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THE MAJOR WAR CRIMINALS

BEFORE

**THE INTERNATIONAL
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CONTENTS

Twenty-first Day, Monday, 17 December 1945,	
Morning Session	1
Afternoon Session	29
Twenty-second Day, Tuesday, 18 December 1945,	
Morning Session	66
Afternoon Session	99
Twenty-third Day, Wednesday, 19 December 1945,	
Morning Session	132
Afternoon Session	161
Twenty-fourth Day, Thursday, 20 December 1945,	
Morning Session	194
Afternoon Session	228
Twenty-fifth Day, Wednesday, 2 January 1946,	
Morning Session	253
Afternoon Session	286
Twenty-sixth Day, Thursday, 3 January 1946,	
Morning Session	308
Afternoon Session	340
Twenty-seventh Day, Friday, 4 January 1946,	
Morning Session	374
Afternoon Session	407
Twenty-eighth Day, Monday, 7 January 1946,	
Morning Session	440
Afternoon Session	475
Twenty-ninth Day, Tuesday, 8 January 1946,	
Morning Session	506
Afternoon Session	539

TWENTY-FIRST DAY

Monday, 17 December 1945

Morning Session

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): I have four announcements to make on behalf of the Tribunal. I will read those announcements now and they will be posted upon the board in the defendants' counsel's Information Center in German as soon as possible.

The first announcement is this:

The attention of the Tribunal has been drawn to publications in the press of what appear to have been interviews with some of the defendants in this case, given through the agency of their counsel. The Tribunal considers it necessary to state with the greatest emphasis that this is a procedure which cannot and will not be countenanced. Therefore, counsel are warned that they should observe the highest professional standards in such matters and should not use the opportunity afforded to them of conferring freely with their clients to act in any way as intermediaries between the defendants and the press, and they must exercise the greatest professional discretion in making any statement on their own behalf.

The Tribunal recognizes that in a trial of this kind, where the public interest is world-wide, it is in the highest degree important that all those who take part in the trial in any capacity whatever should be aware of their responsibility to see that nothing is done to detract from the proper conduct of the proceedings.

The press of the world is rendering a very great service in giving publicity to the proceedings of the Tribunal, and the Tribunal feels that it may properly ask for the co-operation of all concerned to avoid anything which might conflict with the impartial administration of justice.

The second announcement that I have to make is this:

The Tribunal understands that the counsel appointed under Article 9 of the Charter are in doubt whether they have been appointed to represent the groups and organizations charged in the indictment as criminal or to represent individual applicants who have applied to be heard under the said article.

The Tribunal directs that counsel represent the groups and organizations charged, and not the applicants. As the Tribunal has

already directed, counsel will be entitled to call as witnesses representative applicants and may also call other persons whose attendance may be ordered by the Tribunal. Application to call any witness must be made in the ordinary way. The evidence of such witnesses and the arguments of counsel must be confined to the question of the criminal nature of the group or organization. Counsel will not be entitled to call evidence or to discuss any question as to the individual responsibility of particular applicants, except in so far as this may bear upon the criminal character of the organizations. Counsel will be permitted, as far as possible, to communicate with applicants in order to decide what witnesses they wish to apply to call.

The third announcement is this:

The Chief Prosecutor for the United States has requested the Tribunal to make a change in its formal order which provided that only such portions of documents which are read in court would be admitted as evidence. In order to meet the needs, so far as possible, of the members of the Tribunal, of the Prosecution, and of counsel for the defendants to have before them all the evidence in the case, the Tribunal, having carefully considered the request, makes the following order:

All documents may be filed in court. The Tribunal shall only admit in evidence, however:

1. Documents or portions of documents which are read in court;
2. Documents or portions of documents which are cited in court, on the condition that they have been translated into the respective languages of the members of the Tribunal for their use and that sufficient numbers in German are filed in the Information Center for the use of Defense Counsel.

This does not apply to the documents of which the Court will take judicial notice, in accordance with Article 21 of the Charter; and the Prosecution and the defendants will be at liberty to read those documents or to refer to them without reading them.

Trial briefs and document books may be furnished to the Tribunal if sufficient copies thereof are, at the same time, filed for Defense Counsel in the Information Center. As far as possible, these should be furnished in advance of their introduction in court. In order to permit the Interpretation and Translation Division to make translations in time, it is suggested that all documents be submitted to the division at least 5 days before they are to be offered in evidence.

This is the fourth announcement:

The Tribunal has passed upon a number of applications for witnesses. Some of these have been granted, subject to their evidence being relevant. Some have been declined. And in some

cases orders have been made that the witness be alerted; that is to say, that if he can be located, he be advised to hold himself in readiness to come here as a witness, if the application is granted.

It is the desire of the Tribunal to secure for the defendants those witnesses who are material and relevant to their defense. To prevent the unnecessary prolonging of the Trial, however, it is clear that the witnesses whose testimony is irrelevant or merely cumulative should not be summoned. At the conclusion of the Prosecution's testimony, the Tribunal shall hear from defendants' counsel as to which of the witnesses granted or alerted they think necessary to bring here to testify. At that time, the Tribunal may hear from them further as to any witnesses that have been declined, if in view of the case, it then appears to the Tribunal that the testimony of such witnesses is material and not cumulative.

Counsel appearing for any defendant may question any other defendant as to any relevant matter, and may interrogate him as a witness for that purpose. If the other defendant takes the stand in his own behalf, the right shall be exercised at the conclusion of his testimony.

Examination of witnesses called by other defendants: The same person has been asked as a witness by a number of defendants in some cases. It is only necessary that such witness be called to the stand once. He may then be interrogated by counsel for any defendant as to any material matter.

That is all.

I call on counsel for the United States.

CAPTAIN SAMUEL HARRIS (Assistant Trial Counsel for the United States): May it please the Tribunal, we are resuming the presentation of evidence of the conspirators' plans for Germanization and spoliation.

The next general subject upon which we propose to introduce evidence is the conspirators' plans for the spoliation and Germanization of the Soviet Union.

As Mr. Alderman has shown, the invasion of the Soviet Union was the culmination of plans meticulously laid by the conspirators. We wish now to introduce evidence upon the conspirators' plans for the exploitation and Germanization of the Soviet Union after their anticipated conquest. The Chief Prosecutor for the Soviet Union will demonstrate what the execution of these plans meant in terms of human suffering and misery. We submit that the few exhibits which we propose to offer at this time will show the following:

1. The conspirators planned to remove to Germany all foodstuffs and raw materials from the south and southeast of the Soviet Union over and above the needs of the Nazi invading forces and the

absolute minimum necessary to supply the bare needs of the people in these particular regions, who produced the materials which were to be removed to Germany. This region had previously supplied the northern area of the Soviet Union, which the conspirators called the forest zone. The latter zone embraced some of the leading industrial areas of the Soviet Union, including Moscow and Leningrad.

2. They deliberately and systematically planned to starve millions of Russians. Starvation was to be accomplished by the following means:

a. As indicated under point 1, products from the south and southeast of the Soviet Union, which ordinarily were sent to the industrial regions of the north, were to be forcibly diverted to Germany. Moreover, all livestock in the industrial regions was to be seized for use by the Wehrmacht and the German civilian population. The necessary consequence was that the population of the northern regions would be reduced to starvation.

b. They established the following order of priority in which food produced by the Russians would be allocated:

First, the combat troops; second, the remainder of troops in enemy territory; third, troops stationed in Germany; fourth, the German civilian population; and lastly, the population of the occupied countries.

Thus even Russians in the food surplus area of the Ukraine, who were not essential to the production of products for the German war machine, were to be systematically starved.

3. They planned the permanent destruction of all industry in the northern area of the Soviet Union in order that the remnants of the Russian population would be completely dependent upon Germany for their consumer goods.

4. They planned to incorporate a part of Galicia and all of the Baltic countries into Germany and to convert the Crimea, an area north of the Crimea, the Volga territory, and the district around Baku into German colonies.

I now turn to the specific items of proof.

I first offer in evidence Document Number EC-472, Exhibit Number USA-315. This document is offered for the particular purpose of showing the status and functions of the Economic Staff East, Group La. The exhibit which we shall next offer in evidence was prepared by this organization. Document Number EC-472 is a directive issued by Defendant Göring's office for "The Operation of the Economy in the Newly Occupied Eastern Territories." It is the second edition and it is dated Berlin, July 1941. The first edition was obviously published some time before July 1941. The document was found among the captured OKW files at Fechenheim.

Under this directive, Defendant Göring established the Economic Executive Staff East, which was directly responsible to him, and under it created the Economic Staff East. The Economic Staff East, in turn, was subdivided into four groups: The Chief of the Economic Staff, Group La, Group W, and Group M. I now quote from Page 2, lines 7-9 of the English text; in the German text it is at Page 7, lines 7-9. I quote:

"Group La. Sections for nutrition and agriculture, allotment of all agricultural products, provision of food supplies for the Army, in accordance with the competent army services."

I next offer in evidence Document Number EC-126, which is Exhibit Number USA-316. This is a report dated 23 May 1941, which was before the invasion of the Soviet Union. It was found among the captured files of the OKW. It is entitled, "Economic Policy Directives for Economic Organization East, Agricultural Group." It was prepared by the Economic Staff East, Group La, the Agricultural Group, which as shown by the exhibit introduced a moment ago, was an important part of the organization which Defendant Göring established to formulate plans for the economic administration of Russia.

The underscoring in the English text merely reflects the underscoring in the original.

The document begins by a recitation of facts pertaining to the production of agricultural products in the Soviet Union. It states that the grain surplus of Russia is determined by the level of domestic consumption and that this fact affords the basis upon which the planners must predicate their actions and economic policy. I now quote from the sixth and seventh paragraphs of Page 2 of the English text. The German text is the last three lines of Page 3 and the first five lines of Page 4. I quote:

"The surplus territories are situated in the black soil district (that is in the south and southeast) and in the Caucasus. The deficit areas are principally located in the forest zone of the North (podsol-soil district). Therefore, an isolation of the black soil areas will in any case place greater or lesser surpluses in these regions at our disposal. *The consequences will be cessation of supplies to the entire forest zone, including the essential industrial centers of Moscow and Leningrad.*"

Next, I quote from the last 11 lines of Page 2 and all of Page 3 of the English text. The German text begins in the middle of line 6 of Page 5 and continues through to line 29 of Page 6. I quote:

"This"—the cessation of supplies—"means:

"1. All industry in the deficit area, particularly the manufacturing industries in the Moscow and Leningrad regions as

well as the Ural industrial regions will be abandoned. It may be assumed that these regions today absorb an annual 5 to 10 million tons from the food production zone.

"2. The Trans-Caucasian oil district will have to be excepted, although it is a deficit area. This source of oil, cotton, manganese, copper, silk, and tea must continue to be supplied with food in any case, for special political and economic reasons.

"3. No further exception, with a view to preserving one or the other industrial region or industrial enterprise, must be permitted.

"4. Industry can only be preserved insofar as it is located in the surplus region. This applies, apart from the above-mentioned oil field regions in the Caucasus, particularly to the heavy industries in the Donets district (Ukraine). *Only the future will show to what extent it will prove possible to maintain in full these industries, and in particular the Ukrainian manufacturing industries, after the withdrawal of the food surplus required by Germany.*

"The following consequences result from this situation, which has received the approval of the highest authorities, since it is in accord with the political tendencies (preservation of the Little Russians, preservation of the Caucasus, of the Baltic provinces, of White Russia, to the prejudice of the Great Russians):

"I. *For the forest zone:*

"a) Production in the *forest zone* (the food-deficit area) will become 'naturalized,' similar to the events during the World War and the Communist tendencies of the war, and so forth—namely, agriculture in that territory will begin to become a mere 'home production.' The result will be that the planting of products destined for the market, such as flax and hemp in particular, will be discontinued; and the area used therefor will be taken over for products for the producer (grain, potatoes). Moreover, discontinuance of fodder deliveries to that area will lead to the collapse of the dairy production and of pig-producing in that territory.

"b) Germany is not interested in the maintenance of the productive power of these territories, except for supplying the troops stationed there. The population, as in the old days, will utilize their land for growing their own food. It is useless to expect grain or other surpluses to be produced. Only after many years can these extensive regions be intensified to an extent that they might produce genuine surpluses. The population of these areas, in particular the

urban population, will have to face most serious distress from famine. It will be necessary to divert the population into the Siberian spaces. Since rail transport is out of the question, this too, will be an extremely difficult problem. "c) In this situation, Germany will only draw substantial advantages by quick, non-recurrent seizure—that is, it will be vitally necessary to make the entire flax harvest available for German needs, not only the fibers but also the oleaginous seeds.

"It will also be necessary to utilize for German purposes the livestock which has no fodder base of its own—that is, it will be necessary to *seize livestock holdings* immediately and to make them available to the troops, not only for the moment but in the long run, and also for exportation to Germany. Since fodder supplies will be cut off, pig and cattle holdings in these areas will of necessity drastically decline in the near future. If they are not seized by the Germans at an early date, they will be slaughtered by the population for their own use, without Germany getting anything out of it."

That is the end of that particular quotation. Our next quotation is from the first paragraph of Page 4 of the English text. The German text is at Page 7, the last two words of line 26 down to the beginning of line 31:

"It has been demanded by the Führer that the reduction of the meat ration should be ended by fall. This can only be achieved by the most drastic seizure of Russian livestock holdings, particularly in areas which are in a favorable transport situation in relation to Germany."

In the interests of expedition, Your Honors, I am omitting some sections from this last exhibit, which I had originally intended to quote.

I skip now to line 29 of Page 4 of the English text, beginning with the underscored words "*in the future*," and quote to line 48. In the German text it is at Page 8, third line from the bottom, continuing to line 17 of Page 9:

"In the future, southern Russia must turn its face towards Europe. Its food surpluses, however, can only be paid for if it purchases its industrial consumer goods from Germany or Europe. Russian competition from the forest zone must, therefore, be abolished.

"It follows from all that has been said that the German administration in these territories may well attempt to mitigate the consequences of the famine *which undoubtedly will take place* and to accelerate the return to primitive

agricultural conditions. An attempt might be made to intensify cultivation in these areas by expanding the acreage under potatoes or other important food crops giving a high yield. However, these measures will not avert famine. Many tens of millions of people in this area will become redundant and will either die or have to emigrate to Siberia. *Any attempt to save the population there from death by starvation, by importing surpluses from the black-soil zone, would be at the expense of supplies to Europe. It would reduce Germany's staying power in the war and would undermine Germany's and Europe's power to resist the blockade. This must be clearly and absolutely understood.*"

I next quote from Page 5, lines 18 to 30 of the English text. The German text is at Page 12, lines 1 to 11.

"I. Supplies for the Army:

"Germany's food situation in the third year of war demands, imperatively, that the Wehrmacht, in all its provisioning, must not live off Greater German territory or that of incorporated or friendly areas from which this territory receives imports. This minimum aim, the provisioning of the Wehrmacht from enemy territory in the third year and if necessary in later years, must be attained at any price. This means that one-third of the Wehrmacht must be fully provisioned by French deliveries to the army of occupation. The remaining two-thirds (and even slightly more in view of the present size of the Wehrmacht) must without exception be provisioned from the Eastern areas."

I now quote from Page 8 of the English text, the last nine lines. The German text is at Page 18, lines 15 to 22:

"Thus it is not important, under any circumstances, to preserve what has existed; but what matters is a deliberate turning away from the existing situation and introducing Russian food resources into the European framework. This will inevitably result in an extinction of industry as well as a large part of the people in what so far have been the food-deficit areas."

It is impossible to state this alternative in sufficiently hard and severe terms.

My next quotation is from the first 10 lines of Page 9 of the English text. The German text is at Page 19, lines 11 to 20:

"Our problem is not to replace intensive food production in Europe through the incorporation of new space in the East, but to replace imports from overseas by imports from the East. The task is two-fold:

"1. We must use the Eastern areas for overcoming the food shortages during and after the war. This means that we must not be afraid of drawing upon the capital substance of the East. Such an intervention is much more acceptable from the European standpoint than drawing upon the capital substance of Europe's agriculture."

Finally, I quote from the remainder of Page 9 to the end of the penultimate paragraph of the English text. The German text appears at lines 24 to 31 of Page 19:

"2. For the future New Order, the food-producing areas in the East must be turned into a permanent and substantial complementary source of food for Europe, through intensified cultivation and resulting higher yields.

"The first-named task must be accomplished at any price, even through the most ruthless cutting down of Russian domestic consumption, which will require discrimination between the consuming and producing zones."

It is submitted, Your Honors, that this document discloses, on its face, a studied plan to murder millions of innocent people through starvation. It reveals a program of premeditated murder of millions of innocent people through starvation. It reveals a program of premeditated murder on a scale so vast as to stagger the human imagination. Major Elwyn Jones, of the British Delegation, will subsequently show that this plan was, in effect, the logical culmination of general objectives clearly announced by Adolf Hitler in *Mein Kampf*. Each defendant in the box was fully aware of these general objectives when he committed the acts with which he is charged.

I next introduce in evidence a document no less damaging than the one I have just quoted. This document is Number L-221, which is Exhibit Number USA-317. This is a top-secret memorandum, dated 16 July 1941, of a conference at the Führer's headquarters, concerning the war in the East. It seems to have been prepared by Defendant Bormann because his initials appear at the top of Page 1. It was captured by the United States Counter-Intelligence branch. The text of the memorandum indicates that the conference was attended by Hitler, Lammers, and Defendants Göring, Keitel, Rosenberg, and Bormann.

The exhibit is particularly important for the light it throws upon the conspirators' plans to germanize conquered areas of the Soviet Union. It is important also for its disclosure of the utterly fraudulent character of the whole Nazi propaganda program. It shows how the conspirators sought to deceive the entire world; how they pretended to pursue one course of action when their aims and purposes were to follow precisely the opposite course.

I first quote from Page 1 of the English text, beginning at line 14 of Page 1 and continuing through to line 22 of Page 2. The German text is at Page 1, beginning with the last paragraph and continuing through to line 19 of Page 3. I quote:

"A. Now it was essential that we did not publicize our aims before the world, also there was no need for that; but the main thing was that we ourselves knew what we wanted. By no means should we render our task more difficult by making superfluous declarations. Such declarations were superfluous because we could do everything wherever we had the power, and what was beyond our power we would not be able to do anyway.

"What we told the world about the motives for our measures ought to be conditioned, therefore, by tactical reasons. We ought to act here in exactly the same way as we did in the cases of Norway, Denmark, Holland, and Belgium. In these cases, too, we did not publish our aims; and it was only sensible to continue in the same way.

"Therefore, we shall emphasize again that we were forced to occupy, administer, and secure a certain area; it was in the interest of the inhabitants that we provided order, food, traffic, and so forth, hence our measures. Nobody shall be able to recognize that it initiates a final settlement. This need not prevent our taking all necessary measures—shooting, desettling, *et cetera*—and we shall take them.

"But we do not want to make any people our enemies prematurely and unnecessarily. Therefore we shall act as though we wanted to exercise a mandate only. At the same time we must know clearly that we shall never leave those countries. Our conduct therefore ought to be:

"1) To do nothing which might obstruct the final settlement, but to prepare for it only in secret; 2) To emphasize that we are liberators.

"In particular: The Crimea has to be evacuated by all foreigners and to be settled by Germans only.

"In the same way the former Austrian part of Galicia will become Reich Territory. Our present relations with Romania are good, but nobody knows what they will be at any future time. This we have to consider, and we have to draw our frontiers accordingly. One ought not to be dependent on the good will of other people. We have to plan our relations with Romania in accordance with this principle.

"On principle, we have now to face the task of cutting up the giant cake according to our needs, in order to be able:

First, to dominate it; second, to administer it; and third, to exploit it.

"The Russians have now ordered partisan warfare behind our front. This partisan war again has some advantage for us; it enables us to eradicate everyone who opposes us.

"Principles: Never again must it be possible to create a military power west of the Urals, even if we have to wage war for a hundred years in order to attain this goal. Every successor of the Führer should know security for the Reich exists only if there are no foreign military forces west of the Urals. It is Germany who undertakes the protection of this area against all possible dangers. Our iron principle is and has to remain: We must never permit anybody but the Germans to carry arms."

I next quote from Page 3, lines 19 to 31 of the English text. In the German text this is at the last 13 lines of Page 5:

"The Führer emphasizes that the entire Baltic country will have to be incorporated into Germany.

"At the same time, the Crimea, including a considerable hinterland (situated north of the Crimea), should become Reich territory; the hinterland should be as large as possible.

"Rosenberg objects to this because of the Ukrainians living there.

"(Incidentally: It occurred to me several times that Rosenberg has a soft spot for the Ukrainians; thus he desires to aggrandize the former Ukraine to a considerable extent.)"

Departing from the text for just a moment, it may be noted parenthetically that this was the only aspect of the program outlined by Hitler at this meeting to which Rosenberg objected in any way. Resuming the quotation:

"The Führer emphasizes furthermore that the Volga colony, too, will have to become Reich territory, also the district around Baku; the latter will have to become a German concession (military colony)."

Thus the program, as outlined by the conspirators at this meeting of 16 July 1941, called for the unlawful incorporation of a part of Galicia and all of the Baltic countries into Germany and for the unlawful conversion of the Crimea and areas north of it, the Volga territory, and the district around Baku, into German colonies.

In further support of this point, I invite the attention of Your Honors to Document Number 1029-PS, already introduced in evidence by Mr. Alderman as Exhibit Number USA-145. This document was not included in our document book, Your Honors,

but has been read into the record by Mr. Alderman, Pages 1202 and 1203 (Volume III, Page 357). This document is entitled, "Instructions for a Reich Commissar in Ostland."

THE PRESIDENT: Where are you quoting from?

CAPT. HARRIS: Sir, it is not included in our document book, but it is in the record. In the German text, the original of which we have here, it is at Pages number 2 and 3:

"The aim of a Reich Commissar for Estonia, Latvia, Lithuania, and White Ruthenia"—last two words added in pencil—"must be to strive to achieve the form of a German protectorate and then transform the region into part of the Greater German Reich by germanizing racially possible elements, colonizing Germanic races, and banishing undesirable elements. The Baltic Sea must become a Germanic inland sea under the guardianship of Greater Germany."

I now offer in evidence Document Number EC-3, which is Exhibit Number USA-318, which was likewise found among the captured OKW files at Fechenheim. This document, Your Honors, is offered as direct proof of the fact, to which we have previously referred, that even in the food-surplus areas of the occupied regions of the Ukraine the conspirators planned to allocate food on a basis which left virtually nothing for those persons who were not engaged in the compulsory production of commodities for the German war machine. This document, as well as Document Number EC-126, which was introduced a few moments ago, and others we offer should, it is submitted, be read in the light of the explicit provision in Article 52 of the Hague Regulations of 1907, that requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation.

I first quote from our Page 3, lines 21 to 23 of the English text of EC-3. In the German text it is Page 13, lines 1 to 3. The particular document from which I am about to quote is a top-secret memorandum, dated 16 September 1941, concerning a meeting of German military officials presided over by Defendant Göring. This is our Page 3, Sir, lines 21 to 23 of EC-3. The memorandum was signed by General Nagel, liaison officer between Defendant Göring's Four Year Plan office and the OKW. I now quote:

"At this conference which was concerned with the better exploitation of the occupied territories for the German food economy, the Reich Marshal"—Göring—"called attention to the following:"

I next quote from the first two paragraphs of Page 4 of the English text. The German text is at Page 13, the third and fourth paragraphs:

"It is clear that a graduated scale of food allocations is needed.

"First in line are the combat troops, then the remainder of troops in enemy territory, and then those troops stationed at home. The rates are adjusted accordingly. The supply of the German non-military population follows and only then comes the population of the occupied territories."

I now quote from another portion of this document, starting at Page 1 of the English text. This is a memorandum, dated 25 November 1941, relating to the general principles of economic policy in the newly-occupied Eastern Territories as prescribed in a conference held in Berlin on 8 November 1941. This memorandum was also written by General Nagel. It is on the stationery of the Liaison Staff of Supreme Headquarters, Armament Procurement Office with the Reich Marshal Göring.

I quote from lines 13 to the bottom of Page 1.

THE PRESIDENT: Isn't this document, the part you are going to read now, merely cumulative to EC-126, which you have just read to us—that economic policy directive?

CAPT. HARRIS: It affords further proof, Sir, of the conspirators' plans to exploit the Eastern Occupied areas. I can omit it, if you like, Sir.

THE PRESIDENT: It doesn't seem to add anything.

CAPT. HARRIS: Very well, Sir. I shall pass on to the next point.

On 17 July 1941 Hitler and the Defendant Keitel issued a decree appointing Defendant Rosenberg as the Reich Minister for the Occupied Eastern Territories. This was the day following the meeting at the Führer's headquarters, which is reported in Document Number L-221 and from which we have already quoted at length.

The decree appointing Rosenberg as Reich Minister for the Occupied Eastern Territories is set forth in Document Number 1997-PS, which is Exhibit Number USA-319; and I offer it in evidence. I quote from Articles 2 and 4 on Page 1 of this decree. The German text is at Pages 27 and 28, Articles 2 and 4:

"The civil administration in the newly-occupied Eastern Territories, where these territories are not included in the administration of the territories bordering on the Reich or the Government General, is subject to the Reich Minister for the Occupied Eastern Territories.

"I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the Occupied Eastern Territories. He will hold office in Berlin."

Defendant Rosenberg's views well fitted him for this task as one of the chief executioners of the conspirators' plans in the Soviet Union. His views were plainly expressed in a speech delivered on 20 June 1940 and are set forth in Document Number 1058-PS, now Exhibit Number USA-147. I refer Your Honors to the first three sentences of the English text. The German text appears on Page 8, last five lines and continuing through to line 2 of Page 9. In the speech Defendant Rosenberg stated, and I quote:

"The job of feeding the German people stands, this year, without a doubt, at the top of the list of Germany's claims on the East; and here the southern territories and the northern Caucasus will have to serve as a balance for the feeding of the German people. We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings."

I next offer in evidence Document Number EC-347, which is Exhibit Number USA-320. This document was likewise found among the captured files of the OKW. It contains a set of directives issued by Defendant Rosenberg in his capacity as Reich Minister for the Occupied Eastern Territories.

I quote from the first two full paragraphs of Page 1 of this exhibit. The German text is at Page 39, Paragraphs 4 and 5. In these directives Defendant Rosenberg stated, and I quote:

"The principal task of the civilian administration in the Occupied Eastern Territories is to represent the interests of the Reich. This basic principle is to be given precedence in all measures and considerations. Therefore, the occupied territories, in the future, may be permitted to have a life of their own in a form not as yet to be determined. However, they remain parts of the Greater German living space and are always to be governed according to this guiding principle.

"The regulations of the Hague Convention on land warfare, which concern the administration of a country occupied by a foreign belligerent power, are not applicable, since the U.S.S.R. is to be considered dissolved and, therefore, the Reich has the obligation of exercising all governmental and other sovereign functions in the interests of the country's inhabitants. Therefore, any measures are permitted which the German administration deems necessary and suitable for the execution of this comprehensive task."

THE PRESIDENT: Hasn't that been read before?

CAPT. HARRIS: Not to my knowledge, Sir.

THE PRESIDENT: Very well.

CAPT. HARRIS: Implicit in Defendant Rosenberg's statement that the Hague Regulations are not applicable to the Soviet Union is the recognition by him that the conspirators' actions in the Soviet Union flagrantly violated the Hague Regulations. The statement indicates that the conspirators were utterly contemptuous of applicable principles of international law.

Mr. Dodd has already introduced into evidence Document 294-PS, now Exhibit Number USA-185, in connection with the slave labor presentation. This document is a top-secret memorandum, dated 25 October 1942, which was found in Defendant Rosenberg's files. It was written by Bräutigam, who was a high official in Defendant Rosenberg's Ministry for the Occupied Eastern Territories. I should like to quote two additional passages from this document. I quote from the English text Page 1, the first full paragraph, line 17 to 20. The German text is at Page 1, the first full paragraph, lines 22 to 25.

"In the East, Germany is carrying on a three-fold war: A war for the destruction of bolshevism, a war for the destruction of the Greater Russian empire, and finally a war for the acquisition of colonial territory for colonizing purposes and economic exploitation. . . .

"With the inherent instinct of the Eastern peoples, the primitive man soon found out also that for Germany the slogan: 'Liberation from Bolshevism' was only a pretext to enslave the Eastern peoples according to her own methods."

This completes, Your Honors, the list of the exhibits with respect to the Soviet Union which we propose to introduce at this time. As I mentioned at the outset of this presentation, these exhibits do not disclose all of the conspirators' plans with respect to the occupied countries but they do, we submit, show a constant pattern, a pattern of ruthless Germanization and destruction.

In conclusion we desire to offer in evidence two documents which disclose that German industrialists and financiers aided and abetted Himmler in his relentless program of Germanization, exploitation, oppression, and destruction.

I first offer in evidence Document Number EC-454, which is Exhibit Number USA-321. This document was found in the vaults of the Stein Bank in Cologne among the files of the banker Baron Kurt von Schröder, by a joint British-American team, headed by Colonel Kellam on the British side and Captain Roth on the American side. It is a carbon copy of a letter from Von Schröder to Himmler, dated 27 August 1943, and bears Von Schröder's initials. I quote it in its entirety:

"My very honorable Reichsführer: With great joy I learn of your appointment as Reich Minister of the Interior and take

the liberty to extend my heartiest congratulations to you on assuming your new post.

"A strong hand is now very necessary in the operation of this department; and it is universally welcomed, but especially by your friends, that it was you who were chosen for this by the Führer. Please be assured that we will always do everything in our power at all times to assist you in every possible way.

"I am pleased to inform you at this opportunity that your circle of friends has again placed at your disposal this year a sum slightly in excess of 1 million RM for 'your particular tasks.' An exact list showing the names of the contributors will be sent to you shortly.

"Again all my very best wishes—as well as those of my family. I remain yours in old loyalty and esteem. Heil Hitler! Yours truly."

I next offer in evidence—and this is the final exhibit, Your Honors—Document Number EC-453, which is Exhibit Number USA-322. This document was likewise found in the Stein Bank in Cologne by the above-mentioned joint British-American team. It is a carbon copy of a letter from Von Schröder to Himmler, dated 21 September 1943, bearing Von Schröder's initials, with the enclosed list of contributors....

THE PRESIDENT: Captain Harris, on what principle do you suggest that either of these letters can possibly be evidence in this case?

CAPT. HARRIS: Your Honors, at the time the motion to postpone the Trial as to Gustav Krupp was argued before this Tribunal, the British Chief Prosecutor specifically stated that if it should be the decision of the Tribunal that Krupp should be dismissed, the evidence as to the part which he, his firm, and other industrialists played in the preparation and conduct of the war would still be given to this Tribunal as forming part of the general conspiracy in which these defendants were involved, with divers other persons not now before the Court.

The evidence we are now offering, Your Honors, is precisely of the type indicated by Sir Hartley Shawcross. It is evidence which goes to prove the length and breadth of the general conspiracy which is alleged in the Indictment. Evidence showing contributions to one of the leading conspirators, a conspirator who was in the forefront of the unlawful program to plunder public and private property and to germanize a large part of the world, is, it is submitted, relevant to this proceeding. May I continue?

THE PRESIDENT: Yes.

CAPT. HARRIS: I quote the last letter, EC-453, in its entirety:

"Dear Reich Leader:

"I thank you very much for your kind letter of the 14th of this month with which you made me very happy. At the same time I am enclosing a list with the total amount of funds made available to you by your circle of friends and totalling 1,100,000 RM. We are very glad indeed to render some assistance to you in your particular tasks and to be able to provide some small relief for you in your still further extended sphere of duties.

"Wishing you, dear Reich Leader, the best of luck, I remain in old loyalty and esteem. Heil Hitler! Yours very truly."

I had intended, Your Honor, to quote the names of the contributors; but I shall not, if Your Honor considers it unnecessary.

THE PRESIDENT: I don't think it would add to the expedition of the Trial, do you?

CAPT. HARRIS: Very well, Sir. I am exceedingly grateful to Your Honors for your very kind attention.

THE PRESIDENT: Yes, Colonel Storey.

COLONEL ROBERT G. STOREY (Executive Trial Counsel for the United States): Do Your Honors want to proceed now before the recess?

THE PRESIDENT: No, perhaps we had better adjourn now for 10 minutes.

[A recess was taken.]

COL. STOREY: If the Tribunal please, the remainder of the presentation during the week will be concerning the criminal organizations. The first to be presented now is the Leadership Corps, including some of the illustrative crimes against the churches, against the Jews, against the trade unions, and the operation of the "Einsatzstab Rosenberg" concerning the looting of art treasures.

On the threshold of presenting the proof establishing the criminality of the Leadership Corps of the Nazi Party it is in point to restate the Prosecution's theory of this case. It is this: The Nazi Party was the central core of the Common Plan or Conspiracy alleged in Count One of the Indictment, a conspiracy which contemplated and embraced the commission of Crimes against the Peace, War Crimes, and Crimes against Humanity as defined and denounced by the Charter.

The Leadership Corps, upon the evidence, was responsible for planning, directing, and supervising the criminal measures carried into execution by the Nazi Party in furtherance of the conspiracy.

More than this, as will be shown, the members of the Leadership Corps themselves actively participated in the commission of illegal measures in aid of the conspiracy. In the light of the evidence to be offered this Tribunal, the Leadership Corps may be fairly described as the brain, the backbone, and the directive arms of the Nazi Party. Its responsibilities are more massive and comprehensive than those of the army of followers it led and directed in the assault against the peace-loving peoples of the world. Accordingly, upon the record made in this case and now to be enlarged upon, the Prosecution requests this Tribunal to declare that the Leadership Corps of the Nazi Party is a criminal group or organization in accordance with Article 9 of the Charter.

At this time I should like to submit to the Tribunal the document book supporting the brief as Exhibit USA-V.

If Your Honors please—diverting from the manuscript—during the recess there was placed upon your bench the document book, which has each document marked by tab and each quoted portion embraced by red pencil marks for the assistance of Your Honors. In addition, we have handed up two documents that have already been introduced in evidence: An enlarged copy of this chart, more detailed, which Your Honors have before you, and another chart, in photostatic form, with reference to the Leadership Corps; and both of those will be identified later.

I now proceed to present the proof relating to the composition, the functions, and the responsibilities and powers of the Leadership Corps of the Nazi Party. First, what was the Leadership Corps...

DR. ROBERT SERVATIUS (Counsel for the Leadership Corps of the Nazi Party): After the last meeting I received a statement by Justice Jackson with the proposal concerning the taking of evidence and the time for the discussion of certain questions which will arise. I cannot understand the scope of these proposals, and must therefore ask that I may at some time speak about these points again, if it is necessary.

THE PRESIDENT: Of course, counsel will have the opportunity of making a full argument in answer to the argument presented on behalf of the Prosecution.

What I understood from Mr. Justice Jackson on Friday was that he proposed that the evidence on the question of criminal organizations should be presented first, and the argument presented afterwards.

Counsel for the organizations will, as I stated this morning, have the opportunity of calling evidence in answer to the evidence of the Prosecution, and will also have the opportunity of making whatever argument they think right in answer to the evidence and argument presented on behalf of the Prosecution.

COL. STOREY: First, what was the Leadership Corps of the Nazi Party? What persons made up its membership? What was its size and scope?

In considering the composition and organizational structure of the Leadership Corps it will be convenient for the Tribunal to refer to Document Number 2903-PS, which is this exhibit on the wall and which was introduced by Mr. Albrecht at the opening of the Trial. And, supplementing the chart on the wall, I now offer in evidence Document 2833-PS, Exhibit Number USA-22, which is a chart of the Leadership Corps of the Nazi Party, appearing at Page 9 of a magazine published by the Chief Education Office of the Nazi Party, entitled *The Face of the Party*. It is this little photostatic copy that you have. Later on we expect to put the big one on the wall.

These charts and the evidence to follow show that the Leadership Corps constituted the sum total of the officials of the Nazi Party. It included the Führer at the top; the Reichsleiter, on the horizontal line; the Reich officeholders, immediately below—the five categories of leaders who were area commanders, called the “Hoheitsträger” or “bearers of sovereignty.” They are in the red-lettered or red-lined boxes at the bottom. They range all the way from the 40-odd Gauleiter in charge of large districts, down through the intermediate political leaders, the Kreisleiter, the Ortsgruppenleiter, the Zellenleiter, and finally, to the Blockleiter who were charged with looking after 40 to 60 households and what may be best described as staff officers attached to each of the five levels of the Hoheitsträger.

Organized upon a hierarchical basis, forming a pyramidal structure—as appears from the chart which Your Honors hold in your hands—the principal political leaders on a scale of descending authority were:

The Führer, at the top; the Reichsleiter, as I have mentioned, and the main office and officeholders; the Gauleiter, who was the district leader, with his staff officers; the Kreisleiter, who was the county leader, and his staff officers; the Ortsgruppenleiter, the local chapter leader, and his staff officers; the Zellenleiter, who was the cell leader, and his staff officers; and then, finally, the Blockleiter, with his staff officers.

I now offer in evidence Document 1893-PS. This is Exhibit Number USA-323. And this, if Your Honors please, is the *Organization Book of the NSDAP*, the National Socialist Party. It was edited by the Defendant, Reich Organization Leader of the NSDAP—the late Defendant—Dr. Robert Ley, and it is the 1943 edition. A large part of the evidence to be offered relating to the composition of the Leadership Corps of the Nazi Party will be drawn from this primer of the Nazi organizations, and I shall later

quote from it. And without so requesting the Tribunal each time to take judicial notice, I shall assume, in the absence of questions, that it is so understood. The English translation, to which we will refer, is Document 1893-PS.

I now proceed to offer evidence on the make-up and powers of the Reichsleitung or the Leadership Corps, which consisted of the Reichsleiter or Reich Leaders of the Nazi Party—and they are shown on that long horizontal list at the top of the chart—the Hauptämter (main offices), and the Ämter, or officeholders.

The Reichsleiter of the Party were annexed to Hitler, the highest officeholders in the Party hierarchy. All of the Reichsleiter in the main office and officeholders within the Reichsleitung were appointed by Hitler and directly responsible to him.

I quote from the first paragraph of Page 4, Document 1893-PS:

“1. The Führer appoints the following political directors:

“(a) Reichsleiter and all political directors, to include the directors of the Womens Leagues, within the Reich Directorate (Reichsleitung).”

The significant fact to be grasped is that through the Reichsleitung perfect co-ordination of the Party and State machinery was guaranteed. The Party manual puts it this way—and I quote from the fourth sentence of the third paragraph of Page 20 of that document. You will find the page number at the bottom, Page 20. It is a very short quotation. I quote: “In the Reichsleitung the arteries of the organization of the German people and of the German State merge.”

If Your Honors please, there is a little different translation in that portion in your book. To prove...

THE PRESIDENT: Just a moment, please. It begins, “It is in the Reich Directorate where the strings of the organization of the German people and of the German State merge.” Is that it?

COL. STOREY: Yes, Sir, that is it. This translation says, “the arteries of the organization of the German people and of the German State merge.”

To prove that the Reichsleiter of the Leadership Corps included the most powerful coalition of political overlords in Nazi Germany, it is necessary only to put in evidence their names. The list of Reichsleiter now to be offered in evidence will include the following defendants now on trial before this Tribunal: Rosenberg, Von Schirach, Frick, Bormann, Hans Frank, and the late Defendant Robert Ley.

The evidence to be introduced will show that the Defendant Rosenberg was the leader of an organization named for him, the “Einsatzstab Rosenberg”—which is not shown on this chart, if Your

Honor please—which carried out a vast program of looting and plunder of art treasures throughout occupied Europe.

The evidence will further show that, as representative of the Führer for the supervision of Nazi ideology and schooling, Rosenberg participated in an aggressive campaign to undermine the Christian churches and to supersede Christianity by a German National Church founded upon a combination of irrationality, pseudo-scientific theories, mysticism, and the discredited cult of the racial state. It will further be shown that the late Defendant Ley, acting as the agent of Hitler and the Leadership Corps, directed the Nazi assault upon the independent labor unions of Germany and that before destroying himself he first destroyed the bastion of republican society, a free and independent labor movement, replacing it by a Nazi organization, the German Labor Front, or the DAF, and employed this organization as a means of exploiting the German labor force in the interests of the conspiracy and to instill Nazi ideology among the ranks of the German workers.

It will be shown that the Defendant Frick participated in the enactment of many laws which were designed to promote the conspiracy in its several phases.

The Defendant Frick shares responsibility for the grave injury done by the officials of the Leadership Corps to the concept of the rule of law by virtue of his efforts to give the color of law and formal legality to a large volume of Nazi legislation which was violative of the rights of humanity, such as the Nazi discriminatory legislation designed to degrade, stigmatize, and eliminate the Jewish people of Germany and German-occupied Europe.

Though the Defendant Bormann is physically absent from the dock, the evidence as to his responsibility in directing and furthering the course of the Nazi conspiracy is here and expands with the record in this case. As Chief of the Party Chancellery, right under Hitler, the Defendant Bormann was an extremely important force in directing the activities of the Leadership Corps. As will be shown, a decree of January 16, 1942 provided that the participation of the Party in all important legislation, governmental appointments, and promotions had to be undertaken exclusively by Bormann. He took part in the preparation of all laws and decrees issued by the Reich authorities and gave his assent to those of the subordinate governments.

I now refer to Document 2473-PS, Exhibit Number USA-324. You will find that the English translation contains a list of the Reichsleiter of the NSDAP set forth on Page 170 of this book. It was edited by the late Defendant and Reichsleiter for Party Organization, Robert Ley. The names of the 15 Reichsleiter in office in 1943 will be found on Pages 1 and 2 of Document 2473-PS.

If the Tribunal please, I will not read all of them but will call attention only to certain of them, as follows:

Martin Bormann, Chief of the Party Chancellery; then we skip over to Wilhelm Frick, Leader of the National Socialist fraction in the Reichstag, shown on the big chart over at the second box from the end on the right; Joseph Goebbels, Reich Propaganda Leader of the NSDAP, shown also on the same level; Heinrich Himmler, Reich Leader of the SS, the Deputy of the NSDAP for all questions of Germandom; Robert Ley, Reich Organization Leader of the NSDAP and Leader of the German Labor Front; Victor Lutze, Chief of Staff of the SA; Alfred Rosenberg, representative of the Führer for the supervision of all mental and ideological training and education of the NSDAP; Baldur von Schirach, Reich Leader for the education of the youth of the National Socialist Party; and then, finally, Franz Schwarz, Reich Treasurer of the National Socialist Party.

The principal functions of the Reichsleiter, which we might call directors, included the responsibility of carrying out the tasks and missions assigned to them by the Führer or by the Chief of the Party Chancellery, the Defendant Martin Bormann. The Reichsleiter were further charged with insuring that Party policies were being executed in all the subordinate areas of the Reich. They were also responsible for insuring a continual flow of new leadership into the Party.

With respect to the function and the responsibilities of the Reichsleiter I now quote from Page 20 of Document Number 1893-PS:

"The NSDAP represents the political conception, the political conscience, and the political will of the German nation. Political conception, political conscience, and political will are embodied in the person of the Führer. Based on his directive and in accordance with the program of the NSDAP, the organs of the Reich Directorate directionally determine the political aims of the German people. It is in the Reich Directorate"—or Reichsleitung—"that the arteries of the organization of the German people and State merge. It is the task of the separate organs of the Reich Directorate to maintain as close a contact as possible with the life of the nation through their sub-offices in the Gau

"The structure of the Reich Directorate is thus that the channel from the lowest Party office upwards shows the most minute weaknesses and changes in the mood of the people

"Another essential task of the Reich Directorate is to assure a good selection of leaders. It is the duty of the Reich Directorate to see that there is leadership in all phases of life,

a leadership which is firmly tied to National Socialist ideology and which promotes its dissemination with all of its energy

"It is the supreme task of the Reich Organization Leader to preserve the Party as a well-sharpened sword for the Führer."

The domination of the German Government by the top members of the Leadership Corps was facilitated by a circular decree of the Reich Minister of Justice, dated 17 February 1934, which established equal rank for the offices within the Reichsleitung of the Leadership Corps and the Reich offices of the German Government. In this decree it was expressly provided that, ". . . the supreme offices of the Reich Party Directorate are equal in rank to the supreme Reich Government authorities". The Party Manual termed the control exercised over the machinery of the Government by the Leadership Corps, "the permeation of the state apparatus with the political will of the Party".

At a later stage in this proceeding it will be shown that the Leadership Corps of the Nazi Party incontestably dominated the German State and Government. The control by the Leadership Corps of the German Government was facilitated by uniting in the same Nazi chieftains both high offices within the Reichsleitung and the corresponding offices within the apparatus of the Government. For example, as shown in Document 2903-PS, Goebbels was Reichsleiter in charge of Party propaganda, but he was also a cabinet minister in charge of propaganda and public enlightenment.

Himmler held office within the Reichsleitung as head of the Main Office for Folkdom and also was Reichsführer of the SS. At the same time, Himmler held the governmental position of the Reich commissioner for the consolidation of Germandom, and was the governmental head of the German police system.

As will be shown, this personal union of high office in the Leadership Corps and high governmental position in the same Nazi leaders greatly accommodated the plan of the Leadership Corps to dominate and control the German State and Government.

In addition to the Reichsleiter the Party Directorate included about 11 Hauptämter, or main offices, and about four Ämter, or offices. As set forth in the exhibit, the Hauptämter of the Party included such main organizations as those for personnel, training, technology, headed by the Defendant Speer; folkdom, headed by Himmler; civil servants, communal policy, and the like. The Ämter, or offices, of the Party within the Reichsleitung included the office for foreign policy under the Defendant Rosenberg which, the evidence will show, actively participated in plans for the launching

of the war of aggression against Norway, the Office for Colonial Policy, the Office for Genealogy, and the Office of Racial Policy.

As will be shown by the chart of the Leadership Corps in the folder which Your Honors have, certain of the main offices and offices within the Reichsleitung would appear again within the Gau-leitung, or Gau Party Directorate, and the Kreisleitung, or Party county directorate. It is thus shown that the Reichsleiter and the main office and officeholders within the Reichsleitung exercised, through functional channels through the subordinate offices on lower regional levels, a total control over the various sectors of the national life of Germany.

I shall next take up the Gauleiter. As will be seen from this organizational chart of the Nazi Party now before the Tribunal as Exhibit Number USA-2, for Party purposes Germany was divided into major administrative regions, Gau, which in turn were subdivided into Kreise (counties), Ortsgruppen (local chapters), Zellen (cells), and in Blocks (blocks). A Gauleiter, who was the political leader of the Gau, was in charge of each Gau or district. Each Gauleiter was appointed by and was directly responsible to Hitler. I quote from Page 18 of this same document, 1893-PS, the *Organization Book of the NSDAP*:

"The Gau represents the concentration of a number of Party counties"—or Kreise—"The Gauleiter is directly subordinate to the Führer..."

"The Gauleiter bears over-all responsibility to the Führer for the sector of sovereignty entrusted to him. The rights, duties, and jurisdiction of the Gauleiter result primarily from the mission assigned by the Führer, and apart from that, from detailed directives."

The responsibility and function of the Gauleiter and his staff officers or officeholders were essentially political, namely, to insure the authority of the Nazi Party within his area, to co-ordinate the activities of the Party and all its affiliated and supervised organizations, and to enlarge the influence of the Party over the people and life in his Gau generally. Following the outbreak of the war, when it became imperative to co-ordinate the various phases of the German war effort, the Gauleiter were given additional important responsibilities. The Ministerial Council for the Defense of the Reich, which was a sort of general staff for civilian defense and the mobilization of the German war economy, by a decree of 1 September 1939, 1939 *Reichsgesetzblatt*, Part I, page 1565, appointed about 16 Gauleiter as Reich Defense Commissars, concerning which I ask the Tribunal to take judicial notice. Later, under the impact of mounting military reverses and an increasingly strained war economy, more and more important administrative functions were put on a Gau

basis. The Party Gaue became the basic defense areas of the Reich, and each Gauleiter became a Reich Defense Commissar by a decree of the Ministerial Council for the Defense of the Reich of 16 November 1942, 1942 *Reichsgesetzblatt*, Part I, page 649, of which I ask the Tribunal to take judicial notice. In the course of the war additional functions were entrusted to the Gauleiter, so that at the end, with the exception of certain special matters such as police affairs, almost all phases of the German war economy were co-ordinated and supervised by them. For instance, regional authority over price control was put under the Gauleiter as Reich Defense Commissars, and housing administration was placed under the Gauleiter as Gau Housing Commissars. Toward the end of the war the Gauleiter were charged even with the military and quasi-military tasks. They were made commanders of the Volkssturm in their areas and were entrusted with such important functions as the evacuation of civilian population in the path of the advancing Allied armies as well as measures for the destruction of vital installations.

The structure and organization of the Party Gaue were substantially repeated in the lower levels of the Reich Party organization such as the Kreise, Ortsgruppen, Zellen, and Blocks. Each of these was headed by a political leader who, subject to the Führer principle and the orders of superior political leaders, was a sovereign within his sphere. The Leadership Corps of the Nazi Party was in effect a "hierarchy of descending Caesars." Each of the subordinate Party levels, such as the Kreise, Ortsgruppen, and so on, was organized into offices, or Ämter, dealing with the various specialized functions of the Party. But the number of such departments and offices diminished as the Party unit dropped in the hierarchy, so that, while the Kreis office contained all or almost all of the offices in the Gau (such as the deputy, the staff office leader, an organization leader, school leader, propaganda leader, press office leader, treasurer, judge of the Party court, inspector, and the like), the Ortsgruppe had less, and the Zellen and Blocks still fewer.

The Kreisleiter was appointed and dismissed by Hitler upon the nomination of the Gauleiter and directly subordinate to the Gauleiter in the Party hierarchy. The Kreis usually consisted of a single county. The Kreisleiter, within the Kreis, had in general the same position, powers, and prerogatives granted the Gauleiter in the Gau. In cities they constituted the very core of Party power and organization. I quote again from Page 17 of Document 1893-PS, Page 17 of the English translation:

"The Kreisleiter carries over-all responsibility towards the Gauleiter within his zone of sovereignty for the political and ideological training and organization of the Political Leaders, the Party members, as well as the population".

The Ortsgruppenleiter was the local chapter leader. The area of the Ortsgruppenleiter was comprised of one or more communes, or, in a town, a certain district. The Ortsgruppe was composed of a combination of blocks and cells according to local circumstances, and contained up to 1,500 households. The Ortsgruppenleiter also had a staff of office leaders to assist him in the various functional activities of the Party. All other Political Leaders in his area of responsibility were subordinate to and under the direction of the Ortsgruppenleiter. For example, the leaders of the various affiliated organizations of the Party, within his area, such as the German Labor Front and the Nazi organizations for lawyers, students, and civil servants, were all subordinate to the Ortsgruppenleiter. In accordance with the Führerprinzip, the Ortsgruppenleiter, or local chapter leaders, were appointed by the Gauleiter and were directly under and subordinate to the Kreisleiter.

The Party manual provides as follows with reference to the Ortsgruppenleiter, and I quote from Pages 16 and 17 of Document 1893-PS:

"As Hoheitsträger"—bearer of sovereignty—"he is competent for all expressions of the Party will; he is responsible for the political and ideological leadership and organization within his zone of sovereignty.

"The Ortsgruppenleiter carries the over-all responsibility for the political results of all measures initiated by the offices, organizations, and affiliated association of the Party....

"The Ortsgruppenleiter has the right to protest to the Kreisleiter against any measures contrary to the interests of the Party with regard to a united political appearance in public."

The Zellenleiter was responsible for from four to eight blocks. He was the immediate superior of, and had control and supervision over, the Blockleiter. His mission and duties, according to the Party manual, corresponded to the missions of the Blockleiter. I quote from the last paragraph of Page 15, just one line of that same document: "The missions of the cell-leader correspond to the missions of the block-leader."

The Blockleiter was the one Party official who was peculiarly in a position to have continuous contact with the German people. The block was the lowest unit in the Party pyramidal organization. The block of the Party comprised 40 to 60 households and was regarded by the Party as the focal point upon which to press the weight of its propaganda. I quote from Pages 13 and 14 of this same document:

"The household is the basic community upon which the block and cell system is built. The household is the organizational focal point of all Germans united in an apartment, and includes roomers, domestic help, *et cetera*.... The Blockleiter has

jurisdiction over all matters within his zone relating to the Movement, and is fully responsible to the Zellenleiter."

The Blockleiter, as in the case of other Political Leaders, was charged with planning, disseminating, and developing a receptivity to the policies of the Nazi Party among the population in his area of responsibility. It was also the expressed duty of the Blockleiter to spy on the population. I quote from Pages 14 and 15 of this same document:

"It is the duty of the Blockleiter to find people disseminating damaging rumors and to report them to the Ortsgruppe, so that they may be reported to the respective State authorities.

"The Blockleiter must not only be a preacher and defender of the National Socialist ideology towards the member of the Nation and Party entrusted to his political care, but he must also strive to achieve practical collaboration of the Party members within his block zone....

"The Blockleiter shall continuously remind the Party members of their particular duties towards the people and the state. The Blockleiter keeps a list (card file) about the households.... In principle, the Blockleiter will settle his official business verbally, and he will receive messages verbally and pass them on in the same way. Correspondence will only be used in cases of absolute necessity.... The Blockleiter conducts National Socialist propaganda from mouth to mouth. He will eventually awaken the understanding of the eternally dissatisfied as regards the frequently misunderstood or wrongly interpreted measures and laws of the National Socialist Government.... It is not necessary for him to fall in with complaints and gripes about possibly obvious shortcomings of any kind in order to demonstrate solidarity.... A condition to gain the confidence of all people is to maintain absolute secrecy in all matters."

It will be shown that there were in Germany nearly half a million Blockleiter. Large though this figure may appear, there can be no doubt that these officials were in and of the Leadership Corps of the Nazi Party. Though they stood at the broad base of the Party pyramid rather than at its summit, where rested the Reichsleiter, by virtue of this fact they were stationed at close intervals throughout the German civil population.

THE PRESIDENT: I think, Colonel Storey, it would be an assistance to the Tribunal if you could tell us, that is, at some time convenient to yourself, approximately how many there were of each of these ranks in the corps.

COL. STOREY: If Your Honor please, that is the next subject.

THE PRESIDENT: Very well.

COL. STOREY: It may be doubted that the average German ever looked upon the face of Heinrich Himmler. But the man in the street in Nazi Germany could not have avoided an uneasy acquaintance with the Blockleiter in his own neighborhood. As it is the "cop on the beat" rather than the chief magistrate of the nation who symbolizes law enforcement to the average man and woman, so it was the Blockleiter who represented to the people of Germany the police state of Hitler's Germany. In fact, as may be inferred from the evidence, the Blockleiter were "little Führers" with real and literal power over the civilians in their domains. As proof of the authority of the Blockleiter to exercise coercion and the threat of force upon the civil population, I quote from Document 2833-PS, which is an excerpt from Page 7 of the magazine entitled *The Face of the Party*, Document 2833-PS. It is just a line of quotation:

"Advice and sometimes also the harsher form of education is employed if the faulty conduct of an individual harms this individual himself, and thus also the community."

Before I get to the numbers, I wanted to deal with the Hoheits-träger.

THE PRESIDENT: Don't you think it is time to break off?

COL. STOREY: Yes.

THE PRESIDENT: Until 2 o'clock.

[A recess was taken until 1400 hours.]

Afternoon Session

COL. STOREY: Your Honors will notice that we have substituted an enlarged chart for the photostatic copy that was introduced in evidence this morning. Another thing I would like to call Your Honors' attention to is the fact that the other chart, the big one, was dated 1945 and therefore did not show the Defendant Hess because of his flight to England in 1941, and it will be recalled that the Defendant Hess occupied the position before Bormann directly under the Führer in the Party organization.

We now take up the Hoheitsträger. The Hoheitsträger, diverting from the text, is shown on this chart very well; and all of those shown in black blocks constitute the Hoheitsträger, beginning with the Führer and going down the vertical column clear down to the Blockleiter.

Within the Leadership Corps of the Nazi Party certain of the political leaders possessed a higher degree of responsibility than others, were vested with special prerogatives, and constituted a distinctive and elite group within the Party hierarchy. Those were the so-called Hoheitsträger, or bearers of sovereignty, who represented the Party within the area of jurisdiction, which is a section of Germany, the so-called "Hoheitsgebiet." I now quote from Page 9 of the English translation of Document 1893-PS:

"Among the political leaders, the Hoheitsträger assume a special position. Contrary to the other political leaders who have departmental missions . . . the Hoheitsträger themselves are in charge of a geographical sector known as the Hoheitsgebiet"—sectors of sovereignty.

"The Hoheitsträger are:

"The Führer, the Gauleiter, the Kreisleiter, the Ortsgruppenleiter, the Zellenleiter, and the Blockleiter.

"Hoheitsgebiete are:

"The Reich, the Gau, the Kreis, the Ortsgruppe, the Zelle, the Block.

"Within their sector of sovereignty the Hoheitsträger have sovereign political rights. They represent the Party within their sector. The Hoheitsträger supervise all Party offices within their jurisdiction and are responsible for the maintenance of discipline."

If Your Honors please, that is Page 9 of the English translation, if you find it, of 1893.

THE PRESIDENT: Yes.

COL. STOREY: "The directors of offices, *et cetera*, and of the affiliated organizations are responsible to their respective

Hoheitsträger ... as regards their special missions. The Hoheitsträger are superior to all political leaders, managers, and so forth, within their sector. As regards personal consideration, Hoheitsträger are endowed with special rights....

"The Hoheitsträger of the Party are not to be administrative officials... but are to move in a continuous vital contact with the political leaders of the population within their sector. The Hoheitsträger are responsible for the proper and good supervision of all members of the nation within their sector....

"The Party intends to achieve a state of affairs in which the individual German will find his way to the Party...."

The distinctive character of the Politische Leiter constituting the Hoheitsträger and their existence and operation as an identifiable group are indicated by the publication of a magazine entitled *Der Hoheitsträger* whose distribution was limited by regulation of the Reich Organization Leader to the Hoheitsträger and certain other designated Politische Leiter. I now refer to Document 2660-PS, which I offer in evidence; and I would like to digress from the published manuscript and call Number 2660-PS Exhibit Number USA-325. I would like to exhibit this book to Your Honors. This is the book itself and it is for the Hoheitsträger, with a very limited distribution, and I quote from the inside cover of this magazine which reads as follows—it is right in the beginning:

"*Der Hoheitsträger*, the contents of which is to be handled confidentially, serves only for the orientation of the competent leaders. It may not be loaned out to other persons."

Then follows a list of the Hoheitsträger and other political leaders authorized to receive the magazine. The magazine states, in addition, that the following are entitled to receive it—I would like to emphasize the ones to receive it:

"Commandants, unit commanders, and 'Ordensburg' members; The Reich, Shock Troop, and Gau speakers of the NSDAP; the Obergruppenführer and Gruppenführer of the SA, the SS, the NSFK"—which is the Flying Corps—"and the NSKK"—the Party Motor Corps—"Obergebietsführer and Gebietsführer of the HJ"—that is the Hitler Jugend.

The fact that this magazine existed, that it derived its name from the commanding officers of the Leadership Corps, that it was distributed to the elite of the Leadership Corps, in other words, that a house bulletin was circulated down the command channels of the Leadership Corps is probative of the fact that the Leadership Corps of the Nazi Party was a group or an organization within the meaning of Article 9 of the Charter.

An examination of the contents of the magazine *Der Hoheits-träger* reveals a continuing concern by the Leadership Corps of the Nazi Party in measures and doctrines which were employed throughout the course of the conspiracy charged in the Indictment. I shall not trouble the Tribunal nor encumber the record by offering in evidence exhaustive enumeration of these matters; but it may serve to clarify the plans and policies of the inner elite of the Leadership Corps by indicating that a random sampling of articles published and policies advocated in the various issues of the magazine from February 1937 to October 1938 included the following:

Slandorous anti-Semitic articles, attacks on Catholicism and the Christian religion and the clergy; the need for motorized armament; the urgent need for expanded Lebensraum and colonies; persistent attacks on the League of Nations; the use of the block and cell in achieving favorable Party votes, the intimate association between the Wehrmacht and the political leadership; the racial doctrines of Fascism, the cult of leadership; the role of the Gaue, Ortsgruppen, and Zellen in the expansion of Germany; and related matters all of which constituted elements and doctrinal techniques in the carrying out of the conspiracy charged in the Indictment.

The political leaders were organized according to the leadership principle. I quote from the fourth paragraph of Page 2 of Document 1893-PS, at the bottom of the page, and top of Page 3:

"The basis of the Party organization is the Führer idea. The public is unable to rule itself either directly or indirectly . . . All political leaders stand as appointed by the Führer and are responsible to him. They possess full authority toward the lower echelons. . . Only a man who has gone through the school of subordinate functions within the Party has a claim to the higher Führer offices. We can only use 'Führer' who have served from the ground up. Any political leader who does not conform to these principles is to be dismissed or to be sent back to the lower offices, as Blockleiter, Zellenleiter, for further training. The political leader is not an office worker but the political deputy of the Führer . . . With the political leader we are building the political leadership of the State . . . The type of the political leader is not characterized by the office which he represents. There is no such thing as a political leader of the NSBO, *et cetera*, but there is only the political leader of the NSDAP."

Each political leader was sworn in yearly. According to the Party manual the wording of the oath was as follows; and I quote from the second paragraph on Page 3, Document 1893-PS:

"I pledge eternal allegiance to Adolf Hitler; I pledge unconditional obedience to him and the Führer appointed by him."

The *Organization Book of the NSDAP* also provides, and I quote from Page 3, Paragraph 4, of the same document:

"The political leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community."

Appointment of political leaders:

With respect to the appointment of the political leaders constituting the Leadership Corps of the Party, I quote from Page 4 of the *Organization Book*, which is Document 1893-PS:

"1. The Führer appoints the following political leaders:

"a) Reichsleiter and all political leaders within the Reichsleitung"—Reich Party Directorate—"including women's leaders; b) Gauleiter, including the political leaders holding offices in the Gauleitung"—Gau Party Directorate—"including Gau women's leaders; c) Kreisleiter. . . ."

"2. The Gauleiter appoints:

"a) The political leaders and women's leaders within the Gau Party Directorate. . . . b) the political leaders and the directors of women's leagues in the Kreis Party Directorate; c) Ortsgruppenleiter.

"3. The Kreisleiter appoints the political leaders and the directors of the women's leagues of the Ortsgruppen including the block and cell leaders. . . ."

The power of Hoheitsträger to call upon other Party formations:

The Hoheitsträger among the Leadership Corps were entitled to call upon and utilize the various Party formations as necessary for the execution of the Nazi Party policies.

The Party manual provides, with respect to the power and authority of the Hoheitsträger to requisition the services of the SA—and I quote from Page 11 of this same Document 1893-PS:

"The Hoheitsträger is responsible for the entire political appearance of the Movement within this zone. The SA leader of that zone is tied to the directives of the Hoheitsträger in that respect. . . . The Hoheitsträger is the ranking representative of the Party to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission. The Hoheitsträger will then assign the mission to the SA. . . . Should the Hoheitsträger need more SA for the execution of a political mission than is locally available, he then applies to the next higher office of sovereignty which, in turn, requests the SA from the SA office in his sector."

According to the Party manual, the Hoheitsträger had the same authority to call upon the services of the SS and NSKK as they possessed with respect to the SA.

With respect to the authority of the Hoheitsträger to call upon the services of the Hitler Youth (the HJ), the Party manual states, and I quote from Page 11, the last paragraph of that translation:

“The political leader has the right to requisition the HJ”—that is the Hitler Jugend—“in the same manner as the SA for the execution of a political action....”

“In appointing leaders of the HJ... the office of the HJ must procure the approval of the Hoheitsträger of its zone. This means that the Hoheitsträger can prevent the appointment of leaders unsuited for the leadership of youth. If his approval has not been procured, an appointment may be cancelled if he so requests.”

An example of the use of the Party formations at the call of the Leadership Corps of the Party is provided by the action taken by the Reichsleiter for Party Organization of the National Socialist Party, Dr. Robert Ley, leading to the deliberate dissolution of the Free Trade Unions on 2 May 1933. I quote from Document 392-PS, Exhibit Number USA-326, which is a copy of the directive issued by the Defendant Ley on 21 April 1933, reproduced on Pages 51-52 of the *Social Life in New Germany* by Professor Müller. In this directive the late Defendant Ley directed the employment of the SA and the SS in the occupation of trade unions and for taking trade union leaders into protective custody. I now quote from Paragraph 6 of Page 1 of Document 392-PS. It is the third and fourth paragraph from the bottom of the page:

“SA as well as SS are to be employed for the occupation of trade union properties and for the taking of personalities, who come into question, into protective custody.

“The Gauleiter is to proceed with his measures on a basis of the closest understanding with the competent regional cell director.”

I also quote from the second paragraph of Page 2 of that same document which reads, quoting:

“The following are to be taken into protective custody: All trade union chairmen, the district secretaries and the branch directors of the ‘Bank for Workers, Employees, and Officials, Incorporated,’ included.”

I now offer in evidence Document 2474-PS, Exhibit Number USA-327, which is a copy of a decree issued by the Defendant Hess as Deputy of the Führer, dated 25 October 1934, which underwrites the authority of the Hoheitsträger with respect to Party

formations. I quote from the numbered Paragraphs 1, 5, and 6 of Page 1 of Document 2474-PS which reads as follows—Page 1 of the English translation:

“The political leadership within the Party and its political representation towards all offices, state or others which are outside of the Party, lie solely and exclusively with the Hoheitsträger”—bearers of sovereignty—“which is to say with me, the Gauleiter, Kreisleiter, and Ortsgruppenleiter....

“The departmental workers of the Party organizations, such as Reichsleiter, office directors, *et cetera*, as well as the leaders of the SA, SS, HJ, and the subordinate affiliations, may not enter into binding agreements of a political nature with State and other offices except when so authorized by their Hoheitsträger.

“In places where the territories of the units of the SA, SS, HJ, and the subordinate affiliations do not coincide with the zones of the Hoheitsträger, the Hoheitsträger will give his political directives to the ranking leader of each unit within his zone of sovereignty.”

It was the official policy of the Leadership Corps to establish close and co-operative relations with the Gestapo. The Tribunal will recall that the head of the German Police and SS, Himmler, was a Reichsleiter on the top level of the Leadership Corps. Without offering in evidence a decree issued by the Defendant Bormann as Chief of Staff of the Deputy of the Führer, dated 26 June 1935, I ask the Court to take judicial knowledge; and I quote:

“In order to effect a closer contact between the offices of the Party and its organizations with the Directors of the Secret State Police,”—Gestapo—“the Deputy of the Führer requests that the directors of the Gestapo be invited to attend all the larger official rallies of the Party and its organizations.”

That is from the 1935 edition, Page 143, dated the 26th June 1935, *The Decrees of the Deputy of the Führer*.

With reference to the meetings and conferences among the Hoheitsträger of the Leadership Corps, it is the contention of the Prosecution that the members of the Leadership Corps constituted a distinctive and identifiable group or organization. It is strongly supported by the fact that the various Hoheitsträger were under an absolute obligation to meet and confer periodically, not only with the staff officers of their own staffs, but with the political leaders and staff officers immediately subordinate to them. For example, the Gauleiter was bound to confer with his staff officers (such as his deputy and so forth, which included the school leader, propaganda leader, press leader, his Gau Party judge, and so on)

every 8 to 14 days. Furthermore, the Gauleiter was obligated to meet with the various Gauleaders subordinate to him once every 3 months for a 3-day convention for the purpose of discussing and clarifying Nazi Party policies and directives, for hearing basic lectures on Party policy, and for the mutual exchange of information pertinent to the Party's current program. The Gauleiter was also obligated to meet at least once a month with the leaders of the Party formations and affiliated organizations within his Gau area, such as the leaders of the SA, and SS, Hitler Youth, and others. In support of these statements, I quote from Page 8 of Document 1893-PS. I don't think it is necessary to read all of that:

"Leader conferences in the district:

"A. District Leaders."

If Your Honor please, with your permission I will omit the reading of that because it was really summarized in my previous statement. I will quote Subparagraph (d):

"(d) The bearer of sovereignty will meet at least once a month with the leaders of the SA, SS, NSKK, HJ, as well as the RAD and the NSFK who are within the zone, for the purpose of mutual collaboration."

