridging of all contrasts. As soon as the meeting was over, I requested the Führer to authorize me to take up again the discussions with Mr. Molotov and asked him if he would consent to my discussing with Mr. Molotov the possibility of Russia's joining the Tripartite Pact. That was one of our aims at the time. The Führer agreed to this and I had another long discussion with the Russian Foreign Commissar. In this conversation the same topics were discussed. Mr. Molotov alluded to Russia's vital interest in Finland; he also referred to Russia's deep interest in Bulgaria, the kinship between the Russian and the Bulgarian people, and her interest in other Balkan countries. It was finally agreed that on his return to Moscow he should speak to Stalin and try to arrive at some solution of the question. I proposed that they join the Tripartite Pact and further proposed that I should discuss with the Führer the various points which had been raised. Perhaps we could still find a way out. The general result of this conversation was that Molotov went back to Moscow with the intention of clearing up through the embassies the differences still existing between us.

THE PRESIDENT: Dr. Horn, surely, as these negotiations did not eventuate in any agreement, they are very remote from anything we are considering. You are not suggesting that any agreements were come to, are you?

DR. HORN: No. I wanted to prove only that Germany made efforts to prevent the conflict with Russia.

THE PRESIDENT: There was no question of a conflict with Russia in any of these negotiations.

DR. HORN: No. It is evident from all the efforts made by Germany, and from Ribbentrop's testimony, that they wanted to eliminate as far as possible any differences which might lead to a conflict between Germany and Russia. As regards a deliberate—the Prosecution assert that the pact with Russia was made with the intention of violating it and attacking Russia, that it was intended to attack Russia all along. I want to prove with this evidence that this was not the case.

THE PRESIDENT: It seems to me to be very remote, indeed. It only goes to show that Ribbentrop entered into certain negotiations with Russia which had no result. That is all. You may go on, Dr. Horn.

DR. HORN: In one of your previous answers you spoke of troop concentrations on the East Prussian border mentioning 20 German divisions. I assume that that was just a *lapsus linguae* on your part.

VON RIBBENTROP: I meant to say Russian divisions. The Führer, I know, mentioned this many times. He said, I believe, that we had only one division in the whole of East Prussia.

DR. HORN: Was not the occupation of Balkan territory by the Russians the reason for your discussion with Molotov?

VON RIBBENTROP: I did not quite understand the question. Please repeat it.

DR. HORN: Was not the Russian occupation of territory in the Balkans and also in the Baltic States the reason for inviting Molotov to Berlin?

VON RIBBENTROP: In the Balkans, no; for there were no Russian occupation zones there. But it did apply to Bessarabia, which is not a Balkan country in the strictest sense of the term. It was the occupation of Bessarabia, which took place with surprising speed, and that of Northern Bukovina, which had not been agreed to fall within the Russian sphere of influence in the discussions at Moscow—and which was, as the Führer said at the time, really an old Austrian crown land—and the occupation of the Baltic territories. It is true that this caused the Führer a certain amount of anxiety.

DR. HORN: Is it correct that in the summer of 1940 you and Hitler were informed that a Franco-British military commission was in Moscow?

VON RIBBENTROP: Yes—no. What was the date, please?

DR. HORN: The summer of 1940; that is, after June 1940?

VON RIBBENTROP: Yes, that is correct. Such reports came in continually, but I cannot say now how far that was correct for the summer of 1940. When I arrived in Moscow in 1939, I found French and English military commissions there, with instructions from the British and French governments to conclude a military alliance between Russia, England, and France. This was part of the policy which the Führer described as "British encirclement policy" in his speech to the Reichstag, I think on 28 May, and which Mr. Churchill in 1936 in the embassy had made quite evident to me.

DR. HORN: Is it correct that at these conferences between . . .

SIR DAVID MAXWELL-FYFE: My Lord, I am trying very hard to follow this. I wonder if I could be helped? Did the witness refer to 1940? I wanted to get it clear whether it was 1940 or 1939. It makes a big difference.

THE PRESIDENT: Do you mean about an English mission? 1940, I believe.

VON RIBBENTROP: I was going to reply to that. I have already said that I am not quite sure about 1940; I said only that these reports existed. I know, however, that this mission was there in 1939.

DR. HORN: During Molotov's visit to Berlin in the year 1940, was any allusion made to the fact that Russia was not satisfied with the last Russo-Finnish peace treaty and that she intended to annex the whole of Finland.

VON RIBBENTROP: It was not as definite as that, but it was clear from her attitude that Russia considered Finland as her sphere of influence. What measures Russia intended to take there is not in my power to say.

DR. HORN: On 5 April 1941 a Russian-Yugoslav Non-aggression and Friendship Pact was concluded. What was the effect of this conclusion upon Germany?

VON RIBBENTROP: This seemed to the Führer to confirm the fact that Russia had deviated from the 1939 policy. He considered it an affront, to use his own words, for he said that he had concluded a pact with the other government and Russia only a short time afterwards had concluded a pact with the government which was definitely hostile to Germany.

DR. HORN: Is it true that Hitler thereupon forbade you to take any further diplomatic steps in connection with Russia?

VON RIBBENTROP: That is correct. I told the Führer at the time that we must now make even more determined efforts to come to an understanding about Russia's attitude. He said that would be useless and he did not think it would change the Russian attitude.

DR. HORN: What were the causes which led to the outbreak of the conflict with Russia?

VON RIBBENTROP: I must say this here: In the winter of 1940-41 the Führer was confronted with the following situation. I think it is most important to make this clear.

England was not prepared to make peace. The attitude of the United States of America and of Russia was therefore of decisive importance to the Führer. He told me the following about this—I had a very lengthy discussion with him on the subject and asked him to give me clearly defined diplomatic directives. He said that

Japan's attitude was not absolutely secure for Germany; although we had concluded the Tripartite Pact, there were very strong oppositional elements at work in Japan and we could not know what position Japan would take; Italy had proved to be a very weak ally in the Greek campaign. Germany might, therefore, have to stand entirely alone.

After that, he spoke of the American attitude. He said that he had always wanted to have good relations with the United States, but that in spite of extreme reserve the United States had grown steadily more hostile to Germany. The Tripartite Pact had been concluded with a view to keeping the United States out of the war, as it was our wish and our belief that in that way those circles in the United States which were working for peace and for good relations with Germany could be strengthened. We were not successful in this, however, as the attitude of the United States was not favorable to Germany after the conclusion of the Tripartite Pact. The Führer's basic idea, and mine, namely, that if the United States did enter the war in Europe, they would have to reckon with a war on two fronts and therefore would prefer not to intervene, was not realized.

Now the further question of Russia's attitude came up and in this connection the Führer made the following statement: We have a friendship pact with Russia. But Russia has assumed the attitude which we have just been discussing and which causes me a certain amount of concern. We do not know, therefore, what to expect from that side. More and more troop movements were reported; he had himself taken military countermeasures, the exact nature of which was, and still is, unknown to me. However, his great anxiety was that Russia on the one hand and the United States and Britain on the other, might proceed against Germany. On the one hand, therefore, he had to reckon with an attack by Russia and on the other hand with a joint attack by the United States and England, that is to say with large-scale landings in the West. All these considerations finally caused the Führer to take preventive measures, to start a preventive war against Russia on his own initiative.

DR. HORN: What actual political reasons were there for the Tripartite Pact?

VON RIBBENTROP: The Tripartite Pact was concluded, I believe, in September 1940. The situation was as I have just described it, that is to say, the Führer was alarmed that the United States might sooner or later enter the war. For this reason I wanted to do all I could, in the field of diplomacy, to strengthen Germany's position. I thought we had Italy as an ally, but Italy showed herself to be a weak ally.

As we could not win France over to our side, the only friend apart from the Balkan States was Japan. In the summer of 1940 we therefore tried to achieve closer collaboration with Japan. Japan was trying to do the same with us and that led to the signing of the pact. The aim, or substance, of this pact was a political, military, and economic alliance. There is no doubt, however, that it was intended as a defensive alliance; and we considered it as such from the start. By that I mean that it was intended in the first place to keep the United States out of the war; and I hoped that a combination of this kind might enable us to make peace with England after all. The pact itself was not based on any plan for aggression or world domination, as has often been asserted. That is not true; its purpose was, as I have just said, to arrive at a combination which would enable Germany to introduce a new order in Europe and would also allow Japan to reach a solution acceptable to her in East Asia, especially in regard to the Chinese problem.

That was what I had in mind when I negotiated and signed the pact. The situation was not unfavorable; the pact might possibly keep the United States neutral and isolate England so that we might all the same arrive at a compromise peace, a possibility of which we never lost sight during the whole course of the war, and for which we worked steadily.

DR. HORN: What effect, according to the embassy reports which reached you, did the Anschluss of Austria and the Munich Agreement have on the United States?

VON RIBBENTROP: There is no doubt that the occupation of Austria and the Munich Agreement produced a much more unfavorable feeling towards Germany in the United States.

DR. HORN: In November 1938 the American Ambassador at Berlin was recalled to Washington to report to his government, and the normal diplomatic relations with Germany were thus broken off. According to your observations, what were the reasons for this measure?

VON RIBBENTROP: We never really found out the details, and we very much regretted it, as it forced us to recall our own Ambassador in Washington, at least to call him back to make a report. It is, however, evident that this measure was determined by the whole attitude of the United States. Many incidents took place about that time which gradually convinced the Führer that sooner or later they would bring the United States into the war against us.

Permit me to mention a few examples. President Roosevelt's attitude was defined for the first time in the "quarantine speech" which he made in 1937. The press then started an energetic campaign. After the ambassador was recalled the situation grew more

critical and the effect began to make itself felt in every sphere of German-American relations.

I believe that many documents dealing with the subject have been published in the meantime and that a number of these have been submitted by the Defense, dealing, for instance, with the attitude adopted by certain United States diplomats at the time of the Polish crisis; the cash-and-carry clause was then introduced which could benefit only Germany's enemies; the ceding of destroyers to England; the so-called Lend-Lease Bill later on; and in other fields the further advance of the United States towards Europe: The occupation of Greenland, Iceland, on the African Continent, *et cetera*; the aid given to Soviet Russia after the outbreak of this war. All these measures strengthened the Führer's conviction that sooner or later he would certainly have to reckon with a war against America. There is no doubt that the Führer did not, in the first instance, want such a war; and I may say that I myself, as I think you will see from many of the documents submitted by the Prosecution, again and again did everything I could, in the diplomatic field, to keep the United States out of this war.

DR. HORN: In the summer of 1941 President Roosevelt gave his so-called "firing order" to the American Fleet in order to protect transports carrying armaments to England. How did Hitler and German diplomacy react to this order?

VON RIBBENTROP: It was a very regrettable event for us. I am not competent to deal with technical details but I remember exactly that Hitler was greatly excited about this order. I believe it was in a speech at some meeting—probably at Munich, but I do not remember exactly—that he replied to this speech and issued a warning in answer to the announcement. I happen to remember the form which his reply took, because at the time I thought it rather odd. He said that America had given the order to fire on German ships. "I gave no order to fire but I ordered that the fire be returned"; I believe that is the way he expressed it.

Documentary evidence of these events reached us in the diplomatic service, but the Navy is better informed on the subject than I am. After that, I believe, there were protests and publications about the measures which made the German attitude plain; I cannot give you exact details of these protests without referring to the documents themselves.

DR. HORN: Did Japan notify Germany in advance of her attack on Pearl Harbor?

VON RIBBENTROP: No, she did not. At the time I tried to induce Japan to attack Singapore, because it was impossible to make peace with England and I did not know what military measures

we could take to achieve this end. In any case, the Führer directed me to do everything I could in the diplomatic field to weaken England's position and thus achieve peace. We believed that this could best be done through an attack by Japan on England's strong position in East Asia. For that reason I tried to induce Japan, at that time, to attack Singapore.

After the outbreak of the Russo-German war, I also tried to make Japan attack Russia, for I thought that in this way the war could be ended most speedily. Japan, however, did not do that. She did then—she did neither of the things we wanted her to do, but instead, she did a third. She attacked the United States at Pearl Harbor. This attack came as a complete surprise to us. We had considered the possibility of Japan's attacking Singapore, that is England, or perhaps Hong Kong, but we never considered an attack on the United States as being to our advantage. We knew that in the case of an attack on England, there was a possibility that the United States might intervene; that was a question which, naturally, we had often considered. We hoped very much, however, that this would not happen and that America would not intervene. The first news I received of the attack on Pearl Harbor was through the Berlin press, and then from the Japanese Ambassador Oshima. I should like to say under oath that all other reports, versions, or documentary evidence are entirely false. I would like to go even further to state that the attack came as a surprise even to the Japanese Ambassador—at least he told me that.

DR. HORN: Does Your Lordship wish for a recess now?

THE PRESIDENT: Dr. Horn, how much longer are you going to take?

DR. HORN: Not much more, Your Honor. I should say 15 or 20 minutes.

THE PRESIDENT: Very well, we will recess for 10 minutes.

*[A recess was taken.]*

DR. HORN: What considerations caused Hitler and you to enter the war against the United States on the side of Japan?

VON RIBBENTROP: When the news of Pearl Harbor came, the Führer had to make a decision. The text of the Tripartite Pact bound us to assist Japan only in case of an attack against Japan herself. I went to see the Führer, explained the legal aspect of the situation and told him that, although we welcomed a new ally against England, it meant we had a new opponent to deal with as well, or would have one to deal with if we declared war on the United States.

The Führer then decided that the United States had already fired upon our ships and thereby had practically created a state of war; that it was therefore only a question of form, or, at least, that this official state of war might supervene at any moment, as a result of an incident; and that in the long run it was impossible that this state of affairs in the Atlantic continue without a German-American war.

He then instructed me to draft a note—which he subsequently altered—and to hand the American Ambassador his papers.

DR. HORN: How did the Foreign Office co-operate with Germany's allies during the war?

VON RIBBENTROP: We naturally had close co-operation with Italy. By that I mean that in the further course of war, we were forced to all intents and purposes to take charge of all military operations there ourselves, or, at least, to take joint charge of them.

Co-operation with Japan was very difficult, for the simple reason that we could communicate with the Japanese Government only by air. We had contact with them from time to time through U-boats, but there was no co-ordinated military or political plan of campaign. I believe that on this point General Marshall's view is correct, namely, that there was no close strategic co-operation or planning of any kind; and, really, there was not any.

DR. HORN: How was co-operation with Italy?

VON RIBBENTROP: As I have just said, we naturally had very close co-operation with Italy, but difficulties arose through the many heterogeneous influences at work; and Italy proved herself, right from the start, to be a very weak ally in every respect.

DR. HORN: Why, in the course of the Russian campaign, did you suggest to Hitler the conclusion of separate peace agreements?

VON RIBBENTROP: A certain atmosphere of confidence between the Soviet Government and ourselves had been created at Moscow, between Stalin, Molotov and myself, and also extending to the Führer. For instance, the Führer told me that he had confidence in Stalin, whom he considered one of the really great men of history, and whose creation of the Red Army he thought a tremendous achievement; but that one could never tell what might happen. The power of the Soviets had grown and developed enormously. It was very difficult to know how to deal with Russia and make an agreement with her again. I myself always tried, through diplomatic and other channels, to maintain contact to a certain extent, because I still believed and hoped that some sort of peace could be made which would relieve Germany in the East and allow her to concentrate her forces in the West and even lead, perhaps, to a general peace. With this in view, I proposed to the Führer, for the first time, in the

winter of 1942, it was before Stalingrad, that an agreement should be reached with Russia. I did that after the Anglo-American landing in Africa which caused me great misgivings. Adolf Hitler—I met him in the train at Bamberg—most emphatically rejected the idea of any such peace or peace feelers, because he thought that if it became known, it would be liable to create a spirit of defeatism, *et cetera*. I had suggested to him at the time that we should negotiate peace with Russia on a very moderate basis.

Secondly, in 1943, I again advised the Führer in a lengthy, written exposition, to seek such a peace. I think it was after the collapse of Italy, The Führer was at that time open to consider such a peace; and he drafted a possible mutual line of demarcation which might be adopted, and said that he would let me know definitely on the following day. Next day, however, I did not receive any authorization or directive from him. I think that the Führer probably felt that it was impossible to heal the breach between National Socialism and communism and that such a peace would be no more than an armistice.

I made one or two further attempts but the Führer held the view that a decisive military success must be achieved first, and only after that could we start negotiations, otherwise the negotiations would be useless.

If I were asked to express an opinion as to whether such negotiations would have been likely to succeed, I would say that I think it very doubtful. I believe that, considering the strong stand taken by our opponents, especially England, even since the beginning of the war, there was never any real chance of Germany's attaining peace; and that holds good for both the East and the West. And I am convinced that with the formulation at Casablanca of the demand for unconditional surrender, the possibility ceased entirely to exist. I base my opinion not on purely abstract considerations, but on continuous feelers, made through indirect channels, often unidentifiable as such, by the other side, and which expressed the opinion of important personalities with a guiding influence on policy in those countries. They were determined to fight it out to the bitter end. I think the Führer was right when he said that such negotiations would serve no purpose.

DR. HORN: To come to a different subject, the witness Lahousen has testified here that in September 1939 a conversation took place in Hitler's private train at which you were also present, and which dealt with the instigation of a rebellion in the Polish Ukraine. What led to this conversation and what part did you play in the discussion?

VON RIBBENTROP: I remember that in the course of the Polish campaign Admiral Canaris, who was at the time Chief of the Wehrmacht Counterintelligence Service, came to see me, as he sometimes

did when he was making a short personal visit. I was in my compartment on the Führer's train at the time. I do not remember that the witness Lahousen was present; I had the impression when I saw Herr Lahousen here that I had never seen him before. Canaris came to me from time to time to tell me about his activities in the Intelligence and other fields. He did so on this occasion; and I believe it was he who told me that he had set all his agents to fomenting a revolt among the Ukrainian and other minorities in the rear of the Polish Army. He certainly received no instructions or directives from me, as was alleged here—and cannot have received any, for these two reasons:

1. The German Foreign Minister was never in a position to give any directives to a military authority.

2. At the beginning of the Polish campaign, the German Foreign Office was not at all concerned with the question of the Ukraine, and similar questions—or at any rate I myself was not. I was not even sufficiently well acquainted with the details to be able to give directives.

DR. HORN: The Prosecution have submitted a circular issued by the Foreign Office . . .

VON RIBBENTROP: May I say something more about this? The witness Lahousen has alleged that I said that houses were to be burned down or villages were to be burned down and the Jews were to be killed. I would like to state categorically that I never said such a thing.

Canaris was with me in my car at that time, and it is possible, although I do not remember it exactly, that I may have seen him going out later on. Apparently he received instructions which originated with the Führer as to the attitude he was to take in Poland with regard to the Ukrainian and other questions. There is no sense in the statement ascribed to me, because especially in the Ukraine—the Ukrainian villages—those were Ukrainians living in them, and they were not our enemies but our friends; it would have been completely senseless for me to say that these villages should be burned down. Secondly, as regards killing the Jews, I can only say that this would have been entirely contrary to my inner conviction and that the killing of the Jews never entered the mind of anybody at that time. I may say, in short, that all this is absolutely untrue. I have never given instructions of this kind, nor could I have done so, nor even a general indication on those lines. May I add that I remember that Herr Lahousen himself was not quite convinced that I had made this statement; at least, that was my impression.

DR. HORN: Have you anything to say about the Foreign Office circular submitted by the Prosecution and bearing the title: "The Jewish question as a factor in foreign politics in the year 1938"?

VON RIBBENTROP: I saw this circular here for the first time. Here are the facts: There was a section in the Foreign Office which was concerned with Party matters and questions of ideology. That department undoubtedly co-operated with the competent departments of the Party. That was not the Foreign Office itself. I saw the circular here. It seems to me that it is on the same lines as most of the circulars issued at the time for the information and training of officials, and so on. It even might possibly have gone through my office, but I think that the fact that it was signed by a section chief and not by myself or by the state secretary, should prove that I did not consider the circular very important even if I did see it. Even if it did go through my office or pass me in some other way, I certainly did not read it because in principle I did not read such long documents, but asked my assistants to give me a short summary of the contents. I may add that I received hundreds of letters in the course of the day's work, some of which were read to me, and also circulars and decrees which I signed, and many of which I did not acquaint myself with. I wish to state, however, that if one of my officials signed the circular it goes without saying that I assume full responsibility for it.

DR. HORN: The Prosecution have several times spoken of the Geneva Convention. Your name was frequently mentioned in this connection also. What was your attitude toward the Geneva Convention?

VON RIBBENTROP: I believe, and many people will and could confirm it, that from the beginning of the war the Foreign Office and I have always supported the Geneva Convention in every way. I should like to add that the military authorities always showed much understanding for these things—at least, for the affairs I had to deal with. If, later on, this no longer held good in every respect, it was due to the rigors of war, and possibly to the harshness of the Führer.

As to the terror-fliers I must state that in 1943 and 1944 the English and American air raids gradually became a terrible threat to Germany. I saw this for the first time in Hamburg, and I remember this event because I was with the Führer at the time and I described to him the terrifying impression I had received. I do not believe that anyone who has not experienced such a raid and its results can imagine what it means. It is evident that we Germans, and especially Adolf Hitler, continually sought means to master this menace.

I must also mention the terrible attack on Dresden, and I would like to ask the Tribunal's permission to name a witness, the former Danish Minister Richard, who was there during the attack and described it to me 2 days later. It was, therefore, self-evident that

the problem of terror-fliers had to be solved somehow by the Führer. This was in contrast to our view insofar as we wanted to find a solution which would not infringe upon the Geneva Convention, or at least a solution which could be publicly proclaimed to our enemies. My department was not directly concerned with the question, for we had nothing to do with defense problems which were taken care of by the military authorities, the police and those responsible for home policy. But we were indirectly concerned where the matter was affected by the Geneva Convention, and my point of view, which I frequently expressed, was that if any steps were taken an official proclamation should be published, giving a definition of a terror-flier, and stating that these terror-fliers convicted or airmen suspected of an attack upon the civilian population would be tried by courts-martial. Geneva would then be officially notified of this measure or preparatory measure and then the enemy would be informed through the protecting powers. Fliers found guilty of deliberate terrorist raids by the courts-martial would be sentenced; if not, they would revert to the normal status of prisoners of war. But this was never carried out in practice. It was not a suggestion by me but an idea which I expressed to Hitler in the course of conversations on one or two occasions and which was not put into practice because, in practice, it was impossible to find a definition for these raids. I believe some mention was also made of a conference supposed to have taken place in Klessheim during which I was said to have proposed or supported farther-reaching measures. I remember quite clearly that this conference did not take place. I do not believe, or at least, I do not remember, that I ever discussed this question at that time with Himmler, with whom I was not at that time on good terms, or Göring, whom I did not see very often. I believe that it is possible that the subject was brought up in a conversation during an official visit to Klessheim, as often happened, with the Führer, but that I do not know any more. I do know one thing that if allusion is made to a more thorough-going proposal emanating from me it can refer only to the following: At the time we were anxious to arrive at a clear definition of these attacks by terror-fliers and in the course of discussion various suggestions were made for the definition of certain categories of attacks, such as machine-gunning from the air, as terror attacks. It is possible that this note, or whatever it was, came into being in this way: That the person in question knew my views, that is, the person trying to find a practical solution—if one was arrived at—to agree officially with the Geneva Convention or could, at least, have been officially discussed with Geneva.

Another document has also been submitted in this connection. I believe it was a suggestion for an expert opinion on this question by the Foreign Office. I do not remember exactly how this expert opinion came to be given, whether it was done on my orders or

whether it was the result of a discussion with the Wehrmacht authorities concerned, who wanted to know the opinion of the Foreign Office. All I know is that the Wehrmacht always attached great importance to an exact knowledge of our opinion with regard to the Geneva Convention. I remember that expert opinion, however, and that I have seen it. I am now said to have approved it. It would take too long to go into details, but that is not correct. I remember that I submitted that expert opinion to the Führer as being a very important matter which I could not deal with alone. I think that the Führer—or I remember rather exactly, that the Führer dismissed it as nonsense at the time, so this expert opinion was not well received by the Führer. In the further course of events all we heard, because we were only concerned indirectly, was that no order of any sort was issued by the Führer or any Wehrmacht authority, because the Wehrmacht shared our very views on this subject. Admittedly, I do not know that in detail; but I can say with absolute certainty that since this question of defense against terror-fliers was under consideration, and afterwards, not a single case of lynching came to my ears. I did not hear that this had happened until I was here.

DR. HORN: The other day witness Dahlerus was brought here. How long have you known Dahlerus?

VON RIBBENTROP: I believe that I saw Dahlerus here for the first time. Of course, it is possible that I may have seen him once from a distance or possibly in the Reich Chancellery during one of his apparently frequent visits to the Führer. But I do not remember him, and when I saw him here I had the impression that I had never seen him before.

DR. HORN: Were you in a position to exercise influence regarding planes for visitors to the Reich Government?

VON RIBBENTROP: No, I had no such influence.

DR. HORN: One more question on a different subject. What real estate was at your disposal in your official capacity as Foreign Minister?

VON RIBBENTROP: The other day the British Prosecutor declared that, to begin with, I had one house and later on I had six. I want to clear this matter up for the Court. After losing my entire fortune in America, I became quite wealthy again through my own work. As such, and in other ways, too, I had certain possibilities and I also had funds through relatives, through my wife. I built a house in Berlin-Dahlem in 1922-23 and bought several lots there. We lived there for many years. Futhermore, in 1934—I want to emphasize the fact that this had nothing to do with my political activities, because at the time I had only just started them—I bought

a small house and estate called Sonnenburg, near Berlin, with some funds which my wife inherited, I think, and from funds of my own.

The other—or I should say rather that since that time I have not acquired a square yard of property in Germany or anywhere else. The other houses mentioned by the British Prosecutor, that is, the so-called Schloss Fuschl, this became known because various foreign statesmen were received there during the war. That is not really a castle but a tower, an old hunting tower of the Archbishops of Salzburg. The Führer had put it at my disposal to have a roof over my head when I was at Obersalzberg, because he did not want me to stay in the hotel, which was always very crowded, and I had to bring my staff with me. Fuschl was never my personal property, but was a so-called Foreign Office establishment, which belonged exclusively to the state and was kept up by the state. I knew the former owners of this castle or tower only by name and, therefore, I cannot give any information about them. I only heard that this building was confiscated by the Reich Government, along with other property belonging to political opponents in Austria.

The second house mentioned here was, I think, a house in Slovakia. There was also a question of a third house in Sudetenland, which was alleged to be the property of a Count Czernin. I believe I can explain this also. Here are the facts: The Führer had given me permission to arrange hunting parties to which I could invite foreign statesmen for the purpose of more informal talks. I was also a hunter, so the Foreign Office, that is to say the Reich Government, had leased ground from some of the farmers in Sudetenland for hunting purposes, along with a suitably impressive house. I believe they were rented for only a couple of years; they were not even purchased. The same thing was done in the case of a hunting ground in Slovakia. I do not think that this was our property at all. The Slovak Government placed it at our disposal for a few days every year, to shoot deer. It was a hunting lodge in which I once or twice spent 2 or 3 days, but it has nothing to do with my own property.

Another place was mentioned, a house called Tanneck. I may mention that I have never even seen this house, situated, I believe, in the Rhineland. According to the description which I have received, it is a small house occupied by a man responsible for looking after several horses. I had formerly served in the cavalry and was interested in horses which had been purchased in France by the State, from the well-known racing stable owner, the Aga Khan in Normandy, as they would otherwise have been ruined. I should like to emphasize the fact that full compensation—I always paid particular attention to this—was paid for the horses, as I think the Aga Khan will gladly confirm. They were brought to Germany with the

Führer's full consent, although he was not greatly interested in horses; but he understood my point of view. These horses were later to be put in the stud farm Grabitz, which belonged to the Reich Government.

If the Tribunal permits, I would like to say that, as far as my personal affairs are concerned, my Defense Counsel will present the necessary testimony. I gave instructions at that time that I did not want to have a single Reichsmark more at the end of my term of office than I had at the beginning, with the exception of two gifts which I received from the Führer, but most of which, or at least part of which, I believe, has since been spent by the State for my official expenses.

DR. HORN: One last question: During your activities, in regard to foreign policy, did you see any possibility of realizing prospects of revision which had been conceded to Germany but which had not materialized?

VON RIBBENTROP: That was precisely the great problem out of which, in the final analysis, this war developed. As Adolf Hitler often told me, he wanted to build up an ideal social state in Europe after the solution of the problems which he had recognized as vital. He wanted to erect buildings, *et cetera*; that was his aim. Now, the realization of these aims defined as vital by the Führer was greatly hampered by the petrified political system, which had been established in Europe and the world in general.

We, the Führer, and then I myself on his order—so I believe I can be the chief witness—always tried to solve these problems through diplomatic and peaceful channels. I brooded many nights over the League of Nations—day and night over Paragraph 19 of the Covenant of the League of Nations, but the difficulty was that the Führer was not in a position, or was convinced that it was simply impossible to obtain results through negotiation—at least, without having strong armed forces to back him up. The mistake was, I believe, that, although Paragraph 19 was a very good paragraph of the Covenant of the League of Nations, and one which we all would have been very willing to sign and follow or one which we did sign and would have followed, no means of putting it into practice existed. That gradually created a situation in which the powers, and that is quite natural, who wanted to retain this state of petrification, as I might call it, or *status quo*, opposed any steps taken by Germany, which of course, caused reaction on the part of the Führer, until finally it reached the point, the very tragic point, where this great war began over a question like Danzig and the Corridor, which could have been solved comparatively easy.

DR. HORN: I have no more questions.

THE PRESIDENT: Dr. Horn, I do not think it would be possible to go any further with the examination of the witness today, but the Tribunal would welcome your assistance and the assistance of the Prosecution with reference to your documents, if you could tell us what the position is with reference to your documents, and if the Prosecution could tell us how far they have been able to see these documents since they have been translated and how far they have been able to make up their minds as to what documents they wish to object to and what documents they are prepared to admit as being offered in evidence before us. Could you tell us what the position is with reference to these documents; how many of your documents have been translated?

DR. HORN: A gentleman from the British Prosecution told me this morning that the English Document Book will be ready on Monday and that I can discuss with him the question of what documents will be admitted. He also told me that the British Prosecution would arrange everything with the other delegations of the Prosecution, so that on Tuesday I should be in a position to submit the remaining documents and, I believe, this could be done in 2 or 3 hours. I want to submit these documents in groups and do not wish to read too much from them, but only explain to the Tribunal my reason for asking them to take judicial notice of these documents.

THE PRESIDENT: You said, did you not, it would take you no longer than 2 or 3 hours to explain the documents after you had come to the arrangement with the Prosecution?

DR. HORN: Yes.

THE PRESIDENT: And have you any other witnesses to call besides the defendant?

DR. HORN: No. I would like only to submit an affidavit by a witness requested by me, Counsellor of Legation Gottfriedsen, dealing with the personal financial circumstances of the Defendant Von Ribbentrop, former Minister for Foreign Affairs. Gottfriedsen was the Foreign Office official whose task was to look after the official income of the Foreign Minister and who is also very well acquainted with his private financial affairs. He can give information about the personal and official estates belonging to the Foreign Minister and the Foreign Ministry. I have embodied this information in the form of a few questions in an affidavit. If the Prosecution have no objection to this affidavit, I could dispense with the calling of the witness, Gottfriedsen. However, if the Prosecution want him to appear, then I would question him on the contents of the affidavit.

I have no other witnesses for the Defendant Von Ribbentrop. When all my documents will have been presented, the case for the Defense will be concluded.

THE PRESIDENT: Would the Prosecution tell us their view on this?

SIR DAVID MAXWELL-FYFE: My Lord, as far as the British Prosecution is concerned, we have now had six document books, I think, taking us up to Number 214, roughly two-thirds of the documents which Dr. Horn wishes to tender, and we have been able to go through up to Number 191. I made out a list—I could hand one to the Court and give Dr. Horn another one—of those documents that we object to, which are very briefly set out. I should think we object to something like 70 or 80, between the Numbers 45 and 191, maybe a little more. The Soviet Delegation are, I think, in a position to tender their objections, which are practically entirely in accord with ours, though they were prepared separately. M. Champetier de Ribes has at least two batches of documents to which he wishes to make objections. I think I may say that Mr. Dodd is more or less leaving this point to me and will act in accordance with the British Delegation's view on the point. So that is the position. It probably would be convenient if I handed in a very outlined list of objections which I have up to date.

THE PRESIDENT: The Tribunal would like to know, Sir David, what the position of the Prosecution is about the translation of the documents. You remember that the Tribunal did make an order that the Prosecution should object to documents, if possible, before they were translated, so as to avoid unnecessary translations, and in the event of any disagreement between the Prosecution and the Defense any matter should be referred to the Tribunal. It was thought that there were a great number of documents on which agreement could be achieved in that way, and the labor and time taken up in translating would be obviated.

SIR DAVID MAXWELL-FYFE: Yes. The difficulty we have been in over these documents, is that we did our best to try to formulate our view on the index, but it is a very difficult matter to form a view when you get a short description of only a line and a half about a document. But it might be that that would be the most practical way of doing it, despite its difficulty. If the Prosecution were given an index with as good a description as possible of the document, the Prosecution then formulated their objections on the index, and the Tribunal heard any outstanding differences before the documents were translated, I should think—I am afraid I can put it only tentatively—it would be worth a trial. Otherwise, you would get a terrible blockage in the Translation Division of the Tribunal by a vast number of documents, such as we have had in this case, to which ultimately we are going to make full and numerous objections, but that holds up the translation of all the documents belonging to the subsequent proceedings. So I should be

prepared—and I think my colleagues would support me—in making a trial, if the Tribunal thought it could be done, to hand in an objection on a list of documents and see if we could in that way arrive at the results which would obviate the necessity of translating them all.

**THE PRESIDENT:** Would it be of assistance to the Prosecution, supposing the defendants' counsel were to give them the entire documents in German with also a full index in English, and then the Prosecution, or some member of the Prosecution who is familiar with German, could go through the documents in German and the Prosecution can then make up their minds in that way? Would that be an assistance to the Prosecution? They would have not only the index to inform them as to what was the nature of the documents, but they would have the documents in German.

**SIR DAVID MAXWELL-FYFE:** I think that would be a great help, especially if he underlined the more material passages.

**THE PRESIDENT:** Then, with the co-operation of the defendants' counsel, some measure of agreement might be arrived at as to what were the necessary documents to lay before the Tribunal.

**SIR DAVID MAXWELL-FYFE:** Yes, I think that could be done, My Lord.

**THE PRESIDENT:** Well, then, Sir David, with reference to the immediate future, on Monday, of course, some of the defendants' counsel may wish to ask questions of the Defendant Ribbentrop and then the Prosecution may wish to cross-examine him, and that, I suppose, might possibly take all Monday.

**SIR DAVID MAXWELL-FYFE:** I think that is highly probable, My Lord.

**THE PRESIDENT:** Under those circumstances, if the scheme which Dr. Horn has outlined is carried out, there would not necessarily be any delay at all, because by Tuesday morning his documents would have been all examined by the Prosecution and the objections to them would have been put in, and he could then go through, as he says, in 2 or 3 hours, the documents which remain for the consideration of the Tribunal.

**SIR DAVID MAXWELL-FYFE:** I respectfully agree, My Lord.

**THE PRESIDENT:** Then the Tribunal would like to know what the position is with reference to the next defendant. It may be that on Tuesday after the midday adjournment the case of Defendant Keitel would come on. Now, are his documents in order? As far as I remember, most of his documents are documents which have already been put in evidence.

SIR DAVID MAXWELL-FYFE: A great many.

THE PRESIDENT: Is that not so?

SIR DAVID MAXWELL-FYFE: Perhaps Dr. Nelte could help us.

THE PRESIDENT: If he would, yes.

DR. NELTE: Mr. President, I am ready to begin at any time. The documents have been presented and affidavits were already presented to the Prosecution last week. I am waiting only for the Prosecution to decide as to the relevancy of those documents which the defendant has submitted as his own statements and which are to be submitted in order to shorten the examination.

SIR DAVID MAXWELL-FYFE: I have not had the chance of going through them myself but, as a matter of principle, we have always been quite prepared that a statement should be read so long as the witness is there to be cross-examined. If the Tribunal has no objection, there will be none from the Prosecution on that procedure.

THE PRESIDENT: Yes, the Tribunal has no objection at all to that method of presenting written documents, provided the Prosecution does not object to them, and, therefore, no cross-examination is necessary. Could Dr. Nelte tell us whether the documents which he wishes to present, insofar as they have not already been put in evidence, have been translated yet?

DR. NELTE: They all were sent to the translation office and the last two documents were sent 3 days ago. I assume, therefore, that the delegations of the Prosecution have, in the meantime, received the translations.

THE PRESIDENT: Have you received them, Sir David?

SIR DAVID MAXWELL-FYFE: No, My Lord, we have not received them.

DR. NELTE: Perhaps they have not been distributed yet. Several or about two-thirds of the documents were translated into French and English about two weeks ago and are ready. I subsequently also sent these documents to the Russian Delegation so that they could be translated into Russian.

SIR DAVID MAXWELL-FYFE: I am told, My Lord, from General Mitchell, that the documents are translated. They have not yet been distributed.

THE PRESIDENT: Then there ought to be no cause for delay in connection with the Defendant Keitel's case.

SIR DAVID MAXWELL-FYFE: My Lord, I do not think so.

DR. NELTE: No.

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THE PRESIDENT: Then, does the same apply to the Defendant Kaltenbrunner, who is the next one? Dr. Kauffmann, are your documents yet translated?

DR. KAUFFMANN: Mr. President, I have only a very few affidavits and there is no doubt that they will be in the hands of the Prosecution in due time.

THE PRESIDENT: One moment. So that you will be quite ready to go on then?

DR. KAUFFMANN: Yes, after Keitel, Mr. President.

THE PRESIDENT: Yes, after Keitel, very well. Sir David, then you will present to us the objections which you are making to Dr. Horn's documents, and the Soviet Prosecutor will present his objections.

SIR DAVID MAXWELL-FYFE: Yes, I shall hand them in as far as I have gone, if I may, at once.

THE PRESIDENT: Yes, and M. Champetier de Ribes, so far as he has any.

SIR DAVID MAXWELL-FYFE: If My Lordship please, yes.

THE PRESIDENT: Very well, the Tribunal will adjourn.

*[The Tribunal adjourned until 1 April 1946 at 1000 hours.]*

# NINETY-SIXTH DAY

Monday, 1 April 1946

## *Morning Session*

*[The Defendant Von Ribbentrop resumed the stand.]*

THE PRESIDENT: Have any of the defendants' counsel any questions they want to put to the defendant?

DR. SEIDL: Yes, Your Honor. Witness, the preamble to the secret pact concluded between Germany and the Soviet Union on 23 August 1939 is worded more or less as follows:

"In view of the present tension between Germany and Poland, the following is agreed upon in case of a conflict..."

Do you recall whether the preamble had approximately that wording?

VON RIBBENTROP: I do not recall the exact wording, but it is approximately correct.

DR. SEIDL: Is it correct that the chief of the legal department of the Foreign Office, Ambassador Dr. Gaus, participated as legal adviser in the negotiations in Moscow on 23 August 1939 and drafted the treaty?

VON RIBBENTROP: Ambassador Gaus participated partly in the negotiations and drafted the agreements with me.

DR. SEIDL: I shall now read an extract from the statement by Ambassador Gaus and ask you a few questions in connection with it.

THE PRESIDENT: Dr. Seidl, what document are you going to read?

DR. SEIDL: I shall read from Paragraph 3 of the statement made by Dr. Gaus and in connection with it ask a few questions of the witness, because some points concerning this pact do not seem to have been sufficiently clarified as yet.

THE PRESIDENT: Yes, General Rudenko?

GEN. RUDENKO: I do not know, Mr. President, what relation these questions have with the Defendant Hess, who is defended by Dr. Seidl, or with the Defendant Frank. I do not wish to discuss this affidavit, as I attach no importance whatsoever to it. I wish only to draw the attention of the Tribunal to the fact that we are not investigating the problems connected with the policy of the Allied

nations, but are investigating the charges against the major German war criminals; and such questions on the part of the Defense Counsel is an attempt to divert the attention of the Tribunal from the issues we are investigating. I therefore think it proper that questions of this kind should be rejected as not relevant.

*[There was a pause in the proceedings while the Judges conferred.]*

THE PRESIDENT: Dr. Seidl, you may ask the questions.

DR. SEIDL: Gaus stated, under Paragraph 3 of his affidavit:

"The plane of the Reich Foreign Minister whom I had to accompany as legal adviser in the intended negotiations arrived in Moscow at noon on 23 August 1939. On the afternoon of the same day the first conversation between Herr Von Ribbentrop and Mr. Stalin took place at which, on the German side, besides the Reich Foreign Minister, only Embassy Counsellor Hilger, as interpreter, and perhaps also Ambassador Count Schulenburg, but not myself, were present.

"The Reich Foreign Minister returned very satisfied from this long conference and indicated that it was as good as certain that it would result in the conclusion of the agreements desired on the part of Germany. The continuation of the conference, at which the documents to be signed were to be discussed and completed, was scheduled for later in the evening. At this second conference I participated personally and so did Ambassador Count Schulenburg and Embassy Counsellor Hilger. On the Russian side the negotiations were conducted by Messrs. Stalin and Molotov, whose interpreter was Mr. Pavlov. An agreement on the text of the Soviet-German Non-aggression Pact was reached quickly and without difficulties.

"Herr Von Ribbentrop himself had inserted in the preamble to the agreement which I had drafted a rather far-reaching phrase concerning the formation of friendly German-Soviet relations to which Mr. Stalin objected with the remark that the Soviet Government could not suddenly present to the public German-Soviet assurances of friendship after they had been covered with pails of manure by the Nazi Government for 6 years. Thereupon this phrase in the preamble was deleted or rather changed.

"Besides the Non-aggression Pact there were negotiations for quite some time on a separate secret document, which according to my recollection was called a 'secret agreement' or 'secret additional agreement' and the terms of which were aimed at a demarcation of the mutual spheres of interest in the European territories situated between the two countries.

Whether the expression 'spheres of interest' or other such expressions were used therein, I do not recall. In the document, Germany declared herself politically disinterested in Latvia, Estonia and Finland but considered Lithuania to be part of her sphere of influence.

"Regarding the political disinterest of Germany in the two Baltic countries mentioned, controversy arose when the Reich Foreign Minister, in accordance with his instructions, wanted to have a certain part of the Baltic territory exempted from this political disinterest; this, however, was rejected on the part of the Soviets, especially on account of the ice-free ports in this territory.

"Because of this point, which apparently had already been discussed in Ribbentrop's first conversation, the Foreign Minister had put in a call to Hitler which came through only during the second discussion, and during which, in direct conversation with Hitler, he was authorized to accept the Soviet standpoint. A demarcation line was laid down for the Polish territory. I cannot remember whether it was drafted on a map which was to be attached to the document or only described in the document. Moreover, an agreement was reached in regard to Poland, stating approximately that the two powers would act in mutual agreement in the final settlement of questions concerning this country. It could, however, be possible that this last agreement regarding Poland was reached only when the change of the secret agreement mentioned later in Paragraph 5 was made.

"Regarding the Balkan States, it was confirmed that Germany had only economic interests there. The Non-aggression Pact and the secret agreement were signed rather late that same evening."

Witness, in the affidavit of Gaus, a pact is mentioned whereby the two powers agree to act in mutual agreement with regard to the final settlement of the questions concerning Poland. Had such an agreement already been reached on 23 August 1939?

VON RIBBENTROP: Yes, that is true. At that time the serious German-Polish crisis was acute, and it goes without saying that this question was thoroughly discussed. I should like to emphasize that there was not the slightest doubt in either Stalin's or Hitler's mind that, if the negotiations with Poland came to naught, the territories that had been taken from the two great powers by force of arms could also be retaken by force of arms. In keeping with this understanding, the eastern territories were occupied by Soviet troops and the western territories by German troops after victory. There is no doubt that Stalin can never accuse Germany of an aggression or

of an aggressive war for her action in Poland. If it is considered an aggression, then both sides are guilty of it.

DR. SEIDL: Was the demarcation line in this secret agreement described merely in writing or was it drawn on a map attached to the agreement?

VON RIBBENTROP: The line of demarcation was roughly drawn on a map. It ran along the Rivers Rysia, Bug, Narew, and San. These rivers I remember. That was the line of demarcation that was to be adhered to in case of an armed conflict with Poland.

DR. SEIDL: Is it correct that on the basis of that agreement, not Germany but Soviet Russia received the greater part of Poland?

VON RIBBENTROP: I do not know the exact proportions, but, at any rate, the agreement was that the territories east of these rivers were to go to Soviet Russia and the territories west of these rivers were to be occupied by German troops, while the organization of this territory as intended by Germany was still an open question and had not yet been discussed by Hitler and myself. Then, later the Government General was formed when the regions lost by Germany after World War I were incorporated into Germany.

DR. SEIDL: Now, something else. You stated last Friday that you wanted Russia to join in the Tripartite Pact. Why did that fail?

VON RIBBENTROP: That failed because of Russian demands. The Russian demands concerned—I should perhaps say first that I had agreed with M. Molotov in Berlin to conduct further negotiations through diplomatic channels. I wanted to influence the Führer regarding the demands already made by Molotov in Berlin in order that some sort of an agreement or compromise might be arrived at.

Then Schulenburg sent us a report from Moscow with the Russian demands. In this report was, first of all, the renewed demand for Finland. To this the Führer, as is well known, told Molotov that he did not wish that after the winter campaign of 1940 another war should break out in the North. Now the demand for Finland was raised again, and we assumed that it would mean the occupation of Finland. It was difficult since it was a demand which the Führer had already turned down.

Another demand of the Russians was that of the Balkans and Bulgaria. Russia, as is well known, wanted bases there and wished to enter into close relations with Bulgaria. The Bulgarian Government, with whom we got in touch, did not want this. Moreover, this Russian penetration of the Balkans was for both the Führer and Mussolini a difficult question because of our economic interests there: grain, oil, and so on. But above all it was the will of the Bulgarian Government themselves, which was against this penetration.

Then, thirdly, there was the demand of the Russians for outlets to the sea and military bases on the Dardanelles; and then the request which Molotov had already expressed to me in Berlin, to secure somehow at least an interest in the outlets of the Baltic Sea. M. Molotov himself told me at that time that Russia naturally was also very much interested in the Skagerrak and Kattegat.

At that time I discussed these demands and requests fully with the Führer. The Führer said we would have to get in touch with Mussolini, who was very much interested in some of these demands. This took place, but neither the demands for the Balkans nor the demands for the Dardanelles met with the approval from Mussolini. As far as Bulgaria is concerned I have already stated that she did not want it either; and with regard to Finland, neither Finland nor the Führer wanted to accede to the demands of the Soviet Union.

Negotiations were then carried on for many months. I recall that upon receipt of a telegram from Moscow in December 1940 I had another long conversation with the Führer. I had an idea that, if we could bring about a compromise between the Russian demands and the wishes of the various parties concerned, a coalition could be formed which would be so strong that it would eventually induce England to remain at peace.

THE PRESIDENT: What is this all an answer to? What was your question that this is supposed to be an answer to?

DR. SEIDL: In essence he has already answered the question.

THE PRESIDENT: Dr. Seidl, if he has answered the question you should stop him.

DR. SEIDL: Very well. I now come to another question: What was Adolf Hitler's opinion regarding the military strength of Russia?

VON RIBBENTROP: Adolf Hitler once said to me—he expressed himself thus—and this was when he became worried about what was taking place in Russia in the way of preparations against Germany: "We do not know of course what is concealed behind this gate, if some day we should really be forced to kick it open." From this and other statements which the Führer made at this time I concluded that, on the basis of reports about Russia, he suffered great anxiety about the strength and the possible display of might by the Soviet Union.

DR. SEIDL: My next question: What circumstances induced Hitler to anticipate the threatening danger of an offensive by the Soviet Union?

VON RIBBENTROP: This was as follows . . .

THE PRESIDENT: Hasn't this been dealt with extensively and exhaustively by the Defendant Göring? You are here as counsel for Hess.

DR. SEIDL: If the Tribunal is of the opinion that this has been dealt with exhaustively, I shall withdraw the question.

THE PRESIDENT: Before you sit down, Dr. Seidl, you were putting Gaus' affidavit to the defendant, I suppose with the intention that he should say that the affidavit was true; is that right?

DR. SEIDL: Yes.

THE PRESIDENT: You didn't put to him Paragraph 4 of the affidavit at all, did you?

DR. SEIDL: I read only Paragraph 3 of the affidavit. I did not read Paragraph 1, 2, 4, and 5 in order to save time.

THE PRESIDENT: The answer to my question was, "yes," that you did not put it. Should you not put the end of Paragraph 4 to him, which reads in this way:

"The Reich Foreign Minister regulated his words in such a manner that he let a warlike conflict of Germany with Poland appear not as a matter already finally decided upon but only as an imminent possibility. No statements which could have included the approval or encouragement for such a conflict were made by the Soviet statesmen on this point. Rather the Soviet representatives limited themselves in this respect simply to taking cognizance of the explanations of the German representatives."

Is that correct?

DR. SEIDL: That is correct.

THE PRESIDENT: I am asking the witness. Is that correct?

VON RIBBENTROP: I may say the following to this. When I went to Moscow no final decision had been reached by the Führer...

THE PRESIDENT: Well, couldn't you answer the question directly? I asked you whether the statement in the affidavit was correct or not. You can explain afterwards.

VON RIBBENTROP: Not quite correct, Mr. President.

THE PRESIDENT: Now you can explain.

VON RIBBENTROP: It is not correct insofar as at that time the decision to attack Poland had in no way been made by the Führer. There is, however, no doubt that it became perfectly clear during the discussions in Moscow that there was at any time the possibility of such a conflict, if the last effort at negotiations failed.

THE PRESIDENT: Well, what is the difference between that and what I have just read to you? What I read to you was this:

"The Reich Foreign Minister regulated his words in such a manner that he let a warlike conflict of Germany with Poland...

appear not as a matter already finally decided upon but only as an imminent possibility."

I should have thought your explanation was exactly the same as that. That's all.

DR. SEIDL: Mr. President, may I mention something briefly in this connection? This witness Gaus was present only at the second conference. He was, however, not present at the long conference which took place previously between the witness Ribbentrop on the one hand and Molotov and Stalin on the other hand. At these conferences only Embassy Counsellor Hilger was present and I ask the Tribunal to call witness Hilger, who has, in view of the importance of this point, already been granted me.

THE PRESIDENT: Dr. Seidl, as you know, you can make any application in writing for calling any witness that you like; and also the Tribunal wishes me to say that if the Prosecution wish to have the witness Gaus here for a cross-examination they may do so.

DR. SEIDL: Then I should like to put in as Hess Exhibit Number 16 (Document Number Hess-16) the sworn affidavit of Ambassador Gaus.

THE PRESIDENT: Yes, certainly.

MR. DODD: May it please the Tribunal, as far as I understand, there is some slight danger of the witness Gaus being removed from Nuremberg. I would like to state at this time that we would like to have him retained here for long enough time for possible cross-examination.

THE PRESIDENT: Very well.

Do any other members of the defendants' counsel want to ask questions?

DR. NELTE: The Defendant Keitel states that in the autumn of 1940, when the idea of a war with Russia was discussed by Hitler, he went to Fuschl in order to talk to you about this question. He believed that you too had misgivings about it. Do you recall that Keitel at the end of August or at the beginning of September was in Fuschl?

VON RIBBENTROP: Yes, that is correct. He did visit me at that time.

DR. NELTE: Do you recall that Keitel at that time stated to you his opinion about the probably imminent war?

VON RIBBENTROP: Yes, that is correct. He spoke of that at the time. I believe he said that the Führer had discussed it with him.

DR. NELTE: What I am driving at is this: Keitel states that he spoke with you about a memorandum he intended to submit to Hitler

which referred to the considerations which were to be taken into account in case of war with Soviet Russia.

VON RIBBENTROP: That is correct. Field Marshal Keitel told me at that time that he intended to submit a memorandum to Hitler, and he expressed his misgivings concerning a possible conflict between the Soviet Union and Germany.

DR. NELTE: Did you have the impression that Field Marshal Keitel was opposed to the war at that time?

VON RIBBENTROP: Yes, that is correct. I had absolutely that impression.

DR. NELTE: Is it true that he, as a result of this discussion, asked you to support his point of view with Hitler?

VON RIBBENTROP: Yes, that is correct, and I told him at that time that I would do so, that I would speak to Hitler, and he ought to do the same.

DR. NELTE: Another question, regarding the escape of the French General Giraud. Is it true that Keitel, when the French General Giraud escaped from Königstein, asked you to take steps with the French Government to bring about the voluntary return of General Giraud?

VON RIBBENTROP: Yes, that is right. At that time he asked me whether it would not be possible, by way of negotiations with the French Government, to induce Giraud to return to imprisonment in some way or other.

DR. NELTE: Did a meeting then take place with General Giraud in occupied France through the intervention of Ambassador Abetz?

VON RIBBENTROP: Yes, such a meeting took place. I believe Ambassador Abetz met Giraud, who, as I recall, appeared in the company of M. Laval. The Ambassador did everything he could in order to induce the General to return, but finally did not succeed. The General was promised safe conduct for this meeting and upon its conclusion the General and Laval left.

DR. NELTE: The Prosecution has submitted an order, the subject of which was the branding of Soviet prisoners of war. The Defendant Keitel is held responsible for this order. He states that he spoke with you about this question at headquarters located at the time in Vinnitza; that he had to do it because all questions pertaining to prisoners of war also concerned the department for international law of the Foreign Office. Do you recall that in this connection Keitel asked you whether there were any objections from the point of view of international law to this branding which Hitler wished.

VON RIBBENTROP: The situation was this: I heard about the intention of marking prisoners of war and went to headquarters to

speak with Keitel about this matter because it was my opinion that the marking of prisoners in such a way was out of the question. Keitel shared my opinion; and, so far as I recall, I believe he gave later orders that this intended form of marking was not to be used.

DR. NELTE: I have no further question.

FLOTTENRICHTER OTTO KRANZBÜHLER (Counsel for Defendant Dönitz): Witness, when did you make the acquaintance of Admiral Dönitz?

VON RIBBENTROP: I made his acquaintance after he was appointed Commander-in-Chief of the Navy.

FLOTTENRICHTER KRANZBÜHLER: That was in 1943?

VON RIBBENTROP: I believe so.

FLOTTENRICHTER KRANZBÜHLER: Did Admiral Dönitz before or after this time exert or try to exert any influence on German foreign policy?

VON RIBBENTROP: I have never heard that Admiral Dönitz tried to exert any influence on German foreign policy.

FLOTTENRICHTER KRANZBÜHLER: Do you recall Marshal Antonescu's visit to the Führer headquarters on 27 February 1944?

VON RIBBENTROP: I do recall the visit but not the date. Marshal Antonescu used to visit the Führer frequently. I should say every six months or so; I believe you said at the beginning of 1944?

FLOTTENRICHTER KRANZBÜHLER: Yes, on 27 February 1944.

VON RIBBENTROP: Yes, I think it is correct that he visited the Führer at the beginning of 1944.

FLOTTENRICHTER KRANZBÜHLER: Do you recall whether Antonescu, at that time, attended the discussion of the military situation, as guest?

VON RIBBENTROP: I am quite certain, because this was usually the case when Antonescu came to see the Führer. The Führer always explained the military situation to him, that is, he invited him to the so-called noon discussion of the military situation. I do not recall exactly now, but there can be no doubt that Marshal Antonescu attended the discussion of the military situation in February.

FLOTTENRICHTER KRANZBÜHLER: Besides the military discussions were there also political discussions with Antonescu?

VON RIBBENTROP: Yes, every visit with Marshal Antonescu began by the Führer's withdrawing either with the Marshal alone or sometimes also with me, but mostly with the Marshal alone, because he was the chief of state; a long detailed political discussion would ensue, to which I was generally called in later.

FLOTTENRICHTER KRANZBÜHLER: Did Admiral Dönitz take part in these political discussions?

VON RIBBENTROP: Certainly not, because the Führer seldom invited military leaders to these political discussions with Marshal Antonescu. Later however, he did occasionally, but I do not recall that Admiral Dönitz took part in a discussion with Antonescu.

FLOTTENRICHTER KRANZBÜHLER: I have no further questions.

DR. WALTER SIEMERS (Counsel for Defendant Raeder): Witness, the Prosecution have submitted a document concerning a discussion between you and the Japanese Foreign Minister Matsuoka on 29 March 1941. The document carries the Document Number 1877-PS, and is Exhibit Number USA-152. A part of this document was read into the record by the Prosecution, and on Page 1007 of the German transcript (Volume III, Page 379) can be found among other things, the following passage which concerns Grossadmiral Raeder:

"Next, the RAM (Foreign Minister) turned again to the Singapore question. In view of the fears expressed by the Japanese of possible attacks by submarines based in the Philippines, and of the intervention of the English Mediterranean and Home Fleets, he had again discussed the situation with Grossadmiral Raeder. The latter had stated that the British Navy during this year would have its hands so full in English home waters and in the Mediterranean that it would not be able to send even a single ship to the Far East. Grossadmiral Raeder had described the United States submarines as so poor that Japan need not bother about them at all."

Witness, as the Defendant Raeder clearly remembers, you, as Foreign Minister, never spoke with him about strategic matters regarding Japan or even about the worth or worthlessness of American submarines. I should be obliged to you if you could clarify this point, whether there might be some confusion as to the person involved in this discussion.

VON RIBBENTROP: That is altogether possible. I do not recall that I ever spoke with Admiral Raeder about German-Japanese strategy. The fact was that we had only very loose connections with Japan on these questions. If at that time I said to Matsuoka what is written there, it is quite possible that I quoted the Führer that he had said it to me. Naturally I could not have said it on my own initiative, because I did not know about it. I know that the Führer spoke to me frequently about such points particularly with regard to Japan. It is possible therefore that this did not originate with

Admiral Raeder but the Führer. I do not know who made this note. Is it a . . .

DR. SIEMERS: The document is entitled, "Notes on the conference between the Reich Foreign Minister and the Japanese Foreign Minister, Matsuoka . . ."

VON RIBBENTROP: I have seen that here. It is possible that the Führer said that to me. In fact, I consider that probable. It is possible that some mistake was made in the note; that I do not know.

DR. SIEMERS: Witness, did you inform the Defendant Raeder of such political discussions as you had with Matsuoka or Oshima?

VON RIBBENTROP: No, that was not the case.

DR. SIEMERS: Did you ever speak with Grossadmiral Raeder about other political questions or have him present at political negotiations?

VON RIBBENTROP: No, that was not our practice. Generally, the Führer kept military and political matters strictly separate, so that I, as Foreign Minister, never had an opportunity to discuss military or strategic matters at my office; but when questions of foreign policy were to be discussed, this took place at the Führer headquarters, but as I have seen from documents which I read for the first time here, matters were kept separate even there. In other words, if such discussions took place at all, a fact which I cannot recall at the moment, it could have been only at the Führer headquarters.

DR. SIEMERS: Thank you.

DR. LATERNSEER: Witness, the State Secretary of the Foreign Office, Steengracht, who was heard here as a witness, answered in the negative my question as to whether the high military leaders were regularly informed by him about current political matters. Now I ask whether you, as Foreign Minister, informed high military leaders about political matters?

VON RIBBENTROP: No, I must answer this question in the same way as I answered the previous one. That was not our practice. All political and military matters were dealt with exclusively by the Führer. The Führer told me what I had to do in the diplomatic and political field, and he told the military men what they had to do militarily. I was occasionally, but very seldom, informed about military matters by the Führer, and whatever the military men had to know about political matters they never learned from me; but if they learned at all, it was from the Führer.

DR. LATERNSEER: I have no further questions.

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HERR GEORG BÖHM (Counsel for SA): Witness, did you have an order or an instruction according to which you were to inform the SA leaders of the development and treatment of foreign political matters?

VON RIBBENTROP: The SA? No. There was no such order, and I had no such instructions.

HERR BÖHM: Did the SA leadership have any influence on foreign policy at all?

VON RIBBENTROP: No.

HERR BÖHM: And now I should like to ask a question for my colleague Dr. Sauter who is ill: Were you in 1943 witness to a conversation between Hitler and Himmler, in which the question was discussed as to whether Von Schirach, who was then Reichsleiter, should be summoned before the Volksgericht (People's Court)?

VON RIBBENTROP: Yes, that is correct.

HERR BÖHM: What consequences would such a trial before the Volksgericht have had for Schirach?

VON RIBBENTROP: I cannot say exactly, of course. I do not know the details of this matter. I only know that Himmler, in my presence, made the suggestion to the Führer that Schirach should be brought and tried before the Volksgericht for some reason or other. I do not know the details. I was not interested in them. I said to the Führer that this, in my opinion, would make a very bad impression from the point of view of foreign policy and I know that Himmler received no answer from the Führer; at any rate, he did not give the order. What consequences that would have had I cannot say, but when such a suggestion came from Himmler, the consequences were very serious.

HERR BÖHM: How is it that you were witness to this conversation and how did you react to it?

VON RIBBENTROP: It was purely accidental; I have just stated that I told the Führer as well as Himmler that it would make a very bad impression.

HERR BÖHM: I have no further questions.

THE PRESIDENT: Are there any other questions on behalf of the defendants' counsel?

SIR DAVID MAXWELL-FYFE: Witness, when you began to advise Hitler on matters of foreign policy in 1933, were you familiar with the League of Nations declaration of 1927?

VON RIBBENTROP: I do not know which declaration you mean.

SIR DAVID MAXWELL-FYFE: Don't you remember the League of Nations declaration of 1927?

VON RIBBENTROP: The League of Nations has made many declarations. Please tell me which one you mean?

SIR DAVID MAXWELL-FYFE: It made a rather important one about aggressive war in 1927, didn't it?

VON RIBBENTROP: I do not know this declaration in detail, but it is clear that the League of Nations, like everyone, was against an aggressive war, and at that time Germany was a member of the League of Nations.

SIR DAVID MAXWELL-FYFE: Germany was a member, and the preamble of the declaration was:

"Being convinced that a war of aggression would never serve as a means of settling international disputes, and is in consequence an international crime . . ."

Were you familiar with that when you . . .

VON RIBBENTROP: Not in detail, no.

SIR DAVID MAXWELL-FYFE: It was rather an important matter to be familiar with if you were going to advise Hitler, who was then Chancellor, on foreign policy, wasn't it?

VON RIBBENTROP: This declaration was certainly important, and corresponded exactly with my attitude at that time. But subsequent events have proved that the League of Nations was not in a position to save Germany from chaos.

SIR DAVID MAXWELL-FYFE: Did you continue to hold that as your own view?

VON RIBBENTROP: I did not understand the question.

SIR DAVID MAXWELL-FYFE: Did you continue to hold the expression of opinion I have quoted to you from the preamble as your own view?

VON RIBBENTROP: That was as such my fundamental attitude, but on the other hand I was of the opinion that Germany should be given help in some way.

SIR DAVID MAXWELL-FYFE: So I gathered. Now, apart from that, if you were not familiar in detail with that resolution, were you familiar in detail with the Kellogg-Briand Pact?

VON RIBBENTROP: Yes, I was familiar with it.

SIR DAVID MAXWELL-FYFE: Did you agree with the view expressed in the preamble and in the pact that there should be a renunciation of war as an instrument of national policy?

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: I just want you to tell us how you carried that out. Let's take the first example. Are you telling

this Tribunal that, as far as you know, no pressure or threats were made to Herr Von Schuschnigg?

VON RIBBENTROP: Do you mean in the discussions with Hitler at the Obersalzberg?

SIR DAVID MAXWELL-FYFE: Yes, on the 12th of February.

VON RIBBENTROP: At this discussion . . .

SIR DAVID MAXWELL-FYFE: Witness, answer the question first, and then you can give your explanation. Are you saying that no pressure or threats were put to Herr Von Schuschnigg on the 12th of February? Answer that "yes" or "no", and we will go into the explanation later.

VON RIBBENTROP: Not exactly, no. I believe that the dominating personality of the Führer and the arguments that he presented made such an impression on Schuschnigg that he finally agreed to Hitler's proposals.

SIR DAVID MAXWELL-FYFE: Now, let's just look into that.

VON RIBBENTROP: May I continue? I personally had a conversation at that time with Herr Schuschnigg after his first talk with Adolf Hitler, in which his reaction to the first conference became very clear to me. This reaction was one of being deeply impressed by Hitler's personality and by the arguments which Hitler submitted to him. Schuschnigg told me in this conversation, which was extremely cordial, that he too—and I believe these were his words—regarded it as a historical mission to bring the two peoples closer together.

SIR DAVID MAXWELL-FYFE: Who were present at the Berghof—I don't say in the room, but in the building or about? Were there present Hitler, yourself, the Defendant Von Papen, the Defendant Keitel, General Sperrle, and General Von Reichenau?

VON RIBBENTROP: I think that is correct, yes.

SIR DAVID MAXWELL-FYFE: And on the morning of the 12th, I think that Hitler and Von Schuschnigg were together for about 2 hours before lunch in the morning, isn't that so?

VON RIBBENTROP: I do not recall the time exactly. Anyway, they had a long conversation, that is correct.

SIR DAVID MAXWELL-FYFE: And then, after lunch, Von Schuschnigg was allowed to have a short conversation with his own Foreign Minister, Guido Schmidt, isn't that so?

VON RIBBENTROP: I do not know exactly, but it is possible.

SIR DAVID MAXWELL-FYFE: Then, after that, Von Schuschnigg and Guido Schmidt were called before you and the Defendant Von Papen, isn't that right?

VON RIBBENTROP: I do not remember that. I do not think so.

SIR DAVID MAXWELL-FYFE: Don't you remember that? Just think again.

VON RIBBENTROP: Do you mean—then I believe I did not understand the question.

SIR DAVID MAXWELL-FYFE: Then I will put it again. After a conversation that Schuschnigg had with Guido Schmidt, he and Schmidt came before you and the Defendant Von Papen and they had a conversation with you, which I will put to you in a moment. Now, isn't it right that you and Von Papen saw Von Schuschnigg and Guido Schmidt?

VON RIBBENTROP: No, I do not believe so. I do not believe that is true.

SIR DAVID MAXWELL-FYFE: Don't you remember exhibiting to Von Schuschnigg a typewritten draft containing the demands made on Von Schuschnigg? Now, just think.

VON RIBBENTROP: That is absolutely possible. Hitler had dictated a memorandum, and it is possible that I gave it to Schuschnigg. I am not sure of the details now.

SIR DAVID MAXWELL-FYFE: What was the subject of that memorandum?

VON RIBBENTROP: That I do not know; and in order to explain my ignorance about the entire conference I would like to state that at this time I was not at all informed about the Austrian problem because Hitler had handled these matters personally and I had become Foreign Minister only a few days before.

SIR DAVID MAXWELL-FYFE: If you hand someone a memorandum, at an occasion which you have described to him as a historic meeting, presumably you can give the Tribunal at any rate an outline of what the memorandum contained. What were the points in the memorandum?

VON RIBBENTROP: Curiously enough, I really do not remember that in detail. This meeting was one between the Führer and Schuschnigg, and everything that was done and agreed upon there was either dictated by the Führer himself or was suggested to the Führer by someone else. I did not know the details. I only knew that it was primarily a question of bringing about better relations between Germany and Austria. Since many National Socialists had been arrested in Austria the relations between the two countries had been greatly troubled.

SIR DAVID MAXWELL-FYFE: Well, if I remind you, perhaps, it will bring it back. Were not they the three points for the re-organization of the Austrian Cabinet, including:

The appointment of the Defendant Seyss-Inquart to the Ministry of Security in the Interior; second, a general political amnesty of Nazis convicted of crimes; and thirdly, a declaration of equal rights for Austrian National Socialists and the taking of them into the Fatherland Front?

Are these the points that you were putting to Von Schuschnigg?

VON RIBBENTROP: I do not remember exactly now but that may be about correct. At that time that corresponded with the vague notion and knowledge I had about Austrian affairs.

SIR DAVID MAXWELL-FYFE: And did you tell Von Schuschnigg that Hitler had informed you that these demands which you were offering were the final demands of the Führer and that Hitler was not prepared to discuss them?

VON RIBBENTROP: I do not recall that, but it is possible that I told Von Schuschnigg something to that effect but at the moment I do not remember.

SIR DAVID MAXWELL-FYFE: Did you say, "You must accept the whole of these demands?"

VON RIBBENTROP: No, I do not think so, I did not say that. I exerted no pressure whatsoever on Schuschnigg, for I still remember that this conversation which lasted about an hour to an hour and a half was confined to generalities and to personal matters and that I gained from this conversation a very favorable impression of Schuschnigg's personality, which fact I even mentioned to my staff later on. I put no pressure on Schuschnigg.

SIR DAVID MAXWELL-FYFE: You told us that before, and I am suggesting to you that at this conversation you were trying to get Schuschnigg to sign the document containing these terms which you agree that you may have had. I want you to remember the answer and remind you of that.

Don't you remember Herr Von Schuschnigg turning to the Defendant Von Papen and saying, "Now, you told me that I would not be confronted with any demands if I came to Berchtesgaden," and Herr Von Papen apologizing and saying, "That is so. I did not know you were going to be confronted with these demands."

Don't you remember that?

VON RIBBENTROP: No, I do not remember that. That cannot be quite right.

SIR DAVID MAXWELL-FYFE: We will just see. Do you remember Von Schuschnigg being called back to speak to Hitler again and Guido Schmidt remaining with you to make some alterations in the document which you were putting?

VON RIBBENTROP: It is quite possible that changes were made; it is conceivable. I do not remember the details, though.

SIR DAVID MAXWELL-FYFE: But did you hear that in this second conversation with Hitler, Hitler telling Schuschnigg that he must comply with these demands within 3 days?

VON RIBBENTROP: No, I am hearing that for the first time today. I did not know that. I was not present at the second conversation.

SIR DAVID MAXWELL-FYFE: Just be a little careful before you say you have heard that for the first time today, because in a moment I will show you some documents. Are you sure you did not hear that Hitler told Schuschnigg that he must comply within 3 days, or Hitler would order the march into Austria?

VON RIBBENTROP: I consider that to be out of the question.

SIR DAVID MAXWELL-FYFE: If he had said that, you will agree that that would be the heaviest military and political pressure? There could be no other heavier pressure than suggesting a march into Austria, could there?

VON RIBBENTROP: In view of the tense situation that existed between the two countries at that time, that, of course, would have been a pressure. But one thing must be taken for granted; and that is, that under no circumstances would it have been possible in the long run to find any solution between the two countries if there were no closer contact, and from the beginning—I should like to state this here—it was always my view that the two countries should form some sort of close alliance, and I visualized a customs and currency union . . .

SIR DAVID MAXWELL-FYFE: You've given that view about three times. Let us come back to this interview which I am putting back to you, that took place on the 12th of February. Don't you know that Schuschnigg said: "I am only the Bundeskanzler. I have to refer to President Miklas, and I can sign this protocol only subject to reference to President Miklas."

VON RIBBENTROP: No, I do not remember that any more in detail.

SIR DAVID MAXWELL-FYFE: Don't you remember Hitler opening the door and calling Keitel?

VON RIBBENTROP: No; I only learned here that this is supposed to have happened. I have no knowledge whatsoever about that. I heard about it here for the first time.

SIR DAVID MAXWELL-FYFE: You know it is true, don't you?

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VON RIBBENTROP: I do not know. I heard about it here for the first time.

SIR DAVID MAXWELL-FYFE: Don't you remember Keitel's going in to speak to Hitler?

VON RIBBENTROP: I have already said that I did not hear about that. I do not know, I cannot say.

SIR DAVID MAXWELL-FYFE: Do you know that Von Schuschnigg signed this document on the condition that within 3 days these demands would be fulfilled, otherwise Germany would march into Austria?

VON RIBBENTROP: No, I did not know that.

SIR DAVID MAXWELL-FYFE: I think it would be convenient if the witness had the German Document Book in front of him. I tried to get most of the pages agreeing.

THE PRESIDENT: Sir David, perhaps this would be a good time to break off.

*[A recess was taken.]*

SIR DAVID MAXWELL-FYFE: Witness, will you look first at the Defendant Jodl's diary, the entry of the 13th of February, it is the Ribbentrop Document Book, Page 9, Exhibit Number USA-72, Document Number 1780-PS. The entry is as follows:

"In the afternoon General K."—that is Keitel—"asks Admiral C."—that is Admiral Canaris—"and myself to come to his apartment. He tells us that the Führer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Führer by telephone for approval."

You were suggesting on Friday that the Defendant Jodl had got hold of some rumors or gossip that were going around the Berghof. That rumor or gossip was a definite order from his superior officer, General Keitel, wasn't it?

VON RIBBENTROP: I know absolutely nothing about any military measures, therefore I cannot pass judgment on the value of this entry. The Führer did not inform me about any military measures regarding Austria.

SIR DAVID MAXWELL-FYFE: Are you telling the Tribunal you were there, that you were taking part, handling the document, and that Hitler never said a word to you about what he was arranging with the Defendant Keitel, who was also there?

VON RIBBENTROP: That is correct.

SIR DAVID MAXWELL-FYFE: Well now, just look at the next entry for the 14th of February:

"At 2:40 o'clock the agreement of the Führer arrives. Canaris went to Munich to the Counterintelligence Office (Abwehrstelle VII) and initiated the different measures. The effect was quick and strong. In Austria the impression is created that Germany is undertaking serious military preparation."

Are you telling this Tribunal that you know nothing about either these military measures or the effect on Austria?

VON RIBBENTROP: I did not know anything about the military measures, but I consider it quite possible that the Führer, in order to put more stress on his wishes, caused something to be done in this field...

SIR DAVID MAXWELL-FYFE: But, Witness, just a moment!

VON RIBBENTROP: ...and that may have contributed in the end to the solution of the problem.

SIR DAVID MAXWELL-FYFE: Yes, I quite agree. That is just why I am putting it to you that it did contribute. But surely you as Foreign Minister of the Reich, with all the channels available to a foreign minister, knew something about the effect in Austria, which General Jodl was remarking, that "the effect was quick and strong."—the impression was "created that Germany is undertaking serious military preparations." Are you telling the Tribunal, on your oath, that you knew nothing about the effect in Austria?

VON RIBBENTROP: I would like to point out again that I did not know anything about military measures and, if I had known, I would not have the slightest reason not to say here that it was not so. It is a fact, however, that in the days before and after the conversations between the Führer and Schuschnigg, I was so busy taking over the Foreign Office that I treated the Austrian problem, at that time, merely as a secondary matter in foreign policy. I did not play a leading role in the handling of the Austrian problem...

SIR DAVID MAXWELL-FYFE: We know you said that before, that you were engaged in the Foreign Office, and my question was perfectly clear—my question was: Are you telling this Tribunal that you did not know anything about the effect in Austria—you, as Foreign Minister of the Reich? Now answer the question. Did you or did you not know of the effect in Austria?

VON RIBBENTROP: I did not know anything about that effect, and I did not observe it in detail either.

SIR DAVID MAXWELL-FYFE: I see, that is your story and you want that to be taken as a criterion, a touchstone of whether or not

you are telling the truth; that you, as Foreign Minister of the Reich, say that you knew nothing about the effect in Austria of the measures taken by Keitel on the Führer's orders? Is that your final answer?

VON RIBBENTROP: To that I can tell you again quite precisely, I learned from the Führer when I went to London a little later, and that is absolutely the first thing I remember about the entire Austrian affair, that matters in Austria were working out more or less as agreed upon in the conversations in Berchtesgaden. I did not make any particular observations in detail at that time, so far as I remember. It is possible that this or that detail slipped my memory in the meantime, for many years have passed since then.

SIR DAVID MAXWELL-FYFE: Just look at the next two entries in Jodl's diary:

"15 February. In the evening, an official announcement about the positive results of the conference at Obersalzberg was issued."

"16 February. Changes in the Austrian Government and the general political amnesty."

Do you remember my putting to you what Herr Von Schuschnigg signed, and the condition was made that the matters would come into effect within 3 days; within 3 days there was a conference about the effects and the changes were announced in Austria in accordance with the note that you had put to Schuschnigg. You can see that that is clear, isn't it—3 days—you still say...

VON RIBBENTROP: Of these 3 days, as I have told you already, I know nothing; but it was a matter of course that this meeting would have some results in the way of appeasing.

SIR DAVID MAXWELL-FYFE: You call it "appeasing"? Is that your considered view to the Tribunal, that assuming that the Defendant Jodl is telling the truth or assuming that the Defendant Keitel said that to him, as General Jodl was saying, that these military preparations should be put in hand, isn't that the most severe political and military pressure that could be put on the chancellor of another state?

VON RIBBENTROP: If one considers the problem from a higher viewpoint, no; I have a different opinion. Here was a problem which might possibly have led to war, to a European war; and I believe, and I also said that later to Lord Halifax in London, that it was better to solve this problem than to allow it to become a permanent sore spot on the body of Europe.

SIR DAVID MAXWELL-FYFE: I don't want to put words in your mouth. Do you mean by the last answer, that it was better

that political and military pressure should be put on Schuschnigg, so long as the problem was solved? Is that your view?

VON RIBBENTROP: I did not get that question. May I ask you to repeat it?

SIR DAVID MAXWELL-FYFE: My question was: Is it your view that it was better that political and military pressure should be put on Herr Von Schuschnigg if by that means the problem was solved?

VON RIBBENTROP: If by that means, a worse complication, that is to say a war was actually avoided, I consider that was the better way.

SIR DAVID MAXWELL-FYFE: Just tell me, why did you and your friends keep Schuschnigg in prison for 7 years?

VON RIBBENTROP: I do not know, at any rate, I believe Schuschnigg—I do not know the details—must at that time have done something which was against the State or the interests of the State. But if you say "prison", I know only from my own recollection that the Führer said and emphasized several times that Schuschnigg should be treated particularly well and decently and that he was not in a prison but lodged in a house and also, I believe, that his wife was with him. I cannot, however, say more on the subject from my own experience and from my own observation.

SIR DAVID MAXWELL-FYFE: You mean "prison." I will substitute for it "Buchenwald" and "Dachau". He was at both Buchenwald and Dachau. Do you think he was enjoying himself there?

VON RIBBENTROP: I only heard here that Herr Schuschnigg was in a concentration camp; I did not know before.

SIR DAVID MAXWELL-FYFE: Just make a change, just try to answer my question. Why did you and your friends keep Schuschnigg in prison for 7 years?

VON RIBBENTROP: I cannot say anything on that point. I can only say and repeat, that, according to what I heard at that time, he was not in prison but confined in a villa and had all the comforts possible. That is what I heard to that time and I was glad about it because, as I have said already, I liked him.

SIR DAVID MAXWELL-FYFE: There is one thing he did not have, Witness, he did not have the opportunity of giving his account as to what had happened at Berchtesgaden or of his side of the Anschluss to anyone for these 7 years, did he? That is quite obvious with all you say, that he was very comfortable at Buchenwald and Dachau, wherever he was, but comfortable or not, he didn't get the chance of putting his side of the happenings to the world, did he?

VON RIBBENTROP: That I could not judge.

SIR DAVID MAXWELL-FYFE: You couldn't judge? You know perfectly well, don't you, that Herr Von Schuschnigg was not allowed to publish his account of anything while he was under restraint for these 7 years? Don't you know that quite well?

VON RIBBENTROP: That may be assumed...

SIR DAVID MAXWELL-FYFE: Now...

VON RIBBENTROP: It may have been in the interests of the State, however.

SIR DAVID MAXWELL-FYFE: Well, that is your view of it. We will pass to another subject.

I am going to ask you a few questions now about your share in the dealing with Czechoslovakia. Will you agree with me, that in March of 1938, the Foreign Office, that is, you, through your ambassador in Prague, took over control of the activities of the Sudeten Deutsche Party under Konrad Henlein?

VON RIBBENTROP: I am sorry but that is not correct. May I explain...

SIR DAVID MAXWELL-FYFE: Before you explain, I think you might save time if you look at the document book on Page 20 in your book, it is Page 31 in the English book, and listen while I refer you to a letter from your ambassador.

VON RIBBENTROP: Which number, please?

SIR DAVID MAXWELL-FYFE: Page 20. It is a letter from your ambassador in Prague to the Foreign Office.

If I may explain to the Tribunal, it is not the defendant's document book, it is the Prosecution's book. I will see, hereafter, that it is correct.

[Turning to the defendant]: Now, this letter from your ambassador to the Foreign Office...

VON RIBBENTROP: Yes, I know about that letter. May I...

SIR DAVID MAXWELL-FYFE: Just let me refer you to Paragraph 1. I refer you also to Paragraph 3, so you need not be worried that I shall miss it.

Paragraph 1:

"The line of German Foreign policy, as transmitted by the German Legation, is exclusively decisive for the policy and tactics of the Sudeten German Party. My"—that is, your ambassador—"directives are to be complied with implicitly."

Paragraph 2:

"Public speeches and the press will be co-ordinated uniformly with my approval. The editorial staff of *Zeit* is to be improved."

Paragraph 3:

"Party leadership abandons the former intransigent line which, in the end, might lead to political complications, and adopts the line of gradual promotion of Sudeten German interests. The objectives are to be set in every case with my participation and to be promoted by parallel diplomatic action." (Document Number 3060-PS)

Having read that, don't you agree with me—what I put to you a moment ago—that the activities of the Sudeten German Party were to take place according to the directives?

VON RIBBENTROP: May I state an opinion on that now?

SIR DAVID MAXWELL-FYFE: I would like the answer to that question first, and I am sure the Tribunal will let you make an explanation. It is perfectly easy to answer that question "yes" or "no". Isn't it right that that letter shows that the Sudeten German Party was acting under your directives; isn't that right?

VON RIBBENTROP: No.

SIR DAVID MAXWELL-FYFE: Why not?

VON RIBBENTROP: I would like to explain. This letter in itself is a crowning proof of the fact that things were quite to the contrary. Between the Sudeten German Party and many agencies in the Reich, connections had been established; this was quite natural, because there was a very strong movement among the Sudeten Germans which was striving for closer connection with the Reich, especially after Adolf Hitler had come to power. These tendencies were beginning to impair the relations between Germany and Czechoslovakia and this very letter bears proof of the fact that I attempted gradually to put these uncontrolled connections, which existed between the Sudeten Germans and the Reich, in some way under control.

SIR DAVID MAXWELL-FYFE: That is not what I am asking you, Witness. What I put to you, and I put it to you three times, I think, quite clearly: Does this letter show that that Party, the Sudeten German Party, was from that time acting under your directions? Are you still denying that?

VON RIBBENTROP: Yes, I deny that emphatically. The case is just the opposite. This letter indicates an attempt to direct the German-Czech relations, which had become very difficult due to the natural desire of the Sudeten Germans to establish closer relations with the German people, into right and sensible channels, which however, shortly after this letter, unfortunately failed.

SIR DAVID MAXWELL-FYFE: Now, if you deny what I have put to you, what is meant when your ambassador writes to the Foreign Office and says that the line of German policy, as transmitted

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by the German Legation, is exclusively decisive for policy and tactics of the Sudeten German Party? What does that mean if it doesn't mean what you have said—that the Party was acting under your direction? What else can it mean if it doesn't mean that?

VON RIBBENTROP: It means exactly what I have said, that the legation should try to induce the leadership of the Sudeten Germans to adopt a sensible program, so that the illegal tendencies which were existent should not lead to difficulties in German-Czech relations. That was at that time the purport of the conversation with the legation in Prague and that is quite clearly expressed by this letter.

SIR DAVID MAXWELL-FYFE: Let us see what this sensible program which you were suggesting was. The next day, on the 17th of March, Konrad Henlein writes to you and suggests a personal talk; and if you will turn over to Page 26 of the German document book—Page 33 of the English—you will find the note of the personal talk which you had at the Foreign Office on the 29th of March with Henlein, Karl Hermann Frank, and two other gentlemen whose names are not so well known. (Document Number 2788-PS, Exhibit Number USA-95) I only want you to look at four sentences in that, after the first one: "The Reichsminister started out by emphasizing the necessity to keep the conference, which had been scheduled, strictly a secret."

And then you refer to the meeting that the Führer had had with Konrad Henlein the afternoon before. I just want you to have that in mind.

Now, if you will look down the page, after the "1" and "2", there is a paragraph which begins "The Foreign Minister", and the second sentence is:

"It is essential to propose a maximum program which as its final aim grants full freedom to the Sudeten Germans. It appears dangerous to be satisfied prematurely with promises of the Czechoslovakian Government, which, on the one hand, would give the impression abroad that a solution has been found and, on the other hand, would only partially satisfy the Sudeten Germans."

Then, if you will look one sentence further on, after some uncomplimentary remarks about Beneš, it says:

"The aim of the negotiations to be carried on by the Sudeten German Party with the Czechoslovakian Government would finally be to avoid entry into the government"—observe the next words—"by the extension and gradual specification of the demands to be made."

And then you make the position of the Reich Cabinet clear:

"The Reich Cabinet"—the next sentence but one—"itself must refuse to appear towards the government in Prague or towards London and Paris as the advocate"—note the next words—"or pacemaker of the Sudeten German demands."

The policy which I suggest to you was now to direct the activities of the Sudeten Germans. They were to avoid agreement with the Czechoslovak Government, avoid participation in the Czechoslovak Government, and the Reich Cabinet in its turn would avoid acting as mediator in the matter; in other words, Witness, that you, through your influence on the Sudeten Germans, were taking every step and doing your utmost to see that no agreement could be reached on the difficulties or the minority problem. Isn't that right? Isn't that what you were telling them at that interview?

VON RIBBENTROP: No, that is not so.

SIR DAVID MAXWELL-FYFE: Give your explanation. What would you say these words meant?