The *Organization Book* of the Party imposes a similar requirement of regular and periodical conferences and meetings upon all the other Hoheitsträger, including the Kreisleiter, Ortsgruppenleiter, Zellenleiter, and Blockleiter.

The clear consequence of such regular and obligatory conferences and meetings by all the Hoheitsträger, both with their own staff officers and with the political leaders and staff officers subordinate to them, was that basic Nazi policies and directives issued by Hitler and the leader of the Party Chancellery, the Defendant Bormann, directly through the chain of command of the Hoheitsträger, and functional policies issued by the various Reichsleiter and Reich officeholders down functional and technical channels, were certain to be notified to, received, and understood by the bulk of the membership of the Leadership Corps.

If I may digress from my text and call attention to this chart, you will see the dotted lines connecting down from the Party level, Gau level, to similar offices in the lower level.

Now I next come to the statistics relating to the Leadership Corps of the Nazi Party and the evidence relating to the size of the Leadership Corps of the Nazi Party. As previously shown, the Leadership Corps comprised the sum of officials of the Nazi Party including, in addition to Hitler and the members of the Reichsleitung, such as the Reichsleiter and the Reich officeholders, a hierarchy of Hoheitsträger, which I have described, as well as the

staff officers attached to the Hoheitsträger. I now offer in evidence Document 2958-PS, Exhibit Number USA-325; and this is Issue Number 8, 1939, of the official Leadership Corps organ *Der Hoheitsträger*, similar to the one I exhibited a moment ago, and this is for the year 1939. This shows that there were: 40 Gaue and 1 Foreign Gau, each led by a Gauleiter—that is 41; 808 Kreisleiter; 28,376 Ortsgruppenleiter; 89,378 Zellenleiter; and 463,048 Blockleiter.

However, as shown by the evidence previously introduced, the Leadership Corps of the Nazi Party was composed not only of the Hoheitsträger, but also of the staff officers or officeholders attached to the Hoheitsträger. The Gauleiter, for example, was assisted by a deputy Gauleiter, several Gau inspectors, and a staff which was divided into main offices (Hauptämter) and offices (Ämter) including such departments as the Gau staff office, treasury, education office, propaganda office, press office, university teachers, communal policy, and so forth. As previously shown, the staff office structure of the Gau was substantially represented in the lower levels of the Leadership Corps organization such as the Kreise, the Ortsgruppen, and so on. The Kreise and the smaller territorial areas of the Party were also organized into staff offices dealing with the various activities of the Leadership Corps. But, of course, the importance and the number of such staff offices diminished as the unit dropped in the hierarchy; so that, while the Kreisleiter staff contained all or most of the departments mentioned for the Gau, the Ortsgruppe had fewer departments and the lower ones fewer still.

Firm figures have not been found as to the total number of staff officers, as distinguished from the Hoheitsträger or political commanders themselves, included within the Leadership Corps.

With respect to the scope and composition of the Leadership Corps of the Nazi Party, the Prosecution adopts the view and respectfully submits to this Tribunal, that in defining the limits of the Leadership Corps, staff officers should only be included down to and including the Kreis. Upon this basis, the Leadership Corps of the Nazi Party did constitute the Führer, the members of the Reichsleitung, the five levels of the Hoheitsträger, and the staff officers attached to the 40-odd Gauleiter and the 800 or 900 Kreisleiter. Adopting this definition of the Leadership Corps, it will be seen that the total figure for the membership of that organization, based upon the statistics cited from the basic handbook for Germany, amounts to around 600,000. And by excepting the staff officers of the lower levels, as is provided in the Indictment, and as just defined, and without prejudice to any later individual action against those excepted, we think the figure of around 600,000 is approximately correct.

It is true that this figure is based upon an admittedly limited view of the size of the membership of the Leadership Corps of the Nazi Party, for the evidence has shown that the Leadership Corps, in effect, embraced staff officers attached to the subordinate Hoheitsträger; and the inclusion of such staff officers in the estimation of the size of the Leadership Corps, if we had so recommended, would have been considerably enlarged so that the final figure, if we had included staff officers to the Blockleiter, would have been 2,000,000, in round numbers.

MR. FRANCIS BIDDLE (Member for the United States): What reason is there for excluding them?

COL. STOREY: For this reason, Your Honor, a person on the last level of Blockleiter might have called on an individual laborer who might have been on his staff; but he certainly did not have the discretion that a staff leader did, for example, or the Gauleiter, say, as a propagandist man who disseminated information down as well as helped participate in plans and policies of the upper organization.

The subordinate staff officers thus excluded were responsible functionally to the higher staff officers with respect to their particular specialty, such as propagandist, Party organization, and so on, and to their respective Hoheitsträger with respect to discipline and policy control and, as I mentioned, likewise such higher staff officers participated in planning and policy and passed those policies down through technical levels or technical channels as opposed to command channels.

"The Leadership Corps of the Nazi Party joined and participated in the Common Plan or Conspiracy" is the next title.

The program of the Nazi Party, proclaimed by Hitler on 24 February 1920, contained the chief elements of the Nazi plan for domination and conquest. I now quote from Document 1708-PS, which is the *Year Book for 1941*, published by the Party, and edited by the late Robert Ley. This book contains the famous 25 points of the Party which I now offer in evidence as Exhibit Number USA-324. Diverting from the text—I don't intend to quote these 25 Party objectives, but only refer to a few of them, and I quote from Page 1 of the English translation of Document 1708-PS:

Point 1:

"We demand the unification of all Germans in Greater Germany on the basis of the right of self-determination of peoples."

Point 2 of that program which I quote demanded unilateral abolition of the Peace Treaties of Versailles and St. Germain:

"We demand equality of rights for the German people in respect to the other nations; abrogation of the Peace Treaties of Versailles and St. Germain."

Point 3:

"We demand land and territory (colonies) for the sustenance of our people and colonization by our surplus population."

Point 4:

"Only a member of the race can be a citizen. A member of the race can only be one who is of German blood without consideration of confession. Consequently, no Jew can be a member of the race."

Point 6:

"We demand that every public office, of any sort whatsoever, whether in the Reich, the county, or municipality, be filled by citizens only. We combat the corrupting parliamentary regime, office-holding only according to party inclinations without consideration of character or abilities."

Point 22—this is from Page 2 of the English translation of Document 1708-PS:

"We demand the abolition of the mercenary troops and the formation of a National Army."

Back to Page 1—another quotation:

"The program is the political foundation of the NSDAP and accordingly the primary political law of the State...."

"All legal precepts are to be applied in the spirit of the Party program."

"Since the taking over of power, the Führer has succeeded in the realization of the essential portions of the Party program from the fundamentals to the details."

"The Party program of the NSDAP was proclaimed on 24 February 1920 by Adolf Hitler at the first large Party gathering in Munich and since that day has remained unaltered. The National Socialist philosophy is summarized in 25 points."

As previously mentioned, the Party program was binding upon the political leaders and they were under duty to support and carry out that program.

The Party manual states, and I quote again from the middle of Page 1 of Document 1893-PS:

"The Commandments of the National Socialists: The Führer is always right.... The program be your dogma; it demands your utter devotion to the Movement.... Right is what serves the Movement and thus Germany...."

And on Page 2 of the same document another brief quotation:
 "The Leadership Corps is responsible for the complete penetration of the German nation with the National Socialist spirit...."

The oath of the political leaders to Hitler has been previously mentioned. In this connection the Party manual provides, and I quote from the second paragraph on Page 3 of the same document:

"The political leader is inseparably tied to the ideology and the organization of the NSDAP. His oath only ends with his death or with his expulsion from the National Socialist community."

While the leadership principle assured the binding nature of Hitler's statements, program, and policies upon the entire Party and the Leadership Corps thereof, the leadership principle also established the full responsibility of the individual political leader within the province and jurisdiction of his office or position.

The leadership principle applies not only to Hitler as the supreme leader but also to the political leaders under him and thus permeated the entire Leadership Corps. I quote from the middle of Page 2 of Document 1893-PS:

"The basis of the Party organization is the Führer idea...."

"All political leaders stand as appointed by the Führer and are responsible to him. They possess full authority toward the lower echelons...."

The various Hoheitsträger of the Leadership Corps were, in their respective areas, themselves Führer. I quote from the third paragraph of Page 9 of this same document:

"Within their sector of sovereignty, the Hoheitsträger have sovereign political rights....They are responsible for the entire political situation within their sector."

I again refer to and quote from Document 1814-PS, Exhibit Number USA-328, which is the Party book. It is just a one-sentence quotation, and it states: "The Party is an Order of 'Führer.'"

The subjugation of the entire membership of the Leadership Corps to the fiat of the leadership principle is clearly shown in the following passage from the Party manual; it is this same document on Page 3:

"A solid anchorage for all the organizations within the Party structure is provided and a firm connection with the sovereign leaders of the NSDAP is created in accordance with the leadership principle."

Next is the subject, "The Nazi Party, directed by the Leadership Corps, dominated and controlled the German State and Government."

The trial brief dealing with the criminality of the Reich Cabinet sets forth the evidence as to the identity of various ministers comprising the Cabinet, and I shall not deal with that subject. The presence of the Reichsleiter and other prominent members of the Leadership Corps in the Cabinet facilitated the domination of the Cabinet by the Nazi Party and the Leadership Corps.

And I omit the next paragraph down to the law of July 14, 1933.

A law of 14 July 1933 outlawed and forbade the formation of any political parties other than the Nazi Party and made offenses against this a punishable crime, thereby establishing the one-party state and rendering the Leadership Corps immune from the opposition of organized political groups. I now quote from Document 1388-PS, that being the English translation of the "Law against the Formation of New Political Parties" stated in *Reichsgesetzblatt*, 1933, Part I, Page 479; and I quote the first two articles of this law, which read as follows:

"The National Socialist German Workers' Party constitutes the only political party in Germany. Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be punished with penal servitude up to 3 years or with imprisonment of from 6 months to 3 years, if the deed is not subject to a greater penalty according to other regulations."

I will skip the next paragraph.

I now quote from Document 1398-PS, which is the English translation of "Law to Supplement the Law for the Restoration of the Professional Civil Service," dated 20 July 1933—1933 *Reichsgesetzblatt*, Part I, Page 518.

On 13 October 1933 "A Law to Guarantee Public Peace" was enacted which provided, *inter alia*, that the death penalty or other severe punishment should be imposed upon any person who "undertakes to kill . . . a member of the SA or the SS, a trustee or agent of the NSDAP . . . out of political motives or on account of their official activity."

THE PRESIDENT: Where is that you were reading, 1398-PS?

COL. STOREY: Yes, Sir; 1398-PS. I am in error, Sir, it is 1394-PS just previous.

THE PRESIDENT: Which article are you reading?

COL. STOREY: I am afraid I don't have the reference, but here is the quotation, I think it is on that one page. "A Law to Guarantee Public Peace," and then it has to do—it is Article 2, I believe—Paragraph 2, Article 1.

I next refer to Document 1395-PS, which is the English translation of the Law on Security and the Unity of Party and State

of 1 December 1933, and it was enacted "to secure the unity of Party and state." This law provided that the Nazi Party was the pillar of the German State and was linked to it indissolubly; it also made the Deputy of the Führer (then Hess) and the Chief of Staff of the SA (then Röhm) members of the Reich Cabinet. I quote:

"After the victory of the National Socialist revolution the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the State. It will be a part of the public law. Its organization will be determined by the Führer...."

"The Deputy of the Führer and the Chief of Staff of the SA will become members of the Reich Government in order to insure close co-operation of the offices of the Party and SA with the public authorities."

This law was a basic measure in enthroning the Leadership Corps in a position of supreme political power in Germany. For it laid down that the Party, directed by the Leadership Corps, was the embodiment of the State and in fact was the State. Moreover, this law made both the Führer's Deputy and the Chief of Staff of the SA, which was a Party formation subject to the call of the Hoheitsträger, Cabinet members, thus further solidifying the leadership control of the Cabinet. The dominant position of the Leadership Corps is further revealed by the provision that the Reich Chancellor would issue the carrying-out regulations of this law in his capacity as Führer of the Nazi Party. The fact that Hitler, as Führer of the Leadership Corps, could promulgate rules which would have statutory force and be published in the *Reichsgesetzblatt*, the proper compilation for State enactments, is but a further reflection of the reality of the Party's domination of the German State.

I now refer to Document 2775-PS, which is Exhibit Number USA-330, which is the English translation of certain extracts from Hitler's speeches to the 1934 and 1935 Party Congress at Nuremberg. I quote from the second extract in Document 2775-PS, which is a declaration by Hitler to the 1934 Party Congress and which reads—just one sentence, "It is not the State which gives orders to us, it is we who give orders to the State."

Upon the evidence, that categorical statement of the Führer of the Leadership Corps, affirming the dominance of the Party over the State, cannot be refuted.

On the 30th of June 1934 Hitler, as head of the Nazi Party, directed the massacre of hundreds of SA men and other political opponents. Hitler sought to justify these mass murders by declaring to the Reichstag that "at that hour I was responsible for the fate of the German nation and the supreme judge of the German

people." The evidence relating to these events will be presented at a later stage in connection with the case against the SA.

On the 3rd of July 1934 the Cabinet issued a decree describing the murders and the massacre of 30 June 1934, in effect, as legitimate self-defense by the State. By this law the Reich Cabinet moved to make themselves accessories after the fact of these murders. The domination by the Party, however, makes the Cabinet's characterization of these criminal acts by Hitler and his top Party leaders as state measures consistent with political reality. I refer now to Document 2057-PS, which is the English translation of the "Law Relating to the National Emergency Defense Measures" of 3 July 1934, in the *Reichsgesetzblatt* of that year, Part I, Page 529, and I quote the single article of that law, which reads as follows—this still has reference to the blood purge:

"The measures taken on 30 June and 1 and 2 July 1934 to counteract attempts at treason and high treason shall be considered as national emergency defense."

On 12 July 1934 there was enacted a law defining the function of the Academy for German Law. I refer to Document 1391-PS, which is an English translation of the statute of the Academy for German Law, 12 July 1934, 1934 *Reichsgesetzblatt*, Part I, Pages 605 and 606:

"In constant, close connection with the agencies competent for legislation, it"—the academy—"shall further the realization of the National Socialist program in the realm of the law."

On 30 January 1933, Hitler, the Leader of the Nazi Party and Führer of the Leadership Corps, was appointed Chancellor of the Reich. When President Von Hindenburg died in 1934, the Führer amalgamated into his person the offices of Chancellor and Reich President. I refer to Document 2003-PS, which establishes that fact, and I do not quote. It is *Reichsgesetzblatt* 1934, Part I, Page 747.

By decree of the 20th of December 1934 Party uniforms and institutions were granted the same protection as those of the State. This law was entitled, "Law Concerning Treacherous Acts against the State and Party and for the Protection of Party Uniforms." This law imposed heavy penalties upon any person making false statements injuring the welfare or prestige of the Nazi Party or its agencies. It authorized the imprisonment of persons making or circulating malicious or baiting statements against leading personalities of the Nazi Party, and it provided punishment by forced labor for the unauthorized wearing of Party uniforms or symbols. I again refer to Document 1393-PS, not quoting, which is the English translation and gives the authority.

Finally, by the law of 15 September 1934 the swastika flag of the Party was made the official flag of the Reich. I refer to Document 2079-PS, which is the English translation of the Reich Flag Law found in *Reichsgesetzblatt* 1935, Part I, Page 1145. Just this one sentence—the quotation, “The Reich and national flag is the swastika flag.”

The swastika was the flag and symbol of the Leadership Corps of the Nazi Party. By law it was made the flag of the State; a recognition that the Party and its corps of political leaders were the sovereign powers in Germany.

On 23 April 1936 a law was enacted granting amnesty for crimes which the offender had committed “in his eagerness to fight for the National Socialist ideals.” I cite Document 1386-PS, which is the English translation of the “Law Concerning Amnesty,” *Reichsgesetzblatt* 1936, Part I, Page 378.

In furtherance of the conspiracy to acquire totalitarian control over the German people, a law was enacted on 1 December 1936 which incorporated the entire German youth within the Hitler Youth, thereby achieving total mobilization of the German youth. And I cite Document 1392-PS, containing that law, 1936 *Reichsgesetzblatt*, Part I, Page 993. The law further provided that the task of educating the German youth through the Hitler Youth was entrusted to the Reichsleiter of the German youth in the NSDAP. By this law a monopoly control over the entire German youth was placed in the hands of the top official, a Reichsleiter of the Leadership Corps of the Nazi Party, the Defendant Von Schirach.

On 4 February 1938 the Führer of the Leadership Corps of the Nazi Party, Hitler, issued a decree in which he took over direct command of the whole German Armed Forces. I cite Document 1915-PS, 1938 *Reichsgesetzblatt*, Part I, Page 111. Hitler says, “From now on, I take over directly and personally the command of the whole Armed Forces.”

By virtue of the earlier law of 1 August 1934 Hitler combined the offices of the Reich President and the Chancellorship. In the final result, therefore, Hitler was Supreme Commander of the Armed Forces, the Head of the German State, and the Führer of the Nazi Party. With respect to this, the Party manual states as follows, and I quote from Page 19 of Document 1893-PS:

“The Führer created the National Socialist German Workers’ Party. He filled it with his spirit and his will, and with it he conquered the power of the State on 30 January 1933. The Führer’s will is the supreme law in the Party. . . .

“By authority of the law about the Chief of State of the German Reich, dated 1 August 1934, the office of the Reich President has been combined with that of the Reich Chancellor.

Consequently, the powers heretofore possessed by the Reich President were transferred to the Führer, Adolf Hitler. Through this law, the conduct of the Party and State has been combined in one hand. By desire of the Führer, a plebiscite was conducted on this law on 19 August 1934. On this day, the German people chose Adolf Hitler to be their sole leader. He is responsible only to his conscience and to the German nation."

A decree of 16 January 1942 provided that the Party should participate in legislation and official appointments and promotions. I cite as proof Document 2100-PS, which is the English translation of a directive concerning the application of the Führer decree relating to the Chief of the Party Chancellery, 1942 *Reichsgesetzblatt*, Part I, Page 35. The decree further provided that such participation should be undertaken exclusively by the Defendant Bormann, Chief of the Party Chancellery and Reichsleiter of the Leadership Corps. The decree provided that the Chief of the Party Chancellery was to take part in the preparation of all laws and decrees issued by Reich authorities, including those issued by the Ministerial Council for Defense of the Reich, and to give his assent to those of the Länder and of the Reich governors—the Länder being the German states. All communications between the State and Party authorities, unless within the Gau only, were to pass through Bormann's hands. This decree is of crucial importance in demonstrating the ultimate control and responsibility imputable to the Leadership Corps for governmental policy and actions taken in furtherance of the conspiracy.

On or about the 26th of April 1942 Hitler declared in a speech that in his capacity as leader of the nation, Supreme Commander of the Armed Forces, Supreme Head of the Government, and as Führer of the Party, his right must be recognized to compel with all means at his disposal every German, whether soldier, judge, State official, or Party official, to fulfill his desire. He demanded that the Reichstag officially recognize this asserted right; and on the 26th of April 1942 the Reichstag issued a decision in which full recognition was given to the rights of the Führer which I have just asserted. I cite Document 1961-PS, which is the English translation of that decision, found in 1942 *Reichsgesetzblatt*, Part I, Page 247. I quote:

"At the proposal of the President of the Reichstag, on its session of 26 April 1942, the Greater German Reichstag has unanimously approved of the rights which the Führer has postulated in his speech with the following decision:

"There can be no doubt that in the present war, in which the German people is faced with a struggle for its existence or

annihilation, the Führer must have all the rights postulated by him which serve to further or achieve victory. Therefore, without being bound by existing legal regulations, in his capacity as leader of the nation, Supreme Commander of the Armed Forces, Governmental Chief and Supreme Executive Chief, as Supreme Justice and as leader of the Party, the Führer must be in the position to force with all means at his disposal every German, if necessary—whether he be a common soldier or officer, low or high, official or judge, leading or subordinate official of the Party, worker or employee—to fulfill his duties. In case of violation of these duties, the Führer is entitled, after conscientious examination, regardless of so-called well-deserved rights, to mete out due punishment and to remove the offender from his post, rank, and position without introducing prescribed procedures.

“At the order of the Führer, this decision is hereby made public. Berlin, 26 April 1942.”

Hitler, himself, perhaps, best summarized the political realities of his Germany which constituted the basis for the Prosecution's submission that the Leadership Corps of the Nazi Party and its following effectively dominated the State. The core and crux of the matter was stated by Hitler in his speech to the Reichstag on 20 February 1938, when he declared, in effect, that every institution in Germany was under the direction of the Leadership Corps of the Nazi Party.

I cite as the Prosecution's final exhibit in support of the proposition that the Leadership Corps dominated the German State with resulting responsibility, Document 2715-PS, which is the book containing Hitler's speech to the Reichstag on the 20th of February 1938, as reported in *Das Archiv*, Volume 47, February 1938, Pages 1441 and 1442. I quote a brief excerpt from Document 2715-PS; and I introduce it as Exhibit USA-331:

“National Socialism has given the German people that leadership which as Party not only mobilizes the nation but also organizes it, so that on the basis of the natural principle of selection, the continuance of a stable political leadership is safeguarded forever. . . . National Socialism . . . possesses Germany entirely and completely since the day when, 5 years ago, I left the house in Wilhelmsplatz as Reich Chancellor. There is no institution in this State which is not National Socialist. Above all, however, the National Socialist Party in these 5 years has not only made the nation National Socialist but also has given itself that perfect organizational structure which guarantees its preservation for all the future. The greatest guarantee of the National Socialist revolution lies

in the complete domination of the Reich and all of its institutions and organizations, internally and externally, by the National Socialist Party. Its protection against the world abroad, however, lies in the new National Socialist Armed Forces. . . . In this Reich anybody who has a responsible position is a National Socialist. . . . Every institution of this Reich is under the command of the supreme political leadership. . . . The Party leads the Reich politically; the Armed Forces defend it militarily. . . . There is nobody in any responsible position in this state who doubts that I am the authorized leader of this Reich. . . .”

The supreme power which the Leadership Corps exercised over the German State and Government is pointed out by an article published in this same authoritative magazine *Der Hoheitsträger*, in February 1939. In this article, which was addressed to all Hoheitsträger, the Leadership Corps is reminded that it has conquered the state and possesses absolute and total power in Germany. I cite Document 3230-PS, which is the English translation of an article entitled “Fight and Order”; and I quote from this article, which trumpets forth in what we might term as accents of Caesarism, the battle call of the Leadership Corps in German life. I quote:

“Fight? Why do you always talk of fighting? You have conquered the state, and if something does not please you, then just make a law and regulate it differently. Why must you always talk of fighting? For you have every power. Over what do you fight? Foreign politics? You have the Wehrmacht—it will wage the fight if fight is required. Domestic politics? You have the law and the police which can change everything which does not agree with you.”

THE PRESIDENT: Is this a good time to break off?

COL. STOREY: Yes, Sir.

[A recess was taken.]

COL. STOREY: In view of the domination of the German State and Government by the Nazi Party and the Leadership Corps thereof as established by the foregoing and other evidence heretofore recited in the previous trial briefs, it is submitted that the Leadership Corps of the Nazi Party is responsible for the measures, including the legislative enactments, taken by the German State and Government in furtherance of the conspiracy formulated and carried out by the co-conspirators and the organizations charged with criminality in the present case.

I now skip and go to the overt acts and crimes of the Leadership Corps. The evidence now to be presented will establish that the

membership of the Leadership Corps actively entered into a wide variety of acts and measures designed to advance the course of the conspiracy. The evidence will show that such participation by the Leadership Corps in the conspiracy embraces such measures as anti-Semitic activities, war crimes committed against members of the Allied Forces, participation in the forced-labor program, measures to subvert and undermine the Christian religion and persecute the Christian clergy, the plundering and spoliation of cultural and other property in German occupied territories in Europe, participation in plans and measures leading to the initiation and prosecution of aggressive war, and in general, the wide variety of measures embracing the Crimes against the Peace, War Crimes, and Crimes against Humanity as defined and denounced by the Charter.

The first item of evidence we have to introduce is in connection with the participation of the Gauleiter and Kreisleiter in what the Nazis describe as the "spontaneous uprising of the people" against the Jews throughout Germany on 9 and 10 November 1938. We do not intend to introduce, by diverting from the text, any evidence formerly introduced by Major Walsh on the persecution of the Jews but only to show the connection of a few of the Party officials in connection with the assassination of an official of the German Embassy in Paris on the 7th of November.

The evidence relating to these pogroms has been thoroughly presented in connection with the Prosecution's evidence in other phases of the case, particularly of the persecution of the Jews. I shall therefore limit myself to two documents and will request the Tribunal to recall that in the teletyped directive from SS Gruppenführer Heydrich, issued the 10th of November 1938 to all police headquarters and SD districts, all chiefs of the State Police were ordered to contact the political leaders in the Gaue and the Kreise and to arrange with these high officials in the Leadership Corps the organization of the so-called spontaneous demonstrations against the Jews.

The evidence previously presented shows that pursuant to this directive a large number of the Jewish shops and businesses were pillaged and wrecked, synagogues set on fire, individual Jews beaten up, and large numbers taken to concentration camps. This evidence forcibly illustrates the employment and participation of all the Kreisleiter and Gauleiter in illegal and inhuman measures designed to further the anti-Semitic program which was an original and continuous objective of the Leadership Corps of the Nazi Party. I simply refer again to Document 3051-PS, Exhibit Number USA-240, and simply call Your Honors' attention to the different political leaders that were named in that document; and I will not attempt to read nor refer to it again.

Diverting again from the text, I want to offer at this time in evidence . . .

THE PRESIDENT: Colonel Storey, is it addressed to these various ranks in the Leadership Corps?

COL. STOREY: Your Honor, I notice on the first page it is addressed—I am not good in German—but to the State Police, to the SD, and to some other SD officials.

THE PRESIDENT: What has that got to do with the Leadership Corps?

COL. STOREY: It has to do with directions to Party officials to take part in these demonstrations. In other words, through certain officials of the Leadership Corps this directive was dispatched and directed.

THE PRESIDENT: Are you sure the State Police and SD are any of these ranks in the Leadership Corps?

COL. STOREY: If Your Honors will refer to this original chart, this big one, you will notice that the SA, and SS, and several of the organizations are listed on the left-hand part of that big chart. I think it is in the folder there on Your Honors' desk. In other words, the close examination of that directive will show that they were to contact different political leaders in connection with the carrying into effect of this demonstration of the 9th and 10th of November. That is the only purpose for which it is offered. It has been introduced in evidence, but the reason I mention it at this time . . .

THE PRESIDENT: I can't see that it shows it. It seems to me to be a letter from the Chief of the Security Police to all headquarters and stations of the State Police.

COL. STOREY: I don't have the English translation before me at this moment, Your Honor.

THE PRESIDENT: Well, go on.

COL. STOREY: I now offer in evidence Document 3063-PS, Exhibit USA-332. This was a report from the Chief Party Judge Buch to the Defendant Göring, dated the 13th of February 1939, concerning actions taken by the Supreme Party Court for excesses in connection with the demonstrations of 9 and 10 November 1938. I don't believe this, if Your Honors please, is in the document book—3063-PS.

THE PRESIDENT: Yes, it is.

COL. STOREY: I beg your pardon. I had forgotten whether it is in here. I quote just a brief portion of it:

"When all the synagogues burned down in one night it must have been organized in some way and can only have been organized by the Party."

It is a long document, and that is the only portion I quote. I don't have the reference to it.

THE TRIBUNAL (Mr. Biddle): What page?

COL. STOREY: I am sorry, Sir, I don't have the reference book.

THE PRESIDENT: On Page 1. As you say you don't have the document before you, there isn't much use referring you to it.

COL. STOREY: I gave the German text over there, Sir.

"When all the synagogues burned down in one night it must have been organized in some way, and can only have been organized by the Party."

The first paragraph, Page 7.

Now I turn to illustrate the crimes against the Allied airmen. The members of the Leadership Corps of the Nazi Party participated in and shared the responsibility for the murder, beating, and ill-treatment of Allied airmen who landed in German or German-controlled territory. Many Allied airmen who bailed out of disabled planes over Germany were not treated as prisoners of war but were beaten and murdered by German civilians with the active condonation, indeed at the instigation, of some of the Leadership Corps of the Nazi Party. Such a course of conduct by the Leadership Corps represented a flagrant and deliberate violation by the German Government of its obligations under the Geneva Convention to protect prisoners of war against acts of violence and ill-treatment.

As shown by Document 2473-PS—it is necessary to turn to that—which is a list of the Reichsleiter of the Nazi Party appearing in the *National Socialist Yearbook* of 1943 and by Document 2903-PS, which is this large chart, Heinrich Himmler was a Reichsleiter of the Nazi Party and thus a top official in the Leadership Corps by virtue of his positions as Reichsführer of the SS and Delegate for German Folkdom. I now offer in evidence an original order signed by Himmler, Document R-110 as Exhibit Number USA-333. It is dated 10 August 1943, and I quote:

"It is not the task of the police to interfere in clashes between Germans and English and American terror fliers who have bailed out."

This order was transmitted in writing to all senior executive SS and Police officers, and orally to their subordinate officers and to all Gauleiter. As shown in Document 2473-PS and by the chart, Joseph Goebbels...

THE PRESIDENT: I was only thinking that the police are not part of the Leadership Corps, are they?

COL. STOREY: But Himmler, if Your Honor please, combined the offices himself of the Reichsführer of the SS and head of the

German police. He was an officer of the State; he was an officer of the Party; and he issued this to officials of the Leadership Corps.

THE TRIBUNAL (Mr. Biddle): And your point is, this order of Himmler's would be proof against the 600,000 members that you have spoken of?

COL. STOREY: Not against the members, but I said against the organization as a criminal organization, because from the top it disseminated orders of this type through the channels of the Leadership Corps.

THE PRESIDENT: But that is what I was putting to you, that it was not through the channels of the Leadership Corps, but through the channels of the police.

COL. STOREY: But the police, if Your Honor pleases, were connected with the Leadership Corps; and Himmler stood at the top of both. It does not show on that chart; but it is shown on the other big chart, if Your Honors please, with reference to Goebbels, who was a top-flight official in the Leadership Corps of the Nazi Party, by virtue of his position as Propaganda Leader of the Party. In the issue of the *Völkischer Beobachter* of 29 May 1944 there appeared an article written by Goebbels, the Reichsleiter for Party Propaganda, in which he openly invited the German civilian population to punish Allied fliers shot down over Germany. I refer to Document 1676-PS, Exhibit USA-334, which is the issue of the *Völkischer Beobachter* containing this article inciting the people to the commission of War Crimes. I now quote:

"It is only possible with the aid of arms to secure the lives of enemy pilots who were shot down during such attacks, for they would otherwise be killed by the sorely tried population. Who is right here? The murderers who, after their cowardly misdeeds, await a humane treatment on the part of their victims, or the victims who wish to defend themselves according to the principle: 'An eye for an eye, a tooth for a tooth'? This question is not hard to answer."

Reichsleiter Goebbels then proceeds to answer this question in the following language, and still quoting:

"It seems to us hardly possible and tolerable to use German police and soldiers against the German people when it treats murderers of children as they deserve."

On the 30th of May 1944 the Defendant Bormann, Reichsleiter and Chief of the Party Chancellery, issued a circular letter on the subject which furnishes indisputable proof that British and American fliers, who were shot down, were lynched by the German population. I offer this circular letter of the Defendant Bormann into evidence—Document 057-PS; it is up towards the top.

THE PRESIDENT: Have you got the original book?

COL. STOREY: Just a moment, Your Honor.

After alleging that in recent weeks English and American fliers had repeatedly shot children, women, peasants, and vehicles on the highways, Bormann then states as follows in the second paragraph of the English translation; I quote:

"Several instances have occurred where members of the crews of such aircraft, who have bailed out or who have made forced landings, were lynched on the spot immediately after capture by the populace, which was incensed to the highest degree. No police measures or criminal proceedings were invoked against the German civilians who participated in these incidents."

The attention of the Tribunal is particularly invited to the fact that this letter of the Defendant Bormann is distributed through the chain of command of the Nazi Party, expressly mentioning on the distribution list Reichsleiter, Gauleiter, Kreisleiter, and leaders of the incorporated and affiliated organizations of the Party. The Defendant Bormann requested, in the first paragraph of the second page which is found in the English translation, that the local group leaders (Ortsgruppenleiter) be informed of the contents of his circular letter orally—only by oral means.

The effect of Reichsleiter Bormann's circular letter may be seen in an order dated 25 February 1945 which I now offer in evidence; it is Document L-154, Exhibit Number USA-335. It is an order from Albert Hoffmann, an important member of the Leadership Corps by virtue of his position as Gauleiter and National Defense Commissioner of the Gau Westfalen-Sud. It is addressed to all county councillors, mayors, police officials, and to county leaders and county chiefs of the Volkssturm.

"Fighter-bomber pilots who are shot down are in principle not to be protected against the fury of the people. I expect from all police officers that they will refuse to lend their protection to these gangster types. Authorities acting in contradiction to the popular sentiment will have to account to me. All police and gendarmerie officials are to be informed immediately of this, my attitude."

The obligations . . .

THE PRESIDENT: Who is Hoffmann?

COL. STOREY: Albert Hoffmann was a member of the Leadership Corps by virtue of his position as Gauleiter and National Defense Commissar of the Gau Westfalen-Sud. In this connection, if Your Honor pleases, I quote the provisions of the Geneva Convention, 27 July 1929, Article 2, which provides—and I simply ask the Court to take judicial knowledge:

"Prisoners of war are in the power of the hostile power, but not of the individuals or corps who have captured them. They must at all times be humanely treated and protected, particularly against acts of violence, insults, and public curiosity. Measures of reprisal against them are prohibited."

THE PRESIDENT: Is that the 1907...

COL. STOREY: 1929, the Geneva Convention dated 27 July 1929—Article 2—and it was also ratified by Germany and the United States. It is clear from the foregoing quoted provisions that the Geneva prisoners-of-war convention imposes upon its signatories the strictest obligations to protect its prisoners of war from violence. The evidence just presented shows that the German State violated this provision. The evidence also proves that members of the Leadership Corps of the Nazi Party participated in the conspiracy to incite the German civilian population to take part in these atrocities.

Now I next turn to some illustrative crimes against foreign labor.

On 13 September 1936 Reichsleiter of the Party Organization, Dr. Robert Ley, addressed 20,000 people attending a session of the Party Congress. The official account of the Party rally states that the Führer was received with "enthusiastic shouts of exaltation" when he strode through the hall with his deputy, his constant retinue, and several Reichsleiter and Gauleiter. I am referring to Document 2283-PS, and it is the *Völkischer Beobachter* of 14 September 1936, Page 11, which we offer as Exhibit Number USA-337. In his speech Reichsleiter Robert Ley states that he had been mystified when the Führer ordered him in "mid-April 1933 to take over the trade unions... since I could not see any connection between my task as organizational leader of the Party and my new task." Ley continues by stating that very soon it became clear to him why his responsibilities as Reichsleiter of the Party Organization and Leader of the German Labor Front made logical his selection by the Führer as the man to direct the smashing and dissolution of the free trade unions; and I quote from that document:

"Very soon your decision, my Führer, became clear to me and I recognized that the organizational measures of the Party could only come to full fruition when supplemented by the organization of the people, that is to say by the mobilization of the energies of the people and by their concentration and alignment... My tasks as Reichsleiter of the Party Organization and as Leader of the German Labor Front were a completely homogeneous task; in other words, in everything I did, I acted as Reichsleiter of the Party Organization. The German Labor Front was an institution of the Party and was led by it. The German Labor Front had to be organized

regionally and technically—according to the same principles as the Party. That is why trade union and employee associations had to be smashed unrelentingly, and the basis of construction was formed, as in the Party, by the cell and the local section.”

On 17 October 1944 Reichsleiter Rosenberg sent a letter to Reichsleiter Bormann which I introduce as Document 327-PS, Exhibit Number USA-338, in which he informed the latter that he had sent a telegram to the Gauleiter urging them not to interfere in the liquidation of certain listed companies and banks under his supervision. Rosenberg emphasizes to Bormann that any “delay of liquidation or independent confiscation of the property by the Gauleiter would impair or destroy an organized plan” for the liquidation of a vast amount of property.

On 7 November 1943 the Chief of the General Staff of the Armed Forces delivered a lecture at Munich to the Reichsleiter and the Gauleiter. I now refer to Document L-172, previously introduced in evidence as Exhibit Number USA-34. The Chief of Staff stated that his object was to give a review of the strategic position at the outset of the fifth year of war; and he stated that he realized that the political leaders in the Reich and Gau areas, in view of their burdensome tasks in supporting the German war effort, were in need of information he could give. He stated, in part, as follows:

“Reichsleiter Bormann has requested me to give you a review today of the strategic position in the beginning of the fifth year of war. . . . No one—the Führer has ordered—may know more or be told more than he needs for his immediate task; but I have no doubt at all in my mind, gentlemen, that you need a great deal in order to be able to cope with your tasks. It is in your Gaue, after all . . . that all the enemy propaganda, and the demoralization through malicious rumors that try to find themselves a place among our people concentrate. . . . Against this wave of enemy propaganda and cowardice. . . you need to know the true situation; and for this reason, I believe that I am justified in giving you a perfectly open and uncovered account of the state of affairs.”

Reichsleiter Bormann distributed to all Reichsleiter, Gauleiter, and leaders of Party-affiliated organizations an undated letter, which is Document 656-PS, Exhibit Number USA-339, on the National Socialist Party stationery, signed by Bormann, an order of the Supreme Command of the Wehrmacht relating to self-defense by German guard personnel and German contractors and workers against prisoners of war. The order of the Wehrmacht referred to states that the question of treatment of prisoners of war is continually being discussed by the Wehrmacht and Party bureaus. The order states that should prisoners of war refuse to obey orders to

work, the guard has "in the case of the most pressing need and danger the right to force obedience with the weapon if he has no other means. He can use the weapon as much as is necessary to attain his goal."

On 18 April 1944 Reich Commissar Lohse, Reich Minister for the Occupied Eastern Territories, in a letter to Reich Youth Leader Axmann—I now offer in evidence Document 347-PS, Exhibit Number USA-340—proposed that the Hitler Youth participate in and supervise the military education of the Estonian and Latvian youth. Lohse states in the above letter that:

"In the military education camps the young Latvians are trained under Latvian leaders in the Latvian language, not because this is our ideal but because absolute military necessity demands this."

Lohse further stated in the above letter, and I quote:

"...in contrast to the Germanic peoples of the West, military education is no longer to be carried out through voluntary enlistments but through legal conscription. The camps in Estonia and Latvia will have to be under German leadership; and as military education camps of the Hitler Youth, they must be a symbol of our educational mission beyond Germany's borders. I consider the execution of the military education of the Estonian and Latvian youth not only a military necessity but also a war mission of the Hitler Youth, especially. I would be thankful to you, Party Member Axmann, if the Hitler Youth would put itself at our disposal with the same readiness with which they have so far supported our work in the Baltic area."

An order of the Reich Minister of the Interior, Frick, dated 22 October 1938, is Document 1438-PS, of which I ask the Court to take judicial notice, and I quote:

"The Reichsführer SS and the Chief of the German Police... can take the administrative measures necessary for the maintenance of security and order even beyond the legal limits otherwise set on such measures."

The above order related to the administration of the Sudeten-German territory.

In a letter dated 15 April 1943, our Document Number 407-PS, already in evidence as Exhibit Number USA-209, Gauleiter and Plenipotentiary for the direction of labor Fritz Sauckel wrote to Hitler advising him of the success of the forced-labor program as of that date and stating that—and I quote:

"You can be assured that the District of Thuringia and I will serve you and our dear people with the employment of all our strength."

I now offer in evidence Document 630-PS, Exhibit Number USA-342. If Your Honor pleases, I would like to call to your attention that this is on the personal stationery of Adolf Hitler, dated 1 September 1939. It is addressed to Reichsleiter Bouhler and Doctor of Medicine Brandt, and it is signed personally by Adolf Hitler. I want to quote all of that document; it is short:

"Reichsleiter Bouhler and Dr. Brandt are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death. Signed, A. Hitler."

A handwritten note on the face of the document states: "Given to me by Bouhler on 27 August 1940. Signed, Dr. Gürtner."

In a memorandum recording an agreement between himself and Himmler, the Minister of Justice Thierack stated that on the suggestion of Reichsleiter Bormann an agreement had been reached between Himmler and himself with respect to "special treatment at the hands of the police in cases where judicial sentences were not severe enough."

I will offer Document 654-PS, Exhibit Number USA-218, which was previously introduced, and I want to quote one portion:

"The Reich Minister of Justice will decide whether and when special treatment at the hands of the police is to be applied. The Reich Führer SS will send the reports, which he sent hitherto to Reichsleiter Bormann, to the Reich Minister of Justice."

If the views of the Reich Führer SS and the Reich Minister of Justice disagreed, "the opinion of Reichsleiter Bormann will be brought to bear upon the case, and he will possibly inform the Führer."

In the above note it is further stated:

"The delivery of asocial elements from execution of their sentence to the Reich Führer of SS to be worked to death: Persons under preventative arrest, Jews, Gypsies, Russians and Ukrainians, Poles with more than 3-year sentences, Czechs and Germans with more than 8-year sentences, according to the decision of the Reich Minister of Justice. First of all the worst asocial elements amongst those just mentioned are to be handed over. I shall inform the Führer of this through Reichsleiter Bormann."

With respect to the "administration of justice by the people," he continues:

"This is to be carried out step by step...as soon as possible....I shall rouse the Party particularly to co-operate in this scheme by an article in the 'Hoheitsträger.'"

And Your Honors have already seen copies of that publication. I now skip Paragraphs 16 and 17.

A letter from RSHA (which is the Reich Security Main Office) to police chiefs, dated 5 November 1942, which is Document L-316, Exhibit Number USA-346—this was addressed to all police chiefs—recites an agreement between the Reich Führer SS and the Reich Minister of Justice, approved by Hitler—I call the attention of Your Honors to the red border around this original, and then having the Party seal on it—provides that the ordinary criminal procedure was no longer to be applied to Poles and members of the Eastern populations. The agreement provided that such people, including Jews and Gypsies, should henceforth be turned over to the police. The principles applicable to a determination of the punishment of German offenders, including appraisal of the motives of the offender, were not to be applied to foreign offenders. I quote from Page 2 of the document:

"The offense committed by a person of foreign extraction is not to be regarded from the view of legal retribution by way of justice but from the point of view of preventing dangers through police action.

"From this it follows that the criminal procedure against persons of foreign extraction must be transferred from justice to the police.

"The preceding statements serve for personal information. There are no objections if the Gauleiter are informed in the proper form, should the need arise."

I now skip Paragraphs 19 and 20 of the text. I next refer to Document 1058-PS, previously introduced in evidence as Exhibit Number USA-147.

In a speech to a gathering of persons intimately concerned with the Eastern problem, on 20 June 1941, Reichsleiter Rosenberg stated that the southern Russian territories and the northern Caucasus would have to provide food for the German people. I quote Rosenberg's words:

"We see absolutely no obligation on our part to feed the Russian people, also, with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings."

THE PRESIDENT: We have already had that read to us twice.

COL. STOREY: I am sorry, Sir. I did not hear it. Strike it from the record.

I now refer to Document R-114. I believe it is the last one in the book, Exhibit Number USA-314.

Gauleiter Wagner, of the German-occupied areas of Alsace, prepared plans and took measures leading to the expulsion and deportation of certain groups within the Alsatian civilian population. His plans called for the forcible expulsion of certain categories of so-called undesirable persons as a means of punishment and compulsory Germanization. The Gauleiter supervised deportation measures in Alsace from July to December 1940 in the course of which 105,000 persons were either expelled or prevented from returning. A memorandum, dated 4 August 1942, of a meeting of high SS and police officials convened to receive the reports and plans of the Gauleiter relating to the Alsatian evacuations, states that the persons deported were mainly "Jews, Gypsies, and other foreign racial elements, criminals, asocial and incurably insane persons, as well as Frenchmen and Francophiles." The memorandum further states the Gauleiter stated that the Führer had given him permission "to cleanse Alsace of all foreign, sick, or unreliable elements"; and that the Gauleiter emphasized the political necessity of further deportations. The memorandum further records that the SS and police officials present at the conference approve the Gauleiter's proposals for further evacuation.

I now skip over to the next paragraph, 24.

A memorandum by Reichsleiter Bormann of a conference called by Hitler at his headquarters, 16 July 1941, which is Document L-221, Exhibit Number USA-317. I'm sorry, I believe that one was quoted this morning. The only purpose in referring to it is in connection with the Reichsleiter. I believe Captain Harris quoted from that document this morning, and I'll not read the quotation.

I call attention to the fact, however, that this conference was attended by Reichsleiter Rosenberg, Reich Minister Lammers, Field Marshal Keitel, the Reich Marshal, and Bormann and lasted about 20 hours. The memorandum states that discussion occurred with respect to the annexation by Germany of various parts of conquered Europe. The memorandum also states that a long discussion took place with respect to the qualifications of Gauleiter Lohse, who was proposed by Rosenberg at this conference, as Governor of the Baltic States.

Discussion also occurred, according to the memo, with respect to the qualifications of other Gauleiter and commissioners for the administration of various areas of Occupied Russia. Göring stated, according to the memorandum, that he intended to appoint Gauleiter Terboven for "exploitation of the Kola Peninsula; the Führer agrees."

I believe the next portion has been quoted, too. I now pass to the participation of the Leadership Corps in the suppression of the Christian Church and persecution of the clergy and cite some illustrative crimes.

The evidence relating to the systematic effort of the defendants and co-conspirators to eliminate the Christian churches in Germany has been previously introduced in U.S.A. Exhibit Book H by Major Wallis with respect to the Nazi efforts to eliminate the Christian Church. The evidence now to be presented is limited to proving and pointing out the responsibility of the Leadership Corps of the Nazi Party and the members thereof for illegal activities against the Christian Church and clergy.

The Defendant Bormann issued a secret decree to all Gauleiter entitled, "Relationship of National Socialism and Christianity." And that is Document D-75—it is up toward the top, I believe, Your Honor—Exhibit Number USA-348. In this decree Reichsleiter Bormann flatly declares that National Socialism and Christianity are incompatible and that the influence of the churches in Germany must be eliminated. I quote from pertinent portions of this decree beginning with the first paragraph thereof, top of Page 3, which reads as follows:

"National Socialist and Christian concepts are irreconcilable. . . .

Our National Socialist ideology is far loftier than the concepts of Christianity which, in their essential points, have been taken over from Jewry. For this reason, also, we do not need Christianity. . . . If, therefore, in the future our youth learn nothing more of this Christianity whose doctrines are far below ours, Christianity will disappear by itself. . . . It follows from the irreconcilability of National Socialist and Christian concepts that a strengthening of existing confessions and every assistance to originating Christian confessions is to be rejected by us. A differentiation between the various Christian confessions is not to be made here. For this reason, also, the thought of an erection of an Evangelical National Church by merger of the various Evangelical churches has been definitely given up, because the Evangelical Church is just as inimical to us as the Catholic Church. Any strengthening of the Evangelical Church would merely react against us. . . .

"For the first time in German history, the Führer consciously and completely has the leadership of the people in his own hand. With the Party, its components, and attached units, the Führer has created for himself and thereby the German Reich Leadership, an instrument which makes him independent of the Church. All influences which might impair or damage

the leadership of the people, exercised by the Führer with the help of the NSDAP, must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. Of course, the churches must and will, seen from their viewpoint, defend themselves against this loss of power. But never again must an influence on leadership of the people be yielded to the churches. This influence must be broken completely and finally.

"Only the Reich leadership and, by its direction, the Party, its components and attached units have a right to leadership of the people. Just as the deleterious influences of astrologers, seers, and other fakirs are eliminated and suppressed by the state, so must the possibility of Church influence also be totally removed. Not until this has happened does the state leadership have influence on the individual citizens. Not until then are people and Reich secure in their existence for all the future."

I next offer in evidence Document 070-PS, towards the beginning, Exhibit Number USA-349, which is a copy of a letter issued from Bormann's office, dated 25 April 1941, to the Defendant Rosenberg in his capacity as the Führer's representative for the supervision of the entire mental and ideological training and education of the NSDAP. In this letter Bormann's office states that the measures have been taken leading to the progressive cancellation of morning prayers and other religious services and their substitution by Nazi mottoes and slogans. I quote from the first paragraph of Document 070-PS:

"We are inducing schools more and more to reduce and abolish morning religious services. Similarly the confessional and general prayers in several parts of the Reich have already been replaced by National Socialist mottoes. I would be grateful to know your opinion on a future National Socialist morning service instead of the present confessional morning services which are usually conducted once per week."

In a letter from Reichsleiter Bormann to Reichsleiter Rosenberg dated 22 February 1940, Document 098-PS, Exhibit Number USA-350, which I offer in evidence, Bormann declares to Rosenberg that the Christian religion and National Socialism are incompatible. Bormann cites, as examples of hostile...

THE PRESIDENT: Would you take care to give us the number of the document.

COL. STOREY: I beg pardon, Sir.

THE PRESIDENT: This is 098-PS.

COL. STOREY: Document 098-PS.

THE PRESIDENT: The one before you referred to was 070-PS.

COL. STOREY: Yes—070-PS.

THE PRESIDENT: Before that, D-75?

COL. STOREY: That's correct. With Your Honor's permission, rather than to quote the whole document I have summarized it here. Bormann's letter cites as examples the hostile divergence between Nazism and the churches, the attitude of the latter on the racial question, celibacy of the priests, monasteries and nunneries. Bormann further declares that the churches could not be subjugated through compromise but only through a new philosophy of life as prophesied in Rosenberg's writings. Bormann proposes the creation of a National Socialist catechism in order to give that part of the German youth which declines to practice confessional religion a moral foundation and to lay a moral basis for National Socialist doctrines, which are gradually to supplant the Christian religions. Bormann suggests that some of the Ten Commandments could be merged with the National Socialist catechism and states that a few new commandments should be added, such as: "Thou shalt be courageous; Thou shalt not be cowardly; Thou shalt believe in God's presence in the living nature, animals, and plants; Thou shalt keep thy blood pure;" *et cetera*. He concludes that he considers the problem so important that it should be discussed with the members of the Reich directorate as soon as possible.

And now one quotation from the fifth paragraph on the first page of that translation. I would like to quote Paragraph 5 of the first page:

"Christianity and National Socialism are phenomena which originated from entirely different basic causes. Both differ fundamentally so strongly that it will not be possible to construct a Christian teaching which would be completely compatible with the point of view of the National Socialist ideology; just as the communities of Christian faith would never be able to stand by the ideology of National Socialism in its entirety..."

And then I quote from the last paragraph on Page 5 of that document:

"The Führer's deputy finds it necessary that all these questions should be thoroughly discussed in the near future in the presence of the Reich leaders"—Reichsleiter—"who are especially affected by them..."

I next offer in evidence Document 107-PS.

THE PRESIDENT: Do you suggest that the Blockleiter would have to be present at that discussion?

COL. STOREY: Your Honor, in connection with the policy directives, the Führerprinzip goes from the top to the bottom; and if that policy is adopted, they may, by directive, send it as far as the Blockleiter. He says to discuss it in connection with the Reichsleiter, who are the Party directors; and I assume that, if the Party directors establish it as a policy, then they were to issue appropriate directives to the other subordinate members. Mr. Lambert has suggested also that it would not be possible to discuss this matter with all the Leadership Corps and therefore they discussed it with the Party directors.

THE TRIBUNAL (Mr. Biddle): Does that show they did discuss it with the directors?

COL. STOREY: No, Sir, that doesn't follow; but it shows that it was a subject of discussion for the board of directors of the Nazi Party.

THE PRESIDENT: Yes, but the question is, who are the directors?

COL. STOREY: Five or six of them sit here; a total of 16.

THE PRESIDENT: Yes, but I thought that you were asking us to declare the whole of the organization down to the Blockleiter as criminal.

COL. STOREY: That is true, Your Honor, but this is one evidence, one instance of the criminality of the organization and we cannot prove at each stage that all of them knew about it. We are trying to select different offenses and different crimes that were committed within the Party.

Document 107-PS, Exhibit USA-351, which we now offer in evidence, is a circular letter, dated 17 June 1938, addressed by the Defendant Bormann as Reichsleiter and Deputy of the Führer to all Reichsleiter and Gauleiter. Bormann's letter encloses a copy of rules, prepared by Reichsleiter Hierl, setting forth certain restrictive regulations with respect to participation of the Reich Labor Service in religious celebrations. I quote pertinent portions of the directions issued by Reichsleiter Hierl, beginning with the first paragraph in the list of directions in Document 107-PS, on Page 1 of the English translation:

"The Reich Labor Service is a training school in which the German youth should be educated to national unity in the spirit of National Socialism....

"What religious beliefs a person has is not a decisive factor, but it is decisive that he first of all feels himself a German.

"All confessional discussions are forbidden in the Reich Labor Service because it disturbs the comrade-like harmony of all the Labor Service men and the Labor Service women.

"This is also the reason why all participation of the Reich Labor Service in revivals and other meetings and festivals of religious character are impossible."

The Tribunal will appreciate that the position of the Defendant Bormann, as Deputy of the Führer of the Leadership Corps of the Nazi Party and Chief of the Nazi Party Chancellery, and the position of the Defendant Rosenberg, as the Führer's representative for the whole spiritual and philosophical education of the Nazi Party, give to the views of these defendants on religion and religious policy the highest official backing. The anti-Christian utterances and policies of these two defendants reveal a community of mind and intention amongst the most powerful leaders of the Party which was amply confirmed, as the evidence will show, by the actual treatment of the churches since 1933 and throughout the course of the conspiracy. I now offer in evidence Document 2349-PS, Exhibit Number USA-352, which is an excerpt from the book *The Myth of the 20th Century*, written by the Defendant Rosenberg. I quote from that document:

"The idea of honor—national honor—is for us the beginning and the end of our entire thinking and doing. It does not admit of any equal-valued center of force alongside of it, no matter of what kind, neither Christian love, nor the Free-Masonic humanity, nor the Roman philosophy."

I now offer in evidence Document 848-PS, Exhibit Number USA-353, which is a Gestapo telegram, dated 24 July 1938, dispatched from Berlin to Nuremberg, dealing with demonstrations and acts of violence against Bishop Sproll in Rottenburg. The Gestapo office in Berlin wired its Nuremberg office a teletype account received from its Stuttgart office of disorderly conduct and vandalism carried out by Nazi Party members against Bishop Sproll. I quote from the fourth paragraph of Page 1 of the English translation of Document 848-PS, which reads as follows:

"The Party, on 23 July 1938, from 2100 on, carried out the third demonstration against Bishop Sproll. Participants, about 2,500-3,000, were brought from outside by bus, *et cetera*. The Rottenburg populace again did not participate in the demonstration. This town took a rather hostile attitude toward the demonstrations. The action got completely out of hand of the Party member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched through the rooms, threw files out of the windows, and rummaged through the beds in the rooms of the palace. One bed was ignited.... The Bishop was with Archbishop Gröber of Freiburg and the ladies and gentlemen

of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Gröber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth."

The Gestapo official in Stuttgart added that Bishop Gröber desired "to appeal to the Führer and to Reich Minister of the Interior Dr. Frick," and the Gestapo official added that he had rendered a detailed report of the demonstration after suppressing counter mass meetings.

On 23 July 1938 the Reich Minister for Church Affairs, Kerrl, sent a letter to the Minister of State and Chief of the Präsidium Chancellery, Berlin, stating that Bishop Sproll had angered the population by abstaining from the plebiscite of 10 April. I now offer in evidence Document 849-PS, Exhibit Number USA-354. In this letter Kerrl stated that the Gauleiter and Governor of Württemberg had decided that in the interest of preserving the State's authority and in the interest of quiet and order, Bishop Sproll could no longer remain in office. I quote from the third paragraph of the first page of the Document 849-PS:

"The Reich Governor had explained to the Ecclesiastical Authority that he would no longer regard Bishop Sproll as head of the Diocese of Rottenburg on account of his refraining from the election in the office and that he desired Bishop Sproll to leave the Gau Württemberg-Hohenzollern because he could assume no guarantee for his personal safety; that in the case of the return of the Bishop of Rottenburg he would see to it that all personal and official intercourse with him on the part of State offices as well as the Party offices and the Armed Forces would be denied."

Kerrl further states in the above letter that his deputy had moved the Foreign Office, through the German Embassy at the Vatican, to urge the Holy See to persuade Bishop Sproll to resign his Bishopric. Kerrl concludes by stating that should the effort to procure the Bishop's resignation prove unsuccessful, "the Bishop would have to be exiled from the land or there would have to be a complete boycott of the Bishop by the authorities."

On 14 July 1939 the Defendant Bormann in his capacity as Deputy of the Führer issued a Party regulation which provided that Party members entering the clergy or undertaking the study of theology would have to leave the Party. I now offer in evidence Document 840-PS, Exhibit Number USA-355; and this is a copy of a regulation by Bormann, relating to the admission of the clergy and students of theology into the Party. I quote from the last paragraph of the English translation, which reads—I quote. "I

decree that in the future Party members who enter the clergy or who turn to the study of theology have to leave the Party."

In this directive Bormann also refers to an earlier decree, dated 9 February 1939, in which he had ruled that the admission of members of the clergy into the Party was to be avoided. In this decree, also, Bormann refers with approval to a regulation of the Reich Treasurer of the Party, dated 10 May 1939, providing that "clergymen as well as other fellow Germans who are also closely connected with the Church cannot be admitted into the Party."

I now offer in evidence Document 3268-PS, Exhibit Number USA-356, which contains excerpts from the Allocution of His Holiness Pope Pius XII to the Sacred College, June 2d, 1945. In this address His Holiness, after declaring that he had acquired an appreciation of the great qualities of the German people in the course of 12 years of residence in their midst, expressed the hope that Germany could "rise to new dignity and a new life once it has laid the satanic specter raised by National Socialism and the guilty have expiated the crimes they have committed." After referring to repeated violations by the German Government of the Concordat concluded in 1933, His Holiness declared; and I quote from the last paragraph of Page 1 of the English translation of Document 3268-PS:

"The struggle against the Church did, in fact, become ever more bitter; there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely-organized propaganda, of the Church, the clergy, the faithful, the Church's institutions, teachings, and history; the closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses

"In the meantime the Holy See itself multiplied its representations and protests to governing authorities in Germany, reminding them, in clear and energetic language, of their duty to respect and fulfill the obligations of the natural law itself that were confirmed by the Concordat. In these critical years, joining the alert vigilance of a pastor to the long-suffering patience of a father, our great predecessor, Pius XI, fulfilled his mission as Supreme Pontiff with intrepid courage.

"But when, after he had tried all means of persuasion in vain, he saw himself clearly faced with deliberate violations of a solemn pact, with a religious persecution masked or open but

always rigorously organized, he proclaimed to the world on Passion Sunday 1937 in his Encyclical, *Mit brennender Sorge*, that National Socialism really was: the arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity....

"From the prisons, concentration camps, and fortresses are now pouring out, together with the political prisoners, also the crowds of those, whether clergy or laymen, whose only crime was their fidelity to Christ and to the faith of their fathers or the dauntless fulfillment of their duties as priests.

"In the forefront, for the number and harshness of the treatment meted out to them, are the Polish priests. From 1940 to 1945, 2,800 Polish ecclesiastics and religious were imprisoned in that camp; among them was the Auxiliary Bishop of Wloclawek, who died there of typhus. In April last there were left only 816, all the others being dead except for two or three transferred to another camp. In the summer of 1942, 480 German-speaking ministers of religion were known to be gathered there; of these, 45 were Protestants, all the others Catholic priests. In spite of the continuous inflow of new internees, especially from dioceses of Bavaria, Rhenania and Westphalia, their number, as a result of the high rate of mortality, at the beginning of this year did not surpass 350. Nor should we pass over in silence those belonging to occupied territories, Holland, Belgium, France (among whom the Bishop of Clermont), Luxembourg, Slovenia, Italy. Many of those priests and laymen endured indescribable sufferings for their faith and for their vocation. In one case the hatred of the impious against Christ reached the point of parodying on the person of an interned priest, with barbed wire, the scourging and the crowning with thorns of our Redeemer."

THE PRESIDENT: I think perhaps it would be time now to adjourn.

[The Tribunal adjourned until 18 December 1945 at 1000 hours.]

TWENTY-SECOND DAY

Tuesday, 18 December 1945

Morning Session

COL. STOREY: If the Tribunal please, before adjourning yesterday afternoon, Your Honors properly asked a question or two about Documents 3051-PS and 3063-PS, to which I think I have an answer that will help the Tribunal. Your Honors will recall, with reference to Document 3051-PS—I believe it might be of assistance to turn to that document.

THE PRESIDENT: Yes.

COL. STOREY: Your Honors asked yesterday afternoon, since this had to do with the SD and the SS, how the Party was involved. And I should like to quote Paragraph Number 1 on Page 2 of the English translation, which answers this question, and I am quoting:

“The Chiefs of the State Police or their deputies, upon receipt of this teletype, must get in contact by telephone with the political administration (Gauleitung or Kreisleitung) having jurisdiction over their districts and must arrange a joint meeting with the appropriate inspector or commander of the Order Police to discuss the organization of the demonstration. At these discussions the political leaders are to be informed that the German Police have received from the Reichsführer SS and Chief of the German Police the following instructions, in accordance with which the political leaders should adapt their measures.”

That had to do with the preparation for the general anti-Jewish uprisings.

Now, with reference to Document 3063-PS, which follows just below that one, if Your Honor pleases.

THE PRESIDENT: Very well.

COL. STOREY: That, if you recall, Your Honor, was a report from the Supreme Party Court Justice Buch to the Defendant Göring concerning punishment for the uprisings that followed the 9th and 10th of November demonstration. I should like to quote the portion signed by the Defendant Göring. It is, I believe, the second page of the English translation. It is dated “Berlin, 22 February 1939”:

“Dear Party Member Buch:

"I thank you for forwarding the report of your special court on the proceedings concluded up to now concerning the excesses on the occasion of the anti-Jewish incidents of 9 and 10 November 1938, of which I have taken cognizance. Heil Hitler! Yours, signed, Göring."

And then, passing, Your Honor, to Page Number 1, immediately following, of the English translation, I think the next two paragraphs will answer Your Honor's question. I quote:

"On the evening of 9 November 1938 the Reich Propaganda Director, Party Member Dr. Goebbels told the Party leaders assembled at a reunion in the old town hall in Munich that in the districts"—Gau—"of Kurhessen and Magdeburg-Anhalt anti-Jewish demonstrations had taken place, during which Jewish shops were demolished and synagogues were set on fire. The Führer, at Goebbels' suggestion, had decided that such demonstrations were not to be prepared or organized by the Party; but so far as they originated spontaneously, they were not to be interfered with either. Besides that, Party Member Dr. Goebbels interpreted the sense of the contents of the teletype of the Reich Propaganda Administration of 10 November 1938...."

THE PRESIDENT: What does "12:30 to 1 o'clock" mean there?

COL. STOREY: That is the time of the teletype message, I assume, Your Honor.

THE PRESIDENT: Yes.

COL. STOREY: "It was probably understood by all the Party leaders present, from the oral instructions of the Reich Propaganda Director, that the Party should not appear outwardly as the originator of the demonstrations but in reality should organize and execute them. Instructions in this sense were telephoned immediately—thus a considerable time before transmission of the first teletype—to the headquarters of their districts"—Gau—"by a large part of the Party members present."

Now Your Honors properly asked yesterday afternoon how the Blockleiter would be affected. Your Honors will recall that, in the instructions to the Blockleiter defining his offices, it was stated that his instructions would be received orally and they would be transmitted orally and never to use writing except in extreme cases. Therefore I say that these quoted portions clearly indicate that the Party was in fact used in connection with these famous 9 and 10 November 1938, anti-Jewish demonstrations.

Now, reverting back to the text where I left off yesterday afternoon: The Leadership Corps of the Nazi Party participated in the confiscation of church and religious property.

I offer in evidence Document 072-PS, which is Exhibit Number USA-357, a letter dated 19 April 1941 from Reichsleiter Bormann to Reichsleiter Rosenberg. This letter exposes the participation of the Gauleiter in measures relating to the confiscation of religious property.

I now quote from the last paragraph of Page 1 of the English translation of Document 072-PS, which reads:

"The libraries and art objects of the monasteries confiscated in the Reich were to remain for the time being in these monasteries insofar as the Gauleiter had not directed otherwise...."

On 21 February 1940 the Chief of the Security Police and SD, Heydrich, wrote a letter to Reichsführer SS Himmler, proposing that certain listed churches and monasteries be confiscated for the accommodation of so-called "racial Germans."

The Tribunal, of course, will recall Himmler's position.

After pointing out that on political grounds outright expropriation of religious property would not be feasible at the time, Heydrich suggested certain specious interim actions with respect to the church properties in question, to be followed progressively by outright confiscation.

I now offer in evidence R-101(a)—it is right towards the end of Your Honor's Exhibit—as Exhibit USA-358.

If Your Honors please, there are several of those documents under R-101, and at the bottom you will notice they are labeled "a," "b," and "c." The first one is R-101(a), and I quote the first five paragraphs on Page 2 of the English translation:

"Enclosed is a list of church possessions which might be available for the accommodation of racial Germans. The list, which I beg you to return, is supplemented by correspondence and illustrated material pertinent to the subject.

"For political reasons, expropriation without indemnity of the entire property of the churches and religious orders will hardly be possible at this time.

"Expropriation with indemnity or in return for assignment of other lands and grounds will be even less possible.

"It is therefore suggested that the respective authorities of the orders be instructed that they make available the monasteries concerned for the accommodation of racial Germans and remove their own members to other less populous monasteries."

There is a marginal note opposite this paragraph that, translated, means "very good."

"The final expropriation of these properties thus placed at our disposal can then be carried out step by step in the course of time."

On 5 April 1940 the Security Police and Security Service SS sent a letter to the Reich Commissar for the consolidation of Germandom, enclosing a copy of the foregoing letter from Heydrich to Himmler of 21 February 1940, proposing the confiscation of Church properties. The letter of 5 April 1940 is included in the Document R-101(a), just introduced in evidence; and I quote from the second sentence of the first paragraph thereof, on Page 1 of the English translation of Document R-101(a):

"The Reich Leader SS has agreed to the proposals made in the enclosed letter and has ordered the matter to be dealt with by collaboration between the Chief of the Security Police and Security Service and your office."

I now offer in evidence Document R-101(c), Exhibit USA-358. This is a letter dated July 30, 1941, written by an SS Standartenführer whose signature is illegible, to the Reich Leader of the SS. The letter supplies further evidence of the participation of the Gauleiter in the seizure of church property. I quote from the first three paragraphs of the English translation of Document R-101(c), at the bottom of the page:

"With reference to the report of 30 May 1941, this office considers it its duty to call the Reich Leader's attention to the development which is taking place in the incorporated Eastern countries with regard to seizure and confiscation of church property.

"As soon as the Reich laws on expropriation became effective, the Reichsstatthalter and Gauleiter in the Reichsgau Wartheland adopted the practice of expropriating church real estate for use as dwellings and paying the appraised value into blocked accounts.

"Moreover, the East German Agricultural Administration, Limited, reports that in the Warthegau all church-owned real estate is being claimed by the local Gau administration."

I next offer in evidence Document R-101(d), which immediately follows Exhibit Number USA-358 already in evidence. This is a letter from the Chief of Staff of the Main Office to Himmler, dated 30 March 1942, dealing with the confiscation of church property. The letter evidences the active participation of the Party Chancellery in the confiscation of religious property.

In this letter the Chief of Staff, Main Office, reports to Himmler concerning the policy of the SS in suspending all payment of rent to monasteries and other church institutions whose property had been expropriated. The letter discusses a proposal made by the

Reich Minister of the Interior, in which the Party Chancellery prominently participated, to the effect that the church institutions should be paid amounts corresponding to current mortgage charges on the premises without realizing any profit. The writer further suggests that such payments should never be made directly to the ecclesiastical institutions but rather should be made to the creditors of the institutions.

I now quote from the fourth sentence on Page 3 of that document, the English translation, whereby such an arrangement would be in line with "the basic idea of the settlement originally worked out between the Party Chancellery and the Reich Minister of the Interior."

I understand the Reich Minister of Interior for 1933-1944 was the Defendant Frick.

The Leadership Corps of the Nazi Party participated in the suppression of religious publications and interfered with free religious education.

In a letter dated 27 September 1940 Reichsleiter and Deputy of the Führer Bormann transmitted to the Defendant Rosenberg a photostatic copy of a letter from Gauleiter Florian dated 23 September 1940, which expresses the Gauleiter's intense disapproval, on Nazi ideological grounds, of a religious pamphlet entitled, *The Spirit and Soul of the Soldier*, written by a Major General Von Rabenau.

I now offer in evidence Document 064-PS, Exhibit Number USA-359. It is an original letter signed by Rosenberg attaching the copy of that matter. It contains Defendant Bormann's letter to Rosenberg, dated 27 September 1940, transmitting the Gauleiter's letter of 23 September 1940 to the Defendant Hess, in which the Gauleiter urges that the religious writings of General Von Rabenau be suppressed. In his letter to the Defendant Hess, Gauleiter Florian discusses a conversation he had with General Von Rabenau at the close of a lecture delivered by the General to a group of younger Army officers at Aachen. This conversation illumines the hostile attitude of the Leadership Corps of the Nazi Party towards the Christian Churches. I quote from the second sentence of the second paragraph of the second page of the Gauleiter's letter to the Defendant Hess, which appears on Page 2 of the English translation—the second paragraph—and I quote:

"After he had affirmed the necessity of the churches, Rabenau said, with emphasized self-assurance, something like the following:

"Dear Gauleiter, the Party is making mistake after mistake in the treatment of the churches. Obtain for me the necessary powers from the Führer and I guarantee that I shall

succeed in a few months in establishing peace with the churches for all time.'

"After this catastrophic ignorance, I gave up the conversation....

"Dear Party Member Hess, the reading of Von Rabenau's pamphlet, *The Spirit and Soul of the Soldier*, has reminded me again of this. In this brochure Rabenau affirms as before the necessity of the Church straightforwardly and clearly, even though he is shrewdly careful. He writes on Page 28: "There could be more examples; they would suffice to show that a soldier in this world can scarcely get along without thoughts about the next one.' Because Von Rabenau has a false spiritual basis, I consider his activities as an educator in spiritual affairs dangerous; and I am of the opinion that his educational writings are to be dispensed with, by all means, and that the publication section of the NSDAP can and must forgo these writings....

"The churches with their Christianity constitute a danger against which a struggle absolutely must be carried on."

That the Party Chancellery shared with the Gauleiter hostility to the Christian Churches is further revealed by the Defendant Bormann's instruction to the Defendant Rosenberg, set forth in Bormann's letter of transmittal, that Rosenberg take action on the Gauleiter's recommendation that the General's writings be suppressed.

I now offer in evidence Document 089-PS, Exhibit Number USA-360, which is a letter from the Defendant Bormann, as Deputy of the Führer, to the Defendant Rosenberg, dated 8 March 1940, enclosing a copy of Bormann's letter of the same date to Reichsleiter Amann. Amann was a top-member of the Leadership Corps by virtue of his position as Reichsleiter for the Press and Leader of the Party publishing company. In this letter to Amann Bormann expresses his dismay and dissatisfaction that only 10 percent of the 3,000 Protestant periodicals in Germany have ceased publication for what are described as "paper saving" reasons. Bormann then advises Reichsleiter Amann that "the allocation of any paper whatsoever for such periodicals is blocked."

I now refer to this Document 089-PS; and I quote the second paragraph of Bormann's letter to Amann, which appears on the first page—the second paragraph—of the English translation:

"I urge you to see to it, in any re-allocation of paper to be considered later, that religious writings, which according to experiences so far gathered, possess very doubtful value for strengthening the power of resistance on the part of the

people toward the external foe, receive still sharper restrictions in favor of literature politically and ideologically more valuable.”

I next offer in evidence Document 101-PS, Exhibit Number USA-361, which is a letter from the Defendant Bormann, again to Reichsleiter Rosenberg, dated the 17th January 1940, expressing the Party's opposition to the circulation of religious literature to the members of the German Armed Forces. Among the soldiers of the United Nations the proposition that there are no atheists in the fox-holes received a wide and reverent acceptance. However, in this document there is a contrary meaning, and I quote from Page 1 of the English translation, which reads:

“Nearly all the districts”—that is Gaue—“report to me regularly that the churches of both confessions are as active as ever in ministering spiritually to members of the Armed Forces. This finds expression especially in the fact that soldiers are being sent religious publications by the pastors of their home parishes. These publications are, in part, very well written. I have repeated reports that these publications are being read by the troops and thereby exercise a certain influence on their morale.

“I have at that time sought, by contacting at once the General Field Marshal, the High Command of the Armed Forces, and Party Member Reichsleiter Amann, to restrict considerably the production and shipment of publications of this type. The result of these efforts remained unsatisfactory. As Reichsleiter Amann has repeatedly informed me, the restriction of these pamphlets by means of the paper rationing cannot be achieved because the paper used for the pamphlets is being purchased on the open market. . . .

“If the influencing of the soldiers by the Church is to be effectively combated, this will be accomplished only by producing many good publications in the shortest possible time under the supervision of the Party. . . .

“Also, at the last meeting of the Deputy Gauleiter comments were made on this matter to the effect that such publications are not available in sufficient quantities. . . .

“I maintain that it is necessary that in the very near future we transmit to the Party Service Offices, down to the Ortsgruppenleiter, a list of additional publications of this sort which should be sent to our soldiers by the Ortsgruppen. . . .”

The Leadership Corps also participated in measures leading to the closing and dissolution of theological schools and other religious institutions. I now offer in evidence Document Number 122-PS, Exhibit Number USA-362, which, again, is a letter from the Defendant

Bormann to the Defendant Rosenberg in his capacity as the Führer's Representative for the Supervision of Spiritual and Ideological Schooling and Education of the NSDAP. This letter is dated 17 April 1939 and transmits to Rosenberg an enclosed photostatic copy of a plan suggested by the Reich Minister for Science, Education, and Popular Culture for the combining and closing of certain specially listed theological faculties. In his letter of transmittal the Defendant Bormann requested Reichsleiter Rosenberg to take cognizance and prompt action with respect to proposed suppression of religious institutions. I now quote from the next to the last paragraph on Page 2 of the English translation, in which the plan to suppress the religious institutions is summarized, and which reads:

"To recapitulate, this plan would mean, in addition to the closing of the theological faculties at Innsbruck, Salzburg, and Munich, which has already taken place, and the contemplated transfer of the faculty of Graz to Vienna, the elimination of four Catholic theological faculties:

"a) The abolition of three more Catholic theological faculties or higher schools and of four evangelical theological faculties in the winter semester 1939-1940;

"b) the abolition of one more Catholic and of three more evangelical theological faculties in the near future."

From the foregoing evidence the inference is irresistible that the Leadership Corps of the Nazi Party shares a responsibility for the measures taken to subvert the Christian Churches and persecute the Christian clergy, both in Germany and in German-occupied territories of Europe. The evidence just offered, together with that previously presented by the Prosecution, demonstrates that there was a general participation by the Leadership Corps, ranging from the Reichsleiter to the Gauleiter, adhered to by the rank and file, in the deliberate program undertaken to undermine Christian religion. We stress the significance of the appointment of the Defendant Rosenberg, whose anti-Christian views are open and notorious, as the Führer's "delegate" or "representative" for the whole spiritual and philosophical education of the Nazi Party. It was precisely this position which gave Rosenberg his seat in the Reichsleitung (the general staff of the Party), comprising all the Reichsleiter. But emphasis is placed, not merely upon the fact that anti-Christians such as the Defendants Bormann and Rosenberg held directive positions within the Leadership Corps, but upon the further fact that their directives and orders were passed down the chain of command of the Leadership Corps and caused the participation of its membership in acts subversive to the Christian Church.

In Document Number D-75, which I believe has been introduced previously—and I am just going to quote one line from

it—the Defendant Bormann stated, “Nazism and Christianity are irreconcilable concepts.” The defendant was never more right, but he erred grievously by his prophecy as to which of the two would first pass away.

I next turn to the responsibility of the Leadership Corps for the destruction of free trade unions and the imposition of the conspiratorial control over the productive labor capacity of the German nation.

The evidence relating to the responsibility of the Nazi conspirators for the destruction of the independent trade unions has been previously introduced in evidence in the U.S. Exhibit G, which was the document book containing the evidentiary materials relating to the destruction of the trade unions. The brief evidence which I shall now present is offered to prove the responsibility of the Leadership Corps of the Nazi Party for the smashing of the independent unions and the imposition of conspiratorial control over the productive labor capacity of the German nation.

Soon after the seizure of power, prominent members of the Leadership Corps participated in the smashing and dissolution of the independent trade unions of Germany. The Defendant Robert Ley, precisely by virtue of his office as Reich Organization Leader and Reichsleiter in the Leadership Corps, was directed by Hitler, in mid-April 1939, to smash the independent unions.

I will pass on now to Document 392-PS, Exhibit Number USA-326; and I quote, beginning at the top of Page 1 of the English translation:

“On Tuesday, 2 May 1933 . . . the co-ordination action against the free trade unions begins

“The essential part of the action is to be directed against the General German Trade Union League (ADGB) and the General Independent Employees’ Federation (AFA-Bund). Anything beyond that which is dependent upon the free trade unions is left to the Gauleiter’s judgment.

“The Gauleiter are responsible for the execution of the co-ordination action in their individual areas. The action will be carried out by the National Socialist Factory Cell Organization . . .

“The Gauleiter is to proceed with his measures on the basis of the closest agreement with competent Gau or regional factory cell directors . . .

“In the Reich, the following will be occupied:

“The headquarters of the unions . . .”

Then it lists a number of offices, and I previously quoted who was to be taken into protective custody.

The next provision:

"Exceptions are granted only with the permission of the Gauleiter. . . .

"It is understood that this action is to proceed in a strongly disciplined fashion. The Gauleiter are responsible for holding the direction of the action firmly in hand. Heil Hitler!"—signed—"Dr. Robert Ley."

The Defendant Ley's order for the dissolution of the independent trade unions was carried out as planned and directed. Trade union premises all over Germany were occupied by the SA and the unions dissolved. On the 2d of May 1933 the official NSDAP press service reported that the National Socialist Factory Cell Organization (NSBO) had "eliminated the old leadership of free trade unions" and taken over their leadership.

I now offer in evidence Document 2224-PS, Exhibit Number USA-364, which is Pages 1 and 2 of the 2d of May 1933 issues of the National Socialist Party Press Agency. I quote from Paragraph 5 of Page 1 of the English translation:

"National Socialism, which today has assumed leadership of German labor, can no longer bear the responsibility for leaving the men and women of the German working class, the members of the largest trade organization in the world, the German trade union movement, in the hands of people who do not know a fatherland called Germany. Because of that, the National Socialist Factory Cell Organization has taken over the leadership of the trade unions. The NSBO has eliminated the former leadership of the free trade unions of the General German Trade Unions League, and of the General Independent Employees' Federation. . . .

"On 2 May 1933 the NSBO took over the leadership of all trade unions; all trade-union buildings were occupied and most stringent control of financial and personnel matters of the organizations has been set up."

As shown by this evidence, the assault on the independent unions was directed by the Defendant Ley, in his capacity as Reichsleiter in charge of Party organization, assisted by the Gauleiter and Party formations, and included the seizure of trade-union funds and property. 'In this connection I offer in evidence Document 1678-PS, Exhibit Number USA-365. This document is a report of a speech by Reichsleiter Ley on the 11th of September 1937 to the fifth annual session of the German Labor Front. In this speech Ley shamelessly corroborates the confiscation of the trade-union funds. I quote from Paragraph 4 of Page 1 of the English translation:

"Once I said to the Führer: 'My Führer, actually I am standing with one foot in jail, for today I am still the trustee of

the comrades Leipart and Imbusch; and should they some day ask me to return their money, then it will be found that I have put it into buildings or otherwise spent it. But they shall never again find their property in the condition in which they handed it over to me. Therefore I should have to be convicted.'

"The Führer laughed then and remarked that apparently I felt extremely well in this condition.

"It was very difficult for us all. Today we laugh about it..."

The plan of the Nazi conspirators to eliminate the free trade unions was advanced by the enactment, on 19th May 1933, of a law which abolished collective bargaining between workers and employers and replaced it with a regulation of working conditions by labor trustees appointed by Hitler. I refer to Document 405-PS, which is the text of the law, 1933 *Reichsgesetzblatt I*, Page 285. After providing in Section 1 for the appointment by Hitler of trustees of labor, this law provides, and I quote from Section 2 of the English translation of Document 405-PS:

"Until a new revision of the social constitution, the labor trustees are to regulate the conditions for the conclusion of labor contracts. This practice is to be legally binding for all persons and replaces the system founded on combinations of workers, of individual employers, or of combinations of employers..."

Having destroyed the independent unions and collective bargaining, the next step of the Nazi conspirators was to secure the Nazi-fication in the field of industrial relations. I refer to Document Number 1861-PS, which is the text of the law of 20 January 1934, 1934 *Reichsgesetzblatt I*, Page 45. This law was entitled the "Law Regulating National Labor"; and it imposed the leadership principle upon industrial enterprisers and provided, in Section I, Paragraph 1, that the enterpriser should be the leader of the plant and the workers would constitute his followers. I now quote from Section I, Paragraph 2, of the first page of Document Number 1861-PS:

"The leader of the plant has full authority over the employees in all matters concerning the enterprise, as far as they are covered by this law.

"He is responsible for the well-being of the employees. The employees owe him loyalty in keeping with the principles of factory solidarity."

The trade unions having been dissolved and the leadership principle superimposed upon the relationship of management and labor, the members of the Leadership Corps joined in and directed measures designed to replace the independent unions by the German Labor Front, the DAF, an affiliated Party organization. On

the very day the Nazi conspirators seized and dissolved the free trade unions, the 2d of May 1933, they publicly proclaimed that a "United Front of German Workers" would be formed with Hitler as honorary patron at a workers' congress on the 10th of May 1933. I quote from the next to the last paragraph of Page 2 of Document 2224-PS, which was a release of the Nazi Party Press Agency:

"The National Socialist Party Press Agency is informed that a great Workers' Congress will take place on Wednesday, 10 May, in the Prussian House of Lords in Berlin. The United Front of German Workers will be formed there. Adolf Hitler will be asked to assume the position of honorary patron."

The Nazi conspirators employed the German Labor Front, the DAF, as an instrument for propagandizing its millions of compulsory members with Nazi ideology. The control of the Leadership Corps over the German Labor Front was assured not only by the designation of Reichsleiter of the Party Organization Ley as head of the DAF, but by the employment of a large number of Politische Leiter, or political leaders, charged with disseminating and imposing Nazi ideology upon the large membership of the DAF. I now cite Document 2271-PS, Exhibit Number USA-328, which is the *Party Organization Book* referred to yesterday, Pages 185-187; and I quote from the first page of the English translation, the first paragraph:

"The NSBO is a union of the political leaders of the NSDAP in the German Labor Front.

"The NSBO is to undertake the organization of the German Labor Front.

"The duties and responsibilities of the NSBO have passed over to the German Labor Front.

"The political leaders who have been transferred from the NSBO to the German Labor Front guarantee the ideological education of the DAF in the spirit of the National Socialist idea."

Now, if Your Honors please, in addition to the evidence heretofore presented, the Prosecution submits that it is another evidence of crime that the Leadership Corps of the NSDAP was responsible for the plundering of art treasures by the Defendant Reichsleiter Rosenberg's "Einsatzstab Rosenberg." The definition of "Einsatzstab" is a "special staff," and I am told that the word "Einsatz" means "to give action to." In other words, it was a task force, a special staff.

This subject, diverting from the text, had been prepared in connection with the general subject of "Plundering of Art Treasures"; and I shall now turn to the document books of the "Plundering of Art Treasures," because the citations now will be in this small book.

I now pass to Your Honors Document Book W; and, may I say, diverting from the text, that the trial address, which is very brief,

has, as I have been told by the Translating Division, been translated into all four languages; and, as I understand, Colonel Dostert will distribute it to all parties in their native languages.

Also by way of explanation, in the beginning there is one reference here to the plundering of art treasures in the occupied portion of Poland which does not bear directly upon this subject but does on the general conspiracy; and I thought, in the interest of time, that we might follow the presentation, because it is very brief.

May it please the Tribunal, the sections of the Indictment which are to be proved at this point are those dealing with the plunder of public and private property under Count One, the Common Plan or Conspiracy. It is not my purpose to explore all phases of the ordinary plunder in which the Germans engaged. However, I would bring to the attention of the Tribunal and of the world the defendants' vast, organized, systematic program for the cultural impoverishment of virtually every community of Europe and for the enrichment of Germany thereby.

Special emphasis will be placed on the activities of the Einsatzstab Reichsleiter Rosenberg; and the responsibility of the Leadership Corps in this regard is a responsibility that is shared by the Defendants Rosenberg, Göring, and Keitel, and by the defendant organizations; the General Staff, High Command, Gestapo, the Security Service, and the SS.

Before I deal with the plunder of the cultural treasures by the Einsatzstab Rosenberg, I wish to reveal briefly the independent plundering operations conducted in the Government General of Occupied Poland by authority of the Defendant Göring and under the supervision of the Defendant Frank, the Governor General.

In October 1939 Göring issued a verbal order to a Dr. Mühlmann asking him to undertake the immediate securing of all Polish art treasures. Dr. Mühlmann himself gives evidence of this order in Document Number 3042-PS found in the document book last introduced as Exhibit USA-375.

THE PRESIDENT: Are the documents in Book W?

COL. STOREY: Book W; yes, Sir.

THE PRESIDENT: I was asking whether the documents in Book W are placed in order of number in PS?

COL. STOREY: They are; yes, Sir; and the first one is found on the first page. I beg your pardon; 3042 would be in numerical order toward the end, Your Honor.

THE PRESIDENT: I have it. I was merely asking for general information.

COL. STOREY: These are consecutive. I would like to offer this affidavit and to read it in full. In short, it was obtained in Austria. Kajetan Mühlmann states under oath:

"I have been a member of the NSDAP since 1 April 1938. I was Brigadier General"—Oberführer—"in the SS.

"I was never an illegal Nazi.

"I was the special deputy of the Governor General of Poland, Hans Frank, for the safeguarding of art treasures in the Government General, October 1939 to September 1943.

"Göring, in his function as chairman of the Reich Defense Committee, had commissioned me with this duty.

"I confirm that it was the official policy of the Governor General, Hans Frank, to take into custody all important art treasures which belonged to Polish public institutions, private collections, and the Church. I confirm that the art treasures mentioned were actually confiscated; and it is clear to me that they would not have remained in Poland in case of a German victory, but they would have been used to complement German artistic property."—Signed and sworn to by Dr. Mühlmann.

On the 15th of November 1939 Frank issued a decree, which is published officially in *The Law of the Government General*, (1773-PS, Exhibit USA-376). It is E 800, Article 1, Section 1. It is not in the document book. It is just a short quotation of which we ask the Tribunal to take judicial knowledge. Quoting:

"All movable and stationary property of the former Polish State... will be sequestered for the purpose of securing all manner of public valuables."

In a further decree of 16 December 1939, appearing as E 845 of the same publication, Frank provided that all art objects in public possession in the Government General were to be seized for the fulfillment of public tasks of common interest, insofar as they had not already been seized under the decree of 15 November. The decree provided that, in addition to art collections and art objects belonging to the Polish State, there would be considered as owned by the public, those private collections which have not already been taken under protection by the Special Commissioner, as well as all ecclesiastical art property.

On the 24th of September 1940 Frank decreed that all property seized on the basis of the decree of 15 November 1939 would be transferred to the ownership of the Government General; and this decree is found as E 810 of the same publication.

It is impossible for me to furnish this Tribunal a complete picture of the vastness of the program for the cultural impoverishment of Poland carried out pursuant to the directives, as I cannot

read into the record the 500-odd masterpieces catalogued in Document 1233-PS (Exhibit USA-377) or the many hundreds of additional items catalogued in Document 1709-PS (Exhibit USA-378). Now Document 1233-PS, which I hold in my hand, is a finely bound, beautifully printed catalogue, in which Defendant Frank proudly lists and describes the major works of art which he had plundered for the benefit of the Reich. This volume was captured by the Monuments, Fine Arts, and Archives Division of the 3rd United States Army and was found in Frank's home near Munich. The introductory page describes the thoroughness with which the Government General stripped Poland of its cultural possessions. That is quoted in Document 1233-PS.

THE PRESIDENT: Will you hand that up?

COL. STOREY: I am quoting now from the introductory page, the English translation, the first paragraph. I might say by way of explanation, that this book lists the valuable art treasures by titles. I now quote from the introductory page:

"By reason of a decree of 16 December 1939 by the Governor General of the occupied Polish territories, the Special Commissioner for collecting objects of art and culture was able to collect within 6 months almost all of the art objects of the country, with one exception: a series of Flemish tapestries of the Castle of Kraków. According to the latest information these are now in France, so that it may be possible to secure these later."

Leafing through this catalogue, we find that it included references to paintings by German, Italian, Dutch, French, and Spanish masters; rare illustrated books; Indian and Persian miniatures; woodcuts; the famous Veit Stoss hand-carved altar (created here in Nuremberg and purchased for use in Poland); handicraft articles of gold and silver; antique articles of crystal, glass, and porcelain; tapestries; antique weapons; rare coins and medals. These articles were seized, as indicated in the catalogue, from public and private sources, including the national museums in Kraków and Warsaw, the cathedrals of Warsaw and Lublin, a number of churches and monasteries, university libraries, and a great many private collections of Polish nobility.

I wish now to offer in evidence the catalogue bearing our Number 1233-PS—it is the one just introduced in evidence—and the document bearing our Number 1709-PS. This latter report, in addition to listing the 521 major items described in the catalogue, lists many other items which, though generally no less important from an artistic standpoint, were considered by the Germans to be of secondary importance from the point of view of the Reich.

It is interesting to note with what pains the Defendant Frank attempted to conceal his real purpose in seizing these works of art. The cover of the catalogue itself states that the objects listed were secured and safeguarded. Strangely enough, it was found necessary to safeguard some of the objects by transporting them to Berlin and depositing them in the depot of the Special Deputy or in the safe of the Deutsche Bank, as is indicated on Page 80 of Document 1709-PS, Exhibit USA-378. The items referred to as having been transported to Berlin are listed in the catalogue of objects safeguarded and their numbers are 4, 17, 27, 35, and so on. Thirty-one extremely valuable and world-renowned sketches of Albrecht Dürer, taken from the collection of Lubomirski in Lemberg (Lvov), were likewise safeguarded. At Page 69 of this report, Dr. Mühlmann states that he personally handed these sketches to Göring, who took them to the Führer at his headquarters.

Numerous objects of art: paintings, tapestries, plates, dishes, as well as other dinnerware, were also safeguarded by Frank, who had the Special Deputy deliver these objects to an architect for the purpose of furnishing the castle at Kraków and the Schloss Kressendorf, which were the residences of the Governor General Frank. It was apparently Frank's belief that these items would be safer in his possession, used to grace his table and dazzle his guests, than they would be in the possession of the rightful owners.

There is no doubt whatever that virtually the entire art possession of Poland was seized for the use of Germany and would never have been returned in the event of German victory. Dr. Mühlmann, a noted German art authority, who directed the seizure program for the period of 4 years and was endowed by Frank with sufficient authority to promulgate decrees generally applicable throughout the territory, has stated the objectives of the program in no uncertain terms in the affidavit to which I have just referred.

So much for Poland.

I now direct the attention of the Tribunal to the activities of the Einsatzstab Rosenberg, an organization which planned and directed the looting of the cultural treasures of nearly all Europe. To obtain a full conception of the vastness of this looting program, it will be necessary to envision Europe as a treasure-house in which is stored the major portion of the artistic and literary product of two thousand years of Western civilization. It will further be necessary to envision the forcing of this treasure-house by a horde of vandals bent on systematically removing to the Reich these treasures, which are, in a sense, the heritage of all of us, to keep them there for the enjoyment and enlightenment of Germans alone. Unique in history, this art-seizure program staggers one's imagination and challenges one's credulity. The documents which I am about to offer in evidence will present undeniable proof of

the execution of the policy to strip the occupied countries of the accumulated product of centuries of devotion to art and the pursuit of learning.

May I digress here a moment and state that we are not going to offer all the documents and all the details because our Soviet and French colleagues will offer a great many of the detailed documents in support of their case on War Crimes.

I now offer in evidence Document 136-PS as Exhibit USA-367. And that is an order of Hitler dated the 29th of January 1940 which set into motion the art-seizure program that was to envelop the continent. I now offer the original. I call Your Honors' attention to this original, being signed by Adolf Hitler, and I believe it is in the famous Jumbo type. I quote the order in its entirety. It is very short:

"The 'Hohe Schule' is to become the center for National Socialist research, indoctrination, and education. It will be established after the conclusion of the war. I order that the already initiated preparations be continued by Reichsleiter Alfred Rosenberg—especially in the way of research and setting up of the library.

"All sections of the Party and State are required to co-operate with him in this task."

Although the above order makes no specific mention of the seizure of art properties, by the 5th of November 1940 the program had extended beyond its original scope to include the seizure of Jewish art collections.

I now offer in evidence Document Number 141-PS (Exhibit USA-368), which is a certified copy of an order signed by Göring, dated 5 November 1940, in which the Defendant Göring states; and I quote:

"In conveying the measures taken until now for the securing of Jewish art property by the Chief of the Military Administration, Paris, and the Einsatzstab Rosenberg... the art objects brought to the Louvre will be disposed of in the following way:

"1. Those art objects the decision as to the use of which the Führer will reserve for himself;

"2. Those art objects which serve the completion of the Reich Marshal's collection;

"3. Those art objects and library materials which seem useful for the establishment of the Hohe Schule and for the program of Reichsleiter Rosenberg;

"4. Those art objects which are suitable for sending to the German museums..."

Thus, early in 1940, 11 months after the initiation of the program for establishment of the library for ideological research, the original purpose had been expanded so as to include the seizure of art works not only for the benefit of research but for the delectation of the Führer and Göring and the enhancement of the collections of German museums.

Impelled as they were by the perfidious dream of subjugating a continent, the Nazi conspirators could not content themselves merely with the exploitation of the cultural riches of France and rapidly extended their activities to the other occupied countries. I now offer in evidence Document Number 137-PS as Exhibit USA-379. That is a copy of an order signed by the Defendant Keitel, dated 5th of July 1940, and I should like to read that brief order in full:

"To: The Chief of Army High Command, Chief of the Armed Forces in the Netherlands.

"Reichsleiter Rosenberg has suggested to the Führer that:

"1. The state libraries and archives be searched for documents valuable to Germany.

"2. The Chancelleries of the high Church authorities and the lodges be searched for political maneuvers directed against us and that the material in question be seized.

"The Führer has ordered that this suggestion be followed and that the Gestapo, supported by the archivists of Reichsleiter Rosenberg, be put in charge of the searches. The Chief of Security Police, SS-Gruppenführer Heydrich, has been informed. He will communicate with the competent military commanders in order to execute this order.

"These measures will be executed in all regions of the Netherlands, Belgium, Luxembourg, and France occupied by us.

"It is requested that subordinate services be informed.

"Chief of High Command of the Armed Forces,"—signed—
"Keitel."

From the Netherlands, Belgium, Luxembourg, and France the Einsatzstab's activities ultimately were expanded still further to Norway and Denmark. I now offer in evidence Document 159-PS, Exhibit USA-380, which is the copy of an order signed by Utikal, Chief of the Einsatzstab, dated the 6th of June 1944, from which it is seen that a special mission of the Einsatzstab was sent to Norway and Denmark.

As the German Army penetrated to the East, the fingers of the Einsatzstab reached out to seize the cultural riches thus made available to them; and their activities were extended to the

Occupied Eastern Territories, including the Baltic States and the Ukraine, as well as to Hungary and Greece. I now offer in evidence Document 153-PS, Exhibit USA-381, being a certified copy of a letter from Rosenberg to the Reich Commissioner for the East and Reich Commissioner for the Ukraine, dated 27 April 1942. The subject of the letter is stated to be as follows: "Formation of a Central Unit for the Seizure and Securing of Objects of Cultural Value in the Occupied Eastern Territories." In the last paragraph of that document, I quote:

"With the Commissioners of the Reich a special department within Department II (political) will be set up for a limited time for the seizure and securing of objects of cultural value. This department is under the direction of the appropriate head of the main group of the 'Einsatzstab Reichsleiter Rosenberg for the Occupied Territories.'"

THE PRESIDENT: Perhaps this would be a good time to break off for 10 minutes.

[A recess was taken.]

COL. STOREY: Activities were initiated in Hungary as indicated by Document Number 158-PS, Exhibit USA-382, which I now offer in evidence. This was a copy of a message initialed by Utikal, Rosenberg's Chief of Staff. The first paragraph of this document states:

"The Einsatzstab of Reichsleiter Rosenberg for the Occupied Territories has dispatched a Sonderkommando under the direction of Einsatzstabführer Dr. Zeiss, who is identified by means of his Service Book Number 187, for the accomplishment of the missions of the Einsatzstab in Hungary outlined in the Führer's Decree of 1 March 1942."

I now offer into evidence Document Number 171-PS, Exhibit USA-383, which is an undated report on the "Library for Exploration of the Jewish Question." The fifth paragraph states:

"The most significant book collections today belonging to the Library for Research on the Jewish Question are the following..."

The ninth item of the list which follows refers to "Book collections from Jewish Communities in Greece (about 10,000 volumes)."

It was only natural that an operation conducted on so vast a scale, extending as it did to France, Belgium, the Netherlands, Luxembourg, Norway, Denmark, the Occupied Eastern Territories, the Baltic States, the Ukraine, Hungary, and Greece, should call upon a multitude of other agencies for assistance. Among the other agencies co-operating in the plunder program were several of those which stand indicted here as criminal organizations. The

co-operation of the Wehrmacht High Command was demanded by the Hitler order of 1 March 1942, which I now offer in evidence as our Document 149-PS, Exhibit USA-369, which is signed personally by Adolf Hitler and is also in the Jumbo type. The order decrees the ideological fight against the enemies of National Socialism to be a military necessity and reaffirms the authority of the Einsatzstab Rosenberg to conduct searches and seizures of suitable material for the Hohe Schule. The fifth paragraph states:

"The directives concerning co-operation with the Wehrmacht were given to the Chief of the OKW with the approval of Reichsleiter Rosenberg."

While I am on that document, which is referred to later, I should like to read the other portions. I call attention of Your Honors to the distribution. It is distributed to all duty stations of the Armed Forces, the Party, and the State. It says:

"Jews, Freemasons, and related ideological enemies of National Socialism are responsible for the war which is now being waged against the Reich. The co-ordinated ideological fight against those powers is a military necessity. I have therefore charged Reichsleiter Rosenberg to carry out this task in co-operation with the chief of the OKW. His Einsatzstab in the Occupied Territories is authorized to search libraries, record offices, lodges, and other ideological and cultural institutions of all kinds for suitable material, and to confiscate the said material for the ideological task of the NSDAP and the later scientific research work of the Hohe Schule. The same regulation applies to cultural assets which are in possession of or the property of Jews, or ownerless, or not clearly of unobjectionable origin."

The final passage is:

"The necessary measures within the Eastern territories under the German Administration are determined by Reichsleiter Rosenberg in his capacity as Reichsminister for the Occupied Eastern Territories."—Signed—"Adolf Hitler."

THE PRESIDENT: Colonel Storey, I think the Tribunal would find it convenient, and it would save time, if the documents, when they are referred to, were read in full insofar as you want to read them, rather than returning to read one passage and then returning to a document later on.

COL. STOREY: Yes, Sir. May I explain why that was, Sir? I was trying to fit in this presentation with the Leadership Corps. It was quoted in two places and I didn't notice it until I started.

THE PRESIDENT: What I am saying is that I think it is much easier to follow the documents if all the parts of the document

which you wish to read are read at one time, rather than to read one sentence, then come back to another sentence, and then possibly come back to a document for a third sentence. I don't know whether that will be possible for you to do.

COL. STOREY: We will try to work it out that way, Sir.

THE PRESIDENT: Thank you.

COL. STOREY: Co-operation of the SS and the SD is indicated in a letter from Rosenberg to Bormann dated 23rd of April 1941, Document Number 071-PS, Exhibit USA-371, which I now offer in evidence. This letter states in the fifth sentence of the first numbered paragraph:

"It is self-evident that the confiscations are not executed by the Gauleitung, but that they are conducted by the Security Service as well as by the police."

Farther down in the same paragraph it is stated:

"It has been communicated to me in writing by a Gauleiter that the Reich Security Main Office of the SS has requested the following from the library of a confiscated monastery: *The Catholic Handbook, Albertus Magnus, Edition of the Church Fathers, History of the Popes* by L. von Pastor, and other works."

The second and last paragraph stated that:

"I should like to remark in this connection that this affair has already been settled on our side with the Security Service (SD) in the most co-operative fashion."

The Defendant Göring was especially diligent in furthering the purposes of the Einsatzstab Rosenberg, a diligence which will be readily understood in view of the fact that he himself directed that second in priority only to the demands of the Führer were to be "those art objects which served the completion of the Reich Marshal's collection." That is Göring.

On May 1, 1941 Göring issued an order to all Party, State, and Wehrmacht services, which I am now offering into evidence as 1117-PS, Exhibit USA-384. That is an original bearing Göring's signature. This order requested all Party, State, and Wehrmacht services—and I now quote:

"... to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg's Einsatzstab... The above-mentioned persons are requested to report to me on their work, particularly on any difficulties which might arise."

On 30th of May 1942 Göring claimed credit for a large degree of the success of the Einsatzstab. I offer in evidence a captured photostatic copy of a letter from Göring to Rosenberg, showing Göring's signature, which bears our Number 1015(i)-PS, which I

offer in evidence as Exhibit USA-385. The last paragraph of this letter states as follows:

"... On the other hand I also support personally the work of your Einsatzstab wherever I can do so, and a great part of the seized cultural objects can be accounted for by the fact that I was able to assist the Einsatzstab with my organizations."

If I have tried the patience of the Tribunal with numerous details as to the origin, the growth, and the operation of the art-looting organization, it is because I feel that it will be impossible for me to convey to you a full conception as to the magnitude of the plunder without conveying to you first, information as to the vast organizational work that was necessary in order to enable the defendants to collect in Germany cultural treasures of staggering proportions.

Nothing of value was safe from the grasp of the Einsatzstab. In view of the great experience of the Einsatzstab in the complex business of the organized plunder of a continent, its facilities were well suited to the looting of material other than cultural objects. Thus, when Rosenberg required equipment for the furnishing of the offices of the administration in the East, his Einsatzstab was pressed into action to confiscate Jewish homes in the West. Document Number L-188, which is Exhibit USA-386 and which I now offer in evidence, is a copy of a report submitted by the director of Rosenberg's Office West, operating under the Ministry for the Occupied Eastern Territories. I wish to quote at some length from this document and I call the Tribunal's attention to the third paragraph on Page 3 of the translation:

"The Einsatzstab Reichsleiter Rosenberg was charged with the carrying out of this task"—that is, the seizure of art properties—"in the course of this seizure of property. At the suggestion of the Director West of the Special Section of the Einsatzstab, it was proposed to the Reichsleiter that the furniture and other contents of the unguarded Jewish homes should also be secured and dispatched to the Minister for the Occupied Eastern Territories for use in the Eastern Territories."

The last paragraph on the same page states:

"At first all the confiscated furniture and goods were dispatched to the administrations of the Occupied Eastern Territories. Owing to the terror attacks on German cities which then began and in the knowledge that the bombed-out persons in Germany ought to have preference over the Eastern people, Reich Minister and Reichsleiter Rosenberg obtained a new order from the Führer according to which

the furniture, *et cetera*, obtained through the 'M Action' was to be put at the disposal of bombed-out persons within Germany."

The report continues with a description of the efficient methods employed in looting the Jewish homes in the West (top of Page 4 of translation):

"The confiscation of Jewish homes was carried out as follows: When no records were available of the addresses of Jews who had fled or departed, as was the case, for instance, in Paris, so-called requisitioning officials went from house to house in order to collect information as to abandoned Jewish homes.—They drew up inventories of those homes and sealed them. . . . In Paris alone, about twenty requisitioning officials requisitioned more than 38,000 homes. The transportation of these homes was completed with all the available vehicles of the Union of Parisian Moving Contractors who had to provide up to 150 trucks, 1,200 to 1,500 French laborers daily."

If Your Honor pleases, I am omitting the rest of the details of that report because our French colleagues will present the details later.

Looting on such a scale seems fantastic. But I feel I must refer to another statement, for though the seizure of the contents of over 71,000 homes and their shipment to the Reich in upwards of 26,000 railroad cars is by no means a petty operation, the quantities of plundered art treasures and books and their incalculable value, as revealed in the document I am about to offer, will make these figures dwindle by comparison.

I next refer to the stacks of leather-bound volumes in front of me, to which the Justice referred in his opening statement.

These 39 volumes which are before me contain photographs of works of art secured by the Einsatzstab and are volumes which were prepared by members of the Rosenberg staff. All of these volumes bear our Number 2522-PS, and I offer them in evidence as Exhibit USA-388.

I am passing to Your Honors eight of these volumes, so that each one of you—they are all different—might see a sample of the inventory. I call Your Honors' attention to the inside cover page. Most of them have an inventory, in German, of the contents of the book; and then follow true photographs of each one of these priceless objects of art, separated by fine tissue paper.

There are 39 of these volumes that were captured by our forces when they overran a part of southern occupied German areas.

THE PRESIDENT: Is there anything known about the articles photographed here?

COL. STOREY: Yes, Sir; I will describe them later. I believe each one of them is identified in addition to the inventory.

THE PRESIDENT: I meant whether the articles—the furniture or pictures themselves, have been found.

COL. STOREY: Yes, Sir, most of them were found in an underground cavern, I believe in the southern part of Bavaria; and these books were found by our staff in connection with the group of U.S. Army people who have assembled these objects of art and are now in the process of returning them to the rightful owners. That is where we got these books.

I should like to refer, while Your Honors are looking at these, just to the aggregate totals of the different paintings. Here are the totals as shown by Document 1015(b)-PS, which is in the document book. As they are totalled, I don't think Your Honors need to follow the document; you can continue looking at the books if you like.

"Up to 15 July 1944 the following had been scientifically inventoried:

"21,903 Works of Art:

"5,281 paintings, pastels, water colors, drawings; 684 miniatures, glass and enamel paintings, illuminated books and manuscripts; 583 sculptures, terra cottas, medallions, and plaques; 2,477 articles of furniture of art historical value; 583 textiles (tapestries, rugs, embroideries, Coptic textiles); 5,825 objects of decorative art (porcelains, bronzes, faience, majolica, ceramics, jewelry, coins, art objects with precious stones); 1,286 East Asiatic art works (bronzes, sculpture, porcelains, paintings, folding screens, weapons); 259 art works of antiquity (sculptures, bronzes, vases, jewelry, bowls, engraved gems, terra cottas)."

The mere statement that 21,903 art works have been seized does not furnish an adequate conception of their value. I refer again to the statement in the document "The extraordinary artistic and intrinsic value of the seized art works cannot be expressed in figures," and to the fact that they are objects of such a unique character that their evaluation is entirely impossible. These 39 volumes are by no means a complete catalogue. They present, at the most, pictures of about 2,500 of the art objects seized; and I ask you to imagine that this catalogue had been completed and that, in the place of 39 volumes, we had 350 to 400 volumes. In other words, if they were prepared in inventory form as these 39 volumes, to cover all of them it would take 350 to 400 volumes.

We had arranged, Your Honor, to project just a few of these on the screen; but before we do that, which is the end of this

part of the presentation, I should like to call Your Honor's attention to Document 015-PS. It is dated April 16, 1943. It is a copy of a letter from Rosenberg to Hitler. The occasion for the writing of this letter was the birthday of the Führer, to commemorate which, Rosenberg presented some folders of photographs of pictures seized by the Einsatzstab. And I imagine, although we have no authentic evidence, that probably some of these were prepared for that occasion. In the closing paragraph of the letter, Document 015-PS, Exhibit USA-387, he says:

"I beg of you, my Führer, to give me a chance during my next audience to report to you orally on the whole extent and state of this art-seizure action. I beg you to accept a short, written, preliminary report of the progress and extent of the art-seizure action, which will be used as a basis for this later oral report, and also to accept three volumes of the provisional picture catalogues which, too, show only a part of the collection at your disposal. I shall deliver further catalogues, which are now being compiled, as they are finished."

Rosenberg then closes with this touching tribute to the aesthetic tastes of the Führer, tastes which were satisfied at the expense of a continent, and I quote:

"I shall take the liberty during the requested audience to give you, my Führer, another 20 folders of pictures with the hope that this short occupation with the beautiful things of art, which are so near to your heart, will send a ray of beauty and joy into your care-laden and revered life."

THE PRESIDENT: Will you read all the passage that you began, five lines above that, beginning with the words, "These photos represent...?"

COL. STOREY: "These photos represent an addition to the collection of 53 of the most valuable objects of art delivered some time ago to your collection. This folder also gives only a weak impression of the exceptional value and extent of these objects of art, seized by my service command"—Dienststelle—"in France and put into a safe place in the Reich."

If Your Honors please, at this time we would like to project on the screen a few of these photographs. The photographs of paintings which we are now about to project on the screen are taken from a single volume of the catalogue and are merely representative of the many volumes of pictures of similar works. The other items, photos of which are to be projected, were picked from various volumes on special subjects. For example, the Gobelin tapestry which you are about to see is merely one picture from an entire volume of tapestry illustrations. Each picture that you will

see is representative of a number of volumes of similar pictures, and each volume from which these single pictures were taken represents approximately a tenth of the total number of volumes which would be necessary to illustrate all the items actually plundered by the Einsatzstab. We will now have the slides, just a few of them.

[Photographs were projected on the screen in the courtroom.]

This first picture is a "Portrait of a Woman," painted by the Italian painter Palma Vecchio.

The next picture is a "Portrait of a Woman" by the Spanish painter Velasquez.

This picture is a "Portrait of Lady Spencer" by the English painter Sir Joshua Reynolds.

This picture is a painting by the French painter Watteau.

This is a painting of "The Three Graces" by Rubens.

This is a "Portrait of an Old Woman" by the famous painter Rembrandt.

This painting of a young woman is by the Dutch painter Van Dyck.

Now this picture is a sample of 16th century jewelry in gold and enamel, decorated with pearls.

This is a 17th century Gobelin tapestry.

This picture is of a Japanese painting from the catalogue volume on East Asiatic art.

This is an example of famous china.

This is a picture of a silver-inlaid Louis XIV cabinet.

The last picture is of a silver altarpiece of the 15th or 16th century, of Spanish origin.

I call to your attention again that each of the pictures you have just seen is merely representative of a large number of similar items illustrated in the 39-volume catalogue which is in itself only partially complete. There is little wonder that the Führer's occupation with these beautiful things of art, which were nearest to his heart, should have sent a ray of beauty and joy into his revered life. I doubt that any museum in the world, whether the Metropolitan in New York, the British Museum in London, the Louvre in Paris, or the Tretyakov Gallery in Moscow, could present such a catalogue as this; in fact, should they pool their treasures, the result would certainly fall short of the art collection that Germany amassed for itself, at the expense of the other nations of Europe. Never in history has a collection so great been amassed with so little scruple.

It is refreshing, however, to know that the victorious Allied armies have recovered most of such treasures, principally hidden

away in salt mines, tunnels, and secluded castles; and the proper governmental agencies are now in the process of restoring these priceless works of art to their rightful owners.

I shall next refer to Document 154-PS, which is a letter dated the 5th of July 1942 from Dr. Lammers, Reich Minister and Chief of the Chancellery, to the highest Reich authorities and services directly subordinate to the Führer. This letter states and implements the Hitler order that was introduced in evidence and explains that the Führer delegated authority to Rosenberg's staff to search for and seize cultural property by virtue of Reichsleiter Rosenberg's position as representative of the Führer for the supervision of the whole ideological and political education of the NSDAP.

The Tribunal will recall, however, that it is by virtue of holding this office that Defendant Rosenberg occupied a place within the Reichsleitung, or Party Directorate of the Leadership Corps. That is Exhibit USA-370, and it is simply offered for the purpose of showing the address to the highest Reich authorities and services directly subordinate to the Führer.

In a letter to the Defendant Bormann, dated the 23rd of April 1941, the Defendant Rosenberg protested against the arbitrary removal by the SD and other public services of property from libraries, monasteries, and other institutions; and he proposed that, in the claims by the SD and his representative, the final regulation as to the confiscation should be made by the Gauleiter. This letter has been offered previously as 071-PS; and I quote, beginning with the next to the last sentence at the bottom of Page 1 of the English translation—I am sorry, Your Honor, that is in the other book.

THE PRESIDENT: You cited 071-PS this morning.

COL. STOREY: Yes, Sir, and I will forego that at the moment, Your Honor, because it refers back to the other book. Finally, in connection with the presentation of this subject, I submit that the summary of evidence establishes that the defendants and the conspirators, Rosenberg and Bormann, acting in their capacity as political leaders of the Leadership Corps of the Nazi Party and as members thereof, participated in the Conspiracy or Common Plan alleged in Count One of the Indictment and committed acts constituting the crimes alleged. Accordingly we submit: (1) The Leadership Corps of the Nazi Party is a group or organization in the sense in which those terms are used in Article 9 of the Charter; (2) The defendants and conspirators, Rosenberg and Bormann, committed the crimes defined in Article 6 of the Charter, and in that capacity as members of the political leaders of the Leadership Corps of the Nazi Party.

It was at all times the primary and central design and purpose of the Leadership Corps of the Nazi Party to direct, engage, and

participate in the execution of the conspiracy which contemplated and involved the commission of the crimes as defined in Article 6 of the Charter.

And I should like now to call attention again to a chart which was identified in the beginning—I believe by Major Wallis; it was taken from the publication which is entitled *The Face of the Party*. This chart emphasizes, more clearly than I can state, the total and thorough control over the life of the German, beginning at the age of 10 at the bottom of the chart and continuing through the various categories on up through.

Notice the age of 10 to 14, the Jungvolk. Then it goes to the Adolf Hitler School on the right, 12 to 18. The Hitler Jugend, 15 to 18; the SA, the NSKK, NSFK, 19 to 20. And then the labor service over at the left. And then again to the SA, SS, NSKK, NSFK; and then into the Wehrmacht, and on up through to the top box on the left of the top row of men, the political leaders of the NSDAP. And then finally all of those buildings up there, as I understand, are the academies of the NSDAP. And then finally at the top to the political leaders of the German Volk, showing the evolution. This is the final exhibit, and with that I close the presentation of the Leadership Corps. The next presentation is the Reich Cabinet (the Reichsregierung). We will take just a few moments.

If Your Honors please, there is one thing Colonel Seay called my attention to. I simply refer to it for the record. In one of the previous documents, 090-PS, Exhibit USA-372, which is in the other document book, there was a statement that clearly established that the expenses of the Einsatzstab Rosenberg, that is, the staff's operational expenses, were financed by the Nazi Party.

If the Tribunal please, I now offer Document Book X, which I believe has been passed to Your Honors; and also Colonel Dostert's staff has prepared a chart of the Reichsregierung in different languages, and I believe Your Honors have copies. There is one copy here in German that I shall be glad to pass to counsel who are especially concerned with this case. They have one copy in German. I don't know who it is...

THE PRESIDENT: You mean counsel for the Reich Cabinet?

COL. STOREY: Yes, Sir. May I say also, by preliminary reference, that we examined the records in the collection office this morning and only one letter of intervention has been filed on behalf of the Reich Cabinet and that was by the Defendant Keitel.

We will now consider the Reichsregierung. Some preliminary remarks about this group have already been placed before the Tribunal by Mr. Albrecht in his comments upon the government chart. It will be necessary, however, for sake of coherence, to repeat briefly

some of the statements made by him, and therefore we beg the indulgence of the Tribunal.

The Reichsregierung, meaning Reich Cabinet, unlike most of the other groups named in the Indictment, was not especially created by the Nazi Party to carry out or implement its nefarious schemes and purposes. The Reichsregierung—commonly referred to as the Cabinet—had, before the Nazis came to power, a place in the constitutional and political history of the country. As with other cabinets of duly constituted governments, the executive power of the realm was concentrated in that body. The Nazi conspirators realized this only too well. Their aim for totalitarian control over the State could not be secured, they realized, except by acquiring, holding, and utilizing the top-level machinery of the State. And this they did. Under the Nazi regime the Reichsregierung gradually became a primary agent of the Nazi Party with functions and policies formulated in accordance with the objectives and methods of the Party itself. The institution of the “Reichsregierung” became—at first gradually and then with more rapidity—polluted by the infusion of the Nazi conspirators into the Cabinet. Many of them—16 to be exact—sit before you today in the dock. There was no plan, scheme, or purpose, however vile or inhuman or illegal in any sense of the word, that was not clothed with the semblance of legality by the Nazi Reichsregierung. It is for that reason that we will ask this Tribunal—after the proof has been offered—to declare that body, as defined in the Indictment, to be a criminal organization. The proof will be divided into two main categories, the first of which will tend to establish the composition and nature of the Reichsregierung under the Nazis, as well as delineating briefly its functions and powers, while the second will tend to establish—and conclusively we believe—the reasons why the brand of criminality should be affixed to that group.

The term “Reichsregierung” literally translated reads “Reich Government.” Actually, as we said, it was commonly taken to refer to the ordinary Reich Cabinet. In the Indictment the term “Reichsregierung” is defined to include not only those persons who were members of the ordinary Reich Cabinet, but also persons who were members of the Council of Ministers for the Defense of the Reich and the Secret Cabinet Council. However, the really important subdivision of the three is—as the proof will show—the ordinary Cabinet. Between it and the other two there was in reality only an artificial distinction. There existed, in fact, a unity of personnel, actions, functions, and purposes that obliterated any academic separation. As used in the Indictment, the term “ordinary Cabinet” means Reich Ministers, that is, heads of departments of the central government, Reich Ministers without portfolio, State Ministers acting

as Reich Ministers, and other officials entitled to take part in meetings.

I might state here that altogether there were 48 persons who held positions in the ordinary Cabinet. Seventeen of them are defendants before the Tribunal. Bormann is absent. Of the remaining 31, eight are believed to be dead.

Into the ordinary Cabinet were placed the leading Nazi collaborators, the trusted henchmen; and then, when new governmental agencies or bodies were created either by Hitler or the Cabinet itself, the constituents of these new bodies were taken from the roles of the ordinary Cabinet.

In 1933 when the first Hitler Cabinet was formed on the 30th of January, there were 10 ministries that could be classified as departments of the Central Government. I have here a typed copy of the minutes of the first meeting of that Cabinet. These were found in the files of the Reich Chancellery and bear the typed signature of one Weinstein, who was described in the minutes as responsible for the protocol, the counsellor of the ministry. That document already appears in Document Book B; but I again refer the Tribunal to Page 4 of the translation, which is Document 351 as shown in your document book and contains a list of those present.

THE PRESIDENT: 351-PS?

COL. STOREY: Yes, Sir, 351-PS, Exhibit USA-389.

The 10 ministers referred to therein are set forth. They are:

Reich Minister for Foreign Affairs, the Defendant Von Neurath; Reich Minister of the Interior, the Defendant Frick; Reich Minister of Finance, Von Krosigk; Reich Minister of Economy and Reich Minister of Food and Agriculture, Dr. Hugenberg; Reich Minister of Labor, Seldte; Reich Minister of Justice—no name is given—the post was filled 2 days later by Gürtner; Reich Defense Minister Von Blomberg; and the Reich Postmaster General and Reich Minister for Transportation, Von Eltz-Rübenach.

In addition you will note that the Defendant Göring was there as a Reich Minister—he had no portfolio then—and as Reich Commissar for Aviation. Dr. Gereke was there as Reich Commissar for Procurement of Labor. Two State Secretaries were present: Dr. Lammer of the Reich Chancellery and Dr. Meissner of the Reich Presidential Chancellery.

THE PRESIDENT: In the copy I have the Defendant Göring appears as the Reich Minister for Aviation.

COL. STOREY: Yes, Sir. I mentioned that he appears as Reich Minister and as Reich Commissar for Aviation.

THE PRESIDENT: Oh, I see. I was reading from the first two pages of the document. You were reading from Page 4?

COL. STOREY: Yes.

THE PRESIDENT: Very well.

COL. STOREY: I am informed that the Ministry was created later, but it is given as Reich Commissar for Aviation.

In addition the Defendant Funk was present as Reich Press Chief, and the Defendant Von Papen was present as Deputy of the Reich Chancellor and Reich Commissar for the State of Prussia.

Not long after that date new ministries or departments were created into which leading Nazi figures were placed. On 13 March 1933 the Ministry of Popular Enlightenment and Propaganda was created. The decree setting it up appears in the 1933 *Reichsgesetzblatt*, Part I, Page 104, our Document 2029-PS.

I assume that the Court will take judicial notice of the laws and decrees, as we have mentioned in the previous proceeding.

The late Goebbels was named as Reich Minister of Popular Enlightenment and Propaganda.

On 5 May 1933 the Ministry of Air (*Reichsgesetzblatt* 1933, Part I, Page 241, our Document 2089-PS). On 1 May 1934 the Ministry of Education. I refer to 1934 *Reichsgesetzblatt*, Part I, Page 365, our Document 2078-PS. On 16 July 1935 the Ministry for Church Affairs (1935 *Reichsgesetzblatt*, Part I, Page 1029, our Document 2090-PS). The Defendant Göring was made Air Minister; Bernhard Rust, Gauleiter of South Hanover, was named Education Minister; and Hans Kerrl named Minister for Church Affairs.

Two ministries were added after the war started. On 17 March 1940 the Ministry of Armaments and Munitions was established (1940 *Reichsgesetzblatt*, Part I, Page 513, our Document 2091-PS). The late Dr. Todt, a high Party official, was appointed to this post. The Defendant Speer succeeded him. The name of this department was changed to "Armaments and War Production" in 1943 (1943 *Reichsgesetzblatt*, Part I, Page 529, our Document 2092-PS). On 17 July 1941, when the seizure of the Eastern Territories was in progress, the Ministry for the Occupied Eastern Territories was created. The decree appointing the Defendant Rosenberg to the post of Minister of this department has already been received in evidence as Exhibit USA-319.

During the years 1933 to 1945 one ministry was dropped—that of Defense which was later called "War". This took place in 1938 when, on 4 February, Hitler took over command of the whole Armed Forces. At the same time he created the "Chief of the Supreme Command of the Armed Forces" or, in other words, the Chief of the OKW. This was the Defendant Keitel. The decree accomplishing this change is published in the 1938 *Reichsgesetzblatt*, Part I, at Page 111. It appears in our document book as 1915-PS,

and I would like to quote a brief portion of that decree. It begins at the bottom of the second paragraph:

"He"—referring to the Chief of the Supreme Command of the Armed Forces—"is an equal in rank to a Reich Minister.

"At the same time, the Supreme Command takes the responsibility for the affairs of the Reich Ministry of War; and by my order, the Chief of the Supreme Command of the Armed Forces exercises the authority formerly belonging to the Reich Minister."

Another change in the composition of the Cabinet during the years in question should be noted. The post of Vice-Chancellor was never refilled after the Defendant Von Papen left on 30 July 1934.

In addition to the heads of departments that I have outlined, the ordinary Cabinet also contained Reich Ministers without portfolio. Among these were the Defendants Hans Frank; Seyss-Inquart; Schacht, after he left the Economics Ministry; and Von Neurath, after he was replaced as Minister for Foreign Affairs. There were other positions that were also an integral part of the Cabinet. These were: the Deputy of the Führer, the Defendant Hess, and later his successor; the Leader of the Party Chancellery, the Defendant Bormann; the Chief of Staff of the SA, Ernst Röhm, for 7 months prior to his assassination; the Chief of the Reich Chancellery, Lammers; and, as we have already mentioned, the Chief of the OKW, the Defendant Keitel. These men had either the title of, or the rank of, Reich Minister. I have already read portions of the law creating the Chief of the OKW where his importance in Cabinet affairs is delineated. The importance of the Defendants Hess and Bormann will soon be expounded, while that of the Chief of the Reich Chancellery, Lammers, will also soon become self-evident.

But there were others, such as State Ministers acting as Reich Ministers. Only two persons fell within this category: the Chief of the Presidential Chancellery, Otto Meissner; and the State Minister of the Protectorate of Bohemia and Moravia, Karl Hermann Frank. In addition, the Indictment names as belonging to the ordinary Cabinet "others entitled to take part in Cabinet meetings." Many governmental agencies were created by the Nazis between the years 1933 and 1945, but the peculiarity of such creations was that in most instances such new posts were given the right to participate in Cabinet meetings. Here the list is long but significant. Thus those entitled to take part in Cabinet meetings were: the Commanders-in-Chief of the Army and the Navy, the Reich Forest Master, the Inspector General for Water and Power, the Inspector General of German Roads, the Reich Labor Leader, the Reich Youth Leader, the Chief of the Foreign Organization in the Foreign Office, the Reichsführer SS and Chief of the German Police in the Reich

Ministry of the Interior, the Prussian Finance Minister, and the Cabinet Press Chief.

These, then, were the posts and some of the personnel in the ordinary Cabinet. They were all positions of such common knowledge and notoriety that the Tribunal can take judicial notice. Further, they all appear on the chart entitled "Organization of the Reich Government," which was authenticated by the Defendant Frick and is in evidence as Exhibit Number USA-3, which Mr. Albrecht introduced on the second day of the Trial. They are also provable by laws and decrees published in the *Reichsgesetzblatt* and by notices in the semi-official monthly publication entitled *Das Archiv*, which was edited by an official of the Ministry of Popular Enlightenment and Propaganda—all of which, I submit, are within the judicial notice purview of the Tribunal. The persons who held these posts in the ordinary Cabinet varied between the years 1933 to 1945.

Does Your Honor wish to adjourn at 12:45?

THE PRESIDENT: Yes, perhaps we had better.

[A recess was taken until 1400 hours.]

Afternoon Session

COL. STOREY: If the Tribunal please, the persons who held these posts in the ordinary Cabinet varied between the years 1933 and 1945. Although it is not incumbent upon us to prove who they were, since the group and not the individuals are under consideration, nevertheless their names are already before this Tribunal in the original governmental chart, Exhibit Number USA-3. Since it will be of interest to the Tribunal to see what persons—and 17 of them are defendants here—held what positions in the Cabinet, a table has been prepared which lists all the departments and posts I have mentioned and the incumbents thereof during the years 1933 to 1945. The German equivalents of the titles are also shown; and with the permission of the Tribunal, I will now distribute this table to the members of the Tribunal. Copies have likewise been filed in the defendants' Information Center. The table also is annotated with citations to sources verifying the facts shown—all of which, however, were of common knowledge during the period in question.

Diverting from the text: This is simply prepared for the convenience of the Tribunal in connection with the studying of the briefs and the documents. As I said at the outset, the proof will show that there was only an artificial distinction between the ordinary Cabinet, the Secret Cabinet Council, and the Council of Ministers for the Defense of the Reich. This is evidenced in the first instance by the unity of personnel between the three subdivisions.

Thus, on 4 February 1938 Hitler created the Secret Cabinet Council. If Your Honors will refer to this big chart, you will notice under 1938 there is a red line pointing down to the Secret Cabinet Council created during that year. This decree appears in the 1938 *Reichsgesetzblatt*, Part I, at Page 112. It is in our document book, Document 2031-PS, and I should like to quote from this document. It begins with the opening paragraph, Document 2031-PS, under the Laws and Decrees Section. I quote:

“To advise me in directing the foreign policy I am setting up a Secret Cabinet Council. As President of the Secret Cabinet Council I nominate Reich Minister Baron von Neurath. As members of the Secret Cabinet Council I nominate:

“Reich Minister for Foreign Affairs Joachim von Ribbentrop; Prussian Minister President, Reich Minister of the Air, Supreme Commander of the Air Forces, General Field Marshal Hermann Göring; the Führer's Deputy, Reich Minister Rudolf Hess; Reich Minister for Public Enlightenment and Propaganda, Dr. Joseph Goebbels; Reich Minister and Chief of the Reich Chancellery, Dr. Hans Heinrich Lammers;”—that

is shown at the top immediately under Hitler—"Supreme Commander of the Army, Colonel General Walther von Brauchitsch; Supreme Commander of the Navy, Grand Admiral Dr. Raeder; Chief of the Supreme Command of the Armed Forces, General of the Artillery Wilhelm Keitel."

It will be noted that every member was either a Reich Minister or, as in the case of the Army, Navy, and OKW heads, had the rank and authority of a Reich Minister.

On 30 August 1939 Hitler established the Council of Ministers for Defense of the Reich, better known as the Ministerial Council—coming down from the year 1939, the Ministerial Defense Council. This was the so-called war cabinet. The decree appears in the 1939 *Reichsgesetzblatt*, Part I, at Page 1539. I now refer to Document 2018-PS of the Laws and Decrees, and I quote Section Number 1:

"(1) A Ministerial Council for Defense of the Reich shall be formed out of the Reich Defense Council as a standing committee;

"(2) The standing members of the Ministerial Council for Defense of the Reich shall include:

"General Field Marshal Göring as chairman; the Führer's Deputy"—the Defendant Hess—"the Plenipotentiary General for Reich Administration"—who was the Defendant Frick—"the Plenipotentiary General for Economy"—the Defendant Funk—"the Reich Minister and Chief of the Reich Chancellery"—Dr. Lammers—"the Chief of the High Command of the Armed Forces"—who was the Defendant Keitel.

"(3) The chairman may draw on any other members of the Reich Defense Council as well as other personalities for advice."

Again it will be seen that all were also members of the ordinary Cabinet. But this use of the Cabinet as a manpower reservoir from whom the trusted collaborators were selected becomes particularly poignant when we consider the actions of the Nazi conspirators which were not published in the *Reichsgesetzblatt*, which were concealed from the world, and which were part and parcel of their conspiracy to wage aggressive war. It will have been noted that the decree setting up the Ministerial Council contained this language, the one to which I have just referred:

"A Ministerial Council for Defense of the Reich shall be formed out of the Reich Defense Council as a standing committee...."—also Subparagraph 3 of the same one—"The chairman may draw on any other members...."

There is evidence already before this Tribunal establishing the creation—by the Cabinet—on 4 April 1933 of this really secret war-planning body. I refer the Tribunal to Exhibit USA-24, which

appears in our document book as Document 2261-PS. That document contains the unpublished Reich Defense Law of 21 May 1935. As to the membership of that Council when first created, I have here a copy of the minutes of the second session of the working committee of the delegates for the Reich defense, dated 22 May 1933, and signed by the Defendant Keitel. It appears in our document book as EC-177, Exhibit USA-390. The composition of the Reich Defense Council appears on Page 3 of the original, and also on Page 3 of the translation:

THE PRESIDENT: I thought you were going to refer to 2261-PS.

COL. STOREY: If Your Honor pleases, I just referred to it as being an exhibit already in evidence and said that it was one of the unpublished Reich defense laws. That was the only purpose in referring to it.

The quotation is from Page 3 of the translation, beginning at the top of the page:

"Composition of the Reich Defense Council:

"President, Reich Chancellor; Deputy, Minister of the Reichswehr; Permanent Members, Minister of the Reichswehr, Reich Minister for Foreign Affairs, Reich Minister of the Interior, Reich Minister of Finance, Reich Minister of Economic Affairs, Reich Minister for Public Enlightenment and Propaganda, Reich Air Ministry, Chief of the Army Command Staff, Chief of the Navy Command Staff, and—as the case may be—the remaining Reich Ministers, other personalities, for example, leading industrialists, *et cetera*."

All but the Chiefs of the Army and Navy Command Staff were, then, component parts of the ordinary Cabinet. The composition of this Defense Council was changed in 1938. I refer the Tribunal to Exhibit USA-36, which appears in our document book as Number 2194-PS. This contains the unpublished Reich Defense Law of 4 September 1938.

I now quote from Paragraph 10, entitled "The Reich Defense Council," which is found at Page 4 of the copy of the law in the original; and I now quote from Page 6 of the English translation, the top of the page:

"(2) The Führer and Reich Chancellor is chairman in the Reich Defense Council. His permanent deputy is General Field Marshal Göring; he has the authority to call conferences of the Council. Permanent members of the Council are:

"Reich Minister of Air and Supreme Commander of the Air Force, the Supreme Commander of the Army, the Supreme Commander of the Navy, the Chief of the OKW, the Führer's

Deputy, the Reich Minister and Chief of the Reich Chancellery, the President of the Secret Cabinet Council, the Plenipotentiary General for the Reich Administration, the Plenipotentiary General for Economics, the Reich Minister for Foreign Affairs, the Reich Minister of the Interior, the Reich Minister of Finance, the Reich Minister for Public Enlightenment and Propaganda, the President of the Reich Bank Directorate.

"The other Reich Ministers and the Reich offices directly subordinate to the Führer and the Reich Chancellor will be consulted if necessary. Further personalities may be called as the case demands."

THE PRESIDENT: Colonel Storey, it would help me if you explained to me what conclusions you are asking us to draw from these documents.

COL. STOREY: If Your Honor pleases, we were trying to show the progressive domination of the Reich Cabinet by the defendants and the members of this group, so that, as Your Honors will see as we later go ahead, they could pass laws and decrees secretly, by circulatory process or at the will, in effect, of the defendants. I realize it is a little detailed, but we are trying to show the composition and how it was set up, and the conclusions will be drawn later.

By that time the Supreme Commanders of the Army and Navy had been given ministerial rank and authorized to participate in Cabinet meetings. I cite 1938 *Reichsgesetzblatt*, Part I, Page 215.

May we at this time call the attention of the Tribunal to two members of the Defense Council who will also appear in the Ministerial Council under the same title: the Plenipotentiary for Administration and the Plenipotentiary for Economy. The former post was held by the Defendant Frick, while the latter was first held by the Defendant Schacht and then by the Defendant Funk, who signed the decree in that capacity. These facts are verified by the Defendant Frick in Exhibit Number USA-3, which is the Nazi governmental organization chart previously referred to.

As we will later show, these two posts had many of the other ministries subordinated to them for war-planning aims and purposes. They, together with the Chief of the OKW, formed a powerful triumvirate, known as the "Three-Man College"—that is shown in the three boxes down from 1935 to 1938—which figured prominently, as the proof will disclose, in the plans and preparations to wage aggressive war. And the incumbents of these positions were Cabinet members: the Defendants Frick, Funk, and Keitel.

This utilization of the ordinary Cabinet as a supply center for other governmental agencies and the cohesion between all of the groups is perhaps quickly seen on the chart which is shown.

The points I have been making are illustrated on the chart. We are not offering this chart in evidence, although all facts thereon already have been or will be proved. The chart is also designed to depict—to the left of the line running down the right center—the chronological development of the offshoots of the ordinary Cabinet. Thus in the main box entitled "Reich Cabinet"—which appears directly under Hitler—certain dates appear.

I believe I will skip the part that describes those lines because it is self-evident.

The Ministerial Defense Council was created in 1944; the Delegate for Total War Effort was Goebbels. These agencies were, next to Hitler, the important Nazi functionaries. In every case, as the chart shows, they were occupied by persons taken from the ordinary Cabinet. The arrow running from the Reich Defense Council to the Ministerial Defense Council is intended to reflect the fact, shown previously, that the latter was formed out of the former. We will, for other points of this presentation, refer again to the chart, especially to that portion to the right, which relates to ministries.

The unity, cohesion, and inter-relationship of the subdivisions of the Reichsregierung were not the result of a co-mixture of personnel alone. It was also realized by the method in which it operated. The ordinary Cabinet consulted together both by meetings and through the so-called circulation procedure. Under this procedure, which was predominantly used when meetings were not held, drafts of laws prepared in the individual ministries were distributed to the other Cabinet members for approval or disapproval.