VON RIBBENTROP: I summoned Konrad Henlein at that time, and believe it was the only time, or perhaps I saw him once more; unfortunately, only once or twice, in order to enjoin him, too, to work for a peaceful development of the Sudeten German problem. The demands of the Sudeten Germans were already far-reaching at that time. They wanted to return to the Reich. That was more or less tacit or was expressed. It seemed to me a solution which was dangerous and which had to be stopped in some way or another because otherwise it might lead to a war. Henlein finally came to see me then, but I wish to point out in advance that it was the only time, I believe, that I discussed the matter thoroughly with Henlein, and soon afterwards I lost control of the matter. The entire Sudeten German problem, that is, what is contained in this letter and about which there can be no doubt, is:

Firstly, that I wanted to bring the efforts of the Sudeten Germans to a peaceful development so that we could support it diplomatically also, which seemed to me absolutely justified.

And secondly, that in this way we should avoid the sudden development of a situation which, by acts of terror or other wild incidents, would lead to a German-Czech and European crisis.

Those were at that time the reasons why I summoned Henlein.

Now, as to the various sentences which the Prosecutor has read, it is clear that the Sudeten German Party had at that time very far-reaching demands. Naturally, they wanted Adolf Hitler to send an ultimatum to Prague saying "You must do that, and that is final," and that is what they would have preferred.

We did not want that, of course. We wanted a quiet, peaceful development and solution of these things. Therefore, I discussed

with Henlein at that time the way in which the Sudeten German Party was to proceed in order to put through their demands gradually. The demands which I had in mind at that time were demands for a far-reaching cultural autonomy, and possibly autonomy in other fields too.

SIR DAVID MAXWELL-FYFE: If you were thinking of cultural and social autonomy, why were you telling these gentlemen not to come to an agreement with the Prague Government?

VON RIBBENTROP: I could not specify that now. That may have been for tactical considerations. I assume that Konrad Henlein made such a suggestion and that I agreed with it. Naturally I did not know the problem too well in detail and this note must be—I presume that what happened was that Henlein himself merely explained his program—the details are not contained here—and that I agreed to it more or less. Therefore, I assume that at that time it seemed perhaps advisable to Henlein for tactical reasons not to enter into the government and assume responsibilities at that moment, but rather to try first to proceed with the matter in a different way.

SIR DAVID MAXWELL-FYFE: That was the 29th of March, and you have told the Tribunal a moment ago about your anxiety for peace. You very soon knew that there wasn't going to be any question of relying on peaceful measures, didn't you? Can you remember? Just try and apply yourself to it, because you have obviously been applying your mind to this. Can you remember when Hitler disclosed to you that he was making the military preparations for occupying Czechoslovakia that autumn?

VON RIBBENTROP: Adolf Hitler spoke very little to me about military matters. I do not remember such a disclosure, but I know of course that the Führer was determined to solve this problem at a fixed time; and according to the experiences which Germany had had in past years, it was for him a matter of course that to do this he was obliged, I might say, to take some sort of military measures in order to put more pressure on his demands.

SIR DAVID MAXWELL-FYFE: Let me help you about that. Turn on to Page 31 of your document book. It is Page 37 of the English Document Book. (Document Number 2360-PS, Exhibit GB-134)

VON RIBBENTROP: Page 31?

SIR DAVID MAXWELL-FYFE: Page 31 of your document book, yes. It is a quotation from Hitler's speech in January 1939, but it happens to make clear this point. You see he says—have you got it, Witness?

VON RIBBENTROP: Yes, I have it.

SIR DAVID MAXWELL-FYFE: "On the basis of this unbearable provocation, which was still further emphasized by truly infamous persecution and terrorizing of our Germans there, I have now decided to solve the Sudeten German question in a final and radical manner. On 28 May I gave:

"1. The order for the preparation of military steps against this State"—that is Czechoslovakia—"to be completed by 2 October.

"2. I ordered the intensive and speedy completion of our line of fortifications in the West." (Document Number 2360-PS)

I want to remind you of that, because there was a meeting on the 28th of May, and that is Hitler's own account of it. Put in another way, he said, "It is my absolute will that Czechoslovakia should disappear from the map." And then he made clear the other thing about the defensive front in the West.

Now, do you remember that meeting, the 28th of May?

VON RIBBENTROP: I have here, I believe, seen the document about it. I do not recall the meeting.

SIR DAVID MAXWELL-FYFE: Well, if—I think Captain Fritz Wiedemann was still adjutant of the Führer at that time; it was before he went abroad—he says you were there, would you deny it?

VON RIBBENTROP: I have seen that, but I believe that is an error by Herr Wiedemann.

SIR DAVID MAXWELL-FYFE: But you think you weren't there?

VON RIBBENTROP: I am inclined to believe that it is an error. At any rate I do not remember that meeting. I could not say for sure. Generally I was not drawn into military affairs, but in this case I cannot say for sure. But I knew that it was common talk that the Führer, in the course of the year 1938, became more and more determined to assure the rights, as he put it, of the Sudeten Germans; I knew that he had made certain military preparations for that purpose, but I did not know in what form and to what extent.

SIR DAVID MAXWELL-FYFE: Just to put your point of view fairly—I don't want to put anything more into it—you knew that military preparations were being made, but you did not know the details of what we know now as "Fall Grün."

VON RIBBENTROP: No, I did not know any details; I never heard about them, but I knew that during the last weeks and months of the crisis...

DR. HORN: Mr. President, I object to this question. I believe I may, in order to save time, just point out that the entire Sudeten German policy was sanctioned by the four great powers, England,

France, Italy, and Germany, and by the Munich Agreement which determined this policy. Therefore, I do not see that in this respect there can be a violation of International Law.

**THE PRESIDENT:** The Tribunal thinks the question is perfectly proper.

**SIR DAVID MAXWELL-FYFE:** Now, at the time you knew enough to discuss the possible course of the possible war with the foreign personalities. Would you look on to Page 34, that is Page 40 of the English book. These are the notes of a discussion with the Italian Ambassador. I do not know which of your officials it took place with, but I want you to look at where it says in a handwritten note "only for the Reichsminister."

"Attolico further remarked that we had indeed revealed unmistakably to the Italians our intentions against the Czechs. Also, as to the date he had information so far that he might go on leave for perhaps 2 months, but certainly not later than..." (Document Number 2800-PS)

If you look at the date you will see it is the 18th of July, and 2 months from the 18th of July would be the 18th of September. Then if you will look, a month later there is a note, I think signed by yourself, on the 27th of August:

"Attolico paid me a visit. He had received another written instruction from Mussolini, asking that Germany communicate in time the probable date of action against Czechoslovakia. Mussolini asked for such notification, as Attolico assured me, in order: 'to be able to take in due time the necessary measures on the French frontier.'

"Note: I replied to Ambassador Attolico, just as on his former *demarche*, that I could not give him any date, that, however, in any case Mussolini would be the first one to be informed of any decision." (Document Number 2792-PS)

So that it is quite clear, isn't it, that you knew that the general German preparations for an attack on Czechoslovakia were under way but the date had not been fixed beyond the general directive of Hitler, that it was to be ready by the beginning of October. That was the position in July and August, wasn't it?

**VON RIBBENTROP:** In August, 27 August, there was, of course, already a sort of crisis between Germany and Czechoslovakia about that problem; and it is quite clear that during that time there was some alarm as to the final outcome. And apparently, according to this document, I said to the Italian Ambassador that in case crisis developed into a military action, Mussolini would, of course, be notified in advance.

SIR DAVID MAXWELL-FYFE: And Mussolini would be ready to make a demonstration on the French frontier in order to help forward your military plans; is that right?

VON RIBBENTROP: That is in this document, but I do not know anything about it. Perhaps Attolico said that; if it says so here he must have said it.

SIR DAVID MAXWELL-FYFE: Now, just turn over to about the same time, Pages 36 to 38, Pages 41 to 43 of the English book. I do not want to take up time in reading it all, but that is the account of the meeting which you had with the Hungarian Ministers Imredy and Kanya. And I should be very glad if, in the interest of time, you would try to answer the general question.

Weren't you trying in your discussions with Imredy and Kanya to get the Hungarians to be prepared to attack Czechoslovakia, should war eventuate?

VON RIBBENTROP: I am not very familiar with the contents of this document. May I read it first, please?

SIR DAVID MAXWELL-FYFE: I will just read to you...

VON RIBBENTROP: I may perhaps be able to answer it from recollection. I do not know exactly what the document says, but my recollection is, that at that time a crisis was impending. It is quite natural, if an armed conflict about the Sudeten German problem was within the realm of possibility, that Germany should then establish some sort of contact with neighboring states. That is a matter of course, but I believe...

SIR DAVID MAXWELL-FYFE: But you went a little beyond contacting them, didn't you? The document says at the end of the sixth paragraph, "Von Ribbentrop repeated that whoever desires revision must exploit the good opportunity and participate." (Document Number 2796-PS)

That is a bit beyond contacting people. What you are saying to the Hungarians is: "If you want the revision of your boundaries, you have to come into the war with us." It is quite clear, isn't it, Witness, that is what you were saying, that is what you were trying to do?

VON RIBBENTROP: That is exactly in line with what I just said. I do not know if that expression was used, but, at any rate, it is clear that at that time, I remember, I told these gentlemen that the possibility of a conflict was present and that in such a case it would be advisable if we reached an agreement regarding our interests. I would like to mention that Hungary, during all the preceding years, considered it one of the hardest conditions of the peace treaty that these territories in the north had been separated from her and naturally she was very much interested in the agreement.

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SIR DAVID MAXWELL-FYFE: You were very much interested in offering them revision. Just look at the last two paragraphs. It is headed "The 25th." It should be Page 38 of your document book. It begins—the very end of this statement:

"Concerning Hungary's military preparedness for participation in case of a German-Czech conflict, Von Kanya mentioned several days ago that his country would need a period of one or two years in order to develop adequately the armed strength of Hungary. During today's conversation, Von Kanya corrected this remark and said that Hungary's military situation was much better; his country would be ready, as far as armaments were concerned, to take part in the conflict by 1 October of this year." (Document Number 2797-PS)

You see that? What I am putting to you, Witness, is this: That your position was perfectly clear. First of all, you get the Sudeten Germans under your control. Then you learned from Hitler that there were military preparations. Then you get the Italians in line. Then you get the Hungarians in line. You are getting everyone ready for aggression against Czechoslovakia. That is what I am putting to you. I want you to be quite clear about it, to be under no misapprehension. Now, look, what . . .

VON RIBBENTROP: May I answer to that?

SIR DAVID MAXWELL-FYFE: Yes, certainly, if you like.

VON RIBBENTROP: I said once before that the Sudeten German Party was unfortunately not under my control. Moreover, it is and was my view that it was the fundamental right of the Sudeten Germans, according to the law of the sovereign rights of peoples which had been proclaimed in 1919, to decide themselves where they wanted to belong.

When Adolf Hitler came, this pressure to join the Reich became very strong. Adolf Hitler was determined to solve this problem, either by diplomatic means or, if it had to be, by other means. That was obvious, and became more so to me. At any rate, I personally did everything to try to solve the problem diplomatically. On the other hand, however, in order to bring about a situation such as eventually led to Munich, I naturally tried my utmost to surround Germany with friends in order to make our position as strong as possible in the face of such a problem.

SIR DAVID MAXWELL-FYFE: You knew perfectly well, did you not, that the Fall Grün and Hitler's military plans envisaged the conquest of the whole of Czechoslovakia? You knew that, didn't you?

VON RIBBENTROP: No, I did not know that. As far as the Sudeten-German problem is concerned, the British Government themselves concluded the agreement at Munich by which the entire

problem was solved in the way I always strove to achieve it by German diplomacy.

**SIR DAVID MAXWELL-FYFE:** Witness, I am not going to argue politics with you on any point. I only remind you of this: That the Fall Grün and Hitler's plans on this matter had been known to His Majesty's Government only since the end of the war, when it came into our possession as a captured document. What I asked you was—you say that as the Foreign Minister of the Reich, you did not know of these military plans, that the conquest of the whole Czechoslovakia was envisaged? You say that? You want the Tribunal to believe that?

**VON RIBBENTROP:** I repeat again that I read about Fall Grün and the conception of Fall Grün here for the first time in the documents. I did not know that term before, nor was I interested. That the Führer envisaged a more far-reaching solution became, of course, clear to me later in the course of the subsequent developments and by the establishment of the Protectorate of Bohemia and Moravia.

**SIR DAVID MAXWELL-FYFE:** Just a moment. We will get to that in a moment. I just want you to look at the final act of preparation which you were doing, and I am suggesting for this clear aggression; if you will look at Page 45 in the book in front of you, you will see a note from the Foreign Office to the Embassy in Prague.

“Please inform Deputy Kundt, at Konrad Henlein's request, to get into touch with the Slovaks at once and induce them to start their demands for autonomy tomorrow.” (Document Number 2858-PS)

That was your office's further act, wasn't it, in order to make things difficult for the Government in Prague? You were getting your friends to induce—to use your own word—the Slovaks to start an advance for autonomy, is that right? Is that what your office was doing?

**VON RIBBENTROP:** This is, beyond doubt, a telegram from the Foreign Office. I do no longer recall the details, but according to the contents, Henlein apparently approached us to send a telegram because Henlein was apparently of the opinion, at that time, that he should put the demands for autonomy to the Prague Government. How that came about, I could not say in detail today. I would like to emphasize again that Conrad Henlein's activity—I say, unfortunately, and I said so before—was far beyond my control. I saw Henlein only once or twice during that entire time.

**SIR DAVID MAXWELL-FYFE:** I am not going to take you through all the details. You understand what I'm suggesting to you, that your office was now taking one of its last steps, because this was in the middle of the crisis, on the 19th of September, trying to weaken the Czech Government by inducing demands of autonomy

from the Slovaks. You said that you were only passing on Henlein's wishes. If you like to leave it at that, I shall not trouble you further. Besides, you suggested—I come on to what took place in the spring and ask you one or two questions about that. In the spring Hitler was out and you acquiesced in his wishes, without—I was going to say swallowing, but I want to choose my language carefully—to obtain the adherence of Bohemia and Moravia to the Reich and to make Slovakia separate from Bohemia and Moravia. Now, just look on to Page 65 of the book in front of you. That is a telegram in secret code from the Foreign Office, from yourself in fact, to the Embassy in Prague.

“With reference to telephone instructions given by Kordt today, in case you should get any written communications from President Hacha, please do not make any written or verbal comments or take any other action but pass them on here by ciphered telegrams. Moreover, I must ask you and the other members of the legation to make a point of not being available during the next few days if the Czech Government wants to communicate with you.” (Document Number 2815-PS)

Why were you so anxious that your ambassador should not carry out these ordinary functions and form a channel of communication with the Czech Government?

VON RIBBENTROP: That happened as follows. I remember very well. That had the following reasons: The Foreign Minister of Czechoslovakia, Chvalkovsky, on one of these days, it must have been the same day, approached the envoy in Prague, saying that President Hacha wished to speak to the Führer. I had reported that to the Führer, and the Führer had agreed to receive the Czechoslovakian Prime Minister or the Czechoslovakian President. The Führer said, at the same time, that he wished to conduct these negotiations himself and that he did not wish anybody else, even the legation, to interfere in any way. That, according to my recollection, was the reason for this telegram. No one was to undertake anything in Prague; whatever was done would be done by the Führer personally.

I wish to point out that also at that time signs of an impending crisis between Prague and ourselves became apparent. The visit of President Hacha or his desire to see the Führer can be explained as being the result of this situation in general.

SIR DAVID MAXWELL-FYFE: Well, now, I would like to remind you what you and the Führer were doing on that day. You will find that if you look at Page 66, which is 71 of the English book.

You were having a conference, you and the Führer, with Meissner and the Defendant Keitel and Dietrich and Keppler; and you were having the conference with the Slovaks, with M. Tiso. Do you remember that conference?

VON RIBBENTROP: Yes, I remember that conference very well.

SIR DAVID MAXWELL-FYFE: Well, then, I will ask you a general question and perhaps without putting the details to you. What Hitler and you were doing at that conference was saying this to the Slovaks: "If you do not declare your independence of Prague, we shall leave you to the tender mercies of Hungary." Isn't that in a sentence a fair summary of what Hitler and you were saying at that conference?

VON RIBBENTROP: That is correct to a certain degree. But I would like to add a further statement to that. The situation at the time was as follows, and one has to look at it from a political point of view: The Hungarians were highly dissatisfied and they wanted to regain the territories which they had lost by the peace treaty and today form a part of Czechoslovakia, that is the Slovak part of Czechoslovakia. There were, therefore, constantly great differences between Pressburg (Bratislava) and Budapest and, chiefly, also between Prague and Budapest. The outbreak of an armed conflict could be expected at any time; at least half a dozen times we were given to understand by the Hungarian Government that this could not go on forever; that they must have their revision in one way or the other. The situation was such that for quite some time very strong movements for independence existed among the Slovaks. We were approached on this matter quite frequently, at first by Tuka and later by Tiso. In this conference described here, the situation was that the Führer, who knew for weeks of the endeavors of the Slovaks to become independent, finally received Tiso, later President of the State, and told him that now, of course—I believe he told him during this conversation—that he was not interested in the question for its own sake. But if anything should happen at all, then the Slovaks must proclaim their independence as quickly as possible. There is no doubt that at the time we expected an action by Hungary. It is, however, correct...

SIR DAVID MAXWELL-FYFE: You can see how very anxious the Slovaks seemed to be for independence and what action Hitler and yourself were taking to secure it, if you try to find it, it will probably be at Page 67; it is at the end of a paragraph beginning, "Now he has permitted Minister Tiso to come here..."

And just below the middle of that paragraph, Hitler is reported as saying that he would not tolerate that internal instability and he had for that reason permitted Tiso to come in order to hear his

decision. It was not a question of days but of hours. He stated at that time that, if Slovakia wished to make herself independent, he would support this endeavor and even guarantee it; he would stand by his words so long as Slovakia would make it clear that she wished for independence. If she hesitated or did not wish to dissolve the connection with Prague, he would leave the destiny of Slovakia to the mercy of the events for which he was no longer responsible.

Then in the next paragraph he asks you if you had anything to say and you are reported as saying (Document Number 2802-PS, Exhibit USA-117):

"The Reich Foreign Minister also emphasized for his part the view that in this case a decision was a question of hours and not of days. He showed Hitler a message he had just received which reported Hungarian troop movements on the Slovak frontier. The Führer read this report and mentioned it to Tiso and expressed his hope that Slovakia would soon come to a clear decision."

Are you denying, Witness, that Hitler and you were putting the strongest possible pressure you could on the Slovaks to dissolve connections with Prague and so leave the Czechs standing alone to meet your pressure on Hacha which was coming in a couple of days?

VON RIBBENTROP: No, that is not correct. Very strong pressure was not used. There is no doubt that on the part of Hungary—and my remark refers to the possibility of war-like developments with the Hungarians—but wishes for independence had for a long time been conveyed to us again and again by the Slovaks. It is possible that, at the time, as the document shows, Tiso was hesitating, because after all it was an important step. But in view of the wish of the Führer, which must have been obvious by then, to solve the question of Bohemia and Moravia in one way or another, it was in the interest of the Führer to do his part to bring about the independence of Slovakia.

SIR DAVID MAXWELL-FYFE: One point. This is my last question before I come to the interview with President Hacha. Don't you remember that 2 days before Herr Bürckel—that is in my recollection—Herr Bürckel and another Austrian National Socialist, the Defendant Seyss-Inquart and a number of German officers, at about 10 in the evening of Saturday, the 11th of March, went into a Cabinet meeting at Bratislava and told the *soi-disant* Slovak Government that they should proclaim the independence of Slovakia? Don't you know that? It was reported by our consul.

VON RIBBENTROP: I do not recall it in detail, but I believe that something of the kind took place but I do not know exactly what it

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was. I believe that it was directed by the Führer. I had, I believe, less to do with that. I no longer recall that exactly.

SIR DAVID MAXWELL-FYFE: I will deal very shortly . . .

THE PRESIDENT: Sir David, it is a quarter to 1 now. We had better adjourn until 2.

*[The Tribunal recessed until 1400 hours.]*

*Afternoon Session*

SIR DAVID MAXWELL-FYFE: Witness, you were present at the interview between President Hacha and Hitler on 15 March 1939, were you not?

VON RIBBENTROP: Yes, I was present.

SIR DAVID MAXWELL-FYFE: Do you remember Hitler's saying at that interview that he had given the order for German troops to march into Czechoslovakia, and that at 6 o'clock in the morning the German Army would invade Czechoslovakia from all sides?

VON RIBBENTROP: I do not recall the exact words, but I know that Hitler told Hacha that he would occupy the countries of Bohemia and Moravia.

SIR DAVID MAXWELL-FYFE: Do you remember his saying what I put to you, that he had given the order for German troops to march into Czechoslovakia?

VON RIBBENTROP: Yes, that is what I just said.

SIR DAVID MAXWELL-FYFE: Do you remember the Defendant Göring, as he told the Tribunal, telling President Hacha that he would order the German Air Forces to bomb Prague?

VON RIBBENTROP: I cannot say anything about that in detail, because at that discussion I was not . . .

SIR DAVID MAXWELL-FYFE: I am not asking you for a detailed statement; I am asking you if you remember what I should suppose was a rather remarkable statement, that the Defendant Göring said to President Hacha that he would order the German Air Force to bomb Prague if Czech resistance was not called off. Do you remember that?

VON RIBBENTROP: No, I do not know that; I was not present.

SIR DAVID MAXWELL-FYFE: You were there during the whole interview, were you not?

VON RIBBENTROP: No, I was not. If the British Prosecutor will give me a chance I shall explain how it was.

SIR DAVID MAXWELL-FYFE: I want you to answer my question at the moment. You say you do not remember that. At any rate, if the Defendant Göring said that he said it, would you accept that it happened?

VON RIBBENTROP: If Göring says so, then it must, of course, be true. I have merely stated that I was not present during that conference between President Hacha and the then Reich Marshal Göring.

SIR DAVID MAXWELL-FYFE: Do you remember Hitler saying that within 2 days the Czech Army would not exist any more?

VON RIBBENTROP: I do not recall that in detail, no; it was a very long conference.

SIR DAVID MAXWELL-FYFE: Do you remember Hitler saying that at 6 o'clock the troops would march in? He was almost ashamed to say that there was one German division to each Czech battalion.

VON RIBBENTROP: It is possible that something like that was said. However, I do not remember the details.

SIR DAVID MAXWELL-FYFE: If these things were said, will you agree with me that the most intolerable pressure was put on President Hacha?

VON RIBBENTROP: Undoubtedly Hitler used very clear language. However, to that I must add that President Hacha, on his part, had come to Berlin in order to find a solution, together with Hitler. He was surprised that troops were to march into Czechoslovakia. That I know, and I remember it exactly. But he agreed to it eventually and then contacted his government and his chief of staff, so that there would be no hostile reception for the German troops. He then concluded with Hitler, with the Czech Foreign Minister and me, the agreement which I had drafted.

SIR DAVID MAXWELL-FYFE: Will you agree with me that that agreement was obtained through a threat of aggressive action by the German Army and Air Force?

VON RIBBENTROP: It is certain, since the Führer told President Hacha that the German Army would march in, that naturally, this instrument was written under that impression. That is correct.

SIR DAVID MAXWELL-FYFE: Don't you think you could answer one of my question directly? I will ask it again. Will you agree with me that that document was obtained by the most intolerable pressure and threat of aggression? That is a simple question. Do you agree?

VON RIBBENTROP: In that way, no.

SIR DAVID MAXWELL-FYFE: What further pressure could you put on the head of a country except to threaten him that your army would march in, in overwhelming strength, and your Air Force would bomb his capital?

VON RIBBENTROP: War, for instance.

SIR DAVID MAXWELL-FYFE: What is that but war? Do you not consider it war that the Army would march in with a proportion of a division over a battalion, and that the Air Force would bomb Prague?

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VON RIBBENTROP: President Hacha had told the Führer that he would place the fate of his country in the Führer's hands, and the Führer had...

SIR DAVID MAXWELL-FYFE: I want you to answer my question. My question is a perfectly simple one, and I want your answer to it. You have told us that that agreement was obtained after these threats were made.

VON RIBBENTROP: No, I did not say that.

SIR DAVID MAXWELL-FYFE: Yes, that is what you said a moment ago.

VON RIBBENTROP: No.

SIR DAVID MAXWELL-FYFE: I put to you that that agreement was obtained by threat of war. Is that not so?

VON RIBBENTROP: I believe that this threat is incomparably lighter than the threats under which Germany stood for years through the Versailles Treaty and its sanctions.

SIR DAVID MAXWELL-FYFE: Well, leaving whatever it is comparatively, will you now answer my question? Do you agree that that agreement was obtained by threat of war?

VON RIBBENTROP: It was obtained under a pressure, that is under the pressure of the march into Prague; there is no doubt about that. However, the decisive point of the whole matter was that the Führer explained to President Hacha the reasons why he had to do this, and eventually Hacha agreed fully, after he had consulted his government and his general staff and heard their opinion. However, it is absolutely correct that the Führer was resolved to solve this question under any circumstances. The reason was, that the Führer was of the opinion that in the remainder of Czechoslovakia there was a conspiracy against the German Reich; Reich Marshal Göring had already stated that Russian commissions were said to have been at Czech airdromes. Consequently the Führer acted as he did because he believed that it was necessary in the highest interest and for the protection of the German Reich. I might draw a comparison: For instance, President Roosevelt declared an interest in the Western Hemisphere; England has extended her interest over the entire globe. I think, that the interest which the Führer showed in the remainder of Czechoslovakia was, as such, not unreasonable for a great power; about the methods one may think as one pleases. At any rate one thing is certain, and that is that these countries were occupied without a single drop of blood being shed.

SIR DAVID MAXWELL-FYFE: They were occupied without a single drop of blood being shed because you had threatened to march in overwhelming strength and to bomb Prague if they didn't agree, isn't that so?

VON RIBBENTROP: No, not because we had threatened with superiority, but because we had agreed beforehand that the Germans could march in unimpeded.

SIR DAVID MAXWELL-FYFE: I put it to you again, that the agreement was obtained, however, by your threatening to march in and threatening to bomb Prague, was it not?

VON RIBBENTROP: I have already told you once that it was not so, but that the Führer had talked to President Hacha about it and told him that he would march in. The conversation between President Hacha and Göring is not known to me. President Hacha signed the agreement after he had consulted his government and his general staff in Prague by telephone. There is no doubt that the personality of the Führer, his reasoning, and finally the announced entry of the German troops induced President Hacha to sign the agreement.

SIR DAVID MAXWELL-FYFE: Don't you remember—would you mind standing up, General, for a second? [*A Czechoslovakian Army officer arose.*] Don't you remember that General Ecer asked you some questions once, this general from Czechoslovakia?

VON RIBBENTROP: Yes, certainly.

SIR DAVID MAXWELL-FYFE: Did you say to him that you thought that this action on the 15th of March was contrary to the declaration of Hitler given to Chamberlain but, in fact, that Hitler saw in the occupation a vital necessity for Germany?

VON RIBBENTROP: Yes, that is correct. I was wrong in the first point; I will admit that openly; I remembered it afterward. In the Munich Agreement between Hitler and Chamberlain nothing like that is contained. It was not intended as a violation of that agreement. In the second place, I think I stated that Hitler believed he had to act that way in the interest of his country.

SIR DAVID MAXWELL-FYFE: Now, I just want you to tell us one or two general things about your views with regard to Great Britain. Is it correct that when you went to London as Ambassador of the Reich you thought there was very little chance of an agreement, in fact that it was a hundred-to-one chance of getting an understanding with Great Britain?

VON RIBBENTROP: When I asked the Führer to send me to London personally . . .

SIR DAVID MAXWELL-FYFE: Here is a simple question I am asking you: Is it right that when you went to London as Ambassador you thought there was very little chance of an understanding with England, in fact, that the chance was a hundred-to-one?

VON RIBBENTROP: Yes, the chances were not good.

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SIR DAVID MAXWELL-FYFE: These, as you know, are your own words . . .

VON RIBBENTROP: I would like to add something.

SIR DAVID MAXWELL-FYFE: First answer my question. These are your own words, aren't they, that the chance was a hundred-to-one? Do you remember saying that?

VON RIBBENTROP: A hundred-to-one? I do not remember that, but I want to add something. I told Hitler that the chance was very small; and I also told him that I would try everything to bring about an Anglo-German understanding in spite of the odds.

SIR DAVID MAXWELL-FYFE: Now, when you left England did you believe that war was inevitable? When you left England, when you ceased being ambassador, did you believe that war was unavoidable?

VON RIBBENTROP: No, I was not of the opinion that it was inevitable, but that, considering the developments which were taking place in England, a possibility of war existed, of that I was convinced.

SIR DAVID MAXWELL-FYFE: I want you to be careful about this. Did you say that you didn't think war was unavoidable when you left England?

VON RIBBENTROP: I can neither say that it was unavoidable nor that it was avoidable; at any rate, it was clear to me that with the development of the policy towards Germany which was taking place in England, an armed conflict might lie in the realm of possibility.

SIR DAVID MAXWELL-FYFE: Now, look at page 211-E of the document book; English book, 170.

VON RIBBENTROP: Did you say 211?

SIR DAVID MAXWELL-FYFE: Have you got that?

VON RIBBENTROP: Yes, I have.

SIR DAVID MAXWELL-FYFE: Now will you look at the second paragraph? It reads like this:

"He, the RAM (Reich Foreign Minister), had been more than skeptical even on his arrival in London and had considered the chances for an understanding as a hundred-to-one. The warmongers' clique in England had won the upper hand. When he (the RAM) left England, war was unavoidable."  
(Document Number 1834-PS)

Is that what you said to Ambassador Oshima?

VON RIBBENTROP: I do not know whether I said exactly that; at any rate, that is diplomatic language, Mr. Prosecutor, and it is quite possible that we at that time, as a result of the situation, in

consultation with the Japanese ambassador, considered it opportune to express it that way. At any rate, that is not the important point; the important thing is that as I remember, when I left England a certainty and inevitability of war did not exist. Whether in later years I said this or that has no bearing on what I said when I left London. I do not think that there is the least bit of evidence for that. Perhaps I tried to draw him into the war against England and therefore used forceful language.

SIR DAVID MAXWELL-FYFE: As you said "no," just look at Document Number TC-75, Exhibit GB-28, and at your conclusions that are to be drawn. You will see it at the end under Number 5, "Therefore, conclusions to be drawn by us..." It is about the end of the third page:

"5) Therefore, conclusions to be drawn by us:

"1) Outwardly further understanding with England while protecting the interest of our friends;

"2) Formation, under great secrecy but with all persistence, of a coalition against England, that is, in practice a tightening of our friendship with Italy and Japan, also the winning over of all nations whose interests conform with ours, directly or indirectly; close and confidential co-operation of the diplomats of the three great powers towards this purpose."

And the last sentence:

"Every day on which—no matter what tactical interludes of rapprochement towards us are attempted—our political considerations are not guided fundamentally by the thought of England as our most dangerous adversary, would be a gain for our enemies."

Why did you tell the Tribunal a minute ago that you had not advised the Führer that there should be outward friendly relations and in actuality a coalition against her?

VON RIBBENTROP: I do not know what kind of a document that is at all. May I see it?

SIR DAVID MAXWELL-FYFE: It is signed by yourself on the 2d of January 1938. It is your own report to the Führer.

VON RIBBENTROP: Yes, that is quite correct as such; that is the conclusive statement: Only thus can we, some day, come to an agreement or to a conflict with England. The situation at that time was clearly this, that England was resisting the German wishes for a revision which the Führer had declared vital and that only through a strong diplomatic coalition did it seem possible to induce England, by diplomatic and not by bellicose means.

SIR DAVID MAXWELL-FYFE: You probably told him what was untrue?

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VON RIBBENTROP: I do not know, and I also do not know whether the details have been recorded accurately. It is a long record; I do not know where it comes from.

SIR DAVID MAXWELL-FYFE: It is your own record of the meeting, from captured German documents.

VON RIBBENTROP: That is quite possible, but many things are said in diplomacy every word of which is not weighed carefully. At any rate, the truth is that when I left London there was no certainty that the war was inevitable, but there is no doubt that I was skeptical when I left London and did not know in what direction things would be drifting, particularly on account of the very strong pro-war party in England.

THE PRESIDENT: Defendant, will you speak a little bit more slowly?

VON RIBBENTROP: Yes, Sir.

SIR DAVID MAXWELL-FYFE: Now, when you left England, was it not your view that the German policy should be pretended friendliness toward England and actual formation of a coalition against her?

VON RIBBENTROP: Put this way, that is not correct. It was clear to me, when I became Foreign Minister, that the realization of the German desires in Europe was difficult and that it was principally England who opposed them. I had tried for years, by order of the Führer, to achieve these things by means of a friendly understanding with England.

SIR DAVID MAXWELL-FYFE: I want you now to answer my question: Did you advise the Führer that the proper policy was pretended friendliness with England and in actuality the formation of a coalition against her? Did you or did you not?

VON RIBBENTROP: No, that is not the right way of putting it to agree to these German aspirations. That without doubt, was the situation.

SIR DAVID MAXWELL-FYFE: I want to know, Witness, why you told the Tribunal 5 minutes ago that you had not advised Hitler in the sense in which I put to you?

VON RIBBENTROP: Which advice do you mean?

SIR DAVID MAXWELL-FYFE: Outwardly an understanding with England and formation under great secrecy of a coalition against her. I put that to you twice and you denied it, I want to know why you did deny it.

VON RIBBENTROP: I said quite clearly that England was resisting the German requests and that therefore, if Germany wanted

to realize these aspirations, she could do nothing but find friends and bring England with the help of those friends to the conference table so that England would yield to these aspirations by diplomatic means. That was my task at that time.

SIR DAVID MAXWELL-FYFE: Now I want you to direct your attention to the relations with Poland. I will give you the opportunity of answering a question generally, and I hope in that way we may save time.

Will you agree that up to the Munich Agreement, the speeches of all German statesmen were full of the most profound affection and respect for Poland? Do you agree with that?

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: What was the purpose of what is shown in the Foreign Office memorandum of 26 August 1938? I will give you the page number, Page 107 of your document book. I want you to look at it. I think it is the fourth paragraph, beginning, "This method of approach towards Czechoslovakia..."; and you may take it from me that the method of approach was putting forward the idea that you and Hitler wanted the return of all Germans to the Reich. I put it quite fairly and objectively. That is what preceded it. I want you to look at that paragraph.

VON RIBBENTROP: Which paragraph do you mean? I did not hear.

SIR DAVID MAXWELL-FYFE: The fourth, "This method of approach towards Czechoslovakia..." it begins. The fourth on my copy.

VON RIBBENTROP: I have not found it yet. Paragraph 5, yes, I have it.

SIR DAVID MAXWELL-FYFE: "This method of approach towards Czechoslovakia is to be recommended also because of our relationship with Poland. The turning away of Germany from the boundary question of the southeast and her change-over to those of the east and northeast must inevitably put the Poles on the alert. After the liquidation of the Czechoslovakian question, it will be generally assumed that Poland will be the next in turn; but the later this assumption becomes a factor in international politics, the better." (Document Number TC-76)

Does that correctly set out the endeavors of German foreign policy at that time?

VON RIBBENTROP: Undoubtedly no, for, first of all, I do not know what kind of a document it is. It has apparently been prepared

by some official in the Foreign Office where sometimes such theoretical treatises were prepared and may have come to me through the State Secretary. However, I do not remember having read it. Whether it reached me, I cannot tell you at the moment; but it is possible that such thoughts prevailed among some of our officials. That is quite possible.

SIR DAVID MAXWELL-FYFE: I see. Now, if you do not agree, would you look at Page 110, on which you will find extracts from Hitler's Reichstag speech on 26 September 1938. I am sorry. I said Reichstag; I meant Sportpalast.

VON RIBBENTROP: Sportpalast, yes.

SIR DAVID MAXWELL-FYFE: At the end of this extract the Führer is quoted as saying with regard to Poland, after a tribute to Marshal Pilsudski:

"We are all convinced that this agreement will bring lasting pacification. We realize that here are two peoples who must live together and neither of whom can do away with the other. A people of 33 millions will always strive for an outlet to the sea. A way to understanding, then, had to be found. It has been found, and it will be continually extended further. Certainly, things were difficult for this area. The nationalities and small groups frequently quarreled among themselves, but the decisive fact is that the two Governments and all reasonable and clear-sighted persons among the two peoples and in the two countries possess the firm will and determination to improve their relations. This is a real work of peace, of more value than all of the idle talk at the League of Nations Palace in Geneva." (Document Number TC-73, Number 42)

Do you think that is an honest statement of opinion?

VON RIBBENTROP: Yes, I believe that that was definitely the Führer's view at the time.

SIR DAVID MAXWELL-FYFE: And so at that time all the questions of the treatment of minorities in Poland were very unimportant; is that so?

VON RIBBENTROP: No, they were not unimportant. They were a latent and even difficult point between Poland and ourselves, and the purpose of that particular kind of statement by the Führer was to overcome it. I am so familiar with the problem of the minorities in Poland because I watched it for personal reasons for many years. From the time I took over the Foreign Ministry, there were again and again the greatest difficulties which, however, were always settled on our part in the most generous way.

SIR DAVID MAXWELL-FYFE: At any rate you have agreed with me that the speeches at that time—and you say quite honestly—were full of praise and affection for the Poles; is that right?

VON RIBBENTROP: Yes, we were hoping that thereby we could bring the German minority problem, in particular, to a satisfactory and sensible solution. That had been our policy since 1934.

SIR DAVID MAXWELL-FYFE: Well, now, immediately after Munich you first raised the question of Danzig with M. Lipski, I think, in October, around 21 October.

VON RIBBENTROP: Right, 28 October.

SIR DAVID MAXWELL-FYFE: 28 October. And the Poles had replied on the 31st; it may have reached you a day later through M. Lipski, suggesting the making of a bilateral agreement between Germany and Poland, but saying the return of Danzig to the Reich would lead to a conflict. I put it quite generally. I just wanted to remind you of the tenor of the reply. Do you remember?

VON RIBBENTROP: According to my recollection it was not quite like that. The Führer had charged me—it was on 28 October, to be exact—to request Ambassador Lipski to come to Berchtesgaden. His order was given because the Führer in particular, perhaps as a sequel to the speech in the Sportpalast, but that I do not remember, wanted to bring about a clarification of the relations with all his neighbors. He wanted that now particularly with respect to Poland. He instructed me, therefore, to discuss with Ambassador Lipski the question of Danzig and the question of a connection between the Reich and East Prussia.

I asked Ambassador Lipski to come and see me, and stated these wishes in a very friendly atmosphere. Ambassador Lipski was very reserved; he stated that after all Danzig was not a simple problem but that he would discuss the question with his government. I asked him to do so soon and inform me of the outcome. That was the beginning of the negotiations with Poland.

SIR DAVID MAXWELL-FYFE: Well, now, if you will turn—I do not want to stop you, but I want to get on quickly over this matter—if you will turn to Page 114, you will find the minutes of M. Beck's conversation with Hitler on 5 January. I just want to draw your attention to the last paragraph, where, after M. Beck had said that the Danzig question was a very difficult problem:

“In answer to this the Chancellor stated that to solve this problem it would be necessary to try to find something quite new, some new formula, for which he used the term ‘Körperschaft,’ which on the one hand would safeguard the interest of the German population and on the other hand the Polish interest. In addition the Chancellor declared that the Minister

could be quite at ease; there would be no *fait accompli* in Danzig and nothing would be done to render difficult the situation of the Polish Government." (Document TC-73, Number 48)

Do you see that, before I ask you the question?

VON RIBBENTROP: Yes, I have read that.

SIR DAVID MAXWELL-FYFE: Just look at the summary of your own conversation with M. Beck on the next day. It is Page 115, at the beginning of the paragraph, the second paragraph. You will see that, after M. Beck had mentioned the Danzig question, you said, "In answer, Herr Von Ribbentrop once more emphasized that Germany was not seeking any violent solution." (Document TC-73, Number 49). That was almost word for word what Hitler had said the day before; do you see that?

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: Now, turn back to Page 113. (Document Number C-137, Exhibit GB-33) These are the Defendant Keitel's orders to—or rather, to put it exactly—the Defendant Keitel's transmission of the Führer's order with regard to Danzig. It is dated 24 November. That was some 6 weeks before, and it is supplementary to an order of 21 October, and you see what it says:

"Apart from the three contingencies mentioned in the instructions of 21 October, preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise. ('4. Occupation of Danzig').

"The preparations will be made on the following basis. The condition is a *coup de main* occupation of Danzig, exploiting a politically favorable situation, not a war against Poland." (Document Number C-137)

Did you know of these instructions?

VON RIBBENTROP: No, I did not know that. This is the first time that I have seen that order or whatever it may be. May I add something?

SIR DAVID MAXWELL-FYFE: Not for the moment. Hitler must have known of the order, mustn't he? It is an order of the Führer?

VON RIBBENTROP: Yes, of course, and therefore I assume—that is what I wanted to add—that the British Prosecution are aware that political matters and military matters are in this case two completely different conceptions. There is no doubt that the Führer, in view of the permanent difficulties in Danzig and the Corridor, had given military orders of some kind—just in case—and I can

well imagine that it is one of these orders. I see it today for the first time.

SIR DAVID MAXWELL-FYFE: Supposing that you had known of the orders, Witness, would you still have said on the 5th of January that Germany was not seeking a *fait accompli* or a violent solution? If you had known of that order would you still have said it?

VON RIBBENTROP: If I had known this order and considering it an order of the General Staff for possible cases, as I am compelled to do, then I would still continue to have the same opinion. I think it is part of the General Staff's duty to take into consideration all possible eventualities and prepare for them in principle. In the final analysis that has nothing to do with politics.

SIR DAVID MAXWELL-FYFE: Nothing to do with politics to have a cut-and-dried plan how the Free State of Danzig is to be occupied by German troops by surprise when you are telling the Poles that you won't have a *fait accompli*? That is your idea of how matters should be carried on? If it is I will leave it.

VON RIBBENTROP: No, I must rather add that I know that the Führer was alarmed for a long time, particularly during 1939, lest a sudden Polish attack take place against Danzig; so that to me, I am not a military man, it appears quite natural to make some preparations for all such problems and possibilities. But, of course, I cannot judge the details of these orders.

SIR DAVID MAXWELL-FYFE: Now, when did you learn that Hitler was determined to attack Poland?

VON RIBBENTROP: That Hitler contemplated a military action against Poland, I learned for the first time, as I remember, in August 1939. That, of course, he had made certain military preparations in advance to meet any eventuality becomes clear from this order regarding Danzig. But I definitely did not learn about this order, and I do not recollect now in detail whether I received at that time any military communication. I do remember that I knew virtually nothing about it.

SIR DAVID MAXWELL-FYFE: Do you tell the Tribunal that you did not know in May that Hitler's real view was that Danzig was not the subject of the dispute at all, but that his real object was the acquisition of Lebensraum in the East?

VON RIBBENTROP: No, I did not know it in that sense. The Führer talked sometimes about living space, that is right, but I did not know that he had the intention to attack Poland.

SIR DAVID MAXWELL-FYFE: Well now, just look at Page 117, or it may be 118, of your document. On Page 117 you will find the

minutes of the conference on the 23rd day of May 1939 at the new Reich Chancellery.

VON RIBBENTROP: Did you say 117?

SIR DAVID MAXWELL-FYFE: 117. I want you to look at it. It may be on Page 118, and it begins with the following words:

"Danzig is not the subject of the dispute at all; it is a question of expanding our Lebensraum in the East and of securing our food supplies and of the settlement of the Baltic problem. Food supplies can be expected only from thinly populated areas. Added to the natural fertility, the German, through cultivation, will enormously increase the surplus. There is no other possibility for Europe." (Document Number L-79)

Are you telling the Tribunal that Hitler never explained that view to you?

VON RIBBENTROP: It may be strange to say so, but I should like to say first that it looks as though I was not present during this conference. That was a military conference, and the Führer used to hold these military conferences quite separately from the political conferences. The Führer did now and then mention that we had to have Lebensraum; but I knew nothing, and he never told me anything at that time, that is in May 1939, of an intention to attack Poland. Yes, I think this was kept back deliberately, as had been done in other cases, because he always wanted his diplomats to stand wholeheartedly for a diplomatic solution and to bring it about.

SIR DAVID MAXWELL-FYFE: You mean to say that Hitler was deliberately keeping you in the dark as to his real aims; that Danzig was not the subject of dispute and what he really wanted was Lebensraum; is that your story?

VON RIBBENTROP: Yes, I assume that he did that deliberately because...

SIR DAVID MAXWELL-FYFE: Well now, just look at the very short paragraph a little further on where he says:

"There is no question of sparing Poland, and we are left with no alternative but to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czech affair. There will be fighting. The task is to isolate Poland."

Do you tell the Tribunal that he never said that to his Foreign Minister?

VON RIBBENTROP: I did not quite understand that question.

SIR DAVID MAXWELL-FYFE: It is a perfectly simple one. Do you tell the Tribunal that Hitler never mentioned what I have just read from his speech, that there is to be no question of sparing Poland, that you had to attack Poland at the first opportunity, and

your task was to isolate Poland? Are you telling the Tribunal that Hitler never mentioned that to his Foreign Minister, who would have the practical conduct of foreign policy?

VON RIBBENTROP: No, he did not do that at that time; but, according to my recollection, only much later, in the summer of 1939. At that time he did say that he was resolved—and he said literally—to solve the problem one way or another.

SIR DAVID MAXWELL-FYFE: And do you say that you didn't know in May that Hitler wanted war?

VON RIBBENTROP: That he wanted what?

SIR DAVID MAXWELL-FYFE: You didn't know in May that Hitler wanted war?

VON RIBBENTROP: No, I was not convinced of that at all.

SIR DAVID MAXWELL-FYFE: It is quite clear from the document that he did want war, isn't it?

VON RIBBENTROP: This document, no doubt, shows the intention of an action against Poland, but I know that Hitler often used strong language to his military men, that is, he spoke as though he had the firm intention of attacking a certain country in some way, but whether he actually would have carried it out later politically is an entirely different question. I know that he repeatedly told me that one had to talk with military men as if war was about to break out here or there on the next day.

SIR DAVID MAXWELL-FYFE: Now, I want to ask you about another point. You said on Friday that you had never expressed the view that Great Britain would stay out of war and would fail to honor her guarantee to Poland. Do you remember saying that?

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: Is that true?

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: Well now, I would just like you to look at one or two other documents. Do you remember on the 29th of April 1939 receiving the Hungarian Prime Minister and the Foreign Minister at 3:30 in the afternoon?

VON RIBBENTROP: No, I do not remember that.

SIR DAVID MAXWELL-FYFE: Well, we have the minutes of your meeting signed by Von Erdmannsdorff, I think. Did you say this to the Hungarian Prime Minister and Foreign Minister:

"The Reich Foreign Minister added that it was his firm conviction that, no matter what happened in Europe, no French or English soldier would attack Germany. Our relations with Poland were gloomy at the moment."

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Did you say that?

VON RIBBENTROP: I do not think I ever said that. I consider that impossible.

SIR DAVID MAXWELL-FYFE: Well, if you got a copy . . .

VON RIBBENTROP: May I perhaps have a look at the document?

SIR DAVID MAXWELL-FYFE: Yes, certainly, with pleasure. This will become Exhibit GB-289, Document D-737.

VON RIBBENTROP: I cannot, of course, tell you now in detail what I said at that time, but it may be possible that there was an effort at that time to reassure the Hungarians who were probably concerned about the Polish problem; that is absolutely possible. But I hardly believe that I said anything like this. However, it is certain that the Führer knew, and I had told the Führer that England would march to the aid of Poland.

SIR DAVID MAXWELL-FYFE: If you are a little doubtful would you look at Document Number D-738, which will be Exhibit GB-290. Apparently you saw these gentlemen again 2 days later. Just look at the last sentence of that:

"He (the Reich Foreign Minister) pointed out again that Poland presented no military problem for us. In case of a military clash the British would coldly leave the Poles in the lurch."

That is quite straight speaking, isn't it, "The British would coldly leave the Poles in the lurch"?

VON RIBBENTROP: I do not know on just what page that is.

SIR DAVID MAXWELL-FYFE: It is Paragraph 7, and it is the report of the 1st of May, the last sentence of my quotation. It is signed by a gentlemen called Von Erdmannsdorff; it appears above his signature. The words I am asking you about are, "In case of a military clash the British would coldly leave the Poles in the lurch."

VON RIBBENTROP: Is that on Page 8 or where? On what page, if I may ask?

SIR DAVID MAXWELL-FYFE: My heading is Paragraph 7. It begins:

"The Reich Foreign Minister then returned to our attitude towards the Polish question and pointed out that the Polish attitude had aroused great bitterness."

VON RIBBENTROP: It is perfectly conceivable that I said something like that, and if it has been said it was done in order not to alarm the Hungarians and to keep them on our side. It is quite clear that that is nothing but diplomatic talk.

SIR DAVID MAXWELL-FYFE: Don't you think there is any requirement to tell the truth in a political conversation?

VON RIBBENTROP: That was not the point; the point was to bring about a situation which made it possible to solve this and the Polish question in a diplomatic way. If I were to tell the Hungarians today, and this applies to the Italians also, that England would assist Poland and that a great war would result, then this would create a diplomatic situation which would make it impossible to solve the problem at all. There is no doubt that during the entire time I had to use very strong language, just as the Führer had always ordered, for if his own Foreign Minister had hinted at other possibilities, it would naturally have been very difficult, and I venture to say, it would have meant that this would, in any case, have led to war. But we wanted to create a strong German position so that we could solve this problem peacefully. I may add that the Hungarians were somewhat worried with regard to the German policy, and that the Führer had told me from the start to use particularly clear and strong language on these subjects. I used that kind of language also quite frequently to my own diplomats for the same reasons.

SIR DAVID MAXWELL-FYFE: You want us to assume that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what it comes to shortly, isn't it? That is what you want us to understand—that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what you want us to understand isn't it?

VON RIBBENTROP: I do not know whether one can talk of lies in this case, Mr. Prosecutor. This is a question of diplomacy; and if we wanted to create a strong position, then of course we could not go beating about the bush. Consider what the impression would have been if the German Foreign Minister had spoken as if at the slightest German step the whole world would attack Germany! The Führer used frequently such strong language and expected me to do the same. I want to emphasize again that often I had to use such language, even to my own Foreign Office, so that there was no misunderstanding. If the Führer was determined on the solution of a problem, no matter what the circumstances, even at the risk of war if it had to be, our only chance to succeed was to adopt a firm stand, for had we failed to do that, war would have been inevitable.

SIR DAVID MAXWELL-FYFE: Well now, I want you to have in mind what Count Ciano says that you said to him on, I think the 11th or 12th of August, just before your meeting at, I think it was at Salzburg, with you and Hitler. You remember that according to Count Ciano's diary he said that he asked you, "What do you want, the Corridor or Danzig?" and that you looked at him and said, "Not any more; we want war." Do you remember that?

VON RIBBENTROP: Yes, that is absolutely untrue. I told Count Ciano at that time, this is on the same line, "the Führer is determined to solve the Polish problem one way or another." This was what the Führer had instructed me to say. That I am supposed to have said "we want war" is absurd for the simple reason that, it is clear to every diplomat, those things are just not said, not even to the very best and most trusted ally, but most certainly not to Count Ciano.

SIR DAVID MAXWELL-FYFE: I should just like you to look at a report of the subsequent conversation that you had with Mussolini and Count Ciano not very long after, on the 10th of March 1940, that is, about 9 months later. If you look at Document Number 2835-PS, which will become Exhibit GB-291, and if you will turn to, I think it is Page 18 or 19 . . .

VON RIBBENTROP: You mean Page 18?

SIR DAVID MAXWELL-FYFE: I remind you again, a conversation between you and Mussolini and Ciano on the 10th of March 1940. It begins by saying:

"The Reich Foreign Minister recalled that he actually had stated in Salzburg to Count Ciano that he did not believe that England and France would assist Poland without further questions, but that at all times he had reckoned with the possibility of intervention by the Western Powers. He was glad now about the course of events, because, first of all, it had always been clear that the clash would have to come sooner or later and that it was inevitable."

And then you go on to say that it would be a good thing to finish the conflict in the lifetime of the Führer.

VON RIBBENTROP: Yes, that was after the outbreak of war; is that it?

SIR DAVID MAXWELL-FYFE: Yes. What I am putting to you are these words:

"He was glad now about the course of events, because, first of all, it had always been clear that the clash would have to come sooner or later and that it was inevitable."

And if you will look at where it says "secondly" . . .

VON RIBBENTROP: May I reply to that?

SIR DAVID MAXWELL-FYFE: Yes; but what I am suggesting to you is that that shows perfectly clearly that Count Ciano is right, and that you were very glad that the war had come, because you thought this was an appropriate time for it to happen.

VON RIBBENTROP: No, I do not agree. On the contrary, it says here also "that at all times he had reckoned with the possibility of intervention by the Western Powers." It says so here quite clearly.

SIR DAVID MAXWELL-FYFE: But it is the second part that I am putting to you. I pass from that point about British intervention. I say, "he was glad now about the course of events," and if you will look down at the paragraph where it says "secondly," so that you will have it in mind, the third line says:

"Secondly, at the moment when England introduced general conscription it was clear that the ratio of war strength would not develop in the long run in favor of Germany and Italy."

VON RIBBENTROP: May I ask where it says that?

SIR DAVID MAXWELL-FYFE: A few lines further down. The word "secondly" is underlined, isn't it?

VON RIBBENTROP: No, it is not here. Yes, I have it.

SIR DAVID MAXWELL-FYFE: "Secondly, at the moment when England introduced general conscription..." It is about 10 lines further on.

VON RIBBENTROP: Yes, what does the British Prosecutor try to prove with that; I do not quite understand?

SIR DAVID MAXWELL-FYFE: I want you to look at the next sentence before you answer my question.

"This, along with the other things, was decisive for the Führer's decision to solve the Polish question, even under the danger of intervention by the Western Powers. The deciding fact was, however, that a great power could not take certain things lying down."

What I am saying...

VON RIBBENTROP: Yes, that appears correct to me.

SIR DAVID MAXWELL-FYFE: And that was your view at the time and the view that you declared afterwards as being your view, that you were determined that you would solve the Polish question even if it meant war? Count Ciano was perfectly right in saying that you wanted war. That is what I am putting to you.

VON RIBBENTROP: No; that is not correct. I told Count Ciano at the time at Berchtesgaden that the Führer was determined to solve the problem one way or another. It was necessary to put it in that way because the Führer was convinced that whatever became known to Rome would go to London and Paris at once. He wanted therefore to have clear language used so that Italy would be on our side diplomatically. If the Führer or myself had said that the Führer was not so determined to solve that problem, then it would have

been without doubt passed on immediately. But since the Führer was determined to solve the problem, if necessary by war if it could not be solved any other way, this would have meant war, which explains the clear and firm diplomatic attitude which I had to adopt at that time in Salzburg. But I do not know in what way this is contradictory to what is being said here.

SIR DAVID MAXWELL-FYFE: I want you to pass on to the last week in August and take that again very shortly, because there is a lot of ground to cover.

You agreed in your evidence that on the 25th of August the Führer called off the attack which was designed for the morning of the 26th. You remember that? I just want you to have the dates in mind.

VON RIBBENTROP: I know that date very well.

SIR DAVID MAXWELL-FYFE: You were here in court the day Dahlerus gave his evidence, were you not?

VON RIBBENTROP: Yes, I was here.

SIR DAVID MAXWELL-FYFE: And let me remind you of the date, that on the evening of the 24th the Defendant Göring asked Herr Dahlerus to go to London the next morning to carry forward a preliminary outline of what the Führer was going to say to Sir Neville Henderson on the 25th. So you remember that was his evidence? And on the 25th, at 1:30 . . . .

VON RIBBENTROP: I do not recall the dates exactly, but I suppose they are correct.

SIR DAVID MAXWELL-FYFE: I know these dates pretty well, and the Tribunal will correct me if I am wrong, but I am giving them as I have looked them up. That was the night of the 24th; Dahlerus left on the morning of the 25th, and then at 1:30 on the 25th—you said about noon, I am not quarreling with you for a matter of minutes—midday on the 25th the Führer saw Sir Neville Henderson . . .

VON RIBBENTROP: Yes, that is right.

SIR DAVID MAXWELL-FYFE: And gave him what is called a *note verbale*, that is, an inquiry in general terms.

VON RIBBENTROP: No, it was given to him in the evening. At noon he had only talked to him and in the evening I had Minister Schmidt take the *note verbale* to him, I think that is the way it was, with a special message in which I asked him again to impress upon his Government how serious the Führer was about this message or offer. I think that is contained in the *British Blue Book*.

SIR DAVID MAXWELL-FYFE: Whenever you gave him the actual note, Herr Hitler told him the general view in the oral conversation which he had with Sir Neville in the middle of the day?

VON RIBBENTROP: Yes, that is right.

SIR DAVID MAXWELL-FYFE: And the actual calling off of the attack on the morning of the 26th, as you have said, was not done until you had had the message from Signor Mussolini at about 3 o'clock, and the news that the Anglo-Polish formal agreement was going to be signed that evening about 4 o'clock. That is what you have said.

Now, the first point that I am putting to you is this: That at the time that Herr Dahlerus was sent, and the time of this note, when the words were spoken by the Führer to Sir Neville Henderson, it was the German intention to attack on the morning of the 26th; and what I suggest is that both the message to Herr Dahlerus and the words which were spoken to Sir Neville Henderson were simply designed in order to trouble the British Government, in the hope that it might have some effect on them withdrawing from their aid to Poland; isn't that right?

VON RIBBENTROP: Do you want me to answer that?

SIR DAVID MAXWELL-FYFE: Certainly; I am asking you.

VON RIBBENTROP: The situation is that I am not familiar with the message of Dahlerus, I cannot say anything about it. Regarding the meeting between Hitler and Sir Neville Henderson, I can say that I read the correspondence between Mr. Chamberlain and Hitler in the morning, I think it was dated the 22d, and somehow had arrived at a sort of deadlock. I talked to the Führer afterwards, about whether or not another attempt should be made in order to arrive at some kind of a solution with England. Subsequently, towards noon, I think it was 1 or 2 o'clock, the Führer met Sir Neville Henderson in my presence and told him he should take a plane and fly to London in order to talk to the British Government as soon as possible. After the solution of the Polish problem he intended to approach England again with a comprehensive offer. He gave, I believe, a rough outline of the offer already in the *note verbale*; but I do not recall that exactly. Then Sir Neville Henderson flew to London. While the Führer was having that conversation, military measures were under way. I learned of that during the day, because Mussolini's refusal had arrived, I believe, not at 3 o'clock, but earlier in the course of the morning or at noon. Then at 4 or 5 in the afternoon I heard about the ratification of the Polish-British agreement. I went to the Führer immediately and suggested to him to withdraw the military measures; and he did so after short deliberation. There is no doubt that in the meantime certain military

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measures had been taken. Just how far they went I regret not to be able to say. But when the Führer sent that offer, that *note verbale* to England I was convinced and under the impression that if England would respond to it in some way, it would not come to an armed conflict, and that in this case the military measures which, I believe, were automatically put in effect, would somehow have been stopped later on. But I cannot say anything about that in detail. I recollect only one thing, and that is that when I received the *note verbale* from the Führer, which I think was in the afternoon or in the evening, these measures had already either been stopped or were, at any rate, in the process of being stopped. I cannot give it to you in chronological order at the moment. For that I have to have the pertinent documents which, unfortunately, are not at my disposal here. But one thing is certain, the offer of the Führer to England was made in order to try once again to come to a solution of the Polish problem. When I saw the *note verbale* I even asked him, "How about the Polish solution?" and I still recollect that he said, "We will now send that note to the British, and if they respond to it then we can still see what to do, there will still be time."

At any rate, I believe, the military measures had either been stopped when the note was submitted, or they were stopped shortly after.

SIR DAVID MAXWELL-FYFE: Now, you were not present at the meeting of the Führer and his generals on the 22d of August, but you must have heard many times the account of it read out since this Trial started. You remember the Führer is reported, according to minutes, to have said:

"I shall use propagandistic reasons for starting the war; never mind whether it be plausible or not. The victor shall not be asked later on whether he told the truth or not. In starting and making the war, not the right is what matters but victory."  
(Document Number 1014-PS).

That is what was said at Obersalzberg. Has Hitler ever said anything like that to you?

VON RIBBENTROP: Did you say the 27th?

SIR DAVID MAXWELL-FYFE: On the 22d. What I am asking you is, has Hitler said anything similar to that to you?

VON RIBBENTROP: No, at the meeting on the 22d, I was not present; I think I was on my way to Moscow.

SIR DAVID MAXWELL-FYFE: I said you were not present. That is why I put it in that way. Has he ever said anything similar to you? You say "no." Well, now, I want you to come to the 29th.

VON RIBBENTROP: May I say something about that?

SIR DAVID MAXWELL-FYFE: No; if you say that he has not said it to you, I am not going to pursue it, because we must not waste too much time on each of these details. I want you to come to the 29th of August when you saw Sir Nevile Henderson, and while accepting, with some reservations, the idea of direct negotiation with Poland, you said that it must be a condition of that negotiation that the Poles should send a plenipotentiary by the next day, by the 30th. You remember that?

VON RIBBENTROP: Yes, well, it was like this . . .

SIR DAVID MAXWELL-FYFE: I really do not want to stop you, but I do want to keep it short on this point.

VON RIBBENTROP: In that case I must say "no". May I make a statement?

SIR DAVID MAXWELL-FYFE: I am sorry, because this is only preliminary. I thought it was common ground that you saw Sir Nevile on the 29th, that you put a number of terms. One of the terms was that a Polish plenipotentiary should be present by the 30th. If you don't agree with that, please tell me if I am wrong, because it is my recollection of all documents.

VON RIBBENTROP: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: Now, on the 30th you have told us that your reason for not giving a copy of the terms to Sir Nevile was, first, because Hitler had ordered you not to give a copy. And I think your reason given at the time was that the Polish plenipotentiary had not arrived, and therefore it was no good giving a copy of the terms. That's right, isn't it?

VON RIBBENTROP: Yes, that is correct.

SIR DAVID MAXWELL-FYFE: Now, these terms that were given, that were read out by you, were not ready on the 29th, because in your communication demanding a plenipotentiary you said if he came on the 30th you would have the terms ready by that time. So may I take it that these terms were drawn up by Hitler with the help of the Foreign Office between the 29th and the 30th?

VON RIBBENTROP: He dictated them personally. I think there were 16 points, if I remember rightly.

SIR DAVID MAXWELL-FYFE: Now, did you really expect after the treatment of Von Schuschnigg, of Tiso, of Hacha, that the Poles would be willing to send a fly into the spider's parlor?

VON RIBBENTROP: We certainly counted on it and hoped for it. I think that a hint from the British Government would have sufficed to bring that envoy to Berlin.

SIR DAVID MAXWELL-FYFE: And what you hoped was to put the Poles in this dilemma, that either these terms would stand as a propagandistic cause for the war, to use Hitler's phrase—or else you would be able, by putting pressure on the Polish plenipotentiary, to do exactly what you had done before with Schuschnigg and Tiso and Hacha, and get a surrender from the Poles. Wasn't that what was in your mind?

VON RIBBENTROP: No, the situation was different. I must say, that on the 29th the Führer told the British Ambassador that he would draft these conditions or this agreement and by the time of the arrival of the Polish Plenipotentiary, would make them also available to the British Government—or he hoped that this would be possible, I think that is what he said. Sir Nevile Henderson took note of that, and I must repeat that the Führer, after the British reply had been received on the 28th, once more, and in spite of the extremely tense situation between Poland and Germany, agreed to that kind of negotiation. The decisive thing in these crucial days of the 30th and 31st is, therefore, the following: The Führer had drafted these conditions, England knew that the possibility of arriving at a solution existed. All during the 30th of August we heard nothing from England, at least nothing definite. Only at midnight, I think, did the British Ambassador report for this discussion. In the meantime, I must mention that at 7 o'clock in the evening news of the general mobilization in Poland had been received, which excited the Führer extremely. Through that, the situation had become extraordinarily acute. I still remember exactly the situation at the Chancellery where almost hourly reports were received about incidents, streams of refugees, and so forth. It was an atmosphere heavily charged with electricity. The Führer waited all through the 30th; no definite answer arrived. Then, at midnight of the 30th, that conversation took place. The course of that conversation has already been described here by me and also by a witness, the interpreter Schmidt. I did more than I was allowed to do, in that I had read the entire contents to Sir Nevile Henderson. I was hoping that England perhaps might do something yet. The Führer had told Sir Nevile Henderson that a Polish plenipotentiary would be treated on equal terms. Therefore, there was the possibility of meeting somewhere at an appointed place, or, that someone would come to Berlin, or that the Polish Ambassador Lipski would be given the necessary authority. Those were the possibilities. I would even like to go further. It was merely necessary, during the 30th or the 31st, until late that night, or the next morning when the march began, for the Polish Ambassador Lipski to have authority at least to receive in his hands the German proposals. Had this been done, the diplomatic negotiations would in any case have been under way and thus the crisis would have been averted, at least for the time being.

I also believe, and I have said so before, that there would have been no objections. I believe the Führer would have welcomed, if the British Ambassador had intervened. The basis for the negotiations, I have also mentioned this here before, was called reasonable by Sir Nevile Henderson personally. One hint from the British Government during the 30th or 31st, and negotiations would have been in course on the basis of these reasonable proposals of the Führer, termed reasonable even by the British themselves. It would have caused no embarrassment to the Poles, and I believe that on the basis of these reasonable proposals, which were absolutely in accord with the Covenant of the League of Nations, which provided for a plebiscite in the Corridor area, a solution, perfectly acceptable for Poland, would have been possible.

THE PRESIDENT: The Tribunal will adjourn now for 10 minutes.

*[A recess was taken.]*

THE PRESIDENT: Defendant, the Tribunal desire me to say that they think that your answers and your explanations are too long, too argumentative, and too repetitive, and they are upon matters which have been gone over and over again before the Tribunal, so they would therefore ask you to try to keep your answers as short as possible.

VON RIBBENTROP: Yes.

SIR DAVID MAXWELL-FYFE: Did I understand you correctly, Witness, on Friday, that you didn't know about the connection between Quisling and the Defendant Rosenberg in the spring and summer of 1939? It was well before the war, in the spring and summer, before June of 1939?

VON RIBBENTROP: Yes, that is correct. I knew that Rosenberg had friends in Norway and that the name of Quisling was mentioned, but this name meant nothing to me at that time. On the request of the Führer, at that time I gave Rosenberg certain amounts of money for his friends in Norway, for newspapers, propaganda, and similar purposes.

SIR DAVID MAXWELL-FYFE: You didn't know, as I understand your testimony, that some of Quisling's men had been in a schooling camp in Germany in August of 1939, before the war?

VON RIBBENTROP: No I do not remember that. I learned of it here through a document. But I do not recall having known anything about it. At any rate, if I knew anything about it, I did not know any of the details.

SIR DAVID MAXWELL-FYFE: Did you know that the Germans living in Norway had been used to enlarge and extend the

staff of the various German official agencies, the legation and the consulates, soon after the beginning of the war?

VON RIBBENTROP: No, I do not remember that at the moment, at all. At that time I probably never did learn correctly about that, if that was the case.

SIR DAVID MAXWELL-FYFE: It is the quotation from the *Yearbook of the NSDAP*. All I want to know at the moment is whether or not you knew about that. If you say you did not...

VON RIBBENTROP: No, I do not know and cannot say a thing about it, I'm afraid...

SIR DAVID MAXWELL-FYFE: Did you know at the time, in December 1939, that Quisling had two interviews with Hitler on the 16th and 18th of December?

VON RIBBENTROP: No, I did not know that either. What was the date, may I ask?

SIR DAVID MAXWELL-FYFE: 16th and 18th December 1939, through the Defendant Raeder.

VON RIBBENTROP: No, I knew nothing of these interviews, according to my recollection.

SIR DAVID MAXWELL-FYFE: So that practically the first matter that you knew about in regard to Norway was, first, when you got the letter from Raeder, dated the 3rd of April?

VON RIBBENTROP: No, I believe that was a letter from Keitel. I believe this is a misunderstanding.

SIR DAVID MAXWELL-FYFE: I beg your pardon. It is a mistake of mine. I am sorry. Do you remember a letter from Keitel, where he says:

"The military occupation of Denmark and Norway had been, by command of the Führer, long in preparation by the High Command of the Wehrmacht. The High Command of the Wehrmacht had therefore ample time to deal with all questions connected with the carrying out of this operation."

So really, Witness—I may perhaps be able to shorten the matter—you are really not a very good person to ask about the earlier preparations with regard to Norway, because you weren't in on these earlier discussions with Quisling and with Raeder and Hitler. Is that right? If so, I will leave the subject.

VON RIBBENTROP: No, I was not in on these discussions. But I should like to clarify one thing briefly: that I received this letter—why, I do not know—only some days later. The first intimation of the intention to occupy Norway, due to the anticipated landing of the British, I received about 36 hours ahead of time

from the Führer. The letter was probably longer under way than it should have been. I saw it only afterwards.

SIR DAVID MAXWELL-FYFE: Then I shall not occupy time, because there is a good deal to cover, and I will take you straight to the question of the Low Countries. You have heard me read, and probably other people read, more than once, the statement of Hitler's on the 22d of August 1939:

"Another possibility is the violation of Dutch, Belgian, and Swiss neutrality. I have no doubt that all these states, as well as Scandinavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries." (Document Number 798-PS)

That is what Hitler said on the 22d of August. You weren't there, and I ask you again if he expressed the same opinion to you?

VON RIBBENTROP: No, he did not.

SIR DAVID MAXWELL-FYFE: Did you know that from a very early date, on the 7th of October 1939, an army group order was given that Army Group B is to make all preparations, according to special orders, for immediate invasion of Dutch and Belgian territory if the political situation so demands. Did you know of that order on the 7th of October?

VON RIBBENTROP: No; I believe I have seen it here; I did not know it before.

SIR DAVID MAXWELL-FYFE: And did you know that on the 9th of October Hitler issued a directive:

"A longer delay would not only result in the abandonment of Belgian, and perhaps also of Dutch neutrality in favor of the Western Powers, but would also serve to strengthen the military power of our enemies to an increasing degree, and would lessen the confidence of neutral states in final German victory. Preparations should be made for offensive action on the northern flank of the Western Front, crossing the area of Luxembourg, Belgium, and Holland. This attack must be carried out as soon and as forcibly as possible." (Document Number C-62)

Did you know that Hitler issued that directive on the 9th of October?

VON RIBBENTROP: No, I did not know that.

SIR DAVID MAXWELL-FYFE: So that as far as you were concerned you are telling the Tribunal that Hitler gave his assurance, the many assurances, in August and October, without telling his Foreign Minister that on the 7th and 9th of October, he had given the directive for the attack on the Low Countries, that he did not

tell you about his order or his directive for his attack on the Low Countries? Are you sure of that?

VON RIBBENTROP: I am pretty sure of that, otherwise I should recall it. I know one thing, that such ideas, as to whether or not an offensive should be assumed in the West, after the Polish Campaign, had occasionally been discussed, but I never heard about any orders.

SIR DAVID MAXWELL-FYFE: I see. If you say that is the state of your knowledge, we will pass on to something about which you did know a little bit more. Do you remember the meeting of Hitler and yourself with Ciano at Obersalzberg on the 12th of August 1939?

VON RIBBENTROP: Yes, I saw the document, the minutes, about it, here.

SIR DAVID MAXWELL-FYFE: Well, then, I want you just to look at that document, and it is on Page 181. I want you to follow while I read one passage, which should be about 182. It is on my second page and it is a paragraph which begins, "As Poland makes it clear by her whole attitude that in case of conflict..."

VON RIBBENTROP: I have not found it yet.

SIR DAVID MAXWELL-FYFE: Well, if you look for that "As Poland makes it clear by her whole attitude..."

VON RIBBENTROP: On Page 2?

SIR DAVID MAXWELL-FYFE: It should be on Page 2, on my Page 2. It may be further on in yours.

VON RIBBENTROP: Is that the beginning of the paragraph?

SIR DAVID MAXWELL-FYFE: Yes. "As Poland makes it clear..." It is two paragraphs on from a single line that says at the point "Count Ciano showed signs of..."

VON RIBBENTROP: I have found it, yes.

SIR DAVID MAXWELL-FYFE: Would you look at the next sentence: "Generally speaking..." This is the next sentence but one:

"Generally speaking, it would be best to liquidate the pseudo-neutrals one after the other. This could be done fairly easily if one Axis partner protected the rear of the other, who was just finishing off one of the uncertain neutrals, and *vice versa*. For Italy, Yugoslavia was to be considered such an uncertain neutral. At the visit of Prince Regent Paul, he, (the Führer) had suggested, particularly in consideration of Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection

with the Axis, and Yugoslavia's leaving the League of Nations. Prince Paul had agreed to the latter. Recently the Prince Regent had been in London and sought reassurance of the Western Powers. The same thing was repeated that had happened in the case of Gafencu, who had also been very reasonable during his visit to Germany, and had denied any interest in the aims of the Western democracies." (Document Number 1871-PS)

Now, that was Hitler's formulation of his policy, and may I take it that that was the policy which you were assisting to carry out, to liquidate the pseudo-neutrals one after the other, and include among these pseudo-neutrals Yugoslavia?

VON RIBBENTROP: No, that is not to be understood in that way. I must state the following in this connection. The situation was this at that time: Hitler wanted under all circumstances to keep Italy on our side. Italy was always a very unreliable partner. For that reason the Führer spoke at that time in a way designed to tell Italy, so to speak, that, if it came to difficulties with Yugoslavia, he would support Italy. It can be understood only from the situation which was this: Germany, with Italy's assistance, had already peacefully carried out some of her revisions in Europe, except for Danzig and the Corridor, in which Mussolini supported Hitler. I remember the situation.

SIR DAVID MAXWELL-FYFE: That is quite a long explanation. But it is not an explanation of the words I put to you which is the important thing. "It would be best to liquidate uncertain neutrals one after the other." Are you denying that that was your policy, to liquidate uncertain neutrals?

VON RIBBENTROP: No, it was not that. That cannot be taken so literally, for in diplomatic discussions—and I do not think it is different in other countries—many things are said sometimes...

SIR DAVID MAXWELL-FYFE: I want to ...

VON RIBBENTROP: This was the question of Yugoslavia.

SIR DAVID MAXWELL-FYFE: This had always been Mussolini's view, hadn't it, that the Balkans should be attacked at the earliest possible opportunity?

VON RIBBENTROP: That I do not know.

SIR DAVID MAXWELL-FYFE: Well, would you look at Document 2818-PS. My Lord, this will be Exhibit GB-292. Remember this is the secret additional protocol to the Friendship and Alliance Pact between Germany and Italy made on the 22d of May 1939, and appended to it there are some comments by Mussolini on the 30th of May 1939. Do you see?

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VON RIBBENTROP: What page?

SIR DAVID MAXWELL-FYFE: Well, I just wanted you to look at two passages. Do you see where the comments by Mussolini begin? Under the Pact itself, do you see the comment by Mussolini?

VON RIBBENTROP: Yes, here it is.

SIR DAVID MAXWELL-FYFE: Well now, Number 1 says: "The war between the plutocratic and, therefore, selfishly conservative nations and the densely populated and poor nations is inevitable. One must prepare in the light of this situation."

Now, if you will turn to Paragraph 7, you will see Mussolini is hoping that the war will be postponed, and he is saying what should happen if the war comes; he says that:

"The war which the great democracies are preparing is a war of exhaustion. One must therefore start with the worst premise, which contains 100 percent probability. The Axis will get nothing more from the rest of the world. This assumption is hard, but the strategic positions reached by the Axis diminish considerably the vicissitude and the danger of a war of exhaustion. For this purpose one must take the whole Danube and Balkan area immediately after the very first hours of the war. One will not be satisfied with declarations of neutrality but must occupy the territories and use them for the procurement of necessary food and industrial war supplies."

Do you see that?

VON RIBBENTROP: Yes, I have it.

SIR DAVID MAXWELL-FYFE: Don't you agree that it was Mussolini's view that the Balkans should be attacked at the earliest possible moment?

VON RIBBENTROP: They are utterances of Mussolini which I see here for the first time. I did not know them.

SIR DAVID MAXWELL-FYFE: Now, I want you to come to the remarks of Hitler which you have seen considerably more than once. You remember, after the Simovic *coup d'etat* on the 26th of March, there was a meeting, a conference with Hitler, where he announced his policy:

"The Führer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and as a state. With regard to foreign policy neither will diplomatic inquiries be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted in any case in the future, will be taken note of. The attack will

start as soon as the means and troops available for it are ready." (Document Number 1746-PS)

Do you remember Hitler's saying that on the 27th of March?

VON RIBBENTROP: I do not remember that. Could I perhaps see the document?

SIR DAVID MAXWELL-FYFE: Don't you remember it? It has been read many times in this court, Hitler's statement.

VON RIBBENTROP: Yes, I remember it, not the individual words, but in general.

SIR DAVID MAXWELL-FYFE: Do you remember that was the sense of it, and I read his words. Now, that was the policy...

VON RIBBENTROP: I do not know what you mean by "the sense of it."

SIR DAVID MAXWELL-FYFE: Well, I'll put it to you now. What I mean is this, that it was your policy to attack Yugoslavia without asking them for assurances, without any diplomatic action of any kind. You decided to attack Yugoslavia and to bomb Belgrade. Isn't that right?

VON RIBBENTROP: No, it was entirely different; and I ask to be permitted to explain the actual state of the case.

SIR DAVID MAXWELL-FYFE: I want your explanation of these points which I have specifically read and mentioned to you. "No diplomatic inquiries will be made." Why did you decide, or why did Hitler decide, and you help, to attack Yugoslavia without making any diplomatic inquiries, without giving the new government any chance to give you assurances? Why did you do it?

VON RIBBENTROP: Because the new government had been formed mainly by England, as one of the British interrogation officers himself, in the course of the preliminary hearings, admitted to me. Therefore it was perfectly clear to the Führer, when the Simovic Putsch was carried out, that the enemies of Germany at that time stood behind Simovic's government and that it mobilized the army—this information had been received—in order to attack the Italian army from the rear. It was not my policy, for I was called into the conference of which you are speaking only later, I believe, and at that time Hitler categorically announced his position without being contradicted by anyone. I ask you to question the military men about that. I was present, and had a serious encounter with the Führer.

SIR DAVID MAXWELL-FYFE: Did you think it right to attack this country without any diplomatic measures being taken at all, to cause military destruction, to use Hitler's words, "with unmerciful harshness" and to destroy the capital of Belgrade by waves of

bomber attacks? Did you think that was right? I ask you a simple question: Did you think it was right?

VON RIBBENTROP: I cannot answer this question either with "yes" or "no," as you want it, without giving an explanation.

SIR DAVID MAXWELL-FYFE: Then you need not answer it. If you cannot answer that question "yes" or "no," you need not answer it at all. And you come on to the next point, which is the question of Russia. Now, as far as I could understand your statement, you said that Hitler had decided to attack the Soviet Union after Mr. Molotov's visit to Berlin on, I think, the 12th of November of 1940.

VON RIBBENTROP: I did not say that, because I did not know it.

SIR DAVID MAXWELL-FYFE: Well, as I understood it, one of the reasons which you were giving as a justification for the attack on the Soviet Union was what was said by Mr. Molotov during his visit of November 1940. Isn't that what you said?

VON RIBBENTROP: That was one of the reasons that caused the Führer concern. I did not know anything about an attack at that time.

SIR DAVID MAXWELL-FYFE: You know that the Defendant Jodl says that even during the Western campaign, that is, May and June 1940, Hitler had told him that he had made a fundamental decision to take steps against this danger, that is, the Soviet Union, "the moment our military position made it at all possible." Did you know that?

VON RIBBENTROP: I learned that first now here in Nuremberg.

SIR DAVID MAXWELL-FYFE: That is Document L-172, USA-34, Jodl's lecture. And did you know that on the 14th of August 1940 General Thoma was informed during a conference with Göring that the Führer desired punctual deliveries to the Russians only until the spring of 1941; that "later on we would have no further interest in completely satisfying the Russian demands." Did you know that?

VON RIBBENTROP: No, I did not.

SIR DAVID MAXWELL-FYFE: And did you know that in November of 1940, General Thoma and State Secretaries Körner, Neumann, Becker, and General Von Hanneken were informed by Göring of the action planned in the East? Did you know that?

VON RIBBENTROP: No, I did not know that either.

SIR DAVID MAXWELL-FYFE: You know now, don't you, that a long time before any of the matters raised in Molotov's visit

came up for discussion, Hitler had determined to attack the Soviet Union?

VON RIBBENTROP: No, I did not know that at all. I knew that Hitler had apprehensions but I knew nothing about an attack. I was not informed about military preparations, because these matters were always dealt with separately.

SIR DAVID MAXWELL-FYFE: Even on 18 December, when Hitler issued the directive Number 21 on "Barbarossa," he told you nothing about it?

VON RIBBENTROP: Yes, because just in December, as I happen to remember exactly, I had another long talk with the Führer in order to obtain his consent to win the Soviet Union as a partner to the Three-Power Pact, and to make it a four-power pact. Hitler was not altogether enthusiastic about this idea, as I noticed; but he told me, "We have already made this and that together; perhaps we will succeed with this too." These were his words. That was in December. I believe there is also an affidavit about that from a witness, which the Defense is going to present.

SIR DAVID MAXWELL-FYFE: Do you understand what you are saying? This is after the Defendant Göring had announced it to General Thoma and these under-secretaries, after the directive had actually gone out for Barbarossa, that Hitler let you suggest that you should try to get the Soviet Union to join the Tripartite Pact, without ever telling you that he had his orders out for the attack on the Soviet Union. Do you really expect anyone to believe that?

VON RIBBENTROP: I did not quite understand the question.

SIR DAVID MAXWELL-FYFE: The question was, do you really expect anyone to believe that after it had been announced time and again that the Reich was going to attack the Soviet Union, and after the actual directive had gone out for the attack, that Hitler let you tell him that you were thinking of asking them to join the Tripartite Pact? Is that your evidence?

VON RIBBENTROP: Yes, that is exactly the way it was. I suggested this to Hitler again in December, and received his consent for further negotiations. I knew nothing in December of an aggressive war against the Soviet Union.

SIR DAVID MAXWELL-FYFE: And it was quite clear that, as far as your department was concerned, you were getting the most favorable reports about the Soviet Union and about the unlikelihood of the Soviet Union making any incursion into political affairs inimical to Germany? Is that right, so far as your reports from your own ambassador and your own people in Russia were concerned?

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VON RIBBENTROP: Reports of this sort came from the embassy in Moscow. I submitted them repeatedly, or rather always, to the Führer but his answer was that the diplomats and military attachés in Moscow were the worst informed men in the world. That was his answer.

SIR DAVID MAXWELL-FYFE: But that was your honest view, based on your own information, that there was no danger from Russia, that Russia was keeping honestly to the agreement that she had made with you. That was your honest view, was it not?

VON RIBBENTROP: No, I did not say that. I said those were the reports from the diplomats, which we received from Moscow.

SIR DAVID MAXWELL-FYFE: Didn't you believe them? Didn't you believe your own staff yourself?

VON RIBBENTROP: I was very skeptical myself as to whether these reports were reliable, because the Führer, who received reports, had reports of an altogether different nature and the political attitude also pointed in a different direction.

SIR DAVID MAXWELL-FYFE: At any rate, in the spring of 1941, your office joined in the preparations for the attack on the Soviet Union, did it not?

VON RIBBENTROP: I do not know precisely when, but in the spring things came to a head and there must have been conferences between some offices that dealt with the possibility of a conflict with the Soviet Union. However, I do not recall details about that any more.

SIR DAVID MAXWELL-FYFE: I see. Again, I do not want to occupy too much time over it, but it is right, is it not, that in April of 1941 you were co-operating with Rosenberg's office in preparing for the taking over of Eastern territories, and, on the 18th of May, you issued a memorandum with regard to the preparation of the naval campaign?

VON RIBBENTROP: So far as the preparations with Rosenberg are concerned, that is in error. I spoke, according to my recollection, about this matter to Rosenberg only after the outbreak of war. So far as that Navy memorandum is concerned, I saw that document here; I had not known of it previously. I believe it is an expert opinion on international law about matters which might arise in connection with a war in the Baltic Sea. Such expert opinion was doubtless submitted.

SIR DAVID MAXWELL-FYFE: It says, "The Foreign Office has prepared, for use in Barbarossa, the attached draft of a declaration of operational zones." Don't you remember anything about that?

VON RIBBENTROP: No, I believe that did not reach me at all at that time. That was acted upon by another office. Of course I am responsible for everything that happens in my ministry.

SIR DAVID MAXWELL-FYFE: Wasn't Ambassador Ritter the liaison officer between your office and the Wehrmacht?

VON RIBBENTROP: Yes, that is right.

SIR DAVID MAXWELL-FYFE: Now, again, I want you to help me about one or two other matters. You have told us that you negotiated the Anti-Comintern Pact back in 1936; and, of course, at that time the Anti-Comintern Pact—and I think you said so yourself—was directed against the Soviet Union. That is so, isn't it?

VON RIBBENTROP: Yes, it was more an ideological pact, which, of course, had certain political implications. That is right.

SIR DAVID MAXWELL-FYFE: And that was extended by the Tripartite Pact of the 27th of September 1940? That was an extension of the first pact, was it not?

VON RIBBENTROP: It had in itself nothing to do with the first pact, because this one was a purely political, economic, and military pact.

SIR DAVID MAXWELL-FYFE: Well now, the fact is—and I think I can take this quite shortly—that you were urging Japan to enter the war quite early in March of 1941, weren't you.

VON RIBBENTROP: That could be; at that time for an attack on England.

SIR DAVID MAXWELL-FYFE: Yes. I am taking it shortly, because you have given your explanation. You say you were at war with England, and therefore you were entitled to see an ally in the Japanese. That is your point, is it not?

VON RIBBENTROP: I do not believe that I did anything other than what other diplomats would do, for instance, what those of Great Britain have done in America, and later in Russia.