The man primarily responsible for the circulation of drafts of laws under this procedure was Dr. Lammers, the Leader and Chief of the Reich Chancellery. I have here an affidavit executed by him concerning that technical device, which we offer in evidence as Exhibit USA-391, Document 2999-PS. It is short and I should like to quote all of it:

"I, Hans Heinrich Lammers, being first duly sworn, depose and say:

"I was Leader of the Reich Chancellery from 30 January 1933 until the end of the war. In this capacity I circulated drafts of proposed laws and decrees, submitted to me by the minister who had drafted the law or decree, to all members of the Reich Cabinet. A period of time was allowed for objections, after which the law was considered as being accepted by the various members of the Cabinet. This procedure continued throughout the entire war. It was likewise followed also in the Ministerial Council for

Defense of the Reich."—Signed—"Dr. Lammers"—and sworn to before Lieutenant Colonel Hinkel.

As an illustration of how the circulation procedure worked, I have here a memorandum dated 9 August 1943, which bears the facsimile signature of the Defendant Frick and is addressed to the Reich Minister and Chief of the Reich Chancellery. Attached to the memorandum is a draft of the law in question and a carbon copy of a letter dated 22 December 1943, from the Defendant Rosenberg to the Reich Minister of the Interior, containing his comments on the draft. I now offer Document 1701-PS as Exhibit USA-392, and I call Your Honors' attention to the big red border around the enclosure. The quoted portion is from Page 1 of the translation and Page 1 of the original. Quoting:

"To the Reich Minister and Chief of the Reich Chancellery in Berlin (W8). For the information of the other Reich Ministers. Subject: Law on the Treatment of Asocial Elements of Society. Referring to my letter of 19 March 1942, 55 enclosures.

"The draft of the Law on the Treatment of Asocial Elements of Society having been completely rewritten, I am sending the enclosed new draft with the consent of the Reich Minister of Justice, Dr. Thierack, and ask that the law be approved in the circulatory manner. The necessary number of copies is attached."

The same procedure was followed in the Council of Ministers when that body was created; and the decrees of the Council of Ministers were also circulated to the members of the ordinary Cabinet.

I have here a carbon copy of a memorandum found in the files of the Reich Chancellery by the Allied armies and addressed to the members of the Council of Ministers, dated 17 September 1939 and bearing the typed signature of Dr. Lammers. It is Document 1141-PS, Exhibit USA-393. From the English translation, the last paragraph just above Dr. Lammers' signature, I quote:

"Matters submitted to the Ministerial Council for Defense of the Reich have heretofore been distributed only to the members of the Council. I have been requested by some of the Reich Ministers who are not permanent members of the Council to inform them of the drafts of the decrees which are being submitted to the Council, so as to enable them to check those drafts from the point of view of their respective offices. I shall follow this request so that all of the Reich Ministers will in the future be informed of the drafts of decrees which are to be acted upon by the Ministerial Council for Defense of the Reich. I therefore request that 45 additional

copies of the drafts, as well as of the letters which usually contain the arguments for the drafts, be added to the folders submitted to the Council."

Von Stutterheim, who was an official of the Reich Chancellery, comments on this procedure at Page 34 of a pamphlet entitled *The Reich Chancellery*, which I now offer in evidence, Document 2231-PS...

THE PRESIDENT: Colonel Storey, I don't understand what the importance of the last document is.

COL. STOREY: The last document, if Your Honor pleases, is in further evidence of the approval of laws and of the passing of laws by a circulatory process.

THE PRESIDENT: We already have that in Dr. Lammers' affidavit.

COL. STOREY: It might be considered strictly cumulative, if that is what Your Honor has in mind.

THE PRESIDENT: Well, if it is cumulative, we don't really want to hear it.

COL. STOREY: Yes, Sir; I will ask then that it be stricken from the record. I had really overlooked the fact that it was cumulative. Miss Boyd and Commander Kaplan tell me that the Document Number 2231-PS is probably also corroborative of the same process; and I will, therefore, not offer it.

I have already stated that for a time the Cabinet consulted together through actual meetings. The Council of Ministers did likewise, but those members of the Cabinet who were not already members of the Council also attended the meetings of the Ministerial Council. And when they did not attend in person they were usually represented by State Secretaries of the Ministries. We have here the minutes of six meetings of the Council of Ministers of the 1, 4, 8, and 19 September 1939, also of the 16 October and 15 of November 1939. These original documents were found in the files of the Reich Chancellery. I offer them in evidence as Document 2852-PS, Exhibit USA-395. It will only be necessary to point, for our purposes, to a few of the minutes. I call the attention of the Tribunal to the meeting held on the 1st of September 1939, which is probably the first meeting since the Council was created on the 30th August 1939; and I read from that document—showing who was present—beginning at the top of the English translation:

"Present were the permanent members of the Ministerial Council for Defense of the Reich:

"The Chairman, General Field Marshal Göring; the Führer's Deputy, Hess;"—for some unknown reason a line appears

through the name Hess—"the Plenipotentiary General for Reich Administration, Dr. Frick; the Plenipotentiary General for Economy, Funk; the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers; and the Chief of the High Command of the Armed Forces, Keitel, represented by Major General Thomas."

These were the regular members of the Council. Also present were the Reich Minister for Food and Agriculture, Darré, and seven State Secretaries—naming the secretaries. These State Secretaries were from the several ministries or other supreme Reich authorities, as, for example, to name a few: Körner was the Deputy of the Defendant Göring in the Four Year Plan; Stuckart was in the Ministry of the Interior; Landfried was in the Ministry of Economics; Syrup was in the Ministry of Labor. These later positions appear on the government chart which is already in evidence. Another meeting of the Council—I will skip that one.

And then there came the names of nine State Secretaries...

THE TRIBUNAL (Mr. Biddle): Colonel Storey, the last document showed only that certain members of the Cabinet came to a Cabinet meeting. Did it show any more than that?

COL. STOREY: It shows no more than that. I was just going on a little farther to show that an SS Gruppenführer was present also, and other people were present.

THE TRIBUNAL (Mr. Biddle): What would that show?

COL. STOREY: In other words, that they called in these subordinate people, as in the meeting of the ministers.

THE TRIBUNAL (Mr. Biddle): What would that show?

COL. STOREY: Well, it just shows the permeation of the Party and the subordinate agencies, showing they could use the Reich Cabinet for whatever purpose they wanted and to devise laws any way they wanted. They called in these subordinate people, in these subordinate positions, to sit with them when they were passing Cabinet measures. I can also call Your Honors' attention to the Ministerial Council for Defense. It was supposed to be a ministerial-rank Cabinet meeting; and as I just started to show, they called in SS Gruppenführer Heydrich to this meeting.

THE PRESIDENT: There can be no doubt, can there, that there was a Reich Cabinet?

COL. STOREY: No, Sir.

THE PRESIDENT: And that the Reich Cabinet made decrees by this circulatory method? There is no doubt about that.

COL. STOREY: That is right, Sir.

THE PRESIDENT: What does this document add to that?

COL. STOREY: It shows who participated, and how they went out into the Party ranks to bring others, but I will omit the rest of the references to these other individuals.

THE PRESIDENT: But we have had ample evidence before, haven't we, as to who formed the Reich Cabinet?

COL. STOREY: Yes, Sir. Well, I will skip the rest of the references to other people who participated, and pass over to Page 23 of the record. Before leaving these minutes and as indicative of the activities of the Reichsregierung, I would like to direct the attention of the Tribunal to some of the decrees passed and the minutes discussed at these meetings. At the first meeting of 1 September 1939, 14 decrees were ratified by the Council. Of this group I call the attention of the Tribunal to Decree Number 6, appearing on Page 2 of the translation, and I quote:

THE PRESIDENT: I don't think you gave us the number, did you?

COL. STOREY: I beg your pardon, Sir. It is the *Reichsgesetzblatt*, I, Page 1681, of which we ask the Tribunal to take judicial notice. That decree was about the organization of the administration and about the German Security Police in the Protectorate of Bohemia and Moravia. That appears in the translation of 2852-PS. Another one that was passed is dated 19 September 1938, on Page 6 of the translation; and I quote from the bottom of the page:

"The Chairman of the Council, General Field Marshal Göring, made comments regarding the structure of civil administration in the occupied Polish territory. He expressed his intentions regarding the economic evacuation measures in this territory. Then the questions of decreasing wages and the questions of working hours and the support of members of families of drafted workers were discussed."

There are a number of miscellaneous points of discussion appearing, and in Paragraph 2 of the minutes I quote the following as it appears on Page Number 7:

"The chairman directed that all members of the Council regularly receive the situation reports of the Reichsführer SS. Then the question of the population of the future Polish Protectorate was discussed and the housing of Jews living in Germany."

Finally, I call the attention of the Tribunal to the minutes of the meeting of 15 November 1939, Page 10 of the translation, where, among other things, the treatment of Polish prisoners of war was also discussed.

We submit that this document not only establishes the close working union between agencies of the State and Party, especially

with the notorious SS, but also tends to establish, as charged in the Indictment, that the Reichsregierung was responsible for the policies adopted and put into effect by the Government, including those which comprehended and involved the commission of crimes referred to in the Indictment. But a mere working alliance would be meaningless unless there was power. And the Reichsregierung had the power. Short of Hitler himself, it had practically all the power a government can exercise. The Prosecution has already offered evidence on how Hitler's Cabinet and the other Nazi conspirators secured the passage by the Reichstag of the "Law for the Protection of the People and the Reich" of 24 March 1933, which has been previously referred to in Document 2001-PS, which law vested the Cabinet with legislative powers even to the extent of deviating from previously existing constitutional law; how such powers were retained even after the members of the Cabinet were changed; and how the several states, provinces, and municipalities, which had formerly exercised semi-autonomous powers, were transformed into the administrative organs of the central government. The ordinary Cabinet emerged all-powerful from this rapid succession of events. The words of the Defendant Frick are eloquent upon that achievement. Here is an article in Document 2380-PS, which I offer in evidence as Exhibit USA-396; and it is from the 1935 *National Socialist Yearbook*. I quote from Page 213 of the original, and it is on Page 1 of the English translation, the second paragraph:

"The relationship between the Reich and the States has been put on an entirely new basis never known in the history of the German people. It gives to the Reich Cabinet"—Reichsregierung—"unlimited power; it even makes it its duty to build a completely unified leadership and administration of the Reich. From now on there is only one national authority: that of the Reich. Thus, the German Reich has become a unified state; and the entire administration in the states is carried out only by order of, or in the name of, the Reich. The state borders are now only administrative-technical boundaries, but no longer boundaries of sovereignty. In calm determination, the Reich Cabinet realizes step by step, supported by the confidence of the entire German people, the great longing of the nation: the creation of the unified National Socialist German State."

THE PRESIDENT: Colonel Storey, that document seems to me to be merely cumulative. You have established, and other counsel on behalf of the United States have established, that the Reich Ministers had power to make laws, and the question is whether you have given any evidence as to the criminal nature of the Reich Cabinet.

COL. STOREY: If Your Honor pleases, again it was included for the purpose of connecting one of the defendants here...

THE PRESIDENT: What I was pointing out was that it was merely cumulative.

COL. STOREY: Yes, all right, Sir. It may be strictly cumulative. I will omit the next reference, which will probably also be cumulative and turn over to...

THE PRESIDENT: The same document, you mean?

COL. STOREY: No, Sir. There is another document that I was going to offer, Number 2849-PS. There is a quotation from another book; it probably bears on the same point. I will omit it also. The next is a reference to the Ministerial Council's being given legislative power. I don't believe that that has been introduced before—that the Council itself was given legislative powers. That is in Article 2 of the decree of 30 August 1939, Document 2018-PS. The ordinary Cabinet continued to legislate throughout the war.

Obviously, because of the fusion of personnel between the Ministerial Council and the ordinary Cabinet, questions were bound to arise as to what form should lend its name to a particular law. Thus Dr. Lammers, the Chief of the Reich Chancellery and a member of both agencies, wrote a letter on 14 June 1942 to the Plenipotentiary for Reich Administration about this question.

This next document, if the Court please, it may not be necessary to read. It just shows that both agencies continued to legislate side by side, and it would really be cumulative evidence. There were others that possessed legislative powers, besides the ones I have mentioned. Hitler, of course, had legislative power. Göring, as Deputy of the Four Year Plan, could and did issue decrees that had the effect of law. And the Cabinet delegated power to issue laws which could deviate from the existing law to the Plenipotentiaries of Economy and Administration and the Chief of the OKW, the so-called "Three-Man College"—the Three-Man College having authority to legislate. This was done in the war-planning law, the Secret Defense Law of 1938, Document 2194-PS, Exhibit Number USA-36. These three officials, Frick, Funk, and Keitel, however, were, as we have proved, also members of the Council of Ministers, as well as being part of the ordinary Cabinet. It can therefore be readily said, in the language of the Indictment, that the Reichsregierung possessed legislative powers of a very high order in the system of German government and that they exercised such powers has in part already been demonstrated. I simply refer to that to show that it was a secret Cabinet law—without quoting—that the executive and administrative powers of the Reich were concentrated in the central Government primarily as the result of two basic Nazi laws that reduced the separate states—called Länder—to mere

geographical divisions. If Your Honor pleases, these laws are cited, and I believe it would be cumulative evidence if we undertook to chronicle the laws. I pass to the part at the bottom of Page 29. There were other steps taken towards centralization. Let us see what powers the ordinary Cabinet would wield as a result. We have here a publication published in 1944, which was edited by Dr. Wilhelm Stuckart, State Secretary in the Reich Ministry of the Interior, and Dr. Harry von Rosen-von Hoewel, another official with the title of "Oberregierungsrat" in the Reich Ministry of the Interior. It is entitled *Administrative Law*, and I offer it as Document 2959-PS, Exhibit USA-399. It details the powers and functions of all the ministers of the ordinary Cabinet, from which I will select but a few to illustrate the extent of control vested in the Reichsregierung. The quotation is from Page 2 of the translation and Page 66 of the original: "The Reich Ministers. There are at present 21 Reich Ministers, namely. . . ." May I say that the only purpose in offering this is to show what each minister had jurisdiction over and to what his authority extended; for example, the Reich Minister for Foreign Affairs—it details what he handles. The Reich Minister of the Interior follows in detail on the matters entrusted to his jurisdiction, and so on.

THE PRESIDENT: Colonel Storey, may I ask you what has that to do with the criminality of the Reich Cabinet?

COL. STOREY: The point, as I see it, again though it may be cumulative, Your Honor, is to show how these defendants, and the others with them, formed the ministries, formed these councils, so that they could give semblance of legality to any action they determined to take, whether they were in session or not and according to the dictates of the respective Ministers; in other words, showing a complete domination.

THE PRESIDENT: I should have thought that was amply shown already.

COL. STOREY: All right, Sir, I'll pass further reference. I'll skip over all the rest of the laws and go to Page 35 of the record, in reference to the criminality and the particular crimes. We now come to the second phase of the proof against the Reichsregierung, tending to establish the criminal characteristics. As the proof of all phases of the Prosecution's case is received, the Tribunal will note more and more the relationship such evidence bears to the Reichsregierung and their resultant responsibility therefor. Here we will direct the Court's attention to some prominent elements of the evidence that brands the group. First, it cannot be stressed too frequently that under the Nazi regime the Reichsregierung became a criminal instrument of the Nazi Party. In the original Cabinet of 30 January 1933, there were only three Cabinet members who

were members of the Party: Göring, Frick, and Hitler. I have already shown that as new ministries were added prominent Nazis were placed at their head. On 30 January 1937 Hitler executed acceptance into the Party of those Cabinet members who were not already members of the Nazi Party. This action is reported in the *Völkischer Beobachter*, South German edition, 1 February 1937; it is Document Number 2964-PS, Exhibit USA-401, and I quote from Paragraphs 3 and 4 of the English translation:

"In view of the anticipated re-opening of the rolls for Party membership, the Führer, as the first step in this regard, personally carried out the enlistment into the Party of the members of the Cabinet who so far had not belonged to it; and he handed them simultaneously the Gold Party Badge, the supreme badge of honor of the Party. In addition, the Führer awarded the Gold Party Badge to Colonel General Baron von Fritsch; Generaladmiral, Dr. Raeder; the Prussian Minister of Finance, Professor Popitz; and the Secretary of State and Chief of the Presidential Chancellery, Dr. Meissner. The Führer also honored with the Gold Party Badge the Party members State Secretary Dr. Lammers, State Secretary Funk, State Secretary Körner, and State Secretary General of the Air Force Milch."

It was possible to refuse the Party membership thus conferred. Only one man did this, however, Von Eltz-Rübenach, who was the Minister of Posts and Minister of Transport at the time. I have here an original letter, dated 30 January 1937, from Von Eltz-Rübenach to Hitler, and it is in his own personal handwriting. I offer it in evidence as Document 1534-PS, Exhibit USA-402; and I quote the entire document:

"Berlin (W8), 30 January 1937, Wilhelm Street, 79

"My Führer:

"I thank you for the confidence you have placed in me during the 4 years of your leadership and for the honor you do me in offering to admit me into the Party.

"My conscience forbids me, however, to accept this offer. I believe in the principles of positive Christianity and must remain faithful to my God and to myself. Party membership, however, would mean that I should have to countenance, without protest, the increasing violent attacks by Party officers on the Christian confessions and on those who wish to remain faithful to their religious convictions.

"This decision has been infinitely difficult for me, for never in my life have I performed my duty with greater joy and satisfaction than under your wise state leadership.

"I ask to be permitted to resign.

"With German greetings, yours very obediently, Baron von Eltz."

But the Nazis didn't wait until all members of the Cabinet...

THE PRESIDENT: Was Baron von Eltz permitted to resign?

COL. STOREY: Yes. As I understand, Your Honor, every one of them was a member, except this one; and he declined and resigned—which was accepted. The Nazis didn't wait until all members of the Cabinet were Party members. Shortly after they came to power, they quickly assured themselves of active participation in the work of the Cabinet. On 1 December 1933 the Cabinet passed a law securing the unity of Party and State. That has been introduced previously and I will not refer to it any more. It is referred to here as our Document Number 1395-PS.

THE PRESIDENT: Why is Baron von Eltz shown as a member of the Cabinet in 1938?

COL. STOREY: If Your Honor pleases, the "1938" simply refers to the time the Secret Cabinet Council was created. It does not have to do with when any of these people came to the Cabinet.

THE PRESIDENT: Oh, I see.

COL. STOREY: In other words, all these arrows show that these different agencies were created during those years.

THE PRESIDENT: Yes, I follow it.

COL. STOREY: I say, for Your Honors' information, that in this list of all of the Cabinet members and the members of the Reichsregierung from 1933 his name is shown in the list that we handed to Your Honors.

THE PRESIDENT: Up to 1937?

COL. STOREY: No, Sir; from 1933 down to 1945 his name is listed. If Your Honors will recall, we handed in a separate list and it does contain the Baron's name, with the authority of his appointment, *et cetera*.

THE PRESIDENT: You mean that is a mistake?

COL. STOREY: No, Sir; it is not a mistake.

THE PRESIDENT: Well, then, he didn't resign?

COL. STOREY: He did resign; but Your Honor asked if his name was shown up here and I said that in the separate list showing the list of all members of the Reichsregierung, from 1933 to 1945, the Baron's name was included and the proper reference is made in this separate list for Your Honors' guidance.

I have here a copy of an unpublished decree signed by Hitler, dated 27 July 1934. It is Document D-138, Exhibit USA-403; and

it is in the section of "Laws and Decrees," if Your Honor pleases, and I offer it in evidence. This is a decree of Adolf Hitler:

"I decree that the Führer's Deputy, Reich Minister Hess, will have the capacity of a participating Reich Minister in connection with the preparation of drafts for laws in all Reich administrative spheres. All legislative work is to be sent to him when it is received by the other Reich Ministers concerned. This also applies in cases where no one else participates except the Reich Minister making the draft. Reich Minister Hess will be given the opportunity to comment on drafts suggested by experts. This order will apply in the same sense to legislative ordinances. The Führer's Deputy in his capacity of Reich Minister can send, as representative, an expert on his staff. These experts are entitled to make statements to the Reich Ministers on his behalf."—Signed by Hitler.

The Defendant Hess himself has some pertinent comment to make regarding his right of participation on behalf of the Party. And I now offer in evidence Document D-139, Exhibit USA-404. This is an original letter signed by Rudolf Hess and is dated the 9th of October 1934, on the stationery of the National Socialist Party; and it is addressed to the Reich Minister for Enlightenment of the People and Propaganda. I now quote the entire document:

"By a decree of the Führer dated 27 July 1934, I have been granted the right to participate in the legislation of the Reich as regards both formal laws and legal ordinances. This right must not be rendered illusory by the fact that I am sent the drafts of laws and decrees so late and am then given a time limit with the result that it is impossible for me to deal with the material concerned within the appointed time. I must point out that my participation means taking into account the opinion of the National Socialist Party as such and that, in the case of the majority of drafts of laws and decrees, I consult with the appropriate departments of the Party before making my comment. Only by proceeding in this manner can I do justice to the wish of the Führer as expressed in the decree of the Führer of 27 July 1934. I must therefore ask the Reich Ministers to arrange that drafts of laws and decrees reach me in sufficient time. Failing this, I should be obliged in the future to withhold my agreement to such drafts, from the beginning and without giving the matter detailed attention, in all cases where I am not given a sufficiently long period for dealing with them. Heil."—Signed Rudolf Hess.

A handwritten note appears attached to the letter. It reads, and I quote from Page 2 of the translation:

"Berlin, 17 October 1934.

"1. The identical letter seems to have been addressed to all Reich Ministers. In our special field the decree of 27 July 1934 has hardly become applicable so far. A reply does not seem called for.

"2. File. By order"—signed—"R."

The participating powers of Hess were later broadened. I now refer to Document D-140, Exhibit USA-405; and it is a letter dated the 12th of April 1938 from Dr. Lammers to the Reich Ministers. I offer it in evidence and quote from the English translation, Paragraph 3:

"Under the provisions of Paragraph 3 of the first decree concerning reconstruction of the Reich, of February 2d, 1934 (*Reichsgesetzblatt* I, Page 81), the Führer's Deputy will also participate in the approval by Reich Ministers of laws and legislative ordinances of Länder. Where the Reich Ministers have already at an earlier date been engaged in the preparation of such laws or legislative ordinances or have participated in such preparation, the Führer's Deputy likewise becomes participating Reich Minister. Laws and legislative decrees of the Austrian State are equally affected hereby."—Signed—"Dr. Lammers."

THE PRESIDENT: Colonel Storey, may I ask you what those three documents are supposed to prove?

COL. STOREY: In the first place, Your Honor, the one I have just referred to shows that they passed laws over conquered territory—that one related to Austria. The one signed by Hess, just before, gives him almost unlimited power as regards both formal and legal ordinances and over administrative districts; and in addition, I think, Your Honor, the most important point is that Hess says: You must send them to me long enough in advance so that I may consult with the Party and the appropriate Party members and get their reaction.

THE PRESIDENT: Is that relied upon as evidence of criminality, that he took the trouble to find out what other ministers thought?

COL. STOREY: I think it is a part of the general conspiracy showing the domination of Party and State by the Nazi Party and particularly the Leadership Corps.

THE PRESIDENT: I thought I had already said that it appeared to us—and I think I speak on behalf of all the Tribunal—that that matter had been amply proved and that we wished you to turn to the question of criminality of the Reich Cabinet.

COL. STOREY: May I assume, Your Honors, that we need to offer no further proof that the Party itself had to do with the making of these laws as suggested by the Defendant Hess? I thought it was incumbent upon us to prove that the Party dominated this Cabinet, and particularly the Leadership Corps.

THE PRESIDENT: You are dealing now with the Reich Cabinet, and I think the Tribunal is satisfied that the Reich Cabinet had full powers to make laws.

COL. STOREY: I think that we go a little step further and undertake to show, if we have not already shown, that the way and manner in which they did it—by consulting the Party—was criminal. Now, I have some other laws to cite here in corroboration of that; but, if the Tribunal is satisfied, I don't see any use in citing them.

THE PRESIDENT: I don't think the Tribunal would imagine that they made laws without consulting somebody. Perhaps it would be a convenient time to break off for 10 minutes.

[A recess was taken.]

COL. STOREY: If Your Honors please, when we adjourned we were speaking of these laws that had been passed; and certainly I do not want to offer any cumulative evidence or any that is not necessary. I therefore am briefly referring to the laws which we propose to offer now.

The Party, as Your Honors will recall, had 25 fundamental points which they had set out to achieve, as introduced in evidence yesterday. Those points, Your Honors will recall, related to everything from the abrogation of the Treaties of Versailles and St. Germain to the obtaining of greater living space, and so forth.

Now, we propose to cite to Your Honors various decrees and laws passed by this Cabinet carrying into effect what we contend were the criminal purposes of the Party, and to show that the Reich Cabinet was asked by the Party to give semblance of legality to their alleged criminal purposes. That is the only reason we expect to chronicle or to mention the laws that were passed in pursuance thereof. And I shall proceed, as Your Honors suggest, by simply listing a group of the laws that seek to establish the co-called 25 points of the Nazi Party. Perhaps, with Your Honors' permission, I will just refer to a few of them as being indicative of the type of laws that were passed to further their 25 points.

For example, in implementation of this point the Nazi Cabinet enacted, among others, the following laws:

The law of February 3, 1938, concerning the obligation of German citizens in foreign countries to register. That is cited in the *Reichsgesetzblatt*.

The law of the 13th of March 1938, relating to the reunion of Austria with Germany.

THE PRESIDENT: These were all passed by the Reich Cabinet, were they?

COL. STOREY: Yes.

THE PRESIDENT: Well, aren't you going to cite the laws?

COL. STOREY: Yes, but I was going to show them as illustrative; that is the 1938 *Reichsgesetzblatt*, Part I, Page 237.

The law of November 21, 1938, for the reintegration of the German Sudetenland with Germany, 1938 *Reichsgesetzblatt*, Part I, Page 1641.

The incorporation of Memelland into Germany, March 23, 1939, Part I, Page 559, of the 1939 *Reichsgesetzblatt*.

With reference to Point 2 . . .

THE PRESIDENT: Would you give me the place where the 25 points are set out? Have you got a reference to that?

COL. STOREY: Yes, Sir; it appears in Document 1708-PS, in Document Book A.

THE PRESIDENT: Thank you.

COL. STOREY: And I believe we referred to it yesterday.

THE PRESIDENT: That is sufficient.

COL. STOREY: Yes, Sir.

Now, as an illustration, Point 2 of that Party platform—which, as Your Honors will recall, demanded the cancellation of the Treaties of Versailles and St. Germain—the following acts of the Cabinet in support of this part of the program may be mentioned:

Proclamation of October 14, 1933 to the German people concerning Germany's withdrawal from the League of Nations and the Disarmament Conference, 1933 *Reichsgesetzblatt*, Part I, Page 730.

Law of March 16, 1935 for the establishment of the Wehrmacht and compulsory military service, 1935 *Reichsgesetzblatt*, Part I, Pages 369 to 375.

Now, with reference to Point 4 of the Party platform, which said: "Only a member of the race can be a citizen. A member of the race can only be one who is of German blood without consideration of confession. Consequently, no Jew can be a member of the race."

That is Point 4.

Among other Cabinet laws, this point was implemented by the law of July 14, 1933 for the recall of naturalization and deprivation of citizenship of these people, 1933 *Reichsgesetzblatt*, Part I, Page 480.

The law of April 7, 1933, which said that persons of non-Aryan descent could not practice law, 1933 *Reichsgesetzblatt*, Part I, Page 188.

The law of April 25, 1933, restricting the number of non-Aryans in schools and higher institutions of learning, 1933 *Reichsgesetzblatt*, Part I, Page 225.

The law of September 29, 1933, excluding persons of Jewish blood from the peasantry, 1933 *Reichsgesetzblatt*, Part I, Page 685.

Another one, March 19, 1937, excluded Jews from the Reich Labor Service, 1937 *Reichsgesetzblatt*, Part I, Page 325.

There is another one of July 6, 1938, prohibiting Jews from participating in six different types of businesses, 1938 *Reichsgesetzblatt*, Part I, Page 823.

Point 23 of that Party platform proclaimed, "We demand legislative action against conscious political lies and their broadcasting through the press..."

To carry out this point I give a few of the Cabinet laws that were passed. One of September 22, 1933, which established the Reich Culture Chamber, 1933 *Reichsgesetzblatt*, Part I, Page 661.

One concerning editors, of October 4, 1933, 1933 *Reichsgesetzblatt*, Part I, Page 713.

Another one with reference to restrictions as to the use of the theater, on May 15, 1934, 1934 *Reichsgesetzblatt*, Part I, Page 411.

Now, passing from those illustrative laws, the ordinary Cabinet in fact enacted most of the legislation which set the stage for and put into execution the Nazi conspiracy described under Count One of the Indictment. Many of these laws have been referred to previously by the Prosecution. All of the laws to which I shall refer or have referred were enacted specifically in the name of the Cabinet. A typical introductory paragraph reads, and I quote: "The Reich Cabinet has enacted the following law which is hereby promulgated." In other words, that shows it is a Cabinet law.

THE PRESIDENT: That applies to all the ones you have just given us?

COL. STOREY: Yes, Sir. That is a typical heading.

In connection with the acquiring of control of Germany, under Count One of the Indictment, I refer to some of the following laws.

Here is a law of the 14th of July 1933 against the establishment of new parties. I believe I referred to that yesterday. That is 1933 *Reichsgesetzblatt*, Part I, Page 479.

Another of 14 July 1933 provided for the confiscation of property of Social Democrats and others, 1933 *Reichsgesetzblatt*, Part I, Page 479.

I have already referred to that law of 1 December 1933 which consolidated the Party and the State, which is found in 1933 *Reichsgesetzblatt*, Part I, Page 1016. In the course of consolidating the control of Germany these laws were enacted, and I give a few illustrations: 21 March 1933, creating special courts—that is in 1933 *Reichsgesetzblatt*, Part I, Page 136; law of the 31st of March 1933 for the integration of all the states into the Reich, 1933 *Reichsgesetzblatt*, Part I, Page 153.

THE PRESIDENT: Will you repeat that. Integration of what?

COL. STOREY: Integration of the states—that is the separate states into the Greater Reich.

Here is one of 30 June 1933, eliminating non-Aryan civil servants or civil servants married to non-Aryans, 1933 *Reichsgesetzblatt*, Part I, Page 433; then the law of the 24th of April 1934 creating the People's Court, 1934 *Reichsgesetzblatt*, Part I, Page 341—and that was the same court Your Honors saw functioning in one of the movies exhibited last week.

Here is the law of 1 August 1934, uniting the office of President and Chancellor, 1934 *Reichsgesetzblatt*, Part I, Page 747.

I am not introducing all of them or referring to all of them.

Here is a law of the 18th of March 1938 that provides for the submission of one list of candidates to the electorate of the entire Reich, 1938 *Reichsgesetzblatt*, Part I, Page 258.

Nazi extermination of political internal resistance in Germany through the purge of their political opponents and through acts of terror, which are set forth in Paragraph III(D) 3(b) of Count One, was facilitated or legalized by the following Cabinet laws, translations being found in Document Book F, which has previously been submitted. I will just refer to a few of these as they are translated in that book.

Here is one of 14th of July 1933 that prohibits the establishment of new parties and contains a penal clause. That is found in 1933 *Reichsgesetzblatt*, Part I, Page 479. Here is one of 20th December 19...

THE PRESIDENT: You have already given that one.

COL. STOREY: I believe so; yes, Sir.

Here is a law of the 3rd of July 1934 concerning measures for emergency defense of the State, and which legalized their own purge. That is in 1934 *Reichsgesetzblatt*, Part I, Page 529.

Here is a law of the 20th of December 1934 on treacherous acts against the State and Party and for protection of the Party uniforms, 1934 *Reichsgesetzblatt*, Part I, Page 1269.

Here is one of the 24th of April 1934 that makes the creation of a new, or continuance of existing, political Parties an act of treason, 1934 *Reichsgesetzblatt*, Part I, Page 341.

Here is one of the 28th of June 1935 that changes the Penal Code, 1935 *Reichsgesetzblatt*, Part I, Page 839.

Here is the final one I will mention: 16 September 1939, permitting second prosecution of an acquitted person before a special court, the members of which were named by Hitler, 1939 *Reichsgesetzblatt*, Part I, Page 1841.

Now, next are some laws that related to the extermination of the Trade Unions, which I have already cited, and they are in Document Book G. I will not refer to them. Then the laws abolishing collective bargaining—I have referred to those; I will pass them.

In fact, even the infamous Nuremberg Laws of September 15, 1935, although technically passed by the Reichstag, were nevertheless worked out by the Ministry of the Interior. This is verified by a work of Dr. Franz A. Medicus, Ministerialdirigent, published in 1940. It is Document 2960-PS, Exhibit USA-406. I would like to refer to the paragraphs at Page 62 of the original publication, and translated in our Document 2960-PS. Beginning the first paragraph:

“The work of the Reich Ministry of Interior forms the basis for the three ‘Nuremberg Laws’ passed by a resolution of the Reichstag on the occasion of the Reich Party Meeting of Freedom.

“The ‘Reich Citizenship Law’ as well as the ‘Law for the Protection of German Blood and German Honor’ opened extensive tasks for the Ministry of the Interior not only in the field... of administration. The same applies to the ‘Reich Flag Law’ that gives the basis for the complete revision of the national flags.”

A few decrees of the Council of Ministers which similarly supplied the legal basis for the criminal acts and conduct of the conspirators, about which the Tribunal has already heard and will hear more, relate to those of August 5, 1940, which imposed a discriminatory tax on Polish workers in Germany, and that is in 1940 *Reichsgesetzblatt*, Part I, Page 1077; also the law of 4 December 1941, which imposed penal measures against the Jews and the Poles in the eastern occupied countries, 1941 *Reichsgesetzblatt*, Part I, Page 759. The last one was concerning the employment of Eastern Workers, which I referred to this morning.

Almost immediately upon Hitler's coming into power, the Cabinet commenced to implement the Nazi conspiracy to wage aggressive war. Three of the documents that establish this point have already been introduced in evidence. They are EC-177, 2261-PS,

and 2194-PS, respectively. Document EC-177, which is Exhibit USA-390, is a long copy of the minutes; and I beg the indulgence of the Tribunal for referring to it again. It is EC-177...

THE PRESIDENT: Is it in this book?

COL. STOREY: Yes, Sir, EC-177. Your Honors, I didn't intend to quote from that. I am simply referring to it as being the minutes of the second session of the working committee of the delegates for Reich defense and being signed by the Defendant Keitel.

Document 2261-PS consists of a letter dated the 24th of June 1935. That transmits a copy of a secret, unpublished defense law of 21 May 1935 and also a copy of a decision of the Reich Cabinet of the same date, in the Council for Defense of the Reich. These have been previously introduced, but they are illustrative laws passed by this Cabinet.

Document 2194-PS also transmits a copy of the secret, unpublished Reich Defense Law, 4 September 1938.

I will skip down to the laws passed by the Reich Defense Council, on Page 50, for the record.

The Reich Defense Council was a creation of the Cabinet. On 4 April 1933 it was decided to form that agency. The decision of the Cabinet attached to Document 2261-PS, which is Exhibit USA-24, Page 4 of the translation, Paragraph 1, proves that fact. The two secret laws contained in Document 2261-PS, as well as 2194-PS, were passed by the Cabinet; nor was this a case of one group setting up an entirely distinct group to do its dirty work. The Cabinet put itself into the picture. This might have been a difficult task to accomplish before the Nazis assumed power, but with the Nazis in control, things could move swiftly; and I now refer again to Document EC-177, but I will not undertake to quote from that, although the quotation is set out here.

There is only one point in that connection which would not be cumulative. It is Page 5 of the translation and Page 8 of the original of EC-177, on the question of security and secrecy, that I think would be pertinent to the criminal nature. I quote:

"The question has been brought up by the Reich Ministries. The secrecy of all Reich defense work has to be maintained very carefully. Communications with the outside, by messenger service only, has been settled already with the Ministry of Posts, Ministry of Finance, Prussian Ministry of the Interior, and the Reichswehr Ministry. Main principle of security: no document must be lost, since otherwise enemy propaganda would make use of it. Matters communicated orally cannot be proved; they can be denied by us in Geneva. Therefore the Reichswehr Ministry has worked out security

directives for the Reich Ministries and the Prussian Ministry of the Interior.”

I will skip the next reference. I believe I will skip over to the affidavit of Defendant Frick, on Page 60.

THE PRESIDENT: What is that?

COL. STOREY: It is, if Your Honor pleases, Document 2986-PS. It is Exhibit USA-409. It is the original affidavit, signed by the Defendant Frick. I believe Defendant Frick sums up pretty well how the work was carried on.

“I, Wilhelm Frick, being first duly sworn, depose and say:

“I was Plenipotentiary General for the Reich Administration from the time when this office was created until 20 August 1943. Heinrich Himmler was my deputy in this capacity. Before the outbreak of the war my task as Plenipotentiary General for Reich Administration was the preparation of organization in the event of war, such as, for instance, the appointment of liaison men in the different ministries who would keep in touch with me. As Plenipotentiary General for Reich Administration I, together with the Plenipotentiary General for Economy and the OKW, formed a so-called ‘Three-Man College.’ We were also members of the Reich Defense Council, which was to plan preparations and decrees in case of war, which later were published by the Ministerial Council for Defense of the Reich. Since, as soon as the war had started, everything would have to be done speedily and there would be no time for planning, such war measures and decrees were prepared in advance. All one then had to do was to pull out of the drawer the war orders that had been prepared. Later on, after the outbreak of the war, these decrees were enacted by the Ministerial Council for Defense of the Reich.”—Signed and sworn to by Dr. Wilhelm Frick, on the 19th of November 1945.

To sum up this particular phase of the proof, the Cabinet by its own decision and its own laws created a large war-planning body—the Reich Defense Council—the members of which were taken from the Cabinet. Within the Council they set up a small working committee, again composed of Cabinet members and certain defense officials, a majority of whom were appointed from the Cabinet members. And to streamline the action, they placed all of its ministries—except Air, Propaganda, and Foreign Affairs—into the groups headed respectively by the Plenipotentiaries for Economy and Administration, and the OKW; and everything was organized in and for the greatest of secrecy.

That is this Three-Man College.

Now, in conclusion, if Your Honor pleases, I would like at this time to summarize briefly the proof concerning the Reichsregierung.

From 1933 to the end of the war, the Reichsregierung comprised the dominant body of influence and leadership below Hitler in the Nazi Government. The three subdivisions were included in the term Reichsregierung in the Indictment: the ordinary Cabinet, the Secret Cabinet Council, and the Council of Ministers for Defense of the Reich. Yet in reality there existed only an artificial, illusory boundary between the three.

The predominant subdivision was, of course, the ordinary Cabinet, which was commonly referred to as the Reichsregierung. In it were the leading political and military figures in the Nazi Government. Seventeen of the 22 defendants before this Tribunal were integral parts of the ordinary Cabinet.

I should like now to name these defendants and to indicate the positions they held in the Reichsregierung:

Martin Bormann, Leader of the Party Chancellery; Karl Dönitz, Commander-in-Chief of the Navy; Hans Frank, Reich Minister without Portfolio; Wilhelm Frick, Minister of the Interior, Plenipotentiary for Reich Administration; Walter Funk, Minister of Economics, Plenipotentiary for Economy; Hermann Göring, Minister for Air, Reich Forest Master; Rudolf Hess, Deputy of the Führer; Wilhelm Keitel, Chief of the OKW; Constantin H. K. von Neurath, Minister for Foreign Affairs, President of the Secret Cabinet Council; Franz von Papen, Vice-Chancellor; Erich Raeder, Commander-in-Chief of the Navy; Joachim von Ribbentrop, Minister for Foreign Affairs; Alfred Rosenberg, Minister of the Occupied Eastern Territories; Hjalmar Schacht, Acting Minister of Economics, Reich Minister without Portfolio, President of the Reichsbank, Plenipotentiary for War Economy; Baldur von Schirach, Reich Youth Leader; Arthur Seyss-Inquart, Reich Minister without Portfolio; and finally, Albert Speer, Minister for Armaments and War Production.

From the ordinary Cabinet there came not only the members of the Secret Cabinet Council and the Council of Ministers for Defense of the Reich, but also the members of the war planning group, the Nazi secret Reich Defense Council. When it was deemed essential for the purposes of the conspiracy to wage aggressive war, that power was concentrated in a few individuals. Again these individuals were drawn from the ordinary Cabinet. Thus the Plenipotentiaries for Economy and Administration were also Ministers of the ordinary Cabinet, and they were also members of the Reich Defense Council and Ministerial Council.

Under them were grouped practically all the ministers of the ordinary Cabinet.

Where political considerations of foreign policy required that another select group be chosen to act as advisors, the secret Cabinet was created and populated with members of the ordinary Cabinet.

The Reichsregierung was dominated by the Nazi Party through the control exercised over its legislation by the Deputy of the Führer, Hess, and later by the Leader of the Party Chancellery, Bormann. Party control was also effected through the individual membership of all members and the union of various key Cabinet and Party positions in one man. As a result of this fusion of the Party and State, an enormous concentration of political power was gathered into the Cabinet.

The laws enacted by the Cabinet established the framework within which the Nazi conspirators established their control of Germany, set forth in Count One of the Indictment, by virtue of which they were enabled to commit the crimes alleged in Counts One, Two, Three, and Four of the Indictment. The Cabinet enacted harsh penal laws, discriminatory laws, confiscatory laws, in violation of the principles of justice and humanity. Decrees enacted by the Ministerial Council during the war clothed the criminal acts of the Nazi conspirators with a semblance of legality. As an instrument of the Party, the Cabinet effectively implemented the notorious points of the Party program. Finally, the Cabinet, almost immediately upon the coming into power of Hitler, became a war-planning group through its establishment in 1933 of a Reich Defense Council and its active participation in the schemes and plans for waging aggressive war.

It is therefore most respectfully submitted that, by virtue of all of the foregoing, the Reichsregierung, as defined in Appendix D, Page 35, of the Indictment, should be declared a criminal group within the meaning of Article 9 of Section II of the Charter.

That concludes, if Your Honor pleases, this presentation, and the next subject is the SA. It will take just about a couple of minutes to be ready for that.

May it please the Tribunal, I passed up Document Book Y, which contains the English translations of the documents relied upon in this presentation.

The organization which I shall now present for your consideration is the Sturmabteilung, the organization which the world remembers as the "Brown Shirts" or "Storm Troops," the gangsters of the early days of Nazi terrorism. It came to be known in later years as the SA, and I shall refer to it in that manner in the course of my presentation.

The SA was the first of the organizations conceived and created by the Nazis as the instrument and weapon to effectuate their evil

objectives, and it occupied a place of peculiar and significant importance in the scheme of the conspirators. Unlike some of the other organizations, the functions of the SA were not fixed or static. On the contrary, it was an agency adapted to many designs and purposes, and its role in the conspiracy changed from time to time—always corresponding with the progression of the conspiracy through its various phases towards the final objective: abrogation of the Versailles Treaty and acquisition of the territory of other peoples and nations. If we might consider this conspiracy as a pattern, with its various parts fitting together like the pieces of a jigsaw puzzle, we would find that the piece representing the SA constituted a link in the pattern vitally necessary to the presentation and development of the entire picture.

The SA participated in the conspiracy as a distinct and separate unit having a legal character of its own. This is shown by Document 1725-PS, which is tabbed in the document book, of which the Court will take judicial notice. It is an ordinance passed in March 1935, *Reichsgesetzblatt*, Part I, Page 502. It declares that the SA and certain other agencies were thereafter to be considered "components" of the Nazi Party. This ordinance further provided in Article 5—and it is on the second page of the English translation, right after the word "Article 5"—I quote, "The affiliated organizations can have their own corporate identity."

Similarly the *Organization Book* of the Nazi Party characterizes the SA as an "entity." Document 3220-PS, which I now offer, is an excerpt from the 1943 edition of the *Organization Book*, Page 358 of the original, and I quote from the English translation. It is there declared:

"The Führer prescribes the law of conduct and commands its use. The Chief of Staff represents the SA as a complete entity on the mandate of the Führer.

I am sure the evidence will demonstrate and characterize the SA as an entity and organization having a legal character of its own. This evidence will show that, while the SA was composed of many individual members, these members acted collectively and cohesively as a unit. They were closely bound and associated together by many common factors, including: uniform membership standards and disciplinary regulations; a common and distinctive uniform; common aims and objectives; common activities, duties, and responsibilities; and—probably the most important factor of all—a fanatical adherence to the philosophies and ideologies conceived by the Nazi conspirators.

This is partially demonstrated by Document Number 2354-PS, which again is simply an excerpt from the *Organization Book*; and it is found on Page 7 of the English translation. It provides that

membership in the SA was voluntary but that the SA man should withdraw if "he can no longer agree with SA views or if he is not in a position to fulfill completely the duties imposed upon him as a member of the SA."

The SA man was well schooled in the philosophies, attitudes, and activities which he was expected and required to adopt and reflect in his daily life. Cohesion of thought and uniformity of action with respect to such matters was in part obtained by the publication and distribution of a weekly periodical entitled *Der SA-Mann* (*The SA Man*). This publication was principally devoted to the creation and fostering of the various aspects of Nazi ideology which constituted the doctrinal motives of many of the conspirators.

May I digress from my text and say to the Tribunal that we have here on the table all of these publications, beginning with the year 1934, up through and including the year 1939. The official weekly newspaper entitled *Der SA-Mann*, meaning *The SA Man*, published in Munich, had wide distribution and was on sale at news stands and distributed throughout Germany and occupied countries.

In addition, *Der SA-Mann* served to report upon and document the activities of the SA as an organization and those of its constituent groups. I shall have occasion at a later point to refer to certain portions of this publication for the consideration of the Tribunal.

The general organizational arrangement or plan of the SA will be demonstrated to the Tribunal by the documents which will subsequently appear. At this point I may say simply that this proof will show that the SA developed from scattered bands of street ruffians to a well-knit, cohesive unit organized on a military basis with military training and military functions and, above all, with an aggressive, militaristic, and warlike spirit and philosophy. The organization extended throughout the entire Reich territory and was organized vertically into local groups and divisions. Horizontally, there were special units including military cavalry, communications, engineer, and medical units. Your Honors will observe the chart that I will introduce officially a little later on the wall. Co-ordination of these various groups and branches was strictly maintained by the SA headquarters and operational offices, and those offices were located in Munich.

The relationship between the SA and the NSDAP is the next subject.

The case against the SA is a strong one and its basis or foundation consists of its significant and peculiar relationship and affiliation with the Nazi Party and the principal conspirators.

It is submitted that a relationship or association among the alleged conspirators constitutes important and convincing evidence of their joint participation in an established conspiracy; and this

principle is particularly applicable because the affiliation between the SA and the Nazi leaders was closely maintained and adhered to and was adapted to the purpose of enabling the conspirators to employ the SA for any use or activity which might be necessary in the course of effectuating the objectives of the conspiracy.

Thus we find that the SA was, in fact, conceived and created by Hitler himself in the year 1921 at the very inception of the conspiracy. Hitler retained direction of the SA throughout the period of the conspiracy, delegating the responsibility for its leadership to a Chief of Staff. Hitler, in fact, was often known throughout Germany as OSAF, or "Oberster SA Führer," or, translated, meaning the highest SA Führer.

The Defendant Göring was an early member of the SA and he maintained a close affiliation with it throughout the course of the conspiracy.

The Defendant Hess participated in many of the early battles of the SA and was leader of an SA group in Munich.

The Defendants Frank, Streicher, Von Schirach, and Sauckel each held a position of Obergruppenführer in the SA, a position corresponding to the rank of Lieutenant General; and the Defendant Bormann was a member of the staff of the SA High Command.

The close relationship between the SA and the leaders of the Nazi Party is demonstrated by the fact that the Hoheitsträger of the Nazi Leadership Corps were authorized to call upon the SA for assistance in carrying out particular phases of the Party program. This was established yesterday by Document 1893-PS, which, Your Honors will recall, I quoted from a number of times in connection with the presentation of the Leadership Corps. It was declared in that excerpt, Page 11 of the English translation, as Your Honors will recall, that the Hoheitsträger were empowered to call upon the SA for the execution of political missions connected with the movement. This responsibility of the SA to the Party is also shown by Document 2383-PS, which is an ordinance for the execution of the Hitler decree, which I now offer in evidence as Exhibit USA-410. I quote from Page 3 of the English translation. If Your Honors will turn to Page 3 of the English translation, it is the fourth paragraph on Page 3:

"The affiliates of the NSDAP, with exception of the SS, for whom special provisions apply, are subordinated to the Hoheitsträger politically and for assignment to duty. Responsibility for the leadership of the units rests in the hands of the unit leader."

It was in accordance with such authority, as proved yesterday in the Leadership Corps presentation, that the SA was used in the seizure of trade union properties.

In addition the SA demonstrated its close affiliation to the Nazi Party by participating in various ways in election proceedings. This is shown in Document 2168-PS, which is a pamphlet entitled *The SA*, which is Exhibit USA-411; and this pamphlet depicts the history and general activities of the SA, written by an SA Sturmführer named Bayer upon orders from SA headquarters. In that pamphlet, and I quote on Page 4 of the English translation, down towards the bottom of the page, the last paragraph, beginning on line 3:

"The labor and the struggle of the SA was not in vain. They stood at the foremost front of election contests."

Adolf Hitler himself, on the 2d of September 1930, took over the leadership of the SA as the Supreme SA Führer. He himself guided his SA in the fateful election fight of the year 1930.

Further evidence of the interest and participation of Nazi leaders in the activities of the SA is to be found in these five bound volumes, which consist of the issues of the SA newspaper, *Der SA-Mann*, from the year 1934 to 1939 inclusive; and I should like at this time to ask that each of these bound volumes be marked for identification, because each of them will be referred to from time to time during this presentation. They will begin with Exhibit USA-414, 415, 416, 417, and 418 and they are referred to by appropriate document numbers, which I will refer to when the quoted portions come in the English translation.

Throughout these volumes there appear photographs portraying the participation of Nazi leaders in SA activities. I should like at this time to describe a few of the photographs, and I will indicate the page numbers upon which they appear.

If Your Honors please, we set out a number of these pictures and a number of photographs; but I should like, at this time, to exhibit to the Tribunal and pass into evidence one of the photographs appearing in the January 1937 issue. It is a photograph of Göring at the ceremonies held upon the occasion of his being made Obergruppenführer of the Feldherrnhalle Regiment of the SA on the 23rd of January 1937, and we offer in evidence the photograph and the page of the newspaper. We will pass it up to Your Honors if you would like to see it. We offer it in evidence.

Another photograph of Göring, leading the Feldherrnhalle Regiment of the SA in parade on the 18th of September 1937, is shown at Page 3. The other photograph was at Page 3 of the 1937 January edition of the *SA-Mann*.

I call the attention of Your Honors to a few of the other photographs that appear. There is a photograph of Hitler greeting Hühnlein, bearing the caption, "The Führer greets Corps Führer Hühnlein at the opening of the International Automobile Fair—1935." That is dated the 23rd of March 1935, at Page 6.

Here is another photograph of Himmler and Hühnlein, who was the Führer of the NSKK, and Lutze, who was Chief of Staff of the SA, bearing the caption, "They lead the soldiers of National Socialism," 15th of June 1935, Page 1.

Another photograph of Hitler at an SA ceremony, carrying the SA battle flag; and the picture bears the caption, "As in the fighting years, the Führer, on the Party Day of Freedom, dedicates the new regiments with the Blood Banner," 21 September 1935, Page 4.

I pass on. Here is a photograph of Göring in the SA uniform, reviewing SA marching troops, under the caption, "Honor Day of the SA," 21 September 1935, Page 3.

THE PRESIDENT: Colonel Storey, is there any doubt that Hitler and Göring were members of the SA?

COL. STOREY: No, Sir; but the purpose in showing those photographs, if Your Honors please, was to show the militaristic character of the SA. If there is no question about that and it is cumulative, then I will pass on.

The work of the SA did not end with the seizure by the Nazis of the German Government, but affiliation between the SA and the Nazi leaders was continued after the acquisition by the Nazis of the control of the German State. The importance of the SA in connection with the Nazi Government and control of Germany is shown by the law of December 1, 1933. I have already referred to that, that is, the union of Party and State. However, there is one paragraph that has not been quoted before, if Your Honors please, and I would like to call Your Honors' attention to it. It is our Document 1395-PS, and it appears in the English translation on Page 1, and I quote Article 2:

"The Führer's Deputy and the Chief of Staff of the SA become members of the Reich Government in order to insure close co-operation of the offices of the Party and SA with the public authorities."

Similarly, in Document 2383-PS, which I referred to a moment ago—I will simply refer to it—that is 2383-PS, Page 11, the last paragraph:

"The Party and State offices must support the SA in this training program and value the certificate of award of the SA defense medal accordingly."

That the Nazis at all times possessed complete control of the SA is shown by the so-called Röhm Purge of June 1934. Evidence concerning this matter is to be found in the *Völkischer Beobachter* of 1 July 1934, at Page 1. I will not quote from that.

Röhm had been Chief of Staff of the SA for several years and was responsible for the development of the SA into a powerful organization with definite programs and objectives.

Members of the SA were required to take a personal oath of fidelity to him. But when his policies conflicted with those of the Nazi leaders, he was removed and murdered and replaced by Victor Lutze. This drastic action was accomplished without revolt or dissension in the ranks of the SA and with no change in the objectives or program of the organization. The SA remained "a reliable and strong part of the National Socialist Movement"—and I am quoting; this is Document 2407-PS, Exhibit USA-412, the English translation of the *Völkischer Beobachter*. It is the last paragraph in the English translation, just above the name "Adolf Hitler." I will say for the translators that the quotation is included in our text. If we might go on, I quote:

"It is my wish that the SA be built up as a reliable and strong part of the National Socialist movement, full of obedience and blind discipline. They must help to create and form the new German citizens."

The importance of the SA in the Nazi plan for the utilization of the people of Germany is shown in Hitler's pronouncement, "The Course for the German," which appears in the issue of *Der SA-Mann* of the 5th of September 1936, at Page 22. It is our Document 3050-PS, Exhibit Numbers USA-414 and USA-418; and it is at Page 29 of the English translation—Page 29 of Document 3050-PS, the paragraph in the middle of the page; and I quote:

"... the young boy will enter the Jungvolk, and the adolescent will enter the Hitler Youth; the young man of the Hitler Jugend will go into the SA, the SS, and other units, and the SA and SS men will one day enter into the labor service and from there the Army, and the soldier of the Volk will return again into the organization of the Movement, of the Party, into the SA and SS, and never again will our Volk decay as it once had decayed."

And so we see that at all times during the conspiracy the relationship between the SA and the Nazi Party was such that the SA was constantly available to the conspirators as an instrument to further their aims. The SA was created by the conspirators at the inception of the Nazi movement. It was at all times subject to the direction of Adolf Hitler. Seven of the defendants held positions of leadership and responsibility in the organization, and at all times the SA was subject to the call of the Hoheitsträger. The SA stood at the forefront of the election fights; and co-operation between the offices of the Party, of the SA, and of the State was assured by law.

And so it was declared by Victor Lutze, the former Chief of Staff of the SA, in a pamphlet entitled *The Nature and Tasks of the SA*; and it is our Document Number 2471-PS. The original we offer in evidence as Exhibit USA-413; and I quote from the top of

Page 1 of the English translation, 2471-PS. I believe I will read that whole paragraph, the first paragraph on the top of the page:

“Before touching the real subject matter, I must tell you first, in order to clear up any uncertainty about my own position, that I never speak primarily as a member of the SA, but as a National Socialist, since the SA cannot be independent of the National Socialist movement but can only exist as a part of it.”

I should next like to present to the Tribunal evidence which will demonstrate the principal functions and activities performed by the SA pursuant to the relationship which I have described above and in furtherance of the objectives of the conspiracy. These activities may be logically classified or divided into four distinct phases or aspects, each of which, I might add, corresponds with a particular phase in the progression of the conspiracy toward the objectives alleged in the Indictment.

The first phase consists of the use of the SA and its members as the instrument for the dissemination of ideology and fanaticism of the Nazis throughout Germany. The employment of the SA for this purpose continued throughout the entire period of the conspiracy as will, I am sure, be apparent from the evidence.

The second phase relates to the period prior to the Nazi seizure of power. During this period the SA was a militant and aggressive group of fighters or gangsters whose function was to combat, physically and violently, all opponents of the Party.

The third phase relates to the period of several years following the Nazi seizure of power. During this period the SA participated in various measures designed to consolidate the control of the Nazis, including such Nazi-inspired programs as the dissolution of the trade unions, the persecution of the Church, and the Jewish persecutions to which I have already alluded. During this period they continued to serve as a force of political soldiers whose purpose was physically to combat members of political parties which were considered hostile or opposed to the Nazi Party.

The fourth aspect of the SA activities consisted of its employment as an agency for the building up of an armed force in Germany in violation of the Treaty of Versailles and for the preparation of the youth of Germany—mentally and physically—for the waging of an aggressive war.

I should now like to discuss what I consider the highlights of the evidence relating to these four phases.

The first phase is in connection with the dissemination of ideology.

The first function of the SA consisted of its responsibility to disseminate the doctrines and ideologies, acceptance of which was

necessary for the fulfilment of the Nazi objectives. From the very start the Nazi leaders emphasized the importance of this mission. During the course of the conspiracy the SA undertook many duties and responsibilities, but one responsibility which remained constant throughout was that of being propagandist of the National Socialist ideology.

I now refer, Your Honors, to the English translation of Document 2760-PS, Exhibit USA-256, which is an excerpt from *Mein Kampf*, and it is shown at Page 5 of the translation of the document. This is the third paragraph on Page 5 of the document, quoting:

“As the directing idea for the inner training of the Sturmabteilung, the intention was always dominant, aside from all physical education, to teach it to be the unshakeably convinced defender of the National Socialist idea...”

I might add that Hitler's pronouncement as to the function of the SA in this respect became, in effect, the guiding principle of SA members, for *Mein Kampf* was taken to express the basic philosophy of the SA.

In Document Number 2354-PS, which is an excerpt from the *Organization Book* of the Party, on Page 1 of the English translation—it is quoted in the text—I quote Paragraph 1:

“Education and training, according to the doctrines and aims of the Führer as they are set down in *Mein Kampf* and in the Party program, for all phases of our living and of our National Socialist ideology...”

This same document—the *Organization Book* of the Party—refers to the SA's function as the propagandist of the Party.

I believe the next one, if Your Honor pleases, would simply be cumulative of what we have already referred to. I next refer to an article...

THE PRESIDENT: Perhaps this would be a convenient time to break off.

COL. STOREY: All right, Sir.

[The Tribunal adjourned until 19 December 1945 at 1000 hours.]

TWENTY-THIRD DAY

Wednesday, 19 December 1945

Morning Session

DR. FRITZ SAUTER (Counsel for the Defendant Von Schirach): Mr. President, yesterday a table depicting the construction of the Reich Cabinet, one of the accused organizations, was shown on the screen here. On this chart the Defendant Von Schirach was also listed under the heading, "Other participants in the meetings of the Cabinet." The Defendant Von Schirach has explained to me and asked me to inform the Tribunal that he never took part in any meeting of the Reich Cabinet, that he was never named a member of the Reich Cabinet, and that he never had a part in any decision of the Reich Cabinet.

THE PRESIDENT: The point that you are taking seems to the Tribunal to be premature. This is not the stage at which you are to argue the question whether your client is a member of the Reich Cabinet or not. The argument upon the whole question will take place after the evidence and after the Prosecution have had the opportunity of putting forward their arguments as to the criminal nature of the Reich Cabinet. You or other counsel on behalf of those concerned will be able to put forward your arguments. We do not desire to hear arguments now about the criminal nature, but to hear the evidence. Is that clear?

DR. SAUTER: Yes. I shall then return to this point during the examination of witnesses, and prove that the Defendant Von Schirach was never a member of the Reich Cabinet. Thank you.

COL. STOREY: If the Tribunal please, yesterday afternoon we had just started on the participation of the SA in the first point—the dissemination of ideology or propaganda. In an article which appeared in *Der SA-Mann*, at Page 1 of the issue of January 1934, which is Document 3050-PS; and I refer to Page 25 of the English translation, if Your Honor pleases, the portion shown in red brackets—it is dated the 6th of January 1934:

"The new Germany would not have been without the SA man; and the new Germany would not go on existing if the SA man would now, with the feeling of having fulfilled his duty, quietly, unselfishly, and modestly step aside, or if the new State would send him home much like the Moor who has done his duty. On the contrary, the SA man, following the

will of the Führer, stands as a guarantor of the National Socialist revolution before the gates of power and will remain standing there at all times. For gigantic missions still await fulfillment which would not be thinkable without the presence and the active co-operation of the SA.

“What has been accomplished up till now, the taking over of the power in the State and the ejection of those elements which are responsible for the pernicious developments of the postwar years as bearers of Marxism, liberalism, and Capitalism, are only the preliminaries, the springboard, for the real aims of National Socialism.

“Being conscious of the fact that the real National Socialist construction work would be building in an empty space without the seizure of power by Adolf Hitler, the Movement and the SA man as the fighting bearer of its will, primarily have directed all of their efforts thereupon, to achieve the platform of continued striving and to obtain the foundation or the realization of our desires. . . .

“Out of this comes the further mission of the SA for the completion of the German revolution: First, to be the guarantor of the power of the National Socialist State against all attacks from without as well as from within; second, to be the high institute of education of the people for the living National Socialism.”

The function of SA as the propagandist of the Party was more than a responsibility which SA took unto itself. It was the responsibility recognized by the law of Germany. From Document 1395-PS, which is the copy of the law entitled, “Law on Securing the Unity of Party and State,” which I have referred to before—and it was promulgated by the Reich Cabinet in 1933—I desire to read Article 3, on Page 1 of the English translation:

“The members of the National Socialist German Labor Party and the SA, including their subordinate organizations, as the leading and driving force of the National Socialist State, will bear greater responsibility toward the Führer, people, and State. In case they violate these duties they will be subject to special jurisdiction by Party and SA. The Führer may extend these regulations in order to include members of other organizations.”

Thus were the SA members the ideology bearers of the Nazi Party—the soldiers of an idea—to use the expression employed by the Nazi writers. And permit me to emphasize that the SA was the propagandist agency, the principal agency employed by the conspirators to disseminate their fanaticism among the people of Germany.

I need hardly point out the importance of this function to the successful effectuation of the conspiracy, for it is self-evident that the Nazis could not have carried their conspiracy to the stages which they did, had not the minds of the people of Germany been cruelly and viciously influenced and infected with their evil ideologies.

I now proceed to the other functions of the SA which I mentioned previously. The next is its use in the early stages of the conspiracy as the "strong-arm" of the NSDAP. In the early stages of the Nazi movement, the employment of the SA as the propagandist instrument of the Party, involved and was combined with the exercise of physical violence and brutality.

As said by Hitler in *Mein Kampf*—and this excerpt appears at Page 4 of Document 2760-PS, Page 4 of the English translation, Exhibit Number USA-256:

"The young Movement, from the first day, espoused the standpoint that its idea must be put forward spiritually, but that the defense of this spiritual platform must, if necessary, be secured by strong-arm means."

I will read the rest of that paragraph:

"Faithful to its belief in the enormous significance of the new doctrine, it seems obvious to the Movement that for the attainment of its goal no sacrifice can be too great."

And so, in the early days of the Nazi movement, so that the Nazis might better spread their fanatical philosophies, the SA was employed as a terroristic group, in order to gain for the Nazis possession and control of the streets. That is another way of saying that it was a function of the SA to beat up and terrorize all political opponents. The importance of this function is indicated in Document 2168-PS, Exhibit Number USA-411, which was written by SA Sturmführer Bayer on orders from SA headquarters. I refer to Page 3 of the English translation of Document 2168-PS, the third paragraph from the bottom:

"Possession of the streets is the key to power in the State—for this reason the SA marched and fought. The public would never have received knowledge of the agitative speeches of the little Reichstag faction and its propagandists or of the desires and aims of the Party if the martial tread and battle song of the SA companies had not beat the measures for the truth of a relentless criticism of the state of affairs in the governmental system. They wanted the young Movement to keep silent. Nothing was to be read in the press about the labor of the National Socialists, not to mention the basic aims of its platform. They simply did not want to awaken any interest in it. However, the martial tread of the SA took

care that even the drowsiest citizens had to see at least the existence of a fighting troop."

The importance of the work of the SA in the early days of the Movement was indicated by Goebbels in a speech which appeared in *Das Archiv*, October 1935. This is our Document 3211-PS, Exhibit Number USA-419. It is on the first page of the English translation:

"The inner-political opponents did not disappear due to mysterious unknown reasons, but because the Movement possessed a strong arm within its organization; and the strongest arm of the movement is the SA. The Jewish question will not be solved separately but by laws which we enact, for we are an anti-Jewish government."

Specific evidence of the activities of the SA during the early period of the Nazi movement, from 1922 to 1931, is found in a series of articles appearing in *Der SA-Mann* entitled, "SA Battle Experiences Which We Will Never Forget." Each of these articles is an account of a street or a meeting-hall battle waged by the SA against a group of political opponents in the early days of the Nazi struggle for power. These articles demonstrate that during this period it was the function of the SA to employ physical violence in order to destroy and subvert all forms of thought and expression which might be considered hostile to the Nazi aims or philosophy.

A number of such articles have been translated, and the titles are sufficiently descriptive to constitute evidence of the activities of the SA in the early stages of the movement. I should like to quote from a few of these titles by giving the page reference of this big newspaper volume.

Here is one of 24 February 1934, Page 4—the title: "We Subdue the Red Terror." From the 8th of September 1934, Page 12; the article is entitled: "Nightly Street Battles on the Czech Border." From 6th of October 1934, Page 5: "Street Battle in Chemnitz." Another one of 20 October 1934, Page 7—the title: "Victorious SA." I will skip several of them. Here is one of 26 January 1935, Page 7—the title: "The SA Conquers Rastenburg." Another on 23 February 1935, Page 5: "Company 88 Receives Its Baptism of Fire." One of 20 October 1934, Page 7—the article is: "SA against Sub-humanity." Finally, I mention the one of 10 August 1935, Page 10—the title is: "The Blood Sunday of Berlin." And then there is a portrait in the article of 11 September 1937, Page 1, which symbolizes the SA man as the master of the streets.

For an example of the nature of these articles, one appeared in the Franken edition of the *SA-Mann* for 30 October 1937, Page 3. It is entitled: "9 November 1923 in Nuremberg," and I should like

to quote from Pages 14 and 15 of Document 3050-PS, which is an English translation of this article:

"We stayed overnight in the Colosseum (that means Nuremberg). Then in the morning we found out what had happened in Munich. 'Now a revolution will also be made in Nuremberg', we said. All of a sudden the police came from the Maxtor police station and told us that we should go home, that the Putsch in Munich had failed. We did not believe that and we did not go home. Then came the State Police with fixed bayonets and drove us out of the hall. One of us then shouted: 'Let's go to the Cafe Habsburg!' By the time we arrived, however, the police again had everything surrounded. Some shouted then, 'The Jewish place will be stormed. . . . Out with the Jews!' Then the police started to beat us up. Then we divided into small groups and roamed through the town, and wherever we caught a Red or a Jew we knew, blows ensued.

"Then in the evening we marched, although the police had forbidden it, to a meeting in Fürth. In the Hornschuch promenade the police again attempted to stop us. It was all the same to us. In the next moment we attacked the police in our anger so that they were forced to flee. We marched on to Geissmann Hall. There again they tried to stop us. But the Landsturm, which was also there, attacked the policemen like persons possessed and drove them from the streets. After the meeting we dissolved and went to the edge of town. From there we marched in close column back to Nuremberg. In Willstrasse, at the Plärrer, the police came again. We simply shoved them aside. They did not trust themselves to attack, for that would have meant a blood bath. We decided beforehand not to take anything from anyone. In Fürth, too, they had already noticed that we were up to no good. A large mass of people accompanied us on the march. We marched with unrolled flags and sang so that the streets resounded: Comrade reach me your hand; we want to stand together; even though they have false impressions, the spirit must not die; swastika on the steel helmet, black-white-red armband; we are known as Storm Troop (SA) Hitler!"

I now skip to the use of the SA to consolidate the power of the Party. The third function of the SA was to carry out various programs designed to consolidate Nazi control of the German State, including particularly the dissolution of the trade unions and the Jewish persecutions.