SIR DAVID MAXWELL-FYFE: I am not going to put any points to you on that actual fact; but it did occur to you quite early, didn't it, that if Japan came into the war, then it was a possibility that the United States might be brought in very shortly after? And you agreed, in April of 1941, that if the coming in of Japan produced the fact that Japan would be involved with the United States, you would be prepared to fight the United States too. That is right isn't it?

VON RIBBENTROP: No, that is not correct. I believe I did everything I could, until the day of Pearl Harbor, to keep America out of the war. I believe also that that is proved by many documents that I have seen here for the first time.

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SIR DAVID MAXWELL-FYFE: Well now, since you said that, I would like you to look at the Document 352 of your book, at Page 204 of the English document book.

VON RIBBENTROP: Yes, I know this document; I have read it here already.

SIR DAVID MAXWELL-FYFE: Well, that was a week before Pearl Harbor, on the 29th of November; and according to the Japanese Ambassador, you are saying this to him—if you look at Paragraph 1:

“Ribbentrop: ‘It is essential that Japan effect the New Order in East Asia without losing this opportunity. There never has been, and probably never will be, a time when closer co-operation under the Tripartite Pact is so important. If Japan hesitates at this time and Germany goes ahead and establishes her European New Order, all the military might of Britain and the United States will be concentrated against Japan. As the Führer Hitler said today, there are fundamental differences in the very right to exist between Germany and Japan, and the United States. We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully, because of the fact that the United States is putting up a stiff front.

“ ‘If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interest of Germany and Japan jointly, but would bring about favorable results for Japan herself.’ ” (Document D-656)

Do you still say, in view of that document and that statement that you made to the Japanese Ambassador, that you were trying to prevent war with the United States? I suggest to you that you were doing everything to encourage Japan to go to war with the United States.

VON RIBBENTROP: I must contradict you there, Mr. Prosecutor; that is not true. I do not know this document, nor do I know where it comes from. At any rate, under no circumstances did I express it that way; and I regret that all the other documents which prove that I tried again and again to keep the United States out of the war, have not yet been read here. I have seen this document here and I have been pondering all the time as to how this passage would have gotten into the document. All the other documents, I believe a dozen or a dozen and a half, which have been presented here prove clearly my wish to keep America out of the war. I can prove that for years I had made

efforts in all fields, despite the intransigent attitude of the United States, not to undertake anything against America. I can explain this only as follows: The Japanese Ambassador earnestly desired that his country should take some action and I know he sent many telegrams to Tokio in order to get Japan to participate in the war, particularly against Singapore. I can only presume that this is perhaps, if I may say so, an incorrect interpretation of this conference. I ask you to give the Defense an opportunity to submit all the other documents up to this date, which will prove the exact opposite of what is laid down in this one paragraph.

SIR DAVID MAXWELL-FYFE: Well, this is the official report to the Government of the Japanese Ambassador. You say that he is wrong when he says that you told him—he gives your exact words—that you were comforted that it would not only be in the interest of Germany and Japan jointly but would bring about favorable results for Japan herself.

Well, just look at the next document, if you deny that one, on Page 356. This is another report of the Japanese Ambassador and he said, the day after Pearl Harbor:

“At 1 o'clock . . . I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters, discussing how the formalities of declaring war could be carried out, so as to make a good impression on the German people, and that he would transmit your wish to him at once and do whatever he was able to have it carried out properly.”

Now, look at the last three lines:

“At that time Ribbentrop told me that on the morning of the 8th, Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them.” (Document Number D-657)

That was 3 days before the declaration of war. You say that that report of the Japanese Ambassador is also wrong?

VON RIBBENTROP: I believe that it is an error.

SIR DAVID MAXWELL-FYFE: What is wrong about it?

VON RIBBENTROP: I believe it is an error. That was after the attack on Pearl Harbor?

SIR DAVID MAXWELL-FYFE: Exactly, the day after Pearl Harbor.

VON RIBBENTROP: That was an order of Adolf Hitler's to attack America who, as everyone knows, had been attacking our ships for months. This is an altogether different affair.

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**SIR DAVID MAXWELL-FYFE:** When you say "attacking German ships," do you mean defending themselves against German submarines?

**VON RIBBENTROP:** No, so far as I know, some months earlier, I cannot tell you the exact date; but it was a long time before Pearl Harbor, we had delivered an official protest to the United States, in which we pointed out, in the case of the two ships *Greer* and *Kerne*, that these two boats had pursued German submarines and had thrown depth charges at them. I believe the Secretary of the Navy Knox admitted this openly in a press conference. I mentioned yesterday that Hitler said in his speech in Munich that he did not give the order to shoot or to attack American vessels but he had given the order to fire back if they fired first.

**SIR DAVID MAXWELL-FYFE:** What I want to know from you is this: Did you approve of the policy of ordering the entire German Navy to attack American ships whenever and wherever they might meet them 3 days before war was declared? Did you approve of that?

**VON RIBBENTROP:** I cannot say anything about that now, because I do not remember it and do not even know the document.

**SIR DAVID MAXWELL-FYFE:** Now, I want to ask you about another point. Do you remember that the ...

**VON RIBBENTROP:** It would have been understandable, that I must add.

**SIR DAVID MAXWELL-FYFE:** You have given your answer. Do you remember, in June 1944, that there was a conference about which we have heard evidence, regarding the shooting of what is known as "terror-fliers"?

Now, just listen to this question and try to answer it directly, if you would. Is it correct, as is stated in the report, that you wished to include among terror-fliers every type of terror attack on the German civilian population, that is, including bombing attacks on cities? Is it right that you wished to include the airmen engaged in attacks on German cities as terror-fliers?

**VON RIBBENTROP:** No, it is not true like that.

**SIR DAVID MAXWELL-FYFE:** Well, look at Page 391. This is a report signed by General Warlimont on the conference on the 6th of June, and in the fourth line—well, let me read it. It says:

"Obergruppenführer Kaltenbrunner informed the deputy chief of the Operations Staff in Klessheim on the afternoon of the 6th that a conference on this question had been held shortly before, between the Reich Marshal, the Reich Foreign

Minister, and Reichsführer SS. Contrary to the original suggestion made by Ribbentrop, who wished to include every type of terror attack on the German civilian population, that is, also bombing attacks on cities, it was agreed at the above conference that only attacks carried out with aircraft armament should be considered as criminal actions in that sense." (Document Number 135-PS)

Do you say that Kaltenbrunner was wrong when he said that you wished to include every type of attack?

VON RIBBENTROP: Yesterday I answered this question at length. I do not know whether I should refer to this point again. I dealt with this point, I think, very exhaustively. If you wish, I can repeat it now.

SIR DAVID MAXWELL-FYFE: Well, I do not want you to repeat it. I want you to answer my question. Do you say that Kaltenbrunner was wrong when he said at this conference that you wished to include those who were engaged in bombing of cities?

VON RIBBENTROP: That is not so. First of all, so far as I remember, this conference never took place; and, secondly, I stated my attitude perfectly clearly yesterday, how I wished to treat terror-fliers.

SIR DAVID MAXWELL-FYFE: Well, answer my question.

VON RIBBENTROP: No, that is not true as you have stated it.

SIR DAVID MAXWELL-FYFE: I see. Then answer this question. Did you approve that those you called "terror-fliers" were to be left to be lynched by the population or handed over to the SS?

VON RIBBENTROP: No, that was not my attitude.

SIR DAVID MAXWELL-FYFE: Well, now, would you look on Page 393, Page 214 of the English? This, as you know, is a memorandum from the Foreign Office; and it is stated on Page 396 that General Warlimont states that Ambassador Ritter has advised us by telephone that the Minister for Foreign Affairs has approved this draft (Document 740-PS). The draft deals with the two actions in Paragraph 1, that of lynching, and the draft says, "The German authorities are not directly responsible, since death occurred before a German official intervened" (Document 728-PS).

Do you agree with that view? Is that your view of the lynching of fliers?

VON RIBBENTROP: No, that is not my view. I explained that yesterday quite exhaustively and stated what my attitude was toward this document. This document is an expert opinion of the Foreign Office, which was submitted to me. I do not know how it originated, upon my order or upon a statement of the military.

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authorities. I did not approve this expert opinion as it is submitted to me here, but I did send it to the Führer and asked him to decide about it. The Führer then called this document "nonsense," I believe, and therewith this expert opinion of the Foreign Office was rejected and did not come into effect.

SIR DAVID MAXWELL-FYFE: So that, with regard to this, you say that when Warlimont says that Ambassador Ritter advised the Wehrmacht by telephone on 29 June that you approved the draft, that either Warlimont is not speaking the truth or Ritter is not speaking the truth?

VON RIBBENTROP: At any rate, it is not true, because it can be seen from another document which I have also seen here that this document was sent to the Führer and that I said there that the Führer must approve it. I did see also another document regarding it. That is also my recollection of the matter.

SIR DAVID MAXWELL-FYFE: Well, then, if you referred to the Führer's view, let us just have a look at what that was. Have a look at Document 3780-PS, which will be GB-293, which is an account of a meeting that you and Hitler had with Oshima on the 27th of May 1944. It is on Page 11, Lines 9 to 12. Do you remember in your presence Hitler advising Oshima that the Japanese should hang, not shoot, every American terror pilot, that the Americans will think it over before making such attacks? Did you agree with that view?

VON RIBBENTROP: No, I do not agree with that view. If that is in this document, that is not my meaning, not my opinion.

SIR DAVID MAXWELL-FYFE: I see. Well, now...

VON RIBBENTROP: I do not even know where what you said here is in the document.

SIR DAVID MAXWELL-FYFE: You will find it on Page 11, Lines 9 to 12.

VON RIBBENTROP: No, I do not remember that, but I can only say that this attitude of Hitler's as it appears in this document was brought about by the terrible results of the air attacks at that time.

SIR DAVID MAXWELL-FYFE: I heard all that before. I asked you whether you agreed or not; you said "no." I want you now to deal with another point.

VON RIBBENTROP: I want to say something further, however, regarding this point because it is of decisive importance.

SIR DAVID MAXWELL-FYFE: You will say that to learned Counsel after you have answered my question on this. I want you now to direct your attention to Stalag Luft III. You may have heard me asking a number of witnesses a certain number of

questions about it. These were the 50 British airmen who were murdered by the SS after they escaped. Do you know that? Do you know what I am talking about?

VON RIBBENTROP: Yes, I do.

SIR DAVID MAXWELL-FYFE: You remember that my colleague, Mr. Eden, made a strong statement in the House of Commons, saying that these men had been murdered and that Great Britain would exact justice upon the murderers? Do you remember that, in June of 1944?

VON RIBBENTROP: I heard of this through the speech made by Mr. Eden in the House of Commons, yes.

SIR DAVID MAXWELL-FYFE: And do you remember that the Reich Government issued a statement saying that, in a communication by the Reich Government conveyed to the British via Switzerland, this unqualifiable charge of the British Foreign Minister had been sharply refuted, that being issued in July 1944? Do you remember that being issued?

VON RIBBENTROP: No, I do not remember it. I remember only the following: That at that time we received evidence of what had happened and that it was communicated to us in a note from the protecting powers. That is all I know about it.

SIR DAVID MAXWELL-FYFE: That is what I wanted to ask you: Did you know at the time that this statement was issued—did you know that these officers had been murdered in cold blood?

VON RIBBENTROP: No, I did not. I heard that these men had been shot while trying to escape. At that time, to be sure, we did have the impression that everything was not in order, I know that. I remember that.

SIR DAVID MAXWELL-FYFE: Let me take it in two stages. Who told you the lie that these men had been shot trying to escape? Who informed you of that lie?

VON RIBBENTROP: I do not remember in detail. At that time we received the documentation from the competent authorities and a memorandum was forwarded to the Swiss Government.

SIR DAVID MAXWELL-FYFE: From whom did you get your documentation which contained that lie? Did you get it from Himmler or Göring?

VON RIBBENTROP: I do not know.

SIR DAVID MAXWELL-FYFE: Then you told us, I think, that you had a good idea that things were not all right, hadn't you?

VON RIBBENTROP: Yes.

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SIR DAVID MAXWELL-FYFE: Thank you. Now, I want you to tell us a word about your connection with the SS. You are not suggesting, are you, at this stage that you were merely an honorary member of the SS? It has been suggested by your counsel, and I am sure it must have been on some misunderstanding of information, that you were merely an honorary member of the SS. That is not the case, is it?

VON RIBBENTROP: That is no misunderstanding. This is exactly how it was: I received the SS uniform from Adolf Hitler. I did not serve in the SS, but as ambassador and later as Foreign Minister it was customary to have a rank of some sort and I had received the rank of SS Führer.

SIR DAVID MAXWELL-FYFE: I put it to you that that is entirely untrue, that you joined the SS by application before you became ambassador-at-large in May 1933, isn't that right?

VON RIBBENTROP: I know that. At any rate I always belonged to the SS.

SIR DAVID MAXWELL-FYFE: You said just now it was honorary, because Hitler wanted you to have a uniform. I am putting it to you; you applied to join the SS in May 1933, in the ordinary way. Did you?

VON RIBBENTROP: Of course, one had to make an application; but the fact was this, that I occasionally went around in a grey greatcoat and thereupon Hitler said I must wear a uniform. I do not remember when that was. It must have been 1933. As ambassador I received a higher rank, as Foreign Minister I received a still higher one.

SIR DAVID MAXWELL-FYFE: And in May 1933, after you made application, you joined the SS in the not too high rank of Standartenführer, didn't you?

VON RIBBENTROP: Yes, that could be.

SIR DAVID MAXWELL-FYFE: And you became an Oberführer only on the 20th of April 1935, a Brigadeführer on 18 June 1935, and Gruppenführer on the 13th of September 1936—that was after you became an ambassador—and Obergruppenführer on the 20th of April 1940. Before you were made an ambassador you had been in the SS for 3 years and you had received promotion in the ordinary way, when you did your work with the SS, isn't that so?

VON RIBBENTROP: Without ever taking any steps or doing anything myself in the SS, yes, that is correct.

SIR DAVID MAXWELL-FYFE: Just look. It is Document D-744(a), Exhibit GB-294. The correspondence is 744(b). You may

take it; you need not go through it in detail. That is your application, with all the particulars. I just want to ask you one or two things about it. You asked to join, did you not, the "Totenkopf," the Death's-Head Division of the SS?

VON RIBBENTROP: No, that cannot be true.

SIR DAVID MAXWELL-FYFE: Don't you remember getting a special Death's-Head ring and dagger from Himmler for your services? Don't you?

VON RIBBENTROP: No, I do not remember. I never belonged to a Death's-Head Division. You were just talking about a Death's-Head Division, were you not?

SIR DAVID MAXWELL-FYFE: A Death's-Head Division.

VON RIBBENTROP: No, that is not so. If it says so here, it is not true. But I think that I at one time received a so-called dagger, like all SS Führer. That is correct.

SIR DAVID MAXWELL-FYFE: And the ring, too. Here is a letter dated the 5th of November 1935, to the Personnel Office of the Reichsführer SS: "In reply to your question I have to inform you that Brigadeführer Von Ribbentrop's ring size is 17. Heil Hitler," (signed) (Adjutant) "Thorner." Do you remember getting that?

VON RIBBENTROP: I believe that everyone received such a ring but I do not remember precisely. No doubt it is true.

SIR DAVID MAXWELL-FYFE: And you took, didn't you, continuous interest in the SS from 1933 up to well into the war? I think your correspondence with Himmler goes on to well into 1941 or 1942.

VON RIBBENTROP: Yes, that is quite possible, that is certainly correct. Of course, we had a great deal to do with the SS in all fields. That is quite clear.

SIR DAVID MAXWELL-FYFE: You had, and especially in the field of concentration camps, hadn't you? Are you saying that you did not know that concentration camps were being carried on in an enormous scale?

VON RIBBENTROP: No, I knew nothing about that.

SIR DAVID MAXWELL-FYFE: I want you to look around for the moment. [*A map behind the witness box was uncovered.*] That is an enlargement of the exhibits put in by the French Prosecution and these red spots are concentration camps. Now, I would just like you to look at it. We will see now one of the reasons for the location of your various residences. There, one north of Berlin, Sonnenburg. Do you see roughly where that is on that map?

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VON RIBBENTROP: Sonnenburg is 1 hour's auto ride from Berlin.

SIR DAVID MAXWELL-FYFE: North of Berlin?

VON RIBBENTROP: No, east of Berlin.

SIR DAVID MAXWELL-FYFE: Let us take another house. You are quite near it yourself, your schloss or tower at Fuschl. That is quite near the border; just over the border, and very near it, the group of camps which existed around Mauthausen. Do you see them, just above your right hand? Do you see the group of camps, the Mauthausen group?

VON RIBBENTROP: I should like to state on my oath that I heard the name of "Mauthausen" for the first time in Nuremberg.

SIR DAVID MAXWELL-FYFE: Let us take another of the places. You say you did not go there very often, but you used to . . .

VON RIBBENTROP: I believe I can make this much more brief for you. I can say that I heard of only two concentration camps until I came here—no it was three: Dachau, Oranienburg, and Theresienstadt. All the other names I heard here for the first time. The Theresienstadt camp was an old people's home for Jews, and I believe was visited a few times by the International Red Cross. I never heard previously of all the other camps. I wish to make that quite clear.

SIR DAVID MAXWELL-FYFE: Do you know that near Mauthausen there were 33 camps at various places, within a comparatively short distance, and 45 camps as to which the commandant did not give the names because there were so many of them, and in the 33 camps there were over 100,000 internees? Are you telling the Tribunal that in all your journeys to Fuschl you never heard of the camps at Mauthausen, where 100,000 people were shut up?

VON RIBBENTROP: That was entirely unknown to me, and I can produce dozens of witnesses who can testify to that. Dozens.

SIR DAVID MAXWELL-FYFE: I do not care how many witnesses you produce. I ask you to look at that map again. You were a responsible minister in the Government of that country from the 4th of February 1938 till the defeat of Germany in May 1945, a period of 7 and a quarter years. Are you telling the Tribunal that anyone could be a responsible minister in that country where these hundreds of concentration camps existed and not know anything about them except two?

VON RIBBENTROP: It may be amazing but it is 100 percent true.

SIR DAVID MAXWELL-FYFE: I suggest to you that it is not only amazing, but that it is so incredible that it must be false. How could you be ignorant of these camps? Did you never see Himmler?

VON RIBBENTROP: No, I never saw him about these things. Never. These things were kept absolutely secret and we heard here, for the very first time, what went on in them. Nobody knew anything about them. That may sound astounding but I am positively convinced that the gentlemen in the dock also knew nothing about all that was going on.

SIR DAVID MAXWELL-FYFE: We will hear from them in their turn. Did you know that at Auschwitz alone...

VON RIBBENTROP: I heard the name Auschwitz here for the first time.

SIR DAVID MAXWELL-FYFE: And the German official of Auschwitz has sworn an affidavit that 4 million people were put to death in the camp. Are you telling the Tribunal that that happened without your knowing anything about it?

VON RIBBENTROP: That was entirely unknown to me. I can state that here on my oath.

SIR DAVID MAXWELL-FYFE: Well, now, there is one other subject, which I would like you to deal with; and here, fortunately, I am in the position of assisting your memory with some documents. It is a question of the partisans. I want you to look at a few documents, three documents, with regard to that.

THE PRESIDENT: Will you be able to finish tonight?

SIR DAVID MAXWELL-FYFE: Yes, I shall, if Your Lordship will allow me 5 minutes. That is what I have been trying to do.

[Turning to the defendant.] Do you agree that you were in favor of the harshest treatment of people in the occupied countries?

VON RIBBENTROP: I did not understand. Could you repeat the question?

SIR DAVID MAXWELL-FYFE: My question is, would it be a fair way of expressing your point of view to say that you were in favor of the harshest treatment of—I will put it first of all—of partisans?

VON RIBBENTROP: I do not know whether I ever expressed myself about the treatment of partisans. I do not recall having done so. In any case, I was against it.

SIR DAVID MAXWELL-FYFE: All right, look at Document D-735, which will be Exhibit GB-295. That is a discussion between you and Count Ciano in the presence of Field Marshal Keitel and Marshal Cavallero in the Führer's headquarters after breakfast on the 19th of December 1942. Now, if you will look at Page 2, you will see that there is a passage where Field Marshal Keitel told the Italian gentlemen that:

"The Croatian area was to be cleaned up by German and Italian troops working in co-operation; and this while it was still winter, in view of the strong British influence in this area. The Führer explained that the Serbian conspirators were to be burned out, and that no soft methods were to be used in doing this. Field Marshal Keitel here interjected that every village in which partisans were found had to be burned down. Continuing, the Reich Foreign Minister declared that Roatta must not leave the third zone, but must on the contrary advance, and this in the closest collaboration with the German troops. In this connection Field Marshal Keitel requested the Italian gentlemen not to regard the utilization of Croatian troops to help in this cleaning up operation as a favoring of the Croats. The Reich Foreign Minister stated in this connection that the Poglavnik to whom he had spoken very clearly, was 100 percent ready to come to an agreement with Italy."

Did that represent your view, that "the Serbian conspirators should be burned out"?

VON RIBBENTROP: Please?

SIR DAVID MAXWELL-FYFE: Did that represent your view, that "the Serbian conspirators should be burned out"?

VON RIBBENTROP: I do not know that expression. At any rate it is certain that they should have been locked up.

SIR DAVID MAXWELL-FYFE: What it means is that their villages should be razed to the ground by fire.

VON RIBBENTROP: Where did I say that? I do not believe I said that.

SIR DAVID MAXWELL-FYFE: That is the Führer's point of view. Was it your point of view?

VON RIBBENTROP: The Führer took a very harsh attitude on these questions, and I know that occasionally harsh orders had to be issued also from other offices, including the military. It was a struggle for life and death. One should not forget that it was war.

SIR DAVID MAXWELL-FYFE: Are you denying...

VON RIBBENTROP: At any rate, I do not see where I said anything about partisans, that is...

SIR DAVID MAXWELL-FYFE: You say that is not your point of view? Is that what you are saying? That is not your point of view? Are you saying that it is not your point of view as to the way to treat them? Do not look at the next document. Tell me, is that your point of view?

VON RIBBENTROP: Please repeat the question that you want me to answer.

SIR DAVID MAXWELL-FYFE: Do you say that you were not in favor of harsh treatment of partisans?

VON RIBBENTROP: I am of the opinion that the partisans who attack the troops in the rear should be treated harshly. Yes, I am of that opinion, I believe everyone in the Army is of that opinion, and every politician.

SIR DAVID MAXWELL-FYFE: Including women and children?

VON RIBBENTROP: No, by no means.

SIR DAVID MAXWELL-FYFE: Just look at that, if you deny this attitude to women and children. Look at the document, Number D-741.

My Lord, that will be Document D-741; this will be GB-296.

[Turning to the defendant.] Will you look at the end of that. That is a conference between you and Ambassador Alfieri in Berlin on 21 February 1943. The last paragraph says:

"Continuing, the Reich Foreign Minister emphasized that the conditions which Roatta's policy had helped to produce in Croatia were causing the Führer great concern. It was appreciated on the German side that Roatta wished to spare Italian blood, but it was believed that he was, as it were, trying to drive out Satan with Beelzebub by this policy. These partisan gangs had to be exterminated, including men, women, and children, as their further existence imperiled the lives of German and Italian men, women, and children."

Do you still say that you did not want harsh treatment of women and children?

VON RIBBENTROP: What page is that on?

SIR DAVID MAXWELL-FYFE: It is on Pages 10 to 13. It is the last paragraph of my translation.

"These partisan gangs had to be exterminated, including men, women and children, as their further existence imperiled the lives of German and Italian men, women, and children."

VON RIBBENTROP: If I did say that at any time, it must have been under great excitement. In any case, it does not correspond to my opinion which I have proved by my other acts during the war. I cannot say anything else at the moment.

SIR DAVID MAXWELL-FYFE: I will just show you one of your other acts, which will be the final one, if the Tribunal will bear with me. It is Document D-740, which will be GB-297. This is a memorandum of the conversation between the Reich Foreign

Minister and Secretary of State Bastianini in the presence of Ambassadors Von Mackensen and Alfieri at Klessheim castle on the afternoon of the 8th of April 1943. If you will look at the beginning, I think you were discussing some strike in Italy. You say:

"The Reich Foreign Minister's supposition that this strike had perhaps been instigated by British agents was energetically contested by Bastianini. There were Italian communists who were still in Italy and who received their orders from Moscow. The Reich Foreign Minister replied that, in such a case, only merciless action would remedy."

And then, after a statement with regard to the information, you say:

"He (the Reich Foreign Minister) did not want to discuss Italy but rather the occupied territories, where it had been shown that one would not get anywhere with soft methods or in the endeavor to reach an agreement. The Reich Foreign Minister then explained his views by a comparison between Denmark and Norway. In Norway brutal measures had been taken which had evoked lively protests, particularly in Sweden."

And then you go on, and after a certain criticism of Dr. Best...

VON RIBBENTROP: I cannot find it; what page is it on, please?

SIR DAVID MAXWELL-FYFE: The paragraph begins: "The Reich Foreign Minister's supposition that this strike has perhaps been instigated by British agents..."

VON RIBBENTROP: Yes, here it is.

SIR DAVID MAXWELL-FYFE: Well, you see what I have put to you. You say:

"Only merciless action would be any good. In Norway brutal measures had been taken."

And at the beginning of the next paragraph:

"In Greece, too, brutal action would have to be taken if the Greeks should sense a change for the better. He was of the opinion that the demobilized Greek Army should be deported from Greece with lightning speed, and that the Greeks should be shown in an iron manner who was master in the country. Hard methods of this kind were necessary if one was waging a war against Stalin, which was not a gentleman's war but a brutal war of extermination."

And then, with regard to France, after some statement about the French you say:

"Coming back to Greece, the Reich Foreign Minister once again stressed the necessity of taking severe measures."

And in the third line of the next paragraph:

"The Führer would have to take radical measures in the occupied territories to mobilize the local labor potential in order that the American armament potential might be equaled."

Do you agree? Does that fairly express your view, that you wanted the most severe measures taken in occupied territories in order to mobilize labor to increase the Reich war potential?

VON RIBBENTROP: I can say the following in regard to this document. I know that at that time...

SIR DAVID MAXWELL-FYFE: Well, you can say that, but you can answer my question first. Do these views express your view that...

VON RIBBENTROP: No.

SIR DAVID MAXWELL-FYFE: ...severe measures should be taken with foreign labor and with people in occupied territories. Does that document express your view?

VON RIBBENTROP: No, it does not.

SIR DAVID MAXWELL-FYFE: Then why did you say it? Why did you say these things?

VON RIBBENTROP: Because at that time, on the commission of the Führer, I had to keep the Italians' noses to the grindstone, since there was complete chaos in some of the areas and the Italians always attempted to cause complete confusion in the rear areas of the German Army by some of the measures they took there. That is why I occasionally had to speak very harshly with the Italians. I recall that very distinctly. At that time the Italians were fighting together with the Chetniks partly against German troops; it was complete chaos there and for this reason I often used rather earnest and harsh language with the diplomats—perhaps an exaggerated language. But things actually looked quite different afterwards.

SIR DAVID MAXWELL-FYFE: It was not a bit exaggeration, was it, in both Norway and Greece? You were taking the most brutal measures against the occupied countries.

VON RIBBENTROP: No, that is not so. We had absolutely nothing to say in Norway; we always tried to do things differently. And in Denmark we did everything to reduce these harsh measures, which were in part necessary, because of the paratroopers and so forth, and tried not to have them carried out.

I think it can be proved, from a number of other documents, that I and the Foreign Office always worked toward compromise in the various occupied countries. I do not believe that it is quite fair and correct to take only one or two such statements from the innumerable documents where occasionally I did use harsh words. It is certain that in the course of 6 years of war harsh language

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must be used from time to time. I may remind you that foreign statesmen also used harsh language regarding the treatment of Germany. But I am sure they did not mean it that way.

SIR DAVID MAXWELL-FYFE: Tell me this: Every time today when you have been confronted with a document which attributes to you some harsh language or the opposite of what you have said here you say that on that occasion you were telling a diplomatic lie. Is that what it comes to? Thank you very much.

THE PRESIDENT: Sir David, do you have all these documents in evidence?

SIR DAVID MAXWELL-FYFE: Yes, My Lord.

*[The Tribunal adjourned until 2 April 1946 at 1000 hours.]*

# NINETY-SEVENTH DAY

Tuesday, 2 April 1946

## *Morning Session*

*[The Defendant Von Ribbentrop resumed the stand.]*

SIR DAVID MAXWELL-FYFE: My Lord, Your Lordship will have noticed that I did not deal with the question of Jews. That will now be taken up by my learned friend, M. Faure, of the French Delegation.

DR. KAUFFMANN: Mr. President, may I say a few words on an important question? A map was discussed here yesterday, the map which is now visible in court. From that map the Prosecution conclude that a large number of concentration camps were distributed all over Germany. The defendants are contradicting this statement as energetically as possible. In the treatment of my case, the case of the Defendant Kaltenbrunner, I hope to adduce evidence to the effect that only a very few of the red spots on this map are accurate. I wish to make this statement here and now, in order that the impression does not arise over again, in the subsequent cases, that this map is a correct one.

THE PRESIDENT: Dr. Kauffmann, this is only a reproduction of what has already been put in evidence.

DR. KAUFFMANN: Yes, but I am at liberty to adduce proof to the contrary.

THE PRESIDENT: Of course you are, but it is not necessary for you to say so now. The fact that the evidence was put in by the Prosecution at an earlier date, of course, gives you every opportunity to answer it, but not to answer it at this moment.

M. FAURE: Defendant, as Minister for Foreign Affairs, you were the chief of the diplomatic personnel, were you not?

VON RIBBENTROP: Yes.

M. FAURE: The personnel followed your instructions, did they not?

VON RIBBENTROP: Yes.

M. FAURE: You declared yesterday that you were responsible for the acts of your subordinates?

VON RIBBENTROP: Yes.

M. FAURE: Would you tell me if Dr. Best, Plenipotentiary for Denmark, was a member of your Ministry?

VON RIBBENTROP: Yes.

M. FAURE: Dr. Best told you, did he not, that Hitler had given an order to assassinate Danes when there were acts of sabotage?

VON RIBBENTROP: May I ask you to repeat the question?

M. FAURE: According to the documents that have been produced before the Tribunal, Dr. Best saw you on 30 December 1943 and told you that Hitler had given the order to assassinate Danes when there were acts of sabotage in Denmark; is that so?

VON RIBBENTROP: Yes, that was to be done against saboteurs, Hitler had ordered it.

M. FAURE: The order, according to the terms employed by Dr. Best in the document, was to "execute persons, terrorists or non-terrorists, without trial." Can that not be considered as assassination?

VON RIBBENTROP: From the beginning I strongly opposed these measures, and so did Dr. Best. We went so far as to...

M. FAURE: Defendant, I am not trying to say that you were pleased with this state of affairs. I am merely asking you if you were informed thereof. Is that correct?

VON RIBBENTROP: Yes, the Führer wanted that. I do not know the details.

M. FAURE: But I am not asking for details.

VON RIBBENTROP: And what was ordered afterwards I do not know because, so far as I am aware, it did not go through us, but through another department.

M. FAURE: I note that you actually were informed of the Führer's order given that day to permit assassination. You therefore considered it normal to belong to a government, the head of which was a murderer.

VON RIBBENTROP: No, the exact opposite is true here, the exact opposite...

M. FAURE: All right, all right, just answer, please.

VON RIBBENTROP: ... for I told him that I had taken my stand and that I held divergent views. The Führer was most dissatisfied with Dr. Best and had the matter handled through other channels, since Dr. Best was against it and so was I.

M. FAURE: I am merely asking you to answer my question very briefly. You can give details through your counsel later.

With regard to Denmark, there was action against the Jews in that country in order to deport them. Did you have anything to do with that?

VON RIBBENTROP: I cannot tell you anything about matters relating to the Jews in Denmark, since I know nothing.

M. FAURE: Did you never hear anything about it?

VON RIBBENTROP: I remember that I discussed the fact with Best, that this question was of no significance in Denmark. He was therefore not proposing to do anything in particular about the Jewish question there, and I declared myself in complete agreement with him.

M. FAURE: I ask that you be shown Document 2375-PS. This document has not yet been submitted to the Tribunal. I would like to submit it under French Exhibit Number RF-1503. I would like to read with you the second paragraph of this document. It is an affidavit from Mildner, a colonel of the police in Denmark.

"As commander, I was subordinate to the Reich Plenipotentiary, Dr. Best. Since I was opposed to the persecution of the Jews, on principle and for practical reasons, I asked Dr. Best to give me the reasons for the measures that were ordered.

"Dr. Best declared to me that the Reich Foreign Minister, Ribbentrop, obviously knew Hitler's intention to exterminate the Jews in Europe. He had furnished Hitler with a report about the Jewish problem in Denmark and proposed to deport the Jews from Denmark.

"Dr. Best declared furthermore that Ribbentrop was afraid of being held responsible in case the Jews remained in Denmark.

"Dr. Best was now compelled to carry out the measures that were proposed to Hitler by Ribbentrop.

"From the discussion with Dr. Best I gathered that he must have had a discussion or a telephone conversation with Ribbentrop."

You read that, did you not?

VON RIBBENTROP: What is written in this document is pure fantasy. It is not true.

M. FAURE: Very well; I ask then that you be shown Document 3688-PS, which I wish to deposit under the French Exhibit Number RF-1502. It is a note of 24 September 1942, signed by Luther, and addressed to his collaborators. I should like to read with you the first two paragraphs of that document.

"The Minister for Foreign Affairs has instructed me today by telephone to expedite as much as possible the evacuation of the Jews from different countries in Europe, since it is

certain that the Jews stir up feelings against us everywhere and must be held responsible for acts of sabotage and outrages. "After a short report on the evacuation of Jews at present in process in Slovakia, Croatia, Romania, and the occupied territories, the Minister for Foreign Affairs has ordered us now to approach the Bulgarian, Hungarian, and Danish Governments with the aim of getting the evacuation started in these countries."

I suggest that this second document confirms the first as regards your participation in the deportation of Jews in Denmark. Do you agree?

VON RIBBENTROP: It was the Führer's plan, at the time, to deport the Jews from Europe to North Africa, and Madagascar was also mentioned in this connection. He ordered me to approach various governments with a view to encouraging the emigration of the Jews, if possible, and to remove all Jews from important government posts. I issued instructions to the Foreign Office accordingly, and, if I remember rightly, certain governments were approached several times to that effect. It was the question of the Jewish emigration to certain parts of North Africa; that is true. May I return to this affidavit? This sworn affidavit is pure fantasy of Colonel Mildner's and is absolutely untrue.

M. FAURE: But, in any case, you admit . . .

VON RIBBENTROP: Dr. Best once discussed the Jewish question with me, and he said that as far as Denmark was concerned, the question was of no particular importance, since there were not many Jews left there. I explained to him that he would have to let matters take their own course there. That is the truth.

M. FAURE: You admit, nevertheless, that this document signed by Luther is correct, and that you did give the order to evacuate the Jews of Denmark? It is in the letter.

VON RIBBENTROP: No, not in Denmark. I do not even know this document of Luther's. This is the first time I have seen it.

M. FAURE: Please, simply answer my questions; otherwise we shall waste a lot of time. In your opinion, both these documents are incorrect, you said so; let us pass on.

The German Embassy in Paris . . .

VON RIBBENTROP: No, I did not say so. That is incorrect. I said that I did not know Luther's document. It is, however, true that the Führer gave me instructions to tell the Foreign Office to approach certain foreign governments with a view to solving the Jewish problem by removing the Jews from government positions and, wherever possible, to favor Jewish emigration.

M. FAURE: The German Embassy in Paris was under your orders, was it not?

VON RIBBENTROP: The German Embassy in Paris, that is, the Ambassador to the Vichy Government, naturally received orders from me.

M. FAURE: French Document RF-1061 has already been read to the Tribunal and in this document you defined the functions of Ambassador Abetz. It is 3614-PS.

In this document, which has already been read to you twice here, I would remind you that you commissioned Abetz to put in a safe place the public and private art treasures, particularly those belonging to Jews, on the basis of special instructions mentioned here. Abetz executed this mission by pillaging art collections in France.

VON RIBBENTROP: It is not true.

M. FAURE: I would ask that you be shown Document 3766-PS, which has not yet been produced, and to which I should like to give the French Exhibit Number RF-1505. I will go over merely a few lines of this document with you. It is a report from the military administration, which was distributed in 700 copies. It is entitled: "Report on the Removal of French Works of Art by the German Embassy and the Einsatzstab Rosenberg in France."

If you will look at Page 3, you will see that the title in the margin is very significant: "German Embassy: Attempt to remove paintings from the Louvre."

Page 4, I will read the first sentence at the top of the page...

VON RIBBENTROP: When may I refer to the individual points? Not at all; or here and now?

M. FAURE: When I ask you a question you will answer. I am reading a passage to you:

"Ambassador Abetz, disregarding the prohibition pronounced by the military administration, undertook to send to Germany a series of works of art from the Louvre which had been placed in safety."

Were you informed of this?

VON RIBBENTROP: I declare that this is absolutely untrue. Not a single work of art was taken out of the Louvre by Ambassador Abetz. That would have been contrary to the express orders of the Führer, who had strictly forbidden it. The report is incorrect.

May I mention that on one occasion the French Government wanted to present me with a work of art from the Louvre, a painting by Boucher. I returned this picture to the Louvre. I do not possess anything, and the Foreign Office never even saw a single work of art, from the Louvre.

M. FAURE: You state that this report is incorrect?

THE PRESIDENT: What is this report you are putting to him?

M. FAURE: It is Document 3766-PS.

THE PRESIDENT: Yes, I know, but what is this document?

M. FAURE: It is a report from the German military administration, which is in the American documents in the PS series. The Tribunal received a general affidavit referring thereto.

THE PRESIDENT: Captured documents?

M. FAURE: Yes, captured documents. I indicate to the Tribunal that this captured report contains numerous other passages relating to the actions of Abetz, but as the defendant declares that the report is inexact as regards one of its passages, I shall not continue reading the document, in order to save time.

In addition . . .

VON RIBBENTROP: But this is not a captured document, not a report.

M. FAURE: Please answer my questions. We are not going to carry on this controversy. Your counsel can interrogate you later on.

DR. HORN: I must ask your permission to inquire into the nature of the documents submitted to the defendant. If it is stated that it is a captured report and then that it is not a captured report, the matters should be put right, here and immediately.

M. FAURE: I have already indicated that this document belongs to the PS series of captured documents. The Tribunal has a large number of such documents and I do not think that their authenticity will be disputed.

[Turning to the defendant.] I would now like to ask you the following question: . . .

THE PRESIDENT: Are you going to ask further questions upon this document?

M. FAURE: No, Mr. President.

[Turning to the defendant.] Apart from the questions of art treasures, Abetz also dealt with the question of the treatment of Jews in general, did he not?

VON RIBBENTROP: Abetz had no order. As far as I know he also had nothing to do with the Jewish question. This question was handled by other departments.

M. FAURE: Is it not true that in October 1940 Abetz communicated with you with a view to settling the situation of Jews of German or Austrian descent who were residing in France?

VON RIBBENTROP: I do not know; it did not interest me.

M. FAURE: I would like to show you Document EC-265, which I wish to submit as French Document RF-1504. It is a telegram from Abetz dated 1 October 1940. I will read merely the first and last sentences:

"The solution of the Jewish problem in the occupied territory of France requires, besides other measures, a regulation as soon as possible of the citizenship status of the Reich German Jews who were living here at the beginning of the war..."

And the last sentence:

"The measures proposed above are to be considered as merely the first step toward the solution of the entire problem. I reserve the right to make other proposals."

VON RIBBENTROP: May I have time to read the telegram first?

THE PRESIDENT: That is a little too fast.

M. FAURE: Yes.

VON RIBBENTROP: So far as I can see, this telegram apparently deals with the fact that Austrian and German Jews are to be repatriated to Austria and Germany from France. I do not know that. This is the first time I have seen this telegram, and I can give no information about it. It probably represents one of the routine measures dealt with by the Foreign Office in the course of the day's work, but which were not submitted to me; and apart from that, these matters were individually dealt with by other departments, not by us.

M. FAURE: If you will look on the left-hand side of the telegram, you will see the distribution list. There were 19, including you, were there not? You were Number 2.

VON RIBBENTROP: I should like to inform the French prosecutor that every day four, five, six, or eight hundred such documents and telegrams reached my office, of which only 1 or 2 percent were submitted to me.

M. FAURE: Apart from the question...

VON RIBBENTROP: In any case I know nothing about this telegram.

M. FAURE: Apart from the question of Jews of Austrian and German origin, your colleagues and subordinates in the Embassy also dealt with the question of the French Jews. Now, before asking you this question, I should like to read out to you two sentences from a document which was submitted to the Tribunal as French Document Number RF-1207. It is a report from Dannecker, who was responsible for solving the Jewish problem in France. Dannecker concluded his report as follows:

"In this connection, I cannot speak of this matter without mentioning the genuinely friendly support which our work received from the German Ambassador Abetz, his representative, the envoy Schleier, and SS Sturmbannführer and Counsellor of Legation Dr. Zeitschel. I should like to add that the Embassy in Paris has, on its own initiative, placed quite larger sums at the disposal of the branch in charge of the Jewish question, for the financing of the Anti-Jewish Institute, and that it will continue to do so in future."

Therefore, according to these documents, Abetz, Schleier, and Zeitschel worked together.

THE PRESIDENT: Mr. Faure, we do not know where you are reading from.

M. FAURE: Mr. President, this document was not given to you in this folder because it has already been submitted to the Tribunal. I merely wished to read two sentences from it.

THE PRESIDENT: All right.

M. FAURE: It is evident therefore, from this document, that three officials of the German Embassy, Abetz, Schleier, and Zeitschel, collaborated with Dannecker in the settlement of Jewish affairs. That is shown by the document, is it not?

VON RIBBENTROP: Am I supposed to answer that? Is it a question?

M. FAURE: It is a question.

VON RIBBENTROP: To that question I must answer "naturally." They certainly collaborated to some extent in the Jewish question in France; that is perfectly clear. But I can also add that the French Prosecution surely is informed that Ambassador Abetz was not only instructed by me, but also acted on his own initiative in always attempting to reach some kind of conciliatory settlement of this question. It goes without saying that the Embassy was involved, one way or the other, in this sphere of action. And it also goes without saying that I must assume responsibility for anything done by the gentlemen in the Embassy, and I should like to repeat that my instructions as well as the activities of Ambassador Abetz were always in the opposite direction. It is quite clear that the basic anti-Semitic tendency and policy of the German Government spread over all the departments and naturally, in any sphere—I mean, every Government office somehow or other came into contact with these matters. Our task in the Foreign Office—which could be proved in thousands of cases if the documents would be submitted—was to act as an intermediary in this sphere. I might say, we often had to do things in accordance with this anti-Semitic policy, but

we always endeavored to prevent these measures and to reach some kind of conciliatory settlement. In fact, the German Embassy was not responsible for any anti-Semitic measures of any description in France.

M. FAURE: I would like to draw your attention to another document, Number RF-1210, a French document which is a second report from Dannecker of 22 February 1942, Page 3 of the document, Page 2 of the German text.

VON RIBBENTROP: I should like to say here and now that I do not even know who Dannecker is. Perhaps you can give me some information on that subject.

M. FAURE: I informed you that Dannecker was the person responsible for Jewish affairs in France. As a matter of fact, these documents were submitted a long time ago to the Tribunal and communicated to the Defense.

At Page 3 of the document, which is Page 2 of the German, there is a paragraph entitled, "Actions," from which I read one sentence: "Up to the present, three large-scale operations have been undertaken against the Jews in Paris."

Now, if you will look at the last page of the document, the last paragraph but one, we read as follows:

"Since the middle of 1941 there has been a conference every Tuesday in which the following services participate: . . . I, II, and III, military commands, administrative, police, and economic sections; IV, German Embassy, Paris; V, Einsatzstab Westen of Reichsleiter Rosenberg.

"The result of the conference is that—with very few exceptions naturally called for by outsiders—the anti-Jewish policy is being brought into one common line in the occupied territory."

This document clearly shows, does it not, that your collaborators were in agreement with the anti-Jewish policy in the occupied territories and that this policy included the arrest of Jews?

VON RIBBENTROP: May I reply to this statement? According to my information, in this case, as so often happened in such cases, the German ambassadors could have served as the branch offices. They might have joined in with a view to guiding matters into peaceful channels.

M. FAURE: I ask that you be shown French Document RF-1220, which is a letter from the German Embassy of 27 June 1942, addressed to the head of the Security Police and the SD in France. Before asking you a question I would like to read with you the first two paragraphs of this letter:

"Following my interview with Hauptsturmführer Dannecker on the date of 27 June, during which he indicated that he required that 50,000 Jews from the unoccupied zone be deported to the East as soon as possible, and that on the basis of notes sent by the Commissioner General for Jewish Questions, Darquier de Pellepoix, under any circumstances something had to be done for this, I reported the matter to Ambassador Abetz and Minister Rahn immediately after the discussion. The latter is to confer with President Laval this afternoon, and he has promised me that he will speak to him at once about the handing over of these 50,000 Jews; also he will insist that Darquier de Pellepoix be given complete freedom of action according to the laws already promulgated, and that the credits which have been promised to him be handed to him immediately."

Now, I should like to ask you a question. I ask you to answer as briefly as possible: Were you aware of this *démarche* for the handing over of these 50,000 Jews?

VON RIBBENTROP: No, I was not; I heard about it here for the first time, when this document was, I believe, read out once before.

M. FAURE: If your collaborators Abetz, Rahn, and Zeitschel took such action on this subject without informing you, was it not because they thought they were acting in accordance with your general directives?

VON RIBBENTROP: No, I do not think so; they worked very independently in Paris, but I should like to repeat once again that I am assuming responsibility for everything that these gentlemen have done. I make a point of emphasizing this fact. I did not, however, know anything about the proposed measure against the 50,000 Jews. And I do not even know whether it was ever put into effect, and in what manner these gentlemen had implicated themselves in the matter. The letter does not make it clear. I know only one thing, and that is that my general instructions were to tread cautiously in such matters and, if possible, to bridge difficulties according to my own basic concepts and not to do anything to force matters but, on the contrary, to smooth them over. I can say no more on the subject.

M. FAURE: During the interrogation of your witness Steengracht, the British Prosecution produced a document, 3319-PS, under the British Exhibit Number GB-287. I should like to refer to this document for one question only.

In this document there is an account of a meeting, or a congress, at which were present all the reporters on Jewish questions from the various diplomatic missions in Europe. This congress was held

on 3 and 4 April 1944 in Krummhübel. It was organized by Schleier. This was read the other day. You knew about this congress, I suppose?

VON RIBBENTROP: No, this is the first time I have heard about it. What congress was that? I have never heard that such a congress ever took place. What kind of congress was it supposed to be?

M. FAURE: This document has already been submitted; it was a congress held...

VON RIBBENTROP: I know only about one congress which I asked the Führer not to hold. That I do know. But I know nothing at all about a congress which did take place. Please give more detailed information on the subject.

M. FAURE: The document was handed over to the Tribunal, and I would like to ask you one question. You testified that you were unaware of this meeting at which 31 persons, most of whom belonged to the diplomatic service, were present. I will inform you that during this meeting Embassy Counsellor Von Thadden made a declaration which was reported in the following terms:

"The speaker explained the reasons why the Zionist solution of Palestine and similar alternative solutions must be rejected and why the Jews must be expatriated into the Eastern territories."

I suggest that this declaration made by an embassy counsellor in the presence of 31 people belonging to your service voiced your own attitude on these matters.

VON RIBBENTROP: Yes, but I do not know in the very least what you mean. May I, to begin with, please have some information on the matter with which we are dealing? I do not understand it at all. I have told you once before that I know nothing about any congress except the one which I countermanded. That was an international congress which was to have been held. I know nothing of a congress of diplomats. Would you kindly place the document in question at my disposal in order that I may make my reply?

M. FAURE: I do not intend to show you this document. I read one sentence contained in this document, and I am merely asking you if this phrase represents your opinion or not. Answer "yes" or "no".

VON RIBBENTROP: Then I must request you to repeat the sentence. I wish to confirm again, however, that no congress took place; it is not true.

DR. HORN: Mr. President, I object to that question, if the opportunity is not afforded the defendant to give a truthful answer.

THE PRESIDENT: The Tribunal thinks the question was proper.

M. FAURE: I ask you whether this sentence which I have read out to you corresponded to your opinion.

VON RIBBENTROP: May I ask you to repeat the sentence. I did not understand it correctly.

M. FAURE: "The speaker explained the reasons why the Zionist solution of Palestine and similar alternative solutions must be rejected and why the Jews must be expatriated to the Eastern territories."

Was that your thesis?

VON RIBBENTROP: No, it was not.

M. FAURE: Was your attention drawn to the fact that the Italian authorities in France protected the Jews against persecution by Germans?

VON RIBBENTROP: Yes. I recollect that there was something of the kind but I no longer remember exactly.

M. FAURE: Did you approach the Italian Government on this subject?

VON RIBBENTROP: I recollect that on one occasion I spoke either to Mussolini or to Count Ciano about certain acts of sabotage, espionage, or something of that kind which had occurred in France and against which one would have to be on the alert, and in this connection, I believe, the Jewish problem was also discussed.

M. FAURE: I ask that you be shown Document D-734, which I would like to submit as French Exhibit Number RF-1501. This note is headed:

"Account of a conference between the Reich Foreign Minister and the Duce in the Palazzo Venezia in the presence of Ambassadors Von Mackensen and Alfieri and the State Secretary Bastianini on the 25th of February 1943."

I would like to read with you the second paragraph on this page:

"Further, the Reich Foreign Minister dealt with the Jewish question. The Duce was aware that Germany had taken a radical position with regard to the treatment of the Jews. As a result of the development of the war in Russia she had come to an even greater clarification of this question. All Jews had been transported from Germany and from the territories occupied by her to reservations in the East. He, the Reich Foreign Minister, knew that this measure was described as cruel, particularly by enemies, but it was necessary in order to be able to carry the war through to a successful conclusion."

I shall not read the following paragraph, but the fourth:

"France also had taken measures against the Jews which were extremely useful. They were only temporary, because here, too, final solution would be the deportation of the Jews to the East. He, the Reich Foreign Minister, knew that in Italian military circles, and occasionally among German military people too, the Jewish problem was not sufficiently appreciated. It was only in this way that he could understand an order of the *Comando Supremo* which, in the Italian occupation zone of France had canceled measures taken against the Jews by the French authorities acting under German influence. The Duce contested the accuracy of this report and traced it back to the French tactics of causing dissension between Germany and Italy."

Now I shall ask you a question: A short while ago you told us that you wanted to make all the Jews emigrate to Madagascar. Is Madagascar in the Eastern reservations mentioned in the document?

VON RIBBENTROP: About what? I have not understood.

M. FAURE: You were talking in this document of deporting Jews to the reservations in the Eastern territories, and a short while ago you spoke to us of settling the Jews in Madagascar. Is Madagascar meant here?

VON RIBBENTROP: No, that was the Führer's plan. This document refers to the fact that a large-scale espionage system had been discovered, I believe, in France. The Führer sent me while I was on a journey to Italy and told me to speak to Mussolini and see to it that in cases of Jews involved in these acts of sabotage and espionage, the Italian Government or the Italian Army did not intervene to prevent this measure. Also I should like to state definitely that I knew, and it was also the Führer's plan, that the European Jews were to be resettled on a large scale either in Madagascar, North Africa, or in reservations in the East. This was generally known in Germany. That is all that we are concerned with here, and I also knew that some very unpleasant things had occurred at that time and that the Führer was convinced that all of them could be attributed to Jewish organizations in the south of France, I believe. I now recollect very well that at the time I discussed the matter with Mussolini and begged him to adopt suitable measures since these Jews were furnishing all the information to the English and American Intelligence Services. At least that was the information which the Führer was constantly receiving.

M. FAURE: You said, did you not, that all Jews were to be deported to the Eastern reservations? Is that correct? Please reply "yes" or "no".

VON RIBBENTROP: Whether I was in favor of it?

M. FAURE: Germany deported all the Jews from German territory and territories occupied by her to Eastern reservations. That is true, is it not?

VON RIBBENTROP: I do not know the contents of the document in detail. I do not know what I myself said in detail. But at any rate I knew that the Führer had ordered that the Jews of the occupied territories in Europe were to be transported to reservations in the East and resettled there. That I did know. The carrying out of these measures, however, was not my task as Minister for Foreign Affairs of the Foreign Office, but I did know that it was the Führer's wish. In this connection, I remember that I received an order from him to discuss the matter with the Italian Government so that they too would introduce corresponding measures regarding the Jewish problem. That applied to other countries as well, where we had to send telegrams quite frequently, so that these countries should solve the Jewish question.

THE PRESIDENT: M. Faure, did you read to the witness the second paragraph beginning: "Further, the Reich Foreign Minister dealt with the Jewish question . . . " ?

M. FAURE: Yes, Mr. President, the second paragraph. That is the paragraph which I have just been reading.

THE PRESIDENT: Well, you read the third one, but I did not know you read the second one too. You read the second one too, did you? Very well.

M. FAURE: Yes, I read it as well, Mr. President.

THE PRESIDENT: The document is a new document, is it not?

M. FAURE: Yes, Mr. President, it is a document which I would like to submit under the Exhibit Number RF-1501. It belongs to the "D" series; it is D-734 of the British document books.

THE PRESIDENT: Has the defendant said whether he admits that it is a substantially accurate account of the conversation?

VON RIBBENTROP: I can no longer say for certain, Mr. President; what I did say at the time, I know only, and gather, from this document, from these words, that the Jews were spreading news from British and American sources. I can remember that at that time a large espionage and sabotage organization was in existence, and that this organization was causing a great deal of trouble in France, and that the Führer ordered me to discuss the matter with Mussolini since the Italians were opposing certain measures we had introduced in France. I spoke to Mussolini and told him that the Führer was of the opinion that, where this question was concerned, we should have to come to a definite understanding.

**THE PRESIDENT:** I think, Defendant, you have already told us that. The question that I asked was whether you agreed that it was a substantially accurate account of the conversation.

**VON RIBBENTROP:** I consider that in certain points the report is incorrect, but fundamentally the position was as I have just explained it.

**M. FAURE:** Now, you also spoke about this question with Horthy, did you not?

**VON RIBBENTROP:** Yes. I had to confer several times with the Hungarian Government so as to persuade them to do something about the Jewish problem. The Führer was extremely insistent on this point. I therefore discussed the question repeatedly with the Hungarian Ambassador and the question was primarily to centralize the Jews somehow or other in some part of Budapest, I think it was slightly outside Budapest or in—as a matter of fact, I do not know Budapest very well—in any case, it was somewhere in Budapest itself. That was the first point. And the second point dealt with the removal of the Jews from influential Government posts, since it had been proved that Jewish influence in these departments was sufficiently authoritative to bring Hungary to a separate peace.

**M. FAURE:** The document relating to your conversation or one of the conversations which you had with Horthy has already been produced. It was that of 17 April 1943. It is Document D-736, which was submitted as GB-283.

During the interrogation of your witness, Schmidt, the British prosecutor asked this witness if he admitted having compiled this account, and this was confirmed by Schmidt. This note bears the following remark at the bottom of the first paragraph: "The Foreign Minister declared that the Jews were either to be exterminated or sent to concentration camps. There was no other solution."

You did say that, did you not?

**VON RIBBENTROP:** I definitely did not say it in those words. But I would like to reply as follows:

It was apparently an account prepared by "Minister" Schmidt, as was his habit, some days after a long discussion between the Führer and Horthy. I have already said that the Führer had repeatedly charged me to talk to Horthy, to the Hungarian Government, to the Ambassador, in order to reach a solution of the Jewish question. At the time when Horthy visited the Führer the Führer emphasized the question to him in a very irritable manner, and I remember perfectly that subsequent to this discussion I talked the matter over with "Minister" Schmidt, saying that I, strictly speaking, had not quite understood the Führer.

The remark mentioned was definitely not made in this way. M. Horthy had apparently said that he could not, after all, beat the Jews to death. It is possible, since there would have been no question of that in any case, that in this connection I did endeavor to persuade Horthy to do something or other at once about the Jewish question in Budapest, namely, that he should undertake now the centralization which the Führer had already wished to carry out for a long time. My objection or my interpolation may have referred to this question.

I must add that the situation, at that time, was as follows: We had been receiving repeated indications from Himmler, to the effect that Himmler wished to handle the Jewish situation in Hungary himself. I did not want this, since, one way or another, it would probably have created political difficulties abroad.

Consequently, acting on the wish of the Führer, who was extremely obstinate on this subject, I, as is known, repeatedly attempted to smooth matters over and, at the same time, pin the Hungarians down to do something about it in any case. Therefore, if, from a long conversation, some remark has been extracted and summarized in brief, and contains some such statement, it certainly does not mean that I wished the Jews to be beaten to death. It was 100 percent contrary to my personal convictions.

M. FAURE: I do not understand whether you answered my question or not. I will have to ask you again. Is the report correct, or is it not correct?

VON RIBBENTROP: No, in this form it cannot be correct. These are notes. I personally have never seen these notes before; otherwise I should have said at once that this is nonsense and liable to misconstruction. I did not see these notes before; I saw them for the first time in Nuremberg.

I can say only one thing which may possibly have occurred. I might have said... well yes, "the Jews cannot be exterminated or beaten to death, so, please do something in order that the Führer will be satisfied at long last, and centralize the Jews."

That was our aim, at that time at any rate. We did not want to render the situation more acute, but we were trying to do something in Hungary so that no other department could take the matter in hand, thereby creating political difficulties abroad for the Foreign Office.

M. FAURE: You knew at that time that many Jews had been deported. That may be gathered from your explanations.

THE PRESIDENT: Just one moment, please. Are you passing from this document?

M. FAURE: I was continuing to speak of it in more general terms.

THE PRESIDENT: You are passing from it, did you say?

M. FAURE: Yes.

THE PRESIDENT: Well, Defendant, the Tribunal would like to know whether you did say to the Regent Horthy that Jews ought to be taken to concentration camps.

VON RIBBENTROP: I consider it possible that such may have been the case, for we had, at that time, received an order that a concentration camp was to be installed near Budapest or else that the Jews should be centralized there, and the Führer had instructed me a long time before to discuss with the Hungarians a possible solution of the Jewish question. This solution should consist of two points. One was the removal of the Jews from important government positions and two, since there were so many Jews in Budapest, to centralize the Jews in certain quarters of Budapest.

THE PRESIDENT: I understand your suggestion to be that this document is inaccurate.

VON RIBBENTROP: Yes, it is not accurate. The way I should like to put it, Mr. President, is that when reading the document, it would appear from this document that I considered it possible or desirable to beat the Jews to death. That is perfectly untrue but what I did say here and what I emphasized later on could be understood to mean only that I wished something to be done in Hungary to solve the Jewish problem, so that other departments should not interfere in the matter. For the Führer often spoke to me about it, very seriously indeed, saying that the Jewish problem in Hungary must be solved now . . .

THE PRESIDENT: You have told us that, I think, already. What I wanted to ask you was this: Are you suggesting that Schmidt, who drew up this memorandum, invented the last few sentences, beginning with the words:

"If the Jews there did not want to work they would be shot. If they could not work they would have to perish. They had to be treated like tuberculosis bacilli with which a healthy body may become infected. This was not cruel if one remembered that innocent creatures of nature, such as hares or deer, have to be killed so that no harm is caused by them. Why should the beasts who wanted to bring us Bolshevism be shown more leniency? Nations which did not rid themselves of Jews perished. One of the most famous examples of this was the downfall of a people who once were so proud, the Persians, who now lead a pitiful existence as Armenians."

Are you suggesting that Schmidt invented those sentences or imagined them?

VON RIBBENTROP: Mr. President, I should like to add that I myself was very grieved by these words of the Führer, and I did not quite understand them. But perhaps this attitude can be understood only if we remember that the Führer believed that the Jews had caused this war, and that he had gradually developed a very fanatical hatred for them.

I remember too that later on, after this conference, I discussed with the interpreter Schmidt and the two gentlemen the fact that this was the first time the Führer had used expressions in connection with the Jewish problem which I could no longer understand. These words were certainly not invented by Schmidt. The Führer did express himself in some such way at that time. That is true.

THE PRESIDENT: Yes, M. Faure.

M. FAURE: It appears from his document that you thought there were concentration camps in Hungary and yet you said yesterday that you did not know there were any in Germany. Is that not so?

VON RIBBENTROP: I did not know that there were any concentration camps in Hungary, but I did say that the Führer had instructed me to ask Horthy to ask the Hungarian Government to concentrate the Jews in Budapest, in certain parts of the city of Budapest. As to concentration camps in Germany, I already spoke yesterday about my knowledge of that subject.

M. FAURE: You admitted that you knew Hitler's policy to deport all Jews and you admitted that insofar as you were competent as Minister for Foreign Affairs, you assisted this policy, did you not? That is right, is it not?

VON RIBBENTROP: As his faithful follower I adhered to the Führer's orders even in this field, but I always did my utmost to alleviate the situation as far as possible. This can be stated and proved by many witnesses. Even in 1943 I submitted a comprehensive memorandum to the Führer in which I urged him to alter the Jewish policy completely. I could also quote many other examples.

M. FAURE: If I understand your testimony rightly, you were morally opposed to this persecution of Jews, but you did help to carry them out, is that not so?

VON RIBBENTROP: I repeatedly said at the very beginning of my examination, that in that sense I have never been anti-Semitic. But I was a faithful follower of Adolf Hitler.

M. FAURE: Apart from the Jewish question, you dealt with arrests of French people, did you not?

VON RIBBENTROP: The arrests of Frenchmen . . .

M. FAURE: Yes. Did you or did you not give orders to arrest Frenchmen?

VON RIBBENTROP: It is quite possible that this was so. Quite possible.

M. FAURE: Can you be more precise on that subject?

VON RIBBENTROP: No, I cannot, for the moment, remember any details. In any case I know that Frenchmen were arrested. Just how far this depended on us, at that time, I do not know. It was, I think, in 1944, shortly before the invasion that the Führer issued an order to the effect that a large number of important French members of the resistance movement were to be arrested on the spot, and I believe that we were advised accordingly. It is also possible that we co-operated in this action to a certain extent, but I cannot remember any details.

It was a question of arresting those elements who would kindle the flame of the Resistance Movement in the event of an invasion, and would attack the German armies in the rear. But I cannot give you any more particulars now.

M. FAURE: I ask that you be shown a document which will be submitted as Exhibit Number RF-1506 (Document Number RF-1506). It is an affidavit by Dr. H. Knochen. I shall read some passages from this document.

"At the end of 1943—it must have been in December—there was a conference at the Foreign Office on arrests to be made in France. As I was in Berlin, I was also summoned to it. Present at this conference were: The Foreign Minister Von Ribbentrop; the State Secretary Von Steengracht; Ambassador Abetz; another member of the Foreign Office, whose name I do not know; the Chief of the SIPO and the SD, Dr. Kaltenbrunner; the Higher SS and Police Leader in France, Oberg; and representing the Military Commander-in-Chief was his Chief of Staff Colonel Kossmann, if my memory serves me right.

"The Minister stated the following: The Führer expects in France more attention to be paid in the future than hitherto. The enemy force must not be allowed to increase. Therefore all German services will have to carry out their duties more meticulously."

I omit the next paragraph. Then we read the following:

"He sees arising danger, in the event of invasion, of those prominent Frenchmen who do not wish to collaborate with Germany, and who are secretly active against her. They might constitute a danger to the troops. These dangerous elements should be sought out in business circles, university centers, in certain military and political circles, and all classes of society connected with them. He believes that it will be

necessary to strike an immediate blow against these people. He suggests that they number easily 2,000 people or more. At a moment when it is necessary to defend Europe against her enemy, there is no reason why we should shrink from taking preventive measures of this kind in France. As to the practical means of putting this into effect, the Minister stated, Ambassador Abetz will have to take up this matter immediately and draw up a list in collaboration with the German services in order to take account of all the questions that arise out of this matter."

I end the quotation here. Do you admit the accuracy of this document?

VON RIBBENTROP: Yes, I distinctly remember that discussion. This was a Führer order to the effect that immediate action be taken—I have just spoken about this—in view of the pending invasion, to arrest all potentially dangerous elements who could fan the flame of resistance in the rear of the German armies. I considered this a perfectly comprehensible measure which any Government, with the welfare of the troops at heart, would have made.

I then held this conference. The Führer expected a far greater wave of arrests, but only a comparatively small number, I believe, were arrested then.

Subsequently we had comparatively little to do with the actual arrests; they were carried out by the police.

But it is perfectly clear that this conference did take place at the time indicated and that we did what had to be done at the moment, as proposed, namely, the arrest of those elements which might have been dangerous in case of an invasion. That is quite true.

M. FAURE: I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

*[A recess was taken.]*

THE PRESIDENT: There are two things that I want to say. One of them relates to the Prosecution and one of them relates to the Defense. It is desired that the Prosecution should furnish documents to the interpreters when they are going to use documents in the course of examination or cross-examination. Documents need not necessarily be in the language which the interpreter is going to use, but there must be some document in some language, one of the languages, placed before the interpreters in order to assist.

The other point is that I am told that the defendants' counsel are not getting their documents ready for the Translation Division in

anything like the 2 weeks beforehand which was specified by the Tribunal. The Tribunal, it is true, said that the documents must be furnished to the Tribunal or the Translation Division 2 weeks ahead, if possible. Those words "if possible" are being treated too lightly and the documents, I am told, are sometimes coming in as late as 48 hours before the case of the particular defendant is to be taken. That is not sufficient and it will lead to delay. That is all.

MR. DODD: May it please the Tribunal, in the course of the cross-examination of this defendant by the French Prosecution, reference was made to Document 3766-PS and I understood Dr. Horn to say that that document was not a captured document. That was my understanding of his statement. I am not altogether sure that that was what he said when he approached the microphone. So that the record will be perfectly clear, I now wish to inform the Tribunal that it is a captured document and I do not know upon what basis Dr. Horn made that assertion.

THE PRESIDENT: Dr. Horn.

DR. HORN: Mr. President, I have not, so far, had any opportunity—it has been stated that we are dealing with a captured document, and I have had no opportunity of checking the matter beforehand. It said on the top of this document that it was a USA exhibit, Document Number 3766-PS, and I had no opportunity of checking this on its arrival. I have therefore requested that this fact be kindly established by the French Prosecution. That was my sole objection. I did not deny that it was a captured document; I was merely unable to prove it.

THE PRESIDENT: Do any of the other prosecutors wish to ask questions of the defendant? Colonel Amen, the Tribunal hopes that you are not going over ground which has already been gone over.

COL. AMEN: Most certainly not, Sir.

[Turning to the defendant.] You speak English pretty well, Ribbentrop?

VON RIBBENTROP: I spoke it well in the past and I think I speak it passably well today.

COL. AMEN: Almost as well as you speak German?

VON RIBBENTROP: No, I would not say that, but in the past I spoke it nearly as well as German, although I have naturally forgotten a great deal in the course of the years and now it is more difficult for me.

COL. AMEN: Do you know what is meant by a "yes man" in English?

VON RIBBENTROP: A "yes man"—*per se*. A man who says "yes" even when he himself—it is somewhat difficult to define.

In any case, I do not know what you mean by it in English. In German I should define him as a man who obeys orders and is obedient and loyal.

COL. AMEN: And, as a matter of fact, you were a "yes man" for Hitler, isn't that correct?

VON RIBBENTROP: I was always loyal to Hitler, carried through his orders, differed frequently in opinion from him, had serious disputes with him, repeatedly tendered my resignation, but when Hitler gave an order, I always carried out his instructions in accordance with the principles of our authoritarian state.

COL. AMEN: Now, you were interrogated frequently by me, were you not, before this Trial?

VON RIBBENTROP: Yes, once or twice, I believe.

COL. AMEN: Now, I am going to read to you certain questions and answers which were given in the course of these interrogations, and simply ask you to tell the Tribunal whether or not you made the answers that I read to you. That question can be answered "yes" or "no"; do you understand?

VON RIBBENTROP: Yes.

COL. AMEN: "I have been a loyal man to the Führer to his last days. I have never gone back on him. I have been a loyal man to his last days, last hours, and I did not always agree with everything. On the contrary, I sometimes had very divergent views, but I promised to him in 1941 that I would keep faith in him. I gave him my word of honor that I would not get him into any difficulties."

Is that correct?

VON RIBBENTROP: Yes, that according to my recollection is correct. I did not see the document and I did not sign anything, but as far as I can remember, that is correct.

COL. AMEN: Well, what did you mean by saying that you would not get him into any difficulties?

VON RIBBENTROP: I saw in Adolf Hitler the symbol of Germany and the only man who could win this war for Germany, and therefore I did not want to create any difficulties for him, and remained faithful to him until the end.

COL. AMEN: Well, what you really meant was that you were never going to cross him, and you promised him that in 1941, isn't that true?

VON RIBBENTROP: I would never cause him any difficulties, yes, I did say that. He often found me a rather difficult subordinate, and that is when I told him that I would not cause him any difficulties.

COL. AMEN: In 1941 you told him that no matter whether you differed with his opinion in the future, you would never press the point, isn't that true?

*[There was no response.]* "Yes" or "no"?

VON RIBBENTROP: No, not quite that, but . . .

COL. AMEN: Well, approximately that, is that right?

VON RIBBENTROP: No, it cannot be put that way. I only meant, if I may explain it this way, that I would never cause him any difficulties; if a serious divergence of opinion should ever arise, I would just withhold my own view. That was what I meant.

COL. AMEN: Well, you gave him your word of honor to that effect, isn't that true?

VON RIBBENTROP: Yes, that is correct, yes.

COL. AMEN: And at that time you had talked about resigning, isn't that correct?

VON RIBBENTROP: Yes, that is also true, yes.

COL. AMEN: And that made the Führer lose his temper and become ill, correct?

VON RIBBENTROP: Yes. "Ill" is not the correct expression, but he became very excited at that time. I should prefer not to mention the details.

COL. AMEN: Well, he said it was injuring his health, isn't that correct, and told you to stop arguing with him about any of these questions and do what he told you to do? Right?

VON RIBBENTROP: I do not wish to say anything more about the personal reasons, nor do I believe that these are matters which could be of any interest here. Those would be personal matters between the Führer and myself.

COL. AMEN: Well, I am not interested in that. I am interested only in ascertaining if it is not a fact, and if you did not swear under oath, that on that occasion you swore to Hitler that you would never express or press any divergent views to anything which he desired. Is that not correct?

VON RIBBENTROP: No, no! That is absolutely untrue, the interpretation is false. I told the Führer that I would never create any difficulties for him. After 1941 I had many divergencies with him, and even at that time I always voiced my own opinions.

COL. AMEN: Well, Ribbentrop, whatever divergent views you had you were never able to put any of them into effect after 1941, were you? "Yes" or "no."

VON RIBBENTROP: I did not understand the question. Please repeat it.

COL. AMEN: I say, no matter how divergent your views were, or what views you expressed to the Führer on any of these questions after 1941, your suggestions being contrary to the Führer's were never put into effect. Isn't that correct? You always eventually did what the Führer told you to do and what he wished, regardless of your own views.

VON RIBBENTROP: You are putting two questions to me. To the first I must reply that it is not correct that Hitler never accepted suggestions from me. Question Number 2, however, is correct. I can answer it by saying that if Hitler at any time expressed an opinion to me and issued an order, I carried the order through as was natural in our country.

COL. AMEN: In other words, eventually you always said "yes", isn't that correct?

VON RIBBENTROP: I carried out his order, yes.

COL. AMEN: Now, I am going to read you some more of your testimony:

"He"—referring to the Führer—"considered me his closest collaborator. We had a very serious conversation then, and when I wanted to go away, I promised it to him and I have kept it to the last moment. It was sometimes very difficult, I can assure you, to keep this promise, and today I am sorry that I gave it. Perhaps it would have been better if I had not given it. It put me from then on in the position that I could not talk to Hitler, in very serious and important moments of this war, in the way in which I would have liked to, and in which, perhaps, I might have been able to talk to him after this conversation in 1941.

"I must explain all this to you. If you do not know the background of these things you might think perhaps that as Foreign Minister during these last years I would like to say more about this. Perhaps I might say one could give some more information about this, but I want to be and remain loyal to this man, even after his death, as far as I can possibly do it. But I reserve the right to prove to posterity that I kept my promise and also the right to show the role which I have played in the whole of this drama."

Did you or did you not make those statements under oath to me?

VON RIBBENTROP: They are . . .

COL. AMEN: "Yes" or "no"?

VON RIBBENTROP: Here again we have two questions. To question Number 1, I would say that I know nothing at all. To the second question, I answer "no." I certainly never testified under oath to that. I was put on oath only twice, but that is not relevant

here. The statement is not verbatim and must have been wrongly translated. It is correct that I said that I was loyal to the Führer and that I further said that I had many arguments with him, that we were not always of the same opinion, and that is the essence of my statement. That is correct.

COL. AMEN: I asked you only one question, and I ask you again to answer it "yes" or "no." Did you or did you not make those statements in the exact language that I just read them to you?

THE PRESIDENT: I think, Colonel Amen, he really did answer that, because he said it is not verbatim.

COL. AMEN: But it is verbatim.

THE PRESIDENT: That is a matter of opinion. He says it is not verbatim.

COL. AMEN: Well, very good, Your Lordship.

[Turning to the defendant.] In any event, you can see that you stated the substance of what I just read to you; correct?

VON RIBBENTROP: As I have just said, yes.

COL. AMEN: As a matter of fact, Ribbentrop, you testified and gave this particular testimony in English, did you not?

VON RIBBENTROP: I have often spoken English at interrogations, that is quite true, but whether it was precisely this statement which was made in English, I do not know. In any case, I repeat, these statements on both points are to be understood that way; that is how they were meant.

COL. AMEN: And when you gave your testimony in English, that was at your own request, was it not?

VON RIBBENTROP: No, that is not correct.

COL. AMEN: At whose request?

VON RIBBENTROP: That I do not know. I believe it just happened that way; I cannot remember. I believe I spoke English mostly, and German a few times. Most of the time, however, I spoke English.

COL. AMEN: Now, I am going to read you a little more of your testimony and ask you the same question, which I hope you will answer "yes" or "no," namely: Did you give this testimony in the course of the interrogation:

"Question: 'Do you feel that you have an obligation to the German people to set forth historically not only the good things, but the bad things, for their education in the future?'

"Answer: 'That is a terribly difficult question to answer.'

"Question: 'Does that counterbalance the loyalty you feel towards the Führer?'

"Answer: 'I do not want to stand before the German people as being disloyal to the Führer.'"

Did you make those statements?

VON RIBBENTROP: Yes, that is quite possible, though I can no longer remember very exactly. But that is quite possible. So much has been said in the course of the last few months, and then too, from a physical point of view, I have, as you know, not been quite up to the mark, so that I just cannot remember every single word.

COL. AMEN: All right. Now see if you recall having made these statements:

"I always told the Führer openly my view if he wanted to hear it, but I kept myself entirely back from all decisions, but if the Führer once had decided, I, according to my attitude toward the Führer, blindly carried out his orders and acted in the sense of his decision. In a few decisive foreign political points, I tried to give my opinion more forcefully. This was in the Polish crisis and also in the Russian question, because I considered this absolutely important and necessary, but from 1941 I had but very little weight and it was difficult to bring an opinion through with the Führer."

Do you recall having made those statements? "Yes," or "no," please.

VON RIBBENTROP: That is more or less true. Yes, I practically remember it.

THE PRESIDENT: Colonel Amen, the Tribunal has already heard a very long cross-examination of the defendant, and they think that this is not adding very much to what they have already heard. The defendant has given very similar evidence already.

COL. AMEN: Very good, Sir. I will pass to another subject.

[Turning to the defendant.] You have testified that there was a sharp line of demarcation between the political and the military situations. Correct?

VON RIBBENTROP: Between—I did not understand that.

COL. AMEN: You have testified that there was always a sharp line of demarcation between the political and the military elements:

VON RIBBENTROP: Yes. The Führer always differentiated rather strongly between these two elements; that is correct.

COL. AMEN: And that information belonging to the military was kept exclusively for the military and not made available to your office, for example? Is that correct?

VON RIBBENTROP: I heard little of military matters and plans; yes, that is correct.

COL. AMEN: And that the contrary was also true, that the information which you obtained was not made available to the military; is that correct?

VON RIBBENTROP: That I am in no position to judge, but I would assume so, since I do not know what information the military received from the Führer.

COL. AMEN: Well, you told us that the Führer's entire plan was to keep those political and military channels separate each from the other. Correct?

VON RIBBENTROP: Yes, in general he kept them very severely apart. I have already said so several times. That is why I have only just now had cognizance of many military documents for the first time. That was perfectly in keeping with the Führer's decrees on secrecy, that no one department should know more than was absolutely essential.

COL. AMEN: Now, as a matter of fact that was not true at all; was it, Ribbentrop?

VON RIBBENTROP: I have already given you my answer.

COL. AMEN: As a matter of fact you had secret agents out who were working jointly in foreign countries for your office, for the Army, and for the Navy; isn't that true?

VON RIBBENTROP: No, that is incorrect.

COL. AMEN: You are quite sure of that?

VON RIBBENTROP: Yes, I am certain of that.

COL. AMEN: And you are swearing to that?

VON RIBBENTROP: You mean agents who did something, who...

COL. AMEN: Who were out obtaining information for your office, for the Army, and for the Navy at the same, jointly?

VON RIBBENTROP: I consider that highly improbable. It is, of course, possible that somehow or other, some man may have worked for different departments, but this was definitely not done on an organized scale. The organization—we maintained a very small intelligence service abroad—and the intelligence services of the other departments of the Reich generally worked, as far as I was informed, completely apart from ours. It is possible that here and there some person or other would work for other, for different departments. That is quite conceivable. For instance, some person or other in our legations, as was customary at the English, American, Russian, and other legations, who had dug themselves in as consular assistants or some other kind of assistants, and carried out intelligence work for some organization or other.

COL. AMEN: So you want to change the answer you made a moment ago; is that right?

VON RIBBENTROP: No, I do not wish to change it at all. Fundamentally, as an organized routine matter, I never introduced any of the secret agents who worked for the different departments abroad. It is, however, conceivable that the department of the Foreign Office dealing with such matters may have appointed somebody. It was, however, a fairly insignificant affair. Today I say "unfortunately." It is quite possible that other agents from this department, working for other departments, for Counterintelligence or the SD, *et cetera*, were correlated. Later on we even—I should like to add the following: I had pronounced differences of opinion with Himmler, over the intelligence services abroad, and it was only through the good offices of the Defendant Kaltenbrunner that I obtained an agreement to the effect that certain items of information would be placed at my disposal. But later this agreement was not honored. I think it was practically ineffective, because it was already too late. That, I believe, was in 1944.

COL. AMEN: Will you look at Document Number 3817-PS, please? Will you first tell the Tribunal who Albrecht Haushofer was, please?

VON RIBBENTROP: Albrecht Haushofer was a former collaborator of mine and was a man who, yes, who dealt with German minority questions. Could I perhaps read the letter first? Is it a letter from Haushofer? It is not signed.

COL. AMEN: Yes, it is. Have you finished reading?

VON RIBBENTROP: No, not quite, not yet. Shall I read the others too, or only the first letter?

COL. AMEN: We shall get to the other letters in a moment. I am trying to make this as short as we possibly can. Does that letter refresh your recollection that Haushofer was out in the Orient investigating various matters and making reports to you as early as 1937?

VON RIBBENTROP: At the moment I cannot recall that Haushofer was in Tokio but it is conceivable, it is possible that such was the case.

COL. AMEN: Well, the letter is addressed to you and it encloses a report, does it not?

VON RIBBENTROP: Isn't this a letter from Count Dürckheim? Isn't there some misunderstanding? But if you say this was written by Haushofer, then it is conceivable that he was in Tokio; it is possible. I am not acquainted with the details. I sent Count Dürckheim to Tokio at that time but it is possible that Haushofer was there too. To be candid, I have, at present, forgotten all about it.

DR. HORN: Mr. President, I have just seen that this letter is not fully dated and is unsigned but I hear from Colonel Amen it was allegedly written in 1937. In 1937 Ribbentrop was not yet Foreign Minister. He was appointed Foreign Minister only on 4 February 1938.

COL. AMEN: It has the date on it—3 October—and it was captured with Haushofer's documents.

VON RIBBENTROP: But I consider it quite probable that this letter is from Haushofer, although, to be quite candid, I no longer remember exactly that he had been to Tokio in 1937.

COL. AMEN: Well, now . . .

VON RIBBENTROP: He was a collaborator who worked with us in the early years but later dealt more with German minority questions, so that I lost track of him in recent years.

COL. AMEN: I will just pass along through this document. You will find the next document is dated 15 April 1937, requesting reimbursement and funds for this trip.

VON RIBBENTROP: Yes.

COL. AMEN: And then passing to the next document, you will find a letter to the Deputy of the Führer, Hess, saying:

"I am using the courier to send you also personally a short report which is going to Ribbentrop at the same time. It contains as briefly as possible a summary of what I could observe and hear over here in 4 weeks."

Do you see that?

VON RIBBENTROP: Yes, I see the letter. Yes, yes!

COL. AMEN: Then you will pass on to the next letter, dated 1 September 1937, addressed to yourself.

VON RIBBENTROP: Yes.

COL. AMEN: Enclosing a report covering the first 4 weeks.

VON RIBBENTROP: Yes, I have it before me.

COL. AMEN: Now, we will pass the report over just for the moment and you will come to a letter dated 17 December 1937.

THE PRESIDENT: Colonel Amen, the Tribunal thinks this is very far from the matters which they have really got to consider.

COL. AMEN: Very good, Sir. It seems to me that this indicates very clearly that copies of the same report which is included here were being sent simultaneously to the Army, to the Navy—that went to Raeder—and one to the Army and to Ribbentrop.

THE PRESIDENT: Yes, it is true that the witness' first answer was that they did not have joint agents but he subsequently qualified that and said they might sometimes have had joint agents.

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COL. AMEN: That is right, Sir. If you think he has conceded that point . . .

I should like to put this in as Exhibit USA-790.

VON RIBBENTROP: Yes, but may I be allowed to say that we are not, in this case, dealing with an agent. Herr Haushofer was a free collaborator of ours, interested in politics in general, and in the question of the German minorities in particular. If he was in Tokio at that time, and he doubtless was there, although it has slipped my memory, then I must have told him to speak to several persons over there and report to me. He apparently, as I have only just gathered from this letter, either because he liked to be busy or for some other reason unknown to me, or because he knew the other gentlemen, placed these reports at the disposal of these other gentlemen, on his own initiative. But he certainly was no agent sent out by different departments. I think the only person who knew him well was Rudolf Hess; otherwise, I believe, he knew nobody at all. I fear I am not giving you quite the right ideas; he was a private tourist, who submitted his impressions.

COL. AMEN: Now, I believe you have told the Tribunal that you were not very close to Himmler; is that right?

VON RIBBENTROP: I have always said that my relations with Himmler were good during the first few years, but I regret to say that in the latter years I was not on good terms with him. I naturally—it was not very noticeable to the outside world—but I do not wish to discuss this matter in detail. Many things have already been said about it and there were serious and violent divergencies, due to many reasons . . .

COL. AMEN: I do not care what the divergencies were. In what years did you get along closely with him?

VON RIBBENTROP: I did not understand your question.

COL. AMEN: In what years were you close to him?

VON RIBBENTROP: The first divergencies between Himmler and myself arose, I believe, in 1941, over Romania and difficulties in Romania. These divergencies were smoothed over, and naturally to all outward appearances we had to work together as before, and we often exchanged letters on our respective birthdays and on other occasions. But later on relations were not very good. The final break came in 1941. Formerly I had been on good terms with him and also shared his opinion for the creation of a leadership class, at which he was aiming.

COL. AMEN: And you had at least 50 social appointments with Himmler in 1940 and 1941?

VON RIBBENTROP: How many?

COL. AMEN: Fifty?

VON RIBBENTROP: Fifty? No, that certainly could not have been the case. Perhaps five or thereabouts, I cannot say for certain. But after 1941 relations between us were more strained, and later they were not very good. Others, I believe, have already testified to that effect.

COL. AMEN: Well, I do not want to take any more time, except...

THE PRESIDENT: Are you dealing with social appointments between Ribbentrop or something other?

COL. AMEN: Yes.

THE PRESIDENT: Is that a matter which the Tribunal has to go into?

COL. AMEN: Well, I expect, Sir, that any person that has as many appointments as are indicated by these books certainly has discussed with Himmler the matter of concentration camps and the entire matters which Himmler was exclusively handling. He has told the Tribunal that he had never heard anything about concentration camps from Himmler.

VON RIBBENTROP: I wish to repeat my statement that at no time did Himmler discuss this matter with me. As for our 50 meetings, I do not know, we may have met frequently, despite everything, but I cannot remember 50 meetings. Possibly five or ten, I do not know. I do not believe it to be of vital importance since it is not a decisive factor. Of course we had to work together in various fields and this collaboration was mostly very difficult.

COL. AMEN: Well, there were many business appointments which you had with him also, were there not? Just take a look at this sheet of entries from Himmler's appointment book and tell me whether that conforms to your...

THE PRESIDENT: Colonel Amen, the Tribunal does not want this matter gone into any further.

COL. AMEN: Very good, Sir, but these were business appointments as distinguished from social. There are no further questions.

GEN. RUDENKO: Defendant Ribbentrop, during the last sessions of the Tribunal you explained in great detail the bases of German foreign policy. I should like to ask you a few comprehensive questions and request you to answer these questions laconically in terms of "yes" or "no." Do you consider the Anschluss as an act of German aggression? Please answer this.

VON RIBBENTROP: Austria?

GEN. RUDENKO: Yes.

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VON RIBBENTROP: No, it was no aggression. It was the accomplishment of a purpose.

GEN. RUDENKO: I must request you . . .

VON RIBBENTROP: But I presume I can say a few sentences at least, after saying "yes," or must I never say anything else but "yes" and "no"?

GEN. RUDENKO: I must beg you to answer my questions. You have replied far too extensively. I would like you to summarize your replies, precisely by saying "yes" or "no."

VON RIBBENTROP: That depends on my state of health. I must ask you to forgive me.

GEN. RUDENKO: I understand.

VON RIBBENTROP: I do not consider the Anschluss as an act of aggression, that is "no." I consider it the realization of the mutual purpose of both nations involved. They had always wished to be together and the government before Adolf Hitler had already striven for it.

GEN. RUDENKO: I ask you once more: Please answer "yes" or "no." Do you consider that the Anschluss was not an act of German aggression? Do you consider . . .

THE PRESIDENT: General Rudenko, he gave you a categorical answer to that; that it was not an aggression.

GEN. RUDENKO: Yes, I understand, Mr. President.

THE PRESIDENT: And we have already ruled that the witnesses are not to be confined to answering "yes" or "no." They must answer "yes" or "no" first, and then make a short explanation if they want to. But, anyhow, with reference to this question, he has answered it categorically.

GEN. RUDENKO: The second question: Do you consider the seizure of Czechoslovakia as an act of aggression by Germany?

VON RIBBENTROP: No, it was no aggression in that sense, but a union in accordance with the right of self-determination of nations, as laid down in 1919 by the President of the United States, Wilson. The annexation of the Sudetenland was sanctioned by an agreement of four great powers in Munich.

GEN. RUDENKO: You evidently have not understood my question. I asked you whether you considered the seizure of Czechoslovakia, of the whole of Czechoslovakia, as an act of aggression by Germany?

VON RIBBENTROP: No, it was not an act of aggression by Germany. I consider, according to the words of the Führer, and

I believe he was right, that it was a necessity resulting from Germany's geographical position. This position meant that the remaining part of Czechoslovakia, the part which still existed, could always be used as a kind of aircraft-carrier for attacks against Germany. The Führer therefore considered himself obliged to occupy the territory of Bohemia and Moravia, in order to protect the German Reich against air attack—the air journey from Prague to Berlin took only half an hour. The Führer told me at the time that in view of the fact that United States had declared the entire Western Hemisphere as its particular sphere of interest, that Russia was a powerful country with gigantic territories, and that England embraced the entire globe, Germany would be perfectly justified in considering so small a space as her own sphere of interest.

GEN. RUDENKO: Do you consider the attack on Poland as an act of aggression by Germany?

VON RIBBENTROP: No. I must again say "no." The attack on Poland was rendered inevitable by the attitude of the other powers. It might have been possible to find a peaceful solution to the German demands, and I think the Führer would have trodden this path of peace, had the other powers taken this path with him. As matters stood, the situation had become so tense that Germany could no longer accept it as it was, and as a great power Germany could not tolerate Polish provocations any further. That is how this war arose. I am convinced that primarily the Führer was never interested in conquering Poland.

GEN. RUDENKO: Do you consider the attack on Denmark as an act of aggression by Germany?

VON RIBBENTROP: No, the "invasion" of Denmark, as it is called, was, according to the Führer's words and explanation, a purely preventive measure adopted against imminent landings of British fighting forces. How authentic our information was is proved by the fact that only a few days later English and German troops were engaged in battle in Norway. That means that it was proved that these English troops had been ready for a long time for fighting in Norway, and it came out from the documents discovered later on and published at the time, and from orders issued, that the English landing in Scandinavia had been prepared down to the smallest detail. The Führer therefore thought that by seizing Scandinavia, he would prevent it from becoming another theater of war. I do not therefore think that the invasion of Denmark can be considered as an act of aggression.

GEN. RUDENKO: And you do not consider this attack on Norway as an act of aggression on the part of Germany either?

VON RIBBENTROP: We have just been talking about Norway. I was talking about Norway and Denmark, a combined action.

GEN. RUDENKO: Together with Denmark. All right, it was a simultaneous action. Do you consider the attack on Belgium, Holland, and Luxembourg as an act of aggression on the part of Germany?

VON RIBBENTROP: That is the same question. I must again say "no," but I would like to add an explanation.

GEN. RUDENKO: Just a moment. I would like you to give shorter replies because you explain the basic questions far too extensively. You deny that this was an act of aggression on the part of Germany?

VON RIBBENTROP: The Russian Prosecutor will understand that we are dealing with very important questions, which are not easily explained in a sentence, especially since we did not have the opportunity to explain the matter in detail. I shall be quite brief.

GEN. RUDENKO: I quite appreciate that you have already been answering questions of this nature for 3 days running.

VON RIBBENTROP: I shall now be very brief. After the Polish campaign military considerations proved to be the decisive factors. The Führer did not wish the war to spread. As for Holland, Belgium, and France, it was France who declared war on Germany and not we who declared war on France. We therefore had to prepare for an attack from this direction as well. The Führer told me at the time that such an attack on the Ruhr area was to be expected, and documents discovered at a later date have proved to the world at large beyond a shadow of doubt that this information was perfectly authentic. The Führer therefore decided to adopt preventive measures in this case as well and not to wait for an attack on the heart of Germany, but to attack first. And so the timetable of the German General Staff was put into practice.

GEN. RUDENKO: Do you consider the attack on Greece as an act of aggression on the part of Germany?

VON RIBBENTROP: The attack on Greece and Yugoslavia by Germany has already been discussed. I do not believe I need give any further details on this point. That is here . . .

GEN. RUDENKO: I also do not think it is necessary to give detailed replies. I ask whether you consider the attack on Greece as an act of aggression on the part of Germany? Answer "yes" or "no."

VON RIBBENTROP: No, and I consider that the measures adopted in Yugoslavia and the measures taken by Greece in granting bases, *et cetera*, to the enemies of Germany justified the intervention of Adolf Hitler; so that here too one cannot speak of aggressive action in this sense. It was quite clear that British troops were

about to land in Greece, since they had already landed in Crete and the Peloponnesos, and that the uprising in Yugoslavia by the enemies of Germany, in agreement with the enemies of Germany, as I mentioned yesterday, had been encouraged with the intent of launching an attack against Germany from that country. The documents of the French General Staff discovered later in France showed only too clearly that a landing in Salonika had been planned . . .

GEN. RUDENKO: Witness Ribbentrop, you have already spoken about that in much detail. You explained it yesterday at great length. Now will you please answer "yes" or "no" to my last question: Do you, or do you not consider the attack on the Soviet Union as an act of aggression on the part of Germany?

VON RIBBENTROP: It was no aggression in the literal sense of the word, but . . .

GEN. RUDENKO: You say that in the literal sense of the word it was not an act of aggression. Then in what sense of the word was it an aggression?

THE PRESIDENT: You must let him answer.

VON RIBBENTROP: May I offer a few words of explanation? I must be allowed to say something.

GEN. RUDENKO: You . . .

VON RIBBENTROP: The concept of "aggression" is a very complicated concept, which even today the world at large cannot readily define. That is a point I should like to emphasize first. We are here dealing, undeniably, with a preventive intervention, with a war of prevention. That is quite certain, for attack we did. There is no denying it. I had hoped that matters with the Soviet Union could have been settled differently, diplomatically, and I did everything I could in this direction. But the information received and all the political acts of the Soviet Union in 1940 and 1941 until the outbreak of war, persuaded the Führer, as he repeatedly told me, that sooner or later the so-called East-West pincers would be applied to Germany, that is, that in the East, Russia with her immense war potential, and in the West, England and the United States, were pushing steadily towards Europe with the purpose of making a large-scale landing. It was the Führer's great worry that this would happen. Moreover, the Führer informed me that close collaboration existed between the General Staffs of London and Moscow. This I do not know; I personally received no such news. But the reports and information which I received from the Führer were of an extremely concrete nature. At any rate, he feared that, one day, Germany, faced with this political situation, would be threatened with catastrophe and he wished to prevent the collapse of Germany and the destruction of the balance of power in Europe.

GEN. RUDENKO: In your testimony you have frequently stated that, in the pursuit of peaceful objectives, you considered it essential to solve a number of decisive questions through diplomatic channels. Now this testimony is obviously arrant hypocrisy since you admitted just now that all these acts of aggression on the part of Germany were justified.

VON RIBBENTROP: I did not mean to say that; I said only that we were not dealing with an act of aggression, Mr. Prosecutor, and explained how this war came to pass and how it developed. I also explained how I had always done everything in my power to prevent the war at its outbreak during the Polish crisis. Beyond the precincts of this Tribunal, history will prove the truth of my words and show how I always endeavored to localize the war and prevent it from spreading. That, I believe, will also be established. Therefore, in conclusion I should like to say once more that the outbreak of war was caused by circumstances which, at long last, were no longer in Hitler's hands. He could act only in the way he did, and when the war spread ever further all his decisions were principally prompted by considerations of a military nature, and he acted solely in the highest interests of his people.

GEN. RUDENKO: That is clear. Now I beg you to answer the following questions:

I understand that you have submitted to the Tribunal a document, Number 311, written by yourself, which is an appreciation of Hitler entitled the "Personality of the Führer." You wrote that document not so very long ago. I am not going to quote from it, since you doubtlessly remember it, as you wrote it a very short time ago.

VON RIBBENTROP: No, I am not quite sure what document that is. May I look at it?

GEN. RUDENKO: This document was submitted by you to your own defense counsel, as Exhibit Number 311, and submitted to the Tribunal by your attorney. On Page 5 there...

VON RIBBENTROP: Will you be kind enough to give a copy of this document?

GEN. RUDENKO: It is Document Number 311.

THE PRESIDENT: It cannot have been submitted to the Tribunal as 111, without anything more. What is it, 111-PS or 111?

GEN. RUDENKO: Mr. President, this is a document of the Defense submitted as Ribbentrop-311. We have only a Russian translation here, which came to us together with a German document book. I presume that the document book has been submitted to the Tribunal.

THE PRESIDENT: It is R-111—it is Ribbentrop-111, you mean. It is not 111; it is Ribbentrop-111.

GEN. RUDENKO: Mr. President, this is Document 311.

THE PRESIDENT: Yes, I've got it now. It is in Document Book Number 9.

GEN. RUDENKO: May I continue, Mr. President?

THE PRESIDENT: Yes.

GEN. RUDENKO: On Page 5 of the document, your appreciation of Hitler, you state, "After the victory over Poland and in the West, under an influence which I mainly ascribe to Himmler, Hitler's plans were extended, that is, in the direction of establishing German hegemony in Europe." Do you remember the passage of the document you wrote yourself, Defendant Ribbentrop?

VON RIBBENTROP: May I see this document? I do not know it.

GEN. RUDENKO: Mr. President, I would like to ask counsel for Defendant Ribbentrop to submit this document to his client.

DR. HORN: Mr. President, we are dealing here with . . .

THE PRESIDENT: Wait a minute.

Dr. Horn, the Tribunal is inclined to think that this document is quite irrelevant. It is apparently a document prepared by the Defendant Ribbentrop, upon the personality of the Führer. I do not know when it was prepared, but it seems to us to be irrelevant.

DR. HORN: Yes, Mr. President, I too am of the opinion that it is irrelevant. I included this document only in case the defendant did not have an opportunity to speak in greater detail of his relation to Hitler. Since he has had that opportunity I should like to withdraw the document.

THE PRESIDENT: General Rudenko, the Tribunal consider the document quite irrelevant.

GEN. RUDENKO: Mr. President, this document was presented by the defense counsel in the Document Book. It was written by the Defendant Ribbentrop in the course of this Trial. All the prosecutors considered it admissible since this document, this appreciation, presented by the Defendant Ribbentrop would justify us in asking a large number of questions. But if the Tribunal considers that it really is quite irrelevant to the case, I shall, of course, refrain from quoting it.

THE PRESIDENT: We have not yet had an opportunity of ruling on the admissibility of these documents. It is the first time we have seen them this morning. We all consider this document irrelevant.

GEN. RUDENKO: I understand, Mr. President.

[Turning to the defendant.] I should like to put a few questions with regard to German aggression against Yugoslavia. I should

like you to acquaint yourself with Document 1195-PS. This document is entitled "Preliminary Directives for the Partition of Yugoslavia." I invite your attention to Paragraph 4 of the first section of the document. It states: "The Führer has, in connection with the partition of Yugoslavia . . ." Have you found the place?

VON RIBBENTROP: Can you tell me, please, on what page it is?

GEN. RUDENKO: Page 1, Paragraph 4: "In connection with the partition of Yugoslavia, the Führer has issued the following instructions . . ."

VON RIBBENTROP: I must have the wrong document.

GEN. RUDENKO: Document 1195-PS.

VON RIBBENTROP: Ah, yes. The beginning.

GEN. RUDENKO: I begin again:

"In connection with the partition of Yugoslavia, the Führer has issued the following instructions:

"The transfer of territories occupied by the Italians is being prepared for by a letter of the Führer to the Duce and will be carried out by detailed directive of the Foreign Office."

Have you found the place?

VON RIBBENTROP: No, I do not see the place.

GEN. RUDENKO: Page 1, Paragraph 4, beginning with the words: "The Führer . . ." Do you have it?

VON RIBBENTROP: Yes.

GEN. RUDENKO: I have already read this paragraph into the record.

VON RIBBENTROP: It begins: "In connection with the partition of Yugoslavia, the Führer has issued the following instructions." That is how the document begins. May I ask—now what passage are you quoting?

GEN. RUDENKO: It ends with the following words: ". . . will be carried out according to a detailed directive of the Foreign Office." And then reference is made to a teletype from the Quartermaster General of the OKH.

VON RIBBENTROP: There must be some mistake. It is not mentioned here.

GEN. RUDENKO: Probably you did not find it in the document.

THE PRESIDENT: General Rudenko, it is 12:45 now. Perhaps this would be a good time to adjourn.

*[The Tribunal recessed until 1400 hours.]*

*Afternoon Session*

GEN. RUDENKO: Defendant Ribbentrop, have you acquainted yourself with the contents of the document?

VON RIBBENTROP: Yes, I have.

GEN. RUDENKO: Have you acquainted yourself with the entire document or with Paragraph 4 only?

VON RIBBENTROP: I have read Paragraph 1 of which you spoke previously.

GEN. RUDENKO: Did you find the passage referring to the plenary powers of the Ministry of Foreign Affairs regarding the partition of the territory of Yugoslavia?

VON RIBBENTROP: Yes, it says in my document that the surrender of the territory occupied by the Italians is to be prepared by a letter from the Führer to the Duce and put into effect on further instructions from the Foreign Office.

GEN. RUDENKO: That is correct. That is precisely the passage which I had in view, that is, Section 2 of this document, which is headed "The Delimitation of the Frontiers." It is stated there—Section 2, Page 2 of the Document—it is stated:

"As far as the delimitation of the frontiers was not in the foregoing Section I, this is done in agreement with the Ministry of Foreign Affairs . . ."

VON RIBBENTROP: Yes, I see that.

GEN. RUDENKO: I have only one question to ask in this connection. May I assume that this document defines the part played by the Ministry for Foreign Affairs in the partition of Yugoslav territory? Is this correct?

VON RIBBENTROP: That appears from the fact that the Foreign Office was to take part in fixing the other frontiers, in addition to those defined here, the main lines of which were probably, already, fairly clear. That is correct.

GEN. RUDENKO: This is quite evident. I should like to put two more questions to you concerning Yugoslavia.

On 4 June 1941—this no longer refers to the previous document—a conference was held in the German Legation, presided over by the German Minister in Zagreb, Siegfried Kasche, at which it was decided forcibly to evacuate the Slovenes to Croatia and Serbia and the Serbs from Croatia into Serbia. This decision results from a telegram from the Ministry of Foreign Affairs, Number 389, dated 31 May 1941. Do you know about these measures?

VON RIBBENTROP: No, I must say that I do not know them, but perhaps I may read through them.

GEN. RUDENKO: Please do.

VON RIBBENTROP: I recollect that resettlement was undertaken there but I do not know the details.

GEN. RUDENKO: It goes without saying that it must be very difficult for you to remember all the details at the present time. But you do remember that such deportations did actually take place and precisely in accordance with the directives of the Ministry for Foreign Affairs?

VON RIBBENTROP: Yes. It states here that the Führer had approved a resettlement program, but I do not know the details. At any rate, we undoubtedly had something to do with it, for this meeting definitely took place in the Foreign Office; that is certain. Unfortunately I cannot add any details since I am not informed.

GEN. RUDENKO: I understand you. There is one more question in this connection. This was a compulsory resettlement of the population?

VON RIBBENTROP: I do not know; I cannot say. No.

GEN. RUDENKO: You do not know? All right. And now the last question in connection with Yugoslavia: After Germany's attack on Yugoslavia about 200 employees of the Yugoslav Foreign Office attempted to leave for Switzerland. They were arrested; and then, in spite of protests addressed to your Ministry, they were forcibly taken to Belgrade whence many of them were sent to concentration camps and there died. Why did you not take the measures which you were obliged to take after such a glaring breach of diplomatic immunity?

VON RIBBENTROP: I must say that at the moment I cannot recollect it at all; but, as far as I know, instructions have always followed the principle that diplomats must be treated as diplomats and sent back to their own countries. If it did not happen in this case, I do not know why it was not done. However you yourself say that they were sent to Belgrade. That, at any rate, is certainly in accordance with my instructions. Why or whether they were later interned in Belgrade, I must say I do not know. I do not think we had anything to do with that.

GEN. RUDENKO: You do not know that they were interned in concentration camps?

VON RIBBENTROP: No, I did not know that.

GEN. RUDENKO: Very well. Now for a further series of questions. Who, beside Hitler, signed the decree regarding the Sudetenland of 21 November 1938? Can you remember?

VON RIBBENTROP: I do not know to which order you are referring. May I look through it? I see that I am one of those who signed it. This is the law regarding the reincorporation of the Sudetenland into the Reich.

GEN. RUDENKO: You remember that you actually signed this decree?

VON RIBBENTROP: No doubt. If it says so here, then it must certainly have been so. At the moment, of course, I do not remember it exactly.

GEN. RUDENKO: That is evident. Who, beside Hitler, signed the decree regarding the Protectorate of Bohemia and Moravia, of 16 March 1939, which by its very nature destroyed any remaining vestige of the sovereignty of the Czechoslovakian Republic?

VON RIBBENTROP: I believe that I was one of those who signed that one, too. At least so I assume. Yes, I see that I signed it; here it is.

THE PRESIDENT: General Rudenko, surely all these documents speak for themselves. The defendant has not challenged his signature upon these documents.

GEN. RUDENKO: I understand, Mr. President. I only want to remind the defendant. Since he appears to forget I simply present the documents to him.

[Turning to the defendant.] You also signed the decree of 12 October 1939 regarding the occupation of the Polish territories. Do you remember that?

VON RIBBENTROP: 12 October '39? No, I do not remember it. I signed a great many things during those years but I cannot remember them in detail.

GEN. RUDENKO: This is the decree dated 12 October.

THE PRESIDENT: General Rudenko, if he does not dispute his signature, why should you waste time in putting these documents to him? His signature is on the document. He does not dispute it. This is a mere waste of time.

GEN. RUDENKO: Yes, Mr. President. Then I have only one more question in this connection.

[Turning to the defendant.] Your signature also appears on the decree of 18 May 1940, regarding the annexation by Germany of the Belgian territories, Eupen and Malmédy.

I put these questions so that I may conclude with the following question. Am I right in stating that each time the Hitler Government was attempting to lend the appearance of legality to their

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territorial annexation by a decree, this decree invariably bore the signature of the Reich Minister Ribbentrop?

VON RIBBENTROP: I believe not. If any territorial changes were undertaken, it was the Führer who ordered them; and, as is probably evident from these documents, the various ministers who were in any way concerned then countersigned the Führer's order or the laws decreed by the Führer, and, of course, I probably countersigned most of these orders myself.

GEN. RUDENKO: That is clear. Now, I should like you to acquaint yourself with the document already submitted in evidence to the Tribunal as Exhibit Number USSR-120 (Document Number USSR-120). It is your agreement with Himmler for the organization of intelligence work. It is an extensive document and I should like you to acquaint yourself with Subparagraph 6 of this document.

VON RIBBENTROP: I beg your pardon. This is a different document. This concerns the intelligence service. You spoke of slave labor, but this concerns the intelligence service.

GEN. RUDENKO: This has been incorrectly translated to you. I was not speaking about slave labor; I was speaking about intelligence work. Please refer to Subparagraph 6 of this document. It is an extensive document and the time of the Tribunal should not be taken up unduly. It is stated here, and I quote:

"The Ministry of Foreign Affairs gives every possible assistance to the Secret intelligence service. The Minister of Foreign Affairs, as far as this is compatible with the requirements of foreign policy, will install certain members of the intelligence service in the diplomatic missions."

I want to omit one long paragraph and will read the final paragraph:

"The responsible member of the intelligence service must keep the head of the mission informed on all important aspects of secret intelligence service activities in the country in question."

You did sign such an agreement? Is that true?

VON RIBBENTROP: Yes.

GEN. RUDENKO: We are therefore forced to the conclusion that the foreign organization of the German Ministry for Foreign Affairs was actually engaged in espionage work?

VON RIBBENTROP: No, you cannot really say that, for the following reasons:

I mentioned once before this morning in the course of the examination that there were differences of opinion between Himmler and myself in regard to the intelligence service abroad. Thanks to the

efforts of the Defendant Kaltenbrunner, that agreement was eventually signed. We planned to co-operate, and I do not deny that we intended to work intelligence service personnel into the Foreign Office organization. This, however, was not put into practice. The agreement could not become effective because it was concluded so late that the end of the war intervened. I think the date of the conclusion of this agreement, which is lacking in this copy, must have been 1944 or even 1945. Thus, there was no actual co-operation. Such co-operation was, however, planned; and I was particularly interested in it. There had been all sorts of differences and I wanted to end them and put matters on a more uniform basis. That was the reason. In any case, I think that is part of the procedure which all countries had to employ abroad. I do not think it is anything unusual.

GEN. RUDENKO: I am not asking you your opinion. I was only interested in this document; it is true that you did sign such an agreement. You replied in the affirmative. I am not asking you further questions about this document.

VON RIBBENTROP: Yes. I replied in the affirmative—yes.

GEN. RUDENKO: I wanted to know this only. I have another document from this series. Do you remember a letter of the Defendant Kaltenbrunner in which he asked for one million Tomans for bribery in Iran?

VON RIBBENTROP: One million...? What is that? I did not hear it; please repeat it. I did not hear the word very well...

GEN. RUDENKO: One million Tomans. Tomans are Iranian currency. I should like you to acquaint yourself with this document; it is a short one.

VON RIBBENTROP: May I see it, please?

GEN. RUDENKO: Of course.

VON RIBBENTROP: Yes. I recollect the matter, and I think certain funds were placed at their disposal.

GEN. RUDENKO: The money was placed at Kaltenbrunner's disposal?

VON RIBBENTROP: I do not know the details, but I believe I did give instructions to the Foreign Office at the time that financial support should be given in this matter. That is correct.

GEN. RUDENKO: It was precisely that point which interested me. The document speaks for itself.

I now proceed to the following series of questions.

You have testified that in August or September 1940 in the Schloss Fuschl, you met the Defendant Keitel to discuss a memorandum on

the possibility of an attack by Germany on the Soviet Union. Consequently, nearly one year prior to that attack on the Soviet Union, you were already informed of the plans for this attack, were you not?

VON RIBBENTROP: No, that is not correct. The Defendant Keitel was with me at the time at Fuschl, and on that occasion he told me that the Führer had certain misgivings regarding Russia and could not leave the possibility of an armed conflict out of his calculations. He said that, for his part, he had prepared a memorandum which he proposed to discuss with the Führer. He had doubts as to the wisdom of any conflict of that kind in the East, and he asked me at the time if I would also use my influence with the Führer in that direction. I agreed to do so. But an attack or plans for an attack were not discussed; I might say that all this was a discussion more from a General Staff point of view. He made no mention to me of anything more concrete.

GEN. RUDENKO: I do not want to detain the attention of the Tribunal on this question, because it has already been sufficiently investigated. But I want to ask you in this connection the following question: You replied to Keitel during this conversation that you would express your opinion regarding the war with the U.S.S.R. to Hitler. Did you have a conversation with Hitler on that subject?

VON RIBBENTROP: I discussed the subject several times with Hitler, and on this occasion I spoke of the danger of preventive wars to him. Hitler told me of his misgivings, which I have already mentioned here.

GEN. RUDENKO: Yes, you have testified in that sense. Tell me, did you know that the so-called "Green File" of the Defendant Göring, containing directives for the plunder and exploitation of the temporarily occupied territories of the Soviet Union was prepared a long time prior to the attack on the Soviet Union? Did you know this?

VON RIBBENTROP: No, I did not know that. I heard the term "Green File" here for the first time.

GEN. RUDENKO: All right—you did not know the name. And when did you learn about the contents? The contents of this file?

VON RIBBENTROP: Neither the file nor the name.

GEN. RUDENKO: You did not know. All right. You knew that already before the war directives were drafted for the extermination of the peaceful Soviet population?

VON RIBBENTROP: No, I did not know that either.

GEN. RUDENKO: And when did you know about that?

VON RIBBENTROP: I heard nothing at all about such plans.

GEN. RUDENKO: And the directives?

VON RIBBENTROP: Regarding the preparation of such plans . . .

GEN. RUDENKO: And regarding the directives concerning jurisdiction in the Barbarossa region? You evidently did know about that?

VON RIBBENTROP: Regarding what? I did not understand that.

GEN. RUDENKO: Regarding jurisdiction in the Barbarossa region. It is a supplement to Plan Barbarossa.

VON RIBBENTROP: No, I must say that I have never occupied myself personally with that subject. It might be possible that some department in my office did have a hand in it somewhere; but as far as I remember I, myself, was never concerned with the subject of jurisdiction; for after the outbreak of the conflict with the Soviet Union the Foreign Office had nothing more to do with these territories.

GEN. RUDENKO: I should like you to take cognizance of a telegram which you addressed on 10 July 1941, at 1451 hours, to the German Ambassador in Tokio. We are submitting this document, Number 2896-PS, to the Tribunal as Exhibit Number USSR-446. You must remember this telegram.

VON RIBBENTROP: To whom is it addressed? It does not say here.

GEN. RUDENKO: To the German Ambassador in Tokio. Do you remember?

VON RIBBENTROP: Oh, Tokio, yes.

GEN. RUDENKO: You apparently remember it. I must ask you to pay attention to the words on Page 4 at the end of this document. They are underlined in pencil for the sake of convenience. Have you found the passage? I shall read only that part into the record.

VON RIBBENTROP: Which part are you referring to? The last page?

GEN. RUDENKO: It is on Page 4. It is underlined.

VON RIBBENTROP: Yes, I have found it now.

GEN. RUDENKO: I am going to read this passage into the record.

"I request you to use every means in your power to influence Matsuoka, in the way I have indicated, so that Japan will declare war on Russia as soon as possible; for the sooner this happens, the better it will be. It must still be our natural aim to shake hands with Japan on the Trans-Siberian railway before the winter. With the collapse of Russia the position of the countries participating in the Three Power Pact will be so strong that the collapse of England or the complete annihilation of the British Isles will be only a question of time."

Have you found this passage?

VON RIBBENTROP: Yes, I have the passage; yes.

GEN. RUDENKO: What is it? Is it one of your efforts to localize the war?

VON RIBBENTROP: I did not understand that last question?

GEN. RUDENKO: I say, is this one of your efforts to localize the war?

VON RIBBENTROP: The war against Russia had started, and I tried at the time—the Führer held the same view—to get Japan into the war against Russia in order to end the war with Russia as soon as possible. That was the meaning of that telegram.

GEN. RUDENKO: This was not only the policy of the Führer; it was also your policy as the then Minister for Foreign Affairs?

VON RIBBENTROP: Yes, yes.

GEN. RUDENKO: I have a few more questions to ask. You state that you never heard a thing about the cruelties perpetrated in the concentration camps?

VON RIBBENTROP: Yes, that is correct.

GEN. RUDENKO: During the war you, as Minister of Foreign Affairs, studied the foreign press and the foreign newspapers. Did you know what the foreign press was saying?

VON RIBBENTROP: No, that is true only up to a certain point. I had so much to read and so much work to do every day that, on principle, I received only the foreign political news selected for me from the foreign press. Thus, during the whole of the war I never had any news from abroad about the concentration camps, until one day your armies, that is, the Soviet Russian armies, captured the camp at Maidanek in Poland.

On that occasion news came from our embassies and I asked for press news, *et cetera*, to be submitted to me. How I took these news releases to the Führer and what resulted from that has already been discussed here. Before that I knew nothing about any atrocities or any measures taken in the concentration camps.

GEN. RUDENKO: Did you know about the notes of the Minister for Foreign Affairs of the Soviet Union, Molotov, concerning the atrocities committed by the German fascists in the temporarily occupied territories of the Soviet Union, the deportation into slavery of the people of the Soviet, the pillaging?

VON RIBBENTROP: I think that note reached me somehow through diplomatic channels. I am not quite sure how; it may have come through news agencies. However, I do remember that at the

time—I believe there were even several notes—at any rate I remember one of these notes which I submitted to the Führer. But since the beginning of the Russo-German war we could not carry out any action in these territories, and we had no influence there. Therefore, I am not informed about details.

GEN. RUDENKO: I was primarily interested in one fundamental fact, namely, that you were aware of the notes from the Minister for Foreign Affairs of the Soviet Union. Tell me, please, do you know that millions of citizens were driven into slavery to Germany?

VON RIBBENTROP: No, I do not know that.

GEN. RUDENKO: You do not know! And that those citizens were used as slaves in Germany—you were not aware of that?

VON RIBBENTROP: No. According to what I heard, all these foreign workers are supposed to have been well treated in Germany. I think it is possible, of course, that other things might have happened, too; but on the whole, I believe that a good deal was done to treat these workers well. I know that on occasion departments of the Foreign Office co-operated in these matters with a view to preventing those possible things. Generally speaking, however, we had no influence in that sphere, as we were excluded from Eastern questions.

GEN. RUDENKO: Why were you informed that foreign laborers were treated well and why were you not informed that they were being treated as slaves?

VON RIBBENTROP: I do not think that this is correct. We in the Foreign Office—in the case of the French, for instance, and quite a number of other foreign workers—co-operated in getting musicians, *et cetera*, from France for them. We advised on questions concerning their welfare. And I know that the German Labor Front did everything in its power, at least with regard to the sector which we could view to some extent, to treat the workers well, to preserve their willingness to work, and to make their leisure pleasant. I know, at least, that those of its efforts in which we co-operated were on these lines.

GEN. RUDENKO: Well, I now present a penultimate group of questions in connection with the activities of the "Ribbentrop Battalion." I must now request you to read the testimony of SS Obersturmbannführer Norman Paul Förster. This document is submitted as Exhibit Number USSR-445 (Document Number USSR-445). Please pay particular attention to Page 3 of Förster's testimony. This passage is underlined. It is stated there:

"When in that same month, August 1941, I reported to the address given to me in Berlin, I learned that I had been transferred to Special Command SS of the Ministry of Foreign

Affairs. A member of the Foreign Ministry, Baron von Kunsberg, was at the head of the SS Special Command . . . In this command there were about 80 to 100 men altogether and 300 or 400 men were added later. The special command was later rechristened the Ministry of Foreign Affairs Battalion 'z.b.V.' (for special employment).

"I was received by Baron von Kunsberg in a building belonging to the Ministry of Foreign Affairs, where the Sonderkommando was quartered. He explained to me that the Sonderkommando was created on instructions from the Reich Minister of Foreign Affairs Von Ribbentrop. According to Von Ribbentrop's instructions, our Sonderkommando was to move forward with the front line troops in occupied territory in order to protect the cultural treasures—museums, archives, scientific institutions, art galleries, and so forth—from ruin and destruction by the German soldiers, to confiscate them and transport them to Germany."

Here I omit a few lines and then:

"On the evening of 5 August 1941, in the presence of Nietsch, Paulsen, Krallat, Remerssen, Lieben, and others, Von Kunsberg informed us of Von Ribbentrop's verbal order according to which all scientific institutions, libraries, palaces, *et cetera*, in Russia were to be thoroughly 'combed out' and everything of definite value was to be carried off."

Did you find that passage in the document?

VON RIBBENTROP: Yes. Shall I answer?

GEN. RUDENKO: I should like you first of all to reply to my question, reading as follows: You know that such a battalion of the Ministry of Foreign Affairs existed, and that in accordance with your directives, it was especially concerned—as is stated in this document—with the preservation of cultural treasures? Please reply to this question.

VON RIBBENTROP: It is quite incorrect as it appears in this document. I cannot acknowledge it in any way and I must object to it. The following is correct:

This Herr Von Kunsberg is a man who was appointed, with a few assistants, long before the Russian campaign with the idea even at that time of confiscating in France documents, important documents, which might be found there and which might be of importance or value to us. Any order which—at the same time, I may say, he had orders to see to it that there should be no unnecessary destruction of art treasures, *et cetera*. In no circumstances did he receive from me orders to transport these things to Germany or to

steal any of them. I do not know how this statement came to be made; but in this form it is certainly not correct.

GEN. RUDENKO: You have protested against a great many of the documents here. That does not mean that they are incorrect. I am not going to quote from this testimony any further. I shall now refer to a document; it is a letter from the Defendant Göring addressed to the Defendant Rosenberg. It has already been submitted to the Tribunal under Document Number 1985-PS. I shall here quote Paragraph 2 of the document. It has already been submitted, so I shall read this letter addressed by Göring to Rosenberg into the record. He writes:

"After all the fuss and bother I very much welcomed the fact that an office was finally set up to collect these things, although I must point out that still other offices refer here to authority received from the Führer, especially the Reich Minister of Foreign Affairs, who sent a circular to all the organizations several months ago, stating amongst other things, that he had been given authority in the occupied territories for the preservation of cultural treasures."

We can assume that the Defendant Göring is better acquainted with the circumstances anent the preservation of art treasures. Don't you remember those things at all?

VON RIBBENTROP: I do not know how this letter from Reich Marshal Göring came to be written. I do not know, but if there is any mention in it of authorities or anything of that kind, that could only refer to the fact that these art treasures were secured in these territories. I have already stated here that during the war neither I myself nor the Foreign Office confiscated or claimed any art treasures whatsoever, whether for my personal use or for our use. It is possible that these art treasures were temporarily placed in safekeeping. Certainly none of them passed into our possession. Therefore it might be a misunderstanding in this letter because I remember clearly that at that time we were dealing with the safekeeping of art treasures. In France, for instance, at that time robberies were beginning to be committed in private houses and art galleries, *et cetera*; and I still remember asking the Wehrmacht to provide guards to keep a watch on these art treasures, *et cetera*. At any rate we in the Foreign Office never saw any of these works of art ourselves.

GEN. RUDENKO: I think we had better not go too deeply into details. I should like to ask another question in this connection. Don't you think that the term "safekeeping of art treasures in the occupied territories" actually concealed the looting of art treasures?

VON RIBBENTROP: We certainly never intended that; and I have never given any order to that effect. I should like to state

that here, emphatically. Perhaps I may add that when I heard that Kunsberg had suddenly assembled such a large staff, I immediately ordered the dissolution of his entire battalion—it was not a battalion; that is badly expressed—at any rate, its immediate dissolution; and I think I even remember dismissing him from the Foreign Office, because he did not do what I wanted. I think he was removed from his office.

GEN. RUDENKO: Very well. I am closing my interrogation. You were Minister of Foreign Affairs of the fascist Germans from 4 February 1938. Your appointment to this post coincided with the initial period, when Hitler had launched on a series of acts involving a foreign policy which in the end led to the World War. The question arises: Why did Hitler appoint you his Minister of Foreign Affairs just before embarking on a wide program of aggression? Don't you consider that he thought you were the most suitable man for the purpose, a man with whom he could never have any differences of opinion?

VON RIBBENTROP: I cannot tell you anything about Adolf Hitler's thoughts. He did not tell me about them. He knew that I was his faithful assistant, that I shared his view that we must have a strong Germany, and that I had to get these things done through diplomatic and peaceful channels. I cannot say more. What ideas he may have had, I do not know.

GEN. RUDENKO: Here is my last question. How can you explain the fact that even now, when the entire panorama of the bloody crimes of the Hitler regime has been unfolded before your eyes, when you fully realize the complete crash of that Hitlerite policy which has brought you to the dock—how can we explain that you are still defending this regime; and, furthermore, that you are still praising Hitler and that you are still declaring that the leading criminal clique consisted of a group of idealists? How can you explain that?

THE PRESIDENT: That seems to be a number of questions in one, and I do not think it is a proper question to put to the witness.

GEN. RUDENKO: I thought that this was only one question which summarizes everything.

[Turning to the defendant.] Will you answer please, Defendant Ribbentrop?

THE PRESIDENT: I told you, General Rudenko, that the Tribunal does not think it a proper question to put.

GEN. RUDENKO: I have no further questions.

THE PRESIDENT: Dr. Horn, do you want to re-examine?

DR. HORN: I have no further questions to put to the defendant, Mr. President.

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

Now, Dr. Horn, I understand that you are going to deal with your documents now, are you not?

DR. HORN: Yes.

THE PRESIDENT: I see the time; we might perhaps adjourn for 10 minutes now.

*[A recess was taken.]*

THE PRESIDENT: The Tribunal wish me to announce that the Tribunal will not sit on Good Friday or the Saturday afterwards nor on Easter Monday.

MAJOR J. HARCOURT BARRINGTON (Junior Counsel for the United Kingdom): May it please the Tribunal, I am speaking for all the four prosecutors, to put the Prosecution's comments on the document books which the Defendant Von Ribbentrop has put in. I am speaking for all the four prosecutors, with one exception, that the French Chief Prosecutor wishes to speak on two particular groups of documents which are of special interest to the French Delegation. I think, if it is convenient to the Tribunal, I might put the whole of the Prosecution's position before Dr. Horn puts his answer if that is agreeable to him.

THE PRESIDENT: Do you agree, Dr. Horn, that he might put his view first? Is it agreeable to you that Mr. Barrington should put the position first?

DR. HORN: Yes.

MAJOR BARRINGTON: There are, in all, nine books in the English version; and the last two have been received only today, so, as they contain perhaps about 350 documents, I regret that I have not been able to agree in the list with Dr. Horn, himself, although I have acquainted him with the comments that the Prosecution proposes to make.

The first two books, comprising Documents 1 to 44, have already been read in open court on the 27th of March by Dr. Horn, and I take it that Your Lordship does not want them gone into again.

THE PRESIDENT: No.

MAJOR BARRINGTON: So that leaves simply Books 3 to 9, and I have made out a working note of which I have copies. I do not know whether the members of the Tribunal have them.

THE PRESIDENT: Oh, yes.

MAJOR BARRINGTON: Oh, yes; Your Lordship will see that on the left column are the documents which the Prosecution would

object to, and in the middle column are those that they would allow, and there are remarks on the right-hand side.

Although this does not show it, I have, for convenience, divided these documents up into nine groups; and so I think I need not go through all the documents in detail unless there is any particular question on any one of them.

Before saying what the groups are, perhaps I might make two general remarks, that the Prosecution takes the position that the *German White Books*, which figure very largely in this list—*White Books* issued by the government of the Nazi conspirators,—cannot be regarded as evidence of facts, stated therein; and secondly, that there are among these documents a considerable number which are only discussions of subjects in a very vague and tentative stage, and a great many of them, in the Prosecution's view, are cumulative.

Now, of the first of the nine groups, I have broken them down to Czechoslovakia; and if you will look at the note that I have handed up, that consists of the first few documents down to 45. I beg your Lordship's pardon. That is wrong. From after 45, there are six PS documents which are already exhibits and there are 46 and 47 and over the page there are 7 more on Czechoslovakia, and the Prosecution's position on those is that six PS documents are allowed and 46 and 47; but, over the page, 66, 67, and 69 are objected to purely on the ground that they are cumulative—cumulative, I think of Number 68.

THE PRESIDENT: Which volume are they in, 66 and 69?

MAJOR BARRINGTON: In Volume 3, My Lord.

THE PRESIDENT: As they have already been translated does it make much difference if there are objections that they are cumulative?

MAJOR BARRINGTON: Well, there is not any difference, My Lord, at all, except if they are going to be read into the record.

THE PRESIDENT: They have all been translated?

MAJOR BARRINGTON: They have all been translated.

THE PRESIDENT: And in the other languages, too?

MAJOR BARRINGTON: I understand so, My Lord, yes.

THE PRESIDENT: So they need not be read into the record.

MAJOR BARRINGTON: If your Lordship pleases.

THE PRESIDENT: That is the rule, isn't it, that if they have been translated into the four languages, they need not be read into the record?

MAJOR BARRINGTON: That would apply to all the documents in all these nine books now because they all have been translated.

THE PRESIDENT: Yes, it would; but there may be other objections to the documents besides their being cumulative.

MAJOR BARRINGTON: There will be, according to the Prosecution's submission, a very large number that are cumulative *in toto*.

THE PRESIDENT: There will be a very large number?

MAJOR BARRINGTON: Yes.

THE PRESIDENT: Yes, but the point was that, being translated, they are there already.

MAJOR BARRINGTON: Yes, My Lord.

THE PRESIDENT: Very well.

MAJOR BARRINGTON: That is the only point the Prosecution has against those. The thing is, My Lord, the Prosecution say they are cumulative. Of course, Dr. Horn might not say so and perhaps he would welcome a ruling as to whether they should be used or not.

THE PRESIDENT: No. What I was suggesting to you was that if the only objection to them was that they were cumulative they may just as well go in, be put in evidence, because they have already been translated—it saves time—as to have them all argued.

MAJOR BARRINGTON: Yes, My Lord, unless Dr. Horn wishes to read any of these documents and refer to them specifically.

THE PRESIDENT: Well, you mean that he might read them all and then . . .

MAJOR BARRINGTON: I do not know what Your Lordship is going to allow him to do. I understood perhaps he would read some of them.

THE PRESIDENT: Presumably, if he reads many that are cumulative, we shall stop him.

MAJOR BARRINGTON: I will pass on to the second group, which are Numbers 48 to 62 inclusive, and those are on the subject of Allied rearmament and alleged warlike intentions before the outbreak of war. Number 54 appears to be missing from my book, and I do not know whether it was intentionally left out.

The Prosecution would object to all those on the ground that they are irrelevant. They are in Book 3, My Lord.

THE PRESIDENT: 59 is different, isn't it? 59 is dealing with a speech by Sir Malcolm MacDonald about the colonies.

MAJOR BARRINGTON: Yes. That is not exactly rearmament, but of course it is on the same theme in a way, that it is a provocation to war. It is certainly in rather a different category from the others.

THE PRESIDENT: Yes.

MAJOR BARRINGTON: The third group deals with Poland, and that is a very large group because it includes all the negotiations before the outbreak of the war, and the numbers involved in that group are 74 to 214.

I think it would perhaps be convenient to break that group down into two phases. The first one would be the questions of the minorities and Danzig and the Corridor and the incidents connected with them, and the second phase—slightly overlapping in time, but roughly it follows after the other one—would be the diplomatic events involving countries other than Poland, that is to say, very approximately from the 15th of March 1939 onwards. The first phase of that group would be Numbers 74 to 181, and the second phase 182 to 214.

Now, in regard to the first phase, there are two points. The Prosecution says that these are, with very few exceptions, irrelevant because they treat of incidents and the problems arising out of these minority questions, and the Prosecution says those are irrelevant for two reasons. One of the documents among them consists of an exchange of notes between the German and Polish governments on the 28th of April 1939. That is TC-72, Number 14, in Book 5. And that exchange of notes consists of a confirmation that both parties unconditionally renounce the use of force on the basis of the Kellogg Pact. That had been done previously on the 26th of January 1934, as appears in another document here. It is on Page 2 of my note, TC-21.

THE PRESIDENT: What was the date of TC-72?

MAJOR BARRINGTON: TC-72, Number 14, was the 28th of April 1939.

THE PRESIDENT: Yes.

MAJOR BARRINGTON: And on the footing that the two countries unconditionally renounced the use of force on the basis of the Kellogg Pact, added to the fact that the Defendant Ribbentrop has himself said that during 1938 Germany was on very good terms with Poland. And also there was a declaration made by Germany and Poland on the 5th of November 1937 about minorities—that is Number 123 in this list of documents; it occurs at the top of Page 4 in the note. In view of these things, the Prosecution says that the accounts of these and reports of these incidents and minority problems are irrelevant and very old history.

I think perhaps I might...

THE TRIBUNAL (Mr. Biddle): You have them all cumulative or irrelevant starting with 76. You mean the cumulative?

MAJOR BARRINGTON: Well, I am afraid to say, Your Honor, this was originally got out purely as a working note, and that is rather an error. It should be irrelevant on account of TC-21.

THE PRESIDENT: Yes.

MAJOR BARRINGTON: My Lord, I was going to say that perhaps I might anticipate an objection that Dr. Horn has been good enough to tell me that he will make to this, that yesterday he contended that certain incidents before Munich had been condoned by the Munich Agreement, and that the argument I have just put up is on the same lines as that which the Tribunal turned down yesterday.

But, of course, there is this difference, that the Munich Agreement was negotiated in ignorance of the Fall Grün and that, from the point of view of condoning previous incidents, it is not on the same footing as an agreement negotiated in full knowledge of the circumstances.

So, My Lord, taking Group 3, Poland and the first phase of it, the Prosecution would suggest—looking at the middle column on Page 2—allowing Number 75, which is the Polish Treaty of 1919, and TC-21, which I have already mentioned, which reaffirmed the Kellogg Pact, and Number 123 and TC-72, Number 14 and 16, which I have already mentioned. The remainder, perhaps, might all be said to be irrelevant; but it would be reasonable, perhaps, to allow Numbers 117, 149, 150, 153, 154, 159, 160, 163, and TC-72, Number 18. These were largely discussions between ambassadors and heads of state, which may have rather more importance than the other documents in this particular group.

As a matter of fact, My Lord, I think they are all in anyhow, those that I have just mentioned.

That goes up to 182. Starting now at 182, and the first five, 182 to 186...

THE PRESIDENT: Why do you object to 155 which is the calling out of Polish reserves, 155 to 158?

MAJOR BARRINGTON: Well, My Lord, the objection to that was simply based on the fact that...

THE PRESIDENT: I think they are all mentioned in the conversation which is 159, and that is probably the reason.

MAJOR BARRINGTON: Yes. I am obliged, Your Lordship. I think that it is so, but I do not think the objection to them could be very strong.

THE PRESIDENT: No.

MAJOR BARRINGTON: Numbers 182 to 186, My Lord, they are reports by the German *chargés d'affaires* in various capitals, and the Prosecution say that those would not be proper evidence.

THE TRIBUNAL (Mr. Biddle): Why not?

MAJOR BARRINGTON: Well, they are just accounts of the German *chargés d'affaires'* observations and conclusions of fact, for the most part by them, transmitted to their Foreign Office.

THE TRIBUNAL (Mr. Biddle): Do you mean they are irrelevant on the ground of hearsay?

MAJOR BARRINGTON: I beg your pardon.

THE TRIBUNAL (Mr. Biddle): Because they are hearsay they should not be admitted; is that what you mean?

MAJOR BARRINGTON: Well, they are, of course, partly hearsay. They are also vague, and again, they are transmitted with an object in view. At least that has been the submission of the Prosecution, that they are transmitted to color the picture from the German point of view.

THE TRIBUNAL (Mr. Biddle): Would you admit these if they were made by *chargés d'affaires* of other states?

MAJOR BARRINGTON: If they were made by *chargés d'affaires* of other states?

THE TRIBUNAL (Mr. Biddle): Yes.

MAJOR BARRINGTON: Well, they would be admissible if they were put in as government reports by Allied nations under the Charter; but they are not really admissible if they are German documents.

THE TRIBUNAL (Mr. Biddle): I am sorry; I do not know what you mean.

MAJOR BARRINGTON: Well, Article 21 of the Charter . . .

THE TRIBUNAL (Mr. Biddle): I am sorry. Perhaps I do not make myself clear. I do not quite understand why these are different from any other official reports made by *chargés d'affaires* of any country. Is it because they are German reports?

MAJOR BARRINGTON: Because they are German reports.

THE TRIBUNAL (Mr. Biddle): Oh, I see. In other words, you think German reports should be excluded.

MAJOR BARRINGTON: I think under the Charter they should be excluded, except, of course, if they are used by the Prosecution as admissions against the German Government itself.

THE PRESIDENT: We are going to hear you in a moment, Dr. Horn. Anyhow, Mr. Barrington, your objection to 182 to 214 is that it is self-serving evidence and therefore not admissible; is that it?

MAJOR BARRINGTON: That is right, My Lord.

THE PRESIDENT: Is there any other objection to them?

MAJOR BARRINGTON: Well, they are, as I said, conclusions of fact drawn by an observer in a foreign country. They tend to get rather vague.

THE PRESIDENT: That might apply to a great deal of the evidence.

MAJOR BARRINGTON: Numbers 187 to 192 and TC-77 there is no objection to.

Number 193 and 194 are German Foreign Office memoranda and they are mere discussions, internal to the German Foreign Office. 193 is a memorandum of the State Secretary of the Foreign Office, and it deals with a visit to him of the French Ambassador. And Number 194 is similar, a visit of the British Ambassador. Number 195, that is Sir Nevile Henderson's White Paper, *Failure of a Mission*, and there are a number of extracts from that; it is a book and there are a number of extracts from that in the document book and it is contended that they are cumulative of evidence which has already been given and that in particular most of them are really provocative. That applies particularly to the first extract.

THE PRESIDENT: What do you mean by provocative?

MAJOR BARRINGTON: Well, Your Lordship will see that in the first extract there are some rather strongly worded opinions.

THE PRESIDENT: Which book are they in?

MAJOR BARRINGTON: They are in Book 6, My Lord. There are some rather strongly worded opinions about the position of Soviet Russia.

THE PRESIDENT: Yes, go on.

MAJOR BARRINGTON: Number 196 and 197 are German memoranda and reports for Foreign Office use, and they cover the same category as 193 and 194. One of them is internal to the Foreign Office and the other from the German chargé d'affaires in Washington.

Numbers 198 to 203 are all right.

Number 204 is objected to as not being evidence; it is a memorandum of the Director of the Political Department of the Foreign Office in Berlin, and it merely talks of a report in the *Berliner Börsenzeitung*. It is merely secondhand evidence.

Number 205 and 206 are not objected to.

The next one, TC-72, Number 74, is not objected to.

Number 207 is the same document as the previous one. It is a mere repetition.

Now, Number 208, My Lord, consists of a collection of extracts from the British *Blue Book*, and I am afraid I have not had time to

check up which of them are actually in evidence already. But it is clear that the majority of them are obviously relevant, but it is suggested that those in the left-hand column do include unnecessary detail in view of the rest of them.

Number 209, there is no objection.

Number 210 is a conversation between the Defendant Ribbentrop and Sir Nevile Henderson on the 30th of August 1939, and that of course has been the subject of evidence already and is perhaps in any event cumulative for that reason.

Number 211(a) and 211(b) are just repetitions of documents quoted from the British *Blue Book*.

Number 212 is a Polish wireless broadcast, and Number 213 is a German communiqué to the German public, and it is contended that those have no evidential value.

Number 214 is an extract from a book which the Tribunal has already refused to the defendants.

Now, the next page of the note, My Lord, deals with my next group, which is Norway and Denmark.

THE PRESIDENT: Group 4, is it? Group 4, is that right?

MAJOR BARRINGTON: That is Group 4, My Lord, yes.

215(a) and 215(b) deal with the case of Iceland and Greenland. They are not very long documents; they are just considered to be irrelevant. Objection to them could not be very strong.

There is no objection to 216(a) and 216(b), which are already in evidence, I think; and D-629 is also already in evidence.

Number 217 is simply an interview which the Defendant Ribbentrop gave to the press, which the Prosecution says is not proper evidence.

Number 004-PS is already in evidence.

Number 218 and 219, I think, are also in evidence.

Number 220 again is objected to as it is simply an interview with the press.

THE PRESIDENT: Why do you object to those two Ribbentrop communications to the press?

MAJOR BARRINGTON: It is self-created evidence, My Lord. He has presumably given that evidence already. He had not given it at the same time.

THE PRESIDENT: What he said 6 years ago might be relevant.

MAJOR BARRINGTON: Well, if Your Lordship thinks so; but the point I was making is simply that it is self-created evidence and created at the time with a view to create an impression. It is propaganda.

THE PRESIDENT: You may say that, yes.

MAJOR BARRINGTON: Then, My Lord, the next group is the Low Countries. That group really began at 218, of course, and it goes on to 240 . . .

THE PRESIDENT: Is this another group? Communiqué of the 5th group?

MAJOR BARRINGTON: This is the fifth group, My Lord, yes. That goes on from 218 to 245, and I shall not deal in detail with that because the French Chief Prosecutor is going to speak about that. And the same with the next group, Number 6, which is the Balkans. The French Chief Prosecutor will deal with that, Documents 246 to 278.

The next group, Number 7, is Russia, that is, Documents 280 to 295, with the exception, I think of 285(a), which seems to have got there by mistake; it appears to refer to the United States.

Number 279—I cannot identify from the English translation what it is at all. Perhaps Your Lordship will be good enough to make an amendment against Numbers 282 and 283; they should be put into the middle column, there being no objection to them. But there is an objection to all the other Russian documents. Your Lordship will see, beginning at the bottom of the group, 291 to 295, they all concern the Anticomintern Pact. Working up the page again from the bottom, 290, 1 to 5, are extracts from the book which the Tribunal has already refused. And, of the documents above that, 280 is Hitler's speech about Russia in October 1939. And 281 is a repetition of a document we have already had, Number 274, which is the Three Power Pact. That will be dealt with.

THE PRESIDENT: You mean that that is a textual reproduction?

MAJOR BARRINGTON: I think I am right in saying that it is actually a textual reproduction.

THE TRIBUNAL (Mr. Biddle): But why is there an objection if it is simply a textual reproduction? The Prosecution has been given textual reproduction.

MAJOR BARRINGTON: There is no objection at all.

THE TRIBUNAL (Mr. Biddle): You mean it is not in the right column?

MAJOR BARRINGTON: I was putting in the Allied column only the ones which could make up a complete set according to the Prosecution's views.

THE TRIBUNAL (Mr. Biddle): Is that true of 284 also, the Soviet-German pact?

MAJOR BARRINGTON: I do not know whether that has come before . . .

THE TRIBUNAL (Mr. Biddle): Why do you object to that then?

THE PRESIDENT: By "Pact," is it the German Pact of the 28th of September 1939?

MAJOR BARRINGTON: This is the 28th of September 1939. I am told that there is no objection to that.

Number 285 is again simply a German report which draws conclusions of facts, and the Prosecution says that has no proper evidential value. It is a very long report by the German Foreign Office concerning the agitation in Europe against the German Reich by the Soviet Union, and it is full of conclusions of fact and opinions.

THE PRESIDENT: It is after the date of the beginning of war against Russia?

MAJOR BARRINGTON: It is after the beginning of that war, My Lord, yes. Number 286 and 287, those are objected to as being without value as evidence. They come from the *Völkischer Beobachter*.

Number 288 is said to be a captured Soviet document; but it has deteriorated generally in the English version, had no date and no signature, and it seems of very doubtful value.

Number 289 is a report from the Yugoslav military attaché in Moscow, which is also thought to be irrelevant by the Prosecution.

Then Group Number 8, My Lord, is the group concerning the United States of America, Documents 299 to 310, and including 285(a). The first ten documents, Your Lordship will see, are reports from, we would say they come from a very indirect source, the process report by the Polish Ambassador on the political situation in the United States in 1939. The next one seems to come from Portugal, the next from the Polish Ambassador again, the next two also from the Polish Ambassador. Then the next one, Number 300, is President Roosevelt's Quarantine Speech in 1937, which seems too far back to be of any proper relevance. Number 301 is a German summary of events in the United States, which we say is irrelevant for the reasons I have stated: That they are German summaries, rather more unreliable than irrelevant. Number 302 again is the Polish Ambassador's report. Number 303 is a statement by President Roosevelt in 1936, and Number 304 is President Roosevelt's message to Congress on the 4th of January 1939. I do not think there is anything very objectionable about that. To numbers 305 to 308, there is no objection; 309—in my copy there are two different versions of 309. The first one is a German summary of the facts without any dates and with no sources indicated. It seems to be of no proper value as evidence, and the second one, 309 and 309(a), are declarations of the Pan-American Conference and the German note in reply to it. I do not think the Prosecution can take a very strong objection to that, but it does not seem to be very closely in point.

TC-72, Number 127, and TC-72, Number 124, are both appeals of President Roosevelt to Hitler and are not objected to. 310 is another German summary of facts without any sources indicated.

The ninth group is simply a miscellaneous group; and, if My Lordship will turn back to the first page of my note, it is the first 8 documents on that page, down to Number 45. They are all allowed. There is no objection to them, except Number 12, which is the announcement of the Reichstag election results. It does not seem to matter one way or the other whether that is in.

Number 45 is Lord Rothermere's book of predictions and prophecies, *Warnings and Prophecies*. I think the Prosecution contends that it is not relevant evidence in this case.

The next lot of miscellaneous ones is on Page 2, Numbers 70 to 73. Number 71 is the German-Lithuanian treaty about Memel, and there is no objection. Number 70 is thought to be rather irrelevant. Numbers 72 and 73 are objected to because they deal with the Fourteen Points of President Wilson.

The next lot of miscellaneous ones is on the last page of one of my notes right down at the bottom, Number 296, and that is a speech by Hitler on the Rhineland. You have all the evidence that has been given. It appears to be rather cumulative, if it is not in already. I have not actually checked whether it is in.

Number 298 on the top of the next page is, in fact, superfluous. It is the same as Number 274. And down at the bottom of the last page, My Lord, 311, is a paper written by the Defendant Ribbentrop on the Führer's personality.

THE PRESIDENT: That has already been ruled out.

MAJOR BARRINGTON: That, I think, has been ruled out this morning by Your Lordship. Number 312 is an affidavit of Frau Von Ribbentrop. Number 313 is an affidavit of Dr. Gottfriedsen. I understand from Dr. Horn that, although he had been allowed Dr. Gottfriedsen as a witness, he thinks it will save time if he reads the affidavit or a part of it. Perhaps, if Your Lordship will allow the Prosecution to make what comments they think fit when he comes to do that, it would be the best way of treating it.

That is all—all my points, My Lord. There are just the Low Countries and the Balkans.

MR. DODD: May it please the Tribunal, it is true that Mr. Barrington has spoken for all of us; and I do not intend to go over any of these documents, except this, because I fear there is some question in the minds of the members of the Tribunal about our objection running from 76 through 116, 118 to 122, and 114 to 148, the Polish documents. We also say, of course, with Major Barrington that they are cumulative, but it seems to me there is a much more basic

objection. Perhaps they all have to do with the alleged incidents inside Poland and they were published in these *White Papers*. These incidents involved the mistreatment of Polish citizens inside Poland, who were perhaps of German extraction. Well, it is our view that such documents are irrelevant here because that is no defense at all to the charges; and we cannot permit, we say, a nation to defend itself or these defendants to defend themselves on charges such as have been preferred here, by proving that citizens of another state, although they may have been of German extraction or any other extraction, were mistreated inside that state. Beginning with 76 running through to 116, 118 through 122, 114 through 148, and 151 through 152—it is 124 through 148 rather than 114 through 148, 124 through 148. The last are 151 and 152.

M. AUGUSTE CHAMPETIER DE RIBES (Chief Prosecutor for the French Republic): I will ask the Tribunal's permission to make two short remarks about documents which are part of the fifth and sixth group, and which concern entirely French documents taken from the German *White Book*. It is, as a matter of fact only for this reason, that the French Prosecution has any knowledge of them, for, contrary to what the Tribunal believes, the French Prosecution has not yet received a translation of the documents submitted by Dr. Horn. The first group, Number 5, Documents 221 to 245; these are General Staff documents; and it appears that from them Dr. Horn wishes to draw the conclusion that England and France violated the neutrality of Belgium. If we ask the Tribunal to reject the 25 documents, it is only because we see a grave risk of the Tribunal's losing time in useless discussions. Far from having any reason to fear discussion, we feel that on the contrary France and Britain would both be found to have respected scrupulously the two pacts which they had signed: The first being to respect the neutrality of Belgium, and the second being to respect the pact by which they had guaranteed the neutrality of Belgium.

What is the precise issue here, Gentlemen? Only to find out whether Germany, France, or England violated the neutrality of Belgium. The Defendant Ribbentrop has been asked this by his counsel, and has answered it in the clearest possible manner, during Saturday's session, in a statement which the Tribunal is certain to remember. The Defendant Ribbentrop said, "Of course it is always very hard in a war like this to violate the neutrality of a country; and you must not think that we enjoyed doing things like that."

That, Gentlemen, is a formal admission that Germany violated the neutrality of Belgium. Why should we waste time in discussing the relevance of these 25 documents now?

I go on to the second group, Group Number 6. These are General Staff documents, which Germany claims to have seized; and they

concern events in the Balkans in 1939 and 1940. The French Prosecution asks you to reject the 22 documents submitted by Dr. Horn for the two reasons following: They have absolutely no claim to be considered authentic, and they are not relevant. They have absolutely no claim to be considered authentic—they are all extracts from the *White Book*; and the Tribunal knows the Prosecution's views on this point. Moreover, the great majority of these documents are extracts from documents originating with the Allied general staffs. No originals have been produced; and the supposed copies are not even submitted in their entirety. In the second place, they are not relevant, for they all concern plans studied by the general staffs in the last months of 1939 and the early part of 1940. These plans for French or British intervention in Yugoslavia and Greece naturally presupposed the consent of the governments concerned as an indispensable condition. The plans were never carried through. They were definitely abandoned after the Armistice of June 1940. The documents date from 1939 and 1940; and the Tribunal will remember that the aggression against Yugoslavia and Greece occurred on 6 April 1941 at a time when the Hitler Government no longer had any reason to fear plans made in 1939.

These documents, which have no claim to be considered authentic, are also in no way relevant to the present discussion; and for that reason the French Prosecution asks the Tribunal to reject them.

THE PRESIDENT: Now, Dr. Horn. Dr. Horn, the Tribunal thinks that you may possibly, in view of the evidence which the Defendant Ribbentrop has given, find it possible to withdraw some of these documents, in view of the time that has been taken up. I mean the Defendant Ribbentrop has dealt with the subject very fully; and it may be, therefore, that you will be able to withdraw some of these documents in order to save time.

DR. HORN: Yes, Mr. President, I will withdraw all the documents which are cumulative. I should like first . . .

THE PRESIDENT: If you let us know now what it is you wish to withdraw . . .

DR. HORN: Yes, Mr. President.

To begin with may I state my position on a few basic questions? That is the probative value of the *White Books* and the ambassadors' reports. I would like to point out that these documents had a decisive influence on political opinion. That applies to the Defendant Von Ribbentrop as well as Hitler. And in addition, I would like to point out that the Prosecution have relied largely on reports of this kind. I should like, therefore, to ask for equal rights for the Defense.

Then I would like to say a few words about the documents of the French General Staff which were found in the town of La

Charité during the French campaign. If the High Tribunal shares the doubts and misgivings expressed by the representative of the French Prosecution, I ask permission to question the Commander of Army Group 10, Field Marshal Leeb, as to the fact that these General Staff documents were found in the town of La Charité.

The Polish documents to which I have referred were found in the Polish Foreign Ministry at Warsaw. The Commander-in-Chief at that time, Field Marshal or Generaloberst Blaskowitz, can testify to that effect. And in this connection I would also name Generaloberst Blaskowitz as a witness, if the Tribunal has any misgivings.

Moreover, I can summarize the opinion of the Defense by saying that I believe that objections can be raised against a document only if its inaccuracy is obvious from the contents or if it can be shown to be a forgery. I ask the Tribunal to admit all the other documents contained in the White Books or the ambassadors' reports.

As to the documents on Polish minority questions I would like to point out that Prime Minister Chamberlain himself described the minority question as being the decisive question between Germany and Poland. Since these negotiations, of which the main subject, besides Danzig and the Corridor, was the minority question, led to war, the minority question is therefore one of the causes of the war. Therefore I ask that the documents on this point, which prove continuous violation of the minority pacts on the part of Poland be admitted in evidence.

If the High Tribunal agree, I will now begin to submit the documents to the Tribunal for judicial notice or to read certain essential passages; and I would like to tell the Tribunal now which documents I will dispense with.

DR. DIX: I should be grateful to the Tribunal if I might just state my position—not as regards the case of Ribbentrop, with whom I am not concerned; my colleague, Dr. Horn, is dealing with him—but simply on principle, not exclusively from the Defense point of view, but quite objectively and basically in regard to the various problems which the Tribunal must consider before making their decision as to the admissibility of any piece of evidence—either in the form of a question put to a witness or a document to be submitted.

I am not asking for permission to talk for the sake of talking, but because I believe that by doing so I can shorten the later stages of the proceedings; because I hope that the Tribunal will be in agreement with the main points of my statements and that therefore it will be unnecessary for the Defense to make these statements at a later stage.

I have naturally to leave it entirely to the Tribunal whether they consider it now the appropriate time or whether I shall do

it only after my colleague Horn has finished with his documentary evidence. At any case I should like to make the statements before the Tribunal have ruled upon the applications of the Prosecution and of Dr. Horn.

I should like to ask Your Lordship whether the Tribunal will allow me now to make clear, as shortly as possible, the position I take up in principle on the questions which I consider of vital importance for the decision. May I do this?

THE PRESIDENT: Yes.

DR. DIX: I believe, without wishing to criticize the juridical value of the statements which we have heard here, that there has been some confusion of ideas. We must keep the distinction quite clear in our minds: 1. Is an item of evidence—and that applies to witnesses as well as documents—relevant? 2. Is an item of evidence useful as such? 3. Is an item of evidence cumulative and therefore to be rejected?

If the Tribunal rule that something offered in evidence is not relevant, not useful, or cumulative, then it must refuse the application for it at this stage of the proceedings. On the other hand, the question of the credibility of something offered in evidence—that is, whether the answer of a witness is to be believed or not, whether the contents of a document may be considered credible, whether expositions set forth in a White Book, for instance, are to be believed or not believed—that, in my opinion, is a question which can be decided only when the evidence in question has been brought into the proceedings and the Tribunal have taken judicial notice of it and are able, when freely evaluating the evidence—a course which is open to the Tribunal—to pass judgment on its credibility or otherwise. For that reason I think that at the present moment there seems to be no reason for saying, for instance that this document cannot be used at all because it is part of a White Book published by the German Government. No one will deny that a White Book, that is, a publication, an official publication, issued by any government, can as such be useful and relevant evidence. Whether the passage read and introduced into the proceedings is such that the Tribunal can give it credence is a question that can be decided after the evidence in connection with the White Book has been introduced into the proceedings, and the Tribunal have taken official notice of the passage in question.

Now, I turn to the question of relevancy and effectiveness. The representative of the British Prosecution has stated here that the reports sent by the German ambassadors to their Foreign Minister are, *per se*, not useful. At least, that is the way I understood him. They will be admitted only if the Prosecution wishes to use them.

In other words, they are to be admitted only if the Prosecution wishes to use them to the detriment of the defendants. I do not think that this point of view can be maintained. The representative of the British Delegation cited Article 21 of the Charter in this connection. Article 21 of the Charter has nothing whatsoever to do with this question. Article 21 of the Charter merely states, so far as I remember it—I do not have the Charter on hand but I believe I know the contents of it very well—that documents referring to the investigation by the governments of the victorious powers of war crimes committed in their own countries do not have to be read but may merely be submitted to the Tribunal for judicial notice. This question however has nothing whatsoever to do with the question of the usefulness or relevancy of a report submitted at any time by a German ambassador to his Foreign Office. Whether this report has been admitted, or is to be admitted, can be decided according to whether the Tribunal consider as relevant the subject which it concerns and which it is to prove—if the fact which is to be proved by it is considered relevant by the Tribunal and is adequately established by one or both parties. Then, in my opinion, this ambassador's report should be admitted; and after its admission the Tribunal can, by freely weighing the evidence, consider the value of the evidence, that is, its credibility, and moreover its objective as well as its subjective credibility. So much for the clear-cut differentiation of the concepts of relevancy and usefulness and for the concept of the value of evidence, that is, the objective and subjective credibility of evidence.

Now, with regard to the question of whether evidence is cumulative. It is certain that every jurist in this courtroom agrees that cumulative evidence should not be admitted; but the question of whether evidence is cumulative may in no circumstances be judged formally, so to speak, mechanically. I can well imagine that a question with the same wording as one that has already been put, need not necessarily be cumulative, for reasons which I will enumerate in a moment and that a question which in form does not resemble one already put, may nevertheless be cumulative because it requires an answer from the witness regarding the same evidence, but expressed in different words. The fact that a question may be identical in wording with one which has already been put does not necessarily mean that it is cumulative as shown by the old proverb *Si duo faciunt idem non est idem*. If, for instance, I ask a witness who bears the stamp of a fanatical adherent of the Nazi regime for his subjective impression of something and then put the same question on the same impression to a witness who is known to be a fanatical opponent of the Nazi regime, then these two questions are certainly not cumulative, for it is of paramount importance, if

the Tribunal is to be in a position to form an opinion and make a decision, to find out whether an impression is registered in the same way by two worlds, so to speak—by two diametrically opposed persons. Therefore one has to take the witness into consideration in judging whether a question is cumulative or not. A further example of the fact that a question which is exactly similar to one previously put need not be cumulative would be, for instance, if I put the question to the defendant and then to a witness who is not interested. In saying this I wish in no way to disparage the evidence given by the defendant under oath. That is far from being my intention. In principle, the testimony of both the witnesses is alike. There is, however, a great difference. In order not to take too long I will cite only one example—whether when investigating some phase of the defendant's inner life about which he himself is best informed, I question a witness who had an impression of this incident concerning the defendant, or whether I question the defendant himself for whom this inner impression is a part of the psychological background of his deed.

I should like to stop at this point, in order not to take up too much of the Tribunal's time with theoretical expositions. My intention in making this statement was only to request the high Tribunal in making their decision, I repeat in regard to relevancy and usefulness, to make a clear distinction in the question of the value to be attached to subjective evidence, which should be decided after its admission, and to ask the Tribunal, when considering whether evidence is cumulative, not to be guided solely by the outward form of the question or the document but to investigate whether it would not be in the interest of truth and give a deeper insight into the case to put the same question to different people, or to have the same question confirmed, or not confirmed, by written statements by different people.

My conscience is uneasy about this academic exposition, but I hope that the clarification which I have tried to make and in which I may perhaps have succeeded to some extent, may help to shorten somewhat later stages of the proceedings.

**THE PRESIDENT:** The Tribunal would like to know how long you think you are going to be over these documents, because we are getting further and further behind. And how long do you anticipate you will be? Have you made up your mind yet what documents you are prepared to withdraw, if any?

**DR. HORN:** Mr. President, I should need about two more hours—that is without objections on the part of the Prosecution, and I believe that in that time I can finish my entire presentation including the reading of the most important passages, which are

limited to a very few documents. Therefore, without objections about two hours.

THE PRESIDENT: You have heard the Prosecution's objections. We have heard them. We will consider them, and we will consider any answer that you make to them; but we do not desire at this stage, when we have all these other defendants' cases to be heard, that you should go into these documents in detail now and read them, and we hope that you will not think it necessary to read from these documents after you have answered the objections of the Prosecution to certain of the documents.

DR. HORN: I have the intention . . .

THE PRESIDENT: Have you the idea that you had finished your argument in answer to the Prosecution's objections or not? Did you intend to deal further with the admissibility of any of these particular documents or not?

DR. HORN: In accordance with the wishes expressed by the Tribunal I intend to submit these documents in groups, with a brief connecting text and in each group where the Prosecution has made objections to add a few remarks on the points raised. I do not intend to do any more.

THE PRESIDENT: Dr. Horn, you see, the position is this. The Prosecution have objected to certain documents on certain grounds, and we want to give you a full opportunity to answer those objections. When you have your full answer to those objections, we think it will be appropriate we should adjourn and decide upon those objections and upon your arguments. Do you see? That we should rule that, after you have given your answer to the objections, we should adjourn and decide which of the documents we rule to be admissible in evidence.

DR. HORN: If the Tribunal intends to give its ruling after I have taken my position on the objections of the Prosecution, then I ask that I be given an opportunity now, for, to begin with, I would like . . .

THE PRESIDENT: Wait a moment, Dr. Horn. Because you see, it is 5 o'clock, and we shall not be able to conclude it tonight.

Dr. Horn, if you could conclude your arguments in answer to the questions of principle which have been raised by the Prosecution now, we think it would be the most convenient course if you could do it in a fairly short time. I mean, you have heard what the Prosecution say about these various groups, and it would be more convenient, we think, if you could answer that in the space of a quarter of an hour now.

DR. HORN: First of all, I would like to refer to documents numbered 48 to 61. In regard to these I can take only the following position.

THE PRESIDENT: Yes.

DR. HORN: Number 48 to 61. Perhaps I may again use these pages of the Prosecution, with their objections, as a basis. Documents 48 to 61 were rejected as irrelevant, but these documents deal with rearmament and preparation for war by the opposite side. I can arrive at the basic motives animating Hitler and Ribbentrop only by contrasting the German evidence with the evidence given by the other side. I cannot judge of the illegality of an action unless I know all the facts. To know all the facts, I have to know the attitude taken by the other side. Therefore, I consider these documents highly relevant.

THE PRESIDENT: Yes.

DR. HORN: The next group of decisive importance consists of the documents dealing with the Polish minority problem. The representative of the Prosecution has said that by the German-Polish agreement of 5 November 1937, the minority problem was sanctioned by both countries. That is, all violations of international law in regard to minority questions would be considered a closed chapter if they had occurred before that year. This view is certainly not correct, because one agreement cannot sanction the violation of a prior agreement. Moreover, during the negotiations for the 1934 pact between Germany and Poland it was expressly agreed, as I can prove by means of these documents that, after a general political agreement had been made, the minority question as well as that of Danzig and of the Corridor should be settled.

These questions were expressly held in abeyance pending a further settlement by agreement, and as no such settlement of the two questions was made, the documents dealing with the violations by the Poles of international law with regard to minority pacts cannot be rejected on account of this agreement. For this agreement, as I should like to emphasize once more, particularly deals with a further agreement for the settlement of this question.

The second objection for this group is the fact that the minority problem on the whole is called irrelevant. Previously I stated briefly that the British Prime Minister Chamberlain himself realized the need for regulating this problem. I will submit this document too; it is Document Number 200 in my document book. All the political circles concerned thought that the solution must be found for this question and therefore considered it relevant. I ask the Tribunal therefore to admit the documents referring to it. These documents cannot be rejected in part as cumulative, as was done here, for on

the strength of these documents, I wish to prove that these minority pacts have been repeatedly violated since 1919, and I submit documents from the international tribunal of The Hague and the League of Nations at Geneva, showing that these violations took place during a period of over 20 years.

I accept the objections made by the Soviet Delegation to Documents 286 to 289, and I withdraw Documents 286 to 289.

Since the Tribunal recently objected to the book *America in the Battle of the Continents*, I also withdraw documents presented under Number 290, 1 to 5. I have also referred to that book under several other numbers, and I withdraw also all those numbers which refer to the book, *America in the Battle of the Continents*. As for the ambassadors' reports, I again refer to my statement and the basic statements made here a moment ago by my colleague, Dr. Dix. I am convinced that, on principle, and on the strength of the legal arguments adduced and also in view of the fact that the Prosecution have used such reports extensively, the Defense should also be granted the right of referring to these reports, especially as they formed the foundation on which German political opinion was based.

I shall not be able to dispense with the files of the French General Staff either, for the reasons I have stated. It has been said that Documents 221 to 269 are irrelevant. They are not irrelevant, because we had neutrality pacts with those countries, and in the neutrality pacts it was agreed that Germany would respect their neutrality as long as the other side also respected it. As it would now be possible here to prove that the other side did not respect this neutrality, the proof of whether a war of aggression against these countries by Germany . . .

THE PRESIDENT: The point that M. Champetier de Ribes was making was that France was out of the war by 1940. Therefore documents which were drawn up by the French General Staff in 1940 had no relevance in 1941. Isn't that so? That is the point that he was making.

DR. HORN: You mean the French Prosecutor?

THE PRESIDENT: Yes, the French Prosecutor.

DR. HORN: Yes. However, the fact that breaches of neutrality were committed by France and were known to the German Government at the time alters the legal situation completely. You cannot say that Germany waged an aggressive war against these countries when we knew through our intelligence service that our opponents intended to occupy these countries, and did in fact do so, by sending out General Staff officers. Thus it was the other side which was guilty of violation, and the files which have been found have only

confirmed the intelligence reports submitted to us at the time; I say, at the time.

Therefore, you cannot accuse Germany of violating the neutrality pact in these cases. I would like to ask the Tribunal, therefore, to admit those files as relevant for the reasons stated. With reference to the other documents, I ask to be permitted to make my statement when I submit the documents to the Tribunal in the presentation of evidence.

THE PRESIDENT: You see, Dr. Horn, we want to rule upon it when we have heard your arguments; we do not want to have to rule again over every document. We want you to take them in groups, in the way the Prosecution has, so that we may make up our minds and rule.

DR. HORN: These are the main objections which I have to make to the arguments of the Prosecution. I ask the Tribunal once more to differentiate between considerations of principle raised by Dr. Dix, and between the factual considerations raised by myself with regard to the individual groups.

THE PRESIDENT: Very well, we will adjourn now.

*[The Tribunal adjourned until 3 April 1946 at 1000 hours.]*

# NINETY-EIGHTH DAY

Wednesday, 3 April 1946

## *Morning Session*

THE PRESIDENT: The Tribunal has read and considered every one of the documents produced by Dr. Horn on behalf of the Defendant Ribbentrop and the Tribunal rules as follows.

I will refer only to the documents to which no objection was taken, where the Tribunal rejects them; that is to say, documents to which no objection is taken are allowed with the particular exceptions which I make.

With reference to the documents to which objection was taken, the Tribunal rejects Numbers 12, 45, 48 to 61 inclusive. It allows Document 62. It rejects Documents 66, 67 and 69. It allows Document 70. It rejects Documents 72, 73, 74. It rejects Documents 76 to 81 inclusive. It grants Document 82. It rejects Document 83. It grants Documents 84 to 87 inclusive. It rejects Documents 88 to 116 inclusive. It rejects Documents 118 to 126 inclusive. It allows Document 127. It rejects Documents 128 to 134 inclusive. It rejects Documents 135 to 148 inclusive. It rejects Documents 151 and 152. It allows Documents 155 and 156. It rejects Documents 157 and 158. It rejects Document 161. It allows Document 162. It allows Document 164. It allows Documents 165 to 183 inclusive. It rejects Document 184. It allows Documents 185 and 186. It rejects Document 191. It allows Documents 193 and 194. It rejects Document 195, Paragraphs 1, 2, 3, and 4. It grants Document 195, Paragraphs 5, 6, 7, 8, 9. It rejects Documents 196 and 197 and 198. It rejects Document 204. It rejects Document 207. It grants the whole of Document 208. It grants Document 210. It rejects Document 211 (a) and (b) and Document 212. It grants Document 213. It rejects 214. It rejects 215 (a) and (b). It grants Documents 217 and 220. It grants Documents 221 to 245, except Document 238, and it also excludes all comments contained in those documents. It rejects Documents 246 to 269. It rejects 270 and 271. It rejects 275. It rejects 276. It grants 277 and 278. As to 279, the Tribunal would like Dr. Horn to inform them what that document is because in the copy that they have got it is unidentified. That is 279, Dr. Horn, in Book 8, I think.

DR. HORN: The document contains the Nonaggression Treaty between Germany and the Soviet Union, of 23 August 1939. It contains the text of that treaty.

THE PRESIDENT: Yes, well, then that will be allowed. 280 and 281 are granted. 282, 283, and 284 are granted. 285 is rejected. 286 to 289 were withdrawn. 290 was withdrawn. 291 is granted. 292 is rejected, 293 is rejected, 294 is rejected. 295 is rejected. 296 is granted. 298 to 305, inclusive, are rejected. 306 is granted. 307 is rejected. 308 is granted. 309 and 309 (a) are both rejected. 310 is rejected. 311 had already been ruled out. 313 is granted. 314 is rejected. 317 is granted. 318 is rejected. Well, 312 is granted; it had not been objected to. I do not have a note of 315 and 316; are they asked for?

DR. HORN: 315, Mr. President, is the reproduction of a PS number, that is 1834-PS, and has already been submitted and therefore need not be submitted again.

THE PRESIDENT: Does that apply also to 316, Dr. Horn?

DR. HORN: 316 also has a PS number and therefore need not be resubmitted.

THE PRESIDENT: Well, then, that deals with all the numbers, I think.

DR. HORN: Mr. President, I will dispense with Number 312, and ask instead for Number 317. This contains a notarized statement under oath...

THE PRESIDENT: 317 is granted.

DR. HORN: Thank you, Mr. President.

THE PRESIDENT: Now, Dr. Horn, will you deal with the ones which we have left in, as far as you wish to deal with them. If you wish to comment upon any of the ones that we have allowed, you may do so now. We do not desire you to do so, but if you wish to do so, you may.

DR. HORN: May I ask Your Lordship for permission to present my arguments. I will present only very brief arguments at a time to be determined by the High Tribunal, so that I can sort the documents and need not take up your time unnecessarily? All the documents are fastened together at present and it would take longer if I were to present my case now than if I could present the sorted documents. I therefore ask the Tribunal to set a time when I may present these documents.

THE PRESIDENT: The application is granted.

DR. HORN: Yes. I will then have concluded my case and will need only a relatively short time to comment briefly on some but not all of the documents.

THE PRESIDENT: If Dr. Nelte is already to go on with the case of the Defendant Keitel, the Tribunal suggests possibly you might be able to deal shortly with your documents at 2 o'clock.

DR. HORN: Yes, Mr. President.

THE PRESIDENT: Would that be agreeable to Dr. Nelte?

DR. HORN: I will consult my colleague.

Dr. Nelte has just advised me that he will fetch his documents and then he can proceed with the presentation of his case immediately.

THE PRESIDENT: Very well.

*[Dr. Nelte returned to the courtroom.]*

THE PRESIDENT: Dr. Nelte, the Tribunal is much obliged to you for presenting your argument now.

DR. NELTE: Mr. President, I will begin the presentation of the case for Keitel by asking you to summon the defendant to the witness stand, and I shall question him. The documents which I will use in this interrogation were submitted with a list yesterday. I hope that those documents are at your disposal so that you will be able to follow my questions in a manner which is desirable in the interest of a smoothly conducted interrogation.

THE PRESIDENT: Then you will call the Defendant Keitel?

DR. NELTE: Yes.

*[The Defendant Keitel took the stand.]*

THE PRESIDENT: Will you state your full name?

WILHELM KEITEL (Defendant): Wilhelm Keitel.

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 if you wish.

DR. NELTE: Please describe your military career briefly.

KEITEL: In the year 1901, in the beginning of March, I became an officer candidate in an artillery regiment of the Prussian Army. At the beginning of the first World War, in 1914, I was the regimental adjutant of my regiment. I was wounded in September 1914, and in the beginning of November I became chief of a battery of my regiment. Since the spring of 1915 I served in various general staff capacities, first with higher commands of the field army, later as a general staff officer of a division. Towards the end I was the first general staff officer of the Naval Corps in Flanders. Then I joined the Reichswehr as a volunteer. Beginning with the year 1929 I was Division Head (Abteilungsleiter) of the Army Organizational Division in the Reichswehrministerium. After an interruption from 1933 to 1935 I became, on 1 October 1935, Chief of the Wehrmacht

Department (Wehrmachtsamt) of the Reichskriegsminister, that is Chief of Staff with the Minister of War. While on active service I became Generalmajor. At that time I was chief of an infantry brigade. On 4 February 1938 to my surprise I was appointed Chief of Staff of the Führer, or Chief of the OKW—Oberkommando der Wehrmacht. On 1 October 1939, I became General of the Infantry and after the campaign in the West in 1940 I became Field Marshal.

DR. NELTE: Were you a member of the National Socialist German Labor Party?

KEITEL: No, I was not a member. According to military law I could not be or become a member.

DR. NELTE: But you received the Golden Party Badge. For what reason?

KEITEL: That is correct. Hitler presented this Golden Badge of the Party to me in April 1939, at the same time that the Commander-in-Chief of the Army, General Von Brauchitsch, received it. The Führer said it was to be in commemoration of the march into Czechoslovakia. The Golden Badge had "16 and 17 March" engraved on it.

DR. NELTE: In the year 1944 the Military Service Law was changed so that active soldiers could also become members of the Party. What did you do at that time?

KEITEL: That is correct. In the late summer or autumn of 1944 the Military Service Law was changed so that active soldiers could also be Party members. At that time I was invited to submit personal data for the Party in order to be listed as a member of the Party. At the same time I was asked to send in a donation of money to the Party. I submitted personal data to Party headquarters and also sent in a donation, but as far as I know I never became a member. I never received a membership card.

DR. NELTE: To what extent did you participate at Party functions?

KEITEL: Owing to my position and to the fact that I accompanied the Führer constantly, I participated at public functions of the Party several times, for example, at the Party rallies in Nuremberg, also each year when the Winter Relief Work campaign was launched. Finally, according to orders, each year on the 9th of November, I had to attend, together with a representative of the Party a memorial service at the graves of the victims of 9 November 1923. It took place symbolically in memory of the fight on 9 November, between the Party and the Wehrmacht. I never participated in internal conferences or meetings of the Party directorate. The Führer had let me know that he did not want this. Thus, for

example, every year on 9 November I was in Munich, but never participated in the gatherings of the so-called Hoheitsträger (bearers of power) of the Party.

DR. NELTE: What decorations did you receive during the war?

KEITEL: During the war—it must have been in the winter of 1939-1940—I received the Knight's Cross of the Iron Cross. I did not receive any other German war decorations.

DR. NELTE: Do you have any sons?