The SA groups were employed to destroy political opposition by force and brutality wherever necessary. An example of this is

shown in Document Number 3221-PS, Exhibit Number USA-422; and that is an original affidavit made in the State of Pennsylvania, in the United States of America, by William F. Sollman, which we now quote in its entirety:

"William F. Sollman, Pendle Hill School, Wallingford, Pennsylvania, being duly sworn according to law, deposes and says: From 1919 until 1933 I was a Social Democrat and a member of the German Reichstag. Prior to March 11th, 1933, I was editor-in-chief of a chain of daily newspapers with my office in Cologne, Germany, which led the fight against the Nazi Party.

"On March 9th, 1933, members of the SS and SA came to my home in Cologne and destroyed the furniture and my personal records. At that time I was taken to the Brown House in Cologne, where I was tortured, being beaten and kicked for several hours. I was then taken to the regular government prison in Cologne, where I was treated by two medical doctors and released the next day. On March 11th, 1933, I left Germany. (Signed and sworn to)."

Prior to the organization of the Gestapo on a national scale, local SA meeting-places were designated as arrest points; and the SA members were employed in the taking into custody of Communists and other persons who were actually or supposedly hostile to the Nazi Party. This activity is described in Document Number 1759-PS, Exhibit Number USA-420, which is an original affidavit made by Raymond H. Geist. Mr. Geist was formerly United States Consul in Berlin. He is now in Mexico City. I should like to quote from a portion of his affidavit, the first being on Page 5 of the English translation, about the middle of the page, starting:

"At the beginning of the Hitler regime, the only organization which had meeting-places throughout the country was the SA (Storm Trooper). Until the Gestapo could be organized on a national scale, the thousands of local SA meeting-places became the arrest points. There were at least 50 of these in Berlin. Communists, Jews, and other known enemies of the Nazi Party were taken to these points, and if they were enemies of sufficient importance they were immediately transferred to the Gestapo headquarters. During 1933 and 1934, when the Gestapo became universally organized, the SA were gradually eliminated as arresting agents, and the SS were incorporated as administrative and executive officials into the Gestapo. By the end of 1934, the SA had been fairly well eliminated and the SS, the members of which wore elegant black suits and were therefore called Elite Guards, became almost identical as functionaries with the Gestapo."

I now pass to Page 7 of this same document, Page 7 of the English translation. It begins . . .

THE PRESIDENT: Colonel Storey, does that mean that the SA were eliminated for the purpose of arrest or for other purposes too?

COL. STOREY: No, Sir. As I understand, Sir, the SA reached its height of popularity in 1934 and immediately after the Röhm purge began to decline. In the meantime, the SS, which originated out of the SA, was growing and became really the strong part and grew and prospered after that. So I think the evidence will show that after 1934 the SA started a rapid decline in its importance.

Now, on Page 7 of the English translation I should like to quote a part of the consul's report, beginning in the middle of the page:

"Another American, Herman I. Roseman, made an affidavit which stated:

"Yesterday, March 10th, 1933, in the afternoon about 4:30, I came out of KDW with my fiancée, Fräulein Else Schwarzlose, residing in Wilmersdorf (giving the address). A man in SA uniform stepped on my toe purposely, obviously offended me and said "Pardon." I said "Bitte," and walked ahead. He then followed me and kicked me saying, "Na und?" A policeman saw this and walked ahead, paying no attention to attacks made on me. Then I took my passport out of my pocket, showed it to the second policeman, and said that I was an American citizen, but he walked ahead, obviously not able to afford me protection, or at least being unwilling. The SA man continued to attack me, struck me in the face, wounded me over the eye, and continued to do me bodily harm. During this attack, all the time my walking along, we reached another policeman, and I applied to him, showing my passport and said, "I am an American and am entitled to protection." He shrugged his shoulders and said "What can I do?" By this time the SA man had obviously inflicted enough attack upon me and walked away.

"Upon my appeal, the policeman brought my fiancée and me to the station house at 13 Bayreutherstrasse. My fiancée and I reported to the officer in charge. He heard the story and said that he was sorry, but that there was nothing to do. My face was bleeding. The policeman said that he had orders not to interfere in any affair in which an SA man took part. I then asked him what I could do to protect myself. He said that there was nothing to do but to wait until the situation was better. He added that the police were absolutely powerless, and were under the direction of the SA, and that there were SA Sturm Abteilungen in the police itself. Thereupon I departed. . . ."

Now on the next page, on Page 8, is another American, Mrs. Jean Klauber, and I quote from her affidavit:

"On the night of Friday, March 10, 1933, she and her husband had retired for the night when they were awakened by a prolonged ringing of their apartment bell. They heard pounding upon the street door and a demand for immediate entry and a concurrent threat to break the door down. The street door was opened by the janitor's wife; and a party of four or five men entered and went at once to the apartment of the deponent, where they again rang and pounded on the door. Mr. Klauber asked who was there and was answered, 'The police.' He opened the door and a party of four or five men in brown uniforms, one wearing a dark overcoat and carrying a rifle, pushed in, jostling Mr. and Mrs. Klauber aside. One asked Mrs. Klauber where the telephone was and she indicated the room where it was to be found and started to go there. Thereupon, she was knocked down by one of them. They went on to the bedroom where Mr. and Mrs. Klauber followed them, and there they demanded their passports. Mr. Klauber went to the wardrobe to get his and was stopped, being asked by the intruders whether he was carrying any weapons. Being clothed only in pajamas, his denial was accompanied by a gesture indicating his garb. He then turned to the wardrobe, opened it, and reached for one of his four suits hanging therein where he thought the passport was, and was immediately attacked from behind by all but one of the intruders, who beat him severely with police clubs, the one with the overcoat and rifle standing by. Remarks were shouted such as, 'look! Four suits, while for 14 years we have been starving!' Mrs. Klauber tried to inquire the reason for their actions, and was answered, 'Jews. We hate you. For 14 years we have been waiting for this, and tonight we will hang many of you.'

"When the intruders stopped beating Mr. Klauber he was unconscious, and they again demanded the passports of Mrs. Klauber. Mrs. Klauber found her American passport and her German passport (required by local authorities as the wife of a German citizen and issued by the police at Munich after her arrival here); and the intruders took both in spite of Mrs. Klauber's protests that she was American. She then searched for her husband's passport, laid hold of his pocketbook, and in her excitement offered it to them. Though full of money they refused it, and again demanded the passport. Mrs. Klauber then found it and handed it over.

"Then the intruders returned to the unconscious Mr. Klauber, saying, 'He hasn't had enough yet,' and beat him further.

Then they left, saying, 'We are not yet finished,' and just as they departed, one of them said to Mrs. Klauber, 'Why did you marry a Jew? I hate them,' and struck her on the jaw with his police club..."

That is the end of the affidavit.

Now continuing, the next paragraph is the statement of the U.S. Consul:

"I personally can verify that the police had been instructed not to interfere; and that is, that there was official sanction for these activities. Affidavits taken from numerous victims attest this fact. I had become acquainted with the two police officers stationed at the corner of Bellevuestrasse and Tiergartenstrasse near where the Consulate General was located; these officers told me that they and all the other police officers had received definite instructions not to interfere with the SA, the SS, or the Hitler Youth."

In addition, SA members served as guards at concentration camps during this consolidating period and participated in the persecution and mistreatment of persons imprisoned therein. I now refer to Document 2824-PS, which is a book entitled, *Concentration Camp at Oranienburg*. It is Exhibit Number USA-423. This was by an SA-Sturmabführer named Schäfer, who was the commander of the concentration camp at Oranienburg. I quote the excerpt on the first page of the English translation, reading:

"The most trusted SA men of long service were selected in order to give them homes in the camp, since they were the permanent camp guards, and in such a manner we created a cadre of experienced guardsmen who were constantly prepared to be employed."

Further evidence concerning the operation of the concentration camps by the SA is found in Document 787-PS, Exhibit Number USA-421. This is a report to Hitler from the public prosecutor of Dresden concerning the *nolle-prossing* of one Vogel, who was accused of mistreatment of persons imprisoned in the concentration camp. I quote from that report:

"On 14 March 1935 the prosecuting authority in Dresden has indicted... Oberregierungsrat Erich Vogel in Dresden on account of inflicting bodily injury while in office. The following subject matter is the basis of the process:

"Vogel belongs to the Gestapo office of the state of Saxony since its foundation and is chief of Main Section II, which formerly bore the title ZUB (central section for combatting subversive movements). In the process of combatting efforts inimical to the State, Vogel carried out several so-called 'borderland actions' in the year 1933 in which a large number

of politically unreliable persons and persons who had become political prisoners in the border territories were taken into protective custody and brought to the Hohnstein protective custody camp. In the camp unusually severe ill-treatment of the prisoners has been going on at least since the summer of 1933. The prisoners were not only, as in the protective custody camp Bredow near Stettin, beaten into a state of unconsciousness for no reasons with whips and other tools, but were also tortured in other ways, as for instance with a drip-apparatus, especially constructed for the purpose, under which the prisoners had to stand so long that they came away with serious purulent wounds on the scalp. The guilty SA leaders and SA men were sentenced to punishments of 6 years to 9 months of imprisonment by the main criminal court of the provincial court in Dresden on 15 May 1935... Vogel, whose duties frequently brought him to the camp, took part in this mistreatment, insofar as it happened in the reception room of the camp during completion of the reception formalities and in the supply room, during issuing of the blankets. In this respect it should be pointed out that Vogel was generally known to the personnel of the camp—exactly because of his function as head of the ZUB—and his conduct became at least partly a standard for the above-named conduct of the SA leaders and men.”

I want to read the remainder of that quotation. I am sorry, I don't have it here. That is a little portion there that should be read immediately following my statement, and then I started—I will skip to the quotation just below there:

“Vogel stayed in the reception room a long time and watched these proceedings without doing anything about them. In his presence for instance, the SA man Mutze dealt such blows to one man, without provocation, that he turned around on himself. As already stated, Vogel not only took no steps against this treatment of the prisoners, but he even made jokes about it and stated that it amused him the way things were popping here.

“In the supply room, Vogel himself took a hand in the beating amid the general severe mistreatment. The SA men there employed whips and other articles and beat the prisoners in such a manner that serious injuries were produced, the prisoners became partly unconscious and had to lie in the hospital a long time. Vogel was often present in the supply room during the mistreatment. At least in the following cases he personally participated actively in these mistreatments.”

And then skipping down:

"...the prisoner was laid across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles. Along with these, Vogel himself took part in the beating for a time, and after this mistreatment slapped him again, so that the prisoner appeared green and blue in the face. The prisoner is the tinsmith Hans Kühitz, who bore the nickname 'Johnny.' Upon his departure, Vogel gave the head of the supply room, Truppführer Meier from 5 to 6 Reichsmark with the stated reason that the SA men 'had sweated so.' The money was then distributed by Meier to those SA comrades who had taken part in the mistreatment."

Another activity of the SA during the days just following the Nazi seizure of power was to act as auxiliary police. This is shown in Document 3252-PS, Exhibit Number USA-424. This publication is a book written about Hermann Göring.

THE PRESIDENT: Colonel Storey, is that a document which shows on its face that the man was punished for this conduct?

COL. STOREY: I think it does; yes, Sir. I think it does.

THE PRESIDENT: I think that fact ought to be stated.

COL. STOREY: I believe it is stated, Sir. You see in the beginning it says that the prosecuting authority in Dresden had indicted Vogel on account of bodily injury, and I thought it stated that he had been punished.

THE PRESIDENT: The document does appear to state it, but I think you ought to state it in court. The document ends up with—Paragraph 3.

COL. STOREY: It does state that he was punished. The purpose of introducing it was to show what actually took place.

I now turn to Document 3252-PS. As I have just mentioned, the book is entitled, *Hermann Göring, the Man and His Work* by Erich Gritzbach, in which it is declared that the ranks of the Security Police were strengthened by the SA and which was characterized as the most reliable instrument of the Movement. I should like to quote on the first page of Document 3252-PS, the English translation—it is the fourth paragraph:

"The present reorganization of the Protection Police is hardly noticed by the public. Its ranks are strengthened by the SA, the most reliable instrument of the Movement. The auxiliary police has given effective aid by its fighting spirit in the struggle against the Communists and other enemies of the State, not only to Göring but has, driven by its National Socialist desire for a new spirit within the executive police, assisted in the rigid organization."

I now skip to the SA participation in the Jewish pogrom of 10-11 November 1938 shown by Document 1721-PS, Exhibit Number USA-425. This is a confidential report of the SA-Brigadeführer to his group commander, dated 29 November 1938. In the English translation, starting at the beginning without reading the addresses, it is to SA Group Electoral Palatinate (Kurpfalz) Mannheim:

"The following order reached me at 3 o'clock on 10 November 1938.

"On the order of the Gruppenführer, all Jewish synagogues within the 50th Brigade are to be blown up or set on fire immediately.

"Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. Rioting and plundering are to be prevented. Report of execution of orders to reach the brigade Führer or office by 8:30.

"I immediately alerted the Standartenführer and gave them the most exact instructions; the execution of the order began at once. I hereby report that the following were destroyed in the area of..."

Then there follows a list of 35 synagogues that were destroyed. I just refer to a few of them:

"1) The synagogue at Darmstadt, Bleichstrasse, destroyed by fire. ... 4) The synagogue at Gräfenhausen, interior and furnishings wrecked."—And then under "Standarte 145"—"The synagogue at Bensheim, destroyed by fire."

And then the next four items are synagogues destroyed by fire. In Standarte 168 eight synagogues are shown to have been destroyed by fire. In Standarte 86 the synagogue in Beerfelden was blown up; and then follow several others where the furnishings were wrecked. In Standarte 221 the synagogue and chapel in Gross-Gerau was destroyed by fire, and the next one torn down and the furnishings destroyed. And then it is signed by the Führer of Brigade 50, by the signature which is illegible, "Brigadeführer."

In connection with the persecution of the Jews, we again find the SA performing its function of propaganda agency for the Nazis. In this connection it was the function of the SA to create and foster among the people an anti-Jewish spirit and sentiment without which the terrifying Crimes against Humanity perpetrated against the Jewish race certainly would not have been tolerated by any civilized peoples. Substantial and convincing evidence of this function is to be found in these bound volumes of *Der SA-Mann*. Throughout the period covered by these volumes, there appeared in this publication article after article consisting of the most cruel and vicious sort of anti-religious propaganda designed to engender and foster hatred and hostility toward the Jewish race.

I will simply refer to a few of the titles appearing. On 27 July 1935, at Page 4, the title is "Finish up with the Jew." That is shown, if Your Honor please, in Document 3050-PS, Pages 16 to 18 there listed. In the issue of 2 February 1935, Page 5, "The Jewish World Danger"; on 20 July 1935, Page 4, "Jewish Worries"; on 1 June 1935, Page 1, "Jews Are Not Wanted Here." And then follows a statement:

"Then, also, outside of the last German village the sign will stand, 'Jews Are Not Wanted Here'; and then, finally, no German citizen will again cross the threshold of a Jewish store. To achieve this goal is, among others, the mission of the SA man as the political soldier of the Führer. Next to his word and his explanations shall stand his example."

Then further on, 17 August 1935, Page 1, "God Save the Jews." Then another, of 5 October 1935, Page 6, the title "The Face of the Jew" (with a portrait of a Jew holding the hammer and sickle).

I will just refer to one or two more of them. Here is one on 23 November 1935, Page 2, the title, "The Camouflaged Benjamin—Jewish Cultural Bolshevism in German Music." Here is one of 2 January 1937, Page 6—a hideous-looking picture—the title being "Romania to the Jews?" I give the final quotation, the last one, 3 February 1939, Page 14, the title being "Friends of World Jewry: Roosevelt and Ickes."

The impressive thing about all these articles is the fact that it was not intended that the philosophies expressed in them should be confined to members of the SA; on the contrary, the plan was to educate the members of the SA with this iniquitous philosophy, and for the SA in turn to be employed for its dissemination into the minds of the German people. This fact is demonstrated in the introduction to a series of anti-Jewish articles in the paper of 5 December 1936, at Page 6. I will just read the title. It is found on Page 28 of the same document and the title is as follows: "Gravediggers of World Culture." Also on that same Page, 28, I quote this statement:

"We suggest that the comrades especially take notice of this series of articles and see that they are further circulated."

In addition, intensive campaigns were conducted to persuade the public to purchase and read *Der SA-Mann* and the various issues were posted in public places so that the general public might read them. *Der SA-Mann* itself contained several photographs which show particular issues posted upon street bulletin boards; and there are several photographs showing advertising displays, one of which, for example, reads as follows—this is in the issue of 31 October 1936: "*Der SA-Mann* belongs in every house, every hotel, every inn, every waiting room, and every store." Also in the issue of 24 August

1935, at Page 3, there was a group picture of SA men on trucks and in front of the trucks were large signs, one of which read, "Read *Der Stürmer* and you will know the Jew." On the same page of the publication I mentioned there is a photograph of what appears to be a public rally; at which there is displayed a large poster reading, "He who knows the Jew, knows the devil!"

THE PRESIDENT: Colonel Storey, the Tribunal expressed their view yesterday that they did not desire to hear cumulative evidence. Isn't this rather cumulative?

COL. STOREY: I agree with Your Honor that possibly it is. I am trying to draw the line on it. I will omit the rest of them.

Now we will pass to the final phase of the function of the SA in the conspiracy.

THE PRESIDENT: Perhaps we had better adjourn now for 10 minutes.

[A recess was taken.]

COL. STOREY: If Your Honor pleases, I have just started into the function of the SA in the conspiracy, that of its participation in the program for preparation for warfare.

In this connection, Your Honors asked this morning a question about the arresting and police activities of the SA, and I mentioned that they had declined after 1934. For fear there was some misapprehension, I would like to state that as a police organization and as an arresting agency they declined steadily after 1934.

We go now into the phase where they went into military preparations, the next phase; and that is the phase with which I deal now. If Your Honor pleases, I have here an official government publication issued by the British Government in 1943, the title being, *The Nazi Party and Organizations*; and I should like to quote as to the organization and membership of the SA from that publication. It is the most authoritative that I have been able to find, and I would like to quote briefly from it:

"The SA was founded in 1921 as a para-military organization to protect Nazi meetings and leaders, to throw out interrupters and hecklers, to fight political enemies, and to provide pre-military training at a time when the legal 'Reichswehr' was limited to 100,000 men. Their highest leader is Hitler himself; his deputy is called the Stabschef (Chief of Staff) of the SA; from 1930 till June 1934 it was Röhm; from then onwards till his death in May 1934, Victor Lutze; since August 1934, Wilhelm Schepmann. In January 1933 the SA had only 300,000 members. After the seizure of power, its strength increased quickly; at present it has a membership of 1,500,000 to 2,000,000." (JN-4)

Now, the date of this is 1943. We again find the SA employed to inculcate a particular Nazi ideology into the minds of the people of Germany. At this point it was the function of the SA to prepare Germany mentally for the waging of a vicious and aggressive war.

At all times, and especially during the period from 1933 to 1939, SA leaders emphasized to SA members the duty and responsibility of creating and fostering a militaristic spirit throughout Germany. In 1933 Hitler established the so-called SA sports program; and at that time, according to Sturmführer Bayer, in his pamphlet which I have previously introduced in evidence as 2168-PS—on Page 6 of the English translation—it is just one sentence, and I quote:

“...commissioned to increase and to preserve the warlike power and the fighting spirit as the expression of the soldier-like attitude of a people.”

In 1937 Hitler renewed the so-called sports program and, as recited in Document 3050-PS, which is the English translation of these newspaper articles, on Page 12, he made a statement “for the fostering of a military spirit.”

The *Organization Book* of the Party is to the same effect, in Document 3220-PS, which is Exhibit Number USA-323. I quote from a portion of that document—Paragraphs 1 to 3 on Page 1 of the English translation, beginning at the first paragraph:

“While the political organization of the NSDAP has to carry out the political leadership, the SA is the training and education instrument of the Party for the realization of an ideologically soldier-like attitude.

“In conformity with the directives of the Führer given at the Reich Party meeting of freedom, the SA is, as the voluntary political soldiery, the guarantor of the National Socialist movement, of the National Socialist revolution, and of the resurgence of the German people.

“Consequently, the young German in the SA is being inculcated in the first instance from the standpoint of ideology and character, and trained as the bearer of the National Socialist ideas.

“Equally significant is a suitable education and training which the SA members have accomplished within the yearly classes which have completed their military service. This prevails until the age they and all their spiritual, mental, and physical powers are ready for use in maintaining the Movement, the people, and the State. They should find their best home in the SA. All that which could divide them economically, culturally, professionally, or because of origin

is being overcome in the SA by the spirit of comradeship and manly dignity.

"In that manner the SA is developing a decisive factor on the path to a popular community. Its spirit should radiate with soldierly tradition and the possibility of application on all existing units outside of the movement. Their guardianship is thus an important mission of the SA."

A number of articles which were obviously designed to serve as war propaganda material have been translated, in other cases only the titles, the titles themselves being so comprehensive that they disclose the nature and substance of the articles. I should like to refer to a few of these titles on this subject. They are shown on the English translation of 3050-PS and they are listed on Page 1.

On the question of the Nazi Lebensraum philosophy: The issue of 5 January 1935, Page 13, the article "The German Living Space"; the issue of 10 October 1936, Page 15, "Our Right, Our Colonies"; another, of 14 October 1938, Page 3, the title "Space and Folk"; "Colonies for Germany," 2 January 1937, Page 4. I should like to quote briefly from that article. I believe that it is on Page 2 of the English translation, 3050-PS:

"The German Ambassador in London, Herr Von Ribbentrop recently, on occasion of a reception in the Anglo-German Fellowship... has renewed, in a speech which dealt with all problems from a high level, the indubitable claim of Germany for the restitution of its colonies which had been snatched away.

"Shortly thereafter the Reich Bank president and Reich Minister of Economics, Dr. Schacht, published in the English magazine, *Foreign Affairs*, a detailed article on the German colonial problem."

That is on Page 2, I believe, of the English translation.

"For the rest Dr. Schacht laid out the categorical demand that Germany must, in order to solve the problem of its raw materials, get colonies which must be administered by Germany and in which the German standard currency must be in circulation."

Now, the next group are articles dealing with the Versailles Treaty, and I will quote only from a few of them on Page 3 of that same translation. Here is one of 7 April 1934, Page 14, "What is the Situation Regarding Our Battle for Equal Rights?". Another is entitled, "The Dictate of Versailles," 30 June 1934, Page 15. The article reads in part:

"The dictate of Versailles established the political, economical, and financial destruction of Germany in 440 artfully—one could also say devilishly—devised paragraphs;

this work of ignominy is a sample of endless and partly contradictory repetitions in constantly new forms. Not too many have occupied themselves with this thick book to a great extent, for one could only do it with abomination."

Another title is 7 July 1934, Page 15, "The Unbearable Limitations on our Fleet." Another one: 19 January 1935, Page 13, "Versailles after 15 Years." This article reads in part:

"This terrible word 'Versailles', since a blind nation ratified it, has become a word of profanity for all those who are infatuated with the spirit of this enormous production of hatred. The Versailles dictate is German fate in the fullest sense of the word. Every German bore up under the operation of this fate during the past 15 years. Therefore, every last German must also grasp the contents of this dictate so that one single desire of its absolute destruction fills the whole German Volk."

I shall omit the other quotation. The last one I shall refer to is February 1937, quoting "Versailles Will Be Liquidated"; and that, if Your Honor pleases, is the last paragraph on Page 4 of the English translation:

"The National Socialist movement has again achieved a victory, for upon its flag since the beginning of the fight stands: The liquidation of the Versailles Treaty. For this fight the SA marched year after year."

A third group of articles describing preparations for war, purportedly being carried on by other nations, are found on Page 5 of that same document, and I shall refer to just a few of them:

The issue of January 26, 1935, Page 14, "Military Training of English Youth," showing pictures of Eton students wearing the traditional Eton dress—tall hats and frock coats—marching with rifles; another one is "The Army of the Soviet Union," dated 16 March 1935, Page 14; another one, 4 April 1936, Page 13, "The Red Danger in the East"; another one, 29 August 1936, Page 10, "Russia Prepared for World War"; another one, 19 June 1937, Page 7, "Red Terrorism Nailed Down."

I shall pass the rest of them.

Now, the next is the SA participation in the aggressive war phase of the conspiracy—the preparation by SA of the youth of Germany for participation in aggressive warfare. I hardly think I need emphasize that one of the most important steps in carrying out the conspiracy was the training of the youth of Germany in the technique of war and their preparation physically and spiritually for the waging of aggressive war. To the SA was delegated this most important responsibility. I have here Document Number 3215-PS, Exhibit Number USA-426, which I offer

in evidence; and it is an excerpt from *Das Archiv* and contains Hitler's characterization of the task of the SA in this respect. It is on Page 1 of the English translation of 3215-PS. I start the reading where it says:

"Already in 1920 by the founding of the National Socialist Sports Section (SA) the Führer established the extensive mission of this SA at that time by declaring in the protocol of its charter. . . . 'The Sports Section (SA) shall one day be the bearer of the military thought of a free people.'"

In the same sense the Führer said in his book, *Mein Kampf*: "Give the German nation 6 million bodies perfectly trained in sport, all fanatically inspired with the love of the fatherland and trained to the highest offensive spirit, and a national state will, if necessary, have created an army out of them in less than 2 years. . . ."

The military character of the SA is demonstrated by its organizational composition. I refer to the chart on the wall, which is our Document Number 2168-PS. It is taken from this book, being the pamphlet of the SA Sturmführer; and the chart is taken from the official book. I simply refer to the chart and call to the attention of Your Honor that it was organized into units closely corresponding to those of the German Army. As the Tribunal will see, the organizational scheme consisted of divisions; at the top in that pyramidal structure the division, next the brigade, the regiment, the battalion, the company, the platoon, and the squad.

In addition, there were special units and branches, over to the right as Your Honor will notice, including cavalry, signal corps, engineer corps, and medical corps. There were also, as Bayer pointed out in his pamphlet, three officer training schools. Similarly, SA members wore distinctive uniforms adapted to military functions, bore arms, and engaged in training, forced marches, and other military exercises.

SA members, moreover, were governed by general regulations which closely resembled service regulations of an armed force. They are contained in Document Number 2820-PS, Exhibit Number USA-427, which I offer in evidence. If Your Honor pleases, they are found at Page 3 of the translation. I will simply refer to a few of them. These regulations provide for punishment, designating them as penal regulations, for disobedience of orders and infractions of regulations. The punishments which are provided demonstrate the militaristic character of the SA and include the following: Reprimand in private; reprimand in presence of superiors and announcement thereof at formations; prohibition of the right to wear service uniform; house arrest, *et cetera*.

Preparation for war through the SA training program was commenced in Germany as early as 1933, but the scope of this program was not made public because of the fact that it actually constituted a violation of the Treaty of Versailles. The strict secrecy with which the program was surrounded is shown in Document D-44, Exhibit Number USA-428, which I offer in evidence.

On Page 1 of the English translation—this is from the Supreme Command of the SA, Chief of Staff—and it has to do with publications on the SA:

“Further to my instruction, Z II 1351/33 dated 11 July 33, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the press but also in the information and news sheets of the individual SA units.

“Only during the last few days the Reich Ministry of the Interior at the request of the Foreign Office has given strict instructions to all Reich authorities according to which the most severe control is to be exercised on all publications which might give other countries an occasion to construe German infringements of the terms of the Versailles Treaty.

“As is known from the Geneva negotiations, our opponents have piled up material, collected in Germany and submitted to them, which they use against us on every occasion during the conferences.

“From this point of view, the information sheets circulating among the subordinate SA units cause the liveliest concern. I hold all higher SA leaders responsible that any such internal information sheets appearing in the district of their command are submitted to the most stringent control before they go into print; and I feel compelled to draw attention to the liability to prosecution for treason, as pronounced in official instructions issued in the last few days, in cases where such reports, printed no doubt in good faith, are published and therefore exposed to the danger of falling into the wrong hands.

“On principle, pictures of the special technical units of the SA and SS, in particular of the motorized, signal, and possibly also of the air squads which now exist outside these formations, are forbidden, such pictures enabling other countries to prove the alleged formation of technical troop units.”

Similarly, secrecy was provided for in the order assigning a Wehrmacht officer to the SA in January 1934 to assist in the SA training program. This Document, 2823-PS, Exhibit Number USA-429, which is a copy of a memorandum of SA headquarters dated January 1934, designates an officer of the Wehrmacht to assist in

the military training of SA members. and it goes on to provide—and I quote from Paragraph 7 of the English translation:

“For the purpose of camouflage, Lieutenant Colonel Auleb will wear SA uniform with the insignia of rank according to more detailed regulations of the Supreme SA leader.”

The military training program of the SA was for many years conducted under the guise of a sports program. This plan was created by Hitler as early as 1920 by the founding of what he called the sports program. The fact that the so-called sports program was in reality closely associated with, and in fact a means of providing, military training for the German youth is shown by the following characterization of the program by Lutze, the Chief of Staff of the SA, in an article written in 1939. I now refer to Document 3215-PS, Exhibit Number USA-426; and I quote excerpts of the English translation on Page 2:

“The decrees issued by the Führer to the SA in 1935 about the renewal, in 1936 regarding the bestowal of the diploma and in 1937 about the repetition of the yearly exercises of the SA sport badge, all served this goal. Parallel to this decree of the Führer for physical strengthening and military indoctrination, adequate measures were taken within the SA, regarding organization and drilling. Out of the idea that the preservation and the advancement of the military power of our people must be specially fostered by military and physical exercises, resulted a particular and systematic training in these fields.

“In 25 troop schools and in three Reichsführer schools of the SA 22,000 to 25,000 officers and noncommissioned officers were trained yearly since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives, the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established. Hand in hand the training of the Führer Corps and the corresponding organizational measures and the training at the front proceeded on the broadest basis.”

In connection with the military training of the sports program, I refer to Document 2354-PS, Exhibit Number USA-430, which demonstrates the tests and standards required for obtaining the sports award—Page 2 of the English translation. I am not going to read all of it, if Your Honor pleases, but just refer to a few of them:

“Group II: Military sports; 25-kilometer march with pack; firing of small-caliber arms; aimed throwing of hand grenades, 200-meter cross-country race with gas masks over

four obstacles; swimming or bicycle riding; basic knowledge of first aid in case of accidents."

I will pass the others.

In 1939 the SA sports program was formally recognized in a decree issued by Hitler as a military training program, and the SA was openly declared to be an agency for pre- and post-military training, that is, for military training prior to and following service in the Wehrmacht. I have Document Number 2383-PS ...

THE PRESIDENT: Colonel Storey, you have just drawn our attention to a Document Number 3215-PS, which shows that from 1934 onwards, 25,000 officers and noncommissioned officers were trained by the SA.

COL. STOREY: Yes, Sir.

THE PRESIDENT: Isn't that sufficient to show the military nature of the organization?

COL. STOREY: I think so. This was just the decree of Hitler. May I just refer to it by reference for the record? I will not read the decree.

THE PRESIDENT: Go on; what are you referring to?

COL. STOREY: Document 2383-PS, Page 11 of the English translation, contains a copy of the decree legalizing the training program for pre- and post-military training.

It would have been one thing for the SA to conduct a military training program for its members, but the SA program was not confined to its members. The entire youth of Germany was enlisted into a feverish program of military training.

I refer to a quotation in Document 2354-PS from the same organization book, which is at Page 2 of the English translation, in which the Chief of Staff Lutze said, and I quote briefly:

"In order to give conscious expression to the fostering of a valiant spirit in all parts of the German people, I further decide that this SA sports badge can also be earned and worn by persons who are not members of the movement insofar as they comply racially and ideologically with the National Socialist requirements."

Document 2168-PS shows that responsibility for conducting this nation-wide program was lodged in the operational main office of the SA. Page 8 of the English translation says, and I quote:

"The latter has, on the basis of the SA sport badge, to prepare a thorough physical training of the bodies of all Germans capable of bearing arms. In order to reach this

goal, it has to organize body exercises and sporting advancement so that the masses of the people will be included by it and will be kept fit to bear arms until old age. This martial preparedness must not be achieved only by physical and mental training but also with regard to character and ideology."

I pass from that phase now.

Document 3215-PS is an excerpt from *Das Archiv*, and I refer to Pages 2 to 3 of the English translation beginning at the bottom of Page 2, and I quote:

"Next to the companies of the SA were the SA sport badge associations, in which entered all the nationals who were capable of bearing arms and who were prepared to voluntarily answer the call of the SA for the preservation of military proficiency. Up till now about 800,000 nationals outside the SA could successfully undergo the physical betterment as well as the political-military indoctrination of the SA on the basis of the SA badge."

The military program of the SA was not that of a mere marching and drill society; it embraced every phase of the technique of modern warfare. This is particularly demonstrated by consideration of the articles on military training which appeared publicly throughout the issues of the *SA-Mann*. I should like to refer to only a few of the titles, and they are set out on Pages 8 and 10 of Document 3050-PS. It is a great, long list, and I will only refer to five or six.

There is one of them, 17 February 1934, Page 7, "Pistol Shooting"; 21 April 1934, Page 13, "What Every SA Man Must Know about Aviation"; 19 May 1934, Page 13, "Chemical Warfare"; 2 June 1934, Page 14, "Modern Battle Methods in the View of the SA Man"; 4 August 1934, Page 13, "The Significance of Tanks and Motors in the Modern War." I will omit references to the remainder.

Similarly, the issues of the *SA-Mann* contain many photographs and articles demonstrating and portraying SA participation in military exercises, including forced marching, battle maneuvers, obstacle runs, small-caliber firing, and so on. I simply refer these to Your Honors, and they are shown on Pages 11 to 13 of Document Number 3050-PS. Just one or two titles: 24 August 1935, Page 2, "The SA Is and Remains the Shock Troop of the Third Reich." Here is one showing the connection with the Wehrmacht: 2 September 1938, Page 1, "The SA and the Wehrmacht," with pictures of SA men on field maneuvers throwing hand grenades. I will omit the rest of those.

Convincing evidence demonstrating the participation of the SA in the conspiracy is found in the fact that care was taken at all times to co-ordinate the military training of the SA with the requirements of the Wehrmacht. This is shown by Document 2821-PS, Exhibit Number USA-431, Page 1 of the English translation, quoting:

"Permanent liaison between the Reich Defense Ministry and the Supreme Commander of the SA...has been assured."

Another document, 3215-PS, which is an excerpt from *Das Archiv*, sets forth the co-operation and collaboration with the Wehrmacht and specialized military training; and it was stated in a speech of the Chief of Staff of the SA, Document 3215-PS, Page 2 of the English translation, Exhibit Number USA-426:

"In the course of this development also, special missions for military training were placed on the SA. The Führer gave the SA the cavalry and motor training and appointed SA Obergruppenführer Litzmann as Reich Inspector with the mission of securing the cavalry recruits and the requirements of the German Wehrmacht through the SA. In close co-operation with parts of the Wehrmacht, special certificates were created for the communications, engineer, and medical units which, like the cavalry certificate of the SA, are valued as a statement of preference for employment in said units."

Your Honor, we have two or three more quotations about co-operation with the Wehrmacht, but I believe they would be cumulative, and I will omit them. I will refer only to Document 2383-PS, Exhibit Number USA-410, Page 11. I will read a portion of the decree:

"The Führer: In amplification of my decrees of 15 February 1935 and of 18 March 1937 regarding the acquisition of the SA sports insignia and the yearly repetitive exercises, I elevate the SA sports badge to the level of the SA military badge and make it a basis for pre- and post-military training. I designate the SA as the standard bearer of this training."

I skip now to Page 48 for the record.

The specialized training given SA members, in accordance with the requirements of the technical branches of the Wehrmacht, is described by SA Sturmführer Bayer, in Document Number 2168-PS, Exhibit Number USA-411; and it is Page 13 of the English translation:

"On one side, the young SA man who enters the Armed Forces"—Wehrmacht—"from his branch comes prepared with a multitude of prerequisites which facilitate and speed up training in technical respect; while on the other side, those

very soldiers who, having served, return out of the Armed Forces into the SA keep themselves, by constant practice, in a trained condition physically and mentally and impart their knowledge to their fellows.

"Thus they contribute a considerable portion to the enhancement of the armed strength and fighting spirit of the German people."

And then skipping down: "The SA each year is able to furnish many thousands of young trained cavalymen to our Wehrmacht." I will omit the rest of that.

I simply call attention now to an issue of the *SA-Mann* dated 3 February 1939, at Page 3, which contains a photograph of Chief of Staff Lutze addressing a group of SA men. This photograph bears the caption, "We will be the Bridge between the Party and the Wehrmacht."

The second reference shows a photograph of General Brauchitsch and Chief of Staff Lutze reviewing an SA unit.

Now, I pass to Document 3214-PS, which is Exhibit Number USA-432. There is only one page of it. Quoting:

"It was announced that SA men and Hitler Youths liable to military service can fulfill their military duties in the SA Regiment Feldherrnhalle, whose commander is General Field Marshal, SA Obergruppenführer Göring. The regiment, for the first time, was employed as Regiment of the Luftwaffe in the occupation of the Sudetenland... under its leader and regimental commander, SA Gruppenführer Reimann."

THE PRESIDENT: Up to now you have brought evidence to our notice showing that the SA was voluntary. This shows it was conscripted. When did it become conscripted?

COL. STOREY: As I understand, Your Honor, if you joined the SA you got out of conscription, but once you were in it they could use you as desired. In other words, the SA was a voluntary organization.

THE PRESIDENT: That is the evidence you have given up to date.

COL. STOREY: Yes, Sir.

THE PRESIDENT: Well, when did it become liable to conscription or used as a substitute for conscription?

COL. STOREY: If Your Honor pleases, may I ask Mr. Burdell to answer that question? He has been working on it.

MR. CHARLES S. BURDELL (Assistant Trial Counsel for the United States): If Your Honor pleases, there never was conscription

in the SA. As this document shows—Document 3214-PS—service in the Feldherrnhalle Regiment of the SA took the place of conscription. This first sentence in Document 3214-PS, which reads, "It was announced that SA men and Hitler Youths liable to military service can fulfill their military conscription in the SA Regiment Feldherrnhalle..." means, as I understand it, that SA men who are conscripted, that is SA men who are drafted after they have joined the SA, may serve their conscription by remaining in the SA or by transferring to the Feldherrnhalle Regiment of the SA.

The next paragraph of Document Number 3214-PS designates the requirements that must be fulfilled before the SA man can join this Feldherrnhalle Regiment, but if he fulfills those requirements he may join that regiment, and having done so, that serves the purpose or serves the function of conscription in the Wehrmacht.

I hope that answers Your Honor's question.

COL. STOREY: In view of the above we would expect the SA to have been used as a striking force in the first steps of the aggressive war launched by Germany and as a basis for so-called commando groups, and such was the case. SA units were among the first of the Nazi military machine to invade Austria in the spring of 1938, as was proudly announced in an article appearing in the *SA-Mann* of 19 March 1938, Page 10, the article entitled, "We Were There First."

The SA participation in the occupation of the Sudetenland is also shown by Document Number 3036-PS, Exhibit Number USA-102; and that is an affidavit by Gottlob Berger, a former officeholder in the SS, who was assigned to the Sudeten German Free Corps. I quote Paragraphs 1 and 2 of the affidavit:

"1. In the fall of 1938 I held the rank and title of Oberführer in the SS. In mid-September I was assigned as SS liaison officer with Konrad Henlein's Sudeten German Free Corps at their headquarters in the castle at Donndorf outside Bayreuth. In this position I was responsible for all liaison between the Reichsführer SS Himmler and Henlein"—Your Honors will recall Henlein was the leader in the Sudetenland—"and in particular, I was delegated to select from the Sudeten Germans those who appeared to be eligible for membership in the SS or VT (Verfügungstruppe). In addition to myself, liaison officers stationed with Henlein included an Obergruppenführer from the NSKK, whose name I have forgotten, and SA Obergruppenführer Max Jüttner, from the SA. In addition, Admiral Canaris, who was head of the OKW Abwehr, appeared at Donndorf nearly every 2 days and conferred with Henlein."

Your Honors will recall that the Abwehr was the intelligence organization.

"2. In the course of my official duties at Henlein's headquarters I became familiar with the composition and activities of the Free Corps. Three groups were being formed under Henlein's direction: One in the Eisenstein area, Bavaria; one in the Bayreuth area; one in the Dresden area; and possibly a fourth in Silesia. These groups should be composed only of refugees from the Sudetenland who had crossed the border into Germany, but they actually contained Germans with previous service in the SA and the NSKK (Nazi Motor Corps) as well. These Germans formed the backbone of the Free Corps. On paper the Free Corps had a strength of 40,000 men Part of the equipment furnished to Henlein, mostly haversacks, cooking utensils, and blankets, was supplied by the SA."

The adaptability of the SA to whatever purpose was required of it is demonstrated by its activities subsequent to the outbreak of the war. During the war the SA continued to carry out its military training program, but it also engaged in other functions. Its wartime activities are set out in Document 3219-PS, which is Exhibit Number USA-433, and Document 3216-PS, Exhibit Number USA-434, which are excerpts from *Das Archiv*.

I quote first, briefly, from Document 3219-PS, the whole text exclusive of the heading:

"The Chief of Staff of the SA, Wilhelm Schepmann, gave further orders to increase the employment of the SA in the homeland war territories, according to the requirements of total war. This was done in numerous business conferences with leaders of the SA divisions.

"As a result of these conferences as well as of measures already carried out earlier for the totalization of the war employment, the SA has placed 86 percent of its professional leader corps at the disposal of the front, even though the war missions of the SA have increased in the fields of pre-military training, the SA penetration into new territorial parts of the Reich, the air-war employment, the city and country guard, *et cetera*, during wartime.

"The SA as a whole has given at present 70 percent of its millions of members to the Wehrmacht."

I call attention of Your Honors to the statement of the membership of August 26, 1944. I quote briefly from Document Number 3216-PS, the English translation, just one sentence:

"By command of the Chief of Staff of the SA, the SA unit 'General Government' was established, the command of which

was taken over by Governor General, SA Obergruppenführer Dr. Frank.”

I next offer in evidence an affidavit, being Document Number 3232-PS, Exhibit Number USA-435, by Walter Schellenberg:

“From the beginning of 1944 on, the SA also participated in many of the functions which had previously been entrusted only to the SS, the Sipo, and Army—for instance, the guarding of concentration camps, of prisoner-of-war camps, supervision of forced laborers in Germany and occupied areas. This co-operation of the SA was planned and arranged for by high officials in Berlin as early as the middle of 1943.”

This concludes my presentation of the principal points of evidence concerning the participation of the SA in the conspiracy, but before I conclude, I should like to present to the Tribunal a few points which establish the participation in the conspiracy by Defendant Göring in his capacity as an SA member or leader.

In 1923 Göring became commander of the entire SA. This is shown in the pamphlet, *The SA*, which is already in evidence, and the notation concerning Göring’s command appears at Page 2 of the translation, which I do not intend to quote but simply refer to.

Göring’s intention to employ the SA as a terroristic force to destroy political opponents is shown by a speech made by him on 3 March 1933, at a Nazi demonstration in Frankfurt. It is Document Number 1856-PS, Exhibit Number USA-437. It is an excerpt from a book entitled, *Hermann Göring, Speeches and Essays*. I quote what Göring said:

“Certainly I shall use the power of the State and the police to the utmost, my dear Communists, so you won’t draw any false conclusions; but the struggle to the death, in which my fist will grasp your necks, I shall lead with those down there who are the Brown Shirts.”

The importance of the SA, under Göring in the early stages of the Nazi movement is shown by Document Number 3259-PS, Exhibit USA-424; and it is an English translation from the same document book. This is a letter written to Göring by Hitler, and I quote the letter:

“My dear Göring:

“When in November 1923, the Party tried for the first time to conquer the power of the State, you, as commander of the SA, created within an extraordinarily short time that instrument with which I could dare that struggle. Most pressing necessity had forced us to act, but by a wise providence at that time we were denied success. After receiving

a grave wound, you again entered the ranks as soon as circumstances permitted as my most loyal comrade in the battle for power. You contributed essentially to creating the basis for the 30th of January. Therefore, at the end of the year of the National Socialist revolution, I desire to thank you wholeheartedly, my dear Party comrade Göring, for the great services you have rendered to the National Socialist revolution and consequently to the German people.

"In cordial friendship and grateful appreciation, yours, Adolf Hitler."

Although Göring did not retain command of the SA, he at all times maintained close affiliation with the organization. This is shown by the photographs of Göring participating in the activities which I have already introduced in evidence. Similarly, in 1937 Göring became the commander of the Feldherrnhalle Regiment of the SA. The Tribunal will recall, also, my reference to the participation of that regiment in the occupation of the Sudetenland.

Now, finally, the evidence considered in the foregoing sections of this brief demonstrates the participation of the SA as an organization in the conspiracy alleged in Count One. Thus, the SA was first employed by the conspirators to destroy, by force and brutality, all opponents of National Socialism and to gain possession of the streets. Thereafter, upon the seizure of control by the NSDAP, the SA was used to consolidate and to strengthen Nazi power, and cruelly to persecute and destroy all so-called "enemies of the state," including Jewry and the Church. During the period from 1934 to 1939, the SA was employed for the actual preparation and training of the German people for war and participated in aggressive warfare.

The SA was at all times employed by the conspirators to promote and disseminate the ideology of the Nazi Government throughout Germany, and particularly, to perform the function of disseminating anti-Jewish propaganda and creating and fostering a militaristic and warlike spirit among the people of Germany.

Thus, at all times during the course of its existence, the functions of the SA corresponded to, and were designated to promote, the progression of the conspiracy through its various phases; and the conclusion, we think, is irresistible, that the SA was an organization devoted exclusively to the task of assisting the defendants and their co-conspirators in carrying out the objectives in the conspiracy.

Thus, in this sense, SA, as well as its members, were in fact co-conspirators and participants in a conspiracy which contemplated and involved Crimes against the Peace and Crimes against Humanity and War Crimes.

19 Dec. 45

That concludes the presentation of the SA, Your Honor, and the next is the SS, by Major Farr.

Do Your Honors want to go ahead with that now?

THE PRESIDENT: Perhaps we had better adjourn then, until 2 o'clock.

[A recess was taken until 1400 hours.]

Afternoon Session

MAJOR WARREN F. FARR (Assistant Trial Counsel for the United States): May it please the Tribunal, the next organization to be dealt with is the SS. The document books in this case are lettered "Z." For convenience in handling the book because of the bulk of documents, we have divided them into two volumes. I shall in referring to a document number refer to the volume in which that document appears.

About a week or 10 days ago there appeared in a newspaper circulated in Nuremberg, an account of a visit by that paper's correspondent to a camp in which SS prisoners of war were confined. The thing which particularly struck the correspondent was the one question asked by the SS prisoners. Why are we charged as war criminals? What have we done except our normal duty?

The evidence now to be presented to the Tribunal will, we expect, answer that question. It will show that just as the Nazi Party was the very heart—the core—of the conspiracy, so the SS was the very essence of Nazism. For the SS was the elite group of the Party, composed of the most thorough-going adherents of the Nazi cause, pledged to blind devotion to Nazi principles, and prepared to carry them out without any question and—at any cost—a group in which every ordinary value has been so subverted that its members can ask, "What is there unlawful about the things we have done?"

During the past weeks the Tribunal has heard evidence of the conspirators' criminal program for aggressive war, for concentration camps, for the extermination of the Jews, for enslavement of foreign labor and illegal use of prisoners of war, for deportation and Germanization of inhabitants of conquered territories. Through all this evidence the name of the SS ran like a thread. Again and again that organization and its components were referred to. It is my purpose to show why it performed a responsible role in every one of these criminal activities, why it was—and, indeed, had to be—a criminal organization.

The creation and development of such an organization was, indeed, essential for the execution of the conspirators' plans. Their sweeping program and the measures they were prepared to use, and did use, could be fully accomplished neither through the machinery of the Government nor of the Party. Things had to be done for which no agency of Government and no political party, even the Nazi Party, would openly take full responsibility. A specialized type of apparatus was needed, an apparatus which was to some extent connected with the Government and given official support but which, at the same time, could maintain a quasi-independent

status, so that all its acts could be attributed neither to the Government nor to the Party as a whole. The SS was that apparatus.

Like the SA, it was one of the seven components or formations of the Nazi Party referred to in the "Decree on the Enforcement of the Law for Securing the Unity of Party and State" of 29 March 1935, published in the *Reichsgesetzblatt* for that year, Part I, Page 503. That decree will be found in our Document 1725-PS. I shall not read it. I assume that the Court will take judicial notice of it. The status of the SS, however, was above that of the other formations. As the plans of the conspirators progressed, it acquired new functions, new responsibilities, and an increasingly more important place in the regime. It developed during the course of the conspiracy into a highly complex machine, the most powerful in the Nazi State, spreading its tentacles into every field of Nazi activity.

The evidence which I shall present will be directed, first, towards showing very briefly the origin and early development of the SS; second, how it was organized, that is, its structure and its component parts; third, the basic principles governing the selection of its members and the obligations they undertook; and finally, its aims and the means used to accomplish them, the manner in which it carried out the purposes of the conspirators, and thus is a responsible participant in the crimes alleged in the Indictment.

The history, organization, and publicly announced functions of the SS are not controversial matters. They are not matters to be learned only from secret files and captured documents. They were recounted in many publications circulated widely throughout Germany and the world, official books of the Nazi Party itself and books, pamphlets, and speeches by SS and State officials published with SS and Party approval. Throughout the presentation of the case I shall frequently refer to five or six such publications, translations of which—in whole or in part—appear in the document books. Although I shall quote portions of them, I shall not attempt to read them all in full, since I assume that the contents of such authoritative publications may be judicially noticed by the Tribunal.

Now to take up the origin of the SS. The first aim of the conspirators—as the evidence already presented to the Court has shown—was to gain a foothold in politically hostile territory, to acquire mastery of the streets, and to combat any and all opponents with force. For that purpose they needed their own private, personal police organization. Evidence has just been introduced in the case against the SA, showing how that organization was created to fill such a role. But the SA was outlawed in 1923. When Nazi Party activity was again resumed in 1925, the SA remained outlawed. To fill its place and to play the part of Hitler's own personal police, small mobile groups known as protective squadrons (*Schutzstaffeln*)

were created. This was the origin of the SS in 1925. With the reinstatement of the SA in 1926, the SS for the next few years ceased to play a major role. But it continued to exist as an organization within the SA, under its own leader, however, the Reichsführer SS. This early history of the SS is related in two of the authoritative publications to which I have referred: The first is a book by SS Standartenführer Gunter d'Alquen, entitled *Die SS*. This book, a pamphlet of some 30 pages, is an authoritative account of the history, mission, and organization of the SS, published in 1939. As indicated on its frontispiece, it was written at the direction of the Reichsführer SS, Heinrich Himmler. Its author, SS Standartenführer Gunter d'Alquen was the editor of the official SS publication *Das Schwarze Korps*. This book is our Document Number 2284-PS. I offer it in evidence as Exhibit Number USA-438. The passage to which I refer will be found on Pages 6 and 7 of the original and on Page 1 of the translation.

I shall not now read that passage.

The second publication is an article by Himmler entitled, "Organization and Obligations of the SS and the Police." It was published in 1937 in a booklet containing a series of speeches or essays by important officials of the Party and the State—known as *National Political Course for the Armed Forces from 15 to 23 January 1937*. The article by Himmler, to which I refer, appears on Pages 137-161 of that pamphlet. Large extracts from it make up our Document Number 1992(a)-PS. I offer the essay by Himmler as Exhibit Number USA-439. The passage to which I referred appears on Page 137 of the original and Page 1 of the translation, our Document 1992(a)-PS. I shall have occasion to quote from both these publications, but with respect to this matter of history, I assume that these references to the pertinent passages in them are enough.

As early as 1929 the conspirators recognized that their plans required an organization in which the main principles of the Nazi system, specifically the racial principles, would not only be jealously guarded but would be carried to such extreme as to inspire or intimidate the rest of the population—an organization in which, also, there would be assured complete freedom on the part of the leaders and blind obedience on the part of the members. The SS was built up to meet this need. I quote from D'Alquen's book, *Die SS*, at Page 7; this passage appears in our Document Number 2284-PS at Page 4 of the translation, Paragraph 4:

"On the 6th of January 1929 Adolf Hitler appointed his tested comrade of long standing, Heinrich Himmler, as Reichsführer SS. Heinrich Himmler assumed charge therewith of the entire Schutzstaffel totalling at that time 280 men with the express and particular order of the Führer to form this organization

into an elite troop of the Party, a troop dependable in every circumstance.

"With this day the real history of the SS begins as it stands before us today in all its deeper essential features, firmly anchored in the National Socialist movement. For the SS and its Reichsführer, Heinrich Himmler, its first SS man, have both become inseparable in the course of these battle-filled years."

Carrying out Hitler's directive, Himmler proceeded to build up out of this small force of men an elite organization—to use D'Alquen's words—composed of "the best physically...the most dependable, and the most faithful...men" in the Nazi movement. I read another passage from D'Alquen at Page 12 of the original, Page 6 of the translation, Paragraph 5:

"When the day of seizure of power had finally come, there were 52,000 SS men, who in this spirit bore the revolution in the van, marched into the new state which they began helping to form everywhere, in their stations and positions, in profession and in service, and in all their essential tasks."

The conspirators now had the machinery of government in their hands. The initial function of the SS—that of acting as private army and personal police force—was thus completed. But its mission had in fact really just begun. That mission is described in the *Organization Book of the NSDAP* for 1943. The pages from that book dealing with the SS—Pages 417 to 428—are translated in our Document Number 2640-PS. The organization's book has already been offered in evidence as Exhibit Number USA-323. The passage to which I refer appears on Page 417 of the original and on Page 1, Paragraph 2, of the translation:

"Missions. The original and most eminent duty of the SS is to serve as the protectors of the Führer. By decree of the Führer the sphere of duties has been enlarged to include the internal security of the Reich."

This new mission—protecting the internal security of the regime—was somewhat more colorfully defined by Himmler in his pamphlet *The SS as an Anti-Bolshevist Fighting Organization*, published in 1936. It is our Document Number 1851-PS. I offer this document in evidence as Exhibit Number USA-440. The definition to which I refer appears in the original at the bottom of Page 29 of the original, on the third page of the translation, middle of the paragraph:

"We shall unremittingly fulfill our task, the guaranty of the security of Germany from the interior, just as the Wehrmacht guarantees the safety of the honor, the greatness, and the peace of the Reich from the exterior. We shall take care that

never again in Germany, the heart of Europe, will the Jewish-Bolshevistic revolution of sub-humans be able to be kindled either from within or through emissaries from without. Without pity we shall be a merciless sword of justice for all those forces whose existence and activity we know, on the day of the slightest attempt, may it be today, may it be in decades or may it be in centuries."

This conception necessarily required an extension of the duties of the SS into many fields. It involved, of course, the performance of police functions. But it involved more. It required participation in the suppression and extermination of all internal opponents of the regime. It meant participation in extending the regime beyond the borders of Germany; and therefore came to mean eventually participation in every type of activity designed to secure a hold over those territories and populations which, through military conquest, had come under German domination.

The expansion of SS duties and activities resulted in the creation of several branches and numerous departments and the eventual development of a highly complex machinery. Those various branches and departments cannot be adequately described out of the context of their history. That description I hope will emerge fully as evidence of the activities of the SS is presented. But it may be appropriate to anticipate; and at this point, to say a word about the structure of the SS.

For this purpose, a glance at a chart depicting the organization of the SS as it appeared in 1945 may be helpful. There are being handed to the Tribunal small copies of this chart, two in English, one in French and one in Russian. In addition, there are handed eight larger copies of the chart in the original German, bearing on it the photostat of the affidavit of Gottlob Berger, formerly Chief of the SS Main Office, who examined the chart and stated that it correctly represented the organization of the SS.

I now offer in evidence the chart of the Supreme and Regional Command of the SS, as Exhibit Number USA-445.

At the very top of the chart is Himmler, the Reichsführer SS, who commanded the entire organization. Immediately below—running across the chart and down the right hand side, embraced within the heavy line—are the 12 main departments constituting the Supreme Command of the SS. Some of these departments have been broken down into the several offices of which they were composed, as indicated by the boxes beneath them. Other departments have not been so broken down. It is not intended to indicate that there were not subdivisions of these latter departments as well. The breakdown is shown only in those cases where the constituent

offices of some department may have a particular significance in this case.

These departments and their functions are described in two official Nazi publications. The first is the *Organization Book of the NSDAP* for 1943, our Document Number 2640-PS, already introduced in evidence as Exhibit Number USA-323. The description, which I shall not read now, appears on Pages 419-422 of the original and Pages 2 to 4 of the translation. The second is an SS manual, which bears the title, *The Soldier Friend—Pocket Diary for the German Armed Forces—Edition D, Waffen-SS*. It was prepared at the direction of the Reichsführer SS and issued by the SS Main Office for the year ending 1942. It is our Document Number 2825-PS. I offer it in evidence as Exhibit Number USA-441. The description to which I refer appears on Pages 20 to 22 of the original and Pages 1 and 2 of the translation. I will later have occasion to read the description of the functions of some of the departments in full. But I assume that the Court will take judicial notice of the entire passages to which I have referred. In addition, the departments are listed in a directory of the SS, published by one of the main departments of the SS. This document was found in the files of the Personal Staff of the Reichsführer SS, the first department from the left of the chart. It is entitled *Directory for the Schutzstaffel of the NSDAP*, 1 November 1944. It is marked "restricted" and bears the notation "Published by SS Führungshauptamt," (Command Office of the General SS), which is the fifth box from the left. It is our Document Number 2769-PS. I offer it in evidence as Exhibit Number USA-442. It is simply a list of the names of the departments and offices with their addresses and telephone numbers, and corroborates the statements in the two earlier publications to which I referred.

Returning now to the chart—following down the central spine from the Reichsführer SS to the regional level—we come to the Higher SS and Police Leader, commonly known as HSSPF, the Supreme SS Commander in each region. I shall refer to his functions at a later point. Immediately below him is the breakdown of the organization of the Allgemeine or General SS. To the left are indicated two other branches of the SS—the Death's-Head Units (Totenkopf Verbände) and the Waffen-SS. To the right, under the HSSPF, is the SD. All of these components, together with the SS Police regiments, are specifically named in the Indictment—Appendix B, Page 36—as being included in the SS.

Now a word as to these components. Up to 1933 there were no such specially designated branches. The SS was a single group—a group of "volunteer political soldiers." It was out of this original nucleus that the new units developed.

The Allgemeine, that is, General SS, was the common basis, the main stem, out of which the various branches grew. It was composed of all members of the SS who did not belong to any of the special branches.

It was the backbone of the entire organization. The personnel and officers of the main departments of the SS Supreme Command were members of this branch. Except for high ranking officers and those in staff capacities in the main offices of the SS Supreme Command, its members were part-time volunteers. As the evidence will show, its members were utilized in about every phase of SS activity. They were called upon in the anti-Jewish pogroms of 1938; they took over the task of guarding concentration camps during the war; they participated in the colonization and resettlement program. In short, the term "SS" normally meant the General SS.

It was organized on military lines as will be seen from the chart, ranging from district (Oberabschnitt) and sub-district (Abschnitt) down through the regiment, battalion, company, to the platoon. Until after the beginning of the war it constituted numerically the largest branch of the SS. In 1939 D'Alquen, the official SS spokesman, said, and I quote from his book, our Document Number 2284-PS, Page 9, Paragraph 3, of the English translation, and Page 18 of the original document:

"The strength of the General SS, 240,000 men, is subdivided today into 14 corps, 38 divisions, 104 infantry regiments, 19 mounted regiments, 14 communication battalions, and 9 engineer battalions, as well as motorized and medical units. This General SS stands fully and wholly on call as in the fighting years..."

Similar reference to the military organization of the General SS will be found in Himmler's speech, "Organization and Obligations of the SS and the Police," our Document Number 1992(a)-PS, at Page 4 of the translation, and in the *Organization Book of the NSDAP* for 1943, our Document Number 2640-PS, at Pages 4 and 5 of the translation.

Members of this branch, however, with the exception of certain staff personnel, were subject to compulsory military service. As the result of the draft of members of the General SS of military age into the Army, the numerical strength of presently active members considerably declined during the war. Older SS men and those working in or holding high positions in the main departments of the Supreme Command of the SS remained. Its entire strength during the war was probably not in excess of 40,000 men.

The second component to be mentioned is the Security Service of the Reichsführer SS, almost always referred to as the SD. Himmler described it in his speech, "Organization and Obligations of the SS

and the Police"—our Document Number 1992(a)-PS. I quote a passage from Page 8, last paragraph of the translation, Page 151 of the original, Paragraph 3:

"I now come to the Security Service (SD); it is the great ideological intelligence service of the Party and, in the long run, also that of the State. During the time of struggle for power it was only the intelligence service of the SS. At that time we had, for quite natural reasons, an intelligence service with the regiments, battalions and companies."—I interpolate; he refers there to the regiments, battalions and companies of the General SS.—"We had to know what was going on on the opponent's side, whether the Communists intended to hold up a meeting today or not, whether our people were to be suddenly attacked or not, and similar things. I separated this service already in 1931 from the troops—"

I note that it appears in the mimeographed translation as 1941; but, as will appear from a passage on the next pages of the translation, it was 1931 to which he was referring.

"... from the units of the General SS, because I considered it to be wrong. For one thing, secrecy is endangered, then the individual men, or even the companies, are too likely to discuss everyday political problems."

Although, as Himmler put it, the SD was only the intelligence service of the SS during the years preceding the accession of the Nazis to power, it became a much more important organization promptly thereafter. It had been developed into such a powerful scientific espionage system under its chief, Reinhard Heydrich, that on 9 June 1934, just a few weeks before the bloody purge of the SA, it was made by decree of the Defendant Hess, the sole intelligence and counter-intelligence agency of the entire Nazi Party. I refer in support of that statement to D'Alquen's book, *Die SS*, our Document Number 2284-PS, at Page 11 of the translation. I shall not pause to quote that passage. The organization and numbers of the SD, as they stood in 1937, were thus described by Himmler—I quote again from his article, "Organization and Obligations of the SS and the Police," our Document Number 1992(a)-PS, at Page 9 of the translation, second paragraph, Page 151 of the original, Paragraph 4:

"The Security Service was already separated from the troop in 1931 and separately organized. Its higher headquarters coincide today with the Oberabschnitte and Abschnitte"—I refer to the Abschnitte and Oberabschnitte indicated on the chart—"and it has also field offices, its own organization of officials, and a great many command posts, approximately 3,000 to 4,000 men strong, at least when it is built up."

Up to 1939 its headquarters was the SS Main Security Office (Sicherheitshauptamt) which, as I shall shortly show, became amalgamated in 1939 in the Reich Main Security Office (RSHA) one of the SS main departments shown on the chart before you—the sixth box from the left.

The closer and closer collaboration of the SD with the Gestapo and Criminal Police—which eventually resulted in the creation of this RSHA—and the activities in which the SD engaged in partnership with the Gestapo will be taken up in the presentation of the case against the Gestapo. The SD was, of course, at all times an integral and important component of the SS. But it is more practicable to deal with it in connection with the activities of the whole repressive police system with which it functioned.

The third component to be mentioned is the Waffen-SS—the combat arm of the SS—created, trained, and finally utilized for purposes of aggressive war. The reason underlying the creation of this combat branch was described in our Document Number 2640-PS, the *Organization Book of the Nazi Party* for 1943. It appears on Page 427a of the original, Page 5, Paragraph 7 of the translation:

“The armed SS originated out of the thought: to create for the Führer a selected, long-service troop for the fulfillment of special missions. It should make it possible for members of the General SS, as well as for volunteers who fulfill the special requirements of the SS, to fight in the battle for the realization of the National Socialist idea with weapon in hand in unified groups partly within the framework of the Army.”

The term “Waffen-SS” did not come into use until after the beginning of the war. Up to that time there were two branches of the SS composed of full-time, well-trained, professional soldiers: The so-called SS Verfügungstruppe, translatable perhaps as SS Emergency Troops, and the SS Totenkopf Verbände (the Death's-Head Units). After the beginning of the war, the units of the SS Verfügungstruppe were brought up to division strength, and new divisions were added to them. Parts of the SS Death's-Head Units were formed into a division, the SS Totenkopf Division. All these divisions then came to be known collectively as the Waffen-SS.

Let me now trace that development. I quote again from the *Organization Book of the Nazi Party* for 1943, our Document Number 2640-PS, Page 427b of the original, Page 5, last paragraph of the translation:

“The origin of the Waffen-SS goes back to the decree of 17 March 1933 establishing the Stabswache with the original strength of 120 men. Out of this small group developed the later-called SS Verfügungstruppe,”—SS Emergency Force—

"the Leibstandarte SS Adolf Hitler. In the course of the war, these groups grew into divisions."

THE PRESIDENT: Major Farr, is it necessary to go into this degree of detail about the organization of the SS?

MAJOR FARR: Sir, it seemed to me that it is highly important to know exactly what the organization with which we are dealing is. There has been, I understand, a suggestion made to the Court that certain portions of this organization are not criminal. It is contended by some that the part they played was a perfectly innocuous one; and it seems to me that before we can determine whether the organization as a whole is criminal, whether any portion of it is severable, then we must know what the organization is.

THE PRESIDENT: Wouldn't it be possible to leave that question to evidence in rebuttal, if the defendants are setting up that any particular branch of the SS is not criminal?

MAJOR FARR: If we adequately lay the basis for our case now, it may not be necessary for us to make any rebuttal. We may satisfy the defendants that there is nothing to the contention that any portion of the SS is a lawful portion. The point I am particularly trying to make now is: There has been a good deal of contention that the Waffen-SS is severable; that whatever may be said, for example, about the SD or the Death's-Head Units, the Waffen-SS is something different, the Waffen-SS is part of the Army. I think it is important to establish at the outset that the Waffen-SS is as much a part of the SS, as integral a part of the whole organization, as any of the other branches. I propose, therefore, to show the development of the Waffen-SS, growing out of the SS Emergency Troops, and to call to the attention of the Tribunal evidence showing how the Waffen-SS is an integral part of the SS as a whole.

THE PRESIDENT: Well, you must take your own course.

MAJOR FARR: The Verfügungstruppe were described in a top-secret Hitler order dated the 17th of August 1938. It is our Document Number 647-PS. I offer it in evidence as Exhibit Number USA-443. That document will be found in Volume I of the document book. I quote from Section II of that order, which appears on Page 2 of the translation at the top the page and also on Page 2 of the original:

"II. The Armed Units of the SS.

"A. The SS Verfügungstruppe.

"1. The SS Verfügungstruppe is neither a part of the Wehrmacht nor a part of the police. It is a standing armed unit exclusively at my disposal. As such and as a unit of the NSDAP, its members are to be selected by the Reichsführer

SS according to the ideological and political standards which I have ordered for the NSDAP and for the Schutzstaffeln. Its members are to be trained and its ranks filled with volunteers from those who are subject to military service, having finished their duties in the obligatory labor service. The service period for volunteers is 4 years. It may be prolonged for SS Unterführer. Special regulations are in force for SS leaders. The regular compulsory military service (Paragraph 8 of the law relating to military service) is fulfilled by service of the same duration in the SS Verfügungstruppe."

I want to quote a further short passage from that decree which will be found on Page 3 of the translation in the middle of the page and on Page 5 of the original order:

"III. Orders in case of Mobilization.

"A. The employment of the SS Verfügungstruppe in case of mobilization is a double one.

"1. By the Supreme Commander of the Army within the wartime army. In that case it comes completely under military laws and regulations, but remains a unit of the NSDAP politically.

"2. In case of necessity in the interior according to my orders; in that case it is under the Reichsführer SS and Chief of the German Police.

"In case of mobilization I myself will make the decision about the time, strength, and manner of the incorporation of the SS Verfügungstruppe into the wartime army; these things will depend on the internal political situation at that time."

Immediately after the issuance of this decree—and the Court will recall it was issued in August of 1938—this militarized force was employed with the Army for aggressive purposes—the taking over of the Sudetenland. Following this action feverish preparation to motorize the force and to organize new units such as antitank, machine gun, and reconnaissance battalions were undertaken pursuant to further directives of the Führer. By September 1939 the force was fully motorized; its units had been increased to division strength and it was prepared for combat. These steps are described in the *National Socialist Yearbook* for the years 1940 and 1941. I offer in evidence Pages 365 to 371 of the 1940 yearbook. It is our Document Number 2164-PS. It bears Exhibit Number USA-255. I offer Pages 191 to 193 of the 1941 yearbook, which is our Document Number 2163-PS, as Exhibit Number USA-444. Since the yearbook is an official publication of the Nazi Party, edited by Reichsleiter Robert Ley and published by the Nazi Party publishing company, I assume that the Court will take judicial notice of the contents of these exhibits.