KEITEL: I had three sons, all of whom served at the front as officers during this war. The youngest one died in battle in Russia in 1941. The second was a major in Russia and has been missing in action, and the eldest son, who was a major, is a prisoner of war.

DR. NELTE: Field Marshal Keitel, beginning with essential matters, I would like to put the following basic questions to you: What basic attitude did you, as a soldier, an officer, and a general, have toward the problems with which you had to deal in your profession?

KEITEL: I can say that I was a soldier by inclination and conviction. For more than 44 years without interruption I served my country and my people as a soldier, and I tried to do my best in the service of my profession. I believed that I should do this as a matter of duty, laboring unceasingly and giving myself completely to those tasks which fell to me in my many and diverse positions. I did this with the same devotion under the Kaiser, under President Ebert, under Field Marshal Von Hindenburg, and under the Führer, Adolf Hitler.

DR. NELTE: What is your attitude today?

KEITEL: As a German officer, I naturally consider it my duty to answer for what I have done, even if it should have been wrong. I am grateful that I am being given the opportunity to give an account here and before the German people of what I was and my participation in the events which have taken place. It will not always be possible to separate clearly guilt and entanglement in the threads of destiny. But I do consider one thing impossible, that the men in the front lines and the leaders and the subleaders at the front should be charged with the guilt, while the highest leaders reject responsibility. That, in my opinion, is wrong, and I consider it unworthy. I am convinced that the large mass of our brave soldiers were really decent, and that wherever they overstepped the bounds of acceptable behavior, our soldiers acted in good faith, believing in military necessity, and the orders which they received.

DR. NELTE: The Prosecution, in presenting evidence regarding violations of the laws of war, Crimes against Humanity, repeatedly point to letters, orders, *et cetera*, which bear your name. Many so-

called Keitel orders and Keitel decrees, have been submitted here. Now we have to examine whether and to what degree you and your actions are guilty of and responsible for the results of these orders. What do you wish to say to this general accusation?

KEITEL: It is correct that there are a large number of orders, instructions, and directives with which my name is connected, and it must also be admitted that such orders often contain deviations from existing international law. On the other hand, there are a group of directives and orders based not on military inspiration but on an ideological foundation and point of view. In this connection I am thinking of the group of directives which were issued before the campaign against the Soviet Union and also which were issued subsequently.

DR. NELTE: What can you say in your defense in regard to those orders?

KEITEL: I can say only that fundamentally I bear that responsibility which arises from my position for all those things which resulted from these orders and which are connected with my name and my signature. Further, I bear the responsibility, insofar as it is based on legal and moral principles, for those offices and divisions of the OKW which were subordinate to me.

DR. NELTE: From what may your official position and the scope of your legal responsibility be inferred?

KEITEL: That is contained in the Führer's decree of 4 February 1938 which has been frequently cited.

DR. NELTE: I am submitting this decree to you so that you can have the text before you. In this Führer decree, Paragraph 1, you will find:

"From now on I will directly and personally take over the Supreme Command of the entire Wehrmacht."

What did that mean compared with the conditions that had existed until then?

KEITEL: Until that time we had a Commander-in-Chief of the Wehrmacht, Field Marshal Von Blomberg. In addition there was the Supreme Commander of the Wehrmacht who, according to the constitution, was the head of the State—in this case, Hitler. With the resignation of the Commander-in-Chief of the Wehrmacht, Von Blomberg, there was only one Supreme Commander and that was Hitler himself. And from that time on he himself exercised command of all three arms of the Wehrmacht: The Army, Navy, and Air Force. It also says "from now on directly." That should establish unequivocally that any intermediary position with authority to issue orders was no longer to exist, but that Hitler's orders

as Supreme Commander were issued directly to the three arms of the Wehrmacht and their Commanders. It also says here "directly" and "personally." That, too, had its meaning, for the word "personally" was to express the fact that there was and would be no, I would say, "deputizing" of this authority.

DR. NELTE: I assume therefore that you never signed your orders "acting for"?

KEITEL: No, I do not remember a single instance in which I signed "acting for." According to our military principles, if the question had arisen to appoint a deputy, it could have been only one person, the Commander-in-Chief of the three arms of the Wehrmacht, namely the one highest in rank.

DR. NELTE: In Paragraph 2 of the decree of 4 February 1938 it says:

"... the former Wehrmacht office in the Ministry of War, with its functions is placed directly under my command as OKW and as my military staff."

What does this signify in regard to the staff which was thereby formed?

KEITEL: The Commander-in-Chief of the Wehrmacht had his military staff in the Wehrmachtsamt, that is to say, the Wehrmachtsamt in the Ministry of War. Hitler, as Supreme Commander, took over the Wehrmachtsamt as his military staff. Thus, this staff was to be his personal working staff. At the same time that the post of Supreme Commander of the Wehrmacht was eliminated, that of Reich Minister of War was also removed. There was no War Ministry and no Minister of War as heretofore. Thus one could clearly see what Hitler wanted, namely, that between him and the Wehrmacht divisions there was to be no one holding office with any authority either in command channels or in ministerial functions.

DR. NELTE: When this decree was issued you were installed as holder of a new office with the title of "Chief OKW." Will you please clarify whether this term "Chief OKW" is correct; that is, whether it really was what the title seems to indicate.

KEITEL: I must add that I realize only now that this term in its abbreviated form is not quite apt. To be exact one should have said, "Chief of Staff of the High Command of the Wehrmacht," and not the abbreviation, "Chief OKW." From the case presented by the Prosecution I gathered that the idea of "Chief" was interpreted as if that were a commander, chief of an office, with authority to issue orders. And that, of course, is an erroneous conclusion. It was neither a position of a chief in the sense of a commander, nor, as might have been assumed or has been assumed, was it a position as

chief of a general staff. That too, is incorrect. I was never Chief of the General Staff of the Wehrmacht. It was Hitler's unmistakable wish to concentrate in his own person all the authority, all the power of command. That is not merely a retrospective statement. He clearly expressed this desire to me on several occasions, partly in connection with the fact that he told me repeatedly, "I could never put this through with Blomberg."

DR. NELTE: I have here a statement made by Field Marshal Von Brauchitsch and submitted by the Prosecution.

KEITEL: Perhaps I might add something further. I was discussing the fact that it was not a position of Chief of the General Staff, since it was Hitler's basic view that commanders-in-chief of the Wehrmacht branches each had his own general staff, or operations staff, and that he did not want the High Command of the Wehrmacht, including the Wehrmacht Operations Staff, to take over the functions of a general staff. Therefore, in practice the work was done by the general staffs of the Wehrmacht branches, while the Wehrmacht Operations Staff of the OKW, which was purposely kept small, was a working staff for Hitler, a staff for strategic planning and for special missions.

DR. NELTE: Then Field Marshal Von Brauchitsch's statement in his affidavit, of which I have already spoken, is correct? It says here:

"When Hitler had decided to use military pressure or military power in attaining his political aims, the Commander-in-Chief of the Army, if he participated, received his instructions first orally, as a rule, or by an appropriate order. Thereupon the OKW worked out the operation and deployment plans. When they had been submitted to Hitler and were approved by him, a written order from the OKW to the branches of the Wehrmacht followed."

Is that correct?

KEITEL: Yes, in principle it is correct insofar as the final formulation of the order to the Commander-in-Chief of the Army took the form of a directive, as we called it, based on the general plans which had already been submitted and approved. This work was done by the Wehrmacht Operational Staff (Wehrmachtführungsstab); thus the Wehrmacht Operational Staff was not an office which became independently active and did not handle matters concerning the issuing of orders independently; rather the Wehrmacht Operational Staff and I took part in the basic determination or approval of these proposals and formulated them in the manner in which they were then carried out by Hitler as Commander-in-Chief. To speak technically we then passed these orders on.

DR. NELTE: Then I have an affidavit by Generaloberst Halder which deals with the same subject. You know this affidavit Number 1. I believe I can dispense with the reading of it and as evidence refer only to Halder's affidavit Number 1, which has been submitted by the Prosecution (Document Number 3702-PS).

In addition the Prosecution submitted another treatise without a special number. The title of the treatise is "Basis for the Organization of the German Wehrmacht."

THE PRESIDENT: Is this the document which you say the Prosecution offered in evidence but did not give a number to?

DR. NELTE: Mr. President, this document was given to us by the Prosecution, I believe by the American Prosecution, on 26 November 1945. I do not know . . .

THE PRESIDENT: You mean it never was deposited in evidence by the Prosecution?

DR. NELTE: I do not believe I can decide that. I assume that a document which has been submitted to the Defense Counsel was submitted to the High Tribunal at the same time, if not as evidence, then at least for judicial notice.

THE PRESIDENT: What is the document? Is it an affidavit or not?

DR. NELTE: It is not an affidavit; it is really a study by the American Prosecution. And, I assume, it is a basis for the indictment of the organization OKW, and so forth.

THE PRESIDENT: Have you got it in your document book or not?

DR. NELTE: No, I do not have it in the document book, because I assumed that was also at the disposal of the High Tribunal. Besides, Mr. President, it is a short document.

THE PRESIDENT: Perhaps, Mr. Dodd can tell us what it is.

MR. DODD: If I could see it I might be able to be helpful. I am not familiar with it. It is probably one of the documents which we submitted to the Defense but which we did not actually introduce in evidence, and that happened more than once, I think, in the early days of the Trial.

THE PRESIDENT: Yes.

DR. NELTE: I refer to a single short paragraph of this study which I would like to read. Perhaps we can thus obviate submitting the document.

THE PRESIDENT: Are you offering in evidence the whole of the affidavit? I do not mean at this moment, but are you proposing to offer it?

DR. NELTE: I assume that the Prosecution have already submitted it. I am only referring to it.

THE PRESIDENT: The whole affidavit? What is the number of it, if it has been submitted?

DR. NELTE: This affidavit also does not have a number. The Prosecution . . .

THE PRESIDENT: It has not been submitted if it has not a number on it then.

It is suggested to me that possibly the Halder affidavit was offered and then rejected.

DR. NELTE: No. At that time a series of affidavits was submitted: By Brauchitsch, Halder, Heusinger, and many other generals who are in Nuremberg. None of these affidavits had an exhibit number.

MR. DODD: This affidavit was put in by the United States as an exhibit. I do not have the number handy, but I think it was submitted at the time Colonel Telford Taylor submitted the case on behalf of the Prosecution against the High Command and the OKW. This Halder "affidavit," the first document which Doctor Nelte referred to, is not an affidavit. It was a paper submitted to the Tribunal and to the Defense by Colonel Taylor. It set out some of the basic principles of the organization of the High Command and the OKW wholly before he presented his part of the case. It is really just the work of our own staff here in Nuremberg.

THE PRESIDENT: Doctor Nelte, as the document you are referring to, not the Halder affidavit, appears to be a mere compilation, the Tribunal thinks it should not go in as an exhibit, but you can put a question to the witness upon it.

DR. NELTE: *[Turning to the defendant.]* In the essay which you have before you, the Prosecution asserted the following: After 1938 there were four divisions: The OKW (High Command of the Wehrmacht); the OKH (High Command of the Army); the OKL (High Command of the Air Force); the OKM (High Command of the Navy); and each had its own general staff. What can you tell us about that?

KEITEL: I can say only that this is not correct, and also contradicts the description which I have already given of the functions of the High Commands of the Wehrmacht branches and of the OKW. There were not four such departments. There were only three: The High Command of the Army, the High Command of the Navy, and the High Command of the Air Force.

As I have just stated, the High Command of the Wehrmacht as a personal, direct working staff, was in no way an independent authority in that sense. The commanders-in-chief of the Wehrmacht branches were commanders, had the authority to issue orders and

exercised this power over troops which were subordinate to them. The OKW had neither the power to issue orders, nor subordinate troops to which orders could have been issued. It is also not correct, if I recall the speeches of the Prosecution, to use the expression "Keitel was Commander-in-Chief of the Wehrmacht." I am mentioning it only to emphasize this point. Further, I would like, briefly, to call attention to the diagram on the last page of the document which has been shown to me.

DR. NELTE: This sketch is the diagram which is called "The Wehrmacht." It is an exposition, a diagrammatic exposition of the entire Wehrmacht and its branches.

KEITEL: I believe I should point briefly to the fact that it is this diagram which was the basis for this erroneous conception, because in it the High Command of the Wehrmacht is designated as a special office or office of command, and that is incorrect.

DR. NELTE: What tasks had you in this military sector as the Chief of the OKW?

KEITEL: First of all, it was an essential task to secure for the Führer with and through the Wehrmacht Operational Staff, all the documents and all the numerous informations and reports which he desired. I dare say that the Wehrmacht Operational Staff had, in this connection, the function to one might say arrange and establish direct and close communication between Hitler and the general staffs of the branches of the Wehrmacht. In addition to securing a countless number of such documents which were demanded daily, there was a second function, namely to be regularly present at all conferences in which the commanders-in-chief of the Wehrmacht branches and the chiefs of their staffs participated as well as the Chief of the Wehrmacht Operational Staff. On those occasions as soon as a series of oral orders was given, these orders, in compliance with military principles, naturally had later to be confirmed in writing. Only in this way could we prevent mistakes or misunderstandings from arising, that is, by confirming these orders to those who had already received them orally the orders were made clear. That is the purpose and meaning of the order.

DR. NELTE: How did you sign the orders and documents which you drew up?

KEITEL: It is correct that this form of orders and directives were almost exclusively signed by me. They were actually orders which had already been given and which had already long since been transmitted through military channels. As can be seen from the bulk of the documents submitted here, this gave rise to the form which I made a habit of using in which I always wrote at the

beginning or after a few preliminary words, "The Führer has therefore ordered . . ."

In the large majority of cases this order was no longer a surprise to the office which received it. It was nothing new but it was only a confirmation. In a similar way I naturally had also a considerable number of organizational and other directives and orders also in not purely operational fields worked out under my supervision and passed on. In this respect I should like to point out particularly that in no case did I send out orders without having shown them again to my supreme commander when making the daily reports, in order to be certain that I had not misunderstood him in any form or manner or that I was not issuing anything which—and this I would like to emphasize—did not have his approval to the letter.

DR. NELTE: There was another category of orders and directives . . .

KEITEL: May I perhaps add a few words?

DR. NELTE: Please do.

KEITEL: In order to clarify this: Among the documents submitted here are those which Hitler personally signed and released under the heading "The Führer and Supreme Commander of the Wehrmacht." There are some exceptions in which such directives were signed by me "by order of," I would like to explain this matter also. In this case it is also true that if these directives, which for the most part had been corrected several times by Hitler personally, had to be issued urgently and the Supreme Commander was prevented from signing himself, it was necessary for me to let the signature go out in this form, never as "deputy" but always as "by order of." Otherwise, orders were issued as I have already stated, in the form of directives which were signed by me.

At the same time I should like to mention that even if we have a series of documents here headed "Chief, Supreme Commander of the Wehrmacht" or—some of them are different: "High Command of the Wehrmacht"—if they are signed, "by order, Jodl," I can say that it can be proved almost automatically that I did not happen to be there at the time; otherwise I would have signed it myself, knowing that I was Chief of Staff who, in accordance with military regulations, had to sign such documents.

DR. NELTE: The memorandum which you have before you contains the following sentence:

"The OKW united in itself the activity of a staff and of a ministry; the matters involved, which had previously been taken care of by the Reich War Ministry, have probably also been turned over to the OKW."

Please clarify the ministerial function of the OKW.

KEITEL: Yes, this formulation as set down in this document is not exactly incorrect, but it is on important points at least, open to misunderstanding, for it was not at all true that all functions which had been previously carried out by the War Minister were turned over to the OKW. There were many functions and rights which the War Minister, in his capacity as minister, and thus the person responsible for them, could and did decide even for the branches of the Wehrmacht and their commanders, which were never transmitted to the Chief of the OKW, that is, to me.

The following things happened at that time: Everything in this connection involving authority to issue orders or exercise supreme command, and which the Führer did not wish to take over personally, was transferred to the commanders-in-chief of the branches of the Wehrmacht as far as supreme authority and authority to make decisions were concerned. To touch on the subject briefly, I should like to mention a few essential facts which I remember. For example, the officers' personnel records, decisions on complaints, documentary material on budget questions, court jurisdiction and court authority, which formerly belonged to the Minister of War, were transferred to the commander-in-chief, as well as all questions concerning officials and all questions of the rights of officials. I could mention still more, but I merely wished to point out that even in cases where decisions had to be made, as for example, removing an official or dismissing an employee, the chief of the OKW did not decide. These powers were delegated to the commanders-in-chief in addition to the powers they held previously and which were transferred from the War Minister's jurisdiction. There were only certain reservations which the Führer made for himself. Similarly some of the other fields of the OKW were limited in their assignments in the course of the following years through the dissolution of the Economic Armament Office. The position of Armament Minister was created because of the dissolution of the Amt Ausland Abwehr, that is, the Counter-intelligence Service, of which only the branch self-protection of the troops was left with the Wehrmacht; everything else was transferred, and so forth.

My authority included the following: It was my duty in all cases to get Hitler's decision on all basic questions with which this ministerial section was concerned. I was free from the necessity of doing this only in current matters or if there was complete agreement between the persons involved in a ministerial or administrative question and the branches of the Wehrmacht in my department. In such a case a decision by Hitler was not necessary. I must emphasize again, in summary, that the OKW had no authority of its own, and that one can say only that Hitler actually functioned as Supreme

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Commander of the Wehrmacht, just as the functions of the War Minister were combined in his person so as to, to repeat that, to eliminate an intermediary official at all costs. That is, there was to be no intermediary between him and the commanders-in-chief of the Wehrmacht branches.

THE PRESIDENT: We will adjourn now until 2 o'clock.

*[The Tribunal recessed until 1400 hours.]*

### *Afternoon Session*

THE PRESIDENT: Dr. Nelte, although the Tribunal did say that they would hear Dr. Horn at 2 o'clock, they would not wish to interrupt the examination of the Defendant Keitel if you prefer to go on with that now. It is a matter for you to consider whichever you like.

DR. NELTE: Dr. Horn agrees that I continue the interrogation of Keitel now.

THE PRESIDENT: Very well.

MR. DODD: If it please the Tribunal, for the assistance of the Tribunal I have ascertained that the first Halder affidavit, referred to this morning by Dr. Nelte, was introduced as Exhibit USA-531 (Document Number 3702-PS) on 4 January, by Colonel Taylor; and the second Halder affidavit referred to by Dr. Nelte was introduced as Exhibit USA-533 (Document Number 3707-PS) on 5 January, by Colonel Taylor.

THE PRESIDENT: Thank you.

DR. NELTE: Mr. President, Mr. Dodd was kind enough to put at my disposal a number of copies of the pamphlet, "Principles of Organization of the German Armed Forces" so that I can submit them to the Tribunal. I do so now.

*[Turning to the defendant.]* You last explained that on 4 February 1938, part of the authority of the War Ministry was transferred to branches of the Armed Forces, and part to the High Command of the Wehrmacht. In the decree which has been mentioned it says, concerning this matter:

"The OKW at the same time is taking care of the affairs of the Reich War Ministry. The Chief of the OKW, on my orders will exercise the authority which the Reich Minister of War had heretofore."

Tell me briefly to which fields this applied. I myself will submit to the Tribunal a diagram which has already been sent to the Translation Division for translation. I do not know, however, if the Tribunal already has the translation.

KEITEL: The ministerial functions actually transferred to the OKW were executed by a number of offices. I shall name the most important now, indicating their functions:

First of all, a few words about the Wehrmacht Operations Staff (Wehrmachtsführungsstab) which, being an office of the OKW, was subordinated to it in the same way as the other offices of the OKW were, but which was on a higher level than the other offices. As the name implies, the Wehrmacht Operations Staff was an organ

of the Führer's High Command with which he frequently—I might say, mostly—collaborated personally. It had no ministerial powers.

Then there was the General Armed Forces Office (Allgemeines Wehrmachtsamt) which took care mainly of ministerial and administrative questions. One could almost call it a war ministry on a small scale.

Then the office of Counterintelligence Service (Amt Ausland Abwehr), which was to a large extent ministerial but to some degree an aid in operational questions.

Then the Economic Armament Office, in regard to which I must point out that in the year 1940 this office was dissolved and only a small Defense Economy Office (Wehrwirtschaftsamt) remained, which was mainly concerned with questions of supply of all consumer goods needed by the Armed Forces, such as fuel, coal, gasoline, *et cetera*, and which I need not mention further.

Then an important field of activity: Replacements Administration for the entire Armed Forces, or abbreviated, Recruiting, a central office which was designed mostly to take care of personnel questions within the OKW.

Then the Legal Administration, the Budget Department, and a number of other offices which it is not necessary to enumerate.

In these offices the ministerial functions of the OKW were carried out. I would like . . .

THE PRESIDENT: Dr. Nelte, I think the Tribunal has followed the distinction which the defendant has made between the General Staff for the High Commands and the position of the OKW; but is it necessary for the Tribunal to go into all these details?

DR. NELTE: I had finished dealing with this section.

THE PRESIDENT: Very well.

DR. NELTE: I want to put just one more . . .

THE PRESIDENT: Before you pass from this document that you have just put before the Tribunal, this diagram, are you desiring to make an exhibit of that?

DR. NELTE: I would like to submit it in evidence. You will also be given a translation.

THE PRESIDENT: If so, what number will you give it? You must number all your exhibits.

DR. NELTE: Please number it, Keitel-1(a).

THE PRESIDENT: Who prepared it?

DR. NELTE: We prepared it and the technical division of the Prosecution has reproduced it. The Prosecution also are in possession of the diagram.

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THE PRESIDENT: Have you asked the defendant to confirm that it is correct?

DR. NELTE: Field Marshal, would you please look at this diagram and confirm whether it is correct?

KEITEL: Yes, I recognize the diagram...

GEN. RUDENKO: Mr. President, the Prosecution have not received this diagram. Therefore, the Prosecution would like, before making conclusions, to acquaint themselves with this diagram.

THE PRESIDENT: Have you got any more copies of it, Dr. Nelte?

DR. NELTE: They can be obtained and distributed right away. Then I would like the Tribunal to reserve its decision until the diagrams have been submitted in sufficient numbers.

KEITEL: I recognize this diagram as correct. It does not contain the minor changes which occurred from the time of the creation of the OKW up to the time which I have mentioned, changes brought about by the reorganization of the armament ministries, *et cetera*, but it shows the manner in which it actually worked during the last years.

THE PRESIDENT: Go on, Dr. Nelte.

DR. NELTE: In order to terminate this group of questions I would like to say the following: Is it correct that according to this, all the Keitel orders, Keitel decrees, which have been submitted by the Prosecution, were in reality Führer orders, that is to say, orders which were the expression of Hitler's will, based on his instructions and commands?

KEITEL: Yes, that is the correct definition of the summary of the testimony I have given. I would like to state again in summarizing that, as I have stated from the beginning, I assume and have assumed responsibility for these orders insofar as they are connected with my name, for the position was this: I, of course, knew the contents of these orders which I executed. I recognize my signature, of course, in the documents which have been submitted to me and therefore I accept the documents as authentic. I may add that insofar as I had military or other objections to the orders, I naturally expressed them very forcibly and that I endeavored to prevent orders being given which I considered controversial. But I must state in all truth that if the decision had been finally made by Hitler, I then issued these orders and transmitted them, I might almost say, without checking them in any way.

DR. NELTE: Mr. President, before I enter upon the next phase of my questions I should like to state the following:

The Prosecution have deduced Keitel's participation in the many crimes which have been described here from various facts, facts

which cannot always be connected with each other and made to agree. The Prosecution have stated that he was a powerful and important staff officer. That is set out in the Indictment. Then the Prosecution stated that he was a tool without a will of his own and that the relation between himself and Hitler was an intimate one.

You will understand that if the defendant wants to clarify or to protest against these things he must explain the relation between himself and Hitler.

THE PRESIDENT: Dr. Nelte, that is what the defendant has been doing. He has been explaining his relationship to Hitler, and if you want to elucidate it further you must ask him further questions.

DR. NELTE: I only wanted to let him speak about the private relation to Hitler. So far we have been concerned only with the official relation.

[Turning to the defendant.] Would you please tell us something about the co-operation between you and Hitler? I ask you to be as brief as possible and tell us only the most necessary facts, but at the same time give us a correct picture.

KEITEL: The co-operation can be characterized only as one between a high military superior and his subordinate. In other words, the same relations as I have always had in my military career with the senior officers of whose staff I was a member. The relation between Hitler and myself never departed from this strictly military and soldierly relationship. Of course, it was my right and my duty to express my opinions. How difficult that was can be judged only by someone who knows that Hitler, after a few words, was wont to take over the entire discussion and to exhaust the subject entirely from his point of view. It was then very difficult, of course, to come back to the subject again. I may say that due to my various positions in high staff offices I was quite used to dealing with the superior commanders, if I may use that expression. However, I was quite unaccustomed to the conditions which I encountered here. They surprised me, and not infrequently they reduced me to a state of real uncertainty. That can be understood if one knows that Hitler, in soldiering or military questions, if I were to express myself very cautiously, was a man with far-reaching plans for reform with which I, with my 37 years of service as a soldier of the old school, was confronted.

DR. NELTE: Was it the same during the war or do you refer to the time before the war?

KEITEL: During the war these controversies were moderated by the events, so that actuality was strongly influenced by the urgency of the situation. Therefore, these things did not appear in that form.

On the other hand, the position then was that Hitler in his discussions about the situation had a comparatively large circle of about twenty people assembled around him, and speaking in military terms, unsparingly made his accusations—objections and criticism—directed, as a rule, at people who were not present. I took the part of the absent person as a matter of principle, because he could not defend himself. The result was that the accusations and criticism were then aimed at me, and my training as a soldier finally forced me to control myself, because it is unseemly to answer back or to oppose or to attempt to contradict a superior before very young subordinates, such as those who were present. Opposition to a superior or to personalities, no matter what their rank, was unbearable to the Führer. One could then attempt to speak to him about these things only in private.

DR. NELTE: Had you the feeling that you had Hitler's confidence?

KEITEL: I could not say yes. I must frankly admit that Hitler's confidence in me was not without reservations, and today I know only too well that there were many things concerning which he had never spoken frankly to me and about which he never took me into his confidence. It was a fact that Hitler was very suspicious of the old or elderly generals. For him they were products of an old and antiquated school and in this sense he was to us old soldiers a man who brought new revolutionary ideas into the Wehrmacht and wished to incorporate them into Wehrmacht training. This frequently led to serious crises. I believe I do not have to elaborate on that. The real evil, however, was that this lack of confidence led him to believe that I was in conspiracy with the Army generals behind his back and that I supported them against him. Perhaps that was a result of my habit of defending them because they could not defend themselves. At various instances that led to extremely acute and serious crises.

DR. NELTE: Much will depend upon stating how your cooperation with Hitler has to be valued, particularly to what extent you could be considered his collaborator or adviser. Will you tell me whether Hitler discussed his plans with you in the manner which is customary in close collaboration?

KEITEL: In general I must deny that. It was not in any way in keeping with Hitler's peculiar disposition and personality to have advisers of that kind, that is, if you call an adviser someone who gives advice in the sense of presenting, let us say, a great number of military elements from long experience as an officer, but not in the sense of an adviser to help to formulate a decision, such far-reaching decisions which are doubtlessly meant here. On principle, such a decision was preceded by weeks or months of careful consideration.

During that time one had to assist by procuring documents, but concerning the main point, the decision itself, he did not brook any influence. Therefore, strange as it may sound, the final answer always was: "This is my decision and it is unalterable." That was the announcement of his decision.

DR. NELTE: But if various departments were competent for these decisions, were there no general conferences?

KEITEL: No. I cannot recall that any one of the really important decisions after the year 1938 had ever been formulated as the result of joint counsel for instance between the politicians, the soldiers or other ministers, because it was Adolf Hitler's own way to speak, privately as a rule, to each department and each department chief, to learn from him what he wanted to know, and then to find out some element that could be used in the elaboration of his plans. Things were not at all as would appear from the documents here of minutes of conferences of generals, of meetings and similar things with a list of those present. Never did such a meeting have the character of a deliberation. There could be no question of that. Rather, the Führer had a certain idea, and if for various reasons he thought that we opposed that idea even inwardly, he used that as a reason to clarify his thoughts before a large circle without any discussion. In other words, in these assemblies, which the documents here speak of as conferences, there was never any deliberation. I must add that even the external form which these things took was such that, following the military example, the senior commander convened a certain number of generals, everyone was seated, the Führer arrived, spoke and went out. No one in such a situation could have found an opening to say anything. To use just one word for it, and I certainly do not exaggerate, it was the issuing of an order but not a conference.

DR. NELTE: To come to a different subject, the Prosecution have asserted that you had been a member of the Reich Government. What do you have to say about that?

KEITEL: I never belonged to the Reich Government and I was also never a member of the Cabinet. I must also state that I never became a minister, but as is stated in the decree of 1938, "he has the rank of a Reich minister," not "he is Reich minister." The expression "minister" is, of course, simply intended to indicate the rank of minister and there was a good reason for that. I need point out only what I said this morning: It was not intended that there should be anyone holding an office with the authority of a minister between Hitler and the Wehrmacht, and the branches of the Wehrmacht. I must clarify the question which has been frequently raised by the Prosecution that "He had the rank of a minister," by saying that,

before the decree was issued, I asked whether I was to deal with the State secretaries or with the ministers, and Hitler said, "If on my orders you deal with other ministers of the Reich, then, of course, you can do so only with the rank of a minister, not on the level of a state secretary."

That is the explanation of the expression in the decree "He has the rank of a Reich minister."

DR. NELTE: Did you, in the headquarters have any conferences with other important and competent personalities, such as Ribbentrop, Rosenberg, Speer, Sauckel, *et cetera*?

KEITEL: Ministers or special plenipotentiaries visited headquarters according to a plan which very seldom led to the simultaneous presence of several of them. Generally, it was carefully arranged so that a special time was set aside for each one. As a rule, I was of course informed that "the Foreign Minister is here" or "Minister Speer is here" or the "Plenipotentiary General for Allocation of Labor Sauckel is here." However, I was called in only in regard to purely military questions which the Führer discussed with these gentlemen in private and I could give instances of this. However, as has already been mentioned recently, during the interrogation of State Secretary Steengracht, it would be false to believe that these gentlemen who came to headquarters formed a small or select cabinet. Hitler dealt with each of these officials and functionaries separately, gave him his orders, and dismissed him. It sometimes happened that on the way home, these gentlemen visited me, mostly to ask me about small questions and small favors which I could do for them or with instructions to inform me about a decision or with the order to forward a decision to those military offices which had to be notified.

DR. NELTE: In concluding, I would like to know whether the expression "intimate" which is contained in the Indictment, is correct in order to describe the relations between you and Hitler, privately or officially?

KEITEL: I found the word "intimate" in the Indictment and I asked myself the question, "Where does this conception originate?" To be quite frank, I have but one answer for it, that is that no one ever heard a single word from me about the actual and constant difficulties that I had. I deliberately kept quiet about them. Intimate relations are, according to my definition of "intimate"—I do not know if in the English translation "intimate" expresses the same thing which we call "intim"—relations where there is confidence and frank discussion and these did not exist. I have already characterized it. Intimacy was not Hitler's attitude towards the generals, to whose senior generation I also belonged. Apart from the

very formal intercourse which sometimes lasted for weeks and in which even the external forms were hardly observed—I do not want to discuss this in detail here—the relation never reached a point where it could be classified as that of a close adviser or a close collaborator as I conceived it in my Army staff positions. I must say that for my part I have been faithful and loyal and I always fulfilled my duties in that manner. However, I must also say that a sincere and personal relation based upon mutual understanding and confidence never existed. It has always been correct, but it was military and official, and never went beyond that.

DR. NELTE: By the decree of 4 February 1938 a Secret Cabinet Council was established. According to the contents of that decree, you are supposed to have been a member of the Cabinet Council. In order to save time, I merely wish to ask you: Do you confirm from your own knowledge the statement made by Reich Marshal Göring, that the Secret Cabinet Council was established only for appearances and that a Secret Cabinet Council was never constituted and that it never had a session?

KEITEL: I can answer only, "Yes, never."

DR. NELTE: I come now to the question of the Reich Defense Council (Reichsverteidigungsrat). In the session of 23 November, the prosecutor submitted in evidence, as proof of the rearmament and the active participation of the Wehrmacht in the planning of war of aggression, among others:

Document EC-177, which was designated as "Meeting of the Reich Defense Council of 22 May 1933." I must say that I have taken the translation from the minutes and I am not sure whether the expression "Reichsverteidigungsrat" was translated correctly. In the minutes it states that it is a meeting of the working committee. For your information may I say that the Reichsverteidigungsrat was supposed to be a sort of ministerial body and that in addition, there was a working committee.

A second document, EC-405, was submitted concerning a meeting of the same body on 7 March 1934; and a third document, 2261-PS, dealing with the Reich Defense Law of 1935 and the simultaneous appointment of Dr. Schacht as Plenipotentiary General for War Economy.

Beyond doubt, you have been active in questions of national defense. These documents are also submitted as evidence against you. I ask you, therefore, to state whether these meetings in which you participated and which you conducted, were concerned with preparations for war and rearmament.

KEITEL: From the very beginning, as long as we were working on these things and by means of a committee of experts from which

everything else evolved, I personally participated in these matters, and I may call myself the founder of that committee of ministerial experts which was set up to co-operate with the War Ministry. As Chief of the Organizational Department of the Army, in the winter of 1929 and 1930, that is, 3 years before Hitler came to power, I formed and personally assembled that committee after the Chancellor—I believe it was Brüning—and the Prussian and Reich Minister of the Interior Severing had consented to it. I would like to add that a representative of Minister Severing was always present to make sure that nothing took place which would have been in violation of the Treaty of Versailles. This work was very difficult, because no Reich minister and no department head was officially obliged to carry out the wishes of the National Ministry of Defense, this was purely voluntary. Consequently, the work went along haltingly and slowly. In this committee of experts which met perhaps two or three times a year, we dealt with, if I may put it briefly, what assistance the Civilian Department could render, in order to set free the small army of 100,000 soldiers for purely military tasks, naturally limiting ourselves to the defense of our frontiers, as stated in the Treaty of Versailles: "The Defense of the Frontiers"; I could perhaps still repeat our discussion from memory, since, with the exception of the period from 1933 to 1935, I conducted every one of these meetings myself, that is as leader of the discussion, not as chairman. I can, however, refer you now to the *Mobilization Handbook for Civil Authorities*, which was the outcome of this work and about which I shall speak later. It may be possible to submit it here. We were concerned only with questions of defense, such as the protection of our frontiers, and, in order to make myself clear, I should like to mention some of them. The Wehrmacht was to be free to protect railway property, post office property, repeater stations, radio stations, and to man the frontiers with security units for which the Customs Services were to be responsible. Cable and sea communications with East Prussia were also to be improved.

I will not bore you with all this. They were all defensive measures with a view to freeing the few soldiers for purely military functions, because for purposes of actual military operations I need not tell you what we could have done with an army of only 100,000 men. Any questions which went beyond this were never dealt with in that committee. The manner in which we worked was this: I asked the experts to submit their wishes to the heads of departments or state secretaries and then to try to persuade the heads of departments to take over the tasks from us, so that we could say that was being done by others and we need not bother about it. I can guarantee that operational questions, strategic questions, armament questions, questions of supply of war equipment, were never discussed in this committee. They were only organizational questions

of the taking over of functions which generally should be performed by a soldier, but which we wanted to transfer to the civil authorities.

Now, as to the meeting of 22 May 1933, which has been discussed several times, it was already stated in the heading of the minutes which we have before us: "Competency—heretofore the Reichswehrminister, now the Reich Defense Council"—I have just explained that. Hitherto Reichswehrminister, over the committee, voluntary participation of the ministers of other departments, now obligatory activity of the heads of departments, that is, the group of ministers who received the title of "Defense Council." I will express that even more clearly, so that it cannot be misunderstood. Every member of the committee represented a ministry. The minister to whom the committee member was responsible, along with his colleagues, formed the Reich Defense Council, as envisaged by us then. They were the Council and we were the Committee. Therefore, "heretofore the Reichswehrminister"—now, one could say, as I have just expressed it, the other ministers were obliged to do that.

In Paragraph 3 the working plans were particularly mentioned. These working plans, in a word, are the forerunner of the *Mobilization Book*, which is the final stage; whereas the working plans of about 1933 were the intermediary stage. Then as regards the concluding words at the meeting of 22 May 1933, which have been given special prominence here by the Prosecution, and which deal with the need for secrecy—the passage where I said, according to the minutes, that nothing which could lead to objections at the Disarmament Conference should be left lying in the desks of the ministries—that is correct. I did say that, and I have said it because the experts told me that, with the exception of a small wooden box or a drawer in a desk which could not be locked, they had no place in which to keep anything, and because Von Blomberg, Reich War Minister at that time, who had been in Geneva at the Disarmament Conference for almost two years, gave me the definite order before this meeting, to point out these things, because in Geneva one was surrounded by an extremely large number of agents who were only waiting to be able to present proof that, in spite of the disarmament negotiations, there were things going on which could be interpreted as violations of the Versailles Treaty. That is what I had to say about the document.

DR. NELTE: I have given to you now the *Mobilization Book for the Civil Administration*. It is Document 1639-PS. It has been submitted in order to prove that aggressive wars were being planned. Would you explain to us the purpose of this book?

KEITEL: I have already stated that at an earlier stage, that is, during the years 1932-33, the individual ministries had so-called working plans, indicating what they were to do if something happened which necessitated their participation in defending the

country. In the course of years, naturally, a number of new tasks were added and that finally led to this *Mobilization Book* for the civil authorities and civil administration, the study of which would certainly show nothing which might have anything to do with strategic, operational, or other preparations for war. On the other hand, I am not in a position to prove that everything contained in this book could never have been useful in military operations which could develop from an aggressive war plan. Many measures, one could almost say most measures, in the event of mobilization would not indicate on the surface whether it is a measure for defense or a measure which is necessary or indispensable for aggressive action. That cannot be determined. But I believe I can say, because I, myself, have been engaged so deeply in this work, perhaps more than in any other, that there was no reason at all to burden the civilian experts—they were high government counsellors—with strategic or operational planning. I do not believe that it is necessary to prove that such work is not within their scope. I have looked through and studied this mobilization book here. I do not wish to bore you by citing points which are of a purely defensive nature. I could name them: barriers, reinforcement of the frontier defenses, demolitions, cutting of railroads and similar things, all this is in the book. One of the most important chapters, which, if I remember correctly, we discussed during four or five of these sessions, was the question of evacuation, that is, evacuating territories close to the border of valuable war material and personnel, so that, in case of war with the neighbor, they should not fall into the hands of the enemy. This problem of evacuation was one of the most difficult, because the extent to which one can evacuate, that is, what things can be evacuated, is perhaps one of the most difficult decisions to make.

I would like to say one more thing about the Reich Defense Committee, supplementing the ideas which I expressed before. Until the year 1938, no meeting or session of the Reich Defense Council was ever held, that is, the ministers who were the superiors of the committee members never met, not even once. I would have known about it, although at the cabinet meeting, I believe as early as March 1933, we passed a resolution to make these ministers responsible for a Reich Defense Council which should deal with these tasks, and to oblige them to take over these tasks as their necessary contribution to the defense of the Reich, and, of course, to finance them. That was the main purpose, otherwise the Reich Defense Council never met.

DR. NELTE: Actually, the minutes which have been presented, for the period of '33 to '38, are of the meetings of the working committee. But you know that about eight days ago two documents were submitted which appeared to be the minutes of the meetings of

the Reich Defense Council. One session or assembly is supposed to have taken place in November 1938, and the second one in March 1939. Unfortunately these documents have not been submitted to me, but I have looked at them and you have also seen them. Can you explain to us how these minutes, that is, these meetings came about and what they mean?

KEITEL: I merely wish to add a few supplementary words to the statement which Reich Marshal Göring has already made. In December 1938, there was passed the Reich Defense Law, which had been drawn up in 1935, a shelved law, that is, a law which had not been made public and which required modification, the reason being that the Reich Defense Law of '35 was devised by the Reich War Minister, Commander-in-Chief Von Blomberg, who no longer held office. I was with Reich Marshal Göring at that time to discuss this with him and to find a new basis for this law, which until then had not been published. This law of the autumn of 1938 had a number of supplementary clauses as compared to the old one, and perhaps I will be able to give details later. Among other things, according to this law also, Reich Marshal Göring was the delegate of the Führer, a function formerly held by the Reich War Minister and which I could not exercise.

This conference in November 1938, to recall it briefly, had been convened by Reich Marshal Göring in order to present this law which had not been published, and which was not to be published, to a large circle of members of the ministries. There were about seventy or more persons present to whom the Reich Marshal explained the purpose and the essence of this law in the form of a speech. There was no discussion, apart from that speech, and there was certainly no question of a meeting of the Reich Defense Council at that time.

You also recently showed me the second document of a meeting of the Reich Defense Council as it is called and as also appears in the heading of the minutes of the summer 1939.

DR. NELTE: No, March 1939.

KEITEL: That has been mentioned here, and I believe it was the second meeting of the Reich Defense Council. I can explain that. This is how it was: I called a meeting of the committee and, of course, furnished Reich Marshal Göring with the agenda and the names of the people who were to be present. Reich Marshal Göring informed me that he would come himself and that since he wished to discuss other questions, he would accordingly enlarge the attendance. This conference, therefore, had an agenda which I had planned for the committee, and concrete questions were also brought up for debate. It is, however, remarkable that according to the list

of those present, that is, according to the numbers, the members of the Reich Defense Council were represented by only a very small number, almost not at all, although there were about forty or fifty people present. The Reich Defense Council itself was a body of 12 people, and it needs no further explanation that, from the form in which these two conferences took place, one could not say that this was a plenary session of the Reich Defense Council based upon a clearly defined agenda, but rather that there were two meetings, the motive and extent of which I have described here.

*[A recess was taken.]*

**THE PRESIDENT:** Dr. Nelte, the Tribunal think that you might get on a little more quickly with the defendant. The Tribunal recall that you asked a few days ago that you might submit an affidavit of the defendant's evidence, and there is in your document book an affidavit. You have been over all those matters in the affidavit at very much greater length than you would have gone into them if you read the affidavit, and we hope that you will be able to deal more shortly with the evidence in future.

**DR. NELTE:** Mr. President, I made every effort to be as brief and concise as possible in my questions, but testimony is, of course, always subjective. The defendant is unfortunately the one who is mentioned most frequently in this Trial and naturally he is interested in clarifying those matters which he considers essential in order to present his case clearly.

**THE PRESIDENT:** Well, Dr. Nelte, I do not think it is necessary to discuss the matter further; but the Tribunal have expressed their wish.

**DR. NELTE:** As far as I am able, I shall comply with your request, Mr. President.

*[Turning to the defendant.]*

Field Marshal Keitel, you have just given us an explanation of the Reich Defense Council and the Reich Defense Committee. You probably realize that we are not and should not be so much concerned with whether decisions are made by a Reich Defense Council or a Reich Defense Committee. We are interested in what actually took place and whether or not these things justify the imputations of the Prosecution. In this respect I ask you to tell me if those things which you discussed and planned on the Reich Defense Committee justify the suspicion that you were considering aggressive war?

**KEITEL:** I realize fully that we are not concerned with the formality of whether it was the Council or the Committee, since the Council was a board of ministers while the Committee was a board

of minor experts. We are concerned with what actually did take place and what was done. With the exception that in the year 1934 and until the autumn of 1935 I was not present at these discussions, and therefore cannot vouch for every word which was spoken at that time, I must state that nothing about the planning of wars, the preparing for wars, the operational, strategical, or armed preparedness for war, was ever discussed.

DR. NELTE: The Prosecution has labeled you as a member of the Three Man College, from which they have deduced that you had special powers to act within the German Reich Government. I am submitting to you Document 2194-PS. In this document in the Reich Defense Law of 1938, Paragraph 5, Subsection 4, you will find the source of this term which in itself is not official.

KEITEL: The Reich Defense Law of 1938 provided for a plenipotentiary general for administration in order to restrict the size of the body. The Reich Minister of the Interior was to have this office and further, according to Paragraph 5, Subsection 4, the Supreme Command of the Army was to have priority influence in regard to the State Railways and the State Postal Services, for in the event of mobilization, transports must run and the services for the transmission of news must be available, as is the case in all countries.

The Three Man College is a concept which I have never heard of until just now. It probably refers to the Plenipotentiary General for Administration, the Plenipotentiary General for Economy and the Chief of the OKW. It referred to these three. There is no doubt about it, because, in line with the Reich Defense Law, they were already supposed to have a number of decrees ready in the drawers which were to be published when this law was made public, and each one of the three had to make the necessary preparations in his own sphere. From the right to assume these functions by reason of these authorities the Three Man College concept originated.

DR. NELTE: The Prosecution then contended that according to Document 2852-PS you were a member of the Council of Ministers for Defense of the Reich. Did you become a minister through this membership in the Reich Defense Council?

KEITEL: I might perhaps say a few words to begin with about the Council of Ministers, insofar as the Reich Defense Law, the Reich Defense Committee and the Reich Defense Council, disappeared as a result of the law regarding the Council of Ministers for Defense of the Reich, that is, they were never made public and never put into effect. The Council of Ministers for Defense of the Reich was newly created on 1 September 1939 and this made all these preparations on paper in the Reich Defense Council, Reich Defense Committee and the law null and void and put in its place a new thing,

an institution. This institution, the Council of Ministers for Defense of the Reich, was now the small war cabinet, which, if I may say so, should previously have been the Reich Defense Council with their limited number of members. Thus, a new basis was established, and new decrees which were necessary were put into effect by the Council of Ministers for Defense of the Reich, after it had been created and officially confirmed.

I was called into this Council of Ministers or rather I received a chair in this Council of Ministers. I prefer not to give the reasons, because they were entirely private. It was a compensation for opposition against these things—I never became active in this Council of Ministers for Defense of the Reich, but I was a member; it was not necessary to be active since in the purely military sphere, that is, things with which the Wehrmacht immediately was concerned, the Führer personally, without the Council of Ministers, issued the necessary decrees with his own signature and the detour via the Council of Ministers in Berlin was not necessary; and in my opinion I must deny that I became a minister by this appointment. The authority to exercise the functions of a minister was in no way given. I was only the representative of the Wehrmacht in this Council of Ministers.

DR. NELTE: However, your name is indisputably at the bottom of many laws and decrees which were issued. How do you explain the signature on these laws?

KEITEL: Yes, I did sign a series of decrees issued by the Council of Ministers because they were submitted to me by the Secretariat, that is, the Chief of the Reich Chancellery, Minister Lammers, with a request for my signature. When I questioned the necessity for doing this, I received a formal answer from Lammers to the effect that other Reich departments might see that the Wehrmacht was not excluded from these decrees or laws. That is why my signature is included. It means that the Wehrmacht must also obey these decrees and laws. That is why I had no misgivings in signing my name.

DR. NELTE: The Prosecution further accuse you of having been a political general. Undoubtedly you appeared at various special functions. Will you please answer this accusation and tell us how it came about?

KEITEL: I can readily understand the fact that functions of a ministerial nature which necessarily brought me frequently into contact with ministers of the Reich—in the course of a war everything is tied up with the Wehrmacht in some way or other—would seem to indicate that I had exercised a political function in these matters. The same conclusion can be drawn from other events. That is, my presence at State visits and similar functions as indicated by

many documents might suggest that I was exercising political functions or in some way had been called to exercise such functions. Neither is true; neither in regard to internal German ministerial functions nor in regard to matters connected with foreign policy. There were naturally a great many things to be settled with the ministries, the technical ministries. The Wehrmacht had to participate and had a voice in almost all the decrees which were issued by the civilian ministries. This work was naturally done in Berlin. The fact that I had to remain with the Führer at his headquarters kept me away; and this meant that my offices, the offices of the OKW, had to settle these questions with the Reich departments and their experts rather independently on the whole. Thus it happened, naturally, that decrees of this kind were drawn up requiring my comments and the Führer's consent, which was obtained through me and that in this connection I was the person who co-ordinated the various wishes and views of the High Commanders of the Wehrmacht branches and reduced them to a common Wehrmacht denominator, so to speak. Through these activities I was naturally drawn into the general apparatus of this work, but I do not believe that this would justify the application of the term "political general" to the Führer's Military Chief of Staff.

DR. NELTE: What can you tell us with regard to foreign policy and the meetings at which foreign policy was discussed?

KEITEL: Concerning the sphere of foreign policy, I would merely like to emphasize what the former Reich Foreign Minister has already said about collaboration with the leaders of the Wehrmacht. If at all, two of the leading partners marched their own roads, then it was the foreign policy on one side and the Wehrmacht on the other, especially under the influence of the Führer himself, who did not desire collaboration and opposed the mutual exchange of ideas. He kept us in avowedly separate camps, and wished to work with each one separately. I must emphasize that most strongly. To conclude, this applied to all other departments who came to headquarters, that is, everything was discussed with them alone, and they also left the headquarters alone.

There were contacts with the Foreign Office, as State Secretary Von Steengracht has stated, with regard to all questions of international law or, in connection therewith, with questions affecting the prisoners of war, questions of communication with the protecting powers, and questions which Von Steengracht may have had in mind when he said, "With the Wehrmacht the whole field of an attaché's work," since all reports sent by military attachés in neutral and friendly countries to the Commanders-in-Chief of the Wehrmacht branches went through Foreign Office channels. They all arrived there and we received them from there. It was quite natural that

during the war any news of special interest might call for special contacts in that we often had to complain that the reports did not reach us in time from the Foreign Office, and that our Ministry wanted to have them sent direct and not by a roundabout way. Otherwise, however, I must emphasize that there was no collaboration in any other field nor, I might say, any community of work in the field of strategics with the Foreign Office.

DR. NELTE: About ten days ago Document D-665 was submitted by the Prosecution. This document is headed "The Führer's Ideas Regarding the Waffen-SS" dated 6 August 1940. In this document there is a passage by the OKW which states the following:

"The Chief of the OKW has decided in this connection that it can be only desirable for the ideas of the Führer to be given the utmost publicity."

Do you know this document?

KEITEL: Yes, I read this document at the time it was submitted, and I remembered it. To explain the origin of this document I must say briefly: After the war in France Hitler planned to give an independent status to the SS units, the Waffen-SS units, or form them into complete military bodies of troops. Until that time they had been parts of infantry troops attached to different Army formations. Now these groups were to be made into independent and fully-equipped units and would thus become independent formations. This created extreme unrest in the Army, and caused acute dissatisfaction among the generals. It was said to denote competition to the Army and the breaking of the promise made to the army that "there is only one bearer of arms in Germany, and that is the Wehrmacht." They asked: "Where would this lead to?"

At that time the Commander-in-Chief of the Army asked Hitler's chief adjutant for information about this revolting affair and General Schmundt, with Hitler's approval, then wrote the passage mentioned in this document.

I went to the Führer personally about this question to tell him plainly that the Army considered it an insult. He decided to handle the matter through his chief adjutant, as it had nothing to do with the High Command of the Wehrmacht. This announcement was then made by the Army itself in order to calm the excited minds. My personal comment that there was no objection to the widest publicity in this case either was given to satisfy General Von Brauchitsch, who expressly requested to be allowed to distribute it to every unit, in order to reassure the Army that the troops in question were police troops who under all circumstances had to have experience of active service, as otherwise they would be denied any recognition at home as troops. That is how that came about, and if I am asked today

about my views on this matter I may say briefly: I also thought at the time that there ought to be a limit to these things; I believe 10 percent was the figure mentioned. With the development of events in connection with the setting up of new formations after 1942, these troops lost their original character of an elite selected on physical and racial grounds. There was no mistaking the fact that considerable pressure was exercised; and I myself was very much afraid that some day this instrument of the Waffen-SS, which had swelled to a force more than 20 divisions strong, would grow into a new Army with a different ideology. We had very grave misgivings in this respect, especially as what we now saw before us was no longer an elite in any sense of the term, and since we even saw commissioned and noncommissioned officers and men transferred from these troops to the Wehrmacht. It was no longer the pick of volunteers. I do not think there is anything further to add.

DR. NELTE: The Prosecution have submitted Document L-211 to me. It is headed "War Operations as an Organizational Problem," and contains the comments of the OKW on the memorandum of the Commander-in-Chief of the Army regarding the organization of the leadership of the Wehrmacht. This document was submitted to prove that the OKW and you, as Chief of the High Command of the Wehrmacht, held views which favored aggression and had expressed them in this study.

I assume that you remember this study. What have you to say about the accusation which is based on this study?

KEITEL: This study was submitted to me during my preliminary interrogation and thus I was reminded of its existence. In this connection I must also give a brief description of the background. It is not an exaggeration to say that in the early twenties, that is, shortly after the end of World War I, there was a great deal of literature produced, I believe, in all countries which had taken part in the war, on the most efficient organization and co-ordination at the highest level in the Armed Forces (Kriegsspitzen gliederung). I myself wrote on the subject and I know the opinions held in the United States, England, and France. At that time everybody was occupied with the question of that organization, and Von Blomberg said he was in favor of the eighth solution—seven had already been discarded.

In this connection a struggle developed, led by the High Command of the Army and the General Staff of the Army, who constantly opposed the idea of a combined supreme operational command of the Wehrmacht, and demanded that the supreme authority should be in the hands of the Army General Staff, as it was before.

When the High Command of the Wehrmacht was created and Blomberg had gone, the Army thought the moment opportune to

return with renewed vigor to the attack. The result was a memorandum from the Commander-in-Chief of the Army, written by General Beck, and the answer to this is the study mentioned here. As I collaborated in the drafting of this answer, I can vouch for the two men responsible for it, namely, Generaloberst Jodl and myself, who were the only two who worked on it. I can state that at that time we were not motivated by any acute problem or by any preliminary general staff work in preparation for war, but only by the fact, as I might put it, that of all the many memoranda and investigations into the most expedient method, the one drawn up by us appeared to be the most practical.

THE PRESIDENT: Dr. Nelte, does not the document speak for itself? He says he collaborated in it, but that it was not concerned with war, so that is all that needs to be said. The document speaks for itself then.

DR. NELTE: But surely he may clarify some of the ideas contained in this document. Moreover, Mr. President, in regard to this question I took the liberty of submitting the affidavit in Document Book Number 2: "High Command of the Wehrmacht and General Staff" which is signed by the Defendant Keitel as well as by Herr Jodl. It has been submitted to you as Number 2 of Document Book 2.

THE PRESIDENT: Is that the affidavit of 8 March?

DR. NELTE: 29 March, Mr. President.

THE PRESIDENT: The first one in the book, or where is it?

DR. NELTE: No, in the second part.

THE PRESIDENT: But what page?

DR. NELTE: The pages have not been numbered consecutively, it has a table of contents, and under that you will find it as Number 2.

THE PRESIDENT: Are you quoting them from L-211 now? Are you finished with that?

DR. NELTE: This affidavit belongs to L-211.

THE PRESIDENT: I thought the witness said he had collaborated in the study, which is L-211, and that it was not concerned with war. You might leave it at that.

DR. NELTE: I believe, Mr. President, in this Trial it matters to hear what the defendants have to say about those documents which allegedly accuse them. The explanation of Document L-211 which the Defendant Keitel wishes to make is contained in the affidavit which I submitted in Document Book Number 2.

THE PRESIDENT: If what he wishes to say was put down in the affidavit then he should not have been asked about it; the affidavit should have been read.

DR. NELTE: The difference between the length of his verbal statement and the length of the affidavit is indicated by the relation of 1 to 10. He gave only a brief summary of the answer he wished to make. The affidavit is longer, and therefore I thought I could dispense with reading the affidavit if he would give us a brief summary of the chief points with which we are concerned.

THE PRESIDENT: You and I have a different idea of the word summary.

DR. NELTE: May I continue, Mr. President?

THE PRESIDENT: Yes, go on.

DR. NELTE: I now come to the question of rearmament, and the various cases of Austria, Czechoslovakia, *et cetera*. I would like to ask you about the accusation of the Prosecution that you participated in the planning and preparation of wars of aggression. So that we can understand each other, and that you can give your answers correctly, we must be quite clear as to what is meant by war of aggression. Will you tell us your views on that subject?

KEITEL: As a soldier, I must say that the term "War of Aggression" as used here is meaningless as far as I am concerned; we learned how to conduct actions of attack, actions of defense, and actions of retreat. However, according to my own personal feelings as a military man, the concept "war of aggression" is a purely political concept and not a military one. I mean that if the Wehrmacht and the soldier are a tool of the politicians, they are not qualified in my opinion to decide or to judge whether these military operations did or did not constitute a war of aggression. I think I can summarize my views by saying that military offices should not have authority to decide this question and are not in a position to do so; and that these decisions are not the task of the soldier, but solely that of the statesman.

DR. NELTE: Then you mean to say, and this applies also to all commanders and offices involved, that the question of whether or not a war is a war of aggression, or whether it has to be conducted for the defense of a country, in other words, whether a war is a just war or not, was not in the field of your professional deliberations and decisions?

KEITEL: No; that is what I wish to express, since...

DR. NELTE: What you are giving is an explanation. But you are not only a soldier, you are also an individual with a life of your own. When facts brought to your notice in your professional capacity seemed to reveal that a projected operation was unjust, did you not give it consideration?

KEITEL: I believe I can truthfully say that throughout the whole of my military career I was brought up, so to speak, in the old traditional concept that one never discussed this question. Naturally, one has one's own opinion and a life of one's own, but in the exercise of one's professional functions as a soldier and an officer, one has given this life away, yielded it up. Therefore I could not say either at that time or later that I had misgivings about questions of a purely political discretion, for I took the stand that a soldier has a right to have confidence in his state leadership, and accordingly he is obliged to do his duty and to obey.

DR. NELTE: Now let us take up the questions individually. Did you know Hitler's plans first in regard to rearmament, and later in regard to any aggression, as the Prosecution calls it? I am thinking chiefly of the period from February 1933 to 1938.

KEITEL: It was clear to me that when Hitler became Chancellor, we soldiers would undoubtedly have a different position in the Reich under new leadership, and that the military factor would certainly be viewed differently from what had been the case before. Therefore we quite honestly and openly welcomed the fact that at the head of the Reich Government there was a man who was determined to bring about an era which would lead us out of the deplorable conditions then prevailing. This much I must confess, that I welcomed the plan and intention to rearm as far as was possible at that time, as well as the ideas which tended in that direction. In any event, as early as 1933, in the late summer, I resigned from my activities in the War Ministry. I spent two years on active service and returned only at the time when the military sovereignty had been won back and we were rearming openly. Therefore, during my absence I did not follow these matters. At any rate, in the period from 1935 to 1938, during which I was Chief under Blomberg, I naturally saw and witnessed everything that took place in connection with rearmament and everything that was done in this field by the War Ministry to help the Wehrmacht branches.

DR. NELTE: Did you know that the occupation of the Rhineland in the demilitarized zone, the re-establishment of military sovereignty, the introduction of conscription, the building up of the Air Force and the increase in the number of Wehrmacht contingents violated the Versailles Treaty?

KEITEL: The wording of the Versailles Treaty, as long as it was considered binding upon us, did not, of course, permit these things. The Treaty of Versailles, may I say, was studied very closely by us in order to find loopholes which allowed us, without violating the treaty, to take measures which would not make us guilty of breaking the treaty. That was the daily task of the Reich Defense Committee.

From 1935 on, conditions were entirely different, and after my return as Chief, under Blomberg, I must state frankly that I no longer had any misgivings as to whether the Treaty of Versailles was violated or not because what was done, was done openly. We announced that we would raise 36 divisions. Discussions were held quite openly, and I could see nothing in which we soldiers could, in any way, see a violation of the treaty. It was clear to all of us, and it was our will to do everything to free ourselves of the territorial and military fetters of the Treaty of Versailles. I must say honestly that any soldier or officer who did not feel similarly about these things would in my estimation have been worthless. It was taken as a matter of course if one was a soldier.

DR. NELTE: During this Trial, an order, C-194, which bears your signature, was submitted. It concerns aerial reconnaissance and movements of U-boats at the time of the occupation of the Rhineland. This order leads to the inference that you participated in the occupation of the Rhineland. In what capacity did you sign this order?

KEITEL: The order shows already the future introductory phrasing: "The Commander-in-Chief of the Wehrmacht, Minister Von Blomberg, upon report, has ordered..." I transmitted in this form an instruction which General Von Blomberg had given me, to the Commander-in-Chief of the Air Force and I recall that it concerned the introduction of control measures during the days when the three battalions were marching into the demilitarized zone.

DR. NELTE: Did you, up to the time of your appointment as Chief of the OKW, learn from Hitler himself or from other sources, that there were plans in existence which, contrary to Hitler's avowed peace assurances could be put into effect only by force, that is, through a war?

KEITEL: During this period of time until the first practical measures were taken in the case of Austria, I cannot remember having had any knowledge of a program, or the establishment of a program or far-reaching plan, or one covering a period of years. I must say also that we were so occupied with the reorganization of this small army of seven divisions into an expanded force of twice or three times its original size, apart from the creation of a large air force which had no equipment at all, that in those years a visit to our office would have shown that we were completely occupied with purely organizational problems, and from the way Hitler worked, as described by me today, it is quite obvious that we saw nothing of these things.

DR. NELTE: Did you have any personal connection with Hitler before 4 February 1938?

KEITEL: In the years from 1935 to 1938, as chief under Blomberg, I saw the Führer three times. He never spoke one word to me and so he did not know me. If he knew anything at all about me it could have been only through Herr Von Blomberg. I had absolutely no contact with the Führer either personally or through other people who were prominent in the Party or in politics. My first conversation with him was in the last days of January before I was appointed to this office.

DR. NELTE: Did you hear anything of the meeting or discussion with Hitler in November 1937? I am referring to a conference in which Hitler, as it is alleged, made public his last will.

KEITEL: I already stated under oath at the preliminary interrogation that I did not know about this, and that I saw a document or the minutes or a record of this meeting at this Trial for the first time. I believe it is the Hossbach document and I do not remember that Von Blomberg gave me any directions to take preparatory steps after this conference. That is not the case.

DR. NELTE: Did you know of any of Hitler's intentions regarding territorial questions?

KEITEL: Yes. I must answer that in the affirmative. I learned of them, and I also knew from public political discussions that he proposed to settle in some form, gradually, sooner or later, a series of territorial problems which were the result of the Treaty of Versailles. That is true.

DR. NELTE: And what did you think about the realization of these territorial aims, I mean the manner in which they were to be solved?

KEITEL: At that time I saw these things and judged them only according to what we were capable of in military terms. I can only say, when I left the troops in 1935, none of these 24 divisions which were to be established existed. I did not view all this from the standpoint of political aims, but with the sober consideration: Can we accomplish anything by attack and the conduct of war if we have no military means at our disposal? Consequently for me everything in this connection revolved around the programs of rearmament, which were to be completed in 1943-1945, and for the Navy in 1945. Therefore, we had 10 years in which to build up a concentrated Wehrmacht. Hence, I did not consider these problems acute even when they came to my attention in a political way, for I thought it impossible to realize these plans except by negotiations.

DR. NELTE: How do you explain the general directives of June 1937 for preparation for mobilization?

KEITEL: This document is actually an instruction for mobilization kept in general terms and was in line with our traditional

General Staff policy before the war and before the World War, the World War I, that on principle something of the kind must be prepared beforehand. In my opinion, this had nothing to do with any of Hitler's political plans, for at that time I was already Chief of Staff under Blomberg, and General Jodl was at that time the Chief of the National Defense Division. Perhaps it sounds somewhat arrogant for me to say that we were very much satisfied that we were at last beginning to tell the Wehrmacht each year what it had to do intellectually and theoretically. In the former General Staff training which I received before the World War, the chief aim of these instructions was that the General Staff tours for the purpose of study should afford an opportunity for the theoretical elaboration of all problems. Such was the former training of the Great General Staff. I no longer know whether in this connection Blomberg himself originally thought out these salient ideas of possible complications or possible military contingencies, or whether he was perhaps influenced by the Führer.

It is certain that Hitler never saw this. It was the inside work of the General Staff of the Wehrmacht.

DR. NELTE: But in it you find a reference to a "Case Otto," and you know that that was the affair with Austria.

KEITEL: Of course I remember the Case Otto, which indicated by its name that it concerns Otto von Hapsburg. There must have been—were of course—certain reports about an attempted restoration, and in that case an intervention, eventually an armed one, was to take place. The Führer, Adolf Hitler, wished to prevent a restoration of the monarchy in Austria. Later this came up again in connection with the Anschluss. I believe that I can omit that now and perhaps explain later. In any event, we believed that on the basis of the deliberations by the Army some sort of preparations were being made which would bring into being Case Otto, because the code word was "Case Otto comes into force."

DR. NELTE: You mean to say that no concrete orders were given in regard to Case Otto on the basis of this general directive?

KEITEL: You mean the Anschluss at the beginning of February?

DR. NELTE: I beg your pardon?

KEITEL: I can state here only what I experienced when Hitler sent me to the Army. I went into General Beck's office and said: "The Führer demands that you report to him immediately and inform him about the preparations which have already been made for a possible invasion of Austria", and General Beck then said, "We have prepared nothing; nothing has been done, nothing at all."

DR. NELTE: The Prosecution contends that you participated in planning the action against Austria as it was put into effect in March of 1938. I have here the directive regarding Case Otto, C-102.

Can you still affirm that the whole matter was improvised?

KEITEL: I remember that this order was not issued to the Commander-in-Chief of the Army and to the other Commanders-in-Chief until the whole project was under way. Nothing had been prepared. It was all improvised and this was to be the documentary registration of facts which were being put into practice. The commands were given verbally and individually regarding what was to be done and what actually was done on the morning of 12 March, when Austria was invaded.

DR. NELTE: I must now return to the events preceding the case of Austria. You know that in General Jodl's diary it is stated: "Schuschnigg signs under strongest political and military pressure." In what manner did you participate in this conference at the Obersalzberg which took place with Schuschnigg?

KEITEL: May I add to my previous answer that we can see from this that the invasion took place on the morning of 12 March and the order was issued late in the evening of 11 March. Therefore this document could not have had any real influence on this affair. Such an order cannot be worked out between 10 in the evening and 6 in the morning.

I can say the following in regard to my participation at Obersalzberg on 10 or 11 February:

It was the first official action in which I took part. In the evening of 4 February Hitler left Berlin. He summoned me to be at Obersalzberg on 10 February. There, on that day the meeting with the Austrian Federal Chancellor, Schuschnigg, which has been frequently discussed here, took place. Shortly after I arrived—I had no idea why I had been summoned—General Von Reichenau arrived from Munich, and General of the Air Force, Sperrle; so that we three Generals were present when at about 10:30 Herr Schuschnigg arrived with Herr Von Papen. Since I had never attended a conference or a political action or any meeting of that nature, I did not know what I was there for. I must tell you this frankly, otherwise you will not understand it. In the course of the day the reason for the presence of the three representatives of the Wehrmacht naturally became clear to me. In certain respects they represented a military, at least a military demonstration—I may safely call it that. In the preliminary interrogation and also in later discussions I was asked the significance of the fact that in the afternoon my name was suddenly called through the house and I was to visit the Führer. I went to him in his room. Perhaps it sounds strange for me to say that when

I entered the room I thought that he would give me a directive but the words were "Nothing at all." He used the words, "Please sit down." Then he said, "Yes, the Federal Chancellor wishes to have a short conference with his Foreign Minister Schmidt; otherwise I have nothing at all." I can only assure you that not one word was said to me about a political action apart from the fact that Herr Schuschnigg did not leave until the evening and that further conferences took place.

We generals sat in the anteroom, and when in the evening, shortly before my departure, I received the direction to launch reports that we were taking certain measures for mobilization, of which you have been informed here through a document, then it became quite clear to me that this day had served to bring the discussions to a head by the introduction of military representatives, and the directive to spread reports was to keep up the pressure, as has been shown here.

Upon my return to my apartment in Berlin, in the presence of Goebbels and Canaris, we discussed the reports which were to be sent out and which Canaris then broadcast in Munich. Finally, in order to conclude this matter, it might be interesting to point out that the Chief of Intelligence in the Austrian Federal Ministry, Lahousen, who has been present here in court, told Jodl and me when later on he came into the service of the Wehrmacht: "We were not taken in by this bluff." And I indubitably gave Jodl a basis for his entry in the diary, even though it is somewhat drastically worded, for I was naturally impressed by this first experience.

DR. NELTE: What is your position on the measures against Austria?

KEITEL: Nothing further need be said concerning the further developments of the affair. It has already been presented here in detail. On the day of the invasion by the troops I flew with Hitler to the front. We drove along the highways through Braunau, Linz. We stayed overnight and proceeded to Vienna. And to put it modestly, it is true that in every village we were received most enthusiastically and the Austrian Federal Army marched side by side with the German soldiers through the streets over which we drove. Not a shot was fired. On the other side the only formation which had a certain military significance was an armored unit on the road from Passau to Vienna which arrived in Vienna with very few vehicles. This division was on the spot for the parade the next day. That is a very sober picture of what I saw.

DR. NELTE: Now we come to the question of Czechoslovakia. When did Hitler for the first time discuss with you the question of Czechoslovakia and his intentions in that respect?

KEITEL: I believe 6 to 8 weeks after the march into Austria, that is, after the Anschluss toward the end of April. The Anschluss was about the middle of March and also took the form of a sudden summons, one evening, to the Reich Chancellery where the Führer then explained matters to me. This resulted in the well-known directive in the Case Green. The history of this case is well known by the Schmudt Files all of which I identified in the preliminary interrogation. At that time he gave me first directives in a rather hasty manner. It was not possible for me to ask any questions, as he wished to leave Berlin immediately. These were the bases for the questions regarding the conditions under which a warlike action against Czechoslovakia could or would arise.

DR. NELTE: Did you have the impression that Hitler wanted to attack Czechoslovakia?

KEITEL: In any event the instructions which he gave me that evening were to the effect that preparations for a military action with all the preliminary work, which was the responsibility of the General Staff, were to be made. He expressed himself very precisely although he explained explicitly that the date was quite open and said that for the time being it was not his intention. These were the words: "... for the time being it is not my intention."

DR. NELTE: In this connection was a difference made between the Sudetenland and the whole of Czechoslovakia?

KEITEL: I do not believe that we discussed it at all that evening during that short conference. The Führer did not discuss with me the political aspects; he merely assigned me to the consideration of the necessary military measures. He did not say whether he would be content with the Sudetenland or whether we were to break through the Czechoslovakian line of fortification. That was not the problem at that time. But in any event—if they had to be settled by going to war—then the war had to be prepared; if it came to a conflict with the Czech Army, that is, a real war it would have to be prepared.

DR. NELTE: You know that the record of the Hitler-General Keitel Conference on 21 April, of which there are two versions, speaks of a lightning action being necessary in case of an incident. In the first one after the word "incident" it reads: "for example, the assassination of the German Minister" following a demonstration hostile to Germany. In the second one, after the word "incident" it reads only "for example, action in case of an incident." Will you please explain to what this note, which is not a record in the proper sense of the word, can be attributed?

KEITEL: I saw the Schmudt notes for the first time here. We did not receive it at that time as a document to work with. It is not

a record. These are notes made subsequently by an adjutant. I do not want to doubt their correctness or accuracy, for memory would not permit me to recall today the exact words which were used. However this question, which is considered significant here, the assassination of the German Minister in Prague, is a situation which I have never heard of, if only for the reason that no one ever said such a thing. It was said it might happen that the Minister is assassinated whereupon I asked which minister, or something similar. Then, as I recall it, Hitler said that the war of 1914 also started with an assassination at Sarajevo, and that such incidents could happen. I did not in any way get the impression at that time that a war was to be created through a provocation.

DR. NELTE: You will have to tell me some more on that point.

THE PRESIDENT: Perhaps we had better adjourn now.

*[The Tribunal adjourned until 4 April 1946 at 1000 hours.]*

# NINETY-NINTH DAY

Wednesday, 4 April 1946

## *Morning Session*

THE PRESIDENT: Go on, Dr. Nelte.

DR. NELTE: Yesterday we discussed last the meeting on 21 April of you, Hitler, and Adjutant Schmundt. I am again having Document 388-PS brought to you and ask you to answer when I ask you. Was this not a conference of the kind which you said yesterday in principle did not take place?

KEITEL: To a certain extent it is true that I was called in and to my complete surprise was presented with ideas concerning preparation for war against Czechoslovakia. This took place within a very short time, before one of Hitler's departures for Berchtesgaden. I do not recall saying one word during these short instructions, but I asked only one question, and then with these extremely surprising directives I went home.

DR. NELTE: What happened then, so far as you were concerned?

KEITEL: My reflections during the first hour after that were that this could not be carried out in view of the military strength which I knew we then possessed. I then comforted myself with the thought that the conversation premised that nothing had been planned within a measurable lapse of time. The following day I discussed the matter with the Chief of the Operations Staff, General Jodl. I never received any minutes of this discussion, nor any record. The outcome of our deliberations was "to leave things alone because there was plenty of time, and because any such action was out of the question for military reasons." I also explained to Jodl that the introductory words had been: "It is not my intention to undertake military action against Czechoslovakia within a measurable lapse of time."

Then, in the next weeks, we started theoretical deliberations; this, however, without taking into consultation the branches of the Wehrmacht because I considered myself not authorized to do so. In the following period it is to be noted, as can be seen from the Schmundt File, that the adjutants, the military adjutants, continuously asked innumerable detailed questions regarding the strength of divisions, and so on. These questions were answered by the Wehrmacht Operations Staff to the best of their knowledge.

DR. NELTE: I believe we can shorten this considerably, Herr Marshal, however important your explanations are. The decisive point now is—if you would take the document in front of you and compare the draft which you finally made on pressure from Obersalzberg and tell me what happened after that.

KEITEL: Yes. About four weeks after I had been given this job, I sent to Obersalzberg a draft of a directive for the preparatory measures. In reply I was informed that Hitler himself would come to Berlin to speak with the commander-in-chief. He came to Berlin at the end of May, and I was present at the conference with Generaloberst Von Brauchitsch. In this conference the basic plan was changed altogether, namely, to the effect that Hitler expressed the intention to take military action against Czechoslovakia in the very near future. As reason why he changed his mind he gave the fact that Czechoslovakia—I believe it was on the 20th or 21st of May—had ordered general mobilization, and Hitler at that time declared this could have been directed only against us. Military preparations had not been made by Germany. This was the reason for the complete change of his intentions, which he communicated orally to the Commander-in-Chief of the Army and he ordered him to begin preparations at once. This explains the changes in the basic orders—that is to say, the directive which was now being issued had as its basic idea: "It is my irrevocable decision to take military action against Czechoslovakia in the near future."

DR. NELTE: War against Czechoslovakia was avoided as a result of the Munich Agreement. What was your opinion and that of the generals about this agreement?

KEITEL: We were extraordinarily happy that it had not come to a military operation, because throughout the time of preparation we had always been of the opinion that our means of attack against the frontier fortifications of Czechoslovakia were insufficient. From a purely military point of view we lacked the means for an attack which involved the piercing of the frontier fortifications. Consequently we were extremely satisfied that a peaceful political solution had been reached.

DR. NELTE: What effect did this agreement have on the generals regarding Hitler's prestige?

KEITEL: I believe I may say that as a result this greatly increased Hitler's prestige among the generals. We recognized that on the one hand military means and military preparations had not been neglected and on the other hand a solution had been found which we had not expected and for which we were extremely thankful.

DR. NELTE: Is it not amazing that 3 weeks after the Munich Agreement that had been so welcomed by everyone, including the

generals, Hitler gave instructions for the occupation of the remainder of Czechoslovakia?

KEITEL: I believe that recently Reich Marshal Göring enlarged on this question in the course of his examination. It was my impression, as I remember it, that Hitler told me at that time that he did not believe that Czechoslovakia would overcome the loss of the Sudeten-German territories with their strong fortifications; and, moreover, he was concerned about the close relations then existing between Czechoslovakia and the Soviet Union and thought that Czechoslovakia could and perhaps would become a military and strategic menace. These were the military reasons which were given to me.

DR. NELTE: Was it not pointed out to Hitler by anyone that a solution by force of the problem regarding the remainder of Czechoslovakia involved a great danger, namely, that the other powers, that is England, France would be offended?

KEITEL: I was not informed of the last conversation in Munich between the British Prime Minister Chamberlain and the Führer. However, I regarded this question as far as its further treatment was concerned as a political one, and consequently I did not raise any objections, if I may so express myself, especially as a considerable reduction in the military preparations decided on before the Munich meeting was ordered. Whenever the political question was raised, the Führer refused to discuss it.

DR. NELTE: In connection with this question of Czechoslovakia, I should like to mention Lieutenant Colonel Köchling, who was characterized by the Prosecution as the liaison man with Henlein. Was the Wehrmacht or the OKW engaged in this matter?

KEITEL: Köchling's job remained unknown to me; it was I who named Köchling. Hitler asked me if an officer was available for a special mission, and if so he should report to me. After I dispatched Lieutenant Colonel Köchling from Berlin I neither saw nor spoke to him again. I do know, however, that, as I heard later, he was with Henlein as a sort of military adviser.

DR. NELTE: The Prosecution has pointed out that you were present at the visit of Minister President Tiso in March 1939, as well as at the visit of President Hacha, and from this it was deduced that you participated in the political discussions which then took place. What role did you play on these occasions?

KEITEL: It is true, I believe in every case, that on the occasion of such state visits and visits of foreign statesmen I was present in the Reich Chancellery or at the reception. I never took part in the actual discussions of political questions. I was present at the reception and felt that I should be present to be introduced as a

high-ranking representative of the Wehrmacht. But in each individual case that I can recall I was dismissed with thanks or waited in the antechamber in case I should be needed. I can positively say that I did not say one single word either to Tiso or to President Hacha on that night, nor did I take part in Hitler's direct discussions with these men. May I add that just on the night of President Hacha's visit I had to be present in the Reich Chancellery, because during that night the High Command of the Army had to be instructed as to how the entry which had been prepared was to take place.

DR. NELTE: In this connection I wish to establish only this, since I assume that this question has been clarified by Reich Marshal Göring's testimony. You never spoke to President Hacha of a possible bombing of Prague in the event that he should not be willing to sign?

KEITEL: No.

DR. NELTE: We come now to the case of Poland. Here too the Prosecution accuses you of having participated in the planning and preparation for military action against Poland and of having assisted in the execution of this action. Would you state in brief your basic attitude towards these Eastern problems?

KEITEL: The question concerning the problem of Danzig and the Corridor were known to me. I also knew that political discussions and negotiations with regard to these questions were pending. The case of the attack on Poland, which in the course of time had to be and was prepared, was, of course, closely connected with these problems.

Since I myself was not concerned with political matters, I personally was of the opinion that, as in the case of Munich and before Munich, military preparations, that is, military pressure if I may call it such, would play the same kind of role as in my opinion it had played at Munich. I did not believe that the matter would be brought to an end without military preparations.

DR. NELTE: Could not this question have been solved by direct preceding negotiations?

KEITEL: That is hard for me to say, although I know that several discussions took place concerning the Danzig question as well as concerning a solution of the Corridor problem. I recall a remark that impressed me at the time, when Hitler once said he deplored Marshal Pilsudski's death, because he believed he had reached or could have reached an agreement with this statesman. This statement was once made to me.

DR. NELTE: The Prosecution has stated that already in the autumn of 1938 Hitler was working on the question of a war against Poland. Did you participate in this in 1938?

KEITEL: No. This I cannot recall. I should like to believe that, to my recollection, at that time there were even signs that this was not the case. At that time I accompanied Hitler on an extensive tour of inspection of the eastern fortifications. We covered the entire front from Pomerania through the Oder-Warthe marshland as far as Breslau in order to inspect the various frontier fortifications against Poland. The question of fortifications in East Prussia was thoroughly discussed at that time. When I consider this in this connection today, I can only assume that for him these discussions were possibly connected with the Danzig and Corridor problem and he simply wanted to find out whether these eastern fortifications had sufficient defensive strength, should the Danzig and Corridor question eventually lead to war with Poland.

DR. NELTE: When were the preparations made for the occupation of Danzig?

KEITEL: I believe that as early as the late autumn of 1938 orders were issued that Danzig be occupied at a favorable moment by a *coup de main* from East Prussia. That is all I know about it.

DR. NELTE: Was the possibility of war against Poland discussed in this connection?

KEITEL: Yes, that was apparently connected with the examination of the possibilities to defend the border, but I do not recall any, nor was there any kind of preparation, any military preparations, at that time, apart from a surprise attack from East Prussia.

DR. NELTE: If I remember rightly you once told me, when we discussed this question, that Danzig was to be occupied only if this would not result in a war with Poland.

KEITEL: Yes, that is so. This statement was made time and again, that this occupation of, or the surprise attack on Danzig was to be carried out only if it was certain that it would not lead to war.

DR. NELTE: When did this view change?

KEITEL: I believe Poland's refusal to discuss any kind of solution of the Danzig question was apparently the reason for further deliberations and steps.

DR. NELTE: The Prosecution is in possession of the directive of 3 April 1939...

KEITEL: I might perhaps add that generally after Munich the situation also in regard to the Eastern problem was viewed differently, perhaps, or as I believe, from this point of view: The problem of Czechoslovakia has been solved satisfactorily without a shot. This will perhaps also be possible with regard to the other German problems in the East. I also believe I remember Hitler saying that

he did not think the Western Powers, particularly England, would be interested in Germany's Eastern problem and would sooner act as mediators than raise any objection.

DR. NELTE: That is Document C-120, the "Fall Weiss". According to this, the directive was issued on 3 April 1939.

KEITEL: Let us take the document first. In the first sentence it is already stated that this document was to replace the regular annual instructions of the Wehrmacht regarding possible preparations for mobilization, a further elaboration of subjects known to us from the instructions which had been issued in 1937-38 and which were issued every year. But in fact, at that time or shortly before, Hitler had, in my presence, directly instructed the Commander-in-Chief of the Army to make strategic and operative preparations for an attack on, for a war with Poland. I then issued these first considerations, as can be seen from this document, that is, the Führer had already ordered the following: Everything should be worked out by the OKH of the Army by 1 September 1939, and that after this a time table should be drawn up. This document was signed by me at that time.

DR. NELTE: What was your attitude and that of the other generals towards this war?

KEITEL: I must say that at this time, as in the case of the preparations against Czechoslovakia, both the Commander-in-Chief of the Army and the generals to whom I spoke, and also I, myself, were opposed to the idea of waging a war against Poland. We did not want this war, but, of course, we immediately began to carry out the given orders, at least as far as the elaboration by the General Staff was concerned. Our reason was that to our knowledge the military means which were at our disposal at that time, that is to say, the divisions, their equipment, their armament, let alone their absolutely inadequate supply of munition kept reminding us as soldiers that we were not ready to wage a war.

DR. NELTE: Do you mean to say that in your considerations only military viewpoints defined your attitude?

KEITEL: Yes. I must admit that. I did not concern myself with the political problems but only with the question: Can we or can we not?

DR. NELTE: I want to establish only this. Now, on 23 May 1939, there was a conference at which Hitler addressed the generals. You know this address? What was the reason for and the contents of this address?

KEITEL: I saw the minutes of it for the first time in the course of my interrogations here. It reminded me of the situation at that time. The purpose of this address was to show the generals that

their misgivings were unfounded, to remove their misgivings, and finally to point out that the conditions were not yet given and that political negotiations about these matters still could and perhaps would change the situation. It was however simply to give encouragement.

DR. NELTE: Were you at that time of the opinion that war would actually break out?

KEITEL: No, at that time—and this was perhaps rather naïve—I believed that war would not break out, that in view of the military preparations ordered, negotiations would take place again and a solution would be found. In our military considerations a strictly military point of view was always dominant. We generals believed that France—to a lesser extent England—in view of her mutual-assistance pact with Poland would intervene and that we did not at all have the defensive means for this. For this very reason I personally was always convinced that there would be no war because we could not wage a war against Poland if France attacked us in the West.

DR. NELTE: Now then, what was your opinion of the situation after the speech of 22 August 1939?

KEITEL: This speech was made at the end of August and was addressed to the generals assembled at Obersalzberg, the commanders-in-chief of the troops preparing in the East. When Hitler, towards the end of this speech, declared that a pact had been concluded with the Soviet Union, I was firmly convinced that there would be no war because I believed that these conditions constituted a basis for negotiation and that Poland would not expose herself to it. I also believed that now a basis for negotiations had been found although Hitler said in this speech, a copy of which I read here for the first time from notes, that all preparations had been made, and that it was intended to put them into execution.

DR. NELTE: Did you know that England actually attempted to act as intermediary?

KEITEL: No, I knew nothing of these matters. The first thing which was very surprising to me was that on one of those days which have been discussed here repeatedly, namely on the 24th or 25th, only a few days after the conference at Obersalzberg, I was suddenly called to Hitler at the Reich Chancellery and he said to me only, "Stop everything at once, get Brauchitsch immediately. I need time for negotiations." I believe that after these few words I was dismissed.

DR. NELTE: What followed thereupon?

KEITEL: I at once rang up the Commander-in-Chief of the Army and passed on the order, and Brauchitsch was called to the

Führer. Everything was stopped and all decisions on possible military action were suspended, first without any time limit, on the following day for a certain limited period, I believe it was 5 days according to the calculations we can make today.

DR. NELTE: Did you know of the so-called minimum demands on Poland?

KEITEL: I believe that I saw them in the Reich Chancellery, that Hitler himself showed them to me, so that I knew about them.

DR. NELTE: As you saw them, I would like to ask whether you considered these demands to be serious?

KEITEL: At that time I was always only a few minutes in the Reich Chancellery and as a soldier I naturally believed that these were meant perfectly honestly.

DR. NELTE: Was there any talk at that time of border incidents?

KEITEL: No. This question of border incidents was also extensively discussed with me here in my interrogations. In this situation and in the few discussions we had at the Reich Chancellery in those days there was no talk at all on this question.

DR. NELTE: I am now having Document 795-PS brought to you, notes which deal with the Polish uniforms for Heydrich.

KEITEL: May I add...

DR. NELTE: Please do.

KEITEL: ...namely, that on 30 August, I believe, the day for the attack, which took place on 1 September, was again postponed for 24 hours. For this reason Brauchitsch and I were again called to the Reich Chancellery and to my recollection the reason given was that a Polish Government plenipotentiary was expected. Everything was to be postponed for 24 hours. Then no further changes of the military instructions occurred.

This document deals with Polish uniforms for border incidents or for some sort of illegal actions. It has been shown to me, I know it; it is a subsequent note made by Admiral Canaris of a conversation he had with me. He told me at that time that he was to make available a few Polish uniforms. This had been communicated to him by the Führer through the adjutant. I asked: "For what purpose?" We both agreed that this was intended for some illegal action. If I remember rightly I told him at that time that I did not believe in such things at all and that he had better keep his hands off. We then had a short discussion about Dirschau which was also to be taken by a *coup de main* by the Wehrmacht. That is all I heard of it. I believe I told Canaris he could dodge the issue by saying that he had no Polish uniforms. He could simply say he had none and the matter would be settled.

DR. NELTE: You know, of course, that this matter was connected with the subsequent attack on the radio station at Gleiwitz. Do you know anything of this incident?

KEITEL: This incident, this action came to my knowledge for the first time here through the testimony of witnesses. I never found out who was charged to carry out such things and I knew nothing of the raid on the radio station at Gleiwitz until I heard the testimonies given here before the Tribunal. Neither do I recall having heard at that time that such an incident had occurred.

DR. NELTE: Did you know of the efforts of America and Italy after 1 September 1939 to end the war in one way or another?

KEITEL: I knew nothing at all of the political discussions that took place in those days from the 24th to the 30th, 31st of August or the beginning of September 1939. I never knew anything about the visits of a Herr Dahlerus. I knew nothing of London's intervention. I remember only that, while in the Reich Chancellery for a short time, I met Hitler, who said to me: "Do not disturb me now, I am writing a letter to Daladier." This must have been in the first days of September. Neither I nor, to my knowledge, any of the other generals ever knew anything about the matters I have heard of here or about the steps that were still taken after 1 September. Nothing at all.

DR. NELTE: What did you say to Canaris and Lahousen in the Führer's train on 14 September, that is, shortly before the attack on Warsaw, with regard to the so-called political "house cleaning"?

KEITEL: I have been interrogated here about this point, but I did not recall this visit at all. But from Lahousen's testimony it appeared—he said, as I remember—that I had repeated what Hitler had said and had passed on these orders, as he put it. I know that the Commander-in-Chief of the Army who then directed the military operations in Poland had at the daily conferences already complained about interference by the police in occupied Polish territory. I can only say that I apparently repeated what had been said about these things in my presence between Hitler and Brauchitsch. I can make no statements regarding details.

I might add that to my recollection the Commander-in-Chief of the Army at that time complained several times that as long as he had the executive power in the occupied territories he would under no circumstances tolerate other agencies in this area and that at his request he was relieved of his responsibility for Poland in October. I therefore believe that the statements the witness made from memory or on the strength of notes are not quite correct.

DR. NELTE: We come now to the question of Norway. Did you know that in October 1939 Germany had given a declaration of neutrality to Denmark and Norway?

KEITEL: Yes, I knew that.

DR. NELTE: Were you and the OKW taken into consultation about declarations of neutrality in this or other cases?

KEITEL: No.

DR. NELTE: Were you informed of them?

KEITEL: No, we were not informed either. These were discussions referring to foreign policy, of which we soldiers were not informed.

DR. NELTE: You mean you were not informed officially. But you as a person who also reads newspapers knew of it?

KEITEL: Yes.

DR. NELTE: Good. Before our discussion about the problem of aggressive war I asked you a question which, in order to save time, I would not like to repeat. However, it seems to me that the question I put to you in order to get your opinion on aggressive war must be asked again in this connection because an attack on a neutral country, a country which had been given a guarantee was bound to cause particular scruples on the part of people who have to do with these things, with the waging of war.

Therefore, I put this question to you again in this case and ask you to describe what your attitude and the soldiers' attitude was to it.

KEITEL: In this connection, I must say we were already at war. There was a state of war with England and France. It would not be right for me to say that I interfered in the least with these matters, but I regarded them rather as political matters, and, as a soldier, I held the opinion that preparations for military actions against Norway and Denmark did not yet mean their outbreak and that these preparations would very obviously take months if such an action was executed at all and that in the meantime the situation could change. It was this train of thought which caused me not to take any steps in regard to the impossibility to consider and to prepare strategically this intervention in Norway and Denmark; therefore, I left these things, I must say, to those who were concerned with political matters. I cannot put it any other way.

DR. NELTE: When did the preparations for this action start?

KEITEL: I think the first deliberations took place already in October 1939; on the other hand, the first directives were issued only in January, that is to say, several months later. In connection with the discussions before this Tribunal and with the information given by Reich Marshal Göring in his statements, I also remember that one day I was ordered to call Grand Admiral Raeder to the Führer. He wanted to discuss with him questions regarding sea

warfare in the Bay of Helgoland and in the Atlantic Ocean and the dangers we would encounter in waging war in this area.

Then Hitler ordered me to call together a special staff which was to study all these problems from the viewpoint of sea, air, and land warfare. I remembered this also upon seeing the documents produced here. This special staff dispensed with my personal assistance. Hitler said at the time that he himself would furnish tasks for this staff. These were, I believe, the military considerations in the months from 1939 to the beginning of 1940.

DR. NELTE: In this connection I should only like to know further whether you had any conversation with Quisling at this stage of preliminary measures?

KEITEL: No, I saw Quisling neither before nor after the Norway campaign; I saw him for the first time approximately one or two years later. We had no contact, not even any kind of transmission of information. I already stated in a preliminary interrogation that by order of Hitler I sent an officer, I believe it was Colonel Pieckenbrock, to Copenhagen for conferences with Norwegians. I did not know Quisling.

DR. NELTE: As to the war in the West, there is once more in the foreground the question of violation of neutrality in the case of Luxembourg, Belgium, and Holland. Did you know that these three countries had been given assurances regarding the inviolability of their neutrality?

KEITEL: Yes, I knew and also was told that at that time.

DR. NELTE: I do not want to ask the same questions as in the case of Norway and Denmark, but, in this connection, however, I should like to ask: Did you consider these assurances by Hitler to be honest?

KEITEL: When I remember the situation as it was then, I did at that time believe, when I learned of these things, that there was no intention of bringing any other state into the war. At any rate, I had no reason, no justification, to assume the opposite, namely that this was intended as a deception.

DR. NELTE: After the conclusion of the Polish campaign did you still believe that there was any possibility of terminating or localizing the war?

KEITEL: Yes, I did believe this. My view was strengthened by the Reichstag speech after the Polish war, in which allusions were made which convinced me that political discussions about this question were going on, above all, with England, and because Hitler had told me time and again, whenever these questions were brought up, "The West is actually not interested in these Eastern

problems of Germany." This was the phrase he always used to calm people, namely that the Western Powers were not interested in these problems.

Furthermore, seen from a purely military point of view, it must be added that we soldiers had, of course, always expected an attack by the Western Powers, that is to say, by France, during the Polish campaign, and were very surprised that in the West, apart from some skirmishes between the Maginot Line and the West Wall, nothing had actually happened, though we had—this I know for certain—along the whole Western Front from the Dutch border to Basel only five divisions, apart from the small forces manning the fortifications of the West Wall. Thus, from a purely military operative point of view, a French attack during the Polish campaign would have encountered only a German military screen, not a real defense. Since nothing of this sort happened, we soldiers thought of course that the Western Powers had no serious intentions, because they did not take advantage of the extremely favorable situation for military operations and did not undertake anything, at least not anything serious, against us during the 3 to 4 weeks when all the German fighting formations were employed in the East. This also strengthened our views as to what the attitude of the Western Powers would probably be in the future.

DR. NELTE: What plans did Hitler have for the West?

KEITEL: During the last phase of the Polish campaign, he had already transferred all unnecessary forces to the West, in consideration of the fact that at any time something else might happen there. However, during the last days of the Polish campaign, he had already told me that he intended to throw his forces as swiftly as possible from the East to the West and if possible, attack in the West in the winter of 1939-1940.

DR. NELTE: Did these plans include attacks on and marching through Luxembourg, Belgium, and Holland?

KEITEL: Not in the beginning, but first, if we can express it from the military point of view, the deployment in the West was to be a protective measure, that is, a thorough strengthening of the frontiers, of course preferably to take place where there was nothing except border posts. Accordingly, already at the end of September and the beginning of October, a transportation of the army from the East to the West did take place, as a security measure without, however, any fixed center of gravity.

DR. NELTE: What did the military leaders know about Belgium and Holland's attitude?

KEITEL: This naturally changed several times in the course of the winter. At that time, in the autumn of 1939—I can speak only

for myself, and there may be other opinions on this matter—I was convinced that Belgium wanted to remain out of the war under any circumstances and would do anything she could to preserve her neutrality. On the other hand, we received, through the close connections between the Belgian and Italian royal houses, a number of reports that sounded very threatening. I had no way of finding out whether they were true, but we learned of them, and they indicated that strong pressure was exerted on Belgium to give up her neutrality.

As for Holland, we knew at that time only that there were General Staff relations between her and England.

But then of course, in the months from October 1939 to May 1940 the situation changed considerably and the tension varied greatly. From the purely military point of view, we knew one thing: That all the French swift units, that is motorized units, were concentrated on the Belgian-French border, and from a military point of view, we interpreted this measure as meaning that at least preparations were being made for crossing through Belgium at any time with the swift units and advancing up to the borders of the Ruhr district.

I believe I should omit details here, because they are not important for the further developments, they are of a purely operative and strategic nature.

DR. NELTE: Were there differences of opinion between the generals and Hitler with reference to the attack in the West which had to take place through this neutral territory?

KEITEL: I believe I must say that this at that time was one of the most serious crises in the whole war, namely, the opinions held by a number of generals, including the Commander-in-Chief of the Army, Brauchitsch, and his Chief of General Staff, and I also personally belong to that group, which wanted at all costs to attempt to prevent an attack in the West which Hitler intended for that winter. There were various reasons for this: The difficulty of transporting the Eastern Army to the West; then the point of view—and this I must state—the fact that we believed at that time, perhaps more from the political point of view, that if we did not attack, the possibility of a peaceful solution might still exist and might still be realizable. Thus we considered it possible that between then and the spring many political changes could take place. Secondly, as soldiers, we were decidedly against the waging of a winter war, in view of the short days and long nights, which are always a great hindrance to all military operations. To Hitler's objection that the French swift forces might march through Belgium at any time and then stand before the Ruhr district, we answered that we were superior in such a situation in a war of movement, we were a match

for it; that was our view. I may add that this situation led to a very serious crisis between Hitler and the Commander-in-Chief of the Army and also me, because I had this trend of thought which Hitler vigorously rejected because it was, as he declared, strategically wrong. In our talks he accused me in the sharpest manner of conspiring against him with the generals of the Army and strengthening them in their opposition to his views. I must state here that I then asked to be relieved immediately of my post and given another, because I felt that under these circumstances the confidence between Hitler and myself had been completely destroyed, and I was greatly offended. I may add that relations with the Commander-in-Chief of the Army also suffered greatly from this. But the idea of my discharge or employment elsewhere was sharply rejected, I would not be entitled to it. It has already been discussed here; I need not go into it any further. But this breach of confidence was not to be mended, not even in the future. In the case of Norway, there had already been a similar conflict because I had left the house. General Jodl's diary refers to it as a "serious crisis." I shall not go into this in detail.

DR. NELTE: What was the reason for Hitler's speech to the Commanders-in-Chief on 23 November 1939, in the Reich Chancellery?

KEITEL: I can say that this was very closely connected with the crisis between Hitler and the generals. He called a meeting of the generals at that time to present and substantiate his views, and we knew it was his intention to bring about a change of attitude on the part of the generals. In the notes on this speech, we see that individual persons were more than once directly and sharply rebuked. The reasons given by those who had spoken against this attack in the West were repeated. Moreover, he now wanted to make an irrevocable statement of his will to carry out this attack in the West that very winter, because this, in his view, was the only strategic solution, as every delay was to the enemy's advantage. In other words, at that time, he no longer counted on any other solution than resort to force of arms.

DR. NELTE: When, then, was the decision made to advance through Belgium and Holland?

KEITEL: The preparations for such a march through and attack on Belgium and Holland had already been made, but Hitler withheld the decision as to whether such a big attack or violation of the neutrality of these countries was actually to be carried out, and kept it open until the spring of 1940, obviously for all sorts of political reasons, and perhaps also with the idea that the problem would automatically be solved if the enemy invaded Belgium or if the mobile French troops entered, or something like that. I can only

state that the decision for the carrying out of this plan was withheld until the very last moment and the order was given only immediately before it was to be executed. I believe that there was also one other factor in this, which I have already mentioned, namely the relationship between the royal houses of Italy and Belgium. Hitler always surrounded his decisions with secrecy for he was obviously afraid that they might become known through this relationship.

*[A recess was taken.]*

THE PRESIDENT: Dr. Nelte, the Tribunal will be glad if when you refer to Czechoslovakia or any other state you will refer to it by its proper name, you, and the defendants, and other witnesses.

DR. NELTE: Mr. President, the Defendant Keitel wishes to make a slight correction in the statement which he made earlier upon my question regarding the occupation in the West during the Polish campaign.

THE PRESIDENT: Very well.

KEITEL: I said earlier that in the West during the war against Poland, there were five divisions. I must rectify that statement. I had confused that with the year 1938. In 1939 there were approximately 20 divisions, including the reserves in the Rhineland and in the West district behind the lines. Therefore, the statement I made was made inadvertently and was a mistake.

DR. NELTE: Now we come to the Balkan wars. The Prosecution, with reference also to the war against Greece and Yugoslavia, have accused you of having co-operated in the preparation, planning, and above all in the carrying out of those wars. What is your attitude toward this?

KEITEL: We were drawn into the war against Greece and against Yugoslavia in the spring of 1941 to our complete surprise and without having made any plans. Let me take Greece first: I accompanied Hitler during his journey through France for the meetings with Marshal Pétain and with Franco on the Spanish border, and during that journey we received our first news regarding the intention of Italy to attack Greece. The journey to Florence was immediately decided upon, and upon arrival in Florence, we received Mussolini's communication, which has already been mentioned by Reich Marshal Göring, namely, that the attack against Greece had already begun.

I can only say from my own personal knowledge that Hitler was extremely angry about this development and the dragging of the Balkans into the war and that only the fact that Italy was an ally

prevented a break with Mussolini. I never knew of any intentions to wage war against Greece.

DR. NELTE: Was there any necessity for Germany to enter into that war or how did that come about?

KEITEL: At first the necessity did not exist, but during the first months, October-November, of that campaign of the Italians, it already became clear that the Italian position in this war had become extremely precarious. Therefore, as early as November or December, there were calls on the part of Mussolini for help, calls to assist him in some form or other.

Moreover, seen from the military point of view, it was clear of course that for the entire military position in the war, a defeat of Italy in the Balkans would have had considerable and very serious consequences. Therefore, by improvised means, assistance was rendered. I think a mountain division was to be brought in, but it was technically impossible, since there were no transportation facilities. Then another solution was attempted by means of air transport and the like.

DR. NELTE: At the time when improvisations ceased, we come, however, to the plan presented by the Prosecution and called "Marita." When was that?

KEITEL: The war in Greece and Albania had begun to reach a certain standstill because of winter conditions. During that time, plans were conceived in order to avoid a catastrophe for Italy, to bring in against Greece certain forces from the North for an attack to relieve pressure, for such I must call it. That would, and did of course, take several months.

May I just explain that at that time the idea of a march through Yugoslavia, or even the suggestion that forces should be brought in through Yugoslavia was definitely turned down by Hitler, although the Army particularly had proposed that possibility as the most suitable way of bringing in troops.

Regarding the "Operation Marita," perhaps not much more can be said than to mention the march through Bulgaria, which had been prepared and discussed diplomatically with Bulgaria.

DR. NELTE: I would like to ask just one more question on that subject. The Prosecution have stated that even before the overthrow of the Yugoslav Government, that is to say, at the end of March 1941, negotiations were conducted with Hungary for the eventuality of an attack on Yugoslavia. Were you or the OKW informed of this, or were you consulted?

KEITEL: No. I have no recollection at all of any military discussion on the part of the OKW with Hungary regarding the eventuality of a military action in the case of Yugoslavia. That is

completely unknown to me. On the contrary, everything that happened later on—a few words about Yugoslavia will have to be said later—was completely improvised. Nothing had been prepared, at any rate not with the knowledge of the OKW.

DR. NELTE: But it is known to you; is it not, that military discussions with Hungary had taken place during that period? I assume that you merely want to say that they did not refer to Yugoslavia.

KEITEL: Of course, it was known to me that several discussions had taken place with the Hungarian General Staff.

DR. NELTE: You said you wanted to say something else about the case of Yugoslavia. Reich Marshal Göring has made statements upon that subject here. Can you add anything new? Otherwise, I have no further questions with regard to that subject.

KEITEL: I should merely like to confirm once more that the decision to proceed against Yugoslavia with military means meant completely upsetting all military advances and arrangements made up to that time. Marita had to be completely readjusted. Also new forces had to be brought through Hungary from the North. All that was completely improvised.

DR. NELTE: We come now to Fall Barbarossa. The Soviet Prosecution, particularly, have stressed that the Supreme Command of the Armed Forces and you as Chief of Staff, as early as the summer of 1940, had dealt with the plan of an attack against the Soviet Union. When did Hitler for the first time talk to you about the possibility of a conflict, of an armed conflict with the Soviet Union?

KEITEL: As far as I recollect, that was at the beginning of August 1940, on the occasion of a discussion of the situation at Berchtesgaden, or rather at his house, the Berghof. That was the first time that the possibility of an armed conflict with the Soviet Union was discussed.

DR. NELTE: What were the reasons which Hitler gave at that time which might possibly lead to a war?

KEITEL: I think I can refer to what Reich Marshal Göring has said on this subject.

According to our notions, there were considerable troop concentrations in Bessarabia and Bukovina. The Foreign Minister, too, had mentioned figures which I cannot recall, and there was the anxiety which had been repeatedly voiced by Hitler at that time that developments might result in the Romanian theater which would endanger our source of petroleum, the fuel supply for the conduct of the war, which for the most part came from Romania. Apart from that, I think he talked about strong or manifest troop concentrations in the Baltic provinces.

DR. NELTE: Were any directives given by you at that time or by those branches of the Wehrmacht which were affected?

KEITEL: No. As far as I can recollect this was confined firstly to increased activities of the intelligence or espionage service against Russia and, secondly, to certain investigations regarding the possibility of transferring troops from the West, from France, as quickly as possible to the Southeast areas or to East Prussia. Certain return transports of troops from the Eastern military districts had already taken place at the end of July. Apart from that no instructions were given at that time.

DR. NELTE: How was the line of demarcation occupied?

KEITEL: There were continual reports from that border or demarcation line on frontier incidents, shootings, and particularly about frequent crossings of that line by aircraft of the Soviet Union, which led to the due exchange of notes. But at any rate there were continual small frontier fights and shootings, particularly in the South, and we received information through our frontier troops that continual or at certain times new Russian troop units appeared opposite them. I think that was all.

DR. NELTE: Do you know how many divisions of the German Wehrmacht were stationed there at the time?

KEITEL: During the Western campaign there were—I do not think I am wrong this time—seven divisions, seven divisions from East Prussia to the Carpathians, two of which, during the Western campaign, had even been transported to the West but later on were transported back again.

DR. NELTE: The Prosecution submitted that at the end of July 1940 Generaloberst Jodl had given general instructions at Reichenhall to several officers of the Wehrmacht Operations Staff to study the Russian problem, and particularly to examine the railway transport problems. Since you said a little earlier that not until August did you hear for the first time from Hitler what the situation was, I am now asking you whether you were informed about these conferences of Generaloberst Jodl.

KEITEL: No. I did not hear until I came here, that such a conference took place in Berchtesgaden at the end of July or beginning of August. This was due to the fact that I was absent from Berchtesgaden. I did not know of this conference, and I think General Jodl probably forgot to tell me about it at the time. I did not know about it.

DR. NELTE: What were your personal views at that time regarding the problem which arose out of the conference with Hitler?

KEITEL: When I became conscious of the fact that the matter had been given really serious thought I was very surprised, and I

considered it most unfortunate. I seriously considered what could be done to influence Hitler by using military considerations. At that time, as has been briefly discussed here by the Foreign Minister, I wrote a personal memorandum containing my thoughts on the subject, I should like to say, independently of the experts working in the General Staff and the Wehrmacht Operations Staff and wanted to present this memorandum to Hitler. I decided on that method because, as a rule, one could never get beyond the second sentence of a discussion with Hitler. He took the word out of one's mouth and afterwards one never was able to say what one wanted to say. And in this connection I should like to say right now that I had the idea—it was the first and only time—of visiting the Foreign Minister personally, in order to ask him to support me from the political angle regarding that question. That is the visit to Fuschl, which has already been discussed here and which the Foreign Minister Von Ribbentrop confirmed during his examination the other day.

DR. NELTE: Then you confirm what Herr Von Ribbentrop has said, so that there is no need for me to repeat it?

KEITEL: I confirm that I went to Fuschl. I had the memorandum with me. It had been written by hand, since I did not want anybody else to get hold of it. And I left Fuschl conscious of the fact that he wanted to try to exercise influence on Hitler to the same end. He promised me that.

DR. NELTE: Did you give that memorandum to Hitler?

KEITEL: Yes. Some time later at the Berghof, after a report of the situation had been given, I handed him that memorandum when we were alone. I think he told me at the time that he was going to study it. He took it, and did not give me a chance to make any explanations.

DR. NELTE: Considering its importance did you later on find an opportunity to refer to it again?

KEITEL: Yes. At first nothing at all happened, so that after some time I reminded him of it and asked him to discuss the problem with me. This he did, and the matter was dealt with very briefly by his saying that the military and strategic considerations put forward by me were in no way convincing. He, Hitler, considered these ideas erroneous, and turned them down. In that connection I can perhaps mention very briefly that I was again very much upset and there was another crisis when I asked to be relieved of my post, and that another man be put in my office and that I be sent to the front. That once more led to a sharp controversy as has already been described by the Reich Marshal when he said that Hitler took the attitude that he would not tolerate that a general

whose views he did not agree with should ask to be relieved of his post because of this disagreement. I think he said that he had every right to turn down such suggestions and ideas if he considered them wrong. I had not the right to take any action.

DR. NELTE: Did he return that memorandum to you?

KEITEL: No, I do not think I got it back. I have always assumed that it was found among the captured Schmudt files, which apparently is not the case. I did not get it back; he kept it.

DR. NELTE: I do not wish to occupy the time of the Tribunal in this connection any further. I will leave it to you as to whether you wish to disclose the contents of that memorandum. I am not so much concerned with the military presentation—one can imagine what it was—but the question is: Did you refer to the Non-Aggression Pact of 1939 in that memorandum?

KEITEL: Yes, but I must say that the main part of my memorandum was devoted to military studies, military studies regarding the amount of forces, the requirements of effectives, and the dispersal of forces in France and Norway at the time, and the Luftwaffe in Italy, and our being tied down in the West. In that memorandum I most certainly pointed to the fact that this Non-Aggression Pact existed. But all the rest were military considerations.

DR. NELTE: Were any military orders given at that time?

KEITEL: No. No orders were given at that time except, I think, for the improvement of lines of communications from the West to the East to permit speeding up troop transports, particularly to the Southeastern sector, in other words, north of the Carpathians and in the East Prussian sector. Apart from that no orders of any kind were given at that time.

DR. NELTE: Had the discussion with Foreign Minister Molotov already taken place at that time?

KEITEL: No. On the contrary, at that time, in October the idea of a discussion with the Russians was still pending. Hitler also told me that at the time, and he always emphasized in that connection that until such a discussion had taken place he would not give any orders, since it had been proved to him by General Jodl that in any case it was technically impossible to transfer strong troop units into the threatened sectors in the East which I have mentioned. Accordingly, nothing was done. The visit or rather discussion with the Russian delegation was prepared, in which connection I would like to say that I made the suggestion at that time that Hitler should talk personally with M. Stalin. That was the only thing I did in the matter.

DR. NELTE: During that conference were military matters discussed?

KEITEL: I did not take any part in the discussions with M. Molotov, although in this instance too I was present at the reception and at certain social meetings. I remember that on two occasions I sat next to Molotov at the table. I did not hear any political discussion, nor did I have any political discussions with my table companion.

DR. NELTE: What did Hitler say after these discussions had come to an end?

KEITEL: After the departure of Molotov he really said very little. He more or less said that he was disappointed in the discussion. I think he mentioned briefly that problems regarding the Baltic Sea and the Black Sea areas had been discussed in a general way and that he had not been able to take any positive or desired stand. He said he did not go into details. I asked him about military things which had a certain significance at the time—the strong forces, for instance, in the Bessarabian sector. I think Hitler evaded the answer and said that this was obviously connected with all these matters and that he had not gone into it too deeply, or something similar, I cannot remember exactly. At any rate, there was nothing new in it for us and nothing final.

DR. NELTE: After that conference were any military orders given?

KEITEL: I think not even then, but Hitler told us at the time that he wished to wait for the reaction to these discussions in the Eastern area after the delegation had returned to Russia. Certain orders had been given to the ambassador, too, in that respect, however not directly after the Molotov visit.

DR. NELTE: May I ask you to give the date when the first definite instructions were given?

KEITEL: I can only reconstruct it retrospectively, on the strength of the instruction Barbarossa which has been shown to me here and which came out in December. I believe it must have been during the first half of December that the orders were issued, the well-known order Barbarossa. To be precise, these orders were given at the beginning of December, namely, the orders to work out the strategic plan.

DR. NELTE: Did you know about the conference which took place at Zossen in December and which has been mentioned by the Prosecution here? Perhaps I may remind you that the Finnish General Heinrichs was present.

KEITEL: No, I knew nothing about the conference in Zossen, and I think General Buschenhagen was also there, according to the statements he has made here. I did not know anything about the Finnish General Heinrichs' presence in Zossen and have heard about it for

the first time here. The only way I can explain this is that the General Staff of the Army wanted to get information or other things and that for that purpose they discussed that with the persons concerned. I did not meet General Heinrichs until May 1941. At that time I had a conference with him and General Jodl at Salzburg. Before that I had never seen him and I had never talked to him.

DR. NELTE: Is there any significance in the fact that Directive Number 21 says that Hitler would order the actual deployment of the troops 8 weeks before the operational plan would become effective?

KEITEL: Yes, there was considerable significance attached to that. I have been interrogated about that by the Soviet Delegation here. The reason was that according to the calculations of the Army, it would take about eight weeks to get these troops, which were to be transported by rail, into position; that is to say, if troops from Reich territory were to be placed in position on an operative starting line. Hitler emphasized when the repeated revisions of the plan were made that he wanted to have complete control of such deployment. In other words, troop movements without his approval were not to be made. That was the purpose of this instruction.

DR. NELTE: When did it become clear to you that Hitler was determined to attack the Soviet Union?

KEITEL: As far as I can recollect, it was at the beginning of March. The idea was that the attack might be made approximately in the middle of May. Therefore the decision regarding the transport of troops by rail had to be made in the middle of March. For that reason, during the first half of March a meeting of generals was called, that is to say, a briefing of the generals at Hitler's headquarters and the explanations given by him at that time had clearly the purpose of telling the generals that he was determined to carry out the deployment although an order had not yet been given. He gave a whole series of ideas and issued certain instructions on things which are contained in these directives here for the special parts of Fall Barbarossa. This is Document 447-PS, and these are the directives which were eventually also signed by me. He then gave us the directive for these guiding principles and ideas, so that the generals were already informed about the contents, which in turn caused me to confirm it in writing in this form, for there was nothing new in it for any one who had taken part in the discussions.

DR. NELTE: It appears to me, however, that what Hitler told the generals in his address was something new; and it also seems to me that you who were concerned with these matters, that is to say, who had to work them out, understood or had to understand that now a completely abnormal method of warfare was about to

begin, at least when seen from your traditional point of view as a soldier.

KEITEL: That is correct. Views were expressed there regarding the administration and economic exploitation of the territories to be conquered or occupied. There was the completely new idea of setting up Reich commissioners and civilian administrations. There was the definite decision to charge the Delegate for the Four Year Plan with the supreme direction in the economic field; and what was for me the most important point, and what affected me most was the fact that besides the right of the military commander to exercise the executive power of the occupation force, a policy was to be followed here in which it was clearly expressed that Reichsführer SS Himmler was to be given extensive plenipotentiary powers concerning all police actions in these territories which later on became known. I firmly opposed that, since to me it seemed impossible that there should be two authorities placed side by side. In the directives here it says: "The authority of the Commander-in-Chief of the Army is not affected by this."

That was a complete illusion and self-deception. Quite the opposite happened. As long as it was compatible with my functions, I fought against this. I think I ought to say that I have no witness to that other than General Jodl, who shared these experiences with me. Eventually, however, Hitler worked out those directives himself, more or less, and gave them the meaning he wanted. That is how these directives came about.

That I had no power to order the things which are contained in these directives is clear from the fact that it says that the Reich Marshal receives this task . . . the Reichsführer SS receives that task, *et cetera*. I had no authority whatever to give orders to them.

DR. NELTE: Was it never actually discussed that if one wanted to launch an attack on the Soviet Union, one would previously have to take diplomatic steps or else send a declaration of war, or an ultimatum?

KEITEL: Oh, yes, I discussed that. As early as the winter of 1940-1941, whenever there were discussions regarding the strength of the Russian forces on the demarcation line, that is, in December-January, I asked Hitler to send a note to the Soviet Union so as to bring about a cleaning-up of the situation, if I may express it so. I can add now that the first time he said nothing at all, and the second time he refused, maintaining that it was useless, since he would only receive the answer that this was an internal affair and that it was none of our business, or something like that. At any rate, he refused. I tried again, at a later stage, that is to say I voiced the request that an ultimatum should be presented before

we entered upon an action, so that in some form the basis would be created for a preventive war, as we called it, for an attack.

DR. NELTE: You say "preventive war." When the final decisions were made, what was the military situation?

KEITEL: I am best reminded of how we, or rather the Army judged the situation, by a study or memorandum. I believe it is Document 872-PS, dated the end of January or the beginning of February, a report made by the Chief of the General Staff of the Army to Hitler on the state of operative and strategic preparations. And in this document I found the information we then had on the strength of the Red Army and other existing information known to us, which is dealt with fully in this document.

Apart from that, I have to say too that the intelligence service of the OKW, Admiral Canaris, placed at my disposal or at the Army's disposal very little material because the Russian area was closely sealed against German intelligence. In other words, there were gaps up to a certain point. Only the things contained in Document 872-PS were known.

DR. NELTE: Would you like to say briefly what it contained, so as to justify your decision?

KEITEL: Yes, there were—Halder reported that there were 150 divisions of the Soviet Union deployed along the line of demarcation. Then there were aerial photographs of a large number of airdromes. In short, there was a degree of preparedness on the part of Soviet Russia, which could at any time lead to military action. Only the actual fighting later made it clear just how far the enemy had been prepared. I must say, that we fully realized all these things only during the actual attack.

DR. NELTE: You were present during Hitler's last speech to the commanders in the East, made on 14 June 1941, in the Reich Chancellery, were you not? I ask you, without going over old ground, to state briefly what Hitler said on that occasion, and what effect it had on the generals.

THE PRESIDENT: Isn't there a document in connection with this? It must all be in the document. Isn't that so?

DR. NELTE: I wanted to ask one question on that subject and then submit the document; or, if the Tribunal so desires, I will not read the document at all, but will merely quote the short summaries which are at the end of the document. Will the Tribunal agree to that?

THE PRESIDENT: But what you did was to ask the defendant what was in the document.

DR. NELTE: The document contains, if I may indicate it briefly, the following: The developments, and the ever increasing influence of organizations alien to the Wehrmacht on the course of the war. It is the proof that the Wehrmacht, during this war, which must be called a degenerate war, tried, as far as possible, to keep within the limits of international law and that when the...

THE PRESIDENT: I only want to know what your question is, that is all.

DR. NELTE: My question to Field Marshal Keitel was to tell me about the speech on the 14th of June 1941, and what Hitler ordered the generals to do and what the effect on them was. With that, I intended to conclude the preparations for the Russian campaign.

THE PRESIDENT: He can tell what the effect was upon himself, but I don't see how he can tell what the effect was upon the other generals.

DR. NELTE: He can only assume of course, but he can say whether the others reacted in one way or another. One can talk and one can take an opposing stand. I merely wanted to know whether this happened or not.

THE PRESIDENT: Perhaps you had better ask him what happened that day at the conference; if you want to know what happened at the conference, why don't you ask him?

DR. NELTE: Please, tell us about it.

KEITEL: After short reports regarding the operational orders to the individual commanders, there followed a recapitulation, which I must describe as a purely political speech. The main theme was that this was the decisive battle between two ideologies, and that this fact made it impossible—that the leadership in this war, the practices which we knew as soldiers, and which we considered to be the only correct ones under international law, had to be measured by completely different standards. The war could not be carried on by these means. This was an entirely new kind of war, based on completely different arguments and principles.

With these explanations, the various orders were then given to do away with the legal system in territories which were not pacified, to combat resistance with brutal means, to consider every local resistance movement as the expression of the deep rift between the two ideologies. These were decidedly quite new and very impressive ideas, but also thoughts which affected us deeply.

DR. NELTE: Did you, or did any other generals raise objections to or oppose these explanations, directives, and orders?

KEITEL: No, I personally made no remonstrances, apart from those which I had already advanced and the objections I had already

expressed before. However, I have never known which generals, if any of the generals, addressed the Führer. At any rate, they did not do so after that discussion.

DR. NELTE: Mr. President, I think that now the time has come to decide whether you will accept the affidavits of the Defendant Keitel contained in my Document Book Number 2 under the Numbers 3 and 5, as exhibits. Perhaps the Prosecution can express an opinion on this.

Up to now we have merely discussed the history before the actual Russian war. Insofar as the Defendant Keitel and the OKW is concerned, I should like to shorten the examination by submitting these two affidavits. The affidavit Number 3 is an exposé of the conditions governing the authority for issuing orders in the East. The extent of the territory and the numerous organizations led to an extremely complicated procedure for giving orders. To enable you to ascertain whether the Defendant Keitel, or the OKW, or some other department might be responsible, the conditions governing the authority to issue orders in the East have been presented in detail. I believe it would save a great deal of time if you would accept this document as an exhibit.

SIR DAVID MAXWELL-FYFE: My Lord, Mr. Dodd and I have no objection to this procedure used by the Defense and we believe that it might probably help the Tribunal to have in front of them the printed accounts.

THE PRESIDENT: Does Dr. Nelte intend to read or only summarize these affidavits?

DR. NELTE: I intend merely to submit it to you after I have asked the defendant whether the contents of the affidavit have been written and signed by him.

THE PRESIDENT: And the Prosecution, of course, have had these affidavits for some time?

SIR DAVID MAXWELL-FYFE: Yes.

DR. NELTE: The same applies, if I understand Sir David correctly, to affidavit Number 5.

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: Dr. Nelte, it would be convenient, I think, if you gave these affidavits numbers in the sequence of your exhibit numbers and gave us also their dates so that we can identify them. Can you give us the dates of the affidavits?

DR. NELTE: May I be permitted to arrange the matter in the secretary's office during the recess?

THE PRESIDENT: Yes. The first is dated the 8th of March, isn't it? The other is the 18th, is it? Dr. Nelte, you can do it at the

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recess and give them numbers. You can give them numbers at the recess.

It is nearly 1 o'clock now, and we are just going to adjourn. You can give them numbers then. Does that conclude your examination?

DR. NELTE: We come now to the individual cases which I hope, however, to conclude in the course of the afternoon. Mr. President, I am sorry but I must discuss the prisoner-of-war affairs and several individual matters. I think I still need this afternoon for myself. I believe that if I bear in mind the interests of the Defendant Keitel, I am limiting myself a good deal.

THE PRESIDENT: Do you desire to put your questions to him now or not?

DR. NELTE: I think—I do not know how the President feels about it—it would be convenient if we had a recess now so that in the meantime I can put the affidavits in order. I have not yet finished the discussion of this subject.

THE PRESIDENT: We will adjourn now.

*[The Tribunal recessed until 1400 hours.]*

### *Afternoon Session*

DR. NELTE: Mr. President, of the two documents mentioned this morning, the first document, Number 3 of Document Book Number 2, entitled "The Command Relationships in the East," will be given the number 10 of the Keitel Documents.

THE PRESIDENT: That is dated the 14 March 1946?

DR. NELTE: Yes, 14 March 1946.

THE PRESIDENT: The document that I have got is headed the 23 February 1946, and at the end, the 14 March 1946. Is that the one?

DR. NELTE: The document was first written down and later attested. There is, therefore, a difference in the two dates.

THE PRESIDENT: I only wanted to identify which it is, that is all.

DR. NELTE: It is the document of 14 March 1946.

THE PRESIDENT: Very well.

DR. NELTE: The affidavit is dated 14 March.

THE PRESIDENT: And you are giving it what number?

DR. NELTE: I give it Number Keitel-10. The second document, which is fifth in the document book, is dated at the head 18 March 1946 and has at the end the defendant's attestation as of 29 March 1946. This document has received the number Keitel-12. Permit me to read a summary of a few points on Pages 11 and 12 of the German copy. This, as it appears to me, is of very great importance for this Trial.

THE PRESIDENT: Of which document?

DR. NELTE: Document Number 12.

THE PRESIDENT: Yes.

DR. NELTE: The question in this document . . .

THE PRESIDENT: Just a minute. I do not think the interpreters have found the document yet, have they? It comes just after a certificate, by Catherine Bedford, and I think it is about halfway through the book, and, although the pages are not numbered consecutively, it appears to have the figure 51 on it.

DR. NELTE: I shall begin where it says, "In summing up . . ." Those are the last three pages of this document:

"In summing up it must be established that:

"1. In addition to the Wehrmacht as the legal protector of the Reich internally and externally (as in every State)"—I interpolate, 'in the SS organizations'—"a particular, completely

independent power factor arose and was legalized, which politically, biologically, in police and administration matters actually drew the powers of the State to itself.

"2. Even at the beginning of military complications and conflicts the SS came to be the actual forerunner and standard bearer of a policy of conquest and power.

"3. After the commencement of the military actions the Reichsführer SS devised methods which always appeared appropriate, which were concealed at first, or were hardly apparent, at least from the outside, and which enabled him in reality to build up his power under the guise of protecting the annexed or occupied territories from political opponents.

"4. From the occupation of the Sudeten territory, beginning with the organization of political unrest, that is, of so-called liberation actions and 'incidents,' the road leads straight through Poland and the Western areas in a steep curve into the Russian territory.

"5. With the directives for the Barbarossa Plan for the administration and utilization of the conquered Eastern territories, the Wehrmacht was, against its intention and without knowledge of the conditions, drawn further and further into the subsequent developments and activities.

"6. I (Keitel) and my colleagues had no deeper insight into the effects of Himmler's full powers, and had no idea of the possible effect of these powers.

"I assume without further discussion that the same holds true for the OKH, which according to the order of the Führer made the agreements with Himmler's officials and gave orders to the subordinate army commanders.

"7. In reality, it was not the Commander-in-Chief of the Army who had the executive power assigned to him and the power to decree and to maintain law in the occupied territories, but Himmler and Heydrich decided on their own authority the fate of the people and prisoners, including prisoners of war in whose camps they exercised the executive power.

"8. The traditional training and concept of duty of the German officers, which taught unquestioning obedience to superiors who bore responsibility, led to an attitude,—regrettable in retrospect,—which caused them to shrink from rebelling against these orders and these methods even when they recognized their illegality and inwardly refuted them.

"9. The Führer, Hitler, abused his authority and his fundamental Order Number 1 in an irresponsible way with respect to us. This Order Number 1 read, more or less:

"1. No one shall know about secret matters which do not belong to his own range of assignments.

"2. No one shall learn more than he needs to fulfill the tasks assigned to him.

"3. No one shall receive information earlier than is necessary for the performance of the duties assigned to him.

"4. No one shall transmit to subordinate offices, to any greater extent or any earlier than is unavoidable for the achievement of the purpose, orders which are to be kept secret.'

"10. If the entire consequences which arose from granting Himmler authority in the East had been foreseen, in this case the leading generals would have been the first to raise an unequivocal protest against it. That is my conviction.

"As these atrocities developed, one from the other, step by step, and without any foreknowledge of the consequences, destiny took its tragic course, with its fateful consequences."

Witness, Defendant Keitel, did you yourself write this statement, that is, dictate it as I have just read it? Are you perfectly familiar with its contents and did you swear to it?

KEITEL: Yes.

DR. NELTE: I shall submit the document in the original.

[Turning to the defendant]: We had stopped at Document C-50, which deals with the abolition of military jurisdiction in the Barbarossa area. I do not know whether you still want to express your opinion on it, or whether that is now superfluous after what has just been read.

KEITEL: I should like to say to this only that these documents, C-50 and 884-PS, beginning at Page 4, are the record of the directives that were given in that General Staff meeting on 14 June. In line with military regulations and customs they were given the form of written orders and then sent to the subordinate offices.

DR. NELTE: I have a few more short questions regarding the war against America. The Prosecution assert that Japan was influenced by Germany to wage war against America and have, in the course of their presentation, accused you of participation and co-operation in this plan. Would you like to make some statement regarding this?

KEITEL: Document C-75 is a directive by the Supreme Command of the Wehrmacht which deals with co-operation with Japan. Of course, I participated in the drawing-up of this order and signed it by order. The other document, Number 1881-PS, regarding a conference between the Führer and Matsuoka, I do not know, and I did not know anything about it. I can say only the following for us soldiers:

In the course of all this time, until the Japanese entry into the war against America, there were two points of view that were the general directives or principles which Hitler emphasized to us. One was to prevent America from entering the war under any circumstances; consequently to renounce military operations in the seas, as far as the Navy was concerned. The other, the thought that guided us soldiers, was the hope that Japan would enter the war against Russia; and I recall that around November and the beginning of December 1941, when the advance of the German armies west of Moscow was halted and I visited the front with Hitler, I was asked several times by the generals, "When is Japan going to enter the war?" The reasons for their asking this were that again and again Russian Far East divisions were being thrown into the fight via Moscow, that is to say, fresh troops coming from the Far East. That was about 18 to 20 divisions, but I could not say for certain.

I was present in Berlin during Matsuoka's visit, and I saw him also at a social gathering, but I did not have any conversation with him. All the deductions that might be made from Directive 24, C-75, and which I have learned about from the preliminary examination during my interrogation, are without any foundation for us soldiers, and there is no justification for anyone's believing that we were guided by thoughts of bringing about a war between Japan and America, or of undertaking anything to that end.

In conclusion, I can say only that this order was necessary because the branches of the Wehrmacht offered resistance to giving Japan certain things, military secrets in armament production, unless she were in the war.

DR. NELTE: There was also a letter submitted by the Prosecution, a letter from Major Von Falkenstein to the Luftwaffe Operations Staff. Reich Marshal Göring testified to this in his interrogation. I only wanted to ask you if you knew of this letter, or if you have anything to add to Reich Marshal Göring's testimony?

KEITEL: I have nothing to add, for I never saw this letter by Von Falkenstein until I saw it here during my interrogation.

DR. NELTE: We come now to the individual facts with which you and the OKW are charged by the Prosecution. Because of the vast number of points brought up by the Prosecution I can naturally choose only individual groups and those with the most serious charges, in order to elucidate whether and to what extent you were involved and what your attitude was to the ensuing results. In most cases it is a question of orders from Hitler, but in your statement on the actual happenings you have admitted to a certain participation in these things and knowledge of them. Therefore, we must discuss these points. One of the most important is that of hostages. In this

connection I want to show you Document C-128. These are orders for operations in the West. Let me ask you, however, first of all, what is the basis for the taking of hostages as it was usually carried out by the Wehrmacht?

KEITEL: These are the printed regulations "Secret G-2" (Army Service Regulation G-2) and headed, according to the order: "Service Instructions for Army Units."

DR. NELTE: I ask you, Mr. President, to turn to Document Book Number 1, Number 7 on Page 65 of my document book. I ask you to establish that this is a copy from the afore-mentioned Army Regulations, Section 9, which deals with the question of hostages. This is Document K-7, and it reads as follows:

"Hostages may be taken only by order of a regimental commander, an independent battalion commander or a commander of equal rank. With regard to accommodation and feeding, it is to be noted that, though they should be kept under strictest guard, they are not convicts. Furthermore, only senior officers holding at least the position of a division commander can decide on the fate of hostages."

That is, if you want to call it so, the Hostage Law of the German Wehrmacht.

KEITEL: I might say in this connection that in Document C-128, which is the preparatory operational order of the Army for the battle in the West, this is mentioned specially under the heading: "3a. Security measures against the population of occupied territory. A) Hostages."

THE PRESIDENT: Dr. Nelte, are you offering that as Keitel-7?

DR. NELTE: I ask to have these printed Army Instructions put in evidence as Exhibit Keitel-7 (Document Number Keitel-7).

THE PRESIDENT: Would you kindly say what you are putting it in as each time, because if you simply say "7" it will lead to confusion.

DR. NELTE: Keitel-7.

[Turning to the defendant]: Was Document C-128 the order of the High Command of the Army on the occasion of the march into France?

KEITEL: Yes.

DR. NELTE: Now I have here another document, Document Number 1585-PS, which contains an opinion expressed by the OKW. It is a letter to the Reich Minister for Air and Commander-in-Chief of the Luftwaffe; and in this letter, I assume, are contained the convictions held by the office of which you were head.

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KEITEL: Yes.

DR. NELTE: What do you say today in connection with this letter?

KEITEL: I can say only that it is precisely the same standpoint that I represent today, because there is here, with reference to the above-mentioned order, the following paragraph, beginning with the words, "For the protection against any misuse . . ." and so on. Then the order is quoted.

DR. NELTE: This is in reference to Regulation G-2, and further, that the "decision regarding the fate of hostages . . ."

KEITEL: It says, "According to which the decision on the fate of hostages is reserved to senior officers holding at least the position of a division commander."

DR. NELTE: Is it correct when I say that this letter was drawn up by the Legal Department of the OKW after examination of the situation as regards international law and its implications?

KEITEL: Yes, it is to be seen from the document itself that this point of view was taken into consideration.

DR. NELTE: Did you issue any general orders on this question of hostages in your capacity as chief of OKW, apart from those we have had up to now?

KEITEL: No, the OKW participated only in helping to draw up this order. No other basic orders or directions were issued on this question.

DR. NELTE: Did you nevertheless in individual cases have anything to do with this question of hostages? You and the OKW are charged by the Prosecution with having expressed yourselves in some way or having taken some kind of attitude when inquiries were made by Stülpnagel and Falkenhausen.

I show you Document 1594-PS.

KEITEL: This document, 1594-PS, is a communication from Von Falkenhausen, the Military Commander of Belgium, and is directed to the OKH, General Staff, Quartermaster General, and, further, to the Commander-in-Chief and Military Commander in France and for the information of the Wehrmacht Commander in the Netherlands and Luftgau Belgium.

I do not know this document nor could I know it, for it is directed to the Army. The assumption expressed by the French Prosecutor that I received a letter from Falkenhausen is not true. I do not know this letter and it was not sent to me. Official communication between the military commanders in France and Belgium took place only between the OKH and these two military commanders subordinate to it. These commanders were not subordinate either to the OKW or to me.

DR. NELTE: The French Prosecution has submitted Document Number UK-25 and has asserted that this document was the basis for the hostage legislation in France, that there is, in other words, a basic connection between the order you signed on 16 September 1941 and the treatment of hostages in France. I will show you these documents, 1587-PS and 1588-PS, in addition to UK-25 and request you to comment on them.

KEITEL: I must first answer the question as to whether I had any discussion on individual matters with military commanders regarding the question of hostages. Did you not ask me that?

DR. NELTE: With regard to Stülpnagel and Falkenhausen?

KEITEL: Yes, with regard to Stülpnagel and Falkenhausen. It is possible, and I do recall one such case, Stülpnagel called me up from Paris on such a matter because he had received an order from the Army to shoot a certain number of hostages for an attack on members of the German Wehrmacht. He wanted to have this order certified by me. That happened and I believe it is confirmed by a telegram, which has been shown to me here. It is also confirmed that at that time I had a meeting with Stülpnagel in Berlin. Otherwise, the relations between myself and these two military commanders were limited to quite exceptional matters, in which they believed that with my help they might obtain certain support with regard to things that were very unpleasant for them, for example, in such questions as labor allocation, that is, workers from Belgium or France destined for Germany, where also, in one case, conflicts arose between the military commanders and their police authorities. In these cases I was called up directly in order to mediate.

Permit me, please, to look at the documents first.

DR. NELTE: You must begin with UK-25, 16 September 1941.

KEITEL: Yes.

THE PRESIDENT: It is impossible for the Tribunal to carry all these documents in their heads by reference to their numbers, and we do not have the documents before us. We do not know what documents you are dealing with here. It is quite impossible for us.

DR. NELTE: Mr. President, for this reason, I took the liberty of submitting to the Tribunal before the beginning of the sessions a list of documents. I am sorry if that was not done. I could not submit the documents themselves. You will always find a number to the left of this list.

THE PRESIDENT: Yes, I see that, but all that I see here is 1587-PS, which is not the one that you are referring to, apparently, and it is described as a report to the Supreme Command of the Army. That does not give us much indication of what it is about.

The next one is 1594-PS, a letter to OKH. That again does not give us much indication of what it is about, except that they have something to do with the hostage question.

DR. NELTE: It is concerned with the question which the Defendant Keitel is about to answer. Do you not also have the order bearing Document Number C-128?

THE PRESIDENT: Yes, I have that. That is directions for the operation in the West.

DR. NELTE: And UK-25?

THE PRESIDENT: Yes.

DR. NELTE: And 1588-PS?

THE PRESIDENT: We have got them all. The only thing that I was pointing out to you was that the description of them is inadequate to explain to us what they mean and what they are. Perhaps by a word or two you can indicate to us when you come to the document what it is about.

DR. NELTE: Document UK-25, about which the Defendant Keitel is about to testify, is an order of 16 September 1941, signed by him, regarding "Communist Uprisings in the Occupied Territories." It contains, among other things, the sentence, "The Führer has now ordered that most severe measures should be taken everywhere in order to crush this movement as soon as possible." The French Prosecution asserted that, on the basis of this order, hostage legislation was promulgated in France, which is contained in Document 1588-PS. If you have Document 1588-PS, you will find on the third page a regular code regarding the taking and treatment of hostages.

The defendant is to state whether such a causal relation did exist, and to what extent the OKW and he himself were at all competent in these matters.

KEITEL: Document UK-25, the Führer Order of the 16 September 1941, as has just been stated, is concerned with communist uprisings in occupied territories, and the fact that this is a Führer order has already been mentioned. I must clarify the fact that this order, so far as its contents are concerned, referred solely to the Eastern regions, particularly to the Balkan countries. I believe that I can prove this by the fact that there is attached to this document a distribution list, that is, a list of addresses beginning, "Wehrmacht Commander Southeast for Serbia, Southern Greece, and Crete." This was, of course, transmitted also to other Wehrmacht commanders and also to the OKH with the possibility of its being passed on to subordinate officers. I believe that this document, which, for the sake of saving time, I need not read here, has several indications that the assumption on the part of the French Prosecution that this

is the basis for the hostage law to be found in Document Number 1588-PS is false, and that there is no causal nexus between the two. It is true that the date of this hostage law is also September—the number is hard to read—but, as far as its contents are concerned, these two matters are, in my opinion, not connected. Moreover, the two military commanders in France and Belgium never received this order from the OKW, but they may have received it through the OKH, a matter which I cannot check because I do not know.

Regarding this order of 16 September 1941, I should like to say that its great severity can be traced back to the personal influence of the Führer. The fact that it is concerned with the Eastern region is already to be seen from the contents and from the introduction and does not need to be substantiated any further. It is correct that this order of 16 September 1941 is signed by me.

DR. NELTE: We come now to the second individual fact, "Nacht und Nebel." The Prosecution charges you of having participated in the Nacht und Nebel decree of 12 December 1941, Document Number L-90 . . .

KEITEL: May I say one more thing regarding the other question?

DR. NELTE: Please, if it appears to be necessary. In the communication of 2 February 1942 we find the words, "In the annex are transmitted: 1) A decree of the Führer of 7 December 1941 . . ." You wanted to say something more; if it is important, please. Do you have Document Number L-90?

KEITEL: L-90, yes.

DR. NELTE: What was the cause for this order, so terrible in its consequences?

KEITEL: I must state that it is perfectly clear to me that the connection of my name with this so-called "Nacht und Nebel" order is a serious charge against me, even though it can be seen from the documents that it is a Führer order. Consequently I should like to state how this order came about. Since the beginning of the Eastern campaign and in the late autumn of 1941 until the spring of 1942, the resistance movements, sabotage and everything connected with it increased enormously in all the occupied territories. From the military angle it meant that the security troops were tied down, having to be kept on the spot by the unrest. That is how I saw it from the military point of view at that time. And day by day, through the daily reports we could picture the sequence of events in the individual occupation sectors. It was impossible to handle this summarily; rather, Hitler demanded that he be informed of each individual occurrence, and he was very displeased if such matters were concealed from him in the reports by military authorities. He got to know about them all the same.

In this connection, he said to me that it was very displeasing to him and very unfavorable to establishing peace that, owing to this, death sentences by court-martial against saboteurs and their accomplices were increasing; that he did not wish this to occur, since from his point of view it made appeasement and relations with the population only more difficult. He said at that time that a state of peace could be achieved only if this were reduced and if, instead of death sentences—to shorten it—in case a death sentence could not be expected and carried out in the shortest time possible, as stated here in the decree, the suspect or guilty persons concerned—if one may use the word “guilty”—should be deported to Germany without the knowledge of their families and be interned or imprisoned, instead of lengthy court-martial proceedings with many witnesses.

I expressed the greatest misgivings in this matter and know very well that I said at that time that I feared results exactly opposite to those apparently hoped for. I then had serious discussions with the legal adviser of the Wehrmacht, who had similar scruples, because there was an elimination of ordinary legal procedures. I tried again to prevent this order from being issued or to have it modified. My efforts were in vain. The threat was made to me that the Minister of Justice would be commissioned to issue a corresponding decree, should the Wehrmacht not be able to do so. Now may I refer to details only insofar as these ways were provided in this order, L-90, of preventing arbitrary application, and these were primarily as follows:

The general principles of the order provided expressly that such deportation or abduction into Reich territory should take place only after regular court-martial proceedings, and that in every case the officer in charge of jurisdiction, that is, the divisional commander must deal with the matter together with his legal adviser, in the legal way, on the basis of preliminary proceedings.

I must say that I believed then that every arbitrary and excessive application of these principles was avoided by this provision. You will perhaps agree with me that the words in the order, “It is the will of the Führer after long consideration...” put in for that purpose, were not said without reason and not without the hope that the addressed military commander would also recognize from this that this was a method of which we did not approve and did not consider to be right.

Finally we introduced a reviewing procedure into the order so that through the higher channels of appeal, that is, the Military Commander in France and the Supreme Command or Commander of the Army, it would be possible to try the case legally by appeal proceedings if the verdict seemed open to question, at least, within the meaning of the decree. I learned here for the first time of the

full and monstrous tragedy, namely, that this order, which was intended only for the Wehrmacht and for the sole purpose of determining whether an offender who faced a sentence in jail could be made to disappear by means of this Nacht und Nebel procedure, was obviously applied universally by the police, as testified by witnesses whom I have heard here, and according to the Indictment which I also heard, and so the horrible fact of the existence of whole camps full of people deported through the Nacht und Nebel procedure has been proved.

In my opinion, the Wehrmacht, at least I and the military commanders of the occupied territories who were connected with this order, did not know of this. At any rate it was never reported to me. Therefore this order, which in itself was undoubtedly very dangerous and disregarded certain requirements of law such as we understood it, was able to develop into that formidable affair of which the Prosecution have spoken.

The intention was to take those who were to be deported from their home country to Germany, because Hitler was of the opinion that penal servitude in wartime would not be considered by the persons concerned as dishonorable in cases where it was a question of actions by so-called patriots. It would be regarded as a short detention which would end when the war was over.

These reflections have already been made in part in the note. If you have any further questions, please put them.

DR. NELTE: The order for the carrying out of this Nacht und Nebel decree states that the Gestapo was to effect the transportation to Germany. You stated that the people who came to Germany were to be turned over to the Minister of Justice, that is, to normal police custody. You will understand that, by the connection with the Gestapo, certain suspicions are raised that it was known from the start what happened to these people. Can you say anything in elucidation of that matter?

KEITEL: Yes. The order that was given at that time was that these people should be turned over to the German authorities of justice. This letter signed "by order" and then the signature, was issued 8 weeks later than the decree itself by the Amt Ausland Abwehr as I can see from my official correspondence. It indicates the conferences, that is, the agreements, which had to be reached at that time, regarding the method by which these people were to be taken from their native countries to Germany. They were apparently conducted by this Amt Abwehr, which evidently ordered police detachments as escorts. That can be seen from it.

I might mention in this connection—I must have seen it—that it did not seem objectionable at that time, because I could have, and

I had, no reason to assume that these people were being turned over to the Gestapo, frankly speaking, to be liquidated, but that the Gestapo was simply being used as the medium in charge of the transportation to Germany. I should like to emphasize that particularly, so that there can be no doubt that it was not our idea to do away with the people as was later done in that Nacht und Nebel camp.

DR. NELTE: We come now to the question of parachutists, sabotage troops, and Commando operations. The French Prosecution treat in detail the origin and effect of the two Führer Orders of 18 October 1942 regarding the treatment of Commandos.

Does the Tribunal have a copy of this Führer Order? It is 498 . . .

THE PRESIDENT: We haven't got a copy of the order. You mean 553-PS or 498?

DR. NELTE: The second is Document Number 553-PS.

THE PRESIDENT: We have not got that either, "Combating of Individual Parachutists, Decree of 4. 8. 42."

DR. NELTE: Could you please repeat your statement? What you just said did not come through.

THE PRESIDENT: 553-PS, "Combating of Individual Parachutists, Decree of 4. 8. 42." That is what we have, nothing else. You also have 498 . . .

DR. NELTE: Document Number 553-PS is a memorandum signed by Keitel. The French Prosecution has assumed correctly that there is some connection between the Document 553-PS and the Führer Order of 18 October 1942. The defendant is to testify what were the reasons that lay behind this Führer Order and this notice.

KEITEL: First of all, Document 553-PS, the note: This memorandum was issued by me in August 1942. As I have already described in connection with the Nacht und Nebel Decree, sabotage acts, the dropping of agents by parachute, the parachuting of arms, ammunition, explosives, radio sets and small groups of saboteurs reached greater and greater proportions. They were dropped at night from aircraft in thinly populated regions. This activity covered the whole area governed by Germany at that time. It extended from the west over to Czechoslovakia and Poland, and from the East as far as the Berlin area. Of course, a large number of the people involved in these actions were captured and much of the material was taken. This memorandum was to rally all offices, outside the Wehrmacht, as well, police and civilian authorities, to the service against this new method of conducting the war, which was, to our way of thinking, illegal, a sort of "war in the dark behind the lines." Even today, after reading this document through again—it has

already been given to me here—I consider this memorandum unobjectionable. It expressly provides that members of enemy forces, that is members of any enemy force, if captured by the police, should be taken to the nearest Wehrmacht office after being identified. I know that in the French sector the French police did their full share in arresting these troops and putting them in safe charge. They collaborated in preventing these acts of sabotage. It will perhaps make clear how extensive these activities were if I mention that on certain days there were as many as 100 railways blown up in this way. That is in the memorandum.

Now, as to the Führer orders of 18 October 1942, which have been mentioned very often here and which I may describe as the further development of the regulations mentioned in this memorandum: As to these methods, this way of conducting illegal warfare kept on increasing, and individual parachutists grew into small Commando units which landed from heavy aircraft or by parachute and were systematically employed, not to create disturbances or destruction in general, but to attack specific, vital, and important military objectives. In Norway, for instance, I recall that they had the task of blowing up the only aluminum works. It may sound strange, but during this period half to three-quarters of an hour of the daily discussion on the situation was devoted to the problem of how to handle these incidents. These incidents in all sectors caused the Führer to demand other methods, vigorous measures, to combat this activity, which he characterized as "terrorism" and said that the only method that could be used to combat it was severe countermeasures. I recall that in reply to our objections as soldiers the following words were spoken: "As long as the paratrooper or saboteur runs the danger only of being taken captive, he incurs no risk; in normal circumstances he risks nothing; we must take action against this." These were the reasons behind his thoughts. I was asked several times to express myself on this subject and to present a draft. General Jodl will also recall this. We did not know what we, as soldiers, were to do. We could make no suggestion.

If I may sum up briefly, we heard Hitler's bursts of temper on this subject almost every day, but we did nothing, not knowing what we could do. Hitler declared that this was against the Hague Convention and illegal, that it was a method of waging war not foreseen in the Hague Convention and which could not be foreseen. He said that this was a new war with which we had to contend, in which new methods were needed. Then, to make it short, as I have already testified in the preliminary investigation, these orders—this order itself and the well-known instructions that those who did not carry out the first order should be punished—were issued in a concise form and signed by Hitler. They were then distributed,

I believe, by the Chief of the Operations Staff, Jodl. I might add that many times the commanders who received these orders asked questions about how they were to be applied, particularly in connection with the threat that they would be punished if they did not carry them out. The only reply we could make was, "You know what is in the orders," for we were not in a position to change these signed orders.

DR. NELTE: The Prosecution have accused you personally of having issued the order to kill the English saboteurs captured in the Commando operations at Stavanger. In this connection I submit to you Documents 498-PS, 508-PS, and 527-PS. *[The documents were submitted to the defendant.]*

This, Mr. President, was a Commando mission in the vicinity of Stavanger. The troops who fell into German hands had to be killed, according to the Führer decree. There was a remote possibility of interrogating these persons, if that was demanded by military necessity. In this case the Commander-in-Chief in Norway, General Von Falkenhorst, dealt with the matter. He turned to the OKW, as he has already testified in the minutes of an interrogation.

*[Turning to the defendant.]* Would you make any statement in this connection?

KEITEL: I was interrogated on this subject, and in the course of the interrogation I was confronted with General Von Falkenhorst. As I recall, I did not remember his having asked me questions regarding the carrying out of this order. I did not know of it. Even the event itself was no longer in my memory, and I remembered it again only after I had seen the documents. During the interrogation, I told the interrogator that I had no authority to change that order, that I could refer any one concerned only to the order, as such. As regards my confrontation with General Von Falkenhorst, I should like to say only what is stated here in the minutes, "He obviously shelved the answers and altered his earlier statements, but did not deny them. Keitel did not deny having had this talk with me but denied that the subject of it was what I said."

DR. NELTE: Mr. President, I can only say that this is a summary of the interrogation of General Von Falkenhorst, a document which was submitted by the Prosecution without having a document number.

*[Turning to the defendant.]* Have you finished your statement?

KEITEL: Yes. I believe that suffices.

THE PRESIDENT: Dr. Nelte, the Prosecution did not put in this document, did they? They have not offered it in evidence?

DR. NELTE: I believe they did.

THE PRESIDENT: I think they must have put it to the Defendant Keitel in one of his interrogations, did they not? Isn't that right? That does not mean that it is put in evidence, because the interrogation itself, you see, need not be put in evidence. You must put it in now if you want it to go in.

DR. NELTE: Mr. President, there is some error here. This document was put in by the Prosecution here as proof of the assertion that the Defendant Keitel had given the order to kill these paratroopers. I received the document here.

THE PRESIDENT: The Prosecution will tell me if that is so, but I cannot think of any document having been put in here that has not had an exhibit number.

MR. DODD: We have no recollection of having put it in. Many of these interrogations did not have document numbers; but, of course, if they were put in, they would have USA or Great Britain exhibit numbers.

THE PRESIDENT: Well, perhaps the best way would be for Counsel for the Prosecution to verify whether it was read in evidence.

MR. DODD: That will take me a few minutes, Your Honor.

THE PRESIDENT: Yes, I mean at your leisure. Would that be a convenient time to break off for 10 minutes?

DR. NELTE: Yes.

*[A recess was taken.]*

THE PRESIDENT: The Tribunal will adjourn this afternoon at a quarter to 5. They will then sit again in this Court in closed session, and they desire that both Counsel for the Prosecution and Counsel for the Defense should be present then, as they wish to discuss with those counsels on both sides the best way of avoiding translating unnecessary documents.

There have, as you know, been a very great number of documents put in, and a great burden has fallen upon the Translation Division. That is the problem which the Tribunal wish to discuss in closed session with Counsel for the Prosecution and Counsel for the Defense: They will, therefore, as I say, sit here in closed session where there is room for all the Defense Counsel. That is at 5 o'clock.

DR. NELTE: Do you remember an inquiry of the Commander-in-Chief West, in June 1944, regarding the treatment of sabotage troops behind the invasion front? A new situation had been created by the invasion and, therefore, by the problem of the Commandos.

KEITEL: Yes, I remember, since these documents too have been submitted to me here, and there were several documents. It is true that the Commander-in-Chief West, after the landing of Anglo-American forces in Northern France, considered that a new situation had arisen with reference to this Führer Order of 18 October 1942 directed against the parachute Commandos.

The inquiry was, as usual, reported, and General Jodl and I represented the view of the Commander-in-Chief West, namely, that this order was not applicable here. Hitler refused to accept that point of view and gave certain directives in reply, which, according to the document, had at least two editions; after one had been cancelled as useless, the Document 551-PS remained as the final version as approved by the Führer during that report.

I remember all this so accurately because, on the occasion of presenting that reply during the discussion of the situation, this handwritten appendix was added by General Jodl with reference to the application in the Italian theatre, too. With that appendix, this version, which was approved and demanded by Hitler, was then sent out to the Commander-in-Chief West.

DR. NELTE: In this connection, was the question discussed as to how the active support of such acts of sabotage by the population could be judged from the point of view of international law?

KEITEL: Yes, that question arose repeatedly in connection with the order of 18 October 1942, and the well-known memorandum previously discussed. I am of the opinion that, giving any assistance to agents or other enemy organs in such sabotage acts, is a violation of the Hague Rules for Land Warfare. If the population takes part in, aids, or supports such action, or covers the perpetrators—hides them or helps them in any way or in any form—that, in my opinion, is clearly expressed in the Hague Rules for Land Warfare, namely that the population must not commit such actions.

DR. NELTE: The French Prosecution have submitted a letter of 30 July 1944, which is Document 537-PS. This document is concerned with the treatment of members of foreign military missions caught together with partisans. Do you know this order?

KEITEL: Yes I do. Yes, I have already been interrogated on this Document 537-PS during the preliminary investigation, and I made the statement which I will repeat here: It had been reported that, attached to the staffs of these partisans, particularly those of the leaders of the Serbian and Yugoslav partisans, there were military missions which, we believed, were certainly individual agents or teams for maintaining liaison with the states with which we were at war. It had been reported to me, and I had been asked what should be done if such a mission, as it was called, were captured. When

this was reported to the Führer he decided to reject the suggestions of the military authority concerned, namely, to treat them as prisoners of war, since, according to the directive of 18 October 1942, they were to be considered as saboteurs and treated as such. This document is, therefore, the transmission of this order which bears my signature.

DR. NELTE: The problem of terror-fliers and lynch law has been mentioned during the examination of Reich Marshal Göring. I shall confine myself to a few questions which concern you personally in connection with that problem. Do you know what we are concerned with in the conception of terror-fliers and their treatment? What was your attitude toward this question?

KEITEL: The fact that, starting from a certain date in the summer of 1944, machine-gun attacks from aircraft against the population as has already been mentioned here, increased considerably, with 30 to 40 dead on certain days, caused Hitler to demand categorically an adequate ruling on this question. We soldiers were of the opinion that existing regulations were sufficient, and that new regulations were unnecessary. The question of lynch law was dragged into the problem and the question of what was meant by the term terror-flier. These two groups of questions resulted in the very large quantity of documents which you all know, and which contain the text of the discussion on these subjects.

DR. NELTE: I think it will not be necessary to repeat the details which have already been discussed. In connection with your responsibility, I am interested in the words which you have written across this document. Please, will you explain those?

KEITEL: I merely wanted to state, first of all, that I had suggested, following the lines of the warning issued when German prisoners of war taken at Dieppe were shackled, that a warning should be issued here, too, in the form of a similar official note, saying that we should make reprisals unless the enemy commanders stopped the practice of their own accord. That was turned down as not being a suitable course of action.

And now let us turn to the documents, which are important to me.

DR. NELTE: Document 735-PS.

KEITEL: There are some notes in handwriting made by Jodl and myself. That is the record of a report written by me in the margin which runs as follows: "Courts-martial will not work"; at least that was the content. That was written at the time because the question of sentence by courts-martial came up for discussion since this very document laid down in detail for the first time what a terror-flier was, and because it stated that terror attacks were always attacks

carried out from low-flying aircraft with machine guns. I was led to think that crews attacking in low-level flights could not, generally speaking, in 99 out of 100 cases be captured alive, if they crashed; for there is no possibility of saving oneself with a parachute from a low-level attack. Therefore, I wrote that remark in the margin. Furthermore, I considered, apart from the fact that one could not conduct proceedings against such a flier, one would, secondly, not be able to conclude a satisfactory trial or a satisfactory investigation if an attack had been carried out from a considerable height, because no court, in my opinion, would be able to prove that such a man had had the intention of attacking those targets which possibly were hit.

Finally, there was one last thought, which was that, in accordance with the rules, court-martial sentences against prisoners of war had to be communicated to the enemy state through the protecting power, and 3 months' grace had to be given during which the home state could object to the sentence. It was, therefore, out of the question that, through those channels the deterrent results desired could be achieved within a brief period. That was really what I meant. I also wrote another note, and this refers to lynch law. It states: "If you allow lynching at all, then you can hardly lay down rules for it."

To that I cannot say very much, since my conviction is that there is no possibility of saying under what circumstances such a method could be regulated or considered justified by mob justice, and I am still of the opinion that rules cannot be laid down, if such proceedings are tolerated.

DR. NELTE: But what was your attitude regarding the question of lynch law?

KEITEL: It was my point of view that it was a method completely impossible for us soldiers. One case had been reported by the Reich Marshal in which proceedings against a soldier who had stopped such action were suppressed. I know of no case where soldiers, with reference to their duty as soldiers, behaved towards a prisoner of war in any way other than that laid down in the general regulations. That is unknown to me.

I should also like to state, and this has not been mentioned yet, that I had a discussion with Reich Marshal Göring at the Berghof about the whole question, and he, at that time, quite clearly agreed with me: We soldiers must reject lynch law under any circumstances. I requested him in this awkward position in which we found ourselves to approach Hitler once more personally, to persuade him not to compel us to give an order in these matters or to draft an order. That was the situation.

DR. NELTE: We are now turning to questions relating to prisoners of war.

KEITEL: May I just say finally that an order from the OKW was never submitted and never issued.

DR. NELTE: There is hardly any problem in the law of warfare in which all nations and all people are so passionately interested as the prisoner-of-war question. That is why, here too, the Prosecution have stressed particularly those cases which were considered to be violations of laws for prisoners of war, according to the Geneva Convention, or to international law in general.

Since the OKW, and you as its Chief, were responsible for prisoner-of-war questions in Germany, I should like to put the following questions to you: What had been done in Germany to make all departments and offices of the Wehrmacht acquainted with international agreements which referred to prisoners of war?

KEITEL: There was a special military manual on that subject, which I think is available, and which contained all the clauses in the existing international agreements and the provisions for carrying them out. That is, I think, Directive Number 38, which applied to the Army and the Navy, and also to the Luftwaffe as a military manual. That was the basis, the basic order.

DR. NELTE: How was that put into practice? Were people who were concerned with such questions in practice instructed, or was it sufficient to draw their attention to the Army directives?

KEITEL: Every department right down to the smallest unit had these directives, and every soldier up to a certain point was instructed on them. Apart from that, no further explanations and regulations were issued at the beginning of the war.

DR. NELTE: I am thinking of the courses of instruction instituted in Vienna for that particular purpose. Do you know that they took place in Vienna?

KEITEL: It is known to me that such matters were the subject of courses of instructions suitable for those people who were actually in contact with prisoner-of-war matters. They took the form of training courses.

DR. NELTE: Is it, furthermore, correct that every soldier had a leaflet in his pay book?

KEITEL: Yes. That has already been confirmed by General Milch the other day, who had it with him.

DR. NELTE: When were the first instructions regarding prisoners of war given in our case?

KEITEL: As far as I know, the first instructions appeared after the beginning of the Polish campaign in the East, since every—I

should like to say—preparatory measure for reception of prisoners of war had been rejected by Hitler. He had prohibited it. Afterwards things had to be improvised at very short notice.

DR. NELTE: What was ordered?

KEITEL: It was ordered that the three branches of the Wehrmacht, the Navy, Army and Luftwaffe—the latter had to do with it only to a limited extent—but particularly the Army should make appropriate preparations for camps, guards, and whatever was necessary for the establishment and the organization of such things.

DR. NELTE: Please tell us what the functions of the OKW were regarding the treatment and care of prisoners of war?

KEITEL: The principal instruction was treatment according to Directive KGV-38 (Prisoner of War Regulation 38) based on international agreements; in my opinion it contained absolutely everything which the people concerned should know. Apart from that, no additional instructions were issued at that time, but the above directive was applied.

DR. NELTE: I should like to know first of all how far the OKW had jurisdiction regarding the treatment of prisoners of war.

KEITEL: The OKW was, shall I say, the ministerial directing department which had to issue and prepare all basic regulations and directives concerning these questions. It was entitled to make sure, by means of inspections and surprise visits, that the instructions were carried out. In other words, it was the head office which issued directives and was entitled to make inspections, but was not in command of the camps themselves.

DR. NELTE: Should one not add the contact with the Foreign Office?

KEITEL: Of course, I forgot that. One of the main tasks of the entire Wehrmacht, and therefore of the Navy and Luftwaffe too, was to communicate with the protecting powers, through the Foreign Office and also to communicate with the International Red Cross and all agencies interested in the welfare of prisoners of war. I had forgotten that.

DR. NELTE: Therefore the OKW was, generally speaking, the legislator and the control organ.

KEITEL: That is correct.

DR. NELTE: What did the branches of the Wehrmacht have to do?

KEITEL: The Navy and the Luftwaffe had camps under their command, which were restricted to prisoners of war belonging to their own arms; and so did the Army. But owing to the large numbers belonging to the Army, the deputy commanding generals

of the home front, that is, the commanders of the Wehrkreise were the commanding authorities who in their area were in charge of the camps.

DR. NELTE: Now, let us take the prisoner-of-war camps. Who was at the head of such a camp?

KEITEL: In the Wehrkreis command, there was a commander or a general responsible for questions relating to prisoners of war in the Wehrkreis concerned, and the camp itself was under the charge of a camp commandant who had a small staff of officers, among them an intelligence officer and similar personnel who were necessary for such matters.

DR. NELTE: Who was the superior officer of the general for prisoner-of-war affairs in the Wehrkreis?

KEITEL: The commander of the Wehrkreis was the superior officer of the commander for prisoner-of-war affairs in the Wehrkreis.

DR. NELTE: Who was the superior of the Wehrkreis commander?

KEITEL: The Wehrkreis commanders were under the Commander-in-Chief of the Home Army and the Reserve, and he in turn under the Commander-in-Chief of the Army.

THE PRESIDENT: The Tribunal will adjourn.

*[The Tribunal adjourned until 5 April 1946 at 1000 hours.]*

# ONE HUNDREDTH DAY

Friday, 5 April 1946

## *Morning Session*

DR. NELTE: The last question I asked you yesterday concerned the channel through which orders were transmitted in matters concerning prisoners of war. You said that orders went from the camp commander to the army district commander and then by the commander of the reserve army to the OKH, the High Command of the Army. I should now like to have you tell me who was responsible if something happened in a PW camp which violated the Geneva Convention or was a breach of generally recognized international law. Was that your business? Was the OKW responsible?

KEITEL: The OKW was responsible in the case of incidents which violated general orders, that is, basic instructions issued by the OKW, or in the case of failure to exercise the right to inspect. In such circumstances I would say that the OKW was responsible.

DR. NELTE: How did the OKW exercise its right to inspect camps?

KEITEL: At first, in the early days of the war, through an inspector of the Prisoners of War Organization (the KGW), who was at the same time the office or departmental chief of the department KGW in the General Office of the Armed Forces. In a certain sense, he exercised a double function. Later on, after 1942 I believe, it was done by appointing an inspector general who had nothing to do with the correspondence or official work on the ministerial side.

DR. NELTE: What was the control by the protecting powers and the International Red Cross?

KEITEL: If a protecting power wished to send a delegation to inspect camps, that was arranged by the department or the inspector for the prisoner-of-war matters, and he accompanied the delegation. Perhaps I ought to say that, as far as the French were concerned, Ambassador Scapini carried out that function personally and that a protecting power did not exist in this form.

DR. NELTE: Could the representatives of the protecting powers and the Red Cross talk freely to the prisoners of war or only in the presence of officers of the German Armed Forces?

KEITEL: I do not know whether the procedure adopted in camps was always in accordance with the basic instructions, which were to render possible a direct exchange of views between prisoners of war and visitors from their own countries. As a general rule, it was allowed and made possible.

DR. NELTE: Did you as the chief of the OKW concern yourself personally with the general instructions on prisoner-of-war matters?

KEITEL: Yes. I did concern myself with the general instructions. Apart from that, my being tied to the Führer and to headquarters naturally made it impossible for me to be in continuous contact with my offices. There were, however, the KGW branch office and the inspector, as well as the Chief of the General Armed Forces Office who was, in any case, responsible to me and dealt with these matters. These three departments had to deal with the routine work; and I, myself, was called on when decisions had to be made and when the Führer interfered in person, as he frequently did, and gave orders of his own.

DR. NELTE: According to the documents presented here in Court, Soviet prisoners of war seem to have received different treatment from the other prisoners. What can you say on that subject?

KEITEL: It is true that in this connection there was a difference in treatment due to the view, frequently stated by the Führer, that the Soviet Union on their part had not observed or ratified the Geneva Convention. It was also due to the part played by "ideological conceptions regarding the conduct of the war." The Führer emphasized that we had a free hand in this field.

DR. NELTE: I am now going to show you Document EC-388, Exhibit USSR-356. It is dated 15 September 1941.

Part 1 is the minutes of a report by the Foreign Intelligence Department of the OKW. Part 2 is a directive from the OKW, dated 8 September 1941, regarding the treatment of Soviet Russian prisoners of war. Part 3 is a memorandum on the guarding of Soviet prisoners of war, and the last document is a copy of the decree by the Council of People's Commissars regarding the prisoners of war matters dated 1 July 1941.

*[The document was submitted to the defendant.]*

KEITEL: Perhaps I can say by way of introduction that these directives were not issued until September, which can be attributed to the fact that at first an order by Hitler existed, saying that Russian prisoners of war were not to be brought back to Reich territory. This order was later on rescinded.

Now, regarding the directive of 8 September 1941, the full text of which I have before me, I should like to say that all these instructions have their origin in the idea that this was a battle of

nationalities, for the initial phrase reads, "Bolshevism is the deadly enemy of National Socialist Germany." That, in my opinion, immediately shows the basis on which these instructions were made and the motives and ideas from which they sprang. It is a fact that Hitler, as I explained yesterday, did not consider this a battle between two states to be waged in accordance with the rules of international law but as a conflict between two ideologies. There are also several statements in the document regarding selection from two points of view: Selection of people who seem, if I may express it in this way, not dangerous to us; and the selection of those who, on account of their political activities and their fanaticism, had to be isolated as representing a particularly dangerous threat to National Socialism.

Turning to the introductory letter, I may say that it has already been presented here by the Prosecutor of the Soviet Union. It is a letter from the Chief of the Intelligence Service of the OKW, Admiral Canaris, reminding one of the general order which I have just mentioned and adding a series of remarks in which he formulates and emphasizes his doubts about the decree and his objections to it. About the memorandum which is attached I need not say any more. It is an extract, and also the orders which the Soviet Union issued in their turn I think on 1 July, for the treatment of prisoners of war, that is, the directives for the treatment of German prisoners of war. I received this on 15 September, whereas the other order had been issued about a week earlier; and after studying this report from Canaris, I must admit I shared his objections. Therefore I took all the papers to Hitler and asked him to cancel the provisions and to make a further statement on the subject. The Führer said that we could not expect that German prisoners of war would be treated according to the Geneva Convention or international law on the other side. We had no way of investigating it and he saw no reason to alter the directives he had issued on that account. He refused point-blank, so I returned the file with my marginal notes to Admiral Canaris. The order remained in force.

DR. NELTE: What was the actual treatment accorded to Soviet prisoners of war? Was it in compliance with the instructions issued or was it handled differently in practice?

KEITEL: According to my own personal observations and the reports which have been put before me, the practice was, if I may say so, very much better and more favorable than the very severe instructions first issued when it had been agreed that the prisoners of war were to be transported to Germany. At any rate, I have seen numerous reports stating that labor conditions, particularly in agriculture, but also in war economy, and in particular in the

general institution of war economy such as railways, the building of roads, and so on, were considerably better than might have been expected, considering the severe terms of the instructions.

DR. NELTE: Mr. President, may I refer on this occasion to Document Number 6 in the document book?

THE PRESIDENT: Which document book?

DR. NELTE: Document Number 6, in Document Book Number 1—in my document book, Number 6—“Conditions of employment for workers from the East, as well as Soviet Russian prisoners of war.” In this document book I have included from the book I am submitting only those passages which concern the conditions of employment for Soviet Russian prisoners of war. I am submitting this book in evidence as Exhibit K-6, and beg the Tribunal to admit it in evidence without my having to read from it. These instructions refer expressly to the points which indicate that at a later period Soviet Russian prisoners of war were to be treated in accordance with the Geneva Convention as laid down by the OKW, author of the decree.

May I continue?

THE PRESIDENT: Yes, very well. You do not wish to read from it?

DR. NELTE: No, I do not want to.

[Turning to the defendant.] Please, will you explain to me just what relations existed between the police, or rather Himmler, on the one hand and the Prisoners of War Organization, the KGW, on the other?

KEITEL: May I say, first of all, that there was constant friction between Himmler and the corresponding police services and the departments of the Wehrmacht which worked in this sphere and that this friction never stopped. It was apparent right from the first that Himmler at least desired to have the lead in his own hands, and he never ceased trying to obtain influence of one kind or another over prisoner-of-war affairs. The natural circumstances of escapes, recapture by police, searches and inquiries, the complaints about insufficient guarding of prisoners, the insufficient security measures in the camps, the lack of guards and their inefficiency—all these things suited him; and he exploited them in talks with Hitler, when he continually accused the Wehrmacht behind its back, if I may use the expression, of every possible shortcoming and failure to carry out their duty. As a result of this Hitler was continually intervening, and in most cases I did not know the reason. He took up the charges and intervened constantly in affairs so that the Wehrmacht departments were kept in what I might term a state of perpetual unrest. In this connection, since

I could not investigate matters myself, I was forced to give instructions to my departments in the OKW.

DR. NELTE: What was the underlying cause and the real purpose which Himmler attempted to achieve?

KEITEL: He wanted not only to gain influence but also, as far as possible, to have prisoner-of-war affairs under himself as Chief of Police in Germany so that he would reign supreme in these matters, if I may say so.

DR. NELTE: Did not the question of procuring labor enter into it?

KEITEL: Later on that did become apparent, yes. I think I shall have to refer to that later but I can say now that one observation at least was made which could not be misinterpreted: The searches and inquiries, made at certain intervals in Germany for escaped persons, made it clear that the majority of these prisoners of war did not go back to the camps from which they had escaped so that obviously they had been retained by police departments and probably used for labor under the jurisdiction of Himmler. Naturally, the number of escapes increased every year and became more and more extensive. For that, of course, there are quite plausible reasons.

DR. NELTE: The prisoner-of-war system, of course, is pretty closely connected with the labor problem. Which departments were responsible for the employment of prisoners of war?

KEITEL: The departments which dealt with this were the State Labor Offices in the so-called Reich Labor Allocation Service, which had originally been in the hands of the Labor Minister and was later on transferred to the Plenipotentiary for the Allocation of Labor. In practice it worked like this. The State Labor Offices applied for workers to the Army district commands which had jurisdiction over the camps. These workers were supplied as far as was possible under the existing general directives.

DR. NELTE: What did the OKW have to do with the allocation of labor?

KEITEL: In general, of course, they had to supervise it, so that allocation was regulated according to the general basic orders. It was not possible, of course, and the inspector was not in a position to check on how each individual was employed; after all, the army district commanders and their generals for the KGW were responsible for that and were the appropriate persons. The actual fight, as I might call it, for prisoner-of-war labor did not really start until 1942. Until then, such workers had been employed mainly in agriculture and the German railway system and a number of general institutions, but not in industry. This applies especially

to Soviet prisoners of war who were, in the main, agricultural workers.

DR. NELTE: What was the actual cause for these labor requirements?

KEITEL: During the winter of 1941-42 the problem of replacing soldiers who had dropped out arose, particularly in the eastern theater of war. Considerable numbers of soldiers fit for active service were needed for the front and the armed services. I remember the figures. The army alone needed replacements numbering from 2 to 2.5 million men every year. Assuming that about 1 million of these would come from normal recruiting and about half a million from rehabilitated men, that is, from sick and wounded men who had recovered, that still left 1.5 million to be replaced every year. These could be withdrawn from the war economy and placed at the disposal of the services, the Armed Forces. From this fact resulted the close correlation between the drawing off of these men from the war economy and their replacement by new workers. This manpower had to be taken from the prisoners of war on the one hand and Plenipotentiary Sauckel, whose functions may be summarized as the task of procuring labor, on the other hand. This connection kept bringing me into these matters, too, since I was responsible for the replacements for all the Wehrmacht—Army, Navy, and Air Force—in other words, for the recruiting system. That is why I was present at discussions between Sauckel and the Führer regarding replacements and how these replacements were to be found.