After the launching of the Polish invasion and as the war progressed, still further divisions were added. The *Organization Book of the Nazi Party* for 1943, our Document Number 2640-PS, lists some eight divisions and two infantry brigades as existing at the end of 1942. I refer to Page 427b of the original, Page 5, last paragraph of the translation. This was no longer an emergency force. It was an SS army and hence came to be designated as the Waffen-SS. Himmler referred to this spectacular development of this SS combat branch in his speech at Posen on 4 October 1943 to SS Gruppenführer. That speech has already been introduced in evidence at an earlier stage in the case, as Exhibit Number USA-170. It is our Document Number 1919-PS.

I shall quote from that speech, Page 51 of the original, Page 2 of the translation, second paragraph, headed "The SS in Wartime." I quote:

"Now I come to our own development, to that of the SS in the past months. Looking back on the whole war, this development was fantastic. It took place at an absolutely terrific speed. Let us look back a little to 1939. At that time we were a few regiments, guard units, 8,000 to 9,000 strong—that is, not even a division, all in all 25,000 to 28,000 men at the outside. True, we were armed, but we really only got our artillery regiment as our heavy arm 2 months before the war began."

I continue, quoting from the same speech a passage found on Page 8 of the English translation and on Page 104 of the original. The passage in the translation appears at about the middle of the page.

"In the hard battles of this year, the Waffen-SS has been welded together in the bitterest hours from the most varied divisions and sections out of which it was formed: Bodyguard units"—Leibstandarte—"military SS"—Verfügungstruppe—"Death's-Head Units, and then the Germanic SS. Now when our Divisions 'Reich,' 'Death's-Head,' the Cavalry Division, and 'Viking' were together, everyone knew in these last weeks: 'Viking' is at my side, 'Reich' is at my side, 'Death's-Head' is at my side. Thank God, now nothing can happen to us."

The transformation of small emergency forces into a combat army did not result in a separation of this branch from the SS.

Although tactically under the command of the Wehrmacht while in the field, it remained as much a part of the SS as any other branch of the organization. Throughout the war it was recruited, trained, administered, and supplied by the main offices of the SS

Supreme Command. Ideologically and racially its members were selected in conformity with SS standards.

I shall read a passage relating to the recruiting standards of the Waffen-SS published in the SS Manual, *The Soldier Friend*, our Document Number 2825-PS, which appears on Page 7 of the English translation, first paragraph on Page 36, Paragraph 2 of the original. I quote:

"Today at last is the longed-for day of the entrance examinations where the examiners and physicians decide whether or not the candidate is ideologically and physically qualified to do service in the Waffen-SS. Everyone has acquainted himself with the comprehensive Manual for the Waffen-SS... the principal points are as follows: '1. Service in the Waffen-SS counts as military service. Only volunteers are accepted.'"

THE TRIBUNAL (Mr. Biddle): What is the purpose of reading all this evidence? What has what you just read got to do with what you are presenting?

MAJOR FARR: Sir, I want to prove, as I said a moment ago, one thing first: that the Waffen-SS is an integral, component part of the SS. I want to establish that it is completely administered and controlled by the Supreme Command of the SS. That is one thing.

The second thing I want to prove is this: that service in the Waffen-SS is voluntary service just as membership in the Allgemeine SS or Death's-Head Units is voluntary service. It is true that there were some instances towards the close of the war when a few men were conscripted into the Waffen-SS but that was the exception and not the rule. In quoting from the recruiting standards of the Waffen-SS appearing in this booklet, which was published in 1942 and which indicate that at that time service in the Waffen-SS was open only to volunteers, I think I am serving the purpose of proving one of the two points which I think ought to be established.

I want to read, if I may, one further paragraph from that translation. I shall read the paragraph indicating that service is voluntary. Now I want to read the third requirement, which shows that service was open only to persons who could meet the ideological and other standards of the SS as a whole.

If the Tribunal is satisfied on the point that service in the Waffen-SS is essentially voluntary and that the Waffen-SS is an integral part of the SS, I do not want to impose further by reading further evidence.

THE PRESIDENT: I think the Tribunal is satisfied on both those points, up to the present time, that it is voluntary and is an integral part of the SS.

MAJOR FARR: If the Court is satisfied on both those points, I shall not pursue, any further, the introduction of this particular evidence.

THE PRESIDENT: It may, as you say, be possible to show that there were some members conscripted into it at a later date, but we have not had that evidence yet.

MAJOR FARR: No, Your Honor, you have not.

All I want to show is that the normal thing is that it is voluntary and that the Waffen-SS is an integral part of the whole organization. If the Court is completely satisfied on that point I shall proceed no further with the description of the Waffen-SS.

I shall pass on now then, to a description of the SS Totenkopf Verbände (the Death's-Head Units), which are the fourth component to be mentioned.

The origin and purpose of the Totenkopf-Verbände were succinctly described by D'Alquen in his book, *Die SS*, our Document Number 2284-PS. I shall read from Page 10 of the English translation, Paragraph 5, a passage that appears on Page 20 of the original, Paragraph 3:

"The SS Death's-Head Units form one part of the garrisoned SS. They arose from volunteers of the General SS who were recruited for the guarding of concentration camps in 1933. Their mission, aside from the indoctrination of the armed political soldier, is the guarding of enemies of the state who are held in concentration camps. The SS Death's-Head Units obligate their members to 12 years' service. They are composed mainly of men who have already fulfilled their duty to serve in the Wehrmacht. This time of service is counted toward the service obligation in the SS Death's-Head Units."

Since the Death's-Head Units—like the SS Verfügungstruppe—were composed of well-trained professional soldiers, they were also a valuable nucleus for the Waffen-SS. The secret Hitler order of 17 August 1938, Document Number 647-PS, which has already been introduced in evidence, provided for the tasks of the SS Totenkopf Verbände in the event of mobilization. The Totenkopf Verbände were to be relieved from the duty of guarding concentration camps and transferred as a skeleton corps to the SS Verfügungstruppe. I quote from that order, a passage found on Page 5 of the translation, Paragraph 4; Page 9 of the original. I quote:

"5) Regulations for the case of the Mobilization.

"The SS Totenkopf Verbände form the skeleton corps for the reinforcement of the SS Totenkopf Verbände (Polizeiverstärkung) and will be replaced in the guarding of concentration camps by members of the General SS who are over 45 years of age and have had military training."

If I may point out to the Court, the purpose in offering that bit of evidence is to show that the foundation was laid for having the Allgemeine SS (the General SS) take over the duties of guarding concentration camps after the war had started. The Totenkopf Verbände were originally created for that purpose. When the war came they went into the Waffen-SS and their duties were taken over by members of the General SS.

The final component which was specifically referred to in the Indictment is the SS police regiments. I shall very shortly turn to the steps by which the SS assumed control over the entire Reich police. Out of the police special militarized forces were formed originally known as SS police battalions and later expanded to SS Police Regiments.

I shall quote from Himmler's Posen speech, our Document Number 1919-PS, Page 3 of the translation, next to the last paragraph; Page 59 of the original. I quote:

"Now to deal briefly with the tasks of the regular uniformed police and the Sipo—they still cover the same field. I can see that great things have been achieved. We have formed roughly 30 police regiments from police reservists and former members of the police—police officials, as they used to be called. The average age in our police battalions is not lower than that of the security battalions of the Armed Forces. Their achievements are beyond all praise. In addition, we have formed police rifle regiments by merging the police battalions previously drawn up of the 'savage peoples.' Thus, we did not leave these police battalions untouched but blended them in the ratio of about 1 to 3."

The results of this blend of militarized SS police and "savage peoples" will be seen in the evidence which I shall later introduce relating to extermination actions conducted by them in the Eastern Territories—exterminations which were so eminently successful and ruthlessly conducted that even Himmler could find no words adequate for their eulogy.

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

MAJOR FARR: Each of the various components which I have described played its part in carrying out one or more functions of the SS. The personnel composing each differed. Some were part-time volunteers; others professionals enlisted for different periods of time. But every branch, every department, every member, was an integral part of the whole organization. Each performed his assigned role in the manifold tasks for which the organization had

been created. No better witness to this fact could be called upon than the Reichsführer SS whose every endeavor was to insure the complete unity of the organization. I quote his words, taken from his Posen speech, our Document 1919-PS, Exhibit Number USA-170. I read from Page 103 of the original, third line from the bottom of the page, from the English translation, Page 8:

"It would be an evil day if the main offices, in performing their tasks with the best, but mistaken, intentions made themselves independent by each having a downward chain of command. I really think that the day of my overthrow would be the end of the SS. It must be, and so come about, that this SS organization with all its branches—the General SS which is the common basis of all of them, the Waffen-SS, the regular uniformed police, the Sipo, with the whole economic administration, schooling, ideological training, the whole question of kindred is, even under the 10th Reichsführer SS, one bloc, one body, one organization."

And continuing about the middle of Page 8 of the translation and at the bottom of Page 104 of the original speech:

"The regular uniformed police and Sipo, General SS and Waffen-SS, must now gradually amalgamate, too, just as this is and must be the case within the Waffen-SS. This applies to matters concerning filling of posts, recruiting, schooling, economic organization, and medical services. I am always doing something towards this end, a bond is constantly being drawn around these sections of the whole to cause them to grow together. Alas, if these bonds should ever be loosened, then everything—you may be sure of this—would sink back quickly into its old insignificance within one generation."

I now turn to the underlying philosophy of the SS, the principles by which its members were selected and the obligations imposed upon them. To understand this organization the theories upon which it was based must be kept clearly in mind. They furnish the key to all its activities. It is necessary, therefore, to consider them in some detail.

The fundamental principle of selection was what Himmler called that of blood and elite. The SS was to be the living embodiment of the Nazi doctrine of the superiority of Nordic blood—the carrying into effect of the Nazi conception of a master race. To put it in Himmler's own words the SS was to be a "National Socialist Soldier Order of Nordic Men." In describing to the Wehrmacht the reasons behind his emphasis on racial standards of selection and the manner in which they were carried out he said—

and I quote from our Document 1992(a)-PS, Page 1 of the translation, last paragraph, Page 138, Paragraph 1 of the original:

"Accordingly, only good blood, blood which history has proved to be leading and creative and the foundation of every state and of all military activities, only Nordic blood, can be considered. I said to myself that should I succeed in selecting from the German people for this organization as many people as possible, a majority of whom possess this desired blood, in teaching them military discipline and, in time, the understanding of the value of blood and the entire ideology which results from it, then it will be possible actually to create such an elite organization which would successfully hold its own in all cases of emergency."

Further on, on Page 5 of the translation—I beg your pardon, on Page 4 of the translation, first line, Page 140 of the original, bottom paragraph, he says, referring to the method by which applicants were selected:

"They are very thoroughly examined and checked. Of 100 men we can use on the average 10 or 15, no more. We ask for the political record of his parents, brothers and sisters, the record of his ancestry as far back as 1750, and naturally the physical examination and his record from the Hitler Youth. Further, we ask for a eugenic record showing that no hereditary disease exists in his parents and in his family."

THE PRESIDENT: I don't seem to get the point of this. We have already been told that the SS was a *corps d'elite*, and all this is showing the details of the choice.

MAJOR FARR: That is correct; it is showing the details of the choice.

THE PRESIDENT: But that has nothing to do with its being a criminal organization, has it?

MAJOR FARR: I think it has, Your Honor. I want to make again, if I may, two points. The very essence of this organization was that of race. Its racial standards of selection had two purposes: One, making it an organization which would be an aristocracy not only for Germany, but which would be in a position to dominate all of Europe. For that purpose, not only were strict racial standards imposed for selection, but a great drive was made to perpetuate the SS stock, to build up a group of men who would be in a position to take over Europe when it was conquered.

There was nothing questionable about that aim. Himmler explicitly said time and time again: "What we are after is making ourselves the superclass which will be able to dominate Europe for centuries." That was one of the fundamental purposes of the

SS, and it was a purpose which was not kept by Himmler to himself, but a purpose which was explained and publicly announced again and again.

THE PRESIDENT: You haven't yet shown us where it was announced, have you?

MAJOR FARR: I have not, Sir, and I am coming to that very shortly; but I wanted first to show Your Honor what the racial basis of selection was. That is, one aspect of the racial selective process. The second is this: The negative side of the racism. Not only did Himmler intend to build up an elite which would be able to take over Europe, but he indoctrinated that elite with hatred for all "inferior," to use his word, races.

Now, I think unless it is clearly understood that that is the basis of the SS, we cannot understand the organization. I am quite prepared, if the Tribunal desires, not to go further into a discussion of the detail of the process of selection. I do think it important that I quote Himmler's own statement—what his aims were. And also I quote to the Tribunal the publicly announced basis for selection.

With the Tribunal's permission then, I would like to quote one passage from the *Organization Book* for the Nazi Party, which explains the racial basis on which the SS was founded. That is our Document Number 2640-PS, which has already been introduced in evidence as Exhibit Number USA-323. I quote from Page 417 of the German text and from Page 1 of the translation, fourth paragraph, entitled "Selection of Members." And I quote this because this is not a hidden pronouncement. This is what the official Nazi Party publication said the SS was:

"Selection of members.

"For the fulfillment of these missions a homogeneous, firmly welded fighting force has been created, bound by ideological oaths, whose fighters are selected out of the best Aryan humanity.

"The conception of the value of the blood and soil serves as directive for the selection into the SS. Every SS man must be deeply imbued with the sense and essence of the National Socialist movement. He will be ideologically and physically trained so that he can be employed individually or in groups in the decisive battle for the National Socialist ideology.

"Only the best and thoroughbred Germans are suited for commitment in this battle. Therefore it is necessary that an uninterrupted selection is maintained within the ranks of the SS, first roughly, then with more and more scrutiny."

Now I would like to proceed to quote a paragraph on the same page, three paragraphs down, with respect to obedience. It appears on Page 418 of the original, second paragraph. I quote:

"Obedience is unconditionally demanded. It arises from the conviction that the National Socialist ideology must reign. He who possesses it and passionately supports it, submits himself voluntarily to the compulsion of obedience. Therefore, the SS man is prepared to carry out blindly every order which comes from the Führer or is given by one of his superiors even if it demands the greatest sacrifice of himself."

There are stated the two fundamental principles of the SS: (1) racial selection, (2) blind obedience.

Now, let me state what Himmler conceived that this organization was to be used for. I quote from his address to the officers of the SS Leibstandarte "Adolf Hitler" on the Day of Metz, our Document Number 1918-PS, Exhibit Number USA-304. I quote from Page 12 of the original document, the middle of the page, from the translation Page 3, last paragraph. I will begin the translation with the third sentence of that paragraph:

"The ultimate aim for these 11 years during which I have been the Reichsführer SS has invariably been the same: To create an order of good blood which is able to serve Germany, which unflinchingly and without sparing itself can be made use of because the greatest losses can do no harm to the vitality of this order, the vitality of these men, because they will always be replaced; to create an order which will spread the idea of Nordic blood so far that we will attract all Nordic blood in the world, take away the blood from our adversaries, absorb it so that never again—looking at it from the viewpoint of the grand policy—will Nordic Germanic blood in great quantities and to an extent worth mentioning fight against us. We must get it and the others cannot have it. We never gave up the ideas and the aim conceived so many years ago. Everything we have done has taken us some distance further on the way. Everything we are going to do will lead us further on the way."

Now, one further quotation from the same document, which shows very explicitly why there was the building up of this order of Nordic blood, appears on Page 3 of the translation, the same document from which I have just quoted, about the middle of the first paragraph. It appears on Page 11 of the original speech, about the middle of the page. That is the speech to the officers of the SS Leibstandarte "Adolf Hitler":

"Please understand we would not be able to hold the great Germanic Reich which is about to take shape. I am convinced

that we can hold it, but we have to prepare for that. If once we have not enough sons, those who come after us will have to become cowards. A nation which has an average of four sons per family can venture a war; if two of them die, two transmit the name. The leadership of a nation having one or two sons per family will have to be faint-hearted in any decision, on account of their own experience, because they will have to tell themselves: We cannot afford it. Look at France, which is the best example. France had to have her line of action dictated by us."

Domination of Europe through a Nazi elite required more, however, than a positive side of racism...

THE TRIBUNAL (Mr. Biddle): Is that one of the crimes you allege, domination of Europe through an elite?

MAJOR FARR: One of the crimes alleged is a conspiracy to dominate Europe, preparation for aggressive war, leading to the ultimate colonization of Europe for the benefit of the conspirators. One of the instruments, we submit, used for carrying out that policy was the SS. The conspirators began at the very beginning the creation of the SS, to build it up so that it would be the elite through which Germany would be able to dominate and rule the conquered territories.

We think that this conception of the SS has played a vital part in the conspiracy. It has bearing on the whole program of the conspirators. Now, this certainly, in itself...

THE PRESIDENT: Yes; but, Major Farr, what you have to show is not the criminality of the people who used the weapon but the criminality of the people who composed the weapon.

MAJOR FARR: I think I have to show two things, certainly the criminality of the persons who composed the weapons, but it seems to me I must also show that that weapon played a part in the conspiracy because the Indictment alleges...

THE PRESIDENT: I should have thought you had shown that over and over again, that the SS were a part of the weapon. If there was a criminal conspiracy, then the SS were one of the weapons which were used by the conspirators. But what you have got to show in this part of the case is that the persons who formed that weapon were criminal and knew of the criminal objects of the SS.

MAJOR FARR: I quite agree I have to show that. I suppose I have to show, before showing that the persons involved knew of the criminal aims of the organization, what those criminal aims were. I was simply attempting to show the Tribunal that one of

those aims which I submit as criminal was a plan to dominate Europe, and that the SS was one of the means by which that was to be done.

Now, this is just one aspect of the SS criminality. I am quite ready not to proceed any further with the point if the Court already has the point, and thinks that the evidence of that aspect of its criminality is sufficient. I certainly do not want to labor the point too hard.

I now proceed further with the point as to the building up of the SS as a racial elite to take over; but I do think one other thing is important, and that is the negative side of that racism: the hatred for other races. And Himmler made some very striking points along that line as to what the SS was to be taught. I quote from his Posen speech, that is, our Document 1919-PS. The passage in question appears on Page 23 of the original speech, middle of the page, and will be found on Page 1 of the English translation, third paragraph. I quote:

"One basic principle must be the absolute rule for the SS man. We must be honest, decent, loyal, and comradely to members of our own blood and to nobody else. What happens to a Russian, to a Czech, does not interest me in the slightest."

The next few sentences from that same paragraph have already been read into evidence, and I shall not repeat them. But I do want to quote, in the same paragraph, the conclusion that Himmler draws from what he just said. This sentence is about seven lines from the bottom of the paragraph, beginning:

"That is what I want to instill into this SS and what I believe I have instilled in them as one of the most sacred laws of the future."

Now these principles—that is, the conception of being an elite which was to take over Europe and the conception of hatred towards inferior races, which was instilled in the SS—these were principles which were publicly reiterated over and over again so that the newest recruit was thoroughly steeped in them.

I quote from Himmler's Kharkov speech, which appears in the same Document 1919-PS.

THE TRIBUNAL (Mr. Biddle): Can't you just give us the meaning of the speech without quoting from it; can you just refer to it?

MAJOR FARR: I will be very glad to do that, if the Court will take judicial notice of it. I will refer you to the passage I have in mind. The passage in question appears on Page 14 of the translation, about 15 lines from the bottom of the page; it appears on Page 17 of the original, at about the middle of the page.

In that passage, after having talked at great length about the racial struggle, Himmler tells his commanding officers—and he is making this speech to the commanding officers of three divisions of the Waffen-SS—he tells his officers that the thing which he wants so thoroughly instilled into every recruit in the organization that he becomes saturated with it, is the necessity of the SS standing firm and carrying on the racial struggle without mercy.

On the same point one further quotation—if the Tribunal will bear with me—and I think this is important because this, again, is a public quotation, found in the *Organization Book* of the Party. That is our Document Number 2640-PS. It is a very short passage, appearing on Page 418 of the original and Page 1 of the English translation, the third paragraph from the end of the page in the translation:

“He openly and unrelentingly fights the most dangerous enemies of the State: Jews, Freemasons, Jesuits, and political clergymen.”

Now these were the fundamental principles of the SS: racial superiority and blind obedience. A necessary corollary of these two principles was ruthlessness. The evidence that we will introduce on these activities will show how successfully the SS learned the lesson it was taught.

The SS had to, and did, develop a reputation for terror which was carefully cultivated. Himmler himself publicly attested it as early as 1936 in his pamphlet, *The SS as an Anti-Bolshevist Fighting Organization*, our Document 1851-PS, which has already been introduced into evidence as Exhibit Number USA-440. I quote two sentences which appear at Page 29 of the original pamphlet and on Page 4 of the translation, the first two sentences:

“I know that there are some people in Germany who become sick when they see these black coats. We understand the reason for this and do not expect that we shall be loved by too many.”

The role which the SS was required to play demanded that it remain constantly the essence of Nazism and that its elite quality should never be diluted.

As evidence that even in 1943 the SS standards were still being maintained, I offer in evidence a letter written to the Defendant Kaltenbrunner by Himmler. This letter is our Document Number 2768-PS. It is a letter from the Reichsführer SS, written at his field command post and bearing the date 24 April 1943. I offer it as Exhibit Number USA-447. I quote from the first paragraph of that letter:

“Referring again to the matter which we discussed some time ago—that is, the admission of Sipo officials into the SS—I

wish to clarify again: I want an admission only if the following conditions, are fulfilled:

"1. If the man applies freely and voluntarily;

"2. If, by applying strict and peace-time standards, the applicant fits racially and ideologically into the SS, guarantees according to the number of his children a really healthy SS stock, and is neither ill, degenerate, nor worthless."

Then, continuing with the third paragraph:

"I beg you not only to act accordingly in the future, but especially also that numerous admissions into the ranks of the SS in the past be re-examined and revised according to these instructions."

Now I have appended this to indicate to the Tribunal the normal manner in which a man became a member of the SS. That is discussed by Himmler in our Document 1992(a)-PS, at Page 142 of the original and Page 5 of the translation. If the Court thinks that it can take judicial notice of that passage, I shall not venture to read it. What it does is to describe how a young man comes into the SS normally, at the age of 18, serves an apprenticeship and receives his instructions in SS ideology, takes the SS oath, receives the SS dagger, and how long he remains in the General SS. I will not venture to read that paragraph, since I assume that the Court will take judicial notice of it.

I do think it may be worth quoting the very brief oath which the SS man takes. That oath is quoted in the Waffen-SS recruiting pamphlet, entitled *The SS Calls You*, our Document Number 3429-PS, which I offer in evidence as Exhibit Number USA-446. The oath appears on Page 18 of that pamphlet, and on Page 2 of the translation, in the middle of the page. I quote the oath:

"The Oath of the SS Man:

"I swear to you, Adolf Hitler, as Führer and Reich Chancellor, loyalty and bravery; I vow to you, and to those you have named to command me, obedience unto death, so help me God."

I turn now to a consideration of the activities of the SS, the manner in which it carried out the purposes of the conspirators and performed its function of guarding the internal security of the Nazi regime. The proof of the elite Nazi quality and thorough reliability of the SS—the test by which it won its spurs—occurred on June 30, 1934, when it participated in the purge of the SA and other opponents or potential opponents of the Nazi regime. That was the first real occasion for the use of this specialized organization which could operate with the blessing of the Nazi State, but outside the law.

I offer in evidence an affidavit by the Defendant Wilhelm Frick, signed and sworn to here in Nuremberg on 19 November 1945. It is our Document Number 2950-PS. I offer it as Exhibit Number USA-448. I shall quote a portion of that affidavit, beginning about the middle of the first paragraph of the affidavit, the 10th line in the original. I quote:

"Many people were killed—I don't know how many—who actually did not have anything to do with the Putsch. People who just weren't liked very well were killed, as for instance, Schleicher, the former Reich Chancellor. Schleicher's wife was also killed; as was Gregor Strasser, who had been the Reichsleiter and second man in the Party after Hitler. Strasser, at the time he was murdered, was not active in political affairs any more. However, he was against the Führer in the elections of November 1932. The SS was used by Himmler for the execution of these orders to suppress the Putsch."

It was in recognition of its services in this respect that the SS was elevated to the status of being a component of the Party equal in rank to the SA, and other similar ranking. I ask the Court to take judicial notice of a passage which appears on Page 1 of the *Völkischer Beobachter* of July 26, 1934. It is our Document Number 1857-PS, Exhibit USA-412. I shall read the translation of that passage, which is very brief:

"The Reich Press office of the NSDAP announces the following order of the Führer:

"In consideration of the great meritorious service of the SS, especially in connection with the events of 30 June 1934, I elevate it to the standing of an independent organization within the NSDAP. The Reichsführer SS, like the Chief of Staff, is, therefore, directly subordinate to the highest SA leader."

By its action on June 30th, the SS proved itself. It was, therefore, the type of organization which the conspirators wanted for the first necessary step in their program, the acquisition of control over the police, because one of the first steps essential to the security of any regime is control of the police. The aim of the conspirators was to fuse the SS and the police; to merge them into a single, unified, repressive force.

I turn now to the consideration of the development whereby the SS and the police became intermingled. Shortly after the seizure of power the conspirators began to develop, as a part of the State machinery, secret political police forces, originating in Prussia in the Gestapo established by decree of the Defendant Göring in 1933; and this development will be dealt with in the case against the Gestapo. By 1934 the Reichsführer SS had become the chief of these

secret political police forces in all the states of Germany except Prussia, and deputy chief of the Prussian Gestapo. In that capacity he infiltrated these forces with members of the SS until a virtual identity of membership of the SS and the Gestapo was achieved.

On 17 June 1936, by the "Decree on the Establishment of a Chief of the German Police," published in the *Reichsgesetzblatt* for 1936, Part I, Pages 487 and 488, our Document Number 2073-PS, of which I assume the Court will take judicial notice, the new post of Chief of the German Police was created in the Ministry of the Interior. Under the terms of the decree Himmler was appointed to this post with the title of "Reichsführer SS and Chief of the German Police in the Ministry of the Interior."

The combination of these two positions, that of leadership of the SS and head of all the police forces in the Reich, was no accident but was intended to establish a permanent relation between the two bodies and not a mere transitory fusion of personnel. The significance of this combination of these two positions was referred to by Hitler in his secret order of 17 August 1938 on the organization and mobilization of the SS, our Document Number 647-PS, which I introduce in evidence as Exhibit Number USA-443 and from which I will now quote just the preamble, which will be found on the first page of our Document Number 647-PS and at the beginning of the original order. I quote:

"By means of the nomination of the Reichsführer SS and Chief of the German Police in the Ministry of the Interior on June 17, 1936 (*Reichsgesetzblatt* I, Page 487), I have created the basis for the unification and reorganization of the German Police. With this step the Schutzstaffeln of the NSDAP, which were under the Reichsführer SS and Chief of the German Police even up to now, have entered into close connection with the duties of the German Police."

Upon his appointment Himmler immediately proceeded to reorganize the entire police force, designating two separate branches: (1) The regular uniformed police force (*Ordnungspolizei*, or Orpo, as they were called by their abbreviated title); and (2) the so-called Security Police, or as they came to be known by their abbreviated title, Sipo. The Security Police was composed of all the criminal police in the Reich and all the Gestapo. This reorganization was achieved by the decree assigning functions to the Office of the Chief of the German Police, published in the *Reichsministerialblatt* for 1936, Pages 946-948, our Document Number 1551-PS. Of that decree I assume the Court will take judicial notice.

To be head of the Sipo, that is, of the Criminal Police and the Gestapo, Himmler appointed Reinhard Heydrich, who was at that time the Chief of the SD, the SS intelligence agency to which I have

already referred. Thus, through Himmler's dual capacity as Reichsführer SS, and as Chief of the German Police, and through Heydrich's dual capacity as head of the SD and of the Security Police, a unified personal command of the SS and Security Police Forces was achieved.

But further steps towards unification were taken. In 1939 the Security Police and the SD, which up to that time was only an agency of the SS, were both combined in a single department: the Reich Security Main Office, commonly referred to as RSHA. An important point to be observed is this: This newly created department, RSHA, was not a mere department of the Government. It was a dual thing. It was simultaneously an agency of the Government, organizationally placed in the Ministry of the Interior, and at the same time, one of the principal departments of the SS, organizationally placed in the Supreme Command of the SS. This division in the SS is shown by the chart before you; RSHA being indicated by the sixth block from the left of the chart. But it was not merely the Gestapo and Criminal Police which came under the sway of the SS; the regular uniformed police as well were affected. Like the RSHA, the department of the Regular Police (the Ordnungspolizei) was also not merely a department in the Ministry of the Interior, but also simultaneously in the Supreme Command of the SS. Its position in the SS is indicated by the seventh block on the chart, on the left.

Now this unity of command between SS and Police was not a mere matter of the highest headquarters. It extended down to the operating level. The Court will observe from the chart that the Higher SS and Police Leader in each region, who was directly subordinate to Himmler, had under his command both the Security Police (Sipo) and the regular uniformed police (Ordnungspolizei); and also that these forces, Sipo and Orpo, were not only under command of the Higher SS and Police Leader, but as indicated by the blue line, were also under command of the RSHA, and the Department of the Ordnungspolizei, and the SS. Thus you have organizationally a unity of command over the SS and the police. This organization was not the only way by which unity was achieved. Unity of personnel was also achieved. Vacancies occurring in the police forces were filled by SS members. Police officials who were in the force were able to join the SS; and schools were operated by the SS for the police, as well as for the SS officials.

These measures are described in Himmler's article "Organization and Obligations of the SS and the Police," our Document Number 1992(a)-PS. They are also described in an authoritative book on the police, entitled *The German Police*, the book published in 1940, written by Dr. Werner Best, a ministerial director in the Ministry of the Interior, and a department head in the Security Police. It

bears on its fly-leaf the imprimatur of the Nazi Party, and the book is listed in the official list of National Socialist bibliography. Chapter 7 from that book is our Document Number 1852-PS. I offer this book in evidence as Exhibit Number USA-449.

Through this unity of organization and personnel, the SS and the police became identified in structure and in activity. The resulting situation was described in Best's book, which I have just offered in evidence, our Document Number 1852-PS, as follows. I quote from Page 7 of that document, Paragraph 5; from the original book, Page 95, Paragraph 3:

"Thus the SS and the police form one unit, both in their structure and in their activity, although their individual organizations have not lost their true individuality and their position in the larger units of the Party and State administration which are concerned with other points of view."

Through the police, the SS was in a position to carry out a large part of the functions assigned to it. The working partnership between the Gestapo, the Criminal Police, and the SD under the direction of the Reichsführer SS resulted in the end in repressive and unrestrained police activity. That will be dealt with in the case against the Gestapo. In considering that evidence, the Tribunal will bear in mind that the police activities there shown were one aspect of SS functions, one part of the whole criminal SS scheme. I shall not, therefore, consider here evidence relating strictly to the police functions of the SS.

Control over the police was not enough. Potential sources of opposition could be tracked down by the SD. Suspects could be seized by the Criminal Police and the Gestapo, but these means alone would not assure the complete suppression of all opponents and potential opponents of the regime. For this purpose concentration camps were invented. The evidence already presented to the Tribunal has shown what the concentration camp system involved, and the end result of that system was graphically illustrated in the moving pictures displayed about 10 days ago. The responsibility of the SS in that system is a topic to which I now turn.

The first requirement for the camps was guard and administrative personnel. Part-time volunteer members of the Allgemeine SS were originally utilized as guards; but part-time volunteers could not adequately serve the needs of the extensive and long-range program that was planned. So beginning in 1933 full-time professional guards units, the Death's-Head Units, which I have already described, were organized. During the war, members of the General SS resumed the function of guarding camps, which they had initially undertaken when the camps were created. The Tribunal will recall the provisions of the Hitler order which I read

a few moments ago, directing the substitution of General SS members to the Death's-Head Units in the event of mobilization. It is unnecessary to repeat the evidence of wholesale brutality, torture, and murder committed by SS guards. They were not the sporadic crimes committed by irresponsible individuals but a part of a definite and calculated policy, a policy necessarily resulting from SS philosophy, a policy which was carried out from the initial creation of the camps.

Himmler bluntly stated the SS view as to the inmates of the camps in his article, "Organization and Obligations of the SS and the Police," Exhibit Number USA-439, our Document 1992(a)-PS. I quote from Page 7 of the translation, last paragraph; from Page 148 of the original, third paragraph:

"It would be extremely instructive for everyone—to some members of the Wehrmacht I could give the opportunity—to inspect such a concentration camp. Once you have seen it, you are convinced of the fact that no one has been sent there unjustly; that it is the offal of criminals and freaks. No better demonstration of the laws of inheritance and race, as set forth by Dr. Guett, exists than such a concentration camp. There you can find people with hydrocephalus, people who are cross-eyed, deformed, half Jewish, and a number of racially inferior products. All that is assembled there. Of course, we distinguish between those inmates who are only there for a few months for the purpose of education and those who are to stay for a long time. On the whole, education consists only of discipline, never of any kind of instruction on an ideological basis, for the prisoners have, for the most part, slave-like souls and only very few people of real character can be found there."

Then, omitting the next two sentences, he continues with this striking remark:

"Education thus means order. The order begins with these people living in clean barracks. Such a thing can really be accomplished only by Germans; hardly another nation would be as humane as we are. The laundry is frequently changed. The people are taught to wash themselves twice daily and to use a toothbrush, a thing with which most of them have been unfamiliar."

Having heard the evidence and seen the pictures as to conditions in concentration camps, this Tribunal can appreciate how grim and savage that callous jest was. He made no such pretense in his speech to his own Gruppenführer at Posen, our Document 1919-PS, Exhibit Number USA-170. I quote from Page 43 of the

original, last paragraph; from Page 2 of the translation, the first full paragraph.

"I don't believe the Communists could attempt any action, for their leading elements, like most criminals, are in our concentration camps. And here I must say this: We shall be able to see after the war what a blessing it was for Germany that, in spite of all the silly talk about humanitarianism, we imprisoned all this criminal sub-stratum of the German people in concentration camps. I'll answer for that."

But he is not here to answer.

Certainly there was no "silly humanitarianism" in the manner in which SS men performed their tasks. Just as an illustration, I should like to examine their conduct, not in 1944 or 1945, but 1933. I have four reports relating to the deaths of four different inmates of the concentration camp Dachau between May 16 and May 27, 1933. Each report is signed by the Public Prosecutor of the District Court in Munich and is addressed to the Public Prosecutor of the Supreme Court in Munich. These four reports show that during that 2-week period in 1933, at the time when the concentration camps had barely started, that SS men had murdered—a different guard each time—an inmate of the camp.

Now I don't want to take the time of the Tribunal to read that evidence if it feels that it is a minor point. The significance of it is this: It is just an illustration of the sort of thing that happened in the concentration camps at the earliest possible date, in 1933. I am prepared to offer those four reports in evidence and to quote from them, if the Tribunal thinks that the point is not too insignificant.

THE PRESIDENT: Where are they?

MAJOR FARR: They are right here. I will offer them in evidence. The first is our Document Number 641-PS. It is a report dated 1 June 1933 and relates the death of Dr. Alfred Strauss, a prisoner in protective custody in Dachau. I offer it in evidence as Exhibit Number USA-450. I shall read a few paragraphs from that report, beginning with Paragraph 1:

"On May 24, 1933, the 30-year-old, single, attorney-at-law, Dr. Alfred Strauss from Munich, who was in the concentration camp Dachau as a prisoner under protective custody, was killed by two pistol shots from SS Man Johann Kantschuster who escorted him on a walk, prescribed for him by the camp doctor, outside the fenced part of the camp.

"Kantschuster gives the following report: He himself had to urinate; Strauss proceeded on his way. Suddenly Strauss broke away towards the bushes located at a distance of about

6 meters from the line. When Kantschuster noticed it, he fired two shots at the fugitive from a distance of about 8 meters; whereupon Strauss collapsed dead.

"On the same day, May 24, 1933, a judicial inspection of the locality took place. The corpse of Strauss was lying at the edge of the wood. Leather slippers were on his feet. He wore a sock on one foot, while the other foot was bare, obviously because of an injury to this foot. Subsequently an autopsy was performed. Two bullets had entered the back of the head. Besides, the body showed several black and blue spots and also open wounds."

Skipping now to the last paragraph of the report:

"I have charged Kantschuster today with murder and have made application for the opening and execution of a judicial preliminary investigation as well as for the issuance of a warrant of arrest against him."

That is the first of the four reports. The significance is that you have, one after the other, murders committed within a short space of time. And, in each instance, an official report by the camp commander or the guard as to the cause of death which was completely disproved by the facts.

The second report, a report dated 1 June 1933, relates to the death of Leonhard Hausmann, another prisoner in Dachau. It is our Document 642-PS and I offer it in evidence as Exhibit Number USA-451.

THE PRESIDENT: I don't think you need read the details.

MAJOR FARR: I will offer it without reading it.

The third report which I shall offer is dated 22 May 1933. It relates to the death of Louis Schloss, an inmate of Dachau, and is our Document 644-PS. I offer it in evidence as Exhibit Number USA-452.

The fourth document, our Number 645-PS, dated 1 June 1933, relates to the death of Sebastian Nefzger, another Dachau prisoner. I offer this in evidence as Exhibit Number USA-453.

These four murders committed within the short space of 2 weeks in the spring of 1933, each by different SS guards, are but a few examples of SS activities in the camps at that very early date. Many similar examples from that period and later periods could be produced.

Indeed, that sort of thing was officially encouraged. I call the Tribunal's attention to the disciplinary Regulation for the Dachau Concentration Camp, our Document 778-PS, which has already been introduced in evidence as Exhibit Number USA-247. I want to

read the fourth paragraph of the introduction to those rules, a passage which was not read when the document was originally introduced. The fourth paragraph on the first page of the translation and of the original is as follows:

"Tolerance means weakness. In the light of this conception, punishment will be mercilessly handed out whenever the interests of the Fatherland warrant it. The fellow countryman who is decent but misled will never be affected by these regulations. But let it be a warning to the agitating politicians and intellectual provocateurs, regardless of which kind: Be on guard not to be caught, for otherwise it will be your neck and you will be silenced according to your own methods."

Those regulations were issued in 1933 by SS Führer Eicke, who, it is to be noted, was the commandant of the SS Totenkopf Verbände.

Furnishing guard and administrative personnel was not the only function of the SS with relation to the camps. The entire internal management of the camps, including the use of prisoners, their housing, clothing, sanitary conditions, the determination of their very right to live, and the disposal of their remains, was controlled by the SS. Such management was first vested in the Leader of the SS Death's-Head Units who had the title of Inspector of Concentration Camps. This official was originally in the SS Hauptamt—represented on the chart by the second box from the left.

During the course of the war, in March 1942, control of concentration camps was transferred to another of the departments of the SS Supreme Command, the SS Economic and Administration Department, commonly known as WVHA. That department is indicated on the chart by the 3rd box from the left. And the Court will note under the top box the breakdown "Concentration Camps" which in turn is broken down into "Prison," "Labor," "Medical," and "Administration."

That change was announced in a letter to Himmler, dated 30 April 1942, from the Chief of WVHA. The letter is our Document Number R-129 and it has already been received in evidence as Exhibit Number USA-217. I shall not quote from that letter now.

This shift of control to WVHA, the economic department of the SS, coincided with a change in the basic purposes of the concentration camps. Political and security reasons, which previously had been the ground for confinement, were abandoned; and the camps were frankly made to serve the slave-labor program. The Tribunal will recall the evidence relating to that program which was presented last week by Mr. Dodd. I shall not deal at any length with the matter again, except to summarize the principal facts

bearing on SS responsibility which were demonstrated by that evidence.

To satisfy the increased demands for manpower it was not enough to work the inmates of the camp harder. More inmates had to be obtained. The SS, through its police arm, was prepared to satisfy this demand, as through the WVHA it was prepared to work those who were already in the camp.

THE PRESIDENT: Have you got any figures you can give the Tribunal as to the total numbers in the SS and the total numbers who were employed on concentration camps? If you gave us the total number of the SS and the total number employed in concentration camps, we should see what the proportion was.

MAJOR FARR: I think I can only give you these figures: I earlier quoted some figures from D'Alquen in his book published in 1939, in which he said that the total strength of the General SS was about 240,000. That is the General SS, which was not at that time engaged in the guarding of concentration camps. The Totenkopf Verbände (the Death's-Head Units) at that time consisted of some three or four regiments at the most. They were the guards; so that of the personnel who were employed in actual guard duty there were, in 1939, about three or four regiments.

The Court will recall that after the war had started, the Totenkopf Verbände were no longer employed in that duty and that the members of the General SS took it up. How many were employed is something that is difficult to estimate. The concentration camp program was constantly expanding; and of course, as more camps were added more personnel was needed. I can't give the Tribunal figures on the number of persons involved in guarding the camps, but one of the matters I think significant is this: We have not only guards, we have administrative personnel; we have the whole of the WVHA which, as I want to show by evidence, had complete control of the management of the concentration camps. The members of the staff office, WVHA, were derived from the General SS; so you have on the one hand the guard personnel, Death's-Head Units up to 1939, and then you have after 1939 more guards from the Allgemeine SS. You have, after 1939, more guards from the General SS and also administrative personnel from WVHA.

I do not have figures on how many persons were engaged in one or another phase of the concentration camp activities. You have, of course, the SD and Security Police involved in it, insofar as they went out and seized victims. You have WVHA, the entire administrative personnel of that section involved in it, insofar as they handled administrative matters.

Some conception of the number of persons who must have been engaged in the activity may be gained from noting the number of

persons involved in a camp. I have a document, a report by WVHA in August 1944, which reports the number of prisoners who were then on hand in the camps and the new arrivals who were expected. That document is our Document Number 1166-PS, which I will now offer in evidence as Exhibit Number USA-458.

THE PRESIDENT: I don't think we had better go into that tonight. What will you be dealing with tomorrow?

MAJOR FARR: Tomorrow, Sir, I intend to offer evidence showing how WVHA and other SS personnel were involved in the control of every phase of the concentration camp program. That is the first thing. The second thing is to point out the role that the SS played in the persecution of the Jews and their extermination; not with a view to repeating the substantive evidence to show that such acts took place, but to show how many components, how many parts, of the organization were involved in that program.

Then I shall consider the role of the SS with respect to preparations for aggressive war and the Crimes against Peace—a relatively brief discussion—and then pass on to the role that the SS played in War Crimes and Crimes against Humanity, set out in Counts Three and Four of the Indictment; and finally, the role of the SS in the colonization program.

THE PRESIDENT: Colonization?

MAJOR FARR: That may be an unfortunate word. Perhaps I should have said Germanization program, a program of resettlement, evacuation, colonization, and exploitation of the conquered territories.

Those, I think, are the four main functions of the SS which remain to be considered; and I shall endeavor not to go again into the substantive crimes which have already been shown to the Tribunal, but to try to show how almost every department—in fact, every department of the SS and every component—was involved in one or more—and mostly more—of these crimes.

THE PRESIDENT: The Tribunal hopes that you will be able to confine yourself to the reading of evidence which is not cumulative.

MAJOR FARR: I have that in mind and I don't intend to do that except to show the figures and components of the SS which were involved in various programs.

THE PRESIDENT: Very well.

[The Tribunal adjourned until 20 December 1945 at 1000 hours.]

TWENTY-FOURTH DAY

Thursday, 20 December 1945

Morning Session

MAJOR FARR: May it please the Tribunal, when the Tribunal rose yesterday, we were discussing the number of persons who might be involved in the concentration camp program with which the SS was concerned. Nothing better illustrates the integrated character of the whole organization than the concentration camp program.

WVHA, one of the departments of the Supreme Command, handled the administration and control of that camp program and dealt with the victims once they were in the camp. They were assisted by the Death's-Head Units, who furnished the guard personnel for the camps, and subsequently by the Allgemeine SS, which took over guard duties during the war.

RSHA played a part in the concentration camp program—the police arm of the SS—because through it the victims were apprehended and taken to the camps. Thus the SD appears in the picture, the personal staff, the first department of the Supreme Command, sort of the top office of the whole organization, and naturally it had much to do with the work of all subordinate departments.

Thus when the question is asked how many persons in the SS had something to do with the concentration camp program, it is a question which I think it is impossible to answer. You may point out how many persons were involved in the Death's-Head Units, who originally furnished the guard details; you might estimate how many persons were in the Allgemeine SS, but to say just what percentage of the whole organization was involved in that program, is something which I find myself unable to do.

I had just pointed out...

THE PRESIDENT: Can you say that one or another branch of the SS provided the whole of the staff of the concentration camps?

MAJOR FARR: By the staff, I take it, you mean guards at the camp, the camp personnel. You cannot do that. For example, the Death's-Head Units originally started off as being the units which furnished all the guard personnel. Subsequently, their task was taken over by members of the Allgemeine SS.

THE PRESIDENT: Those are both branches of the SS?

MAJOR FARR: Both are branches, yes. Now with respect to the camp commandants, for instance, normally all high ranking officers in the SS were members of the Allgemeine SS, so doubtless such personnel would be drawn from that branch. It is certainly not beyond question that some members of the Waffen-SS may have been called on to act as guards in certain camps. I do not think that you can say that there is no component of the SS which may not have had some of its personnel involved in the program.

THE PRESIDENT: That wasn't exactly what I meant. What I meant was: Could you say that one or other branches of the SS furnished the whole staff of the concentration camps?

MAJOR FARR: I don't think I can say that. I think I could say this...

THE PRESIDENT: What other organization was it that furnished a part of the staff of the concentration camps?

MAJOR FARR: You mean an organization other than the SS?

THE PRESIDENT: Yes.

MAJOR FARR: I know of none.

THE PRESIDENT: Then the answer would be "yes" then?

MAJOR FARR: I thought Your Honor was referring to any one branch of the SS which was concerned alone with that. The SS, so far as I know, is the only organization which played a part in the concentration camp picture, except at the very end of the war when I think, as Colonel Storey said yesterday, some members of the SA were also involved as guard personnel of concentration camps.

THE TRIBUNAL (Mr. Biddle): Do you know the total personnel at the end of the war?

MAJOR FARR: Of the entire SS?

THE TRIBUNAL (Mr. Biddle): Yes.

MAJOR FARR: That is something you would have to estimate. I quoted to the Tribunal yesterday the figures that D'Alquen gave as the strength of the Allgemeine SS in 1939. He said then that there were about 240,000 men in the Allgemeine SS. There were, at that time, about four regiments of Death's-Head Units, several other regiments of the Verfügungstruppe, a few thousand personnel involved in the SD, so that I should say in 1939 you had about 250,000 to 300,000 members of the SS. With the outbreak of the war, the Waffen-SS was built up from a few regiments of the Verfügungstruppe to about 31 divisions at the end of the war, which probably would mean that the Waffen-SS by 1945 had had some 400,000 to 500,000 persons involved. I take it that 400,000 to 500,000 members of the Waffen-SS would be in addition to personnel of the

Allgemeine SS, who were subject to compulsory military service in the Wehrmacht. So that, if I had to estimate, I would say that probably some 750,000 persons would be the top figure of personnel who had been involved in the SS from the beginning, but that is an estimate.

THE TRIBUNAL (Mr. Biddle): Then you have no breakdown to show how many of those were civilians, clerks, stenographers, soldiers, and so on?

MAJOR FARR: No. When we are talking about SS members, we are not talking about stenographers who worked in the office, who were not members of the SS. By SS members, we mean personnel who took the oath and appeared on the membership list, either as a member of the Allgemeine SS, the Death's-Head Units, or the Waffen-SS. I would think that my figure of 750,000 was a figure including members of the SS, Allgemeine SS, the Totenkopf Verbände, and the Waffen-SS.

I was pointing out the shift of control of concentration camps to WVHA in 1942, which was coincident with the shift in the basic purpose of the camps, which heretofore has been concerned with custody of individuals for political and security reasons. Now the basic purpose of the camps was to furnish manpower, and I now want to point out to the Court the agencies of the SS which were involved in that manpower drive.

The Tribunal has already received evidence of an order which was issued in 1942, shortly after the transfer to WVHA of concentration camp control, directing Security Police to furnish at once 35,000 prisoners qualified for work in the camps. That order is our Document 1063-PS, and was received in evidence as Exhibit Number USA-219.

Thirty-five thousand prisoners were, of course, merely the beginning. The SS dragnet was capable of catching many more slaves. I offer in evidence a carbon, typewritten copy of a directive to all the departments of the SS Supreme Command, issued from Himmler's field headquarters on August 5, 1943. It is our Document Number 744-PS. I offer it as Exhibit Number USA-455. That directive appears on Page 2 of the translation. It implements an order signed by the Defendant Keitel directing the use of all males captured in guerilla fighting in the East for forced labor. The Keitel directive appears on Page 1 of the translation.

I shall read only the Himmler directive appearing on Page 2 of the translation. The Tribunal will note that it is addressed to every main office of the SS Supreme Command. I read that list of addressees of the directive:

"(1) Chief of the personnel staff of Reichsführer SS; (2) SS Main Office; (3) Reich Security Main Office; (4) Race and

Resettlement Main Office; (5) Main Office, Ordinary Police; (6) SS Economic Administrative Main Office; (7) SS Personnel Main Office; (8) Main Office SS Court; (9) SS Supreme Command, Headquarters of the Waffen-SS; (10) Staff Headquarters of the Reich Commissioner for the Consolidation of Germanism; (11) Main Office Center for Racial Germans; (12) Office of SS Obergruppenführer Heissmeyer; (13) Chief of the anti-partisan combat. . . .”

I point out to the Court that every one of the main offices appearing on the chart is a recipient of that directive. The next addressees are the Higher SS and Police Leaders in the various regions.

I continue to quote the body of the directive:

“Referring to Item 4 of the above-mentioned order, I order that all young female prisoners capable of work are to be sent to Germany for work, through the agency of Reich Commissioner Sauckel.

“Children, old women, and old men are to be collected and put to work in the women’s and children’s camps established by me on estates, as well as on the border of the evacuated area.”

In April 1944 the SS was called on to produce even more laborers—this time 100,000 Jews from Hungary. The Tribunal will recall the minutes of the Defendant Speer’s discussion with Hitler on April 6 and 7, 1944, which were found in our Document R-124 at Page 36 and were read to the Court in evidence as Exhibit Number USA-179—minutes in which Speer referred to Hitler’s statement that he would call on the Reichsführer SS to produce 100,000 Jews from Hungary.

The last source of manpower had not been tapped. To Jews, deportees, women, and children, there was added the productive power of prisoners of war. It was through the SS that the conspirators squeezed the last drop of labor from such prisoners.

I refer to a statement by the Defendant Speer which appears in our Document R-124 at Page 13 of the translation, the document itself having already been introduced in evidence as Exhibit Number USA-179. The statement is found at Page 7, last paragraph of the original, Page 13 of our Document R-124, the next to the last paragraph on Page 13. That appears in Volume 2 of the document book. I quote:

“Speer: ‘We have to come to an arrangement with the Reichsführer SS as soon as possible so that PW’s he picks up are made available for our purposes. The Reichsführer SS gets from 30,000 to 40,000 men per month.’”

In order to insure SS control over the labor of prisoners of war, the Reichsführer SS was finally appointed as head of all prisoner-of-war camps on 25 September 1944. I offer in evidence the letter referring to his appointment. It is our Document 058-PS. It is Exhibit Number USA-456. It will be found in Volume 1 of the document book. That letter is a circular letter from the Director of the Party Chancellery dated 30 September 1944 and signed "M. Bormann." I quote, beginning with the first paragraph of that letter:

"1. The Führer has ordered under the date of 25 September 1944:

"The custody of all prisoners of war and interned persons, as well as prisoner-of-war camps and installations with guards, are transferred to the Commander of the Reserve Army from 1 October 1944."

Passing to Paragraph 2 of the letter, I shall read Subparagraphs (a) and (c); I quote:

"2. The Reichsführer SS has commanded:

"(a) In my capacity as Commander of the Reserve Army, I transfer the affairs of prisoners of war to SS Obergruppenführer and General of the Waffen-SS, Chief of Staff of the Volkssturm, Gottlob Berger."

Skipping now to Subparagraph (c):

"(c) The mobilization of labor of the prisoners of war will be organized in joint action of SS Obergruppenführer Berger and SS Obergruppenführer Pohl with the appropriate offices for allocation of labor.

"The strengthening of security in the field of prisoner-of-war affairs is to be accomplished between SS Obergruppenführer Berger and the Chief of the Security Police, SS Obergruppenführer Dr. Kaltenbrunner."

Thus the SS finally took over direction and control of prisoner-of-war-camps.

So impressive were the results obtained from SS concentration camp labor that in 1944 the Defendant Göring called on Himmler for more inmates for use in the aircraft industry. The Tribunal will recall his teletype to Himmler, our Document 1584-PS, Part 1, which was read in evidence by Mr. Dodd as Exhibit Number USA-221. Let me now read Himmler's reply to that teletype. It is our Document 1584-PS, Part 3, and will be found on Page 2. I offer it in evidence as Exhibit Number USA-457. I quote the beginning of that letter:

"Most Honored Reich Marshal:

"Following my teletype letter of 18 February 1944, I herewith transmit a survey on the employment of prisoners in the aviation industry.

"This survey indicates that at the present time about 36,000 prisoners are employed for the purposes of the Air Force. An increase to a total of 90,000 prisoners is contemplated.

"The production program is being discussed, established, and executed by the Reich Ministry of Aviation and the chief of my Economic Administrative Main Office, SS Obergruppenführer and General of the Waffen-SS Pohl.

"We assist with all the forces at our disposal.

"The task of my Economic Administrative Main Office, however, is not solely fulfilled with the allocation of the prisoners to the aviation industry, as SS-Obergruppenführer Pohl and his assistants take care of the required working speed through constant control and supervision of the work-groups (Kommandos) and therefore have some influence on the results of production. In this respect I may suggest consideration of the fact that in enlarging our responsibility through a speeding-up of the total work, better results can definitely be expected."

I pass now to the last two paragraphs of the letter, which will be found on the next page of the translation:

"The movement of manufacturing plants of the aviation industry to subterranean locations requires further employment of about 100,000 prisoners. The plans for this employment on the basis of your letter of 14 February 1944 are already under way.

"I shall keep you, most honored Reich Marshal, currently informed on this subject."

Incidentally, I might call to the Tribunal's attention the fact that SS Obergruppenführer Pohl, who was head of the WVHA, was also a general of the Waffen-SS, which goes to show that there is no manner in which you can characterize functions in the SS.

The extent to which the number of prisoners was increased through SS efforts is illustrated by our Document 1166-PS, which I offered in evidence yesterday as Exhibit Number USA-458. That document is a report from Office Group D of WVHA, dated 15 August 1944. I shall read the first page of that report, beginning:

"With reference to the above-mentioned telephone call, I am sending herewith a report on the actual number of prisoners for 1 August 1944 and of the new arrivals already announced, as well as the clothing report for 15 August 44.

"(1) The actual number on 1 August 44 consisted of: a) male prisoners, 379,167; b) female prisoners, 145,119.

"In addition, there are the following new arrivals already announced:

"1) From the Hungary program (anti-Jewish action), 90,000;
2) from Litzmannstadt (police prison and ghetto), 60,000;

3) Poles from the Government General, 15,000; 4) convicts from the Eastern Territories, 10,000; 5) former Polish officers, 17,000; 6) from Warsaw (Poles), 400,000; 7) continued arrivals from France approximately 15,000 to 20,000.

"Most of the prisoners are already on the way and will be received into the concentration camps within the next few days."

This intensive drive for manpower to some extent interfered with the program which WVHA had already undertaken to exterminate certain classes of individuals in the camps. I offer a photostatic copy of a letter from WVHA, dated 27 April 1943, our Document 1933-PS. It is Exhibit Number USA-459. The letter is addressed to a number of concentration camp commanders, is signed by Glücks, SS Brigade Führer and Major General of the Waffen-SS. I read the letter:

"The Reichsführer SS and Chief of the German Police has decided after consultation, that in the future only mentally sick prisoners may be selected for action 14-F-13 by the medical commissions appointed for this purpose.

"All other prisoners incapable of working (tubercular cases, bedridden cripples, *et cetera*) are to be basically excepted from this action. Bedridden prisoners are to be drafted for suitable work which they can perform in bed.

"The order of the Reichsführer SS is to be obeyed strictly in the future.

"Therefore requests for fuel for this purpose are unnecessary."

The action "14-F-13" is not defined in the letter, but it is perfectly apparent what it means. Every human being, bedridden, crippled, no matter what his physical condition, from whom any work at all could be extracted was to be excepted from the action. Only the insane, from whom nothing could be expected, were to suffer the action. What could the action be? It is perfectly apparent. The action was extermination.

The SS, however, was to some extent enabled to achieve both goals: that of increased production and of elimination of undesirables. The Tribunal will recall the agreement between Minister of Justice Thierack and Himmler on September 18, 1942, our Document 654-PS, which was read in evidence by Mr. Dodd as Exhibit Number USA-218. I am not going to quote again from that document but will remind the Tribunal that the agreement provided for the delivery of anti-social elements after the execution of their sentences to the Reichsführer SS to be worked to death.

The conditions under which such persons worked in the camps were well calculated to lead to their death. Those conditions were

regulated by the WVHA. As an illustration of WVHA management, I call the Court's attention to our Document 2189-PS, which I offer in evidence as Exhibit Number USA-460. It is an order directed to commandants of concentration camps, dated 11 August 1942, and bearing the facsimile signature, which does not appear on the translation but does appear on the original, of SS Brigade Führer and General of the Waffen-SS Glücks, who was Chief of Office Group D of WVHA. That is Document Number 2189-PS. I will read the body of that letter:

"The Reichsführer SS and Chief of the German Police has ordered that punishment by beating will be executed in concentration camps for women by prisoners under the ordered supervision.

"In order to co-ordinate this order the Main Office Chief SS of the Economic Administration Main Office, SS Obergruppenführer and General of the Waffen-SS Pohl, has ordered, effective immediately, that punishment by beating will also be executed by prisoners in concentration camps for men.

"It is forbidden to have foreign prisoners execute the punishment on German prisoners."

Even after their death the prisoners did not escape the management of WVHA. I refer the Court to our Document 2199-PS, a letter to commanders of concentration camps dated 12 September 1942 and signed by the Chief of the Central Office Group D of WVHA, SS Obersturmbannführer Liebehenschel. I offer this as Exhibit Number USA-461. I shall read the body of that directive, which appears on Page 1 of the translation. I quote:

"According to a communication of the Chief of the Security Police and the SD, and conforming to a report of the Chief of the Security Police and the SD in Prague, urns of deceased Czechs and Jews were sent for burial to the home cemeteries within the Protectorate.

"In view of different events (demonstrations, erecting of posters inimical to the Reich on urns of deceased inmates in the halls of cemeteries of the home communities, pilgrimages to the graves of deceased inmates, *et cetera*) within the Protectorates, the delivery of urns with the ash remnants of deceased nationals of the Protectorate and of Jews is henceforth prohibited. The urns shall be preserved within the concentration camps. In case of doubt about the preservation of the urns oral instructions shall be available at this agency."

The SS indeed regarded the inmates of concentration camps as its own personal property to be used for its own economic advantage. The Tribunal will recall that as early as 1942 the Defendant

Speer recognized that the SS was motivated by the desire for further profits when he suggested to Hitler that the SS receive a share of the war equipment produced by concentration camp labor in ratio to the working hours of the prisoners. I refer to our Document R-124, at Page 36, which was read into evidence by Mr. Dodd as Exhibit Number USA-179. The Führer agreed that a 3 to 5 percent share should satisfy the SS commanders. Himmler himself frankly admitted his intention to derive profits for SS purposes from the camp in his Metz speech to the officers of the SS Leibstandarte "Adolf Hitler," our Document 1918-PS, Exhibit Number USA-304—the passage in question being found at the top of Page 3 of the English translation and on Page 10 of the original German, 7 lines from the bottom. The passage begins:

"The apartment-building program, which is the prerequisite for a healthy and social basis of the entire SS, as well as of the entire leadership corps, can be carried out only when I get the money for it from somewhere. Nobody is going to give me the money. It must be earned, and it will be earned by forcing the scum of mankind, the prisoners, the professional criminals, to do positive work. The man guarding those prisoners serves harder than the one on close-order drill. The one who does this and stands near these utterly negative people will learn within 3 to 4 months—and we shall see. In peacetime, I shall form guard battalions and put them on duty for 3 months only. They will learn to fight the inferior beings; and this will not be a boring guard duty, but if the officers handle it right, it will be the best indoctrination on inferior beings and inferior races. This activity is necessary, as I said, 1) to eliminate these negative people from the German people; 2) make them work once more for the great national community by having them break stones and bake bricks, so that the Führer can again erect his grand buildings; and 3) to in turn invest the money, earned soberly this way, in houses, in ground, in settlements, so that our men can have houses in which to raise large families and have many children. This in turn is necessary because we stand or die with this leading blood of Germany; and if the good blood is not reproduced, we will not be able to rule the world."

One final aspect of SS control over concentration camps remains to be mentioned. That is its direction of the program of biological experiments on human beings, which was carried on in the camps. Just a few days ago another military tribunal passed judgment on some of those who participated in the experiments at Dachau.

THE PRESIDENT: There is no date on that document you just read, is there?

MAJOR FARR: There appears to be no date on the English translation. The original document bears the notation of a speech in April 1943.

At a later stage in this case, evidence of some of the details of this program of experiments will be presented. It is not my purpose to deal with those experiments from the substantive aspect. I shall show only that they were the result of SS direction and that the SS played a vital part in their successful execution.

The program seems to have originated in a request by a Dr. Sigmund Rascher to Himmler for permission to utilize persons in concentration camps as material for experiments with human beings in connection with some research he was conducting on behalf of the Luftwaffe. I refer to our Document 1602-PS, a photostatic copy of a letter dated 15 May 1941, addressed to the Reichsführer SS, and signed "S. Rascher." I offer it as Exhibit Number USA-454. I shall quote from the second paragraph of the translation, the fourth paragraph of the original letter. I quote:

"For the time being I have been assigned to the Luftgaukommando VII, Munich, for a medical course. During this course where researches on high-altitude flights play a prominent part (determined by the somewhat higher ceiling of the English fighter planes), considerable regret was expressed at the fact that no tests with human material had yet been possible for us, as such experiments are very dangerous and nobody volunteers for them. I put, therefore, the serious question: Can you make available two or three professional criminals for these experiments? The experiments are made at Bodenständige Prüfstelle für Höhenforschung der Luftwaffe, Munich. The experiments, by which the subjects may, of course, die, would take place with my co-operation. They are essential for researches on high-altitude flight and cannot be carried out, as has been tried, with monkeys, who offer entirely different test-conditions. I have had a very confidential talk with the deputy of the Surgeon of the Air Force, who makes these experiments. He is also of the opinion that the problem in question could only be solved by experiments on human persons. (Feeble-minded could also be used as test material.)"

Dr. Rascher promptly received assurance from the SS that he would be allowed to utilize concentration camp inmates for his experiments.

I refer to our Document 1582-PS, a letter dated 22 May 1941, addressed to Dr. Rascher, and bearing the stamp of the Personal Staff of the Reichsführer SS, and the initials, "K Br," which initials are those of SS Sturmbannführer Karl Brandt. I offer this letter

as Exhibit Number USA-462. I quote the first two paragraphs of that letter:

"Dear Dr. Rascher:

"Shortly before flying to Oslo, the Reichsführer SS gave me your letter of 15 May 1941 for partial reply.

"I can inform you that prisoners will, of course, be gladly made available for the high-flight researches. I have informed the Chief of the Security Police of this agreement of the Reichsführer SS, and requested that the competent official be instructed to get in touch with you."

The altitude experiments were conducted by Rascher; and in May 1942 General Field Marshal Milch, on behalf of the Luftwaffe, expressed his thanks to the SS for the assistance it furnished in connection with the experiments.

I refer to our Document 343-PS which will be found in Volume I of the document book. I offer an original letter, dated 20 May 1942, addressed to SS Obergruppenführer Wolff, and signed E. Milch, as Exhibit Number USA-463. That letter, which appears on Page 2 of the translation and on Page 1 of the original German, is as follows:

"Dear Wolff"—the German says, "Liebes Wölffchen":

"In reference to your telegram of 12 May, our sanitary inspector reports to me that the altitude experiments carried out by the SS and Air Force at Dachau have been finished. Any continuation of these experiments seems not to be necessary. However, the carrying out of experiments of some other kind, in regard to perils on the high seas, would be important. These have been prepared in immediate agreement with the proper offices; Major Weltz (Medical Corps) will be charged with the execution and Captain Rascher (Medical Corps) will be made available until further orders in addition to his duties within the Medical Corps of the Air Corps. A change of these measures does not appear necessary, and an enlargement of the task is not considered pressing at this time.

"The low-pressure chamber would not be needed for these low-temperature experiments. It is urgently needed at another place and therefore can no longer remain in Dachau.

"I convey the special thanks from the Supreme Commander of the Air Corps to the SS for their extensive co-operation.

"I remain with best wishes for you in good comradeship and with Heil Hitler! Always yours, E. Milch."

THE PRESIDENT: Major Farr, hadn't you better read the letter on the preceding page? It may be capable of an explanation.

MAJOR FARR: The letter on the preceding page, dated 31 August 1942, is also from General Field Marshal Milch, and is addressed to the Reichsführer SS. It reads as follows:

"Dear Mr. Himmler:

"I thank you very much for your letter of the 25th of August. I have read with great interest the reports of Dr. Rascher and Dr. Romberg. I am informed about the current experiments. I shall ask the two gentlemen to give a lecture, combined with the showing of motion pictures, to my men in the near future.

"Hoping that it will be possible for me to see you at the occasion of my next visit to headquarters, I remain with best regards and Heil Hitler! Yours, E. Milch."

Having finished his high-altitude experiments, Dr. Rascher proceeded to experiment with methods of rewarming persons who had been subjected to extreme cold. I refer to our Document 1618-PS, which is an intermediate report on intense chilling experiments which had been started in Dachau on 15 August 1942. That report, signed by Dr. Rascher, I offer in evidence as Exhibit Number USA-464. I shall read only a few sentences from the report, beginning with the first paragraph:

"Experimental procedure.

"The experimental subjects (VP) were placed in the water, dressed in complete flying uniform, winter or summer combination, and with an aviator's helmet. A life-jacket made of rubber or kapok was to prevent submerging. The experiments were carried out at water temperatures varying from 2.5° to 12° (centigrade). In one experimental series the neck (brain stem) and the back of the head protruded above the water, while in another series of experiments the neck (brain stem) and the back of the head were submerged in the water.

"Electrical measurement gave low temperature readings of 26.4° in the stomach and 26.5° (centigrade) in the rectum. Fatalities occurred only when the brain stem and the back of the head were also chilled. Autopsies of such fatal cases always revealed large amounts of free blood, up to a half liter, in the cranial cavity. The heart invariably showed extreme dilation of the right chamber. As soon as the temperature in these experiments reached 28°, the experimental subjects (VP) were bound to die despite all attempts at resuscitation."

I skip now to the last paragraph of the report. I quote:

"During attempts to save severely chilled persons, it was evident that rapid rewarming was in all cases preferable to a slow rewarming because, after removal from the cold

water, the body temperature continued to sink rapidly. I think that for this reason we can dispense with the attempt to save intensely chilled subjects by means of animal warmth. "Rewarming by animal warmth—animal bodies or women's bodies—would be too slow."

Although Rascher was thus of the preliminary opinion that rewarming by women's bodies would be too slow, means for conducting such experiments were nevertheless placed at his disposal. I refer to our Document 1583-PS, a photostatic copy of a letter from Reichsführer SS Himmler addressed to General Pohl, dated 16 November 1942. I offer it as Exhibit Number USA-465. I shall read just the first two paragraphs of that letter:

"Dear Pohl:

"The following struck me during my visit to Dachau on the 13th of November 1942 regarding the experiments conducted there for the saving of people whose lives are endangered through intense chilling in ice, snow, or water, and who are to be saved by the employment of every method or means: "I had ordered that suitable women are to be set aside from the concentration camp for these experiments for the warming of those who were exposed. Four girls were set aside who were in the concentration camp for loose morals and because as prostitutes they were a potential source of infection."

I think it is unnecessary for me to go on with the rest of the paragraph, in which he expresses his dissatisfaction that a German prostitute should be used for this purpose.

To insure the continuance of Rascher's experiments, Himmler arranged for his transfer to the Waffen-SS. I offer in evidence a letter which appears as our Document 1617-PS. It is a letter from Reichsführer SS addressed to "Dear Comrade Milch"—General Field Marshal Milch—dated November 1942. I offer it as Exhibit Number USA-466. I will now read the first two paragraphs of that letter, our Document 1617-PS. I quote:

"Dear Comrade Milch:

"You will recall that through SS General Wolff I particularly recommended to you for your consideration the work of a certain SS Führer, Dr. Rascher, who is a physician of the supplementary reserve of the Air Force.

"These researches which deal with the reaction of the human organism at great heights, as well as with manifestations caused by prolonged chilling of the human body in cold water, and similar problems which are of vital importance to the Air Force, in particular, can be performed by us

with particular efficiency because I personally assumed the responsibility for supplying asocial individuals and criminals, who only deserve to die, from concentration camps for these experiments."

I shall omit the next four paragraphs, in which Himmler reflects upon the difficulties of conducting such experiments because Christian medical circles were opposed, and pass on to the last paragraph on the first page of the translation. That is the seventh paragraph of the letter:

"I beg you to release Dr. Rascher, medical Officer in the Reserve, from the Air Force and to transfer him to me to the Waffen-SS. I would then assume the sole responsibility for having these experiments made in this field and would put the experiences, of which we in the SS need only a part for the frost injuries in the East, entirely at the disposal of the Air Force. However, in this connection I suggest that with the liaison between you and Wolff a non-Christian physician should be charged, who should be at the same time honorable as a scientist and not prone to intellectual theft and who could be informed of the results. This physician should also have good contacts with the administrative authorities, so that the results could really attract attention. "I believe that this solution to transfer Dr. Rascher to the SS, so that he could carry out the experiments under my responsibility and under my orders, is the best way. The experiments should not be stopped; we owe that to our men. If Dr. Rascher remained with the Air Force, there would certainly be much annoyance because then I would have to bring a series of unpleasant details to you because of the arrogance and presumption which Professor Holzlöhner, who is under my command, has displayed in his post at Dachau by making remarks about me to SS Colonel Sievers. In order to save both of us this trouble, I suggest again that Dr. Rascher should be transferred to the Waffen-SS as quickly as possible..."

THE PRESIDENT: Is that letter from Himmler?

MAJOR FARR: Yes, Sir.

Now Rascher's experiments were by no means the only experiments in which the SS were interested. Without attempting even to outline the whole extent of the experimental program, I shall give just one further illustration of this type of SS activity. I refer to our Document L-103, which is a report prepared by the chief hygienist in the Office of the Reich Surgeon of the SS and Police, dated 12 September 1944. I offer it as Exhibit Number USA-467. (Parenthetically I might note that the office of the Reich

Surgeon SS and Police will be found in the personal staff department, as indicated by the second box on the right-hand side of the line leading down from the personal staff.)

I shall read a few paragraphs from this report, which is a report prepared by the chief hygienist in the office of the Reich Surgeon of SS and Police and signed SS Oberführer Dr. Mrugowsky. It relates to experiments with poison bullets. Beginning with the first paragraph, I quote:

"On 11 September 1944, in the presence of SS Sturmbannführer Dr. Ding, Dr. Widmann, and the undersigned, experiments with aconite nitrate bullets were carried out on five persons who had been sentenced to death. The caliber of the bullets used was 7.65 millimeters, and they were filled with poison in crystal form. Each subject of the experiment received one shot in the upper part of the left thigh, while in a horizontal position. In the case of two persons, the bullets passed clean through the upper part of the thigh. Even later no effect from the poison could be seen. These two subjects were therefore rejected."

I omit the next few sentences and proceed beginning with Paragraph 3 of the report:

"The symptoms shown by the three condemned persons were surprisingly the same. At first, nothing special was noticeable. After 20 to 25 minutes, a disturbance of the motor nerves and a light flow of saliva began, but both stopped again. After 40 to 44 minutes, a strong flow of saliva appeared. The poisoned persons swallowed frequently; later the flow of saliva is so strong that it can no longer be controlled by swallowing. Foamy saliva flows from the mouth. Then a sensation of choking and vomiting starts."

The next three paragraphs describe in coldly scientific fashion the reactions of the dying persons. The description then continues, and I want to quote the two paragraphs before the conclusion. It is the last paragraph on Page 1 of the translation, the sixth paragraph of the report:

"At the same time there was pronounced nausea. One of the poisoned persons tried in vain to vomit. In order to succeed he put four fingers of his hand, up to the main joint, right into his mouth. In spite of this, no vomiting occurred. His face became quite red.

"The faces of the other two subjects were already pale at an early stage. Other symptoms were the same. Later on the disturbances of the motor nerves increased so much that the persons threw themselves up and down, rolled their eyes, and made aimless movements with their hands and arms. At

last the disturbance subsided, the pupils were enlarged to the maximum, the condemned lay still. Rectal cramps and loss of urine was observed in one of them. Death occurred 121, 123, and 129 minutes after they were shot."

The fact that SS doctors engaged in such experiments was no accident. It was consistent with an ideology and racial philosophy which, to use Himmler's words, regarded human beings as lice and offal. But the most important factor was that the SS alone was in a position to supply necessary human material. And it did supply such material through WVHA. I refer to our Document 1751-PS, which is a letter from the Chief of Office Group D of WVHA, dated 12 May 1944. I offer it as Exhibit Number USA-468. I quote that letter. It appears in the original file on the last page. I quote:

"There is cause to call attention to the fact that in every case permission for assignment has to be requested here before assignment of prisoners is made for experimental purposes.

"To be included in this request are number, kind of custody, and in case of Aryan prisoners, exact personal data, file number in the Reich Security Main Office, and the reason for detainment in the concentration camp.

"Herewith, I explicitly forbid assignment of prisoners for experimental purposes without permission."

The translation says that the signature is illegible, but I think it appears from the original that it is the signature of Glücks, since he was the department chief of Department D of WVHA. It was on the basis of being able to supply such material that the Reich Ministry of Finance was prepared to subsidize the SS experimental program. I offer in evidence a series of letters between the Reich Ministry of Finance, the Reich Research Council, and the Reich Surgeon of the SS and Police. They are our Document 002-PS, which I offer in evidence as Exhibit Number USA-469. The first letter from which I shall quote appears on Page 4 of our Document 002-PS and is from the head of the Executive Council of the Reich Research Council, addressed to the Reich Surgeon of SS and Police. It is dated 19 February 1943. I quote the first three paragraphs of the letter:

"The Reich Minister of Finance told me that you requested 53 leading positions . . . for your office, partly for new research institutes.

"After the Reich Marshal of the Greater German Reich has as President of the Reich Research Council entrusted himself with all German research, he issued directives, among other things, that in the execution of scientific tasks important for

war, the available institutions including equipment and personnel should be utilized to the utmost for reasons of necessary economy of effort.

"The foundation of new institutes comes therefore in question only insofar as there are no outstanding institutes for the furtherance of important war research tasks."

I omit the rest of the letter.

To this letter the Reich Surgeon of the SS and Police replied on the 26 February 1943. The reply will be found on Page 2 of the English translation. It is a letter from the Reich Surgeon SS and Police to the head of the Executive Council of the Reich Research Department, dated 26 February 1943. I quote the first three paragraphs of that letter. It begins:

"My Dear Ministerial Director:

"In acknowledgment of your correspondence of 19 February 1943, I am able to reply the following to it today:

"The statement of the budget for the 53 key positions of my office which you made the basis of your memorandum was a veritable peace plan.

"The special institutes of the SS which are to be filled, in part, with these positions should serve the purpose to establish and make accessible for the entire realm of scientific research the particular possibilities of research only possessed by the SS."

Omitting the next two paragraphs, I continue:

"I will gladly be at your disposal at any time to discuss the particular research aims, in connection with the SS, which I would like to bring up after the war upon the direction of the Reichsführer SS."

An interview between the Reich Surgeon and Mentzel, the author of the original letter, took place; and on the 25th of March 1943 Mentzel wrote a letter to the Reich Minister of Finance, which will be found on Page 1 of the translation. It is a letter from the President of the Reich Research Department, Head of the Executive Council, to the Reich Minister of Finance, dated 25 March 1943. The letter begins:

"In regard to your correspondence of 19 December"—and then follows the serial number of the letter—"to which I gave you a preliminary communication on 19 February, I finally take the following position:

"The Reich Surgeon SS and Police, in a personal discussion, told me that the budget claim which he looked after is used primarily in the pure military sector of the Waffen-SS. Since it is established on a smaller scale for the enlarging of

scientific research possibilities, they pertain exclusively to such affairs, which are carried out with the material (prisoners) which is only accessible to the Waffen-SS and are therefore not to be undertaken by any other experimental office. I cannot object therefore on behalf of the Reich Research Council against the budget claim of the Reich Surgeon SS and Police."

The letter is signed, "Mentzel, Ministerial Director."

Thus it was because the SS was in a position to supply material for the program of experiments that it took the lead in that field of endeavor.

THE PRESIDENT: Does the letter on Page 4 mean that the Defendant Göring was President of the Reich Research Department?

MAJOR FARR: Page 4 of the translation? That I understand to be the case. The point of the letter being that Göring had laid down the rule that during the war there was to be no duplication of experimental facilities. Therefore, the Reich Research Department to whom the Minister of Finance had turned for an opinion, asked the Reich Surgeon, "Why do you want to carry out this program of experiments?"

THE PRESIDENT: I was only asking whether the President of the Reich Research Department was the Defendant Göring.

MAJOR FARR: That is what is stated in the letter. I understand that to be the case.

THE PRESIDENT: Then what do the words, "President of the Reich Research Department" on Page 1 mean? Does that mean that the letter went to the Defendant Göring?

MAJOR FARR: No. The letterhead bears the notation "President of the Reich Research Department," and the letter proceeds from an office of that department, Head of the Executive Council. The letter was addressed to the Reich Minister of Finance.

THE PRESIDENT: I see.

MAJOR FARR: I have concluded the concentration camp phase.

THE PRESIDENT: We will recess now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: It will perhaps be convenient that I should announce that the Tribunal will adjourn today at 4 o'clock.

MAJOR FARR: Through its activities with respect to concentration camps, the SS performed part of its mission to safeguard the security of the Nazi regime. But another specialized aspect of

that mission must not be forgotten. The Tribunal will recall Himmler's definition of that task—a definition I referred to earlier—the prevention of a Jewish-Bolshevist revolution of subhumans; in plain words, participation in the Nazi program of Jewish persecution and extermination.

It would be idle for me to refer again at any length to the evidence relating to that program which the Tribunal heard a day or so ago from Major Walsh. I want to call attention to just a few documents showing how the program involved every branch and component of the SS.

The racial philosophy of the SS, which I dealt with at the very outset, made that organization a natural agency for the execution of all types of anti-Semitic measures. The SS position on the Jewish question was publicly stated in the SS newspaper *Das Schwarze Corps*, the issue of August 8, 1940, by its editor, Gunter d'Alquen, a statement which has already been read into evidence as Exhibit Number USA-269. It is our Document 2668-PS. I shall not repeat that quotation in which D'Alquen says that the Jewish question will not be solved until the last Jew has been deported, and that the German peace which awaits Europe must be a peace without Jews.

The attempted solution of the Jewish question through the "spontaneous" demonstrations in Germany, following the murder of Vom Rath in November of 1938, has been presented to the Tribunal. In those demonstrations all branches of the SS were called on to play a part. I refer to the teletype message from SS Gruppenführer Heydrich, Chief of the Security Police and SD, issued on the 10th of November 1938. It is our Document 3051-PS. Portions of that teletype have already been read into evidence as Exhibit Number USA-240. I wish to read one further paragraph, which has not been read. It appears on Page 2 of the translation, the fourth paragraph. I quote:

"The direction of the measures of the Security Police concerning the demonstrations against Jews is vested with the organs of the State Police"—by which he means the Gestapo—"inasmuch as the inspectors of the Security Police are not issuing their own orders. In order to carry out the measures of the Security Police, officials of the Criminal Police as well as members of the SD, of the Verfügungstruppe, and the Allgemeine SS may be used."

With the outbreak of the war and the march of Nazi armies over Europe, the SS participated in solving the Jewish question in other countries in Europe. The solution was nothing short of extermination. To a large degree these wholesale murders were disguised under the name of "anti-partisan" or "anti-guerilla" actions and as such they included as victims not merely Jews but Soviets, Poles,

and other Eastern peoples. With this anti-partisan activity I shall deal in a few moments.

I want to refer now to a few actions confined essentially to Jews. To take one example—the mass annihilation of Jews in gas vans—described in our document 501-PS, which was read into the record by Major Walsh as Exhibit Number USA-288. I do not think that that document appears in the document book, because I am not going to read from it. I simply want to point out that these gas vans, as appears from the letters, were operated by the Security Police and SD under the direction of RSHA. Or to take another example—the report entitled, "Solution of the Jewish Question in Galicia," our Document L-18, prepared by SS Gruppenführer and Lieutenant General of the Police Katzmann and rendered to SS Obergruppenführer and General of the Police Krüger—that report has already been received in evidence as Exhibit Number USA-277. The Tribunal will recall that the solution, which consisted in the evacuation and extermination of all the Jews in Galicia and the confiscation of their property, was carried out under the energetic direction of the SS and Police Leaders with the assistance of SS Police units. I wish to read three short items in the report which have not already been read. The first is a text under a photograph which appears on Page 3 of the translation and on Page 3(a) of the original report. It is the first item on Page 3 of the translation. I quote: "Great was the joy of the SS men when the Reichsführer SS in person in 1942 visited some camps along the Rollbahn."

The second is a balance sheet, which appears on Page 11 of the translation and Page 17 of the report. I read Item 3 on the balance sheet:

"3. Amount paid over to the SS cashier: a. Camps, 6,867,251.00 zlotys; b. industrial and armament factories, 6,556,513.69 zlotys; total, 13,423,764.69 zlotys.

"Further payments to the SS cashier are effected every month."

The third item I desire to read is the last two paragraphs of the report found on Page 20 of the translation and on Page 64 of the original document. I read the last two paragraphs of the report:

"Despite the extraordinary burden heaped upon every single SS Police Officer during these actions, mood and spirit of the men were extraordinarily good and praiseworthy from the first to the last day.

"Due to the high personal sense of duty of every single leader and man we have succeeded in getting rid of this plague in so short a time."

The final example of SS participation in Jewish extermination to which I shall call the Tribunal's attention is the infamous report

by SS Brigadeführer and Major General of the Police Stroop, on the destruction of the Warsaw ghetto, our Document 1061-PS. That report was introduced in evidence by Major Walsh as Exhibit Number USA-275, and the Tribunal indicated that it would take the whole report in evidence without the necessity of reading it in full. I shall not, therefore, read any further passages; but I do want to point out specifically two sections dealing with the constitution of the forces which participated in that fearful action. On Page 1 of the translation is a table of the units used.

THE PRESIDENT: It is here?

MAJOR FARR: Our Document 1061-PS. I am just going to call your attention to the table of units which were employed in this action, indicating the average number of officers and men from each unit employed per day. It will be observed that among the units involved were the staff of the SS and Police Leader, two battalions of the Waffen-SS, two battalions of the 22d SS Police Regiment, and members of the Security Police. The part played by the Waffen-SS came in for high praise from the writer of the report. The Tribunal will recall the passage which was read by Major Walsh in which reference was made to the toughness of the men of the Waffen-SS, the Police, and the Wehrmacht and in which the writer said that "considering that the greater part of the men of the Waffen-SS had been trained for only 3 or 4 weeks before being assigned to this action, high credit should be given to them for the pluck, courage, and devotion which they showed."

The Tribunal has already heard Himmler's proud boast of the part that the SS played in the extermination of the Jews. It occurs in his Posen speech, our Document 1919-PS, and was read into the record in the presentation of the case dealing with concentration camps. The passage to which I refer appears on about the middle of Page 4 of the translation and on Page 66 of the original. Since that passage has already been read, it is unnecessary for me to quote it again; but I do want the Tribunal to note that Himmler stated that only the SS could have carried out this extermination program of the Jews and that its participation in that program was a page of glory in its history which could never be fully appreciated.

I now turn to the manner in which the SS fitted into the aggressive war program of the conspirators and, too, its responsibility for the Crimes against Peace which were alleged in the Indictment. From its very beginning, it made prime contributions to the conspirators' aggressive war aims.

First, it served as one of the para-military organizations under which the conspirators disguised their building up of an army in violation of the Versailles Treaty. Second, through affiliated SS

organizations in other countries and through some of the departments in its own Supreme Command, it fostered Fifth Column movements outside Germany and prepared the way for aggression. Third, through its militarized units, it participated in aggressive actions which eventually were carried out.

The Tribunal has just heard the evidence against the SA, which demonstrated that from 1933 to 1938 the SA were militarized and were in fact nothing but a camouflaged army. Some of that evidence referred to the SS as well. The para-military character of the Allgemeine SS is apparent. I have already described the military character of its structure, the military discipline required of its members, and the steps it took to enlist in its ranks young men of military age. In addition to this volunteer army, the SS created as early as 1933 fully armed professional units. These were the SS Verfügungstruppe and the Death's-Head Units with which I have dealt yesterday.

While building up the SS as a military force within Germany, the conspirators also utilized it in other countries to lay the groundwork for aggression. The evidence, presented by Mr. Alderman, of the preparations for the seizure of Austria showed the part played by the SS Standarte 89 in the murder of Dollfuss and described the memorial plaque which was erected as a tribute to the SS men who participated in that murder. I refer to Exhibit Number USA-59 and USA-60, our Document Number L-273 and 2968-PS, which were introduced by Mr. Alderman. The Tribunal will recall the subsequent story of the events of the night of March 11, 1938, when the SS marched into Vienna and occupied all government buildings and important posts in the city—a story unfolded in Exhibit Number USA-61, our Document Number 812-PS, the report of Gauleiter Rainer which was read in evidence by Mr. Alderman, and in our Document Number 2949-PS, Exhibit Number USA-76, the record of the telephone conversation between the Defendant Göring and Dombrowski, which appears on Page 570 of the transcript of the record (Volume II, Page 417).

The same pattern was repeated in Czechoslovakia. Henlein's Free Corps played in that country the part of Fifth Column which the Austrian SS had played in Austria, and it was rewarded by being placed under the jurisdiction of the Reichsführer SS in September 1938. I refer to our Document 388-PS, which was read in evidence by Mr. Alderman as Exhibit Number USA-26.

The items touched are Items 37 and 38 of the so-called Schmudt file. Moreover, as shown by Item 36 of that file, which Mr. Alderman read into the record, the SS had its own armed units—four battalions of the Totenkopf Verbände—actually operating in Czechoslovakia before the Munich Pact was signed. SS preparations for aggression in Czechoslovakia were not confined to

military forces. One of the departments of the SS Supreme Command—the Volksdeutsche Mittelstelle—which is represented on the chart by the third box from the top at the extreme right—was a center for Fifth Column activity. The Tribunal may recall the secret meeting between Hitler and Henlein in March 1938, described in notes of the German Foreign Office, Exhibit Number USA-95, at which the line to be followed by the Sudeten German Party was determined. The Volksdeutsche Mittelstelle was represented at that meeting by Professor Haushofer and SS Obergruppenführer Lorenz. And when the Foreign Office, in August 1938, awarded further subsidies to Henlein's Sudeten Party, the memorandum of that recommendation for further subsidies contained the significant footnote "Volksdeutsche Mittelstelle will be informed. . . ." I refer to Exhibit Number USA-96, our Document 3059-PS, which was read into the record by Mr. Alderman, at Pages 789 and 790 (Volume III, Pages 75 and 76).

When at last the time came to strike, the SS was ready. I quote from the *National Socialist Yearbook* for 1940, our Document 2164-PS, Exhibit Number USA-255, on Page 1, Paragraph 2, of the translation, Page 365 of the original, Paragraph 3:

"When the march into the liberated provinces of the Sudetenland began, on that memorable 1st of October 1938, the emergency forces"—Verfügungstruppe—"as well as the Death's-Head Units"—Totenkopf Verbände—"were along with those in the lead."

I omit the balance of the paragraph and continue with the next paragraph:

"The 15th of March 1939 brought a similar utilization of the SS when it served to establish order in the collapsed Czechoslovakia. This action ended with the founding of the Protectorate Bohemia-Moravia.

"Only a week later, on the 22d of March 1939, Memel also returned to the Reich upon basis of an agreement with Lithuania. Again it was the SS, here above all the East Prussian SS, which played a prominent part in the liberation of this district."

In the final act in setting off the war—the attack on Poland in September 1939—the SS acted as a sort of stage manager. The Tribunal will recall the oral testimony of Erwin Lahousen with relation to the simulated attack on the radio station at Gleiwitz, by Germans dressed in Polish uniform—what Lahousen referred to as one of the most mysterious actions which took place in the Abwehr. Describing his task of getting the Polish uniforms and equipment together, he said at Page 620 of the transcript (Volume II, Page 450):

"These articles of equipment had to be prepared, and one day some man from the SS or the SD—the name is on the official diary of the War Department—fetched them."

The war erupted and the Waffen-SS again took its place in the van of the attacking forces.

During the war great use was made of the peculiar qualities possessed by the SS, qualities not only of its combat forces but of its other components as well. I turn now to a consideration of some of the tasks in which the SS was engaged during the war—tasks which embraced the commission of War Crimes and Crimes against Humanity described in the Indictment.

The Tribunal has already received in evidence our Document 447-PS as Exhibit Number USA-135. It is a directive issued by the Defendant Keitel, on the 13th of March 1941, covering some of the preparations made 3 months in advance for the attack on Russia. Paragraph 2b of that directive, which was read into the record, provided that in the area of operations the Reichsführer SS was entrusted with special tasks for the preparation of the political administration, tasks which would result from the struggle about to commence between two opposing political systems.

One of the steps taken by the Reichsführer SS to carry out those "special tasks" was the formation and use of so-called "anti-partisan" units. They were discussed by Himmler in his Posen speech, our Document 1919-PS, at Page 3 of the translation, Paragraph 5, Page 57 of the original, last paragraph. I read those two paragraphs in which he discusses the anti-partisan units:

"In the meantime, I have also set up the office of the chief of the anti-partisan units. Our comrade SS Obergruppenführer Von dem Bach is chief of the anti-partisan units. I considered it necessary for the Reichsführer SS to be in authoritative command in all these battles, for I am convinced that we are best in position to take action against this enemy struggle, which is decidedly a political one. Except where units which had been supplied and which we had formed for this purpose were taken from us to fill in gaps at the front, we have been very successful.

"It is notable that by setting up this agency by division, corps, army in turn, we have gained for the SS the next higher step—which is the High Command of an army or even a group, if you wish to call it that."

What the SS did with its divisions, corps, and army out of which the anti-partisan units were formed, is illustrated in the reports rendered as to the activities of such units. I offer in evidence the Activity and Situation Report 6 of the task forces of the Security Police and SD in the U.S.S.R., covering the period from the 1st to

the 31st of October 1941. It is our Document R-102, and will be found in Volume 2 of the document book. It is Exhibit Number USA-470. The report shows that so-called "anti-partisan" activity was actually nothing but a name for extermination of persons believed politically undesirable and of Jews. The report is a very carefully organized and detailed description of such extermination. Section I describes the stations of the various task forces involved, Section II their activities. The latter section is divided into parts, each dealing with a different geographical region—the Baltic area, White Ruthenia, and the Ukraine.

Under each area the report of activities is classified under three headings: (a) Partisan activity and counteraction, (b) arrests and execution of Communists and officials, and (c) Jews. I shall read only a few typical paragraphs selected almost at random.

First, to show the units involved, I quote the second and third paragraphs of Page 4 of the translation, which also appear on Page 1 of the original:

"The present stations are:

"Task Force A, since 7 October 1941 Krasnowardeisk; Task Force B, continues in Smolensk; Task Force C, since 27 September 1941 in Kiev; Task Force D, since 27 September 1941 in Nikolaiev.

"The action and special commandos"—Einsatz- und Sonderkommandos—"which are attached to the task force continue on the march with the advancing troops into the sectors which have been assigned to them."

I shall now read from the section headed "Baltic area" and subsection labelled "Jews," beginning with the first paragraph on Page 5 of the translation, Page 8 of the original, second paragraph:

"The male Jews over 16 were executed with the exception of doctors and the elders. At the present time this action is still in progress. After completion of this action there will remain only 500 Jewesses and children in Ostland."

I skip now to the section headed "White Ruthenia," the subsection headed, "Partisan activity and counteraction." The paragraph I shall read begins on Page 6, Paragraph 5 of the translation, found on Page 11, Paragraph 1 of the original. I quote:

"In Wultschina eight juveniles were arrested as partisans and shot. They were inmates of a children's home. They had collected weapons which they hid in the woods. Upon search the following were found: 3 heavy machine guns, 15 rifles, several thousand rounds of ammunition, several hand grenades, and several packages of poison gas Ebrit.

"b) Arrests and executions of Communists, officials, and criminals. A further large part of the activity of the Security

Police was devoted to the combatting of Communists and criminals. A special Commando in the period covered by this report executed 63 officials, NKGB agents, and agitators."

The subsection on arrests and executions of Communists, officials, and criminals in White Ruthenia ends as follows; and I read from Page 6 of the translation, Paragraph 14, Page 12 of the original, Paragraph 5:

"The liquidations for the period covered by this report have reached a total of 37,180 persons."

The final item I shall quote is from the section headed "Ukraine", under the subsection, "Jews." It will be found on Page 8 of the translation, Paragraph 10, Page 18 of the original, next to the last paragraph:

"In Zhitomir 3,145 Jews had to be shot, because from experience they have to be regarded as bearers of Bolshevik propaganda and saboteurs."

This report, the Tribunal will recall, deals with the activities of four task forces: A, B, C, and D. The more detailed report of Task Force A, up to 15 October 1941 is our Document L-180. It has already been introduced in evidence as Exhibit Number USA-276 and some paragraphs were read from it. It will be referred to again in the case against the Gestapo. I desire to read only two paragraphs, which show the great variety of SS components in such a task force.

I might point out to the Court that this elaborately bound report, which the Court has already seen, has a sort of pocket-part supplement in which appears a breakdown of the personnel engaged in this action, in graphic form. I shall read the component parts which appear on this chart in a moment. First, I will quote from Page 5 of the translation, fourth paragraph...

THE PRESIDENT: Does that book you just put in refer to the extermination of the Jews in Galicia?

MAJOR FARR: This is the report of Action Group A, an anti-partisan task force which operated in the Baltic States in 1941.

The passage I will read appears on Page 5 of the translation, Paragraph 4 and on Page 12 of the original, first paragraph; I quote:

"This description of the over-all situation shows that the members of the Gestapo—the Secret State Police—"Kripo"—that is the Criminal Police—"and the SD"—Security Service—"who are attached to the task-force group, are active mainly in Lithuania, Latvia, Estonia, White Ruthenia, and to a lesser extent, in front of Leningrad. It shows further that the forces of the uniformed police and the Waffen-SS are active mainly in front of Leningrad, in order to take measures under their

own officers against the streaming back of the population. This is so much easier because the task forces in Lithuania, Latvia, and Estonia have at their disposal native police units, as described in Enclosure 1, and because so far 150 Latvian reinforcements have been sent to White Ruthenia.

"The distribution of the leaders of Security Police and SD during the individual phases can be gathered from Enclosure 2; the advance and activities of the task force group and the task force commands, from Enclosure 3. It should be mentioned that the leaders of the Waffen-SS and of the uniformed police, who are on the reserve, have declared their wish to stay with the Security Police and the SD."

I now quote from Enclosure 1a which was referred to, showing the constitution of the force. This will be found on Page 14 of the translation. It is the graphic chart which I showed the Court a few moments ago, the translation having simply the breakdown of the components. I quote:

"Total strength of Task Force Group A, 990; Waffen-SS, 340, 34.4 percent; drivers, 172, 17.4 percent; administration, 18, 1.8 percent; Security Service"—SD—"35, 3.5 percent; Criminal Police"—Kripo—"41, 4.1 percent; State Police"—Stapo—"89, 9.0 percent; auxiliary police, 87, 8.8 percent; Order Police, 133, 13.4 percent; female employees, 13, 1.3 percent; interpreters, 51, 5.1 percent; telautograph operators, 3, 0.3 percent; wireless operators, 8, 0.8 percent."

The Tribunal will observe that in that list there appear the Waffen-SS, the SD, Criminal Police, the Gestapo, and the ordinary police, all of which were part of the SS or under SS jurisdiction.

One final report of anti-partisan activity may be referred to. It is a report from the General Commissar for White Ruthenia to the Reich Minister for Occupied Eastern Territories. It is our Document R-135, which I think is in the document book under 1475-PS—two document numbers have been combined. That document was introduced into evidence by Major Walsh as Exhibit Number USA-289, and he read into the record the letter from the Reich Commissar of the Eastern Territories transmitting the report in question. The letter he read appears on Page 1 of the translation. I desire to read a paragraph or two from the report itself, which is found on Page 3 of the translation. It deals with the results of the police operation "Cottbus." I quote the first paragraph:

"SS Brigadeführer, Major General of Police Von Gottberg reports that the operation 'Cottbus' had the following result during the period mentioned: Enemy dead, 4,500; dead suspected of belonging to bands, 5,000; German dead, 59."

I think it is unnecessary to continue further with the list. I skip to the fourth paragraph of the report:

"The figures mentioned above indicate that again a heavy destruction of the population must be expected. If only 492 rifles are taken from 4,500 enemy dead, this discrepancy shows that among these enemy dead were numerous peasants from the country. The Battalion Dirlwanger especially has a reputation for destroying many human lives. Among the 5,000 people suspected of belonging to bands, there were numerous women and children.

"By order of the Chief of Anti-Partisan Combat, SS Obergruppenführer Von dem Bach, units of the Armed Forces have also participated in the operation."

This is as far as I will quote.

The Tribunal will recall that SS Obergruppenführer Von dem Bach was referred to in the Posen speech by Himmler as "our comrade" whom he had placed in charge of anti-partisan activity.

The activities I have just dealt with were joint activities, in which the Gestapo, Order Police, the Waffen-SS, and SS police regiments were all involved. But these units were also used individually to carry out tasks of such a nature.

I offer in evidence a letter from the Chief of the Command Office of the Waffen-SS, our Document 1972-PS, as Exhibit Number USA-471. It is a letter from the Chief of the Command Office of the Waffen-SS to the Reichsführer SS, dated 14 October 1941; subject: "Intermediate Report on Civilian State of Emergency." I shall read that letter; I quote:

"I deliver the following interim report regarding the commitment of the Waffen-SS in the Protectorate Bohemia and Moravia during the civilian state of emergency:

"In turn all battalions of the Waffen-SS in the Protectorate Bohemia and Moravia were assigned to shootings and hangings.

"Up till now there occurred in Prague 99 shootings and 21 hangings, in Brünn 54 shootings and 17 hangings; total: 191 executions (including 16 Jews).

"A complete report regarding other measures and on the conduct of the officers, noncommissioned officers, and men will be made following the termination of the civilian state of emergency."

It is not surprising that units of the Waffen-SS and the branches which had thus been employed in extermination actions and in the execution of civilians are also to be found violating the laws of warfare when carrying on ordinary combat operations. I offer in

evidence a supplementary report of the Supreme Headquarters Allied Expeditionary Force Court of Inquiry in regard to shooting of allied prisoners of war by the 12th SS Panzer Division in Normandy, France, between the 7th and 21st of June 1944. It is our Document 2997-PS, Exhibit Number USA-472. Extracts from that report consist of the formal record of the proceedings of the Court of Inquiry and the statement of its findings are included in the document book under that document number. They have been translated into German. Under Article 21 of the Charter, this Tribunal is directed to take judicial notice of the documents of committees set up in various Allied countries for the investigation of War Crimes and also of the records and findings of military or other tribunals of any of the United Nations. This report falls squarely within that provision. Therefore, without reading portions of the document, I shall summarize the findings of the Court of Inquiry which are set out on Pages 8 to 10 of the document. The court concluded that there occurred between the 7th and the 17th of June 1944 in Normandy, seven cases of violations of the laws of war...

THE PRESIDENT: What page?

MAJOR FARR: I am not quoting, I am summarizing what appears on Pages 8 to 10.

There occurred seven cases of violations of the laws of war, involving the shooting of 64 unarmed Allied prisoners of war in uniform, many of whom had been previously wounded and none of whom had resisted or endeavored to escape; that the perpetrators were members of the 12th SS Panzer Division, the so-called Hitler Jugend Division; that enlisted men of the 15th Company of the 25th Panzer Grenadier Regiment of that Division were given secret orders to the effect that SS troops shall take no prisoners and that prisoners are to be executed after having been interrogated; that similar orders were given to men of the 3rd Battalion of the 26th Panzer Grenadier Regiment of the Division and of the 12th SS Engineering and Reconnaissance Battalions; and that the conclusion was irresistible that it was understood throughout the division that a policy of denying quarter or executing prisoners after interrogation was openly approved.

Other combatants met a similar fate at the hands of other components of the SS. I refer to the execution of Allied fliers, of commandos and paratroopers, and of escaped prisoners of war who were turned over to the SD to be destroyed. Evidence of these actions will be presented in the case against the Gestapo.

Combatants who were taken prisoner encountered the SS in another form. In the case against the Gestapo, evidence will be presented of commando groups stationed in prisoner-of-war camps to select prisoners for what the Nazis euphemistically called "special

treatment". Finally, the entire control of prisoners of war was turned over to the Reichsführer SS. I have read in evidence this morning our Document 058-PS which provided for the direction of all prisoner-of-war camps by Himmler.

The final but vital phase of the conspiracy in which the SS played a leading role must be mentioned. The permanent colonization of conquered territories, the destruction of their national existence, and the permanent extension of the German frontier were fundamental objects of the conspirators' plans.

The Tribunal received evidence, a day or so ago, of the manner in which these objectives were carried out through the forcible evacuation and resettlement of inhabitants of conquered territories, confiscation of their properties, denationalization and re-education of persons of German blood, and the colonization of the conquered territories by Germans.

The SS was the logical agency to formulate and carry out the program. I have read into the record already the numerous statements made by Himmler as to SS training to play the role of the aristocracy of the new Europe. He put those theories into practice when he was appointed, on October 7, 1939, as Reich Commissioner for the consolidation of German folkdom. The decree by which he was appointed to that office, our Document 686-PS, has already been introduced into evidence as Exhibit Number USA-305. I shall not, therefore, read it.

To make and carry out plans for the program of evacuation and resettlement, a new department of the SS Supreme Command was created: Staff Headquarters of the Reich Commissioner for the consolidation of German nationality. That is indicated on the chart by the fourth box from the top, on the extreme right-hand side.

The functions of this office are described in the *Organization Book of the NSDAP* for 1943, our Document 2640-PS, which has already been introduced in evidence as Exhibit Number USA-323. I shall read the description of the functions of that department appearing on Page 3 of the translation, the last paragraph, and Page 421 of the original. I quote:

"The main office of the staff of the Reich Commissioner for the Preservation of German Nationality is entrusted with the whole settlement and constructive planning, for inclusion within the Reich of all those territories under the authority of the Reich, including all administrative and economic questions in connection with the settlement, especially the deployment, of manpower for this purpose."

The colonization program had two principal objectives: First, the destruction of the conquered peoples by exterminating them,

deporting them, and confiscating their property; second, settling racial Germans on the newly acquired land.

The extermination actions conducted by the SS, as to which I have just introduced evidence, contributed in part to clearing the conquered territories of persons who were deemed dangerous to the Nazi plan. But not every undesirable could be liquidated. Mass deportations accomplished the twin purpose of providing labor and of freeing the land for German colonists.

Evidence as to the participation of SS agencies in deporting persons to concentration camps I have already introduced.

The evacuation and resettlement program required the use of further deporting agencies. I quote from our Document 2163-PS, the *National Socialist Year Book* for 1941, Exhibit Number USA-444. The passage in question appears on Page 3 of the translation, Paragraph 5, and at Page 195 of the original. I quote:

"For some time now, the Reichsführer SS has had at his disposal an office under the management of SS Obergruppenführer Lorenz, the National German Central Office"—*Volksdeutsche Mittelstelle* (VM).

"This office has the task of dealing with national German questions and of gathering the required proofs.

"In addition to the VM, the Immigration Center Office (EWZ), with the Chief of the Security Police and the Security Service of the SS (under the management of SS Obersturmbannführer Dr. Sandberger) and the Settlement Staff of the Reich Commissioner were created which, in co-operation with the National Socialist Welfare Organization and the Reich Railroad Agency, took charge of the migration of national Germans."

I also offer in evidence the affidavit of Otto Hoffmann, SS Obergruppenführer and general of the Waffen-SS and Police, our Document L-49. I offer it as Exhibit Number USA-473. Hoffmann was Chief of the Main Office for Race and Settlement in the SS Supreme Command, until 1943. This affidavit was taken on August 4, 1945, at Freising, Germany. I shall read Paragraph 2 of that affidavit:

"The executive power, in other words the carrying out of all so-called resettlement actions, that is to say, sending away of Polish and Jewish settlers and those of non-German blood from a territory in Poland destined for Germanization, was in the hands of the Chief of the RSHA (Heydrich, and later Kaltenbrunner, since the end of 1942). The Chief of the RSHA also supervised and issued orders to the so-called immigration center, which classified the Germans living abroad who returned to Germany and directed them to the individual

farms already freed. The latter was done in agreement with the Staff Main Office of the Reichsführer SS."

Other SS agencies were involved in the program for deportation. The Tribunal has already received in evidence our Document 1352-PS, as Exhibit Number USA-176. It is a report relating to the confiscation of Polish agricultural enterprises, dated May 22, 1940, and signed "Kusche." Portions of that document dealing with the confiscation of Polish agricultural enterprises and the deportation of Polish owners of the land to Germany were read into the record. I shall read only one further paragraph showing SS personnel involved in this action. It appears on Page 2 of the translation, the first full paragraph; and on Page 10 of the original, Paragraph 2.

Referring to the deportation of Polish farmers, the report says; and I quote:

"Means of transportation to the railroad can be provided:

1. By the enterprise of the East German Corporation of Agricultural Development; 2. By the SS noncommissioned officers' school in Lublinitz and the concentration camp of Auschwitz.

"These two latter places will also detail the necessary SS men for the day of the confiscation, and so forth."

The extent to which almost all departments of the Supreme Command of the SS were concerned with the evacuation program is shown by the minutes of a meeting on the 4th of August 1942 dealing with the deportation of Alsatians. It is our Document R-114, and was received in evidence as Exhibit Number USA-314. I shall read only the list of persons and offices represented at that conference, since the body of the report has been read in part into the record already.

I start at the beginning of the document, Page 1 of R-114:

"Memo on meeting of 4. 8. 42. Subject: General directions for the treatment of deported Alsatians.

"Present: SS Hauptsturmführer Dr. Stier, SS Hauptsturmführer Petri, R.R. Hoffmann, Dr. Scherler, SS Untersturmführer Förster;"—there is a notation next to their names of "Staff Main Office"; then—"SS Obersturmführer Dr. Hinrichs, Chief of Estate Office and Settlement Staff, Strasbourg; SS Sturmbannführer Brückner, Racial German Arbitration Bureau;"—Volksdeutsche Mittelstelle—"SS Hauptsturmführer Hummitsch, Reich Security Main Office;"—Reichssicherheitshauptamt—"SS Untersturmführer Dr. Sieder, Main Office for Race and Settlement;"—RUS-Hauptamt—"Dr. Labes, D.U.T."

The SS not only destroyed and deported conquered peoples and confiscated their property, it also repopulated the conquered regions

with so-called racial Germans. Not all Germans were deemed reliable colonists, however. Those who were not were returned to Germany for re-Germanization and re-education along Nazi lines.

A typical instance of the fate of such Germans is told in our Document Number R-112, which has already been introduced in evidence as Exhibit Number USA-309. It is a decree of the Reich Commissioner for the consolidation of Germanism. That decree, as the Tribunal will recall, dealt with the treatment to be accorded so-called "Polonized" Germans. By the terms of that decree two SS functionaries were charged with the responsibility for the re-Germanization program: the Higher SS and Police Leaders, and the Gestapo.

I think it is unnecessary for me to quote from that report, since portions have already been read into evidence. I will refer the Court specifically to Section III of the decree, which appears on Page 7 of the translation, and to Section IV of the decree, which appears on the same page, both of which indicate that the Higher SS and Police Leaders and the Gestapo were responsible for the re-Germanization actions.

In the final stage of the process, the resettlement of the conquered lands by racially and politically desirable Germans, still other SS agencies participated. I quote again from our Document 2163-PS, the *National Socialist Year Book* for 1941, Exhibit Number USA-444. The passage appears on Page 3 of the translation, Paragraph 7, and on Page 195 of the original. I quote:

"Numerous SS leaders and SS men helped with untiring effort in bringing about this systematic migration of peoples which has no parallel in history.

"There were many authoritative and administrative difficulties which, however, were immediately overcome due to the unbureaucratic working procedure. This was especially guaranteed above all by the employment of the SS.

"The procedure called 'Durchschleusung' takes 3 to 4 hours as a rule. The re-settler is being passed through eight or nine offices, following each other in organic order: Registration office, card-index office, certificate and photo office, property office, and biological, hereditary, and sanitary test offices. The latter was entrusted to doctors and medical personnel of the SS and of the Armed Forces. The SS Corps Areas Alpenland, Northwest, Baltic Sea, Fulda-Werra, South and Southeast, the SS Main Office, the NPEA"—National Political Education Institution—"Vienna, and the SS Cavalry School in Hamburg, provided most of the SS officers and SS noncommissioned officers who worked at this job of resettlement."

I omit the next three paragraphs and continue with the year book's conclusion as to the SS participation in the colonization scheme:

"The settlement, establishment, and care of the newly-won peasantry in the liberated Eastern Territory will be one of the most cherished tasks of the SS in the whole future."

THE PRESIDENT: This might be a good time to break off until 2 o'clock.

MAJOR FARR: Yes, Sir.

[A recess was taken until 1400 hours.]

Afternoon Session

MAJOR FARR: In the course of its development from a group of strong-arm bodyguards, some two hundred in number, to a complex organization participating in every field of Nazi endeavor, the SS found room for its members in high places; and persons in high places found for themselves a position in the SS.

Of the defendants charged in the Indictment, seven were very high ranking officers in the SS. They are the Defendants Ribbentrop, Hess, Kaltenbrunner, Bormann, Sauckel, Neurath, and Seyss-Inquart. The vital part that the Defendant Kaltenbrunner played in the SS, in the SD, and in the entire Security Police will be shown by evidence to be presented after the case on the Gestapo has gone in. With respect to the other six defendants whom I have named, I desire to call the Tribunal's attention now to the fact of their membership in the SS. That fact is rather a matter of judicial notice than proof. Evidence of the fact is to be found in two official publications which I shall now offer the Court.

The first is this black book—the membership list of the SS as of December 1, 1936. This book contains a list of members of the SS arranged according to rank. I offer it in evidence as Exhibit Number USA-474 (Document Number USA-474). Turning to Page 8 of this book, line 2, we find the following: The name "Hess, Rudolf" followed by the notation, "By authority of the Führer the right to wear the uniform of an SS Obergruppenführer." I now offer the 1937 edition of the same membership list as Exhibit Number USA-475 (Document Number USA-475). Turning to Page 10, line 50, we find the name "Bormann, Martin"; and in line with his name on the opposite page under the column headed "Gruppenführer," the following date: 30 January 1937.

In the same edition on Page 12, line 56, appears the name "von Neurath, Constantin," and on the opposite page under the column headed "Gruppenführer," the date "18 September 1937." The other publication to which I refer is *Der Grossdeutsche Reichstag* for the fourth voting period, a manual edited by E. Kienast, Ministerial Director of the German Reichstag. This is an official handbook containing biographical data as to members of the Reichstag. It is Document Number 2381-PS, and I offer it in evidence as Exhibit Number USA-476. On Page 349 the following appears: "von Ribbentrop, Joachim, Reichsminister des Auswärtigen, SS Obergruppenführer." On Page 360 the following appears: "Sauckel, Fritz, Gauleiter und Reichsstatthalter in Thüringen, SS Obergruppenführer." On Page 389 the following appears: "Seyss-Inquart, Arthur, Dr. iur., Reichsminister, SS Obergruppenführer."

THE PRESIDENT: What was the date of that book?

MAJOR FARR: This book covers the fourth voting period, beginning on 10 April 1938 and covering the period up to 30 January 1947—that is, the voting period covers that course of years. The edition, I think, was in 1943. I might point out that the rank of the defendants mentioned in the 1936 and 1937 editions of the membership list of the SS may not be the final rank they held. They were Gruppenführer at that time, but they were members of the SS, as shown by the book.

It is our contention that the SS, as defined in Appendix B, Page 36 of the Indictment, was an unlawful organization. As an organization founded on the principle that persons of "German blood" were a "master race" it exemplified a basic Nazi doctrine. It served as one of the means through which the conspirators acquired control of the German Government. The operations of the SD and of the SS Totenkopf Verbände in concentration camps were means used by the conspirators to secure their regime and terrorize their opponents, as alleged in Count One. In the Nazi program of Jewish extermination, all branches of the SS were involved from the very beginning. Through the Allgemeine SS as a para-military organization, the SS Verfügungstruppe and SS Totenkopf Verbände as professional combat forces, and the Volksdeutsche Mittelstelle as a Fifth Column agency, the SS participated in preparations for aggressive war and, through its militarized units, in the waging of aggressive war in the West and in the East, as set forth in Counts One and Two of the Indictment. In the course of such war all components of the SS had a part in the War Crimes and the Crimes against Humanity set forth in Counts Three and Four of the Indictment: the murder and ill-treatment of civilian populations in occupied territory, the murder and ill-treatment of prisoners of war, and the Germanization of occupied territories.

The evidence has shown that the SS was a single enterprise—a unified organization. Some of its functions were, of course performed by one branch or department or office, some by another. No single branch or department participated in every phase of its activity, but every branch and department and office was necessary to the functioning of the whole. The situation is much the same as in the case of the individual defendants at the bar. Not all participated in every act of the conspiracy; but all, we contend, performed a contributing part in the whole criminal scheme.

The evidence has also shown that the SS was not only an organization of volunteers but that applicants had to meet the strictest standards of selection. It was not easy to become an SS member. That was true of all branches of the SS. We clearly recognize, of course, that during the course of the war, as the demands for manpower increased and the losses of the Waffen-SS grew heavier and

heavier, there were occasions when some men drafted for compulsory military service were assigned to units of the Waffen-SS rather than to the Wehrmacht. Those instances were relatively few. Evidence of the recruiting standards of the Waffen-SS in 1943, which I quoted yesterday, has shown that the membership in that branch was as essentially voluntary and highly selective as in the other branches. Doubtless some of the members of the SS, or of other organizations alleged to be unlawful in the Indictment, might desire to show that their participation in the organization was a small or innocuous one, that compelling reasons drove them to apply for membership, that they were not fully conscious of its aims or that they were not mentally responsible when they became members. Such facts might or might not be relevant, if such a person were on trial. But in any event this is not the forum to try out such matters.

The question before this Tribunal is simply this: whether the SS was or was not an unlawful organization. The evidence has finally shown what the aims and activities of the SS were. Some of those aims were stated in publications which I have quoted to the Court. The activities were so widespread and so notorious, covering so many fields of unlawful endeavor, that the illegality of the organization could not have been concealed. It was a notorious fact, and Himmler himself in 1936, in a quotation which I read to the Tribunal yesterday, admitted that when he said:

"I know that there are people in Germany now who become sick when they see these black coats. We know the reason and we do not expect to be loved by too many."

It was, we submit, at all times the exclusive function and purpose of the SS to carry out the common objectives of the defendant conspirators. Its activities in carrying out those functions involved the commission of the crimes defined in Article 6 of the Charter. By reason of its aims and the means used for the accomplishment thereof, the SS should be declared a criminal organization in accordance with Article 9 of the Charter.

COL. STOREY: If the Tribunal please, the next presentation will be the Gestapo, and it will take just a few seconds to get the material here.

If the Tribunal please, we are now ready to proceed, if Your Honors are.

THE PRESIDENT: Yes.

COL. STOREY: We first pass to the Tribunal document books marked "Exhibit AA." Your Honors will notice they are in two volumes, and I will try at each time to refer to which volume. They are separated into the D documents, the L documents, the PS documents, *et cetera*.

The presentation of evidence on the criminality of the Geheime Staatspolizei (Gestapo) includes evidence on the criminality of the Sicherheitsdienst (SD) and of the Schutzstaffeln (SS), which has been discussed by Major Farr, because a great deal of the criminal acts were so inter-related. In the Indictment, as Your Honors know, the SD is included by special reference as a part of the SS, since it originated as a part of the SS and has always retained its character as a Party organization, as distinguished from the Gestapo which was a State organization. As will be shown by the evidence, however, the Gestapo and the SD were brought into very close working relationship, the SD serving primarily as the information-gathering agency and the Gestapo as the executive agency of the police system established by the Nazis for the purpose of combatting the political and ideological enemies of the Nazi regime.

In short, I think we might think of the SD as the intelligence organization and the Gestapo the executive agency, the former a Party organization and the latter a State organization but merged together for all practical purposes.

The first subject: The Gestapo and SD were formed into a powerful, centralized, political police system that served Party, State, and Nazi leadership.

The Gestapo was first established in Prussia on the 26th of April 1933 by the Defendant Göring with the mission of carrying out the duties of the political police with, or in place of, the ordinary police authorities. The Gestapo was given the rank of a higher police authority and was subordinated only to the Minister of Interior, to whom was delegated the responsibility of determining its functional and territorial jurisdiction. That fact is established in the *Preussische Gesetzsammlung* of 26 April 1933, Page 122, and it is our Document 2104-PS.

Pursuant to this law and on the same date, the Minister of Interior issued a decree on the reorganization of the police which established a State Police Bureau in each governmental district of Prussia, subordinate to the Secret State Police Bureau in Berlin; and I cite as authority the *Ministerialblatt for the Internal Administration of Prussia*, 1933, Page 503, and it is Document 2371-PS.

Concerning the formation of the Gestapo, the Defendant Göring said, in *Aufbau einer Nation*, of 1934, Page 88, which is our Document 2344-PS, and I quote from the English translation a short paragraph, of which Your Honors will take judicial notice, unless Your Honors want to turn to it in full:

“For weeks”—this is Göring talking—“I had been working personally on the reorganization, and at last I, alone and upon my own decision and my own reflections, created the office of the Secret State Police. This instrument which is so

feared by the enemies of the State has contributed most to the fact that today there can no longer be talk of a Communist or Marxist danger in Germany and Prussia."

THE PRESIDENT: What was the date?

COL. STOREY: The date? 1934, Sir.

On November 30, 1933 Göring issued a decree for the Prussian State Ministry and the Reich Chancellor placing the Gestapo under his direct supervision as Chief. The Gestapo was thereby established as an independent branch of the Administration of the Interior responsible directly to Göring as Prussian Prime Minister. This decree gave the Gestapo jurisdiction over the political police matters of the general and interior administration and provided that the district, county, and local police authorities were subject to the directives of the Gestapo—and that cites the Prussian laws of 30 November 1933, Page 413, and Document 2105-PS.

In a speech delivered at a meeting of the Prussian State Council on 18 June 1934, which is published in *Speeches and Essays of Hermann Göring*, 1939, Page 102, our Document 3343-PS, Göring said, and I quote one paragraph:

"The creation of the Secret State Police was also a necessity. You may recognize the importance attributed by the new State to this instrument of state security from the fact that the Prime Minister, himself, has made himself head of this department of the administration just because it is the observation of all currents directed against the new State which is of fundamental importance."

By a decree of 8 March 1934 the regional State Police offices were separated from their organizational connection with the District Government and established as independent authorities of the Gestapo. That cites the *Preussische Gesetzsammlung* of 8 March 1934, Page 143, our Document 2113-PS.

I now offer in evidence Document Number 1680-PS, Exhibit USA-477. This is an article entitled "10 Years of Security Police and the SD," published in the German Police journal, the magazine of the Security Police and SD, of 1 February 1943. I quote one paragraph from this article on Page 2 of the English translation, Document 1680-PS, which is the third main paragraph:

"Parallel to that development in Prussia, the Reichsführer SS Heinrich Himmler created in Bavaria the Bavarian Political Police and also suggested and directed the establishment of Political Police in the Länder other than Prussia. The unification of the Political Police of all the Länder took place in the spring of 1934 when Minister President Hermann Göring

appointed Reichsführer SS Heinrich Himmler, who had meanwhile been named Chief of the Political Police in all the Länder except Prussia, to the post of Deputy Chief of the Prussian Secret State Police."

The Prussian law about the Secret State Police, dated 10 February 1936, then summed up the development hitherto, and determined the position and responsibilities of the Secret State Police in the executive regulations issued the same day.

On 10 February 1936 the basic law for the Gestapo was promulgated by Göring as Prussian Prime Minister—I refer to Document 2107-PS. This law provided that the Secret State Police had the duty to investigate and to combat in the entire territory of the State all tendencies inimical to the State and declared that orders and matters of the Secret State Police were not subject to the review of the administrative courts. That is the Prussian State law of that date cited on Pages 21-22 of the publication of the laws of 1936.

Also on that same date of 10 February 1936 a decree for the execution of the law was issued by Göring, as Prussian Prime Minister, and by Frick, as Minister of the Interior. This decree provided that the Gestapo had authority to enact measures valid in the entire area of the State and measures affecting that area—by the way, that is found in 2108-PS and is also a published law—that it was the centralized agency for collecting political intelligence in the field of political police, and that it administered the concentration camps. The Gestapo was given authority to make police investigations in cases of criminal attacks upon the Party as well as upon the State.

Later, on the 28th of August 1936, a circular of the Reichsführer SS and Chief of the German Police provided that as of 1 October 1936 the Political Police forces of the German provinces were to be called the "Geheime Staatspolizei." That means the Secret State Police. The regional offices were still to be described as State Police. The translation of that law is in 2372-PS, *Reichsministerialblatt* of 1936, Number 44, Page 1344.

Later, on 20 September 1936, a circular of the Minister of Interior, Frick, commissioned the Gestapo Bureau in Berlin with the supervision of the duties of the Political Police commanders in all the states of Germany. That is *Reichsministerialblatt* 1936, Page 1343, our Document L-297.

The law regulating and relating to financial measures in connection with the police, of the 19th of March 1937, provided that the officials of the Gestapo were to be considered direct officials of the Reich and their salaries, in addition to the operational expenses of the whole State Police, were to be borne from 1 April 1937 by the

Reich. That is shown in Document 2243-PS—which is a copy of the law of 19 March 1937—Page 325.

Thus, through the above laws and decrees, the Gestapo was established as a uniform political police system operating throughout the Reich and serving Party, State, and Nazi leadership.

In the course of the development of the SD, it came into increasingly close co-operation with the Gestapo and also with the Reichskriminalpolizei (the Criminal Police), known as Kripo, K-R-I-P-O, shown up there under Amt V. The SD was called upon to furnish information to various State authorities. On the 11th of November 1938 a decree of the Reich Minister of Interior declared the SD to be the intelligence organization for the State as well as the Party, that it had the particular duty of supporting the Secret State Police, and that it thereby became active on a national mission. These duties necessitated a closer co-operation between the SD and the authorities for the general and interior administration. That law is translated in 1638-PS.

The Tribunal has already received evidence concerning the decrees of 17 and 26 June 1936, under which Himmler was appointed Chief of the German Police and by which Heydrich became the first Chief of the Security Police and SD. Even then Göring did not relinquish his position as Chief of the Prussian Gestapo. Thus, the decree of the Reichsführer SS and Chief of German Police that was issued on the 28th of August 1936, which is our Document 2372-PS, was distributed "to the Prussian Minister President as Chief of the Prussian Secret State Police," that is, to Göring.

On 27 September 1939, by order of Himmler in his capacity as Reichsführer SS and Chief of the German Police, the central offices of the Gestapo and SD and also those of the Criminal Police were centralized in the office of the Chief of the Security Police and SD under the name of RSHA, which Your Honors have heard described by Major Farr. Under this order the personnel and administrative sections of each agency were co-ordinated in Amt I and II of the chart shown here of the RSHA. The operational sections of the SD became Amt III, shown in the box "Amt III," except for foreign intelligence which was placed over in Number VI. The operational sections of the Gestapo became Amt IV, as shown on the chart, and the operational sections of the Kripo—that is, the Criminal Police—became Amt V, as shown on the chart.

Ohlendorf was named the Chief of Amt III, the SD inside Germany, Müller was named Chief of Amt IV, and Nebe was named Chief of Amt V, the Kripo.

On the 27th of September 1939 Heydrich, the Chief of the Security Police and SD, issued a directive pursuant to the order of Himmler, in which he ordered that the designation and heading

of RSHA be used exclusively in internal relations of the Reich Ministry of Interior, and the heading "The Chief of the Security Police and SD" in transactions with outside persons and offices. The directive provided that the Gestapo would continue to use the designation and heading "Secret State Police" according to the particular instructions.

This order is Document L-361, Exhibit USA-478, which we now offer in evidence; and I refer Your Honors to the first paragraph of L-361. That is found in the first volume. I just direct Your Honors' attention to the date and to the subject, which is the amalgamation of the Zentralämter of the Sicherheitspolizei and of the SD, and the creation of the four sections, and then to the words:

"... will be joined to the RSHA in accordance with the following directives. This amalgamation carries with it no change in the position of these Ämter in the Party nor in the governmental administration."

I might say here parenthetically, if the Tribunal please, that we like to think of the RSHA as being the so-called administrative office through which a great many of these organizations were administered and then a number of these organizations, including the Gestapo, maintaining their separate identity as operational organizations. I think a good illustration, if Your Honors will recall, is that during the war there may be a certain division or a certain air force which is administratively under a certain headquarters, but operationally, when they had an invasion, it may be under the general supervision of somebody else who was operating a task force. So the RSHA was really the administrative office of a great many of these alleged criminal organizations.

The Gestapo and SD were therefore organized functionally on the basis of the opponents to be combatted and the matters to be investigated.

I now invite the attention of the Tribunal to this chart, which has already been identified, and I believe it is Exhibit USA-53. This chart—I am in error—that is the original identification number. This chart shows the main chain of command from Himmler, who was the Reich Leader of the SS and Chief of the German Police, to Kaltenbrunner, who was Chief of the Security Police and SD, and from Kaltenbrunner to the various field offices of the Gestapo and the SD.

We now formally offer in evidence this chart, Document L-219, as Exhibit USA-479. The chart itself is based upon the document, which is L-219. We have photostatic copies, and you probably want to refer to the one on the wall.

This chart, from which the one on the wall is taken, has been certified by Otto Ohlendorf, Chief of Amt III of the RSHA, and by

Walter Schellenberg, Chief of Amt VI of the RSHA, and has been officially identified by both of those former officials.

The chart shows that the principal flow of command in police matters came from Himmler as Reich Leader of the SS and Chief of the German Police directly to Kaltenbrunner, who was the Chief of the Security Police and SD and as such was also head of the RSHA, which is the administrative office to which I have referred.

Kaltenbrunner's headquarters organization was composed of seven Ämter, plus a military office—the seven Ämter shown here.

Under Subsection D was Obersturmbannführer Rauff, who handled technical matters, including motor vehicles of the SIPO and the SD, to which we will refer later.

Amt III was the SD inside Germany and was charged with investigations into spheres of German national life. It was the internal intelligence organization of the police system and its interests extended into all areas occupied by Germany during the course of the war. In 1943 it contained four sections. I would like to mention them briefly. It shows their scope of authority. Section A dealt with questions of legal order and structure of the Reich. B dealt with national questions, including minorities, race, and health of the people. C dealt with culture, including science, education, religion, press, folk culture, and art; and D with economics, including food, commerce, industry, labor, colonial economics, and occupied regions.

Now Amt IV, with which we are dealing here, was the Gestapo and was charged with combatting opposition. In 1945, as identified by these two former officials, it contained six sections:

1. A dealt with opponents, sabotage, and protective service, including communism, Marxism, reaction and liberalism;
2. B dealt with political churches, sects, and Jews, including political Catholicism, political Protestantism, other churches, Freemasonry; and a special section, B-4, that had to do with Jewish affairs, matters of evacuation, means of suppressing enemies of the people and State, and dispossession of rights of German citizenship; the head of the office was Eichmann;
3. C dealt with protective custody;
4. D with regions under German domination;
5. E with security;
6. F with passport matters and alien police.

Now, Amt V, which will be referred to as the Kripo, was charged with combatting crime. For example, Subsection D was the criminological institute for the Sipo and handled matters of identification, chemical and biological investigations, and technical research.

Number VI was the SD outside of Germany and concerned primarily with foreign political intelligence. In 1944 the Abwehr, or military intelligence, was joined with Amt VI as the military Amt. Your Honors will recall that the Witness Lahousen was in the Abwehr. Amt VI maintained its own regional organization.

And finally, Amt VII handled ideological research among enemies such as Freemasonry, Judaism, political churches, Marxism, and liberalism.

Within Germany there were regional offices of the SD, the Gestapo, and the Kripo, shown on the chart up at the right. The Gestapo and Kripo offices were often located in the same place and were always collectively referred to as the Sipo. You see that shady line around refers to the collective operation of the Gestapo and Kripo—Gestapo, the Secret Police; and Kripo, the Criminal Police. These regional offices all maintained their separate identity and reported directly to the section of the RSHA—that is, under Kaltenbrunner—which had the jurisdiction of the subject matter. They were, however, co-ordinated by Inspectors of the Security Police and SD, as shown at the top of the chart. The inspectors were also under the supervision of Higher SS and Police Leaders appointed for each Wehrkreis. The Higher SS and Police Leaders reported to Himmler and supervised not only the inspectors of the Security Police and SD but also the inspectors of the Order Police and various subdivisions of the SS.

In the occupied territories the organization developed as the German armies advanced. Combined operational units of the Security Police and the SD known as Einsatz Groups, about which Your Honors will hear in a few minutes, operated with, and in the rear of, the army. These groups were officered by personnel of the Gestapo and the Kripo and the SD, and the enlisted men were composed of Order Police and Waffen-SS. They functioned with various army groups. The Einsatz Groups—and, if Your Honors will recall, they are simply task force groups for special projects—were divided into “Einsatzkommandos,” “Sonderkommandos,” and “Teilkommandos,” all of which performed the functions of the Security Police and the SD with, or closely behind, the army.

After the occupied territories had been consolidated, these Einsatz Groups and their subordinate parts were formed into permanent combined offices of the Security Police and SD within the particular geographical location. These combined forces were placed under the Kommandeure of the Security Police and SD, and the offices were organized as a section similar to this RSHA headquarters. The Kommandeure of the Security Police and SD reported directly to Befehlshaber of the Security Police and SD, who in turn reported directly to the Chief of the Security Police and SD.

In the occupied countries the Higher SS and Police Leaders were more directly controlled by the Befehlshaber and the Kommandeure of the Security Police and SD than within the Reich. They had authority to issue direct orders so long as they did not conflict with the Chief of the Security Police and SD, who exercised controlling authority.

The above chart and the remarks concerning it are based upon two documents which I now offer in evidence. They are Document L-219, which is the organization plan of the RSHA of 1 October 1943, and Document 2346-PS.

Now next, the primary mission of the Gestapo and the SD was to combat the actual and ideological enemies of the Nazi regime and to keep Hitler and the Nazi leadership in power as specified in Count One of the Indictment. The tasks and methods of the Secret State Police were well described in an article which is translated in Document 1956-PS, Volume 2 of the document book, which is an article published in January 1936 in *Das Archiv* at Page 1342, which I now offer in evidence and quote from. It is on Page 1 of the English translation, 1956. I will first read the first paragraph and then the third and fourth paragraphs. That is in January 1936. Quoting:

"In order to refute the malicious rumors spread abroad, the *Völkischer Beobachter* of 22 January 1936 published an article on the origin, purpose, and duties of the Secret Police; extracts from this read as follows:..."

Then skip to the third paragraph:

"The Secret State Police is an official instrument of the Criminal Police authorities, whose special task is the detection of crimes and offenses against the State, especially treason against Land or Reich. The task of the Secret State Police is to discover these crimes and offenses, to find the perpetrators, and to bring them to trial. The number of criminal proceedings continually pending in the People's Court for treasonable acts against Land or Reich is the result of this work. The second important field of operations for the Secret State Police is the preventive combatting of all dangers threatening the State and its leaders. As, since the National Socialist revolution, all open struggle and all open opposition to the State and to the leadership of the State is forbidden, a Secret State Police as a preventive instrument in the struggle against all dangers threatening the State is indissolubly bound up with the National Socialist Führer State. The opponents of National Socialism were not eliminated by the prohibition of their organizations and their newspapers, but have withdrawn to other forms of opposition to the state. Therefore the National Socialist State has to track down, to watch, and to

render harmless the underground opponents fighting against it, in illegal organizations, in camouflaged associations, in the coalitions of well-meaning fellow-Germans, and even in the organizations of the Party and the State, before they have succeeded in actually executing any action against the interests of the State. This duty of fighting with every means this battle against the secret enemies of the State will be spared no Führer State, because enemy forces from their foreign headquarters always secure the services of some individuals in such a state and employ them in underground activity against the state.

"The preventive measures of the Secret State Police consist first of all in the close surveillance of all enemies of the State in the Reich territory. As the Secret State Police cannot, in addition to its important executive tasks, perform this surveillance of the enemies of the State to the extent necessary, there enters to supplement it, the Security Service of the Reichsführer of the SS set up by the Führer's deputy as the political intelligence service of the Movement, putting thereby into the service of the security of the State a large part of the forces of the Movement mobilized by him.

"The Secret State Police takes the necessary police preventive measures against the enemies of the State on the basis of the results of observation. The most effective preventive measure is, without doubt, deprivation of freedom, which is imposed in the form of 'protective custody' if it is feared that the free activity of the persons in question might endanger the security of the State in any way. The use of protective custody is so regulated by directives of the Minister of the Interior of the Reich and Prussia and by special arrest examination procedures of the Secret State Police that—as far as preventive action against the enemies of the State permits—ample guarantees against the abuse of protective custody are provided...."

THE PRESIDENT: Colonel Storey, haven't we really got enough now as to the organization of the Gestapo and its objects?

COL. STOREY: I'll omit the reading of the rest of this paragraph.

THE PRESIDENT: I'm not sure that will satisfy me. What I was asking is haven't we got enough about the organization of the Gestapo now?

COL. STOREY: Your Honor, I was through with the organization. I was just going into the question of this action of protective custody, for which the Gestapo was famous, and showing how

they went into that field of activity and the authority for taking people into protective custody—alleged protective custody.

THE PRESIDENT: I think that has been proved more than once in the preceding evidence that we have heard.

COL. STOREY: There is one more law I would like to refer to, that is, it's not subject to judicial review—unless that has been established. I do not know whether Major Farr did that, or not.

THE PRESIDENT: That they are not subject to judicial review?

COL. STOREY: Review, yes.

THE PRESIDENT: I think you have told us that already this afternoon.

COL. STOREY: The citation is in the *Reichsverwaltungsblatt* of 1935, Page 577, which is Document 2347-PS. I would like, if Your Honors please, to refer to this quotation from that same law.

The decision of the Prussian High Court of Administration on the 2d of May 1935 held that the status of the Gestapo as a special Police authority removed its orders from the jurisdiction of the administrative tribunal, and the court said in that law that the only redress available was by appeal to the next higher authority within the Gestapo itself.

THE PRESIDENT: I think you told us that, apropos of the document of the 10th of February 1936, where you said the Secret State Police was not subject to review by any of the state courts.