DR. NELTE: What can you tell me about the allocation of prisoners of war in industry and in the armament industry?

KEITEL: Up to 1942 or thereabouts we had not used prisoners of war in any industry even indirectly connected with armaments. This was due to an express prohibition issued by Hitler, which was made by him because he feared attempts at sabotaging machines, production equipment, *et cetera*. He regarded things of that kind as probable and dangerous. Not until necessity compelled us to use every worker in some capacity in the home factories did we abandon this principle. It was no longer discussed; and naturally prisoners of war came to be used after that in the general war production, while my view which I, that is the OKW, expressed in my general orders, was that their use in armament factories was forbidden; I thought that it was not permissible to employ prisoners of war in factories which were exclusively making armaments, by which I mean war equipment, weapons, and munitions.

For the sake of completeness, perhaps I should add that an order issued by the Führer at a later date decreed further relaxation of

the limitations of the existing orders. I think the Prosecution stated that Minister Speer is supposed to have spoken of so many thousands of prisoners of war employed in the war economy. I may say, however, that many jobs had to be done in the armament industry which had nothing to do with the actual production of arms and ammunition.

DR. NELTE: The Prosecution have frequently stated that prisoners of war were detained by the police and even placed in concentration camps. Can you give an explanation about that?

KEITEL: I think the explanation of that is that the selection process already mentioned took place in the camps. Furthermore there are documents to show that prisoners of war in whose case the disciplinary powers of the commander were not sufficient were singled out and handed over to the Secret State Police. Finally, I have already mentioned the subject of prisoners who escaped and were recaptured, a considerable number of whom, if not the majority, did not return to their camps. Instructions on the part of the OKW or the Chief of Prisoners of War Organization ordering the surrender of these prisoners to concentration camps are not known to me and have never been issued. But the fact that, when they were handed over to the police, they frequently did end up in the concentration camps has been made known here in various ways, by documents and witnesses. That is my explanation.

DR. NELTE: The French Prosecution have presented a document which bears the Number 1650-PS. This is an order, or, rather, an alleged order, from the OKW ordering that escaped prisoners of war who are not employed are to be surrendered to the Security Service. After what you have just told us, you will have to give an explanation of that. I am showing you, in addition, Document 1514-PS, an order from the Wehrkreiskommando VI (Area Command), from which you will be able to see the procedure adopted by the OKW in connection with the surrender of prisoners of war to the Secret State Police.

KEITEL: First of all, I want to discuss Document 1650-PS. To begin with, I have to state that I did not know of that order, that it was never in my hands, and that so far I have not been able to find out how it came to be issued.

DR. NELTE: Wouldn't you like to say, first of all, that the document as such is not a document of the OKW?

KEITEL: I am coming to that.

DR. NELTE: I am afraid you must start with that in order to clear up the matter.

KEITEL: The document starts like a document which has been confiscated in a police department. It starts with the words, "The

OKW has ordered as follows:”; after that come the Numbers 1, 2, 3 and then it goes on to say, “In this connection I order . . .”, and that is the Supreme Police Chief of the Reich Security Head Office; it is signed by Müller, not Kaltenbrunner but Müller. I have certainly not signed this order OKW 1 to 3, and I have not seen it; there is no doubt about that. The fact that technical expressions, “Stage 3 b” *et cetera*, are used proves that in itself. These are terms used by the police and they are unknown to me. I must say, therefore, that I am not sure how this document was drafted. I cannot explain it. There are assumptions and possibilities, and I should like to mention them briefly because I have given a great deal of thought to the matter. First, I do not believe that any department of the OKW, that is, the Chief of Prisoners of War Organization or the Chief of the General Wehrmacht Office, could have issued this order independently without instructions to do so. I consider that quite impossible, as it was completely contrary to the general tendency. I have no recollection that I have ever received any instructions of this kind from Hitler or that I have passed any such instruction on to anybody else. I conclude that even if this may look like an excuse, there were, of course, other channels which the Führer used without regard to competency. And, if I must supply an explanation, such orders could have been given through an adjutant without my knowledge. I emphasize that this is a supposition and that it cannot absolve me from blame.

There is only one thing that I would like to say, and that is with reference to the Document 1514-PS. This is a captured order from the Wehrkreiskommando VI, at Münster, dated 27 July 1944, in other words, the summer of 1944. It deals with escaped prisoners of war and how they are to be dealt with. It says “Reference,” and then it quotes seven different orders from the year 1942 up to the beginning of July 1944. This order deals with the question of escaped prisoners of war and ought to have been incorporated in this document, if the military office of Wehrkreis VI had had such an OKW order. That fact is remarkable, and it led me to the conclusion that there never was a written order and that the military authorities in question never received such an order at all. I cannot say more about it since I cannot prove it.

DR. NELTE: You know that the Prosecution have submitted an order, according to which Soviet Russian prisoners of war were to be marked by means of tattooing, so that they could be identified. Would you please make a statement on that?

KEITEL: The facts are as follows: During the summer of 1942, the Führer called the Quartermaster General of the Army to headquarters for a report lasting several hours, at which the Führer asked him to report on conditions in the Eastern rear army

territory. I was suddenly called in and told that the Quartermaster General was saying that thousands of Russian prisoners of war were escaping every month, that they disappeared among the population, immediately discarded their uniforms, and procured civilian clothes, and could no longer be identified. I was ordered to make investigations and to devise some means of identification which would enable them to be identified even after they had put on civilian clothing. Thereupon I sent instructions to Berlin, saying that such an order should be prepared but that investigations should first be made by the international law department of the Foreign Office to find out whether such an order could be given at all; and, secondly, whether it could be carried out technically.

I should like to say that we were thinking of tattoo marks of the kind found on many seamen and bricklayers in Germany. But I heard no more about it. One day I met the Foreign Minister at headquarters and talked to him about the question. Foreign Minister Von Ribbentrop knew about the inquiry submitted to the Foreign Office and considered the measure extremely questionable. That was the first news I had about the subject. I gave immediate instructions, whether personally or through the adjutant I cannot remember, that the order was not to go out. I had neither seen a draft nor had I signed anything. At any rate I gave an unmistakable order: "The order is in no circumstances to be issued." I received no further detailed information at the time. I heard nothing more about it and I was convinced that the order had not been issued.

When I was interrogated, I made a statement on those lines. I have now been told by my Defense Counsel that the woman secretary of the Chief of the Prisoners of War Organization has volunteered to testify that the order was rescinded and was not to be issued and, further, that she had received those instructions personally. She said in her statement, however, that this did not happen until several days after the order had actually gone out and that that was the only possible explanation of how that order came to be found in the police office as still valid.

DR. NELTE: Mr. President, I shall submit the affidavit of the witness which has been received at the appropriate time.

*[Turning to the defendant.]* We now turn to the case of Sagan. The Prosecution originally accused you of giving the order for the killing of 50 Royal Air Force officers who escaped from Stalag Luft III at Sagan.

I am no longer clear as to whether the Prosecution still maintain this grave accusation since Reich Marshal Göring and the witness Westhoff have been interrogated, the latter outside these proceedings. I have the report of Westhoff's interrogation before me and

I have also submitted it to you. I should like to ask you now to amplify the statement which the witness Westhoff made during the preliminary proceedings and which he will make shortly in this court, and to say what you yourself know about this extremely grave incident.

KEITEL: The facts are that one morning it was reported to me that the escape had taken place. At the same time I received the information that about 15 of the escaped officers had been apprehended in the vicinity of the camp. I did not intend to report the case at the noon conference on the military situation held at Berchtesgaden, or rather, at the Berghof, as it was highly unpleasant, being the third mass escape in a very short period. As it had happened only 10 or 12 hours before, I hoped that in the course of the day the majority of them would be caught and that in this way the matter might be settled satisfactorily.

While I was making my report Himmler appeared. I think that it was towards the end of my report that he announced the incident in my presence, as he had already started the usual general search for the escaped prisoners. There was an extremely heated discussion, a serious clash between Hitler and myself, since he immediately made the most outrageous accusations against me on account of this incident.

Things are sometimes incorrectly represented in Westhoff's account, and that is why I am making a detailed statement. During this clash the Führer stated in great excitement, "These prisoners are not to be sent back to the Armed Forces; they are to stay with the Police." I immediately objected sharply. I said that this procedure was impossible. The general excitement led Hitler to declare again and with considerable emphasis, "I am ordering you to retain them, Himmler; you are not to give them up."

I put up a fight for the men who had already come back and who should, according to the original order, be brought out again and handed over to the police. I succeeded in doing it; but I could not do anything more.

After that very grave clash . . .

DR. NELTE: Will you tell me, please who was present during that scene?

KEITEL: As far as I remember, Colonel General Jodl was certainly present, at least for part of the time, and heard some of it, though perhaps not every word, since he was in the adjoining room at first. At any rate, Jodl and I returned to our quarters together. We discussed the case and talked about the extremely unpleasant consequences which the whole matter would have. On returning

to my quarters I immediately ordered General Von Graevenitz to report to me the following morning.

In this connection I must explain that Reich Marshal Göring was not present. If I was a little uncertain about that during my interrogation it was because I was told that witnesses had already stated that Göring was present. But right from the beginning I thought it improbable and doubtful. It is also incorrect, therefore, that Göring raised any accusations against me at the time. There had not been a conference in Berlin either. These are mistakes which I think I can explain by saying that Graevenitz, who came with Westhoff and saw me for the first time, was present during the report and witnessed a scene of a kind unusual in military life, because of the violence of my remarks in connection with the incident.

Do you want me to say anything more about the discussion with Graevenitz?

DR. NELTE: The only thing which interests me in this connection is, whether you repeated to Graevenitz the order previously given by Hitler in such a way that both Graevenitz and Westhoff who was also present, might get the impression that you yourself had issued the order for the shooting of the escaped officers.

KEITEL: According to the record of Westhoff's interrogation, which I have seen, I can explain it, I think, as follows: First of all, I made serious accusations. I myself was extraordinarily excited, for I must say that even the order that the prisoners were to be retained by the police caused me extreme anxiety regarding their fate. I frankly admit that the possibility of their being shot while trying to escape remained in my subconscious mind. I certainly spoke in extreme agitation at the time and did not weigh my words carefully. And I certainly repeated Hitler's words, which were, "We must make an example," since I was afraid of some further serious encroachments upon the Prisoners of War Organization in other ways, apart from this single case of the prisoners not being returned to the Wehrmacht. On reading the interrogation report I saw the statement by Graevenitz, or rather, Westhoff, to the effect that I had said, "They will be shot, and most of them must be dead already." I probably said something like, "You will see what a disaster this is; perhaps many of them have been shot already."

I did not know, however, that they had already been shot; and I must confess that in my presence Hitler never said a word about anybody being shot. He only said, "Himmler, you will keep them; you will not hand them over." I did not find out until several days later that they had been shot. I saw among other papers also an official report from the British Government stating that not until

the 31st—the escape took place on the 25th—that not until the 31st were they actually shot.

Therefore Westhoff is also wrong in thinking that orders had already been issued saying that an announcement was to be made in the camp stating that certain people had been shot or would not return and that lists of names were to be posted. That order did not come until later, and I remember it; I remember it because of the following incident:

A few days afterwards, I think on or about the 31st, before the situation report, one of the adjutants told me that a report had been received that some had been shot. I requested a discussion alone with Hitler and told him that I had heard that people had been shot by the police. All he said was that he had received it too—naturally, since it was his report. In extreme disgust I told him my opinion of it. At that time he told me that it was to be published in the camp as a warning to the others. Only upon this the announcement in the camp was ordered. In any case, Westhoff's recollection of some of the facts, which he has sworn to, is not quite accurate, even if such expressions as those used by him and explained by me here may have occurred. We shall hear his own account of that.

DR. NELTE: Did Hitler ever tell you that he had ordered those men to be shot?

KEITEL: No, he never told me that. I never heard it from him. I heard it very much later, as far as I can remember, from Reich Marshal Göring, with whom the whole incident was, of course, the subject of discussions and conversations, especially as an Air Force camp was involved.

DR. NELTE: I should like to say in conclusion: Are you stating under oath, here, that you yourself neither ordered these Royal Air Force officers to be shot, nor did you receive and pass on such an order, nor did you yourself learn who gave the order?

KEITEL: That is correct. I neither received that order nor did I know or hear of it; nor did I pass on such an order. I can repeat this herewith under oath.

DR. NELTE: We now turn to deportations. What the Prosecution refer to as deportation of workers is the removal of bodily fit citizens of the occupied territories to Germany or other occupied territories for the purpose of using them for "slave labor" on defense work or other tasks connected with warfare. That is the accusation which I have read to you.

The Prosecution have repeatedly coupled your name with these accusations and have said that you, that is, the OKW, had cooperated in supplying workers for the German war economy. You

know that in fact the Defendant Sauckel was the Plenipotentiary in that field. I should like to ask you whether workers had been taken from the occupied territories and brought to Germany before Plenipotentiary Sauckel was appointed.

KEITEL: As far as I know, workers came from occupied territories, especially those in the West: Belgium, Holland—I do not know about Holland, but certainly France—to Germany. According to what I heard, I understood at the time that it was done by recruiting volunteers. I think I remember that General Von Stülpnagel, the military commander of Paris, told me in Berlin once during a meeting that more than 200,000 had volunteered, but I cannot remember exactly when that was.

DR. NELTE: Was the OKW the competent authority on these matters?

KEITEL: No, the OKW had nothing to do with it. These questions were handled through the usual channels, the OKH, the Military Commanders in France and in Belgium and Northern France with the competent central authorities of the Reich at home, the OKW never had anything to do with it.

DR. NELTE: What about civilian administration in occupied territories?

KEITEL: In occupied territories with civilian administration, the Wehrmacht was excluded from any executive powers in the administration, so that in these territories the Wehrmacht and its services had certainly nothing to do with it. Only in those territories which were still operational areas for the Army were executive powers given to military troops, high commanders, army commanders, *et cetera*. The OKW did not come into the official procedure here either.

DR. NELTE: According to an interrogation report submitted here the Defendant Sauckel said that you, that is, the OKW, were responsible for giving instructions to the military commanders in the occupied territories and that he, Sauckel, was to have their support in his recruiting campaigns for getting the quotas. What can you say about that?

KEITEL: The view held by Plenipotentiary Sauckel can obviously be explained by the fact that he knew neither the official service channels nor the functions of the Wehrmacht, that he saw me at one or two discussions on the furnishing of manpower, and, thirdly, that he sometimes came to see me when he had made his report and received his orders alone. He had probably been given orders to do so, in Hitler's usual way: Go and see the Chief of the OKW; he will do the rest. The OKW had no occasion to do anything. The OKW had no right to give orders, but in Sauckel's case I did take

over the job of informing the OKH or the technical departments in the General Quartermaster's office. I have never issued orders or instructions of my own to the military commanders or other services in occupied territories. It was not one of the functions of the OKW.

DR. NELTE: A document has been submitted here according to which Generals Stapf and Nagel had agreed to ask you to exercise pressure or coercion during the recruiting campaigns in the East. That, at any rate, is the assertion by the Prosecution. Do you know of this happening?

KEITEL: I remembered it when the document was presented. It was obviously an attempt on the part of Stapf, who had worked with me in the Army for many years, to get the Führer's support or assistance through my mediation. Stapf, who was the director of the Economic Staff East at the time, and General Nagel, who was also mentioned in this connection and who was in charge of the Economic Inspectorate Department in the East, had obviously tried to involve me in the matter. According to the document, some pressure had to be applied from higher quarters; but I took no steps at all as I had nothing to do with these things.

DR. NELTE: I am now going to deal with the question of the pillage of art treasures.

THE PRESIDENT: Perhaps we might adjourn now.

*[A recess was taken.]*

DR. NELTE: The French Prosecution have accused you, among other things, of issuing directives regarding the safeguarding and confiscation of objects of art, libraries, *et cetera*. Were any military orders, directives, or instructions laid down before the campaign in the West or in the East, with regard to objects of art, libraries, and their treatment in occupied territories?

KEITEL: No, as far as I know, there was nothing at all about these matters, although thorough provision had been made for everything else which might happen in the course of a war. I am not aware of any orders which were given with that in mind.

DR. NELTE: I am going to show you three documents submitted by the French Prosecution, which mention you in connection with Rosenberg's special staff, which has already been mentioned here on various occasions. These are Documents 137-PS, 138-PS, and 140-PS. These are documents from the Chief of the OKW to the Commander-in-Chief of the Army in France and in the Netherlands.

KEITEL: The first two documents, 137-PS and 138-PS, came from headquarters. They were dictated in part by myself and sent to offices of the Army. One says "To the Commander-in-Chief of the Army," the other one "To the Commander-in-Chief of the Army in Occupied France" and to the "Commander of the Wehrmacht in the Netherlands." They originated partly in answers to queries from various military offices which considered themselves responsible for the safekeeping or guarding of whatever was in the occupied territories, and also from offices which obviously were going to collect, inspect, to register, or otherwise investigate these art treasures, libraries, *et cetera*, and to confiscate them. In one case I was called up on the phone by the Commander-in-Chief of the Army, I think, who protested against this, at other times by Reichsleiter Rosenberg. The Führer directed me to instruct military services to acquiesce in this and to state their agreements, as they were directives which he had issued and approved himself. The way in which the documents are drawn up shows, in itself, that they did not emanate from an OKW office. My adjutant signed them; but I myself dictated them on the Führer's orders and sent them out. These queries may have been made just because no provision had been made and no orders given. I did not know what was to be done with these art treasures, *et cetera*; but I naturally took the view that the object was to safeguard them. No mention was made of transport, or confiscation, or expropriation; and the question did not occur to me; I merely gave these instructions in quite a brief form and did not bother any further about the matter. I took them to be precautionary measures and they did not seem to me to be unjustified.

DR. NELTE: Then you mean the OKW had no jurisdiction over these affairs?

KEITEL: No.

DR. NELTE: It was a question of merely transmitting letters to the military authorities to make known Hitler's wishes to assist Rosenberg in his task?

KEITEL: That is correct.

DR. NELTE: I should like to put a personal question to you in this connection. Have you ever appropriated to yourself any of the art treasures from public or private ownership in the occupied countries, or did any office whatever assign any work of art to you?

KEITEL: No, I never had anything to do with these things.

DR. NELTE: We now come to the so-called economic exploitation of occupied territories. You are accused of participating, in your official position as Chief of the OKW, in the economic exploitation

of the occupied Eastern countries and the Western occupied countries. This question has already been discussed in Reich Marshal Göring's examination, so I can treat it relatively briefly. It is, however, necessary for you to clarify the extent to which the OKW, and yourself in particular, were connected with these matters, for both the OKW and yourself are mentioned in this connection, as well as the Wirtschaftsrüstungsamt (Economic Armament Office), which was a branch of the OKW. General Thomas of that office prepared a compilation which was produced by the Prosecution. What can you say about this question, if I have Document 1157-PS and USSR-80 shown to you?

KEITEL: 1157-PS deals with "Plan Barbarossa Oldenburg." I would like to say this:

The Wehrwirtschaftsamt (War Economy Office), which even then was no longer known as the Wirtschaftsrüstungsamt carried out under its chief, General Thomas, certain organizational preparations, first for the campaign in the West and later for campaign Barbarossa in the East. They were made by the military economic organization at home, in the Reich, which had teams attached to all Wehrkreiskommandos. As a result, advisers and some personnel with experience in problems of war economy supplies and a few small detachments called Feldwirtschaftskommandos (Field Economic Detachments) were assigned to the Army Commands (the A.O.K's).

The personnel attached to the Quartermaster Staffs at the A.O.K. were responsible for securing, or causing to be secured, supplies, fuel, and food stuffs found in occupied or conquered territories, as well as other articles suitable for the immediate requirements of the troops. They should then co-operate with the Senior Quartermaster, who looks after my army supplies, and the intendant in charge of the transport of supplies, in making them available for the fighting troops. Information obtained regarding war economy in the important areas of France and Belgium, as far as such information could be obtained, was kept for later use. The East, as I believe Reich Marshal Göring has already explained at length, was organized on quite a different basis with a view not only to supplying the troops, but also to exploiting the conquered territories. An organization serving this aim was built up, called Wirtschaftsorganisation Ost-Oldenburg (Economic Organization East-Oldenburg). Its connection with the OKW lay in the fact that the necessary preparations for organizing and developing panels of experts and technical branch offices had to be discussed with the Ministry of Economics, the Four Year Plan, and the Ministry of Food and Agriculture. That was Wirtschaftsorganisation Oldenburg. The OKW and its Chief, that is myself, had no power to give orders

or instructions affecting its activities. The organization was created and placed at the disposal of those responsible for putting it in action, giving it instructions and working with it. If General Thomas wrote in his book, which was produced here as a document...

DR. NELTE: 2353-PS (Exhibit Number USA-35), Page 386. Perhaps you will just read that, so that you can give us a summary.

KEITEL: Yes. This is an excerpt from the book of General Thomas, where he describes in detail his own functions and those of the organization which he directed in the OKW, from its origin until far into the war. He says here:

"The functions exercised by the Economic Armament Office (Wirtschaftsrüstungsamt) while the Eastern campaign was going on consisted mainly in the organizational management of the economic machinery set in motion and in advising the Operational Staff for War Economy East."

DR. NELTE: You need read only Paragraph 4 for your summary.

KEITEL: The Operational Staff for Military Economy East, attached to the Four Year Plan as Barbarossa-Oldenburg, was responsible for the entire economic direction of the whole of the Eastern area. It was responsible for the technical instructions of the State Secretaries in the Operational Staff for Military Economy, for the organization of Thomas' Economic Armament Office, and for applying all measures to be taken by the Operational Staff for Military Economy East under the direction and command of the Reich Marshal.

DR. NELTE: How were conditions in the West?

KEITEL: I described very briefly the small group of experts attached to the High Command quartermaster departments in the West. Later on, as I have already stated, at the beginning of June, the entire economic direction was transferred to the Four Year Plan and the plenipotentiaries for the Four Year Plan, as far as anything passed beyond current supplies intended to cover daily requirements, fuel, *et cetera*. This was done by a special decree, which has already been mentioned by the Reich Marshal and which had been issued by the Führer.

DR. NELTE: That was laid down by General Thomas on Page 304 in Document 2353-PS, which we have already mentioned. There is no need for me to read this; and I request the Tribunal to allow me to present the defendant's affidavit in Document Book Number 2 for the Military Economic Armament Office of the OKW, as Document Keitel-11 in evidence, so that no further questions on the subject may be necessary. I assume that the Prosecution will agree to this procedure.

THE PRESIDENT: What number is it in Book 2?

DR. NELTE: Number 4 in this Document Book Number 2. It is Page 27 and following, in Document Book 2, submitted to the Court. The document is dated 29 March 1946.

THE PRESIDENT: What date did you say it is?

DR. NELTE: The 29th of March 1946. I do not think there is any date in the document book. I will present the original, which I have here.

THE PRESIDENT: How is it described in the document itself? We have a document dated 4 March 1946, "The Economic Armament Office of the Supreme Command of the Wehrmacht." Is that right?

DR. NELTE: The document was written on 4 March 1946, but the affidavit was added on 29 March 1946.

THE PRESIDENT: But that appears to have been 8 March? Is it that document?

DR. NELTE: The Wirtschaftsrüstungsamt in the OKW. It is possible.

THE PRESIDENT: That's here.

DR. NELTE: In any case, there is no doubt about the identity of the document.

[*Turning to the defendant.*] Now I come to a topic which is presented again and again before the high Tribunal and which is very difficult because the reason for these questions is not properly understood.

The charge has been made against you that in your capacity as a member of the government, as the Prosecution contend, you knew, or must have known of the happenings in the concentration camps. I am therefore compelled to ask you what you know about the existence of the concentration camps, how much you knew and what you had to do with them. Did you know of their existence? Did you know that concentration camps existed?

KEITEL: Yes, I knew already before the war that concentration camps existed; but at that time I knew only two of them by name; and I supposed and assumed that there were other concentration camps besides the two I knew. I had no further particulars about the existence of concentration camps. As far as internees in such camps were concerned, I knew that they included habitual criminals and political opponents. As Reich Marshal Göring has said, that was the basis of the institution.

DR. NELTE: Did you hear anything about the treatment of internees?

KEITEL: No, I heard nothing precise about it. I assumed that it was a severe form of detention, or one which brought severe measures in its train, under certain specific circumstances. I knew nothing about the conditions found there, especially ill-treatment of internees, tortures, *et cetera*.

I tried in two cases to free individuals who were in concentration camps. One was Pastor Niemöller, by intervention of Grossadmiral Raeder. With the help of Canaris and at the request of Grossadmiral Raeder, I tried to get Pastor Niemöller out of the concentration camps. The attempt was unsuccessful. I made a second attempt at the request of a family in my home village, in a case where a peasant was in a concentration camp for political reasons; and in this case I succeeded. The individual involved was set free. That was in the autumn of 1940. I had a talk with this man; and when I asked him what things were like there, he gave me a non-committal reply to the effect that he had been all right. He gave me no details. I know of no other cases.

DR. NELTE: When you talked to this man did you have the impression that anything had happened to him?

KEITEL: Undoubtedly he did not give that impression. I did not see him directly after his release. I saw him later when I was at home. The reason that I talked to him was because he came to thank me. He said nothing about being badly treated or anything like that at all.

•DR. NELTE: It has been stated here that now and again these concentration camps were visited by members of the Wehrmacht, by officers—and highranking officers, too. How do you explain that?

KEITEL: I am convinced that these visits took place on Himmeler's invitation. I myself once received a personal invitation from him to pay a visit to the Dachau Camp from Munich. He said he would like to show it to me. I know also that large and small groups of officers and commissions were shown through the camps. I think I need scarcely say how these visits were handled as regards the things that were shown to them. To supplement my statement I would like to say it was not uncommon to hear such remarks as "You'll end up in a concentration camp!" or "All sorts of things go on there." I do know, however, that whenever anyone came to me with these rumors and stories and I asked what exactly they knew and where the information came from, the reply was always: "I really do not know; I just heard it." So that whatever one might think, one never got at the facts and never could get at them.

DR. NELTE: You heard that medical experiments were made on these internees, and that this was done by agreement with higher quarters. I ask you whether you had knowledge of that, either personally or from the Supreme Command of the Wehrmacht.

KEITEL: No, I never heard anything about the medical experiments on internees, which have been described here in detail, either officially or otherwise. Nothing.

DR. NELTE: I turn now to a group of questions relating to the Prosecution's assertion that you intended to have General Weygand and General Giraud assassinated or, at least, were participating in plans to that end. You know that witness Lahousen, on 30 November 1945 stated that Admiral Canaris had been pressed by you for some time, November-December 1940, to do away with the Chief of the French General Staff, General Weygand.

Lahousen added that Canaris told his departmental heads that after a talk with you. Did you discuss the case of General Weygand with Canaris?

KEITEL: That is probably correct, for there were reports at the time that General Weygand was traveling in North Africa, visiting the troops, and inspecting the colonial troops. I consider it quite natural that I told Canaris, who was the Chief of Counterintelligence, that it should be possible to determine the object of General Weygand's journey, the places at which he stopped in North Africa, and whether any military significance could be attached to this visit, as regards putting colonial troops into action or the introduction of other measures concerning them in North Africa. He is sure to have received instructions to try to get information through his Intelligence Department as to what was taking place.

DR. NELTE: I assume, also to keep an eye on him?

KEITEL: Yes.

DR. NELTE: Could the Counterintelligence department send members of its staff to North Africa?

KEITEL: I believe that certain channels of information existed via Spanish Morocco; and I know that Canaris maintained intelligence links with Morocco by way of Spain.

DR. NELTE: My question was meant to find out whether it was officially possible to visit North Africa in agreement with France.

KEITEL: Of course it was possible. After the Armistice, there were Disarmament Commissions in North Africa, as well as in France. We had several Army departments there in connection with checking up the armaments of the North African troops.

DR. NELTE: What was the point, or was there any point, in wishing General Weygand ill? Was he a declared opponent of the policy Germany wished to carry through? What was the reason?

KEITEL: We had no reason to think that General Weygand might be, shall we say, inconvenient. In view of the connection with Marshal Pétain, which was started about the end of September

and the beginning of October of that year, and the well-known collaboration policy which reached its height in the winter of 1940-41, it was absurd even to think of doing away with the Marshal's Chief of Staff. An action of this kind would not have fitted into the general policy followed in dealing with the situation in North Africa. We released a large number of officers in the regular French Colonial Army from French prisoner-of-war camps in the winter of 1940-1941 for service with the colonial forces. There were generals among them; I remember General Juin in particular who, as we knew at the time, had been Chief of the General Staff in North Africa for many years. At my suggestion he was put at the disposal of the Marshal by Hitler, obviously with the aim of utilizing him in the colonial service. There had not been the slightest motive for wishing General Weygand ill or to think of anything of the sort.

DR. NELTE: Is it correct that conferences even took place with the French General Staff and Laval about co-operating in operations in Africa and the strengthening of West Africa?

KEITEL: Yes. Among the documents of the French Armistice Delegation there ought to be a large number of documents asking for all sorts of concessions in connection with North Africa and more especially Central and West Africa, owing to the fact that during the winter of 1940-41 riots had taken place in French Central Africa against which the French Government wanted to take measures. I believe that in the spring of 1941 a conference lasting several days took place in Paris with the French General Staff, in order to prepare measures in which the German Wehrmacht, which already had troops stationed in Tripoli in the Italian area, would participate.

DR. NELTE: So there is no apparent motive?

KEITEL: No.

DR. NELTE: Something must have been said, however, in this conversation with Canaris, which led to this misunderstanding. Can you suggest anything which might have caused this misunderstanding?

KEITEL: It can only be that, according to the very comprehensive details given by Lahousen in his testimony, I said at a later meeting, "What about Weygand?" That was the phrase Lahousen used; and he might have drawn the conclusion that, perhaps, in that sense of the word, as he represented it, he kept on saying "in that sense of the word," and when asked what that meant, he said, "To kill him." It is due only to that, it can be due only to that. I must say that Canaris was frequently alone with me. Often he brought the chiefs of his departments along. When we discussed

matters by ourselves, I thought he was always perfectly frank with me. If he had misunderstood me, there would certainly have been discussions about it, but he never said anything like that.

DR. NELTE: Is it clear to you that if there had been any idea of putting Weygand out of the way, it would have constituted an act of high political significance?

KEITEL: Yes, of course. In the collaboration of the Führer Adolf Hitler and Marshal Pétain an act of that kind would have had the greatest imaginable political significance.

DR. NELTE: Then you still believe that if it had happened, it would have meant the breaking-off of the policy initiated by Hitler?

KEITEL: Certainly one would have had to expect that.

DR. NELTE: Only with regard to the great importance of General Weygand's personality?

KEITEL: Yes.

DR. NELTE: Can you give any other explanation, or any proof that the designs attributed to you, but thanks be to God were never put into practice, had no foundation in fact?

KEITEL: Although it was at a much later date that General Weygand was taken to Germany, on the occupation of the hitherto unoccupied zone of Southern France, I was told by the Führer himself that he had given orders only for the general to be interned in his own home, without being inconvenienced by guards—an honorable arrest and not the treatment accorded to an ordinary prisoner of war. Of course, that was in 1942.

DR. NELTE: Therefore, you finally and repeatedly deny under oath that you gave any order or expressed yourself in any way which might lead your hearers to conclude that you intended or wished General Weygand to be put out of the way?

KEITEL: Yes. I can expressly reaffirm that.

DR. NELTE: The witness Lahousen also spoke of Giraud and described the case much in the same way as that of Weygand. In neither case was he in a position to say from his own first-hand knowledge that you had given such an order, but he reported what Canaris had told him and illustrated his testimony by means of later inquiries. I ask you to tell us what you know about the case of Giraud, which created a sensation at the time and also here, and to say what part you took in discussions regarding Giraud.

KEITEL: Giraud's successful escape from the Fortress of Königstein near Dresden on 19 April 1942 created a sensation; and I was severely reprimanded about the guard of this general's camp, a military fortress. The escape was successful despite all attempts

to recapture the general, by police or military action, on his way back to France. Canaris had instructions from me to keep a particularly sharp watch on all the places at which he might cross the frontier into France or Alsace-Lorraine, so that we could recapture him. The police were also put on to this job; 8 or 10 days after his escape it was made known that the general had arrived safely back in France. If I issued any orders during this search I probably used the words I gave in the preliminary interrogations, namely, "We must get the general back, dead or alive." I possibly did say something like that. He had escaped and was in France.

Second phase: Efforts, made through the Embassy by Abetz and Foreign Minister Ribbentrop to induce the general to return to captivity of his own accord, appeared not to be unsuccessful or impossible, as the general had declared himself willing to go to the occupied zone to discuss the matter. I was of the opinion that the general might possibly do it on account of the concessions hitherto made to Marshal Pétain regarding personal wishes in connection with the release of French generals from captivity. The meeting with General Giraud took place in occupied territory, at the staff quarters of a German Army Corps, where the question of his return was discussed. The Military Commander informed me by telephone of the general's presence in occupied territory, in the hotel where the German officers were billeted.

The commanding general suggested that if the general would not return voluntarily it would be a very simple matter to apprehend him if he were authorized to do so. I at once refused this categorically for I considered it a breach of faith. The general had come trusting to receive proper treatment and be returned unmolested.

Third phase: The attempt or desire to get the general back somehow into military custody arose from the fact that Canaris told me that the general's family was residing in territory occupied by German troops; and it was almost certain that the general would try to see his family, even if only after a certain period of time and when the incident had been allowed to drop. He suggested to me to make preparations for the recapture of the general if he made a visit of this kind in occupied territory. Canaris said that he himself would initiate these preparations through his Counter-intelligence office in Paris and through his other offices. Nothing happened for some time; and it was surely quite natural for me to ask on several occasions, no matter who was with Canaris or if Lahousen was with him, "What has become of the Giraud affair?" or, in the same way, "How is the Giraud case getting on?" The words used by Mr. Lahousen were, "It is very difficult; but we shall do everything we can." That was his answer. Canaris made no

reply. That strikes me as significant only now; but at the time it did not occur to me.

Third phase: At a later stage—Shall I continue?

DR. NELTE: Fourth phase.

KEITEL: Fourth phase. This began with Hitler's saying to me: "This is all nonsense. We are not getting results. Counterintelligence is not capable of this and cannot handle this matter. I will turn it over to Himmler and Counterintelligence had better keep out of this, for they will never get hold of the general again." Admiral Canaris said at the time that he was counting on having the necessary security measures taken by the French secret state police in case General Giraud went to the occupied zone; and a fight might result, as the general was notoriously a spirited soldier, a man of 60 who lowers himself 45 meters over a cliff by means of a rope—that is how he escaped from Königstein.

Fifth phase: According to Lahousen's explanation in Berlin, Canaris' desire to transfer the matter to the Secret State Police, which Lahousen said was done as a result of representations from the departmental heads, was because I asked again how matters stood with Giraud and he wanted to get rid of this awkward mission. Canaris came to me and asked if he could pass it on to the Reich Security Main Office or to the police. I said yes, because the Führer had already told me repeatedly that he wanted to hand it over to Himmler.

Next phase: I wanted to warn Canaris some time later, when Himmler came to see me and confirmed that he had received orders from Hitler to have Giraud and his family watched unobtrusively and that I was to stop Canaris from taking any action in the case. He had been told that Canaris was working along parallel lines. I immediately agreed.

Now we come to the phase which Lahousen has described at length. I had asked about "Gustav" and similar questions. I wanted to direct Canaris immediately to stop all his activities in the matter, as Hitler had confirmed the order. What happened in Paris according to Lahousen's detailed reports, that excuses were sought, *et cetera*, that the matter was thought to be very mysterious, that is, Gustav as an abbreviation for the G in Giraud, all this is fancy rather than fact. I had Canaris summoned to me at once, for he was in Paris and not in Berlin. He had done nothing at all, right from the start. He was thus in a highly uncomfortable position with regard to me for he had lied to me. When he came I said only, "You will have nothing more to do in this matter; keep clear of it."

Then came the next phase: The general's escape without difficulty to North Africa by plane, which was suddenly reported—if

I remember correctly—before the invasion of North Africa by the Anglo-American troops. That ended the business. No action was ever taken by the Counterintelligence whom I had charged to watch him, or by the police; and I never even used the words to do away with the general. Never!

The final phase of this entire affair may sound like a fairy tale, but it is true nevertheless. The general sent a plane from North Africa to Southern France near Lyons in February or March 1944, with a liaison officer who reported to the Counterintelligence and asked if the general could return to France and what would happen to him on landing in France. The question was turned over to me. Generaloberst Jodl is my witness that these things actually happened. The chief of the Counterintelligence Office involved in this matter was with me. The answer was: "Exactly the same treatment as General Weygand who is already in Germany. There is no doubt that the Führer will agree."

Nothing actually did happen, and I heard no more about it. But these things actually happened.

DR. NELTE: To complete our information, I must ask you a few questions for the French Prosecution have mentioned that later, in a later phase, the family of General Giraud suffered inconveniences or losses of a rather serious nature. When you were searching for Giraud did you cause any trouble to his family, who were living in occupied France? Did you give any directives which would confine or inconvenience the family in any way?

KEITEL: No. I had only an unobtrusive watch kept on the family's residence in order to receive information of any visit which he might have planned. But no steps of any kind were ever taken against the family. It would have been foolish in this case.

DR. NELTE: Foolish of you?

KEITEL: Yes.

DR. NELTE: To make matters quite clear: You had no knowledge of anything having happened later on?

KEITEL: No, none at all.

DR. NELTE: Well, General Giraud is still alive and I will only ask you, in conclusion, under your oath: Can you confirm that you did not, at any time, give an order or a directive which might be interpreted to mean that General Giraud was to be killed?

KEITEL: No. I never gave such an order, unless the phrase "We must have him back, dead or alive" may be considered of weight in this respect. I never gave orders that the general was to be killed or done away with, or anything of the kind. Never.

DR. NELTE: I have concluded my direct examination of the Defendant Keitel. May I ask you to permit me to submit in evidence the affidavit, that last one, Number 6 in Document Book Number 2. I would like to submit that affidavit in evidence. It is on Page 51 and following and is Document K...

THE PRESIDENT: Didn't you put that in as K-12 yesterday?

DR. NELTE: Today I submit Keitel-13...

THE PRESIDENT: This affidavit that you want to submit now, where is it and what is the date of it?

DR. NELTE: It is Page 51 and following, and it is dated 9 March 1946.

THE PRESIDENT: Yes, I see.

DR. NELTE: This affidavit has also been attested to by General-oberst Jodl. I ask permission to question him about the affidavit or to show it to him for confirmation when he is called to the witness stand.

THE PRESIDENT: Very well.

MR. DODD: If the Court please, we have looked into the matter of the so-called interrogation of General Von Falkenhorst referred to yesterday by Dr. Nelte. Insofar as we can determine, this paper was never offered in evidence by any members of the Prosecution. It was referred to by M. Dubost—I mean, it was not referred to by him, but it was included in his brief. I did not refer to it, and I did not offer it in evidence. That is how it came into the hands of Dr. Nelte, but not in evidence.

THE PRESIDENT: Does Dr. Nelte want to offer it in evidence now?

DR. NELTE: I ask to submit it as Document Number Keitel-14.

THE PRESIDENT: Has it got a PS number or another number?

DR. NELTE: No, Mr. President, it has no other number.

THE PRESIDENT: Thank you.

Now, do any of the other Defense Counsel want to ask questions?

DR. STAHLER: Mr. Defendant, as you have corrected your former statement by answering the question put by your counsel with a statement that Reich Marshal Göring was not present at the conference in which Hitler gave orders for the airmen who had escaped from the Sagan Camp should be held by the police and since you further said that a conference with Reich Marshal Göring in Berlin did not take place, I have only the following questions on this subject: Some weeks after that escape, did you receive a letter from the Quartermaster General of the General Staff of the

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Luftwaffe informing you that the Luftwaffe wanted to hand over their prison camps to the OKW?

KEITEL: Yes, I received this letter and following an interview with Hitler I declined the offer.

DR. STAHLER: I have no more questions.

DR. SEIDL: At the beginning of the war, the Defendant Dr. Frank was a lieutenant of the 9th Infantry Regiment; is that correct?

KEITEL: Yes.

DR. SEIDL: Do you remember receiving a letter from Dr. Frank, who was then Governor General, in 1942, saying that he wanted to rejoin the Wehrmacht?

The purpose of that letter was, of course, that he be relieved of his office as Governor General in this way. Is that correct?

KEITEL: Yes, I received such a letter and handed it to the Führer who merely made a movement with his hands and said "Out of the question." I informed Frank of that decision through the liaison officer who was temporarily with him at the time.

DR. SEIDL: That is all.

DR. DIX: Your Lordship, it is 3 minutes to one and it will not take me very long, but it might take me beyond 1 o'clock, so it might be better to adjourn now. I would then put my question to the witness after the recess.

THE PRESIDENT: Very well, we will adjourn until 2:00 o'clock.

*[The Tribunal recessed until 1400 hours.]*

### *Afternoon Session*

DR. DIX: May it please the Tribunal, this witness is competent and an expert who can give the Tribunal definite figures about the armament expenditures of the Reich. However, the witness is certainly not in a position to remember these figures just at the moment. Professor Kraus, my colleague, therefore, during my absence, was kind enough to mark these figures down and to check them in co-operation with the witness. The written deposition was signed by the witness at that time, in order to avoid any misunderstanding. In order to help him recollect these figures, I now ask your permission to have submitted to the witness this deposition which he has signed. I have had translations made of this deposition into the three languages in question and I now submit to the Tribunal eight copies. I also have four copies for the four delegations of the Prosecution, and German copies for the counsels of the Defendants Keitel, Jodl, Raeder, Dönitz, and the OKW.

May I ask for just one moment so that the witness can read it?

[*Turning to the defendant.*] Witness, would you please look at the first column only, which bears the heading "Total Expenditures." The second and the third columns show which of those sums were raised through the Reichsbank, on the one hand, and which were raised from other sources, on the other hand. These figures I should like to have certified during the interrogation of Schacht himself, because they were the results of Schacht's calculations and the witness here can therefore give no information about them. May I ask you concerning these armament expenditures of the Reich, beginning with the fiscal year of 1935, the fiscal year running from 1 April to 31 March: The figures stated herein are: 5,000 millions for 1935, 7,000 millions for 1936, 9,000 millions for 1937, 11,000 millions for 1938, and 20,500 millions for 1939. Are these figures correct?

KEITEL: According to my conviction these figures are correct. May I add that at the beginning of my captivity I also had an opportunity to speak to the Reich Finance Minister about these figures and to co-ordinate our opinions.

DR. DIX: Now, a question about the armament strength of the Reich on 1 April 1938. Is it correct to say that at that time there existed: 24 infantry divisions, 1 armored division, no motorized division, 1 mountain division, 1 cavalry division, and that in addition 10 infantry divisions and 1 armored division were being formed? I wish to add, that of the 3 reserve divisions none had been completed on 1 April 1938; and only 7 to 8 were in the process of being formed and expected to be complete by 1 October 1938.

KEITEL: I consider these figures correct and I have therefore confirmed them in this affidavit.

DR. DIX: That is as far as the deposition goes. I would like to put two more questions to the witness which have not been discussed with him so that I do not know whether he remembers the figures in question.

I consider it possible that the Tribunal would be interested in the proportion of strength between the Reich, on the one hand, and Czechoslovakia, on the other hand, at the time of Hitler's march into Czechoslovakia; that is the relation of strength (a) concerning the armed might and (b) concerning the civilian population.

KEITEL: I do not remember the accurate figures about that. In the preliminary interrogation I have been questioned about it and I believe the figures will be correct if I say that in the fall of 1938, going by military units, that is, divisions...

DR. DIX: I mean now the time when Hitler marched into Czechoslovakia, in the spring of 1939.

KEITEL: That was in the same year of mobilization, that is to say at that time, as far as figures are concerned, there were fewer divisions than Czechoslovakia had at her disposal. In the fall of 1938 the number of formations, that is, divisions, was probably equal. In the spring of 1939, when we marched in, the strength which was used then was less than that which stood ready in the fall of 1938. Accurate figures, if they are important to this Tribunal, you could get rather from General Jodl.

DR. DIX: As to the number of divisions which Czechoslovakia had at her disposal in March 1939, could you not tell us anything about that?

KEITEL: No, I do not know that exactly.

DR. DIX: Then I shall possibly ask General Jodl about that later.

THE PRESIDENT: Perhaps you will actually offer this document in evidence when the Defendant Schacht gives evidence. Is that what you intend to do?

DR. DIX: I am going to submit it in evidence and it will be included in my document book. It is not necessary to keep it now, because I have to take it up again when Schacht will be examined and you will find it then in the document book. However, I would like to suggest that the copy which I have given to the witness should become a part of the record, because my questions have referred to this document. For this reason it might be useful to make this copy a part of the record.

THE PRESIDENT: If you want to make it a part of the record it had better be given a number now. It had better be S-1 had it not?

DR. DIX: Yes. Your Lordship, may I suggest Schacht-1?

THE PRESIDENT: Yes.

DR. STAHLER (Representing Dr. Robert Servatius, Counsel for Defendant Sauckel, and the Leadership Corps of the Nazi Party): Witness, on 4 January 1944, a conference allegedly took place between the Führer and Sauckel about the procuring of manpower. Were you present at this conference?

KEITEL: Yes.

DR. STAHLER: Did Sauckel on this occasion state that he could not fill, to the extent demanded, the manpower demands of those who asked for it?

KEITEL: Yes, he discussed it thoroughly and also gave his reasons for it.

DR. STAHLER: What reasons did he give?

KEITEL: He pointed out the great difficulties encountered in the areas from which he was supposed to draft or recruit manpower; the strong activity of guerillas and partisans in these areas, the great obstacles in obtaining sufficient police forces for protecting the action, and similar reasons. I do not remember any details.

FLOTTENRICHTER KRANZBÜHLER: Field Marshal, were you the leader of the German delegation which signed the capitulation with which the war in Europe was terminated?

KEITEL: Yes.

FLOTTENRICHTER KRANZBÜHLER: When and where did that take place?

KEITEL: In Berlin on 8 May, that is to say during the night from 8 to 9 May 1945.

FLOTTENRICHTER KRANZBÜHLER: Were you asked for full powers which would authorize you to negotiate about the capitulation?

KEITEL: Yes. I took the full powers with me to Berlin. They had been signed by Grossadmiral Dönitz in his capacity as Chief of State and Commander-in-Chief of the Wehrmacht and stated in a few words that he had authorized and ordered me to conduct the negotiations and to sign the capitulation.

FLOTTENRICHTER KRANZBÜHLER: Were these full powers examined and acknowledged by the Allies?

KEITEL: In the course of the afternoon of 8 May I was asked to present the full powers. Obviously they were examined and several hours later they were returned to me by a high ranking officer of the Red Army who said that I had to show them again when signing.

FLOTTENRICHTER KRANZBÜHLER: Did you show them again?

KEITEL: I did have my credentials at hand during the act of capitulation and handed them over to become part of the record.

PROFESSOR DR. HERMANN JAHRREISS (Counsel for Defendant Jodl): Witness, during your testimony you have explained the organization of the Supreme Command of the Wehrmacht. This organization was based on a decree of the Führer and Reich Chancellor of 4 February 1938. In that decree the OKW was designated as the military staff of the Supreme Commander of the Armed Forces. So, in that aspect you were the Chief of Staff. Now, the Prosecution have repeatedly named Jodl as your Chief of Staff. Is that correct?

KEITEL: No, General Jodl never was my Chief of Staff, he was the Chief of the Armed Forces' Operations Staff and one of the departmental chiefs of the Armed Forces High Command as I have already stated, although the first among equals.

DR. JAHRREISS: That is to say, the Chief of several collateral co-ordinated offices?

KEITEL: Yes; I never had a Chief of Staff.

DR. JAHRREISS: Mention was made here about the discussion between Hitler and Schuschnigg at Obersalzberg on 12 February 1938. Do you remember that? A diary entry by Jodl referring to this conversation has been submitted to the Tribunal. Was Jodl present at this conference?

KEITEL: No, he was not present and his knowledge is derived from the conference which I described before and which I held with him and Canaris about the news to be disseminated as to certain military preparations during the days following the Schuschnigg conference; it is therefore an impression gained by General Jodl as a result of the description made to him.

DR. JAHRREISS: In the course of the preparations to make the German-Czechoslovakian question acute, that is, the Sudeten question, the plan to stage an incident played a great role. Did you ever give an order to the department Abwehr II (Counterintelligence) under Canaris, to stage such an incident in Czechoslovakia or on the border?

KEITEL: No, such orders were never given to the Abwehr, anyway, not by myself.

DR. JAHRREISS: After Munich, that is in October 1938, Field Marshal, the then Chief of National Defense, Defendant Jodl, left this position and was transferred to Vienna. Who was his successor?

KEITEL: Jodl was transferred to active service. He became chief of an artillery division in Vienna and his successor was Warlimont, at that time Colonel Warlimont.

DR. JAHRREISS: That is to say his successor . . .

KEITEL: Yes.

DR. JAHRREISS: If I understood you correctly, that is to say Jodl was not only sent on leave but he definitely left his office?

KEITEL: Jodl had definitely left the High Command of the Armed Forces and was personnel officer of a division; Warlimont was not his representative but successor in Jodl's position.

DR. JAHRREISS: Now, the Prosecution has said that at the occasion of that famous conference of 23 May 1938—no, 1939—Warlimont was present as deputy designate for Jodl. What had Jodl to do with that conference?

KEITEL: Nothing at all, he was at that time a front-line officer and commander in Vienna.

DR. JAHRREISS: Why did you choose Jodl to be chief of the Armed Forces Operations Staff?

KEITEL: That was in consequence of our co-operation from 1935 to 1938. My opinion was that I could not find a better man for that position.

DR. JAHRREISS: How did Jodl picture his military career, once his command as artillery commander in Vienna or Brünn had ended?

KEITEL: I knew about his passion and his desire to become commander of a mountain division. He has frequently told me about it.

DR. JAHRREISS: Well, would there have been any chance to get such a command?

KEITEL: Yes, I tried to use my influence with the Commander-in-Chief of the Army and I remember that during the summer of 1939, I wrote him that his wish to become the commander of a mountain division in Reichenhall—I do not remember the number—would come true. I was glad to be able to give him that information.

DR. JAHRREISS: Was it up to you to make the decision or was it up to the OKH?

KEITEL: I had made a request to the Commander-in-Chief of the Army and he had made the decision.

DR. JAHRREISS: And if I understand correctly, you yourself notified Jodl?

KEITEL: I wrote him a letter because I knew that I would make him very happy.

DR. JAHRREISS: May I ask, Field Marshal, did you correspond regularly with Jodl?

KEITEL: No; I believe that was the only letter which I wrote to him during that year.

DR. JAHRREISS: I ask that for a definite reason: Jodl leaves the OKW. He knows that if the necessity arises he will become chief of the future so-called Armed Forces Operations Staff, that is to say, a rather important position. He goes on active service, as you say. One should think that then he would not only receive a private letter once from you but would be kept informed by you regularly.

KEITEL: That was certainly not done by me and, according to my personal opinion, every general staff officer who goes on active service is very happy if he is not bothered with such things any longer.

DR. JAHRREISS: Yes, but fate does not grant us everything which would make us happy. It could be that somebody received the official order for instance, to keep this gentleman informed.

KEITEL: I certainly did not do it. I do not believe that it happened, but I do not know for sure whether or not somebody tried to do it.

DR. JAHRREISS: During the period when Jodl was in Vienna and Brünn, that is, away from Berlin, was he repeatedly in Berlin in order to get information?

KEITEL: I did not see him and he did not come to see me. I believe it is very unlikely because if such were the case he would have visited me.

DR. JAHRREISS: Then I have to understand from what you say, that when he came to Berlin shortly before the beginning of the war, in response to a telegram, he first had to be informed as to what was going on?

KEITEL: Yes, and that was the first thing done between him and myself.

DR. JAHRREISS: You informed him?

KEITEL: Yes.

DR. JAHRREISS: Another thing, Field Marshal. You remember, perhaps, the somewhat stormy morning in the Reich Chancellery after the Simovic Putsch; that was 27 March 1941, was it not?

KEITEL: Yes, Yugoslavia.

DR. JAHRREISS: If one reflects on the politics and the history of the wars of the last 200 years in Europe, one asks: Was there nobody at that conference in the Reich Chancellery who might have suggested that instead of attacking immediately, it would be better to march to the borders of a state whose attitude was completely uncertain and then clarify the situation by an ultimatum?

KEITEL: Yes, during all these pros and cons under turbulent conditions in that morning session, Jodl, himself, to my knowledge,

brought that point up in the debate. Proposal: To march and to send an ultimatum; that is about the way it was.

DR. JAHRREISS: If I am correctly informed, you were in the East in October 1941 for the purpose of an inspection or a visit to Army Group North; is that correct?

KEITEL: Yes, in the autumn of 1941 I frequently went by plane to Army Group North in order to get information for the Führer.

DR. JAHRREISS: Was Field Marshal Von Leeb the commander of Army Group North?

KEITEL: Yes, he was.

DR. JAHRREISS: Did Von Leeb tell you about particular worries which he had at that time?

KEITEL: I think it was my last or the next to the last visit to Von Leeb where the questions of capitulation, that is to say, the question of the population of Leningrad, played an important role, which worried him very much at that time because there were certain indications that the population was streaming out of the city and infiltrating into his area. I remember that at that time he asked me to make the suggestion to the Führer that, as he could not take over and feed 1 million civilians within the area of his army group, a sluice, so to speak, should be made towards the east, that is, the Russian zone, so that the population could flow out in that direction. I reported that to the Führer at that time.

DR. JAHRREISS: Well, did the population turn in any other direction?

KEITEL: Yes, especially to the south into the Southern forests. According to Von Leeb a certain pressure exerted by the population to get through the German lines made itself felt at the time.

DR. JAHRREISS: And that would have impeded your operations?

KEITEL: Yes.

DR. JAHRREISS: Field Marshal, you are aware, I suppose, since it has been mentioned this morning, of the order issued by the Führer and Supreme Commander about the Commandos, dated 18 October 1942, that is Document Number 498-PS which has been submitted here. It had been announced publicly beforehand that an order of that kind would be issued. Do you know that?

KEITEL: Yes; the item in question was included in one of the daily communiques of the Wehrmacht.

DR. JAHRREISS: We are dealing with the Wehrmacht communique of 7 October 1942, which, below the usual report, states with reference to what has happened, "The High Command of the Armed Forces therefore considers itself obliged to issue the following

orders." The first item is of no interest here, and then, at the second item appears the following sentence:

"In the future all terror and sabotage Commandos of the British and their accomplices who do not behave like soldiers, but rather like bandits, will be treated as such by the German troops and will be killed in combat without mercy wherever they appear."

Field Marshal, who drafted this wording?

KEITEL: The Führer personally. I was present when he dictated and corrected it.

DR. LATERNSENER: Witness, I should like to continue at the point which was last mentioned by Professor Jahrreiss. The order about Commandos, Document Number 498-PS, was discussed. In this order on Commandos, under Number VI, Hitler threatened that all commanders would be court-martialed if they did not carry out this order. Do you know what considerations prompted Hitler to include this particular passage in the order?

KEITEL: Yes, they are actually quite clear; I should think that the purpose was to put emphasis on the demand that this order should actually be carried out, since it was definitely considered by the generals and those who were to carry it out, as a very grave order; and for that reason compliance was to be enforced by the threat of punishment.

DR. LATERNSENER: Now, I should like to ask you several questions concerning the nature of the so-called Groups of the General Staff and the OKW. What do you understand to be the German General Staff?

KEITEL: By the General Staff I understand those officers who are especially trained to be assistants to the higher leadership.

THE PRESIDENT: The defendant has already spent a very long time in explaining the difference between the OKW and the staff of the various commands, and the Prosecution have defined specifically and quite clearly what the group is, which they are asking the Court to declare as criminal; and therefore, I do not see what relevance any further evidence on the subject can have. What are you trying to show by asking him now about what he understands by the General Staff?

DR. LATERNSENER: This question was purely preparatory. I intended to connect this question with another one; and, by the answer to the second question, I wanted to prove that under the alleged group, a group has been accused under a wrong name.

THE PRESIDENT: I do not see how it matters if it is a wrong name if the group is specified. But, anyhow, the defendant has

already told us what he understands by the General Staff. Will you put your second question.

DR. LATERNSEER: Witness, if the higher military leaders are considered collectively to form one group which is designated as General Staff and OKW, do you consider this designation to be correct or misleading?

KEITEL: According to our German military concepts this designation is misleading, because to us the General Staff always means a body of assistants, whereas the commanders of armies and army groups and the commanding generals represent the leadership corps.

DR. LATERNSEER: The military hierarchy has been discussed sufficiently in this Trial. I want to know only the following from you: Was the relation of these echelons to each other that of military superiors and subordinates or did there exist an additional organization involving these ranks which went beyond purely professional military duties?

KEITEL: No, the General Staff, that is to say, the General Staff officers as assistants to the leaders, could be recognized by their uniforms as such. The leaders or so-called commanders themselves had no relation to each other through any interoffice channels or through any other organizations of any kind.

DR. LATERNSEER: Yesterday the affidavit made by Generaloberst Halder was put to you. I would like to discuss now the last sentence of that affidavit; I shall read it to you, "That was the actual General Staff and the highest leadership of the Armed Forces." Is the statement in that sentence correct or incorrect?

KEITEL: I understand it this way, that Halder wanted to say that those few officers who had General Staff positions were the ones who did the real work in the General Staff of the Army, while the rest of the far more than 100 General Staff officers in the OKH had nothing to do with these matters. That is what I think he wanted to say, a small group which was concerned with these problems.

DR. LATERNSEER: Do you know of a single incident where Hitler ever consulted a military leader on a political matter?

KEITEL: No, that did not happen.

DR. LATERNSEER: I assume that you were present at most of the conferences with Hitler when the situation was discussed. Could you tell me anything about protests made, with or without success, by any commanders who had come from the front and who happened to be present?

KEITEL: As a rule front commanders who were present were silent listeners at the general discussion of the situation; and afterwards, according to circumstances, such commanders used to make

a special report to Hitler about their respective areas. Then there was also an opportunity, as I believe was already mentioned by Kesselring, to discuss these things personally and to advance opinions. But otherwise nobody had anything to say in these matters.

DR. LATERNSEER: Witness, were you ever present when particularly emphatic objections were raised, by any commander, to Hitler?

KEITEL: During the discussion of the situation?

DR. LATERNSEER: No, I mean, whatever the occasion may have been.

KEITEL: I was not, of course, present at every conference which Hitler had with high ranking commanders in his quarters, but I do not know of any such incidents. I have related in detail those cases which played a role in this war, namely the opposition of the generals in the West, before the beginning of the war, and I understood your question to mean whether I knew of any cases beyond that.

DR. LATERNSEER: Yes.

KEITEL: I have related all that and must emphasize once more that the Commander-in-Chief of the Army at that time went to the limit of anything which could be justified from the military viewpoint.

DR. LATERNSEER: What was the attitude of Hitler toward the General Staff of the Army?

KEITEL: It was not a good one. One may say that he held a prejudice against the General Staff and thought the General Staff was arrogant. I believe that is sufficient.

THE PRESIDENT: We have heard all this once, if not more than once.

DR. LATERNSEER: Mr. President, I do not believe that this witness has been asked about that. As far as I remember, this particular witness has not been asked about these points.

THE PRESIDENT: The Tribunal thinks he has been asked about it.

DR. LATERNSEER: I would have paid special attention to this point and would have crossed off this question already if one of my colleagues had put it before.

[To the defendant.] Would Hitler, in case an application for resignation was tendered by one or more front commanders have been willing to take back an order which he had once given . . .

THE PRESIDENT: Dr. Laternser, nearly every officer who has come and given evidence to this Court has spoken about that subject, certainly many of them.

DR. LATERNSEER: Mr. President, does your objection refer to the question I have put now?

THE PRESIDENT: Nearly all the officers who have been examined in this Court have told us it was impossible to resign. That is what you are asking about, isn't it?

DR. LATERNSEER: Yes. I will be glad to forego that question, if I can assume that the Tribunal accepts those facts which I wanted to prove, as true.

THE PRESIDENT: The Tribunal thinks it is cumulative; whether they accept its truth or not, is a different question.

DR. LATERNSEER: Mr. President, I should like to say something also to this question. I do not believe that it can be considered cumulative, since as has already been pointed out by my colleague, Dr. Dix, the same question when put to two different witnesses is in each case a different question, because the subjective answer of the individual witness to this particular point is desired. But I will forego that question.

THE PRESIDENT: Is there any other question you want to ask?

DR. LATERNSEER: Yes, I have a few more questions.

[Turning to the defendant.] Witness, to what extent was the headquarters of the Führer protected against attacks during the war?

KEITEL: There was a special guard detachment of the Army and also I believe one company of the Waffen-SS. Very thorough security measures had been taken with every kind of safety device such as fences, obstacles, and similar things. It was very well secured against any surprise attack.

DR. LATERNSEER: Were there several zones?

KEITEL: Yes, there was an inner zone and an outer zone and several areas which were fenced in separately.

DR. LATERNSEER: Yes. You have already stated that the commanders of the army groups and armies in the East did not have any authority outside their area of operation. Was there a tendency to keep that operational area as small as possible, or as large as possible?

KEITEL: Originally the tendency definitely was to have large areas of operation in order to assure the greatest possible freedom of movement in the rear of the armies and army groups. The Führer was the first who, by drastic means, caused the limitation of these zones to make them as small as possible.

DR. LATERNSEER: For what reasons?

KEITEL: As he said, in order to free military officers from administrative measures and get them out of the extended space they

had sought for their equipment and to concentrate them into narrowly limited areas.

DR. LATERNSEER: You mentioned during your interrogation, units of the Waffen-SS which were assigned to the Army for operational, that is, for combat purposes. I am particularly interested in getting that point clear because, as far as I see, there still prevails some confusion. Did the forces of the SD have anything to do with the units of the Waffen-SS which were subordinated to army units for the purpose of operational assignments?

KEITEL: No, the formations of the Waffen-SS within divisions were incorporated as such into the armies and had nothing to do with anything else. They were in that case purely Army Forces.

DR. LATERNSEER: Was it possible for a commander to punish an SS man for any offense?

KEITEL: If the man was caught in the act I believe no commander would have hesitated; but apart from that, the last resort for disciplinary measures and jurisdiction was the Reichsführer Himmler, and not the commander of the army.

DR. LATERNSEER: Did the executives of the Einsatzgruppen of the SD have to report to the commanders of the armies upon what they did on Himmler's orders?

KEITEL: This question has been dealt with here in great detail by the witness Ohlendorf, and I am not informed about the connections which existed between the commanders and the Einsatzgruppen and commands. I was not involved and took no part in it.

DR. LATERNSEER: I wanted to know from you whether the Einsatzgruppen of the SD, according to your knowledge of the regulations, were obliged to report to the military commanders in whose rear areas they operated.

KEITEL: I do not believe so; I do not know the orders which were in force in this respect; I have not seen them.

DR. LATERNSEER: Do you know whether the higher military commanders at any time were informed of the intention of Hitler or Himmler to kill the Jews?

KEITEL: According to my opinion, that was not the case, since I personally was not informed either.

DR. LATERNSEER: Now, I have only one more question, on the subject of the prisoners of war. It had already become known during the war that the conditions relating to the food supply of Soviet Russian prisoners of war during the first period of the eastern campaign were miserable. What was the reason for these conditions which prevailed during that first period?

KEITEL: I can base my statement only on what the Commander-in-Chief of the Army said during the situation report conferences. As I recall, he repeatedly reported that it was clearly a problem of large masses which required extraordinary efforts of organization to provide food supply, housing, and security.

DR. LATERNSEER: Now, these conditions were without doubt actually chaotic during a certain period of time. I am thinking of a particular reason which existed, and in order to refresh your memory, Witness, I would like to mention the following:

The Army had already prepared camps in the homeland for the future prisoners of war, because it was planned in the beginning that these prisoners should be transferred to the homeland. In spite of these preparations, however, as has been stated here, this was stopped by a sudden order from Hitler which prohibited the transfer of these Russian prisoners into the homeland.

KEITEL: I explained that this morning; and I said that during a certain period until September, the transfer of Soviet Russian prisoners of war into the Reich was prohibited and only after that the transfer into the home camps was made possible in order to utilize the manpower.

DR. LATERNSEER: And the deficiencies which appeared during this first period could not be remedied by the means at the disposal of the troops?

KEITEL: That I do not know. I am not informed about that. Only the OKH, which had the exclusive responsibility, would know that.

DR. LATERNSEER: I have only a few more questions about the position of the Deputy Chief of the Armed Forces Operations Staff. When was that position set up?

KEITEL: I believe in 1942.

DR. LATERNSEER: 1942. What was the rank connected with that position?

KEITEL: It could be a colonel or a general.

DR. LATERNSEER: What I mean is whether it was about the same as the position of a commander of a division?

KEITEL: Well, I would say it was equal to the position of the commander of a brigade or a division, a section chief.

DR. LATERNSEER: How many section chiefs were there in the OKW?

KEITEL: I could not say that at present from memory. By way of estimate I had eight department chiefs, each of which had one,

two, three or four sections. Therefore there would have been about 30 or 35 section chiefs.

DR. LATERNSEER: The Deputy Chief of the Armed Forces Operations Staff was one of the eight or of the 30 section chiefs?

KEITEL: No, I would not like to say that definitely. We had among the department chiefs so-called department group chiefs, who combined several small sections. That was about his position.

DR. LATERNSEER: What were the official duties connected with that position?

KEITEL: Naturally the supervision and direction of all the work of that part of the Armed Forces Operations Staff which was attached to the Führer's headquarters. It was his task to direct that work in accordance with the directives given by Jodl, the Chief of the Armed Forces Operations Staff.

DR. LATERNSEER: Was the Deputy Chief of the Armed Forces Operations Staff responsible for the strategic planning to a particularly high degree, as is maintained by the Prosecution?

KEITEL: He was, of course, not responsible for that in this capacity, but as a matter of fact he belonged to the small group of high ranking and outstanding general staff officers who were concerned with these things, as Halder has pointed out.

DR. LATERNSEER: Now, I have one last question. Was, therefore, the position of the Deputy Chief of the Armed Forces Operations Staff, not equal in importance to the other positions which are included in this group or alleged group of the General Staff and the OKW?

KEITEL: I said chief of a group of departments in the Armed Forces Operations Staff and co-worker in the small group of those who had to deal with operational and strategical questions, but subordinate to General Jodl and director of the work supervisor in the Arbeitsstab.

DR. LATERNSEER: Field Marshal, I believe that the question which I have put to you was not completely answered. I have asked you whether the importance of that position was equal to or even approached equality with that of the other offices which are included in the group of the general staff and the OKW.

KEITEL: No, certainly not, because in the group of the General Staff and the OKW there were the commanders-in-chief, the supreme commanders, and the chiefs of the general staff. He certainly did not belong to those.

DR. LATERNSEER: Thank you.

HERR LUDWIG BABEL (Counsel for SS): Witness, you have said in your Affidavit Keitel-12 that the SS, at the beginning

of the war, became the champions and standard bearers of a policy of conquest and force. In order to exclude any misunderstandings, I should like to clarify the following: What did you mean by SS in this case?

KEITEL: I can say to that, that what has been read here by my counsel was a short summary of a much longer affidavit. If you read the latter you would find for yourself the answer to your question. To state it in a more precise way: It concerned the Reich SS Leadership under Himmler and under those functionaries within his sphere of command, police and SS, who appeared and were active in the occupied territories. The concept of the so-called general SS in the homeland had nothing to do with that. I hope that makes it clear.

HERR BABEL: Yes, thank you.

DR. FRIEDRICH BERGOLD (Counsel for Defendant Bormann): Witness, the Prosecution in their trial brief have charged the Defendant Bormann also with his activity in the so-called Volkssturm. In that connection, I would like to put a few questions to you.

Was an offensive or defensive activity planned for the Volkssturm as it was formed by decree of the Führer of 18 October 1944?

KEITEL: To that I can only say that Reichsleiter Bormann refused to give the military authorities any advice, any co-operation, and any information on the Volkssturm.

DR. BERGOLD: You mean to say that you were not at all informed of the purpose of the Volkssturm?

KEITEL: Only that I saw it as the last levy of men to defend their own homesteads.

DR. BERGOLD: That means that, within the framework of the Wehrmacht, the Volkssturm was not designed for any offensive purpose?

KEITEL: No, but all services of the Wehrmacht which encountered the Volkssturm units in their areas, either incorporated them or sent them home.

DR. BERGOLD: Did I understand you correctly that you wanted to say that that institution, the Volkssturm, was a product of Bormann's brain or did it originate with Hitler?

KEITEL: I do not know that, perhaps from both.

DR. BERGOLD: Hitler did not tell you about it, either?

KEITEL: No, he spoke only about the Volkssturm and similar things, but military authorities had nothing to do with it.

DR. BERGOLD: Did Bormann report any other military matters to the Führer besides the odd things about the Volkssturm?

KEITEL: He has often accused the Wehrmacht of all sorts of things; I can conclude that only from what I was told, and assume that it originated with Bormann. I do not know it.

DR. BERGOLD: Thank you.

DR. HORN: Is it correct that the Defendant Von Ribbentrop, after his return from Moscow in August 1939, on account of the changed foreign political situation—the guarantee pact between England and Poland had been ratified—advised Hitler to stop the military measures which had been set in motion?

KEITEL: I had the impression at that time that the orders given to me by Hitler were based upon a conversation between him and his foreign minister. I was not present at that conversation.

DR. HORN: Is it correct that Von Ribbentrop, just like the other ministers with portfolio, was as a rule not informed about the strategic plans?

KEITEL: I can say only for myself and for the Chief of the Armed Forces Operations Staff, that we were not authorized to do it and that we never did it. If the Reich Foreign Minister was informed about such questions, that information could have come only from Hitler himself. I doubt that he made an exception here.

DR. HORN: The Prosecution have submitted a letter of 3 April 1940, concerning the impending occupation of Denmark and Norway which you sent to the then Reich Foreign Minister. In that letter you informed the Reich Foreign Minister of the impending occupation and requested him to take the necessary political steps. Had you already instructed Von Ribbentrop before that date about the intended occupation of Norway and Denmark?

KEITEL: No, I would not have been allowed to do that, according to the way in which the Führer worked with us. That letter was an unusual method of giving information about this, by the Führer's order, to the Reich Foreign Minister, who knew nothing about these things. I was ordered to write it to him.

DR. HORN: In connection with the testimony by General Lahousen, I want to ask you one question. At the time of the Polish campaign, was there a directive or an order by Hitler to exterminate the Jews in the Polish Ukraine?

KEITEL: I cannot recall any such things. I know only that during the occupation of Poland—that is after the occupation—the problem of the Polish Jews played a part. In that connection I also put a question once to Hitler to which, I believe, he answered that that area was well suited for settling the Jews there. I do not know or remember anything else.

DR. HORN: At the time of the Polish campaign, was there any plan to instigate a revolt in the Polish Ukraine in the rear of the Poles?

KEITEL: I cannot answer that question, although I have heard such things said here by Lahousen. I do not know or remember anything about it.

DR. HORN: Thank you.

HERR GEORG BÖHM (Counsel for the SA): Field Marshal, you were Chief of the OKW and thereby also the Chief of the KGF, that is, Prisoners of War Organization. Did you ever issue orders or have orders issued on the basis of which members of the SA or units of the SA were detailed to guard prisoners of war or prisoner-of-war camps, or were to be used for that purpose?

KEITEL: I cannot remember that any such directive had been issued by the OKW. I believe that certainly was not the case.

HERR BÖHM: In that respect, was a report ever made to you that any such guard duty was performed?

KEITEL: I cannot remember but I do not mean to deny that some units of the army in some particular place may have used SA men temporarily to assist in guard duty, which I would not know.

HERR BÖHM: Thank you.

THE PRESIDENT: Perhaps we had better adjourn now for 10 minutes.

*[A recess was taken.]*

THE PRESIDENT: The Tribunal will sit in open session tomorrow morning at 10 o'clock. At 1230 it will take the supplementary applications for witnesses and documents, and after that at a quarter to 1 it will adjourn into a closed session.

GEN. RUDENKO: Defendant Keitel, I would like you to tell me exactly when you received your first commission as an officer?

KEITEL: On 18 August 1902.

GEN. RUDENKO: What military training did you receive?

KEITEL: I came into the army as an officer candidate. Starting as a simple private I advanced through the various ranks of private first class, corporal and ensign to lieutenant.

GEN. RUDENKO: I asked you about your military training.

KEITEL: I was an army officer until 1909, and then for almost 6 years regimental adjutant; then during the World War I, battery commander, and then after the spring of 1915 I served on the general staff.

GEN. RUDENKO: You were evidently not given a correct translation. Did you pass the Staff College or any other college, that is to say, did you receive preliminary training?

KEITEL: I never attended the War Academy. Twice I participated in so-called Great General Staff trips as regimental adjutant and in the summer of 1914 I was detailed to the Great General Staff and returned to my regiment later when the war broke out in 1914.

GEN. RUDENKO: What military training and military rank did Hitler possess?

KEITEL: Only a few years ago I found out from Hitler himself that after the end of World War I, he had been a lieutenant in a Bavarian infantry regiment. During the war he was a private, then private first class and maybe corporal during the last period.

GEN. RUDENKO: Should we not, therefore, conclude that you, with your thorough military training and great experience, could have had an opportunity of influencing Hitler, very considerably, in solving questions of a strategic and military nature, as well as other matters pertaining to the Armed Forces?

KEITEL: No. I have to declare in that respect that, to a degree which is almost incomprehensible to the layman and the professional officer, Hitler had studied general staff publications, military literature, essays on tactics, operations, and strategy and that he had a knowledge in the military fields which can only be called amazing. May I give an example of that which can be confirmed by the other officers of the Wehrmacht. Hitler was so well informed concerning organization, armament, leadership, and equipment of all armies, and what is more remarkable, of all navies of the globe, that it was impossible to prove any error on his part; and I have to add that also during the war, while I was at his headquarters and in his close proximity, Hitler studied at night all the big general staff books by Moltke, Schlieffen, and Clausewitz and from them acquired his vast knowledge by himself. Therefore we had the impression: Only a genius can do that.

GEN. RUDENKO: You will not deny that by reason of your military training and experience you were Hitler's adviser in a number of highly important matters?

KEITEL: I belonged to his closest military entourage and I heard a lot from him; but I pointed out yesterday to the question of my counsel that even in the simple, every-day questions concerning organization and equipment of the Wehrmacht, I must admit openly that I was the pupil and not the master.

GEN. RUDENKO: From what date do you consider that your co-operation with Hitler began?

KEITEL: Exactly from the day when I was called into that position, 4 February 1938.

GEN. RUDENKO: That means that you were working with Hitler during the entire period of preparation for and realization of aggressive warfare?

KEITEL: Yes. I have already given all the necessary explanations as to how, after I entered my new position in the beginning of February, events followed in quick succession, often in a very surprising manner.

GEN. RUDENKO: Who, besides you, among the military leaders of the OKW and the OKH had the rank of Reich Minister?

KEITEL: The rank of Reich Minister was given to the three commanders-in-chief of the sections of the Armed Forces, and among these the Commander-in-Chief of the Air Force, Reich Marshal Göring, was also Reich Minister of Aviation; likewise I received, as I said yesterday, the rank but not the authority and title of a minister.

GEN. RUDENKO: Who, besides you, among the military collaborators of the OKH and the OKW, signed decrees together with Hitler and the other Reich Ministers?

KEITEL: In the ministerial sector of the Reich Government, there was the method of the signatures of the Führer and Reich Chancellor and the Ministers immediately involved, and, finally of the Chief of the Reich Chancellery. This did not hold good for the military sector, for according to the traditions of the German Army and the Wehrmacht the signatures were given by the principal experts who had worked on the matter, by the Chief of Staff, or by whoever had given or at least drafted the order, and an initial was added on the margin.

GEN. RUDENKO: Yesterday you said that you signed such decrees together with other Ministers of the Reich.

KEITEL: Yes, yesterday I mentioned individual decrees and also gave the reasons why I signed them, and that in so doing I was not Reich Minister and did not receive the function of a minister in office.

GEN. RUDENKO: What organization exercised the function of the War Ministry from February 1938 on?

KEITEL: Until the last days of January, or the first days of February, it was the former Reich Minister for War, Von Blomberg. Beginning with 4 February there was neither a Minister for War nor a War Ministry.

GEN. RUDENKO: That is precisely why I asked you what government organization had replaced the War Ministry and exercised its function, since I knew that this Ministry did not exist.

KEITEL: I, myself, with the Wehrmachtsamt, the former Staff of the War Ministry, whose chief I was, carried on the work and distributed it, as I described in detail yesterday, that is, I transferred all command functions to the commanders-in-chief of the branches of the Wehrmacht. But this was not an order of mine but an order of Hitler's.

GEN. RUDENKO: From the diagram you have submitted to the Tribunal it would appear that the OKW was the central, coordinating, and supreme military authority of the Reich and that it was directly under Hitler's control. Would this conclusion be correct?

KEITEL: Yes, that was the military staff of Hitler.

GEN. RUDENKO: Who, in the OKW, directly supervised the drafting of military and strategic plans? I am referring specifically to the plans for the attack on Austria, Czechoslovakia, Poland, Belgium, Holland, France, Norway, Yugoslavia, and the Soviet Union.

KEITEL: I believe that yesterday I stated that very precisely, saying that the operational and strategic planning, after an order had been given by Hitler, was prepared and then submitted to Hitler by the commanders-in-chief of the branches of the Wehrmacht; that is to say, for the Army, by the High Command of the Army and the General Staff of the Army, and then further decisions were made with respect to it.

GEN. RUDENKO: With regard to Yugoslavia I should like to ask you the following question: Do you admit that a directive issued under your signature, for the preliminary partition of Yugoslavia, is *per se* a document of great political and international importance, providing for the actual abolition of Yugoslavia as a sovereign state?

KEITEL: I did nothing more or less than to write down a decree by the Führer and forward it to those offices which were interested and concerned. I did not have any personal or political influence whatsoever in these questions.

GEN. RUDENKO: Under your own signature?

KEITEL: As to the signatures which I have given, I made a complete explanation yesterday, as to how they came about and what their significance is.

GEN. RUDENKO: Yes, we did talk about it, we did hear about it, and I shall ask some more questions on the subject later on. I should now like to determine with greater precision your own position in the question of Yugoslavia. Do you agree that you, with the direct participation of the OKW, organized acts of provocation in order to find a reason for aggression against Yugoslavia and a justification for this aggression in the eyes of the world?

KEITEL: This morning, in response to questions of the counsel of other defendants, I answered clearly that I did not participate in any preparation of an incident and that Hitler did not wish either that any military offices should ever participate in the discussion, preparation, deliberation, or the execution of incidents. I use "incident" here in the sense of provocation.

GEN. RUDENKO: Undoubtedly. What part did the OKW take to insure the arming of the Free Corps in the Sudetenland?

KEITEL: Which Free Corps, General? I do not know to which Free Corps you refer.

GEN. RUDENKO: The Free Corps of the Sudetenland.

KEITEL: I am not informed as to whether any military office did any gun-running, if I may say so, or secretly sent arms there. I have no knowledge concerning that. An order to that effect was not given, or at any rate did not pass through my hands. I cannot remember that.

GEN. RUDENKO: By whom and for what reason was the order issued to occupy Ostrau in Moravia and Witkovitz by German troops, on 14 March 1939, in the afternoon, while President Hacha was still on the way to Berlin for negotiations with Hitler?

KEITEL: The order was eventually released and decided by the Führer. There had been preparations to occupy by a *coup de main* that area where the well-known big and modern steel works were located near Mährisch Ostrau—I cannot remember the name now—before the date of the march into Czechoslovakia as originally set. As a justification for that decision, Hitler had told me that it was done in order to prevent the Poles from making a surprise attack from the north, and thereby perhaps taking possession of the most modern rolling mill in the world. This he gave as a reason, and the operation, that is, the occupation, actually took place in the late hours of 14 March.

GEN. RUDENKO: Yes, but during the same time, President Hacha was on the way to Berlin to negotiate with Hitler?

KEITEL: Yes, that is correct.

GEN. RUDENKO: This is treachery!

KEITEL: I do not believe that I need to add my judgement to the facts. It is true that the occupation was carried out on that evening. I have given the reasons, and President Hacha learned about it only after he arrived in Berlin.

Now I remember the name. The rolling mill was Witkovitz.

GEN. RUDENKO: I have a few more questions to ask you in connection with the aggression against the Soviet Union. You testified to the Tribunal yesterday on the subject. You explained your

position with regard to the attack on the Soviet Union. But you informed the Tribunal that the orders for preparing Plan Barbarossa were given at the beginning of December 1940. Is that right?

KEITEL: Yes.

GEN. RUDENKO: Do you definitely remember and confirm this?

KEITEL: I do not know of, or do not remember, any specific order by the High Command of the Wehrmacht which called for the drawing up of this plan called Barbarossa any earlier than that. I explained yesterday, however, that some order had been issued, probably in September, concerning transport and railway facilities and similar matters. I cannot recall whether I signed that order, but yesterday I mentioned such a preparatory order to improve transport conditions from the West to the East.

GEN. RUDENKO: In September?

KEITEL: It may have been in September or October, but I cannot commit myself as to the exact time.

GEN. RUDENKO: I wish to know the exact time.

KEITEL: More accurate information may probably be obtained at a later stage from General Jodl, who ought to know it better.

GEN. RUDENKO: Of course we shall ask him about it during the course of his interrogation. I should like you to recollect the following briefly: Did you first learn of Hitler's schemes to attack the Soviet Union in the summer of 1940?

KEITEL: No. In the summer of 1940 this conversation which is mentioned in Jodl's diary—I believe that is what you are referring to, you mean the conversation from Jodl's diary—I was not present at this obviously very casual and brief conversation and did not hear it. My recollections concerning that period also justify my belief that I was not present, because I was on the move almost every day by airplane and was not present at the discussions of the situation at that time.

GEN. RUDENKO: And when did your conversation with Ribbentrop take place?

KEITEL: That may have been during the last days of August; I believe, it was in the beginning of September, but I cannot give the exact date any more. I reconstruct the date by the fact that I did not return to Berchtesgaden until 10 August, and that I wrote the memorandum which I mentioned yesterday at a later date.

GEN. RUDENKO: And so you assure the Tribunal that you first heard about Hitler's schemes to attack the Soviet Union from the conversation with Ribbentrop?

KEITEL: No, no. After having been absent from Berchtesgaden for about two weeks, partly on leave and partly on duty in Berlin,

I returned to headquarters at Berchtesgaden; and then on one of the subsequent days, probably during the middle of August, I heard for the first time ideas of that kind from Hitler. That was the basis for my deliberation and my memorandum.

GEN. RUDENKO: In that case, have I put my question correctly in asking whether you learned of Hitler's schemes in the summer of 1940?

KEITEL: Yes. The middle of August, after all, is still summer.

GEN. RUDENKO: August is still summer, we will not quibble about that. Further, I should like to remind you of the evidence of the witness Paulus, which he gave here before the Tribunal, on 11 February of this year. Paulus, as you will remember, informed the Tribunal that when he entered the OKH on 3 September 1940, he found among other plans an unfinished preliminary operational draft of a plan for attacking the Soviet Union, known under the name of Barbarossa. Do you remember that part of Paulus' testimony?

KEITEL: I remember it only insofar as he stated that it was a study or a draft for a maneuver, and that he found a document on the occasion of his transfer to the OKH, to the General Staff of the Army. This is not known to me, and it could not be known to me because the documents, files, and other reports of the General Staff of the Army were never at my disposal; and I never had an opportunity to look at them.

GEN. RUDENKO: I wish to establish one fact. Do you deny that the OKH, in September 1940, was elaborating plans in connection with Plan Barbarossa?

KEITEL: If we go by the testimony of Field Marshal Paulus, then I could not say that it is not true, since I cannot know whether it actually was true. I can neither deny nor affirm it.

GEN. RUDENKO: All right. You informed the Tribunal that you were opposed to the war with the Soviet Union.

KEITEL: Yes.

GEN. RUDENKO: You also stated that you went to Hitler with the suggestion that he should change his plans with regard to the Soviet Union. Is that correct?

KEITEL: Yes, not only to change them, but to drop this plan and not to wage war against the Soviet Union. That was the content of my memorandum.

GEN. RUDENKO: That is precisely what I asked you. I would like to ask you now about a conference, evidently known to you, which was held 3 weeks after Germany had attacked the Soviet

Union, the conference of 16 July 1941. Do you remember that conference, which dealt with the tasks for the conduct of the war against the Soviet Union?

KEITEL: No, at the moment I do not know what you mean. I do not know.

GEN. RUDENKO: I do not intend to submit that document to you at this particular minute. You may remember that I submitted it to the Defendant Göring, when the question of the dismemberment and of the annexation of the Soviet Union arose. Do you remember?

KEITEL: That is a document which I know. I believe it is marked on top "BO-FU," and during my interrogation here I have identified it as a memorandum from Reichsleiter Bormann.

GEN. RUDENKO: That is correct.

KEITEL: I made that statement. At that time I also testified that I was called in only during the second part of the conference and that I had not been present during the first part of it. I also testified that it was not the minutes but a free summary made by Reichsleiter Bormann, dictated by him.

GEN. RUDENKO: But you do remember that even then, on 16 July, the question was already being advanced about the annexation by Germany of the Crimea, the Baltic States, the regions of the Volga, the Ukraine, Bielorussia and other territories?

KEITEL: No, I believe that was discussed at the first part of the conference. I can remember the conference, from that stage on where questions of personnel were discussed, that is, certain personalities who were to be appointed. That I remembered. I have seen the document here for the first time and did not know of it before; and did not attend the first half of the conference.

GEN. RUDENKO: In that case may I put the question differently: What were the final aims pursued by Hitler and his entourage at that time, against the Soviet Union?

KEITEL: According to the explanations which Hitler had given me, I saw the more profound reasons for this war in the fact that he was convinced that a war would break out some way or other within the next years between the Greater Slav Empire of Communism and the German Reich of National Socialism. The reasons which were given to me were something like this: If I believe or rather if I am convinced that such a conflict between these two nations will take place, then it would be better now than later. That is how I can put it. But I do not remember, at least not at the moment, the questions which are in this document about the dismemberment of several areas. Perhaps they were constructions of fantasy.

GEN. RUDENKO: And you tell the Tribunal under oath that you did not know of the Hitlerite plans to seize and colonize the territories of the Soviet Union?

KEITEL: That has not been expressed in that form. It is true that I believed that the Baltic provinces should be made dependents of the Reich, and that the Ukraine should come into a closer connection from the point of view of food supply or economy, but concrete plans for conquest are not known to me and if they were ever touched upon I never considered them to be serious problems. That is the way I looked at it at that time. I must not explain how I see it today, but only how I saw it at that time.

GEN. RUDENKO: Did you know that at this conference of 16 July Hitler announced the necessity of razing the city of Leningrad to the ground?

KEITEL: I do not believe that during that conference—I have read that document here again. That it is contained in the document I cannot remember now. But I have had this document here in my hands; I have read it in the presence of the American Prosecutor; and if it is stated therein, then the question of whether or not I have heard it depends entirely on the moment at which I was called to that conference.

GEN. RUDENKO: I do not intend to hand you the document now, because it has already been submitted several times. But in the minutes previously quoted to the Defendant Göring, who read them himself, it is said, "The Leningrad region is claimed by the Finns. The Führer wants to raze Leningrad to the ground and then cede it to the Finns."

KEITEL: I can only say that it is necessary to establish from what moment on I attended that conference. Whatever was said before that moment I did not hear, and I can indicate that only if I am given the document or if one reads the record of my preliminary interrogation. That is what I told the interrogating officer at that time.

GEN. RUDENKO: Very well. We shall give you the minutes of the conference of 16 July immediately. While the passages required are being found, I shall ask you a few more questions, and by that time the passages will have been found.

With regard to the destruction of Leningrad, did you not know about it from other documents?

KEITEL: I have been asked about that by the Russian Delegation and the general who is present here in this courtroom. He has called my attention to a document.

GEN. RUDENKO: That was during the preliminary investigation, that is quite right.

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KEITEL: I know the document which came from the Navy, from an admiral, as well as a second document which contained a short directive, I believe on the order of Jodl, concerning Leningrad. I have been interrogated regarding both documents. As to that I can state only that neither through artillery operations during the siege, nor by operations of the Air Force, could the extent of destruction be compared with that of other places we know about. It did not materialize, we did not carry it out. It never came to a systematic shelling of Leningrad, as far as I know. Consequently, only that can be stated which I said at that time under oath to the gentlemen of the Soviet Delegation.

GEN. RUDENKO: According to your knowledge was Leningrad never shelled?

KEITEL: Certainly artillery was also used in the Leningrad area, but it never went so far as to constitute shelling for the purposes of destruction. That would have occurred, General, if it had come to an attack on Leningrad.

GEN. RUDENKO: Look at this document, and I shall then ask you a few supplementary questions. [*The document was submitted to the defendant.*]

KEITEL: It is very simple. My entry is exactly after the moment after this remark had been made. I told the American interrogator at the time that I just heard the discussion about the appointment of Gauleiter Lohse when I entered the room. The preceding remarks I did not hear.

GEN. RUDENKO: Have you acquainted yourself with those minutes of the report on the conference of 16 July that deal with Leningrad?

KEITEL: Yes, that is where I entered.

GEN. RUDENKO: You saw that there was such an entry in the minutes of the meeting. You arrived at the conference just as they had finished talking about Leningrad?

KEITEL: Yes. I entered the room when they were talking about the qualifications of Gauleiter Lohse, whether or not he was suitable for an administrative office. These were the first words which I heard. A debate was going on about that subject just when I entered.

GEN. RUDENKO: It states there quite clearly: "Raze the city of Leningrad to the ground."

KEITEL: Yes, I have read that here.

GEN. RUDENKO: The same is stated in the decree, is it not?

KEITEL: Yes; but there is no direct connection with me. Do you mean the order of the Navy, the order which was found with the Navy?

GEN. RUDENKO: Do you know that there were two decrees, one issued by the naval command and the other by the OKW, signed by Jodl? You do know that, do you not?

KEITEL: Yes, I have seen both these decrees here. They were submitted by the Russian Delegation.

GEN. RUDENKO: And you know that the decree signed by the Defendant Jodl also refers to the destruction of the city of Moscow.

KEITEL: That I do not remember exactly, any more since only Leningrad was referred to at that time, when I glanced at it. But if it is stated there, I will not doubt it at all.

GEN. RUDENKO: I am asking you: Did the OKW issue decrees for the purpose of having them obeyed?

KEITEL: The order or communication of the Navy is first of all no OKW order and how it originated is not known to me. The short order of the OKW, signed "By order of Jodl," was not drafted in my presence, as I already stated yesterday. I would have signed it but I was absent and therefore do not know either to which reasons or discussions this order was due.

GEN. RUDENKO: You have not replied to my question. I am asking you: The directives issued by the OKW were given out to be obeyed? Can you reply to me briefly?

KEITEL: This is a directive but not an order, because an order can be given only by the office of the local command of the army. It was therefore a directive, an aim, an intention.

GEN. RUDENKO: And are directives from the OKW not meant to be carried out?

KEITEL: Certainly they are meant to be carried out.

GEN. RUDENKO: As to your statement that no one shelled Leningrad, it does not even call for further denial, since it is a well-known fact.

KEITEL: May I at least say that I did not issue that order. That is why I do not know anything about it.

GEN. RUDENKO: Do you know that before the beginning of the war against the Soviet Union the Defendant Göring issued a so-called Green Folder containing directives on the economic matters in the territories of the U.S.S.R. intended for occupation?

KEITEL: Yes, that is known to me.

GEN. RUDENKO: Do you affirm that in your directive of 16 June 1941 you instructed all the German troops to obey these directives implicitly?

KEITEL: Yes, there is a directive which makes known to all units of the Army the organizations which are assigned for important tasks and what their responsibilities are, and that all the military commands of the Army must act in compliance therewith. That I passed on; it was not my order, I passed it on.

GEN. RUDENKO: Was it your own order or were you merely obeying the Führer's instructions?

KEITEL: I merely passed on the orders received from the Führer, and I could not give any orders at all to Reich Marshal Göring in that respect.

GEN. RUDENKO: You did not issue an order to Field Marshal Göring, but addressed your order to the troops?

KEITEL: I could not give him any orders either; I could only communicate the will of the Führer to the Commander-in-Chief of the Army, and he had to pass it on to his army groups.

GEN. RUDENKO: You did not disagree with this will of the Führer's?

KEITEL: I did not raise any objection, since this did not concern a duty of the OKW. I followed the order and passed it on.

GEN. RUDENKO: Do you admit that this order gave you instructions for the immediate and complete economic exploitation of the occupied regions of the Soviet Union in the interest of German war economy?

KEITEL: I did not give such an order containing the aims and tasks which were to be carried out by the organization Economic Staff Oldenburg, since I had nothing to do with that. I only passed on the contents of the Green Folder—it is known what this name stands for—to the High Command of the Army for appropriate action.

GEN. RUDENKO: Do you admit that the directives contained in Göring's Green Folder were aimed at the plunder of the material wealth of the Soviet Union and all her citizens?

KEITEL: No. In my opinion nothing was said about destruction in the Green Folder. Instead of destruction one ought to say, to make good use of surplus, especially in the field of the food supply and the utilization of raw materials for the entire war economy of Germany, but not the destruction of them.

GEN. RUDENKO: Please repeat what you have said.

KEITEL: I said that in the Green Folder there were principles for the utilization of present and future reserves which were considered surplus, but never for their destruction. To let the Soviet population starve at the same time, on account of this, that was not the case. I have seen these things on the spot and therefore I am qualified to speak about them.

GEN. RUDENKO: You do not consider that plunder?

KEITEL: The quibble about words, whether booty, or exploitation of reserves found during the war, or looting, or the like, is a matter of concepts which I believe need not be defined here. Everyone uses his own expressions in this respect.

GEN. RUDENKO: Very well, do not let us argue about it. I have one last question to ask you with regard to the attack on the Soviet Union: Do you agree that the methods of warfare adopted by the German Army in the East stood in striking contrast with the simplest concept of military honor of an army and the exigencies of war?

KEITEL: No, I cannot admit that in this form. I would rather say, the fact that the brutalizing—I have used this term before—that the brutalizing of the war against the Soviet Union and what occurred in the East, is not to be attributed to instigation by the German Army but to circumstances which I have stated in an affidavit submitted by my counsel to the Tribunal. I would furthermore like to ask the Russian Prosecutor to read it so that he can see my opinion about it.

GEN. RUDENKO: Very well. To conclude the question of aggression and to pass to the question of atrocities, I have to ask you the following question, and I trust you will impart to the Tribunal the information you possess in your capacity as Hitler's closest adviser on the conduct of the war.

My question is the following: What tasks did the High Command of the Armed Forces entrust to the German Army in case Germany fought to the finish a victorious war against the Soviet Union?

KEITEL: I do not know what you mean by that. Which demands were put to the military leadership in case the war would be a success? May I ask you to put this question differently. I did not understand it.

GEN. RUDENKO: I have in mind tasks for the further conduct of the war after a successful conclusion of the Eastern campaign.

KEITEL: Then could have occurred what actually did occur later, that is, the landing of the British and American forces in France, in Denmark, or in Germany, *et cetera*. There were various possibilities of warfare which might occur and which could not be anticipated at all.

GEN. RUDENKO: I am not asking this question in general. You are evidently acquainted with a document entitled, *Manual of Naval Warfare*, which had already been drafted on 8 August 1941 and contained plans for the subsequent conduct of the war after the conclusion of the Eastern campaign. I refer here to the drafting of

plans for an attack on Iraq, Syria, and Egypt. Do you know this document?

KEITEL: It has not been submitted to me so far. It is a surprise at the moment, and I cannot recall it.

GEN. RUDENKO: You do not know this document.

This document, Your Honors, is Number S-57; it was submitted to the Tribunal as Exhibit Number USSR-336. I shall show it to you in a minute. Please hand this document to the defendant. *[The document was submitted to the defendant.]*

KEITEL: I see this document for the first time, at any rate here during the proceedings. It begins with the sentence, "A draft of directives concerning further plans after the end of the Eastern campaign was submitted to the Naval Operations Staff." This order or directive of the Navy I have never seen nor could I have seen it. It is a draft of directives which could come only from the High Command of the Wehrmacht. In the Armed Forces Operations Staff there were officers from the Army, the Navy, and the Air Force, and it is quite possible that ideas which took the shape of drafts of directives were made known at the time to the officers of the Wehrmacht Operations Staff. I cannot remember any such draft of directives of the Wehrmacht Operations Staff, but perhaps Generaloberst Jodl may possibly be in a position to give information about that. I cannot remember it.

GEN. RUDENKO: You do not remember it? I shall not examine you about it closely but you see that the document plans the seizure of Gibraltar with the active participation of Spain. In addition it provides for an attack on Syria, Palestine, Egypt, and so forth. And you say that you know nothing of this document?

KEITEL: I shall be glad to give information about that. An attack to seize Gibraltar, the entrance to the Mediterranean straits, had already been planned for the preceding winter but had not been carried out, that is, during the winter of 1939-40. It was nothing new and the other topics which have been mentioned were those which developed ideas based on the situation existing north of the Caucasus as a result of the operations. I do not at all mean to say that these ideas were not given any thought, but I do not remember it and I did not read every document or paper of the Wehrmacht Operations Staff when it was in the drafting stage.

GEN. RUDENKO: If you consider as mere scraps of paper documents concerning the seizure of foreign countries, then what documents do you consider as important?

KEITEL: I can state only the following, which is true and sincere. In wartime one makes many plans and considers various

possibilities which are not and cannot be carried out in the face of the hard facts of reality; and therefore it is not permissible to regard such papers afterwards from an historical point of view, as representing throughout the will and intention of the operational and strategic war leadership.

GEN. RUDENKO: I agree with you that from a historical point of view this document is at present of no importance whatsoever. But taken in conjunction with the plan of the German General Staff at a time when this Staff thought it was going to defeat the Soviet Union, the document does acquire a very different meaning. However, I shall not examine you any further about this document, for the time being.

I now pass on to the subject of atrocities and of your attitude towards these crimes. Your counsel, Dr. Nelte, has already handed you the principal documents of the Prosecution on the subject of atrocities. I do not therefore intend either to submit them again or to enter into any detailed argument on the subject. I shall merely examine you on the basic principles of these documents which were submitted by your counsel when he interrogated you.

I shall first of all refer to a document entitled, "Directive on the Introduction of Military Jurisdiction in Region Barbarossa and on the Adoption of Special Military Measures." Do you remember that document? It was drawn up on 13 May 1941 more than a month before the outbreak of war against the Soviet Union. Do you remember that in that document, drawn up before the war, instructions were given that suspect elements should immediately be brought before an officer and that he would decide whether they were to be shot? Do you remember that directive? Did you sign the document?

KEITEL: Yes, I have never denied that. But I have given the necessary explanations as to how the document came into being and who was its originator.

THE PRESIDENT: What is the number of the document?

GEN. RUDENKO: Document C-50, dated 13 May 1941.

THE PRESIDENT: Very well.

GEN. RUDENKO: [*To the defendant*]: Although you declare that you have already elucidated the matter to your counsel, I am nevertheless obliged to put this question to you in a slightly different form: Did you consider that an officer had a right to shoot people without trial or investigation?

KEITEL: In the German Army there have always been courts-martial for our own soldiers as well as for our enemies, which could always be set up, consisting of one officer and one or two soldiers

all three of whom would act as judges. That is what we call a court-martial (Standgericht); the only requisite is always that an officer must preside at this court. But as a matter of principle I have to repeat the statement which I have made yesterday...

GEN. RUDENKO: One moment! Please reply to this question. Did not this document do away with judicial proceedings in the case of so-called suspects, at the same time leaving to an officer of the German Army the right to shoot them? Is that correct?

KEITEL: In the case of German soldiers it was correct and was permitted. There is a military tribunal with judicial officers and there is a court-martial which consists of soldiers. These have the right to pass and to execute an appropriate sentence against any soldier of the German Army in court-martial proceedings.

THE PRESIDENT: You are not answering the question. The question is, what right does this document give, not what the orders in the German Army are.

GEN. RUDENKO: Can you reply to the following question? Did this document do away with judicial proceedings and did it give the German officer the right to shoot suspects, as stated herein?

KEITEL: That was an order which was given to me by Hitler. He had given me that order and I put my name under it. What that means, I explained in detail yesterday.

GEN. RUDENKO: You, a Field Marshal, signed that decree. You considered that the decree was irregular; you understood what the consequences of that decree were likely to be. Then why did you sign it?

KEITEL: I cannot say any more than that I put my name to it and I thereby, personally, assumed in my position a degree of responsibility.

GEN. RUDENKO: And one more question. This decree was dated 13 May 1941, almost a month before the outbreak of war. So you had planned the murder of human beings beforehand?

KEITEL: That I do not understand. It is correct that this order was issued about 4 weeks before the beginning of the campaign Barbarossa, and another 4 weeks earlier it had been communicated to the generals in a statement by Hitler. They knew that weeks before.

GEN. RUDENKO: Do you know how this decree was actually applied?

KEITEL: I have also told my opinion to the interrogating General of the Soviet Army in the preliminary interrogations; whether generals discussed this order with me has not been mentioned, but I wish to point out that it says specifically here that the higher

commanders have the right to suspend this order concerning court jurisdiction as soon as their area is pacified. I have given the same answer to every general who has asked me about the reasons for this order and its effect. I said that it provides that they were allowed to suspend this order as soon as they considered their area to be pacified. That is an individual subjective question for the discretion of the commanders and it is provided therein.

GEN. RUDENKO: And now for the final question in connection with this order or directive. This order actually assured German soldiers and officers impunity for arbitrary actions and actions of lawlessness?

KEITEL: Within certain limits, within certain limits! The limit was strictly defined in the oral order to the generals, namely, application of severest disciplinary measures among their own troops.

GEN. RUDENKO: I think, Defendant Keitel, that you have seen these "certain limits" in the documents submitted to the Tribunal and in the documentary films.

I shall now ask you the following question: On 12 May 1941 the question of the treatment of captured Russian political commissars and military prisoners was under consideration. Do you remember that document?

KEITEL: At the moment I cannot recall which one you mean. It is not clear to me what you are referring to at the moment.

GEN. RUDENKO: I refer to the document dated 12 May 1941, which established that the political leaders of the Red Army should not be recognized as prisoners of war but should be destroyed.

KEITEL: I have seen only notes on it. I do not recall the document at present but I know the facts. I cannot recall the document at the moment. May I see it please?

GEN. RUDENKO: If you please. [*The document was handed to the defendant.*]

THE PRESIDENT: What number is it?

GEN. RUDENKO: Number 884-PS. It is a document dated 12 May 1941 and entitled: "Treatment of Political and Military Russian Functionaries."

KEITEL: It is not an order but a memorandum on a report by the Department of National Defense, with the remark that decisions by the Führer are still required. The memorandum probably refers to a suggested order, I remember this now; I saw it at the time and the result of the report is not mentioned but merely a suggestion which was put down for the ruling. As far as I know, the ruling was taken on those lines then communicated to the High Command of the Army as having been approved by the Führer or having been

attended to, or discussed, or agreed upon, directly between the Führer and the Commander-in-Chief of the Army.

GEN. RUDENKO: What do you mean when you speak of "regulation"? We have learned so many expressions from German Army terminology, such as "regulation," "special treatment," "execution," but they all, translated into vulgar parlance, mean one thing, and one thing only—murder. What are you thinking of when you say "regulation"?

KEITEL: I did not say "regulation." I do not know which word was understood to mean regulation. I said that, in the sense of that memorandum, according to my recollection, directives had been issued by Hitler to the Army at that time, that is, an approval to the suggestion which has been made in the memorandum.

GEN. RUDENKO: In that case you do not deny that as far back as May, more than a month before the outbreak of war, the document had already been drafted which provided for the annihilation of Russian political commissars and military personnel? You do not deny this?

KEITEL: No, that I do not deny. That was the result of the directives which had been communicated and which had been worked out here in writing by the generals.

THE PRESIDENT: The Tribunal will adjourn now.

*[The Tribunal adjourned until 6 April 1946 at 1000 hours.]*

# ONE HUNDRED AND FIRST DAY

Saturday, 6 April 1946

## *Morning Session*

GEN. RUDENKO: Defendant Keitel, I am asking you about the directive concerning the so-called communist insurrectionary movement in the occupied territories. Yesterday your counsel showed you this directive. It is an order of 16 September 1941, Number R-98. I shall remind you of one passage from this order. It states:

"In order to nip in the bud any conspiracy, the strongest measures should be taken at the first sign of trouble in order to maintain the authority of the occupying power and to prevent the conspiracy from spreading...";

and furthermore:

"...one must bear in mind that in the countries affected human life has absolutely no value and that a deterrent effect can be achieved only through the application of extraordinarily harsh measures."

You remember this basic idea of the order, that human life absolutely does not amount to anything. Do you remember this statement, the basic statement of the order, that "human life has absolutely no value"? Do you remember this sentence?

KEITEL: Yes.

GEN. RUDENKO: You signed the order containing this statement?

KEITEL: Yes.

GEN. RUDENKO: Do you consider that necessity demanded this extremely evil order?

KEITEL: I explained some of the reasons for this order yesterday and I pointed out that these instructions were addressed in the first place to the Commander-in-Chief of the Wehrmacht offices in the Southeast; that is, the Balkan regions, where extensive partisan warfare and a war between the leaders had assumed enormous proportions, and secondly, because the same phenomena had been observed and established on the same or similar scale in certain defined areas of the occupied Soviet territory.

GEN. RUDENKO: Does this mean that you consider this order to have been entirely correct?

KEITEL: I have already explained in detail, in replying to questions, my fundamental standpoint with regard to all orders concerning the treatment of the population. I signed the order and by doing so I assumed responsibility within the scope of my official jurisdiction.

THE PRESIDENT: The Tribunal considers that you are not answering the question. The question was perfectly capable of an answer "yes" or "no" and an explanation afterwards. It is not an answer to the question to say that you have already explained to your counsel.

GEN. RUDENKO: I ask you once more, do you consider this order, this particular order—and I emphasize, in which it is stated that "human life has absolutely no value"—do you consider this order correct?

KEITEL: It does not contain these words; but I knew from years of experience that in the Southeastern territories and in certain parts of the Soviet territory, human life was not respected to the same degree.

GEN. RUDENKO: You say that these words do not exist in the order?

KEITEL: To my knowledge those exact words do not appear; but it says that human life has very little value in these territories. I remember something like that.

GEN. RUDENKO: According to your recollection now, you remember that you were interrogated by General Alexandrov on 9 November 1945. To a question in regard to the meaning of this sentence you replied: "I must admit that this sentence is authentic, although the Führer himself inserted this sentence in the order."

Do you remember your explanation?

KEITEL: That is correct. That is true.

GEN. RUDENKO: I can produce this order for you. I did not produce it because you were familiarizing yourself with it yesterday.

KEITEL: I did not read through all the points yesterday. I merely admitted its actual existence.

THE PRESIDENT: It would help the Tribunal if you got a translation of the document. When you are cross-examining upon a document and as to the actual words of it, it is very inconvenient for us not to have the document before us.

GEN. RUDENKO: Mr. President, I shall at once present this order to the defendant.

*[Handing the document to the defendant.]*

THE PRESIDENT: Is it Document 389-PS?

GEN. RUDENKO: Yes, this is Document 389-PS.

THE PRESIDENT: When you are citing a document it would be a good thing if you would cite the number rather slowly because very often the translation does not come through accurately to us.

GEN. RUDENKO: All right, I shall observe this in the future, Mr. President. I numbered this document R-98, but it has a double number, R-98 and 389-PS. I cited Subparagraph 3b) of this order.

Defendant Keitel, have you familiarized yourself with the document?

KEITEL: Yes. The text in the German language says that "in the countries affected human life frequently has no value..."

GEN. RUDENKO: And further?

KEITEL: Yes, "...and a deterrent effect can be obtained only by extreme harshness. To atone for the life of a German soldier..."

GEN. RUDENKO: Quite clear. And in this same order, in this same Subparagraph "b," it is stated that:

"To atone for the life of one German soldier, 50 to 100 Communists must, as a rule, be sentenced to death. The method of execution should strengthen the measure of deterrent."

Is that correct?

KEITEL: The German text is slightly different. It says: "In such cases in general, the death penalty for 50 to 100 Communists may be considered adequate."

That is the German wording.

GEN. RUDENKO: For one German soldier?

KEITEL: Yes. I know that and I see it here.

GEN. RUDENKO: That is what I was asking you about. So now I ask you once more...

KEITEL: Do you want an explanation of that or am I not to say any more?

GEN. RUDENKO: I shall now interrogate you on this matter. I ask you whether, when signing this order you thereby expressed your personal opinion on these cruel measures? In other words, were you in agreement with Hitler?

KEITEL: I signed the order but the figures contained in it are alterations made personally by Hitler himself.

GEN. RUDENKO: And what figures did you present to Hitler?

KEITEL: The figures in the original were 5 to 10.

GEN. RUDENKO: In other words, the divergence between you and Hitler consisted merely in the figures and not in the spirit of the document?

KEITEL: The idea was that the only way of deterring them was to demand several sacrifices for the life of one soldier, as is stated here.

GEN. RUDENKO: You . . .

THE PRESIDENT: That was not an answer to the question. The question was whether the only difference between you and Hitler on this document was a question of figures. That admits of the answer, "yes" or "no." Was the only difference between you and Hitler a question of figures?

KEITEL: Then I must say that with reference to the underlying principle there was a difference of opinion, the final results of which I no longer feel myself in a position to justify, since I added my signature on behalf of my department. There was a fundamental difference of opinion on the entire question.

GEN. RUDENKO: All right. Let us continue.

I would like to remind you of one more order. It is the order dated 16 December 1942, referring to the so-called "Fight against the Partisans." This document was submitted to the Tribunal as Exhibit Number USSR-16; I shall not examine you in detail with regard to this order. It was presented to you yesterday by your defense counsel.

KEITEL: I do not remember that at the moment.

GEN. RUDENKO: You do not remember?

KEITEL: Not the one that was presented yesterday.

GEN. RUDENKO: All right. If you do not remember I can hand you this document in order to refresh your memory.

THE PRESIDENT: What was the PS number of this document?

GEN. RUDENKO: This is the document submitted by the Soviet Prosecution as Exhibit Number USSR-16 (Document Number USSR-16).

THE PRESIDENT: I just took down that it was USA-516, but I suppose I was wrong in hearing. It is USSR-16, is it?

GEN. RUDENKO: Yes, USSR-16.

THE PRESIDENT: Very well.

GEN. RUDENKO: [*Handing the document to the defendant.*] I shall interrogate you, Defendant Keitel, only on one question in connection with this order. In Subparagraph 1 of this order, Paragraph 3, it is stated, and I would draw your attention to the following sentence:

"The troops are therefore authorized and ordered in this struggle to take any measures without restriction even against women and children, if that is necessary to achieve success."  
Have you found this passage?

KEITEL: Yes.

GEN. RUDENKO: Have you found the order calling for the application of any kind of measures you like without restriction, also against women and children?

KEITEL: "To employ without restriction any means, even against women and children, if it is necessary." I have found that.

GEN. RUDENKO: That is exactly what I am asking you about. I ask you, Defendant Keitel, Field Marshal of the former German Army, do you consider that this order is a just one, that measures may be employed at will against women and children?

KEITEL: Measures, insofar as it means that women and children were also to be removed from territories where there was partisan warfare, never atrocities or the murder of women or children. Never!

GEN. RUDENKO: To remove—a German term—means to kill?

KEITEL: No. I do not think it would ever have been necessary to tell German soldiers that they could not and must not kill women and children.

GEN. RUDENKO: You did not answer my question.

Do you consider this order a just one in regard to measures against women and children or do you consider it unjust? Answer "yes" or "no." Is it just or unjust? Explain the matter later.

KEITEL: I considered these measures to be right and as such I admit them; but not measures to kill. That was a crime.

GEN. RUDENKO: "Any kind of measures" includes murder.

KEITEL: Yes, but not of women and children.

GEN. RUDENKO: Yes, but it says here "Any kind of measures against women and children."

KEITEL: No, it does not say "any measures." It says "...and not to shrink from taking measures against women and children." That is what it says.

No German soldier or German officer ever thought of killing women and children.

GEN. RUDENKO: And in reality...?

KEITEL: I cannot say in every individual case, since I do not know and I could not be everywhere and since I received no reports about it.

GEN. RUDENKO: But there were millions of such cases?

KEITEL: I have no knowledge of that and I do not believe that it happened in millions of cases.

GEN. RUDENKO: You do not believe it?

KEITEL: No.

GEN. RUDENKO: I shall proceed to another question. I shall now refer to one question, the question of the treatment of Soviet prisoners of war. I do not intend to examine you in regard to the branding of Soviet prisoners of war and other facts; they are sufficiently well known to the Tribunal. I want to examine you in regard to one document, the report of Admiral Canaris, which was presented to you yesterday. You remember yesterday your counsel submitted to you the Canaris report; it is dated 15 September 1941 and registered under Document Number EC-338. As you will remember, even a German officer drew attention to the exceptional arbitrariness and lawlessness admitted in connection with the Soviet prisoners of war. Canaris in this report pointed to the mass murders of Soviet prisoners of war and spoke of the necessity of definitely eliminating this arbitrariness. Did you agree with the statements advanced by Canaris in his report, with reference to yourself?

KEITEL: I did not understand the last statement. With reference to myself?

GEN. RUDENKO: The last question amounts to this: Were you, Keitel, personally in agreement with the proposals made by Canaris in his report, that the arbitrary treatment permitted should be done away with where Soviet prisoners of war were concerned?

KEITEL: I answered my counsel yesterday...

GEN. RUDENKO: You can answer my question briefly; were you in agreement with it?

KEITEL: Yes, I will be brief—on receiving that letter, I immediately submitted it to the Führer, Adolf Hitler, especially on account of the enclosed publication by the Peoples' Commissars, which was dated the beginning of July, and I asked for a new decision. On the whole I shared the objections raised by Canaris, but I must supplement that...

GEN. RUDENKO: You shared them? Very well. I shall now present you with the original copy of Canaris' report, containing your decision.

Mr. President, I shall now present to the defendant the document containing his decision. This decision was not read into the record in court and I shall also present the text of his final decision to the Tribunal.

THE PRESIDENT: Do you have the original?

GEN. RUDENKO: Yes, I gave it to the defendant. And now, Witness Keitel, will you please follow?

KEITEL: I know the document with the marginal notes.

GEN. RUDENKO: Listen to me and follow the text of the decision. This is Canaris' document, which you consider a just one. The following are the contents of your decision:

"These objections arise from the military conception of chivalrous warfare. We are dealing here with the destruction of an ideology and, therefore, I approve such measures and I sanction them." Signed: "Keitel."

Is this your resolution?

KEITEL: Yes, I wrote that after it had been submitted to the Führer for decision. I wrote it then.

GEN. RUDENKO: It is not written there that the Führer said so; it is said "I sanction them"—meaning Keitel.

KEITEL: And I state this on oath; and I said it even before I read it.

GEN. RUDENKO: This means that you acknowledge the decision. I will now draw your attention to another passage of this document. I draw your attention to Page 2. Please observe that the text of Canaris' report mentions the following:

"The separation of civilians and prisoners of war who are politically undesirable, and decision to be made in regard to their fate, is to be effected by task forces (Einsatzkommando) belonging to the Security Police and the SD in accordance with directives not known to the Wehrmacht establishments and whose execution cannot be checked by the latter."

Canaris writes this; your decision, Defendant Keitel, is written in the margin. It says, "Highly expedient." Is that correct?

KEITEL: Please repeat the last question. The last words I heard were "Canaris writes."

GEN. RUDENKO: Yes, and I am now mentioning the fact that your decision "Highly expedient" appears in the margin, opposite that paragraph, and written by your own hand. Have you found this?

KEITEL: Yes. The word "expedient" refers to the fact that the army offices had nothing to do with these Einsatzkommandos and know nothing about them. It states that they are not known to the Wehrmacht.

GEN. RUDENKO: And furthermore it refers to the fact that the Security Police and the SD should wreak vengeance on civilians and prisoners of war? You consider that expedient?

KEITEL: No, I thought it expedient that the activities of these Kommandos be unknown to the Armed Forces. That is what I meant. That appears here and I underlined "unknown."

GEN. RUDENKO: I am asking you, Defendant Keitel, known as Field Marshal and one who, before this Tribunal, has repeatedly referred to yourself as a soldier, whether you, in your own blood-thirsty decision of September 1941, confirmed and sanctioned the murder of the unarmed soldiers whom you had captured? Is that right?

KEITEL: I signed both decrees and I, therefore, bear the responsibility within the sphere of my office; I assume the responsibility.

GEN. RUDENKO: That is quite clear. In this connection I would like to ask you, since you have repeatedly mentioned it before the Tribunal, about the duty of a soldier. I want to ask you: Is it in accordance with the concept of a "soldier's duty" and the "honor of an officer" to promulgate such orders for reprisals on prisoners of war and on peaceful citizens?

KEITEL: Yes, as far as the reprisals of August and September are concerned, in view of what happened to German prisoners of war whom we found in the field of battle, and in Lvov where we found them murdered by the hundreds.

GEN. RUDENKO: Defendant Keitel, do you again wish to follow the path to which you resorted once before, and revive the question of the alleged butchery of German prisoners of war? You and I agreed yesterday that as far back as May 1941, prior to the beginning of the war, you had signed a directive on the shooting of political and military workers in the Red Army. I have some...

KEITEL: Yes, I also signed the orders before the war but they did not contain the word "murder."

GEN. RUDENKO: I am not going to argue with you since this means arguing against documents; and documents speak for themselves.

I have a few last questions to ask you: You informed the Tribunal that the generals of the German Army were only blindly carrying out Hitler's orders?

KEITEL: I have stated that I do not know if any generals raised objections or who they were, and I said that it did not happen in my presence when Hitler proclaimed the principles of the ideological war and ordered them to be put into practice.

GEN. RUDENKO: And do you know that the generals, on their own initiative, promulgated orders on atrocities and on the violation of the laws and customs of war, and that these orders were approved by Hitler?

KEITEL: I know that high authorities in the Army issued orders altering, modifying, and even cancelling in part; for instance, as

regards jurisdiction, the March decree and other measures, because they also discussed it with me.

GEN. RUDENKO: You do not understand me. I did not ask about modifications, but whether the generals, on their own initiative, ever promulgated orders inciting to the violation of the laws and customs of war.

KEITEL: I do not know of that. I do not know what order you are referring to, General. At the moment I cannot say that I know that.

GEN. RUDENKO: I shall refer to one order only. What I have in mind is General Field Marshal Reichenau's order governing the conduct of troops in the East.

This document, Mr. President, was presented by the Soviet Prosecution as Exhibit Number USSR-12 (Document Number USSR-12). The passages to which I refer are underlined in this document, and I shall read into the record one quotation from this order governing the conduct of troops in the East:

"Feeding the inhabitants and prisoners of war . . . is . . . a mistaken humanity . . ."

KEITEL: I know the order. It was shown to me during a preliminary interrogation.

GEN. RUDENKO: This order, issued on Reichenau's initiative and approved by Hitler, was distributed as a model order among all the army commanders.

KEITEL: I did not know that; I heard about it here for the first time. To my knowledge I never saw the order either.

GEN. RUDENKO: Of course you would, quite obviously, consider such orders as entirely insignificant. After all, could the fate of Soviet prisoners of war and of the civilian population be of any possible interest to the Chief of the OKW, since their lives were of no value whatsoever?

KEITEL: I had no contact with the commanders at the front and had no official connection with them. The Commander-in-Chief of the Army was the only one who had.

GEN. RUDENKO: I am finishing your cross-examination. When testifying before the Tribunal you very often referred, as did your accomplices, the Defendants Göring and Ribbentrop, to the Treaty of Versailles, and I am asking you, were Vienna, Prague, Belgrade and the Crimea part of Germany before the Treaty of Versailles?

KEITEL: No.

GEN. RUDENKO: You stated here that in 1944, after the law had been amended, you received an offer to join the Nazi Party.

You accepted this offer, presented your personal credentials to the leadership of the Party, and paid your membership fees. Tell us, did not your acceptance to join the membership of the Nazi Party signify that you were in agreement with the program, objectives, and methods of the Party?

KEITEL: As I had already been in possession of the Golden Party Badge for three or four years, I thought that this request for my personal particulars was only a formal registration; and I paid the required Party membership subscription. I did both these things and have admitted doing them.

GEN. RUDENKO: In other words, before this formal offer was ever made, you already, *de facto*, considered yourself a member of the Nazi Party?

KEITEL: I have always thought of myself as a soldier; not as a political soldier or politician.

GEN. RUDENKO: Should we not conclude, after all that has been said here, that you were a Hitler General, not because duty called you but on account of your own convictions?

KEITEL: I have stated here that I was a loyal and obedient soldier of my Führer. And I do not think that there are generals in Russia who do not give Marshal Stalin implicit obedience.

GEN. RUDENKO: I have exhausted all my questions.

SIR DAVID MAXWELL-FYFE: Defendant, do you remember on the 2d of October 1945 writing a letter to Colonel Amen, explaining your position? It was after your interrogations, and in your own time you wrote a letter explaining your point of view. Do you remember that?

KEITEL: Yes, I think I did write a letter; but I no longer remember the contents. It referred to the interrogations, however.

SIR DAVID MAXWELL-FYFE: Yes.

KEITEL: And I think it contained a request that I be given a further opportunity of thinking things over, as the questions put to me took me by surprise and I was often unable to remember the answers.

SIR DAVID MAXWELL-FYFE: I want to remind you of one passage and ask you whether it correctly expresses your view:

"In carrying out these thankless and difficult tasks, I had to fulfill my duty under the hardest exigencies of war, often acting against the inner voice of my conscience and against my own convictions. The fulfillment of urgent tasks assigned by Hitler, to whom I was directly responsible, demanded complete self-abnegation."

Do you remember that?

KEITEL: Yes.

SIR DAVID MAXWELL-FYFE: Well, now, I just want you to tell the Tribunal, what were the worst matters in your view in which you often acted against the inner voice of your conscience? Just tell us some of the worst matters in which you acted against the inner voice of your conscience.

KEITEL: I found myself in such a situation quite frequently, but the decisive questions which conflicted most violently with my conscience and my convictions were those which were contrary to the training which I had undergone during my 37 years as an officer in the German Army. That was a blow at my most intimate personal principles.

SIR DAVID MAXWELL-FYFE: I wanted it to come from you, Defendant. Can you tell the Tribunal the three worst things you had to do which were against the inner voice of your conscience? What do you pick out as the three worst things you had to do?

KEITEL: Perhaps, to start with the last, the orders given for the conduct of the war in the East, insofar as they were contrary to the acknowledged usage of war; then something which particularly concerns the British Delegation, the question of the 50 R.A.F. officers, the question which weighed particularly heavy on my mind, that of the terror-fliers and, worst of all, the Nacht und Nebel Decree and the actual consequences it entailed at a later stage and about which I did not know. Those were the worst struggles which I had with myself.

SIR DAVID MAXWELL-FYFE: We will take the Nacht und Nebel.

My Lord, this document and a good many to which I shall refer are in the British Document Book Number 7, Wilhelm Keitel and Alfred Jodl, and it occurs on Page 279. It is L-90, Exhibit USA-503.

[Turning to the defendant.] Defendant, I will give you the German document book. It is 279 of the British document book, and 289...

KEITEL: Number 731?

SIR DAVID MAXWELL-FYFE: It is Page 289. I do not know which volume it is; Part 2, I think it is.

You see, the purpose of the decree is set out a few lines from the start, where they say that in all cases where the death penalty is not pronounced and not carried out within a week,

"... the accused are in the future to be deported to Germany secretly, and further proceedings in connection with the offenses will take place here. The deterrent effect of these measures lies in: (a) the complete disappearance of the accused;

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(b) the fact that no information may be given as to their whereabouts or their fate."

Both these purposes, you will agree, were extremely cruel and brutal, were they not?

KEITEL: I said both at the time and yesterday, that I personally thought that to deport individuals secretly was very much more cruel than to impose a sentence of death. I have...

SIR DAVID MAXWELL-FYFE: Would you turn to Page 281—291 of yours—281 of the English Book?

KEITEL: Yes, I have it.

SIR DAVID MAXWELL-FYFE: You say that this is your covering letter:

"The Führer is of the opinion:"—Line 4—"In the case of offenses such as these, punishment by imprisonment, or even penal servitude for life, will be considered a sign of weakness. Effective and lasting intimidation can only be achieved either by capital punishment or by measures which keep the culprit's relatives and the population generally uncertain as to his fate."

You will agree that there again these sentences of the Führer which you are here transmitting were cruel and brutal, were they not?

KEITEL: Yes.

SIR DAVID MAXWELL-FYFE: Now, what I...

KEITEL: May I add something?

SIR DAVID MAXWELL-FYFE: Certainly, as shortly as you can.

KEITEL: I made a statement yesterday on this subject and I drew your attention particularly to the words: "It is the Führer's long considered will," which were intended to convey to the generals who were receiving these orders what was written between the lines.

SIR DAVID MAXWELL-FYFE: But, you know, Defendant, that that was by no means the end of this series of orders, was it? This order was unsuccessful despite its cruelty and brutality in achieving its purpose, was it not? This order, the Nacht und Nebel Order, in that form was unsuccessful in achieving its purpose; it did not stop what it was designed to stop? Is that right?

KEITEL: No, it did not cease.

SIR DAVID MAXWELL-FYFE: So that in 1944 you had to make a still more severe order. Would you look at Document D-762? My Lord, that will become Exhibit GB-298.

[Turning to the defendant:] It says:

"The constant increase in acts of terror and sabotage in the occupied territories, committed more and more by bands under unified leadership, compels us to take the sternest countermeasures in a degree corresponding to the ferocity of the war which is forced upon us. Those who attack us from the rear at the crisis of our fight for existence deserve no consideration.

"I therefore order:

"All acts of violence committed by non-German civilians in the occupied territories against the German Wehrmacht, the SS, or the Police, or against installations used by them, are to be combated in the following manner as acts of terrorism and sabotage:"—(1)—"The troops,"—the SS and so on—"are to fight down on the spot . . . all terrorists and saboteurs."—(2)—"Those who are apprehended later are to be handed over to the nearest local Security Police and the SD office."—(3)—"Accomplices, especially women, who take no active part in the fighting, are to be employed on labor. Children are to be spared."

Now, would you look at Paragraph II:

"The Chief of the OKW will issue the necessary executive instructions. He is entitled to make alterations and additions as far as required by the exigencies of war operations."

Did you think that was a cruel and severe order or not?

KEITEL: Yes, I do think so, but may I make one small correction? It must have been incorrectly translated. The actual wording is: "Women are to be employed on labor. Children are to be spared." So it says in the original version which I have before me.

SIR DAVID MAXWELL-FYFE: I said "spared." "Spared" meant that they were not to be treated thus. I was careful to mention that.

KEITEL: Yes.

SIR DAVID MAXWELL-FYFE: Now, you had authority to make alterations and additions. Did you, by your alterations and additions, attempt to mitigate the severity of that order in any way?

KEITEL: I have no recollection of having issued any additional orders to mitigate its severity. I may also say that I never would have issued anything without first presenting it to the Führer.

SIR DAVID MAXWELL-FYFE: Just let us see what you did issue. Would you look at Document D-764, which will be Exhibit GB-299?

Now, that is your executive order, countersigned I think by the Senior Military Judge, putting forward your order based on that decree; and would you look at Paragraphs 4 and 5:

"All legal proceedings now going on in connection with acts of terrorism, sabotage, or other crimes committed by non-German civilians in the occupied territories which imperil the security or readiness for action of the occupying power are to be suspended. Indictments are to be dropped. Sentences already pronounced are not to be carried out. The culprits are to be handed over with a report on the proceedings to the nearest local Security Police and SD office. In the case of death sentences which have already become final, the regulations now in force will continue to apply.

"Crimes affecting German interests but which do not imperil the security or readiness for action of the occupying power do not justify the retention of jurisdiction over non-German civilians in the occupied territories. I authorize the commanders of the occupied territories to draw up new regulations in agreement with the Higher SS and the Police Leader."

And then you ask them to consider among the first, one handing them over to the SD for forced labor.

That was certainly not mitigation of the order, was it? You were not making it any easier.

KEITEL: There are a few sentences to be added here. This arose out of the daily discussion of these matters which I dealt with later on the same lines as the first decree. I made suitable annotations, and signed them.

SIR DAVID MAXWELL-FYFE: Well, now, that is what you called terrorism and sabotage. Let us look at what happened to people who were guilty of something less than terrorism or sabotage. Look at Document D-763. That will be GB-300. "Non-German civilians..."

KEITEL: Yes.

SIR DAVID MAXWELL-FYFE: "Non-German civilians in the occupied territories who endanger the security or tactical preparedness of the occupying power otherwise than through acts of terrorism and sabotage, are to be handed over to the SD. Section I, Number 3..."—that is the part that says women will be employed on labor and children will be spared—"of the Führer's order also applies to them."

Well, you knew perfectly well what would happen to anyone who was handed over to the SD, that he would probably be killed, certainly be put into a concentration camp, did you not?

KEITEL: I did not interpret it that way; the words "to be allocated on labor" were always used; but it has become clear to me from what I have learned that they frequently ended in the concentration camp. However, it was always described to us, to me, as

a labor camp. That was the description, "labor camps of the Secret State Police."

SIR DAVID MAXWELL-FYFE: But this is August 1944. You will agree that that is a most severe course to take with people who have been guilty of something less than terrorism or sabotage, do you not?

KEITEL: Yes.

SIR DAVID MAXWELL-FYFE: Now, let us . . .

KEITEL: I assume that you do not wish me to discuss this origin and development here. Otherwise I could explain them; but I will merely answer the question. The answer is, yes, it was a very severe measure. The explanation, if I may state it very briefly, is that, as is known, during the interminable daily situation reports on the incidents in all the occupied territories, I received from the Führer instructions and orders which were afterwards crystallized in a form similar to this document; and I think I have already described in detail the way in which I discussed these things with him and how I worked, that on principle I never issued or signed anything which did not agree in principle with his wishes.

SIR DAVID MAXWELL-FYFE: That was severe enough for you for only 3 weeks, was it not, because on 4 September, which is barely 3 weeks later, you issued another order, Document D-766, Exhibit GB-301. Now, this was issued, as it shows, as an agreement with Himmler, Kaltenbrunner, the Reich Minister of Justice and Dr. Lammers. Now look at I:

"Non-German civilians in occupied territories who have been sentenced by German courts for a criminal act against the security or tactical preparedness of the occupying power, the sentence having become final, and who are in custody in the occupied territories or in the home front area, are to be handed over, together with a report on the facts, to the nearest local Security Police and SD office. An exception is made only in the case of those sentenced to death for whom the execution of the penalty has been ordered.

"II. Persons convicted of criminal acts against the Reich or the occupying power and prohibited, in accordance with the directives . . . issued by the Führer for the prosecution of such acts, from intercourse with the outside world, are to be given a distinguishing mark."

Now, had you any idea how many people would be affected by that order?

KEITEL: No, I cannot say anything about that. I know only that it was made necessary by the increasing tension in the occupied territories, due to lack of troops to keep order.

SIR DAVID MAXWELL-FYFE: Well, let me remind you. You called a conference to consider this matter. That is shown in Document D-765, and I also show you D-767, the report of the conference. You need not worry about 765, which just says that there is to be a conference, but in Document D-767, which will be Exhibit GB-303, there is a report of the conference. The second paragraph says:

"The Reichsführer SS"—Himmler—"demands in his letter the immediate surrender to the SD of approximately 24,000 non-German civilians who are under arrest or held for interrogation."—Now listen to this: "No answer was given to the question raised during the discussion as to why they must be surrendered to the SD at the present moment, in spite of the considerable amount of administrative work involved."

Can you give any answer now as to why 24,000 people who had been sentenced should be transferred to the tender mercies of the SD?

KEITEL: May I read this note? I do not know it; may I read it now, please?

SIR DAVID MAXWELL-FYFE: Certainly. You will see that I did not trouble you with it all, but it says what I had already put to you earlier, that the Nacht und Nebel Decree had become superfluous as a result of the terror and sabotage decree, and that the Wehrmacht Legal Department had presented these things for discussion.

Now, can you give us any answer as to why these 24,000 unfortunate persons who had been sentenced should be handed over to the tender mercies of the SD?

KEITEL: I must say that I am surprised by the whole incident. I did not attend the conference, and apparently I did not read the note since, as a matter of principle, I always marked every document which had been presented to me with my initials. I am not acquainted with the figures quoted; this is the first time I have seen them; I am not acquainted with them and I do not remember them, unless another order was...

SIR DAVID MAXWELL-FYFE: I will give you something which you have read.

KEITEL: As regards the facts about which you ask, I must answer in the affirmative. I do not know the figures, only the facts.

SIR DAVID MAXWELL-FYFE: And you cannot answer my question. You cannot give us any reason as to why the Wehrmacht and these other offices were sending the 24,000 people, who had been sentenced by ordinary courts, over to the SD? You cannot give us any reason for that?

KEITEL: No; I may say that up to a point I can. I think "SD" is a misinterpretation. I think police custody was meant. That does not mean the same thing.

SIR DAVID MAXWELL-FYFE: Certainly not.

KEITEL: I do not know if it might have been the same thing.

SIR DAVID MAXWELL-FYFE: Surely you have been at this Trial too long to think that handing people over to the SD means police custody. It means a concentration camp and a gas chamber usually, does it not? That is what it meant in fact, whether you knew it or not.

KEITEL: I did not know it, but it obviously led to the concentration camp in the end. I consider it possible; in any case, I cannot say that it was not.

THE PRESIDENT: Sir David, the last paragraph but one refers to the OKW.

SIR DAVID MAXWELL-FYFE: Yes, My Lord, I am just coming to that.

[Turning to the defendant.] If you will notice that, Defendant, two paragraphs below the one I put to you it states:

"As the OKW is not particularly interested in trying the minor matters still remaining for the military tribunals, they are to be settled by decrees to be agreed upon by local authorities."

It is quite clear that your office was deeply concerned in this business, was it not, Defendant?

KEITEL: I do not know exactly what it means, but it was obviously mentioned at that conference.

SIR DAVID MAXWELL-FYFE: Now, before I put the next document, I want you to realize how we have been going. We started with the Nacht und Nebel Decree, which disappeared, and we went on to the Terror and Sabotage Decree. We then proceeded to acts which were less than terror and sabotage, but were criminal acts under the rules of the occupying power.

I now want you to consider what was done to people who simply refused to work. Would you look at Document D-769? That is Exhibit GB-304. That is a telegram from Luftwaffe General Christiansen, who was in the Netherlands, Commander of the Air Forces in the Netherlands, through his Chief of Staff.

Now listen to this:

"Owing to railway strike, all communications in Holland at standstill. Railway personnel does not respond to appeals to resume work. Demands for motor vehicles and other means of transport for moving troops and maintaining supplies are no longer obeyed by the civil population. According to the Führer's decree of 18 August 1944"—that is the Terror and

Sabotage Decree, which you have already had—"and the supplementary executive instructions of the Chief of the OKW"—which we have already seen—"troops may use weapons only against persons who commit acts of violence as terrorists or saboteurs, whereas persons who endanger the security or tactical preparedness of the occupying power in any other way than by terrorism or acts of sabotage, are to be handed over to the SD."

Then General Christiansen comes in with this:

"This regulation has proved too complicated, and therefore ineffective. Above all, we do not possess the necessary police forces. The troops must again receive authority to shoot also, with or without summary court martial, persons who are not terrorists or saboteurs in the sense of the Führer's decree, but who endanger the fighting forces by passive resistance. It is requested that the Führer's decree be altered accordingly, as the troops cannot otherwise assert themselves effectively against the population, which in its turn, appears to endanger the conduct of operations."

Now, Defendant, will you agree that shooting, with or even without trial, railway men who will not work, is about as brutal and cruel a measure as could well be imagined by the mind of man? Do you agree?

KEITEL: That is a cruel measure, yes.

SIR DAVID MAXWELL-FYFE: What was your answer to that cruel measure?

KEITEL: I cannot say. I do not recollect the incident at all, but perhaps the answer is there.

SIR DAVID MAXWELL-FYFE: Well, look at the Document D-770, which is, I think, your answer; it is Exhibit GB-305. You will notice on the distribution list that that goes to the Commander of the Armed Forces in the Netherlands, and further to the signal which we have just been looking at. Now, you say:

"According to the Führer's order of 30 July 1944, non-German civilians in the occupied territories who attack us in the rear in the crisis of our battle for existence deserve no consideration. This must be our guiding principle in the interpretation and application of the Führer's decree itself and the Chief of the OKW's executive decree of 18 August 1944.

"If the military situation and the state of communications make it impossible to hand them over to the SD, other effective measures are to be taken ruthlessly and independently. There is, naturally"—and I ask you to note the word

“naturally”—“no objection to passing and executing death sentences by summary court-martial under such circumstances.”

I can not remember, Defendant, whether you have ever had an independent command yourself or not. Have you? Have you had an independent command, apart from your division? I think that was the last independent command you had. You have not had an independent command yourself, have you? Don't I make myself clear?

KEITEL: I did not understand. What do you mean by “independent”?

SIR DAVID MAXWELL-FYFE: I mean that you have not been a commander or chief of an army or army group yourself, if I remember rightly, or of an area, have you?

KEITEL: No, I have not.

SIR DAVID MAXWELL-FYFE: I ask you to put yourself in General Christiansen's position. That answer of yours was a direct encouragement, practically amounting to an order, to shoot these railway men out of hand, was it not? “To take other effective measures ruthlessly and independently.”

KEITEL: That is explained by the form of summary court-martial. It is not left to the discretion of the individual; jurisdiction of summary court-martial was provided.

SIR DAVID MAXWELL-FYFE: Just look at the way it is put, Defendant. I suggest to you that it is quite clear. One sentence states: “If handing over to the SD is impossible, owing to the military situation and the state of communications, other effective measures are to be taken ruthlessly and independently.”

Then, the next sentence: “There are, naturally”—look at the word “naturally.” I suppose that it was “natürlich” in German. Is that correct?

KEITEL: I have not the word “natürlich” here. Two words, so far as I can make out, have been inserted.

SIR DAVID MAXWELL-FYFE: But it says: “There are, naturally, no objections to passing and executing death sentences by summary court-martial procedure.” What you are saying is that, of course, there is no objection to a summary court, but you are telling him, in addition to that, that he is to take effective measures ruthlessly and independently. If General Christiansen had shot these railway men out of hand, after getting that letter from you, neither you nor any other superior could have blamed him for it, could you?

KEITEL: According to the last sentence, he was obliged to carry out summary court martial procedure. It says: “There are no

objections to the executing of this sentence by summary court-martial under such circumstances." That is how I meant it.

SIR DAVID MAXWELL-FYFE: But what did you mean by "effective measures to be taken ruthlessly and independently"? What did you mean by that, if it was only an ordinary summary court procedure?

KEITEL: Not apart from summary court procedure, but by means of the same. That is what the last sentence means. It is already unusual to appoint a summary court-martial in such cases.

SIR DAVID MAXWELL-FYFE: Yes, even on your basis, to use a military summary court to shoot railway men who will not work is going rather far even for you, is it not? It is going rather far, isn't it?

KEITEL: That was a very severe measure, yes.

SIR DAVID MAXWELL-FYFE: Do you tell the Tribunal that when you make all these additions, taking you through the chain of additions that you make to the order replacing the Nacht und Nebel Order, of which you disapproved, do you say that you went to Hitler for every one of these executive orders and answers that you made?

KEITEL: Yes. I went to him on the occasion of every one of these orders. I must emphasize the fact that I did not issue any of these orders without previously submitting it to the Führer. I must expressly point out that that was so.

DR. NELTE: Mr. President, I think a misunderstanding has crept into the translation. The translation interprets "Standgericht" as summary court. I do not believe that the words "summary court" reflect accurately what we understand in the German language by "Standgericht." I do not know just what you understand in the English or American language by "summary court," but I can imagine that this means some summary procedure.

SIR DAVID MAXWELL-FYFE: I was taking it in favor of the Defendant that it meant the court he referred to yesterday, one officer and two soldiers. I was taking that. If I am wrong, the Defendant will correct me. Is that right, Defendant?

KEITEL: I described this Standgericht (summary court-martial procedure) briefly yesterday, and the criterion of a summary court-martial was that it was not always necessary for a fully trained legal expert to be present, although it was desirable.

THE PRESIDENT: While you are on the subject of translation, the Defendant seemed to suggest that there was no word in the German which is translated by the English word "naturally." Is that true?

SIR DAVID MAXWELL-FYFE: I had it checked and I am told that the translation is right.

THE PRESIDENT: There is a German word which is translated by "naturally"? I should like to know that from Dr. Nelte.

DR. NELTE: I am told that a false conception or false judgment might be produced in this connection since in British and American law a summary court has no right to pass sentences of death. I am told that a summary court...

THE PRESIDENT: Excuse me, Dr. Nelte, I did not ask that question. The question I asked you was whether there was any German word which is translated into English by the word "naturally." Is that not a clear question?

DR. NELTE: In the German text it says "under such circumstances, of course." I think the English translation is incorrect in using the word "naturally" and in putting it after "in these circumstances" instead of at the beginning, so that one is led to conclude that it means, "there are naturally no objections (es gibt natürlich keine Einwendungen)," whereas the German text says, "Against the passing and executing of death sentences by summary court procedure there are—under such circumstances, of course—no objections (Gegen die Verhängung und Vollstreckung von Todesurteilen im standgerichtlichen Verfahren bestehen unter solchen Verhältnissen selbstverständlich keine Bedenken)."

THE PRESIDENT: Then the answer to my question is "yes." There is a word in the German which is translated "naturally."

DR. NELTE: Yes, but the words "naturally" and "under such circumstances" are separated in the English version, while in the German version they belong together. "Naturally" refers to "under such circumstances."

SIR DAVID MAXWELL-FYFE: Now I want to come to another point. You told us yesterday that with regard to forced labor you were concerned in it because there was a shortage of manpower and you had to take men out of industry for the Wehrmacht. Your office was concerned with using military forces in order to try and round-up people for forced labor, was it not?

KEITEL: I do not think that is quite the correct conception. The Replacement Office in the High Command of the Wehrmacht...

SIR DAVID MAXWELL-FYFE: If you are going to deny it, I put the document to you. I put General Warlimont's views to you and see if you agree. I think it saves time in the end. If you look at Document 3819-PS, which will be Exhibit GB-306, Page 9 of the English version. It is the report of a meeting at Berlin on 12 July 1944. You have to look on through the document after the letters

from the Defendant Sauckel and the Defendant Speer, the account of a meeting in Berlin. I think it is Page 10 of the German version. It starts with a speech by Dr. Lammers and goes on with a speech from the Defendant Sauckel, then a speech from the witness Von Steengracht, then a speech from General Warlimont: "The Deputy of the head of the OKW, General Warlimont, referred to a recently issued Führer order." Have you found the portion? I will read it if you have.

KEITEL: Yes, I have found the paragraph "The Representative of the Chief of the OKW..."

SIR DAVID MAXWELL-FYFE: "The Representative of the Chief of the OKW, General Warlimont, referred to a recently issued Führer order, according to which all German forces had to participate in the task of raising manpower. Wherever the Wehrmacht was stationed, if it was not employed exclusively in pressing military duties (as, for example, in the construction of coastal defenses), it would be available, but it could not be assigned expressly for the purpose of the GBA. General Warlimont made the following practical suggestions:

"a) The troops employed in fighting the partisans are to take over, in addition, the task of raising manpower in the partisan areas. Everyone who cannot give a satisfactory reason for his presence in these areas is to be recruited by force.

"b) When large cities are wholly or partly evacuated on account of the difficulty of providing food, those members of the population suitable for labor are to be utilized for labor with the assistance of the Wehrmacht.

"c) The refugees from the areas near the front should be rounded up with special vigor with the assistance of the Wehrmacht."

After reading this report of General Warlimont's words, do you still say that the Wehrmacht...

KEITEL: I am not aware that the Armed Forces have ever received an order mentioning the rounding-up of workers. I would like to say that I know of no such demand and I have not found any confirmation of it. The conference as such is unknown to me and so are the proposals you mentioned. It is new as far as I am concerned.

SIR DAVID MAXWELL-FYFE: It is quite clear that General Warlimont is suggesting that the Wehrmacht should help in the rounding up of forced labor, isn't it?

KEITEL: But as far as I know it has never happened. I do not know that such an order was given. According to the record, this is a proposal made by General Warlimont, yes.

THE PRESIDENT: Sir David, perhaps in those circumstances you should read the three lines after the passage you have read.

SIR DAVID MAXWELL-FYFE: My Lord, I should. The next line: "Gauleiter Sauckel accepted these suggestions with thanks and expressed the expectation that a certain amount of success could be achieved by this means."

KEITEL: May I say something about that? May I ask that Gauleiter Sauckel be asked at a given time whether and to what extent troops of the Armed Forces did actually participate in such matters. It is not known to me.

SIR DAVID MAXWELL-FYFE: No doubt the Defendant Sauckel will be asked a number of questions in due time. At the moment I am asking you. You say that you do not know anything about it?

KEITEL: No, I do not recollect that any order was given in this connection. I gather from the statement by Warlimont that discussions took place.

SIR DAVID MAXWELL-FYFE: Now I want to ask you a few questions about the murder of various prisoners of war. I want to get it quite clear. Did you mean yesterday to justify the order for the shooting of Commandos, dated 18 October 1942? Did you wish to say that it was right and justified, or not?

KEITEL: I stated yesterday that neither General Jodl nor I thought that we were in a position, or considered it possible, to draft or submit such a written order. We did not do it because we could not justify it or give reasons for it.

SIR DAVID MAXWELL-FYFE: The next question that I put to you is this: Did you approve and think right the order that was made that Commandos should be shot?

KEITEL: I no longer opposed it, firstly on account of the punishment threatened, and secondly because I could no longer alter the order without personal orders from Hitler.

SIR DAVID MAXWELL-FYFE: Did you think that that order was right?

KEITEL: According to my inner convictions I did not consider it right, but after it had been given I did not oppose it or take a stand against it in any way.

SIR DAVID MAXWELL-FYFE: You know that your orders had contained provisions for the use of parachutists being dropped for sabotage purposes, don't you? Your own orders have contained that provision of parachutists being dropped for sabotage purposes. Don't you remember in the Fall Grün against Czechoslovakia? I would put it to you if you like, but I would so much prefer that you try to

remember it yourself. Don't you remember that your own orders contained a provision for parachutists being dropped for sabotage purposes in Czechoslovakia?

KEITEL: No.

• SIR DAVID MAXWELL-FYFE: You don't?

KEITEL: No, I do not remember the order.

SIR DAVID MAXWELL-FYFE: I refer you to it. My Lord, it is Page 21 and 22 of the document book.

KEITEL: Which document book, please?

SIR DAVID MAXWELL-FYFE: Yes. It ought to be your first document book, and quite early on. It is part of the Fall Grün, which is Document 388-PS, and it is Item 11. I think it is somewhere about Page 15 or 16 or 20. You remember the Schmundt minutes and then it is divided into items.

The Tribunal will find it at the foot of Page 21:

*[Turning to the defendant.]*

"For the success of this operation, co-operation with the Sudeten German frontier population, with deserters from the Czechoslovakian Army, with parachutists or airborne troops, and with units of the sabotage service will be of importance."

KEITEL: May I read the paragraph that I think you mean?

SIR DAVID MAXWELL-FYFE: Yes; it is headed "Missions for the Branches of the Armed Forces . . ."

KEITEL: "Missions for the Branches of the Armed Forces." It states:

"For success, co-operation with the Sudeten German frontier population and the deserters from the Czechoslovakian Army, with parachutists or airborne troops and with units of the sabotage service can be of importance."

These parachutists and airborne troops were in fact to be set to work on frontier fortifications, as I explained yesterday, since army authorities believed that the artillery resources at our command were insufficient to permit our combating them with artillery.

This does not mean parachutists or saboteurs, but actual members of the German Air Force, and the sabotage service is mentioned at the end.

SIR DAVID MAXWELL-FYFE: The sabotage service must be people who are going to do sabotage if they are going to be of any use, must they not? They do sabotage, don't they?

KEITEL: Undoubtedly; but not by means of airborne troops and parachutists, but through saboteurs in the frontier areas who offer

their services for this kind of work. Yes, that is what they are thinking of. We had many such people in the Sudeten region.

SIR DAVID MAXWELL-FYFE: I am not going to argue with you, but I want to have it clear. I now want to come to the way in which this order of the Führer was announced. You will find the order—the Tribunal will find it on Page 64—but what I want him to look at if he would be so kind, is Page 66 of the book, Page 25, Defendant, of your book. The second sentence of the Defendant Jodl's "To the Commanders" about this order. That is on Page 25, and Defendant Jodl says: "This order is for the commanders only and must not under any circumstances fall into enemy hands." Was that because you and the Defendant Jodl were ashamed of the order, that you had this secrecy provision put on it?

KEITEL: I have not found it yet, and I would like to know the connection. Page 25 is a teletype letter.

SIR DAVID MAXWELL-FYFE: From the Oberkommando Wehrmacht, dated 19 October. Now have you got it, the second sentence?

KEITEL: Dated 18 October 1942?

SIR DAVID MAXWELL-FYFE: 19 October, issuing order of the 18th. "This order is for commanders only and must not under any circumstances fall into enemy hands." Was that because you were ashamed of the order, that it was put like that?

KEITEL: I have not seen the letter and I think General Jodl should be asked about it. I do not know the contents, but I have already stated the opinion of both of us. I cannot give you the reason.

SIR DAVID MAXWELL-FYFE: You can't give me the reason for this secrecy?

KEITEL: I do not know the motives behind it and I would ask you to put this question to General Jodl. I have not seen it. But I have already stated my own views and those of General Jodl.

SIR DAVID MAXWELL-FYFE: Well, now, I want you to look at the way that even Hitler expresses it with regard to this. If you look—I guess it is Page 31 in our book. It is a report from Hitler wherein he says:

"The report which should appear on this subject in the Armed Forces communiqué will state briefly and laconically that a sabotage, terror, or destruction unit has been encountered and exterminated to the last man." (Document Number 503-PS)

You were doing your best—and when I say "you," I mean you collectively, Hitler, yourself, and Jodl and everyone else concerned. You were doing your best to keep quiet about this, about anything being known about this order, weren't you?

KEITEL: That was not my impression; on the contrary, in every case we subsequently published the facts in the Wehrmacht orders, the Wehrmacht report. It is my recollection, namely, that in the Wehrmacht report we stated that such and such an incident had occurred, followed by such and such consequences. That is my recollection.

SIR DAVID MAXWELL-FYFE: I am now only going to ask you to look at one document further on, because in that regard, you remember, after the Soviet Union tried certain people at Kharkov, when you were trying to get up some counterpropaganda—now, look at this document, about these executions, it is Page 308, Document UK-57. You have got a copy of it. I am going to ask you about only two incidents. You see it is a memorandum and the passage that I want you to look at is Number 2, the fourth memorandum, Paragraph 2, which is headed "Attempted Attacks on the Battleship *Tirpitz*." Do you see that?

KEITEL: Just one moment, I have not found it yet. Battleship *Tirpitz*, oh, yes.

SIR DAVID MAXWELL-FYFE: Have you got it? Just listen, now:

"At the end of October 1942 a British Commando that had come to Norway in a cutter, had orders to carry out an attack on the Battleship *Tirpitz* in Drontheim Fjord, by means of a two-man torpedo. The action failed since both torpedoes, which were attached to the cutter, were lost in the stormy sea. From among the crew, consisting of six Englishmen and four Norwegians, a party of three Englishmen and two Norwegians were challenged on the Swedish border; however, only the British seaman in civilian clothes, Robert Paul Evans, born 14 January 1922, in London, could be arrested and the others escaped into Sweden.

"Evans had a pistol pouch in his possession, such as are used to carry weapons under the armpit, and also a knuckle duster."

And now the next page:

"Violence representing a breach of international law could not be proved."

Did incidents such as that, under this order, come to your attention?

KEITEL: I do not remember the actual incident, but I can see that it has been reported by the department.

SIR DAVID MAXWELL-FYFE: Well, now you have told us that you have been a soldier for 41 years; that emphasizes your military position. What, in the name of all military tradition, has

that boy done wrong by coming from a two-man torpedo to make an attack on a battleship; what had he done wrong?

KEITEL: No, this is an attack against a weapon of war, if carried out by soldiers in their capacity of members of the armed forces, it is an attack made with the object of eliminating a battleship by means of sabotage.

SIR DAVID MAXWELL-FYFE: But why, why should you not if you were prepared to go on a two-man torpedo for an attack against a battleship, what is wrong with a sailor doing that? I want to understand what is in your mind. What do you, as a man who has been a soldier for 40 years, what do you see wrong for a man doing that, towing out a torpedo against a battleship? Tell us. I cannot understand what is wrong.

KEITEL: This is no more wrong than an attack with an aerial bomb if it is successful. I recognize that it is right, that it is a perfectly permissible attack.

SIR DAVID MAXWELL-FYFE: Well now, if you did not see that incident I will not go through putting the others in, as they are all just the same, men in uniform coming up to the Gironde to attack German ships.

What I want to understand is this. You were a Field Marshal, standing in the boots of Blücher, Gneisenau, and Moltke. How did you tolerate all these young men being murdered, one after the other without making any protests?

KEITEL: I have stated here in detail my reasons for not making any further resistance or objection; and I cannot alter any statement now. I know that these incidents occurred and I know the consequences.

SIR DAVID MAXWELL-FYFE: But, Field Marshal, I want you to understand this. As far as I know, in the German military code, as in every military code, there is no obligation on the part of a soldier to obey an order which he knows is wrong, which he knows is contrary to the laws of war and law. It is the same in your army, and our army, and I think in every army, isn't that so?

KEITEL: I did not personally carry out the orders of 18 October 1942. I was not present either at the mouth of the Gironde or at the attack on the battleship *Tirpitz*. I knew only that the order was issued, together with all the threats of punishment which made it so difficult for the commanders to alter or deviate from the order on their own initiative. You, Sir David, asked me yourself whether I considered this order to be right or to serve any useful purpose and I have given you a definite answer: that I could not have prevented the action taken at the mouth of the Gironde or in the case of *Tirpitz* if I had wanted to.

SIR DAVID MAXWELL-FYFE: You see my difficulty. I have given you only two cases; there are plenty more. There are others which occurred in Italy which we have heard. The point I am putting to you is this: You were the representative; that you have told us a hundred times, of the military tradition. You had behind you an officers corps with all its...

KEITEL: No, Sir David, I must deny that. I was not responsible either for the Navy or for the Army or for the Air Force. I was not a commander; I was a Chief of Staff and I had no authority to intervene in the execution of orders in the various branches of the Armed Forces, each of which had its own Commander-in-Chief.

SIR DAVID MAXWELL-FYFE: We have heard about your staff rank, but I want to make this point perfectly clear. You were a Field Marshal, Kesselring was a Field Marshal, Milch was a Field Marshal, all, I gather, with military training behind them and all having their influence if not their command, among the Armed Forces of Germany. How was it that there was not one man of your rank, of your military tradition, with the courage to stand up and oppose cold-blooded murder? That is what I want to know.

KEITEL: I did not do it; I made no further objection to these things. I can say no more and I cannot speak for others.

SIR DAVID MAXWELL-FYFE: Now, let us pass if you can say no more than that. I want to see what you did with regard to our French allies because I have been asked to deal with some matters for the French Delegation.

You remember that on the Eastern Front you captured some Frenchmen who were fighting with the Russians. Do you remember making an order about that? You captured some De Gaullists, as you called them, that is Free French people who were fighting for the Russians. Do you remember your action with regard to that?

KEITEL: I recollect the transmission of a Führer order in regard to the surrender of these Frenchmen to their lawful government, which was recognized by us.

SIR DAVID MAXWELL-FYFE: That is not, of course, the part of the order I want to put to you.

"Detailed investigations are to be made in appropriate cases with regard to relatives of Frenchmen fighting for the Russians. If the investigation reveals that relatives have given assistance to facilitate escape from France, then severe measures are to be taken.

"OKW/Wi. Rü is to make the necessary preparations with the respective military commander or the Higher SS and Police Leader in France.—Signed—Keitel."

Can you imagine anything more dreadful than taking severe measures against the mother of a young man who has helped him to go and fight with the allies of his country? Can you imagine anything more despicable?

KEITEL: I can think of many things since I have lost sons of my own in the war. I am not the inventor of this idea; it did not originate with me; I only transmitted it.

SIR DAVID MAXWELL-FYFE: You appreciate the difference, Defendant, between the point which you made and the point which I make. Losing sons in a war is a terrible tragedy. Taking severe measures against a mother of a boy who wants to go and fight for his country's allies, I am suggesting to you, is despicable. The one is a tragedy; the other is the height of brutality. Do you not agree?

KEITEL: I can only say that it does not state the consequences of the investigations and findings. I do not know.

SIR DAVID MAXWELL-FYFE: Well, if that is all the answer you can make I will ask you to look at something else.

KEITEL: No, I should like to add that I regret that any families were held responsible for the misdeeds of their sons.

SIR DAVID MAXWELL-FYFE: Well, I will not waste the time by taking up the word "misdeed." If you think that is a misdeed it is not worth our discussing it further. I just want to protest against your word.

Now, let us see; that was not an isolated case. Just look at Page 110 (a) of the document book which you have, Page 122. This is an order quite early on 1 October 1941.

"Attacks committed on members of the Armed Forces lately in the occupied territories give reason to point out that it is advisable that military commanders always have at their disposal a number of hostages of different political tendencies, namely:

"(1) Nationalists,

"(2) Democratic-bourgeois, and

"(3) Communists.

"It is important that these should include well-known leading personalities, or members of their families whose names are to be made public.

"Hostages belonging to the same group as the culprit are to be shot in case of attacks.

"It is asked that commanders be instructed accordingly.—  
Signed—Keitel." (Document 1590-PS).

Why were you so particular that, if you happened to arrest a democratic-bourgeois, your commanders should have a sufficient

bag of democratic-bourgeois to shoot as hostages? I thought you were not a politician.

KEITEL: I was not at all particular and the idea did not originate with me; but it is in accordance with the instructions, the official regulations, regarding hostages which I discussed yesterday or on the day before and which state that those held as hostages must come from the circles responsible for the attacks. That is the explanation, or confirmation, of that as far as my memory goes.

SIR DAVID MAXWELL-FYFE: Did you agree with that as a course of action, that if you found a member of a democratic-bourgeois family who had been taking part in, say, sabotage or resistance, that you should shoot a number of democratic-bourgeois on his behalf? Did you approve of that?

KEITEL: I have already explained how orders for shooting hostages, which were also given, were to be applied and how they were to be carried out in the case of those deserving of death and who had already been sentenced.

SIR DAVID MAXWELL-FYFE: I am asking you a perfectly simple question, Defendant. Did you or did you not approve of a number of democratic-bourgeois to be taken as hostages for one democratic-bourgeois who happened to be...

KEITEL: It does not say so in the document; it says only that hostages must be taken; but it says nothing about shooting them.

SIR DAVID MAXWELL-FYFE: Would you mind looking at it since you corrected me so emphatically? Depending upon the membership of the culprit, that is, whether he is a nationalist, or a democratic-bourgeois or Communist, "hostages of the corresponding group are to be shot in case of attacks."

KEITEL: If that is in the document then I must have signed it that way. The document referring to the conference with the commanders shows clearly how it was carried out in practice.

SIR DAVID MAXWELL-FYFE: Now answer my question. Did you approve of that?

KEITEL: I personally had different views on the hostage system, but I signed it, because I had been ordered to do so.

SIR DAVID MAXWELL-FYFE: You say you had a different view. Will you just look at a letter from Herr Terboven, who was in charge in Norway, Document 870-PS, and it is Page 85, 71 (a), RF-281. This is a report from Terboven for the information of the Führer and I want you to look at Paragraph 2, "Counter-measures", Subparagraph 4. Do you see it? Have you got it, Defendant? I am sorry, I did give you the number; probably you did

not hear it, 71 (a), Page 71 (a) of the document book. So sorry I did not make it clear. My Lord, I am told that this has been put in by the French Prosecution as Exhibit RF-281. I gave it a GB number, as I recall.

THE PRESIDENT: What number is it?

SIR DAVID MAXWELL-FYFE: RF-281.

[Turning to the defendant.] Do you find Section 2, Paragraph 4? That is:

"Now I have just received a teleprint from Field Marshal Keitel, asking for a regulation to be issued, making members of the personnel, and, if necessary their relatives, collectively responsible for cases of sabotage occurring in their establishments (joint responsibility of relatives). This demand serves a purpose and promises success only if I am actually allowed to perform executions by firing squads. If this is not possible, such a decree would have exactly the opposite effect."

Opposite the word "if I am actually allowed to perform executions by firing squads" there is the pencil note from you, "Yes, that is best." So that is a third example where I suggest that you, yourself, are approving and encouraging the shooting of next of kin for the act of some member of their family. What do you say to that, your own pencil mark?

KEITEL: I did make that marginal note. An order given in this matter was different. A reply was given which was different. I wrote that note.

SIR DAVID MAXWELL-FYFE: That is what I wanted to know. Why did you write this remark, "Yes, that is best," approving of a firing squad for relatives of people who had committed some occupation offense in Norway? Why did you think it was best that there should be a firing squad for the relations? Why?

KEITEL: It was, not done, and no order to that effect was given. A different order was given.

SIR DAVID MAXWELL-FYFE: That is not what I am asking, and I shall give you one more chance of answering it. Why did you put your pencil on that document, "Yes, that is best"?

KEITEL: I am no longer in a position to explain that today, in view of the fact that I see hundreds of documents daily. I wrote it and I admit it now.

SIR DAVID MAXWELL-FYFE: Of course, unless it means something entirely different from what you have written, it meant that you approved it yourself and thought the best course was that the relations should be shot by a firing squad.

I think Your Lordship said that you wished to adjourn.

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: I am not finished, My Lord. I have a few matters for Monday morning.

THE PRESIDENT: Well, the defendant can return to the dock, and we will proceed with the other applications.

*[The defendant left the stand.]*

Sir David, shall we deal with these applications in the same way as we have done before?

SIR DAVID MAXWELL-FYFE: Yes, My Lord. The first one that I have is an application on behalf of the Defendant Kaltenbrunner for a witness called Hoess, who was former Commander of the Auschwitz Concentration Camp. My Lord, there is no objection on the part of the Prosecution to that.

THE PRESIDENT: So that is the application which has to be made by a great number of the defendants' counsel.

SIR DAVID MAXWELL-FYFE: Oh, yes, Your Lordship is quite right.

My Lord, as Commandant of the Auschwitz Concentration Camp, the Prosecution feel that he could contribute to the information of the Tribunal, if no objection is forthcoming.

THE PRESIDENT: Dr. Stahmer, I see that you are among the counsel who applied for him. Is there anything you wish to add about that?

DR. STAHLER: I have nothing to add to my written application.

THE PRESIDENT: Thank you. Then the Tribunal will consider this, you see, after you have dealt with them.

SIR DAVID MAXWELL-FYFE: My Lord, the next one is Dr. Naville. Dr. Naville was allowed as witness to the Defendant Göring, provided he can be located. He has been located in Switzerland and I understand he has informed the Tribunal that he sees no use in his coming here as a witness for Göring, and he is now asked for by Dr. Nelte, Counsel for Keitel, to prove that prisoners of war had been treated according to the rules of the Geneva Convention, Dr. Naville having been a representative of the Red Cross. Dr. Nelte, I am told, will be satisfied with an interrogatory, and the Prosecution have no objection to an interrogatory.

THE PRESIDENT: Dr. Nelte?

DR. NELTE: That is correct; I agree, providing that I am allowed to put my questions to Dr. Naville in writing.

But may I add something here, not to this application to present evidence, but with reference to another application, which I already submitted to the Prosecution through the Translation Division

yesterday or the day before. My application to admit Hitler's stenographers as witnesses was rejected by the Tribunal as irrelevant. I have now received a letter and an affidavit from one of these stenographers, and in that affidavit I find a passage which refers to Keitel's attitude towards Hitler at interviews and conferences with him.

Public opinion has criticized the defendants as being in the habit of quoting dead men whenever they want to say anything in their favor; and similar statements have been made in this Court. The Defendant Keitel requests that the part of the affidavit which I have already submitted and which I intend to submit, be admitted as an affidavit so that the witness can still be rejected and yet it will be possible for me to submit that passage of the affidavit with the agreement of the Prosecution.

SIR DAVID MAXWELL-FYFE: If Dr. Nelte, My Lord, will submit the passage, we will consider it, but I have not had the chance of doing it up until now.

THE PRESIDENT: Well, if you will carry out that course and if you want, there is no objection to it.

SIR DAVID MAXWELL-FYFE: Very well, you will let me have it, a copy of it?

DR. NELTE: Certainly.

SIR DAVID MAXWELL-FYFE: My Lord, the next application is on behalf of the Defendant Von Schirach, a request to submit an affidavit of Dr. Hans Carossa. The gist of the affidavit is that the defendant tried to keep himself independent of Party directives in matters of literature and art and that, while Gauleiter in Vienna, he repeatedly intervened on behalf of Jews and concentration camp inmates. My Lord, the Prosecution have no objection to an affidavit being filed.

The next is an application on behalf of the Defendant Funk for interrogatories to be submitted to Mr. Messersmith, dealing with Funk's relation to the Party and his work in the Reich Ministry of Propaganda. My Lord, the Prosecution have no objection, but remind the Tribunal that the Defendant Funk has already, on the 15th of March, asked permission to submit another affidavit to Mr. Messersmith, dealing with Mr. Messersmith's affidavit. The Prosecution did not raise any objections, but the Tribunal has not, as far as we know, granted that yet. So I wanted the Tribunal to know there was a previous request...

THE PRESIDENT: Do you mean an affidavit or interrogatory on the 15th of March?

SIR DAVID MAXWELL-FYFE: Interrogatories.

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THE PRESIDENT: Interrogatories? Surely we must have dealt with it.

SIR DAVID MAXWELL-FYFE: Well, that is the information that my office had. They have not seen the...

THE PRESIDENT: I see.

SIR DAVID MAXWELL-FYFE: In case the Tribunal had not dealt with it, we want to point out that there is one outstanding. We have no objection to either.

Then the Defendant Rosenberg requests Hitler's decree to Rosenberg of June 1943. There is no objection on the part of the Prosecution. I am told that we can not trace any previous application but the position at the moment is that we haven't any objection to it.

Then, My Lord, the next is Von Neurath, an application for a questionnaire for Professor Kossuth, long a resident of Prague. Really they ask for interrogatories. My Lord, there is no objection to interrogatories.

Then, My Lord, there is an application in reverse, if I may put it so, from Dr. Dix on behalf of the Defendant Schacht, the downgrading of Herr Huelse, who was drafted as a witness, to an affidavit. My Lord, we have no objection to that.

DR. DIX: This is the witness Huelse. He was granted to me as a witness. In order to shorten and simplify the proceedings, I have decided to forfeit the right to hear the witness because there was an affidavit. I have received the affidavit. While my application to dispense with the witness was pending, however, the witness arrived in Nuremberg. He is here now, and I think therefore, that it will be best for him to stay and for me to be allowed to examine him by confronting him with his own affidavit, asking him to confirm it, and then put some additional questions to him. I think that would be much more practical than having the witness here to no purpose, sending him back again and retaining only the affidavit. My purpose, in any case, was partly to avoid the complications connected with getting him here.

SIR DAVID MAXWELL-FYFE: Do you withdraw the application to have the affidavit...

THE PRESIDENT: Is the witness Huelse a prisoner or not, or an internee?

DR. DIX: He is a free witness. He is not in detention and he is free to move about Nuremberg.

THE PRESIDENT: Can he remain here until the Defendant Schacht's case comes on?

DR. DIX: I hope so. He has told me that he can stay and that he is willing to do so.

SIR DAVID MAXWELL-FYFE: My Lord, we have no objection. The Tribunal has already granted him as a witness. If Dr. Dix wants him as a witness, of course we have no objection to it.

The next one is an application on behalf of the Defendant Streicher, for an affidavit from a Dr. Herold. To put it quite shortly, the Prosecution suggest that it should be interrogatories rather than an affidavit and on that basis we would make no objection.

My Lord, there is only one thing I have to say. I had a most useful discussion with Dr. Dix last night, following out the Tribunal's suggestion of going through the documents. Dr. Dix was most helpful in explaining the purpose of his documents and what they were. I do suggest that if any of the Defense Counsel when they are explaining the documents would also care to explain the purport of their witnesses—I do not want to embarrass them in any way—but if they would voluntarily explain the purport of witnesses, either to Mr. Dodd or myself, we might be able to save them a great deal of time, by indicating whether the evidence of that witness would be agreed to or might be the subject of objection.

I only throw it out now, as we are going to meet over the documents, and if they would extend it to witnesses, I am sure we could achieve a most profitable co-operation.

THE PRESIDENT: You are suggesting, Sir David, are you, that they should explain to you the nature of the evidence which the witness was going to give?

SIR DAVID MAXWELL-FYFE: Yes.

THE PRESIDENT: And if the Prosecution were not going to dispute it, that it might be incorporated in an affidavit?

SIR DAVID MAXWELL-FYFE: Yes, that we could probably dispense with the witness, and probably incorporate that in an affidavit. Of course, I have been told the general purport of the witness, because I attended on the application, but if they could elaborate on it a little more as it often happens when they see the witness and let me know what the scope of the witness' testimony would be, I could probably concede, either in whole or in part, and save them a lot of work and the Tribunal a lot of time.

THE PRESIDENT: Well, I think the Tribunal would like to know whether the defendants' counsel think, that is a possible course, whether it might lead to some shortening of the defense. Could Dr. Dix possibly tell us whether he thinks it would be possible?

DR. DIX: Of course, I cannot make any statement on the views of my colleagues, since I cannot read their minds. All I can say at the moment is that I will recommend to my colleagues, as unusually helpful and practical, the kind of conversation which I had the honor of having with Sir David yesterday. Personally, I think that my colleagues too will agree to this procedure unless there is any particular objection to it, which is, of course, always possible. I cannot say any more at the moment.

THE PRESIDENT: You understand what Sir David was suggesting, that such a conversation should apply not only to documents but also to witnesses and if you could indicate rather more fully than you do in your applications what the subject of their evidence was going to be, possibly the Prosecution might be able to say in those circumstances that upon those matters they should not propose to dispute the evidence and therefore it might be incorporated in an affidavit?

SIR DAVID MAXWELL-FYFE: My Lord, if Your Lordship allows me to interject, if they care to bring a statement on a particular witness' testimony, the Prosecution would, I am sure, in many particulars be prepared to say, "Well, you produce that statement on that point and we will admit it, without any formality."

THE PRESIDENT: Perhaps, Dr. Dix, you and the other counsel for the defendants could consider that matter.

DR. DIX: I have understood it to be exactly as Your Lordship has just stated it. I discussed both the witnesses and the documents with Sir David and that was very helpful; and in that sense I will...

THE PRESIDENT: If that is all we need do at the moment, then...

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases, yes.

THE PRESIDENT: Then the Tribunal will adjourn.

*[The Tribunal adjourned until 8 April 1946 at 1000 hours.]*

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