COL. STOREY: I just did not want there to be any question about the authority. I refer Your Honors to Document 1852-PS, which is already in evidence as Exhibit USA-449, also stating that theory, and also Document 1723-PS. That is the decree, Your Honor, of February 1, 1938, which relates to the protective custody and the issuance of new regulations; and I would like to quote just one sentence from that law:

“In order to counter all attempts of the enemies of the people and of the State, protective custody may be ordered as a coercive measure of the Secret State Police against persons who, through their attitude, endanger the life and security of the people and the State.”

And the Gestapo had the exclusive right to order protective custody and that protective custody was to be executed in the State concentration camps.

Now I pass to another phase where the SD created an organization of agents and informers who operated through the various regional offices throughout the Reich and later in conjunction with

the Gestapo and the Criminal Police throughout the occupied countries. The SD operated secretly. One of the things it did was secretly to mark ballots in order to discover the identity of persons who cast "No" and invalid votes in the referendum. I now offer in evidence Document R-142, second volume. I believe it is toward the end of the document book—R-142, Exhibit USA-481.

This document contains a letter from the branch office of the SD at Kochem to the SD at Koblenz. The letter is dated 7 May 1938 and refers to the plebiscite of 10 April 1938. It refers to a letter previously received from the Koblenz office and apparently is a reply to a request for information concerning the way in which people voted in the supposedly secret plebiscite. It is on Page 1 of Document R-142.

THE PRESIDENT: Colonel Storey, I am told that that has been read before.

COL. STOREY: I did not know it had, if Your Honor pleases. We will just offer it without reading it then.

With reference to National Socialism and the contribution of the Sipo and the SD, I refer to an article of 7 September 1942, which is shown in 3344-PS. It is the first paragraph, Volume 2. It is the official journal. Quoting:

"Already before the taking over of power, the SD contributed its part to the success of the National Socialist revolution. Since the taking over of power, the Security Police and the SD have borne the responsibility for the inner security of the Reich and have paved the way for a powerful victory of National Socialism against all resistance."

In connection with the criminal responsibility of the SD and the Gestapo, it will be considered with respect to certain War Crimes and Crimes against Humanity which were in the principal part committed by the centralized political police system. The development, organization, and tasks have been considered before. In some instances the crimes were committed in co-operation or in conjunction with other groups or organizations.

Now in order to look into the strength of these various organizations, I have some figures here that I would like to quote to Your Honors. The Sipo and SD were composed of the Gestapo, Kripo, and SD. The Gestapo was the largest, and it has a membership of about 40,000 to 50,000 in 1934 and 1935. That is an error; it is 1943 to 1945. It was the political force of the Reich.

THE PRESIDENT: Did you say the date was wrong?

COL. STOREY: Yes, Sir, the date was wrong, it is '43 to '45, if Your Honor pleases; 40 to 50 thousand.

THE TRIBUNAL: (Mr. Biddle): Where are you reading from?

COL. STOREY: It is Document 3033-PS, and it is an affidavit of Walter Schellenberg, one of the former officials I referred to a moment ago.

I believe, if Your Honor pleases, to get it in the record, I will read that whole affidavit. It is Document 3033-PS, Exhibit USA-488. I have the English translation here:

"The Sipo and SD was composed of the Gestapo, Kripo, and SD. In 1943-45 the Gestapo had a membership of about 40,000 to 50,000, the Kripo had a membership of about 15,000, and the SD had a membership of about 3,000. In common usage and even in orders and decrees the term 'SD' was used as an abbreviation for the term 'Sipo and SD.' In most cases actual executive action was carried out by personnel of the Gestapo in place of the SD or the Kripo. In occupied territories, members of the Gestapo frequently wore SS uniforms with SD insignia. New members of the Gestapo and the SD were taken on a voluntary basis."

And then "subscribed and sworn to on the 21st of November 1945 before Lieutenant Harris."

I think I ought to say here, if Your Honors please, that it is our information that a great many of the members of the Gestapo were also members of the SS. We have heard various estimates of the amount but have no direct authority. Some authorities say as much as 75 percent, but still we have no direct evidence on that.

I now offer in evidence Document 2751-PS, which is Exhibit USA-482. It is an affidavit of Alfred Helmut Naujocks, dated November 20, 1945. This affidavit particularly refers to the actual occurrences in connection with the Polish border incident. I believe it was referred to by the Witness Lahousen when he was on the stand:

"I, Alfred Helmut Naujocks, being first duly sworn, depose and state as follows:

"1. I was a member of the SS from 1931 to 19 October 1944 and a member of the SD from its creation in 1934 to January 1941. I served as a member of the Waffen-SS from February 1941 until the middle of 1942. Later I served in the Economics Department of the Military Administration of Belgium from September 1942 to September 1944. I surrendered to the Allies on 19 October 1944.

"2. On or about 10 August 1939 the Chief of the Sipo and SD, Heydrich, personally ordered me to simulate an attack on the radio station near Gleiwitz, near the Polish border, and to make it appear that the attacking force consisted of

Poles. Heydrich said: 'Actual proof of these attacks of the Poles is needed for the foreign press, as well as for German propaganda purposes.' I was directed to go to Gleiwitz with five or six SD men and wait there until I received a code word from Heydrich indicating that the attack should take place. My instructions were to seize the radio station and to hold it long enough to permit a Polish-speaking German, who would be put at my disposal, to broadcast a speech in Polish. Heydrich told me that this speech should state that the time had come for the conflict between the Germans and the Poles and that the Poles should get together and strike down any Germans from whom they met resistance. Heydrich also told me at this time that he expected an attack on Poland by Germany in a few days.

"3. I went to Gleiwitz and waited there a fortnight. Then I requested permission of Heydrich to return to Berlin but was told to stay in Gleiwitz. Between the 25th and 31st of August I went to see Heinrich Müller, head of the Gestapo, who was then nearby at Oppeln. In my presence Müller discussed with a man named Mehlhorn plans for another border incident, in which it should be made to appear that Polish soldiers were attacking German troops Germans in the approximate strength of a company were to be used. Müller stated that he had 12 or 13 condemned criminals who were to be dressed in Polish uniforms and left dead on the ground at the scene of the incident to show that they had been killed while attacking. For this purpose they were to be given fatal injections by a doctor employed by Heydrich. Then they were also to be given gunshot wounds. After the assault members of the press and other persons were to be taken to the spot of the incident. A police report was subsequently to be prepared.

"4. Müller told me that he had an order from Heydrich to make one of those criminals available to me for the action at Gleiwitz. The code name by which he referred to these criminals was 'Canned Goods.'

"5. The incident at Gleiwitz in which I participated was carried out on the evening preceding the German attack on Poland. As I recall, war broke out on the 1st of September 1939. At noon on the 31st of August I received by telephone from Heydrich the code word for the attack which was to take place at 8 o'clock that evening. Heydrich said, 'In order to carry out this attack, report to Müller for "Canned Goods."' I did this and gave Müller instructions to deliver the man near the radio station. I received this man and had

him laid down at the entrance to the station. He was alive, but he was completely unconscious. I tried to open his eyes. I could not recognize by his eyes that he was alive, only by his breathing. I did not see the shot wounds, but a lot of blood was smeared across his face. He was in civilian clothes.

"6. We seized the radio station as ordered, broadcast a speech of 3 to 4 minutes over an emergency transmitter, fired some pistol shots, and left."

And then "sworn to and subscribed to before Lieutenant Martin".

The Gestapo and the SD carried out mass murders of hundreds of thousands of civilians of occupied countries, as a part of the Nazi program to exterminate political and racial undesirables, by the so-called Einsatz Groups. Your Honors will recall evidence concerning the activities of these Einsatz Groups or Einsatzkommandos. I now refer to Document R-102.

If Your Honors please, I understand Major Farr introduced this document this morning; but I want to refer to just one brief statement, which he did not include, concerning the SD and the Einsatz Groups and Security Police. It is on Page 4 of R-102. Quoting:

"During the period covered by this report the stations of the Einsatz Groups of the Security Police and SD have changed only in the northern sector."

THE PRESIDENT: What was the document?

COL. STOREY: R-102, which was already introduced in evidence by Major Farr, and it is in Volume 2 toward the end of the book. There are two reports submitted by the chief of the Einsatz Group A available. The first report is Document L-180, which has already been received as Exhibit USA-276.

THE PRESIDENT: Colonel Storey, would you not pass quite so quickly from one document to another?

COL. STOREY: Yes, Sir, pardon me, Sir. L-180, and I want to quote from Page 13. It is on Page 5 of the English translation. It is the beginning of the first paragraph, near the bottom of the page. Quoting:

"In view of the extension of the area of operations and of the great number of duties which had to be performed by the Security Police, it was intended from the very beginning to obtain the co-operation of the reliable population in the fight against felons, that is, mainly the Jews and Communists."

And also in that same document, Page 30 of the original, Page 8 of the English translation, quoting:

"From the beginning it was to be expected that the Jewish problem in Ostland could not be solved by pogroms alone."

THE PRESIDENT: I am told that this has been read already.

COL. STOREY: I had it checked, and we did not catch that, Your Honor. I will pass on then.

Now, if Your Honor pleases, we will pass to Document 2273-PS next. I offer in evidence now just portions of Document 2273-PS, which is Exhibit USA-487. This document was captured by the U.S.S.R. and will be offered in detail by our Soviet colleagues later. But, with their consent, I want to introduce in evidence a chart which is identified by that document; and we have an enlargement which we would like to put on the board, passing to the Tribunal photostatic copies.

If Your Honor pleases, this chart is identified by the photostatic copy attached to the original report which will be dealt with in detail later. I want to quote just one statement from Page 2 of the English translation of that document. It is the third paragraph from the bottom on Page 2 of the English translation:

"The Estonian self-protection movement, formed as the Germans advanced, did begin to arrest Jews; but there were no spontaneous pogroms. Only by the Security Police and the SD were the Jews gradually executed as they became no longer required for work. Today there are no longer any Jews in Estonia."

That document is a top-secret document by Einsatz Group A, which was a special projects group. This chart, of which the photostatic copy is attached to the original in the German translation on the wall, shows the progress of the extermination of the Jews in the area in which this Einsatzkommando group operated.

If Your Honors will refer to the top, next to Petersburg—or Leningrad as we know it—and down below, you will see the picture of a coffin; and that is described in the report as 3,600 having been killed.

Next, over at the left, is another coffin in one of the small Baltic states showing 963 in that area have been put in the coffin.

Then next, down near the capital of Riga, you will note that 35,238 were put away in the coffins; and it refers to the ghetto there as still having 2,500.

You come down to the next square or the next state showing 136,421 were put in their coffins; and then in the next area, near Minsk and just above Minsk, there were 41,828 put in their coffins.

THE PRESIDENT: Are you sure they were put in their coffins, the 136,000?

COL. STOREY: I beg your pardon, Sir?

THE PRESIDENT: Are you sure that they were executed, the 136,000?—because there is no coffin there.

COL. STOREY: No, Sir—the bottom statement—here are the totals from the documents.

THE PRESIDENT: These photostatic copies are different from what you have got there. In the area which is marked 136,421 there is no coffin.

COL. STOREY: Well, I am sorry. The one that I have is a true and correct copy of theirs.

THE PRESIDENT: Mine has not got it and Mr. Biddle's has not got it.

COL. STOREY [*Turning to an assistant.*] Will you hand this to the President, please?

THE PRESIDENT: I suppose the document itself will show it.

COL. STOREY: I will turn to the original and verify it. Let me have the original, please. Apparently there is a typographical error. If Your Honor pleases, here it is: 136,421, with the coffin.

THE PRESIDENT: Mr. Parker points out it is in the document itself, too.

COL. STOREY: Yes, Sir, it is in the document itself. There is an error on that.

The 128,000 at the bottom shows at that time there were 128,000 on hand, and the literal translation of the statement, as I understand, means, "still on hand in the Minsk area."

I next refer to Document 1104-PS, Volume 2, Exhibit USA-483, which I now offer in evidence.

THE PRESIDENT: Colonel Storey, did you tell us what the document was? There is nothing on the translation, is there, to show what the document is.

COL. STOREY: If Your Honor pleases, it is a report of the special-purpose Group A, a top-secret report—or the Einsatz group in other words—making a record of their activities in these areas, and this chart was attached showing the areas covered.

THE PRESIDENT: Special group of the Gestapo?

COL. STOREY: The special group that was organized of the Gestapo and the SD in that area. In other words, a Commando group.

As I mentioned, Your Honor, they organized these special Commando groups to work in and behind the armies as they consolidated their gains in occupied territories, and Your Honor

will hear from other reports of these Einsatz groups as we go along in this presentation. In other words, "Einsatz" means "special action" or "action groups," and they were organized to cover certain geographical areas behind the immediate front lines.

THE PRESIDENT: Yes, but they were groups, were they, of the Gestapo?

COL. STOREY: The Gestapo and the SD.

THE PRESIDENT: Well, that is part of the Gestapo.

COL. STOREY: There were some of the Kripo in it too.

Now the next document is 1104-PS, dated October 30, 1941. This document shows on that date the Commissioner of the territory of Sluzk wrote a report to the Commissioner General of Minsk, in which he severely criticized the actions of the Einsatzkommandos of the Sipo and the SD operating in his area for the murder of the Jewish population of that area, and I quote from the English translation, on Page 4 of that document, beginning at the first paragraph after the colon:

"On 27 October, in the morning at about 8 o'clock, a first lieutenant of the Police Battalion Number 11, from Kovno, Lithuania, appeared and introduced himself as the adjutant of the battalion commander of the Security Police. The first lieutenant explained that the police battalion had received the assignment to effect the liquidation of all Jews here in the town of Sluzk within 2 days. The battalion commander with his battalion in strength of four companies, two of which were made up of Lithuanian partisans, was on the march here and the action would have to begin instantly. I replied to the first lieutenant that I had to discuss the action in any case first with the commander. About half an hour later the police battalion arrived in Sluzk. Immediately after the arrival a conference with the battalion commander took place according to my request. I first explained to the commander that it would not very well be possible to effect the action without previous preparation, because everybody had been sent to work and that it would lead to terrible confusion. At least it would have been his duty to inform me a day ahead of time. Then I requested him to postpone the action 1 day. However, he refused this with the remark that he had to carry out this action everywhere in all towns and that only 2 days were allotted for Sluzk. Within those 2 days the town of Sluzk had by all means to be cleared of Jews."

That report was made to the Reich Commissioner for the Eastern Territories through Gauleiter Hinrich Lohse, at Riga. Your Honors will recall that he was referred to in another presentation.

Now skipping over to Page 5, the first paragraph—I would like to quote it:

“For the rest, as regards the execution of the action, I must point out, to my deepest regret, that the latter almost bordered on sadism. The town itself during the action offered a picture of horror. With indescribable brutality on the part both of the German police officers and particularly of the Lithuanian partisans, the Jewish people, and also with them White Ruthenians, were taken out of their dwellings and herded together. Everywhere in the town shots were to be heard, and in different streets the corpses of Jews who had been shot accumulated. The White Ruthenians were in the greatest anguish to free themselves from the encirclement. In addition to the fact that the Jewish people, among whom were also artisans, were barbarously maltreated in sight of the White Ruthenian people, the White Ruthenians themselves were also beaten with clubs and rifle butts. It was no longer a question of an action against the Jews. It looked much more like a revolution.”

And then I skip down to the next to the last paragraph on that same page, quoting:

“In conclusion, I find myself obliged to point out that the police battalion looted in an unheard-of manner during the action and that not only in Jewish houses but equally in those of the White Ruthenians. Anything of use, such as boots, leather, cloth, gold and other valuables, was taken away. According to statements of the troops, watches were torn off the arms of Jews openly on the street and rings pulled off their fingers in the most brutal manner. A disbursing officer reported that a Jewish girl was asked by the police to obtain immediately 5,000 rubles to have her father released. This girl is said actually to have run about everywhere to obtain the money.”

There is another paragraph, with reference to the number of copies, on the third page of the translation, to which I would like to call Your Honors' attention—the last paragraph on Page 3 of the translation, quoting:

“I am submitting this report in duplicate so that one copy may be forwarded to the Reich Minister. Peace and order cannot be maintained in White Ruthenia with methods of that sort. To have buried alive seriously wounded people, who then worked their way out of their graves again, is such extreme beastliness that this incident as such must be reported to the Führer and the Reich Marshal.

"The civil administration of White Ruthenia makes every effort to win the population over to Germany, in accordance with the instructions of the Führer. These efforts cannot be brought into harmony with the methods described here."—
Signed by the Commissioner General for White Ruthenia.

And then, on the 11th of November 1941, he forwards it on to the Reich Minister for occupied countries, in Berlin.

THE PRESIDENT: Who was that at that time?

COL. STOREY: The Reich Minister, I believe—at that time at least—for the eastern occupied countries was the Defendant Rosenberg. I think that is correct. On the same date, by separate letter, the Commissioner General of White Ruthenia reported to the Reich Commissioner for the eastern countries that he had received money, valuables, and other objects taken by the police in the action at Sluzk and other regions, all of which had been deposited with the Reich Credit Institute for the disposal of the Reich Commissioner.

On 21 November 1941 a report on the Sluzk incident was sent to the personal reviewer of the permanent deputy of the Minister of the Reich with a copy to Heydrich, who was the Chief of the Security Police and the SD. That is shown on the first page of Document Number 1104-PS.

The activities of the Einsatz groups continued throughout 1943 and 1944 under Kaltenbrunner as Chief of the Security Police and SD. Under adverse war conditions, however, the program of extermination was, to a large extent, changed to one of rounding up slave labor for Germany.

I next refer to Document 3012-PS, which has heretofore been introduced as Exhibit USA-190. This is a letter from the headquarters of one of the Commando groups, a section known as Einsatz Group C, dated 19 March 1943. This letter summarizes the real activities and methods of the Gestapo and SD, and I should like to refer to additional portions to those previously quoted, on Page 2 of Document 3012-PS; and I believe I will read the first page, beginning with the first paragraph:

"It is the task of the Security Police and of the Security Service"—SD—"to discover all enemies of the Reich, and fight against them in the interest of security, especially the security of the Army in the zone of operations. Besides the annihilation of active, avowed opponents, all other elements who by virtue of their convictions or their past might under favorable conditions actively appear as enemies are to be eliminated through preventive measures. The Security Police carries out this task according to the general directives of the Führer, with all required severity. Energetic measures

are especially necessary in territories endangered by the activity of partisan bands. The competence of the Security Police within the zone of operations is based on the 'Barbarossa' decrees."—The Tribunal will recall the famous "Barbarossa" code-name decrees that were issued in connection with the invasion of Russia—"I deem the measures of the Security Police, carried out on a considerable scale during recent times, necessary for the two following reasons:

"1. The situation at the front in my sector had become so serious that the population, partly influenced by Hungarians and Italians who were streaming back in confusion, were openly opposing us.

"2. The strong expeditions by partisan bands, coming chiefly from the forest of Bryansk, were another reason. Besides that, other partisan groups formed from the population were appearing like mushrooms in all districts: The procurement of arms evidently provided no difficulties at all. It would have been inexcusable if we had observed this whole activity without taking measures against it. It is obvious that all such measures are accompanied by severity.

"I want to take up the significant points of these severe measures:

"1) The shooting of Hungarian Jews; 2) the shooting of agriculturalists; 3) the shooting of children; 4) the burning to the ground of villages; 5)"—the shooting, quoting—"while trying to escape, of Security Service (SD) prisoners.

"Chief of Einsatz Group C confirmed once more the suitability of the measures executed and expressed his appreciation for the drastic steps taken. In consideration of the current political situation, especially in the armament industry in the fatherland, the measures of the Security Police are to be subordinated to the greatest extent to the recruiting of labor for Germany. In the shortest possible time the Ukraine has to place at the disposal of the armament industry 1 million workers, 500 of whom have to be sent from our territory daily."

If Your Honor pleases, I believe the numbers have been quoted before by Mr. Dodd. I refer on the next page to the first order, in 1 and 2—Subparagraphs:

"1. Special treatment is to be kept to a minimum.

"2. The listing of communist functionaries, activists, and so on, is to take place only by roster for the time being, without arrests. It is, for instance, no longer feasible to arrest all the close relatives of a member of the Communist Party.

Likewise members of the Komsomolz are to be arrested only if they were active in leading positions."

The next subparagraphs have been read into evidence, 3 and 4, in a previous presentation.

"5. The reporting of partisan bands as well as drives against them is not affected hereby. I point out, however, that all drives against those bands are to take place only with my approval.

"6. The prisons are to be kept empty as a rule. We must be aware of the fact that the Slavs interpret all soft treatment on our part as weakness and that they will act accordingly, right away. If we restrict our harsh Security Police measures through the above orders for the time being, it is done only for the following reason: the most important thing is the recruiting of workers. No check of persons to be sent into the Reich will be made. There are therefore no written certificates of political reliability or the like to be furnished."—Signed—"Christensen, SS Sturmbannführer and Commanding Officer."

I understood that Your Honor wanted to adjourn at 4 o'clock, and I believe that I can introduce one more statement. It was the Einsatz Groups of the Security Police and SD that operated the infamous death vans. Previously, Document 501-PS, which was received as Exhibit USA-288, referred to this operation. The letter from Becker, which is a part of this exhibit, was addressed to Obersturmbannführer Rauff at Berlin. We now refer to Document L-185. I simply refer to Document 501-PS as a reference to the death vans. Document L-185, Exhibit USA-484, is the one I now offer in evidence, Page 7 of the English translation—L-185. It will be observed that the chief of Amt II D of the RSHA in charge of technical matters was Obersturmbannführer Rauff. Mr. Harris advises me that the only point to be proved by that is that, the chief of Amt II D of the RSHA, who made this report on technical matters, was the Obersturmbannführer Rauff; and then he refers in the same connection to Document 2348-PS, which is Exhibit USA-485. The previous one was to identify Rauff, and then to offer his affidavit which is 2348-PS, second volume. Reading from the beginning of the affidavit—it was made on 19 October 1945 in Ancona, Italy—quoting:

"I hereby acknowledge the attached letter, written by Dr. Becker... on the 16 May 1942 and received by me on the 29 May 1942, as a genuine letter. I did on 18 October 1945 write on the side of this letter a statement to the effect that it was genuine. I do not know the number of death vans being operated and cannot give an approximate figure.

The vans were built by the Saurer Works, Germany, located, I believe, in Berlin. Some other firms built these vans also. Insofar as I am aware, these vans operated only in Russia. Insofar as I can state, these vans were probably operating in 1941; and it is my personal opinion that they were operating up to the termination of the war."

If Your Honor pleases, I do not believe that we will have time to go into the next exhibit.

THE PRESIDENT: Very well. Then the Tribunal will now adjourn until Wednesday, the 2d of January.

[The Tribunal adjourned until 2 January 1946 at 1000 hours.]

TWENTY-FIFTH DAY

Wednesday, 2 January 1946

Morning Session

THE PRESIDENT: I call on the counsel for the United States.

COL. STOREY: If the Tribunal please, when Your Honors adjourned on 20 December we were presenting the Gestapo and had referred to the use of the death vans by the Einsatz groups in the eastern occupied countries and had almost concluded that phase of the presentation. Your Honors will recall we had referred to the use of some death vans made by the Saurer works, and the final reference that I want to make in that connection is to a telegram attached to Document 501-PS, which it is not necessary to read, which establishes the fact that the same make of truck or vans were the death vans used by the Einsatz groups.

The final document in connection with the Einsatz groups in the Eastern Occupied Territories which we desire to offer is Document 2992-PS, and I believe it is in the second volume of the document book. This is an affidavit made by Hermann Gräbe. Hermann Gräbe is at present employed by the United States Government at Frankfurt. The affidavit was made at Wiesbaden; and I offer excerpts from the affidavit, 2992-PS, Exhibit Number USA-494.

This witness was at the head of a construction firm that was doing some building in the Ukraine and he was an eyewitness to the anti-Jewish actions at the town of Rovno, Ukraine, on 13 July 1942, and I refer to the part of the affidavit which is on Page 5 of the English translation. Beginning at the first:

"From September 1941 until January 1944 I was manager and engineer-in-charge of a branch office in Sdolbunov, Ukraine, of the Solingen building firm of Josef Jung. In this capacity it was my job to visit the building sites of the firm. The firm had, among others, a site in Rovno, Ukraine.

"During the night of 13 July 1942, all inhabitants of the Rovno ghetto, where there were still about 5,000 Jews, were liquidated.

"I should describe the circumstances of my being a witness of the dissolution of the ghetto and the carrying out of the pogrom during the night and morning, as follows:

"I employed for the firm in Rovno, in addition to Poles, Germans, and Ukrainians, about 100 Jews from Sdolbunov,

Ostrog, and Mysotch. The men were quartered in a building, 5 Bahnhofstrasse, inside the ghetto, and the women in a house at the corner of Deutschestrasse, 98.

"On Saturday, 11 July 1942, my foreman, Fritz Einsporn, told me of a rumor that on Monday all Jews in Rovno were to be liquidated. Although the vast majority of the Jews employed by my firm in Rovno were not natives of this town, I still feared that they might be included in this announced pogrom. I therefore ordered Einsporn at noon of the same day to march all the Jews employed by us—men as well as women—in the direction of Sdolbunov, about 12 kilometers from Rovno. This was done.

"The Eldest of the Jews had learned of the departure of the Jewish workers of my firm. He went to see the commanding officer of the Rovno Sipo and SD, SS Major (SS Sturmbannführer) Dr. Pütz, as early as Saturday afternoon to find out whether the rumor of a forthcoming Jewish pogrom, which had gained further credence by reason of the departure of Jews of my firm, was true. Dr. Pütz dismissed the rumor as a clumsy lie and for the rest had the Polish personnel of my firm in Rovno arrested. Einsporn avoided arrest by escaping from Sdolbunov. When I learned of this incident I gave orders that all Jews who had left Rovno were to report back to work in Rovno on Monday, 13 July 1942. On Monday morning I myself went to see the commanding officer, Dr. Pütz, in order to learn, for one thing, the truth about the rumored Jewish pogrom and secondly to obtain information on the arrest of the Polish office personnel. SS Major Pütz stated to me that no pogrom whatever was planned. Moreover, such a pogrom would be stupid because the firms and the Reichsbahn would lose valuable workers.

"An hour later I received a summons to appear before the area commissioner of Rovno. His deputy, Stabsleiter and Cadet Officer Beck, subjected me to the same questions as I had undergone at the SD. My explanation that I had sent the Jews home for urgent delousing appeared plausible to him. He then told me—making me promise to keep it a secret—that a pogrom would, in fact, take place in the evening of Monday, 13 July 1942. After lengthy negotiation I managed to persuade him to give me permission to take my Jewish workers to Sdolbunov—but only after the pogrom had been carried out. During the night it would be up to me to protect the house in the ghetto against the entry of Ukrainian militia and SS. As confirmation of the discussion

he gave me a document, which stated that the Jewish employees of Messrs. Jung were not affected by the pogrom."

And this original which I hold in my hand, I will now pass to the translator for reading. I call the attention of Your Honors to the fact that it has the letterhead of "Der Gebietskommissar in Rovno," and it is dated the 13th of July 1942, and it is signed by this area commissioner. I now read this document:

"The area commissioner"—which means Gebietskommissar—"Rovno. Secret."—Addressed—"Messrs. Jung, Rovno.

"The Jewish workers employed by your firm are not affected by the pogrom"—in parenthesis "Aktion." As I understand, that means "action."

"You must transfer them to their new place of work by Wednesday, 15 July 1942, at the latest."

Signed by the Area Commissioner Beck. And then the stamp—the official stamp of the area commissioner at Rovno.

Now, just the following paragraph on the original, Page 5 or 6, I believe it is; one more paragraph I would like to read after the reference "Original attached":

"On the evening of this day I drove to Rovno and posted myself with Fritz Einsporn in front of the house in the Bahnhofstrasse in which the Jewish workers of my firm slept. Shortly after 2200 the ghetto was encircled by a large SS detachment and about three times as many members of the Ukrainian militia. Then the electric arclights which had been erected in and around the ghetto were switched on. SS and militia squads of four to six men entered or at least tried to enter the house. Where the doors and windows were closed and the inhabitants did not open at the knocking, the SS men and militia broke the windows, forced the doors with beams and crowbars and entered the houses. The people living there were driven on to the street just as they were, regardless of whether they were dressed or in bed. Since the Jews in most cases refused to leave their houses and resisted, the SS and militia applied force. They finally succeeded, with strokes of the whip, kicks, and blows with rifle butts, in clearing the houses. The people were driven out of their houses in such haste that small children in bed had been left behind in several instances. In the streets women cried out for their children and children for their parents. That did not prevent the SS from driving the people along the road at running pace, and hitting them, until they reached a waiting freight train. Car after car was filled, and the screaming of women and children and the cracking of whips and rifle shots resounded unceasingly. Since several

families or groups had barricaded themselves in especially strong buildings and the doors could not be forced with crowbars or beams, the doors were now blown open with hand grenades. Since the ghetto was near the railroad tracks in Rovno, the younger people tried to get across the tracks and over a small river to get away from the ghetto area. As this stretch of country was beyond the range of the electric lights, it was illuminated by small rockets. All through the night these beaten, hounded, and wounded people moved along the lighted streets. Women carried their dead children in their arms, children pulled and dragged their dead parents by their arms and legs down the road toward the train. Again and again the cries, 'Open the door! Open the door!' echoed through the ghetto."

I will not read any more of this affidavit. It is a very long one. There is also a second affidavit, but the part I wanted to emphasize is the fact that the original exemption was signed by the area commissioner and that the SD and the SS participated in this action.

THE PRESIDENT: Oughtn't you to read the rest of that page, Colonel Storey?

COL. STOREY: All right, Sir. I really had eliminated that because I thought there might be some repetition.

"About 6 o'clock in the morning I went away for a moment, leaving behind Einsporn and several other German workers who had returned in the meantime. I thought the greatest danger was past and that I could risk it. Shortly after I left, Ukrainian militia men forced their way into 5 Bahnhofstrasse and brought seven Jews out and took them to a collecting point inside the ghetto. On my return I was able to prevent further Jews from being taken out. I went to the collecting point to save these seven men. I saw dozens of corpses of all ages and both sexes in the streets I had to walk along. The doors of the houses stood open, windows were smashed. Pieces of clothing, shoes, stockings, jackets, caps, hats, coats, *et cetera*, were lying in the street. At the corner of a house lay a baby, less than a year old with his skull crushed. Blood and brains were spattered over the house wall and covered the area immediately around the child. The child was dressed only in a little shirt. The commander, SS Major Pütz, was walking up and down a row of about 80 to 100 male Jews who were crouching on the ground. He had a heavy dog whip in his hand. I walked up to him, showed him the written permit of Stabsleiter Beck and demanded the seven men whom I recognized among those who were crouching

on the ground. Dr. Pütz was very furious about Beck's concession and nothing could persuade him to release the seven men. He made a motion with his hand encircling the square and said that anyone who was once here would not get away. Although he was very angry with Beck, he ordered me to take the people from 5 Bahnhofstrasse out of Rovno by 8 o'clock at the latest. When I left Dr. Pütz, I noticed a Ukrainian farm cart with two horses. Dead people with stiff limbs were lying on the cart. Legs and arms projected over the side boards. The cart was making for the freight train. I took the remaining 74 Jews who had been locked in the house to Sdolbunov.

"Several days after the 13th of July 1942 the area commissioner of Sdolbunov, Georg Marschall, called a meeting of all firm managers, railroad superintendents, and leaders of the Organization Todt and informed them that the firms, *et cetera*, should prepare themselves for the resettlement of the Jews which was to take place almost immediately. He referred to the pogrom in Rovno where all the Jews had been liquidated, i.e. had been shot near Kostopol."

Finally, his signature is sworn to on the 10th of November 1945.

THE PRESIDENT: What nationality is Gräbe?

COL. STOREY: He is German. Gräbe was a German and is now in the employ of the Military Government at Frankfurt—the United States Military Government.

Your Honor, in that connection there is another separate affidavit attached to this which is a part of the same document, which I will not attempt to read. But it has to do with the execution of some people in another area and is along the same line. I am not reading it because it would be cumulative, but it is a part of this same document.

I now pass from that subject to the next subject.

The Gestapo and SD stationed special units in prisoner-of-war camps for the purpose of screening out racial and political undesirables and executing those who were screened out. The program of mass murder of political and racial undesirables carried on against civilians was also applied to prisoners of war who were captured on the Eastern Front. In this connection I call attention of the Tribunal to the testimony of General Lahousen, which Your Honors will recall, of the 30th of November 1945. Lahousen testified to a conference which took place in the summer of 1941 shortly after the beginning of the campaign against the Soviet Union, which was attended by himself—and I want to emphasize this, because we will later have a document that

emanated from this conference—attended by himself, General Reinecke, Colonel Breuer, and Müller, the head of the Gestapo. At this conference the command to kill Soviet functionaries and Communists among the Soviet prisoners of war was discussed. The executions were to be carried out by Einsatzkommandos of the Sipo and the SD. Lahousen further recalled that Müller, who was the head of the Gestapo, insisted on carrying out the program and that the only concession he made was that, in deference to the sensibilities of the German troops, the executions would not take place in the presence of the troops. Müller also made some concessions as to the selection of the persons to be murdered; but, according to Lahousen, the selection was left entirely to the commanders of these screening units. I refer to Page 633 of the official transcript (Volume II, Page 458).

Now I offer Document 502-PS as the next exhibit, Exhibit Number USA-486. This document is a Gestapo directive of the 17 of July 1941—If you will recall, Lahousen said this conference was in the summer of 1941—It is addressed to commanders of the Sipo and SD stationed in camps and provides in part as follows, and I read from the first page of the English translation. Now, if the Tribunal please, our colleagues, the Soviet prosecutors, will present most of that document; and I am only going to read enough to show that the Gestapo were the ones that took part in it. From the beginning:

“The activation of Commandos will take place in accordance with the agreement of the Chief of the Security Police and Security Service and the Supreme Command of the Armed Forces as of 16 July 1941. Enclosure 1.

“The Commandos will work independently within the limits of the camp regulations according to special authorization and according to the general directives given to them. Naturally the Commandos will keep close contact with the camp commander and the intelligence officer assigned to him.

“The mission of the Commandos is the political investigating of all camp inmates, the separation and further treatment of:

“a. All political, criminal, or in some other way, intolerable elements among them;

“b. Those persons who could be used for the reconstruction of the occupied countries.”

Now I skip to the beginning of the fourth paragraph:

“The Commandos must use for their work, as far as possible at present and even later, the experiences of the camp commanders which the latter have collected meanwhile from the observation of the prisoners and examination of the camp inmates. Further, the Commandos must make efforts from

the beginning to seek out among the prisoners elements which would appear reliable, regardless whether they are Communists or not, in order to use them for intelligence purposes inside the camp and, if advisable, later in the occupied territories also.

"By use of such informers and by use of all other existing possibilities, the discovery of all elements to be eliminated among the prisoners must proceed, step by step, at once. The Commandos must find out definitely in every case, by a short questioning of those reported and possibly by questioning other prisoners, what measures should be taken. The information of one informer is not sufficient to designate a camp inmate to be a suspect without further proof. It must be confirmed in some way, if possible."

Now I skip to Page 2, the third paragraph of the English translation, quoting:

"Executions are not to be held in the camp or in the immediate vicinity of the camp. If the camps in the Government General are in the immediate vicinity of the border, then the prisoners are to be taken for special treatment, if possible, into the former Soviet Russian territory."

And then the fifth paragraph:

"In regard to executions to be carried out and to the possible removal of reliable civilians and the removal of informers for the Einsatzgruppe into the occupied territories, the leader of the Einsatzkommandos must make an agreement with the nearest State Police office, as well as with the commandant of the Security Police unit and Security Service, and beyond these, with the Chief of the Einsatzgruppe concerned in the occupied territories."

Proof that persons so screened out of the prisoner-of-war camps by the Gestapo were executed is to be found in Document 1165-PS, from which I did not intend to quote and which has been introduced previously as Exhibit Number USA-244. Document 1165-PS which shows that they executed those that had been screened out.

The first page of that document, without reading it, is a letter from the camp commandant of the Concentration Camp Gross-Rosen to Müller, who was the Chief of the Gestapo, dated the 23rd of October 1941, referring to a previous oral conference with Müller and setting forth the names of 20 Soviet prisoners of war executed the previous day.

The second page—I am still referring to 1165 but not reading from it, because it has been quoted from—is a directive issued by Müller on the 9th of November 1941 to all Gestapo offices, in which he ordered that all diseased prisoners of war should be

excluded from transports to concentration camps for execution, because 5 to 10 percent of those destined for execution were arriving in the camps dead or half dead.

I now offer Document 2542-PS, Exhibit Number USA-489, which is in the second volume. This is an affidavit of Kurt Lindow, a former Gestapo official, which was taken on the 30th of September 1945, at Oberursel, Germany, in the course of an official military investigation by the United States Army; and I quote from that document from the beginning:

"I was criminal director in Section IV of the RSHA"—I call Your Honors' attention to the chart on the board that he was criminal director in Section IV and head of the Subsection IV A 1—"from the middle of 1942 until the middle of 1944. I had the rank of SS Sturmbannführer.

"From 1941 until the middle of 1943, there was attached to Subsection IV A 1"—which is not shown on this chart, but has previously been described in the beginning—"a special department that was headed by the Regierungsoberinspektor, later Regierungsamtmann, and SS Hauptsturmführer Franz Königshaus. In this department, were handled matters concerning prisoners of war. I learned from this department that instructions and orders by Reichsführer Himmler dating from 1941 to 1942 existed, according to which captured Soviet political commissars and Jewish soldiers were to be executed. As far as I know, proposals for execution of such prisoners of war were received from the various prisoner-of-war camps. Königshaus had to prepare the orders for execution and submitted them to the chief of Section IV, Müller, for signature"—Müller being the head of the Gestapo.—"These orders were made out so that one was to be sent to the agency making the request, and a second one to the concentration camp designated to carry out the execution. The prisoners of war in question were at first formally released from prisoner-of-war status, then transferred to a concentration camp for execution.

"The Chief of the section Königshaus, was under me in disciplinary questions from the middle of 1942 until about the beginning of 1943 and worked, in matters of his department, directly with the chief of Subsection IV A, Regierungsdirektor Panzinger. Early in 1943 the department was dissolved and absorbed into the departments in Subsection IV B. The work concerning Russian prisoners of war must then have been done by IV B 2a. Head of Department IV B 2a was Regierungsrat and Sturmbannführer Hans Helmuth Wolf. "There existed in the prisoner-of-war camps on the Eastern Front small screening teams (Einsatzkommandos), headed by

a lower ranking member of the Secret Police or Gestapo. These teams were assigned to the camp commanders and had the job to segregate the prisoners of war who were candidates for execution, according to the orders that had been given, and to report them to the office of the Secret Police."

I will not read the remainder of that affidavit.

Passing from that phase of the case: The Gestapo and SD sent recaptured prisoners of war to concentration camps where they were executed—that is, prisoners of war who had escaped and were recaptured. The Tribunal will recall that in a document heretofore introduced, 1650-PS, was an order in which the Chief of the Security Police and SD instructed regional Gestapo offices to take certain classes of recaptured officers from camps and to transport them to Mauthausen concentration camp, under the operation known as "Kugel." That, if Your Honor recalls, means "bullet." That is the famous "Bullet Decree" that has been previously introduced. On the journey the prisoners of war were to be placed in irons. The Gestapo officers were to make semi-annual reports, giving numbers only, of the sending of these prisoners of war to Mauthausen. On the 27th of July 1944 an order was issued from the VI Corps Area Command on the treatment of prisoners of war. That is Document 1514-PS in the second volume, which I offer as Exhibit Number USA-491. This document provided that prisoners of war were to be discharged from prisoner-of-war status and transferred to the Gestapo under certain circumstances, and I quote from the first page, beginning with the word "subject," quoting:

"Subject: Delivery of prisoners of war to the Secret State Police.

"Enclosed in the annex Reference Decree 1. The following summarized ruling is issued with respect to the delivery to the Secret Police:

"1) a) According to Reference Decrees 2 and 3, the commander of the camp has to deliver Soviet prisoners of war to the Secret State Police in case of punishable offenses and to dismiss them from imprisonment of war, if he does not believe that his disciplinary functions suffice to prescribe punishment for violations committed. Report of the facts of the case is not necessary.

"b) Recaptured Soviet prisoners of war have to be delivered first to the nearest police office in order to ascertain whether punishable offenses have been committed during the escape. The dismissal from imprisonment of war takes place upon

suggestion of the police office, (Section A6 of Reference Decree Number 4 regarding the compilation of all regulations on the Arbeitseinsatz of prisoners of war who have been recaptured and refuse to work.)

"c) Recaptured Soviet officers who are prisoners of war have to be delivered to the Gestapo and to be dismissed from imprisonment of war. (Section A1 of Reference Decree Number 4.)

"d) Soviet officer prisoners of war who refuse to work and those who distinguish themselves as agitators and exert an unfavorable influence upon the willingness to work of the other prisoners of war have to be delivered by the responsible Stalag to the nearest State Police office and dismissed from imprisonment of war. (Section C1 of Reference Decree Number 4 and Reference Decree Number 5.)

"e) Soviet enlisted prisoners of war refusing to work who are ringleaders and those who distinguish themselves as agitators and therefore exert an unfavorable influence upon the willingness to work of the other prisoners of war have to be delivered to the nearest State Police office and to be dismissed from imprisonment of war. (Section C2 of Reference Decree Number 4.)

"f) Soviet prisoners of war (enlisted men and officers) who, with respect to their political attitude, have been sifted out by the Einsatzkommando of the Security Police and the Security Service have to be delivered upon request by the camp commander to the Einsatzkommando and to be dismissed from imprisonment of war. (Reference Decree Number 6.)

"g) 1. Polish prisoners of war have to be delivered, if acts of sabotage are proven, to the nearest State Police office and to be dismissed from imprisonment of war. The decision rests with the camp commander. Report on this is not necessary. (Reference Decree Number 7.)

"2. A report on the delivery and dismissal from imprisonment of war in the cases mentioned under Paragraph 1 of this decree to the Wehrkreis Command VI, Department for Prisoners of War, is not necessary.

"3. Prisoners of war from all nations have to be delivered to the Secret State Police and to be dismissed from imprisonment of war, if a special order to that effect is issued by the OKW or by Wehrkreis Command VI, Department for Prisoners of War.

"4. Prisoners of war under suspicion of participation in illegal organizations and resistance movements have to be left to the

Gestapo upon request for the purpose of interrogation. They remain prisoners of war and have to be treated as such. The delivery to the Gestapo and their dismissal from imprisonment of war has to take place only by order of the OKW or of Wehrkreis Command VI, Department for Prisoners of War.

"In case of French and Belgian prisoners of war and interned Italian military personnel, approval of Wehrkreis Command VI, Department for Prisoners of War, has to be obtained—if necessary by phone—before delivery to the Gestapo for the purpose of interrogation."

This decree was known as the "Bullet Decree." Prisoners of war sent to Mauthausen concentration camp under the decree were executed.

I now offer in support of that statement Document 2285-PS, Exhibit Number USA-490. It is in the second volume. Document 2285-PS is an affidavit of Lieutenant Colonel Guivante de Saint Gast and Lieutenant Jean Veith, both of the French Army, which was taken on the 13th of May 1945 in the course of an official military investigation by the United States Army. The affidavit discloses that Lieutenant Colonel Gast was confined at Mauthausen from 18 March 1944 to 22 April 1945 and that Lieutenant Veith was confined from 22 April 1943 until 22 April 1945. I quote from the affidavit, beginning with the third paragraph of Page 1, quoting:

"In Mauthausen existed several treatments of prisoners, amongst them the 'action K or Kugel' (Bullet action). Upon the arrival of transports, prisoners with the mention 'K' were not registered, got no numbers, and their names remained unknown except for the officials of the Politische Abteilung. Lieutenant Veith had the opportunity of hearing upon the arrival of a transport the following conversation between the Untersturmführer Streitwieser and chief of the convoy:

" 'How many prisoners?'

" '15 but two K.'

" 'Well, that makes 13.'

"The K prisoners were taken directly to the prison where they were unclothed and taken to the 'bathroom.' This bathroom in the cellars of the prison building near the crematory was specially designed for execution (shooting and gassing).

"The shooting took place by means of a measuring apparatus—the prisoner being backed towards a metrical measure with an automatic contraption releasing a bullet in his neck as soon as the moving plank determining his height touched the top of his head.

"If a transport consisted of too many 'K' prisoners, instead of losing time for the 'measurement' they were exterminated by gas sent into the shower room instead of water."

I now pass to another subject, namely: "The Gestapo was responsible for establishing and classifying concentration camps and for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder."

The Tribunal has already received evidence concerning the responsibility of the Gestapo for the administration of concentration camps and the authority of the Gestapo for taking persons into protective custody to be carried out in the State concentration camps. The Gestapo also issued orders establishing concentration camps, transforming prisoner-of-war camps into concentration camps as internment camps, changing labor camps into concentration camps, setting up special sections for female prisoners, and so forth.

The Chief of the Security Police and SD ordered the classification of concentration camps according to the seriousness of the accusation and the chances for reforming the prisoners, from the Nazi viewpoint. I now refer to Documents 1063(a)-PS and 1063(b)-PS in the second volume, Exhibit Number USA-492. The concentration camps were classified as Class I, II, or III. Class I was for the least serious prisoners, and Class III was for the most serious. Now this Document 1063(a)-PS is signed by Heydrich and it is dated the 2d of January 1941. I quote from the beginning with the word "subject," quoting:

"Subject: Classification of the concentration camps.

"The Reichsführer SS and Chief of the German Police has given his approval to classify the concentration camps into various categories, which take into account the personality of the prisoner as well as the degree of his harmfulness to the State. Accordingly, the concentration camps will be classified into the following categories:

"Category I—for all prisoners charged with minor offenses only and definitely qualified for correction; also for special cases and solitary confinement—Camps Dachau, Sachsenhausen, and Auschwitz I. The latter also applies in part to Category II.

"Category Ia—for all old prisoners conditionally qualified for work who could still be used in the medicinal herb gardens—Camp Dachau.

"Category II—for prisoners charged with major offenses but still qualified for re-education and correction—Camps Buchenwald, Flossenbürg, Neuengamme, Auschwitz II.

"Category III—for prisoners under most serious charges, also for those who have been convicted previously for criminal

offenses; at the same time for asocial prisoners, that is to say, those who can hardly be corrected—Camp Mauthausen.”

I call Your Honor's attention to the fact that we have been talking about Mauthausen, where the “K” action took place.

The Chief of the Security Police and SD had the authority to fix the length of the period of custody. During the war it was the policy not to permit the prisoners to know the period of custody and merely to announce the term as “until further notice.” That was established by Document 1531-PS, which has previously been introduced as Exhibit Number USA-248; and the only reason for referring to it is to show that they had the right to fix the length of period of custody.

The local Gestapo offices, which made the arrests, maintained a register called the “Haftbuch,” and I understand Haftbuch simply means a block or police register. In this register the names of all persons arrested were listed, together with personal data, grounds of arrest, and disposition. When orders were received from the Gestapo Headquarters in Berlin to commit persons who had been arrested to concentration camps, an entry was made in the Haftbuch to that effect.

I now offer in evidence the original of one of these books, and it is Document Number L-358, Exhibit Number USA-495. This book was captured by the 3rd Army when it overran an area; and it was captured by the T-Force on April 22, 1945, near Bad Sulza, Germany. This book is the original register used by the Gestapo at Tomaszow, Poland, to record the names of the persons arrested, the grounds for arrest, and the disposition made of cases during the period from 1 June 1943 to 20 December 1944.

In the register are approximately 3,500 names of persons. Approximately 2,200 were arrested for membership in the resistance movements and partisan units. This is a very large book; and I am going to ask the clerk to pass it to Your Honors so that you might get a look at it. It is too big to photograph. And if Your Honors will just turn to one of the pages, I will read what the different columns provide—just any one of the pages. There is a double column. It starts on the left and goes over to the other side. In the first column that heading is simply a number of the man when he comes in. The next column is his name. The third column is the family—a brief family history and his religion. The fourth is the domicile. The next shows the date he was arrested and by whom—that is the fifth column. The next column, the place of arrest. And then the next column, the reason for arrest. And then the next is another number which is apparently a serial number for delivery. And next to the last column is the disposition. And the final column, remarks.

Now, out of the 3,500 names that are shown in that book, Your Honors will notice a number of red marks. Those apparently meant the ones that were shot. Of these, 325 were shot. Only 35 of that 325 had first been tried. Nine hundred and fifty out of this list were sent to concentration camps; and 155 were sent to the Reich for forced labor. According to this register, similar treatment was accorded persons who were arrested on other grounds, for instance, Communists, Jews, hostages, and persons taken in reprisal. A large number are shown to have been arrested during raids, no further grounds being stated.

I particularly refer Your Honors to entries 286, 287, and 288, that is, the numbers in the first column of the register, where the crime charged to the person arrested was "als Juden"; in other words, he was a Jew. And by that you will find a red cross mark; and the punishment given was death.

I now pass from this document and simply call attention to Document L-215, which was heretofore introduced as Exhibit Number USA-243. I don't intend to read from it unless Your Honors want to turn to L-215. This is a file of original dossiers on 25 Luxembourgers taken into protective custody for commitment to concentration camps. I will just refer to a sentence of the language in the document. Quoting:

"According to the finding of the State Police, he endangers by his attitude the existence and security of the people and the State."

And in each case, with reference to those dossiers, that appears as being the reason for the execution of these 25 Luxembourgers. And in connection . . .

THE PRESIDENT: Colonel Storey, you said execution, did you not?

COL. STOREY: I beg your pardon—sending to concentration camps.

THE PRESIDENT: Yes. There is no evidence they were executed?

COL. STOREY: No, Sir; they were committed to concentration camps. And also in connection with that same document there is a form provided by which the Gestapo headquarters in Berlin were notified when the persons were received by the concentration camps.

Another document—which has heretofore been received as Exhibit Number USA-279, Document 1472-PS, in the second volume—I am simply going to refer to as a predicate for another. That was a telegram of 16 December 1942 in which Müller reported that the Gestapo could round up some 45,000 Jews in connection with the program of obtaining additional labor in concentration

camps. And with reference to the same subject there is Document 1063(d)-PS, which has heretofore been offered as Exhibit Number USA-219. Müller sent a directive to the commanders and inspectors of the Security Police and SD and to the directors of the Gestapo regional offices in which he stated that Himmler had ordered, on 14 December 1942, that at least 35,000 persons who were fit for work had to be put into concentration camps not later than the end of January.

Now, in that same connection I offer Document L-41, Volume 1, as Exhibit Number USA-496. This document contains a further directive from Müller dated the 23rd of March 1943 and supplements the directive of 17 December 1942, to which I referred and in which he states that the measures are to be carried out until 30 April 1943. And I would like to quote from the second paragraph on Page 3 of the exhibit:

"Care must be taken, however, that only prisoners who are fit for work are transferred to concentration camps, and adolescents only in accordance with the given directives; otherwise, the concentration camps would become overcrowded, and this would defeat the intended aim."

In that same connection I offer Document 701-PS, Exhibit Number USA-497. This is a letter dated 21 April 1943 from the Minister of Justice to the public prosecutors and also addressed to the Commissioner of the Reich Minister of Justice for the penal camps in Emsland. Quoting:

"Subject: Poles and Jews who are released from the penal institutions of the Department of Justice. Copies for the independent penal institutions.

"1. With reference to the new guiding principles for the application of Article 1, Section 2, of the decree of 11 June 1940, *Reichsgesetzblatt* I, Page 877—Attachment I of the decree (RV) of 27 January 1943—9133/2 Enclosure I-III a 2/2629—the Reich Security Main Office has directed by the decree of 11 March 1943—II A 2 Number 100/43—176:

"(a) Jews, who in accordance with Number VI of the directives are released from prison, are to be committed for life in the concentration camps Auschwitz or Lublin by the head office of the State Police competent for the district in which the prison is located, in compliance with directions issued about protective custody.

"The same applies to Jews who in the future are released from prison after serving a sentence of confinement.

"(b) Poles, who in accordance with Number VI of the directives are released from prison, are to be taken, by the head office of the State Police competent for the district in which

the prison is located, for the duration of the war to a concentration camp in compliance with directions issued concerning protective custody.

"The same applies in the future to Poles being released from prison after serving a term of imprisonment of more than 6 months.

"In answer to the request of the Reich Security Main Office I ask that in the future: (a) All Jews about to be released and (b) all Poles awaiting release who have served a sentence of more than 6 months, are to be listed to the directorate of the State Police competent for the district for further confinement and, in due time before the end of sentence, are to be placed at its disposal for transfer."

And the last paragraph states that this ruling replaces the hitherto ordered return of all Polish prisoners undergoing imprisonment in the Old Reich condemned in the annexed Eastern territory.

The next subject: The Gestapo and the SD participated in deportation of citizens of occupied countries for forced labor and handled the disciplining of forced labor.

With reference to the presentation heretofore made concerning forced labor, I do not intend to repeat. However, there were several references to important positions played by the Gestapo and the SD in rounding up persons to be brought into the Reich for forced labor and references in two or three documents that were introduced, I simply want to cite those documents as showing the part that the Gestapo and SD played. Document L-61, Exhibit Number USA-177. It is set out in this document book—I am simply citing it—it is a letter of the 26th of November 1942 from Fritz Sauckel; in which he stated that he had been advised by the Chief of the Security Police and SD under date of 26 October 1942 that during the month of November the evacuation of Poles in the Lublin district would begin in order to make room for the settlement of persons of the German race. The Poles who were evacuated as a result of this measure were to be put into concentration camps for labor as far as they were criminal or antisocial.

The Tribunal will also recall the Christensen letter, which is our Document 3012-PS, Exhibit Number USA-190. In that letter it is stated that during the year 1943 the program of mass murders carried out by the Einsatz groups in the East should be modified in order to round up hundreds of thousands of persons for labor in the armament industry. That was in Document 3012-PS, which has heretofore been introduced as Exhibit Number USA-190. And that force was to be used when necessary. Prisoners were to be released so that they could be used for forced labor. When villages were

burned down the whole population was to be placed at the disposal of the labor commissioners.

Now in that connection the direct responsibility of the Gestapo for disciplining forced workers is shown in our exhibit, Document 1573-PS, Exhibit Number USA-498. This is a secret order signed by Müller himself to the regional Gestapo offices on the 18th of June 1941; and I quote from the document from the beginning. It is addressed:

• "To all offices of the State Police—to the State Police, attention SS Sturmbannführer R. R. Nosske or deputy at Aachen.

"Subject: Measures to be taken against emigrants and civilian workers who come from the Greater Russian areas and against foreign workers.

"Reference: None.

"To prevent the return of Russian, Ukrainian, White Ruthenian, Cossack, and Caucasian emigrants and civilian workers from the territory of the Reich to the East without authorization and on their own initiative and to prevent attempts of sabotage by foreign workers in German production, I decide as follows:

"(1) The managers of the branch offices of the Russian, Ukrainian, White Ruthenian, and Caucasian trustees office, as well as of the relief committees and the leading members of the Russian, Ukrainian, White Ruthenian, Cossack, and Caucasian emigrants' organizations, are to be notified immediately that they are not allowed to leave their domicile without permission of the Security Police until further notice. They are, at the same time, to be told to apply the same measures to the members who are under their care. Their attention is to be called to the fact that they will be arrested upon giving up their job or domicile without permission. I request a check on the presence of branch office leaders, if possible, by daily inquiries, on pretexts.

"(2) Emigrants and foreign workers who are specifically charged and who are suspected of intelligence work for the U.S.S.R. are to be arrested if the situation demands it. This step must be prepared; it is, however, not to be executed before the pass word 'Fremdvölker' has been transmitted by means of 'urgent' telegram."

THE PRESIDENT: Do you think you should read the rest of that?

COL. STOREY: I don't think so, Your Honor.

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

COL. STOREY: If the Tribunal please, I next offer in evidence Document 3360-PS, Exhibit Number USA-499, the second volume. Before I hand this document to the translator, I should like to exhibit it to Your Honors. It is an original telegram that was sent to the Gestapo office at Nuremberg. It was discovered by the C.I.C., by Lieutenant Stevens, near Hersbruck, Germany; and Your Honors will notice that parts of it have been burned. It was in connection with some documents that had been buried and they were partially burned when they were buried. This is one of the telegrams. It is from the Secret State Police, the State Police station at Nuremberg and Fürth, and it is dated the 12th of February 1944. I quote from the telegram:

"RSHA IV F 1-45/44; the Border Inspector General; urgent, submit immediately.

"Treatment of recaptured escaped Eastern laborers."—Ost-arbeiter.

"On the basis of an order of the RFSS, all recaptured escaped Eastern laborers without exception are, from now on, to be sent to concentration camps. For the purpose of reporting to RFSS, I ask for one single report by teletype to Section IV D (foreign laborers) on 10 March 1944 as to how many of such male or female Eastern laborers were turned over to a concentration camp between today and 10 March 1944."

By these methods the Gestapo and SD maintained control over forced labor brought into the Reich.

The next subject I go into is that the Gestapo and SD executed captured commandos and paratroopers and protected civilians who lynched Allied fliers.

On 4 August 1942 Keitel issued an order which provided that the Gestapo and SD were responsible for taking counter measures against single parachutists or small groups of them with special missions. In substantiation, I offer Document Number 553-PS as the exhibit next in order, Exhibit Number USA-500. I quote from the first page of the translation, the first part of Paragraph 3:

"Insofar as single parachutists are captured by members of the Armed Forces, they are to be delivered, after report to the competent Abwehr office, to the nearest agency of the Chief of the Security Police and SD without delay."

Now, if the Tribunal please, to divert from the text: Colonel Taylor will present the Nazi High Command and a few of their orders. This is one and there is another one with which he is going to deal extensively. My purpose in introducing these orders now is to show the part that the Gestapo and SD played in connection with those orders.

The next order that I introduce is Document 498-PS, in the first volume, Exhibit Number USA-501. That is the celebrated Comando order signed by the Führer himself on the 18th of October 1942. There were only 12 copies of this made and it bears the personal, original signature of Adolf Hitler. One copy was sent to the Reichsführer SS and Chief of the German Police. That order, without reading it and getting down to the part from which I want to quote, simply provides that all commandos, whether or not in uniform or unarmed, are to be slaughtered to the last man. I want to read down toward the bottom, the beginning of Paragraph 4, to show the part of the SD:

"If individual members of such commandos, such as agents, saboteurs, *et cetera*, fall into the hands of the military forces in some other way, through the police in occupied territories for instance, they are to be handed over immediately to the SD."

Another one of those orders is Number 526-PS, Exhibit Number USA-502, to which I would like to refer. That document has to do with some alleged saboteurs landing in Norway. It is dated the 10th of May 1943 and is top-secret. I quote the first paragraph as identifying a crew:

"On 30 March 1943 on Toftefjord (70° latitude) an enemy cutter was sighted. Cutter was blown up by the enemy. Crew: two dead men, 10 prisoners."

That is the crew. Near the bottom of that order, the third sentence from the bottom, is this statement: "Führer order executed by SD"—Security Service.

We have heretofore introduced Document R-110, Exhibit Number USA-333; and that was the Himmler order of 10 August 1943 which was sent to Security Police. That order provided that it was not the task of the police to interfere in clashes between Germans and English and American terror fliers who had bailed out. It was personally signed by Himmler and here is the signature. It has been introduced in evidence, but I wanted to call the attention of the Court to it again.

May I next go to the subject, where the Gestapo and the SD took civilians of occupied countries to Germany for secret trial and punishment? That is the so-called "Night and Fog" decree, issued on 7 December 1941 by Hitler. That decree has not been introduced in evidence.

I now refer to Document L-90, in the first volume, Exhibit Number USA-503. That decree under which persons who committed offenses against the Reich or occupation forces in occupied territory, except where death sentence was certain, were to be taken secretly to Germany and surrendered to the Security Police and SD

for trial or punishment in Germany itself. And this is the original from which we quote, beginning on the first page of the translation. It is on the stationery of the Reichsführer SS and Chief of German Police, Munich, 4 February 1942. Subject: "Prosecution of offenses against the Reich or the occupation forces."

"I. The following regulations published by the Chief of the High Command of the Armed Forces, dated 12 December 1941, are being made known herewith:

"1). The Chief of the High Command of the Armed Forces. After lengthy consideration, it is the will of the Führer that the measures taken against those who are guilty of offenses against the Reich or against the occupation forces in occupied areas should be altered. The Führer is of the opinion that in such cases penal servitude or even a hard labor sentence for life will be regarded as a sign of weakness. An effective and lasting deterrent can be achieved only by the death penalty or by taking measures which will leave the family and the population uncertain as to the fate of the offender. The deportation to Germany serves this purpose.

"The attached directives for the prosecution of offenses correspond with the Führer's conception. They have been examined and approved by him."—signed—"Keitel."

And then follow some of the directives and descriptions. This is a very long document, with enclosures, and we next turn to Page 4 of the English translation, near the bottom:

"Insofar as the SS and the Police courts are competent to deal with offenses committed under I, proceedings follow on the same lines."

Next, in connection with the same document, on Page 20, Part 2 of the English translation, which is the secret letter addressed to the Abwehr, I quote from Page 2. It is the letter dated 2 February 1942—passing down to the words "Enclosed please find":

"1. Decree of the Führer and Supreme Commander of the Armed Forces of 7 December 1941.

"2. Executive order of the same date.

"3. Communication of the Chief of the High Command of the Armed Forces of 12 December 1941.

"The decree introduces a fundamental innovation. The Führer and Supreme Commander of the Armed Forces orders that offenses committed by civilians in the occupied territories and of the kind mentioned above, are to be dealt with by the competent military courts in the occupied territories only if (a) the death penalty is pronounced and (b) sentence is pronounced within 8 days of the prisoner's arrest.

"Unless both these conditions are fulfilled, the Führer and Supreme Commander does not anticipate that criminal proceedings within the occupied territories will have the necessary deterrent effect.

"In all other cases the prisoners are, in the future, to be transported to Germany secretly, and further dealings with the offenses will take place here; these measures will have a deterrent effect because (a) the prisoners will vanish without leaving a trace, (b) no information may be given as to their whereabouts or their fate."

Now, skipping the next paragraph, to the second paragraph below:

"In case the competent military court and the military commander, respectively, are of the opinion that an immediate decision on the spot is impossible, and the prisoners are therefore to be transported to Germany, the counter-intelligence offices have to report this fact directly to the RSHA in Berlin (SW 11), Prinz-Albrecht-Strasse 7, in care of Dr. Fischer, Director of Criminal Police, stating the exact number of prisoners and of the groups which belong together as the case may be. Isolated cases, where the superior commander has an urgent interest in the case being dealt with by a military court, are to be reported to the RSHA. A copy of the entire report to the Reich Security Main Office is to be sent to Amt Ausland Abwehr, Section Abwehr III.

"The RSHA on the basis of available accommodation will determine which office of the state police has to accept the prisoners. The latter office will communicate with the competent Abwehr office and determine with it the particulars of the removal, particularly whether this will be carried out by the Secret Field Police, the Field Gendarmerie, or the Gestapo itself, as well as the place and manner of the handing over of the material."

After the civilians arrived in Germany no word of the disposition of their cases was permitted to reach the country from which they came or their relatives.

I now offer Document 668-PS, Exhibit Number USA-504. This is a letter of the Chief of the Security Police and the SD, dated the 24th of June 1942; and I quote from the first page of the English translation:

"It is the intent of the directive of the Führer and Supreme Commander of the Wehrmacht concerning prosecution of criminal acts against the Reich or the occupation forces in Occupied Territories, dated 7 December 1941,"—that is the

order that I first referred to—"to create, for deterrent purposes, through the transportation into Reich territory of persons arrested in occupied areas on account of activity inimical to Germany, uncertainty about the fate of prisoners among their relatives and acquaintances. This goal would be jeopardized if the relatives were to be notified in cases of death. Release of the body for burial at home is inadvisable for the same reason, and beyond that also because the place of burial could be misused for demonstrations.

"I therefore propose that the following rules be observed in the handling of cases of death:

"a. Notification of relatives is not to take place.

"b. The body will be buried at the place of decease in the Reich.

"c. The place of burial will, for the time being, not be made known."

Now passing to the next activity of the SD and Gestapo, which was that they arrested, tried, and punished citizens of occupied countries under special criminal procedure and by summary methods. And I next offer in evidence Document 674-PS, Exhibit Number USA-505.

The Gestapo arrested, placed in protective custody, and executed civilians of occupied countries under certain circumstances. Even where there were courts capable of handling emergency cases the Gestapo conducted its own proceedings without regard to normal judicial processes.

This document, 674-PS, Exhibit Number USA-505, is a letter from the Chief Public Prosecutor at Katowice, dated the 3rd of December 1941; and it is addressed to the Reich Minister of Justice, attention Chief Councillor to the Government Stadermann or representative in office, Berlin. The subject is "Executions by the Police and Expediting of Penal Procedure; without order; enclosure: 1 copy of report." I quote from the beginning:

"About 3 weeks ago, six ringleaders (some of them German) were hanged by the police in connection with the destruction of a treasonable organization of 350 members in Tarnowskie Góry without notification of the competent court. Such executions of criminals have previously taken place in the Bielsko district, too, without the Public Prosecutor having knowledge of them. On 2 December 1941 the head of the State Police at Katowice, Oberregierungsrat Mildner, reported orally to the undersigned that he had ordered, with authority from the Reichsführer of the SS as necessary immediate action, these executions by public hanging at the place of

the crime and that deterrents would also have to be continued in the future until the criminal and actively anti-German elements in the Occupied Eastern Territories have been destroyed or until other immediate actions, perhaps by the courts, would guarantee equally deterrent effect. Accordingly, six leaders of another Polish organization guilty of high treason in the district in and around Sosnowiec were to be hanged publicly today as an example.

"About this procedure the undersigned expressed considerable scruples.

"Besides the fact that such measures have been withdrawn from the jurisdiction of the ordinary courts and are contradictory to laws still in force, a justified emergency for the exceptional proceedings by the police alone cannot, in our opinion, be lawfully recognized.

"The penal justice in our district within the limits of its competence is quite capable of fulfilling its duty of immediate penal retribution by means of a special form of special judicial activity (establishment of a so-called Rapid Special Court). Indictment and trial could be speeded up in such a way that between turning the case over to the public prosecutor and the execution no more than 3 days would elapse, if the practice of reprieve is simplified and if the decision, where necessary, can be obtained by telephone. This was expressed yesterday to the head of the State Police at Katowice by the undersigned.

"We cannot believe that execution by the police of criminals, especially German criminals, can be considered more effective in view of the shaken sense of justice of many Germans. In the long run they might, in spite of public deterrent, lead to even further brutality of minds, which is contrary to the intended purpose of pacifying. These deliberations, however, do not apply to future legal competence of a court-martial for Poles and Jews."

I next refer to Document 654-PS, Exhibit Number USA-218, which has previously been introduced in evidence but bears on this subject; and I will simply summarize, in a word, what it provided.

It states that on the 18th of September 1942 Thierack, the Reich Minister of Justice, and Himmler came to an understanding by which antisocial elements were to be turned over to Himmler to be worked to death. That is in Document 654-PS, and a special criminal procedure was to be applied by the police to the Jews, Poles, Gypsies, Russians, and Ukrainians, who were not to be tried in ordinary criminal courts. I simply refer to that document as bearing on the same subject.

Another document, which I will not quote from but cite to Your Honors, is the order of November 5, 1942 issued by the RSHA; and that is Document L-316, Exhibit Number USA-346. I don't think it is necessary to quote from that except to state that that letter provides that the administration—in fact, the last statement in it just before the signature provides:

“The administration of penal law for persons of alien race must be transferred from the hands of the administrators of justice into the hands of the police.”

That is the part that connects the police with it, and I will not quote from the document otherwise.

Now I next come to the subject where the Gestapo and the SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives; and in that connection I offer Document L-37 in the first volume, Exhibit Number USA-506.

That is a letter dated the 19th of July 1944—I call Your Honor's attention to the fact that it is dated in 1944—sent by the commander of the Sipo and SD for the district of Radom to the foreign service office in Tomaszow.

Parenthetically, that big Haftbuch that we introduced in evidence has a number of cases in connection with the district of Radom, and Your Honors will remember that it is a list of the people in the district of Tomaszow.

The subject of this letter is “Collective Responsibility of Members of Families of Assassins and Saboteurs.” I will read after the word “precedents”:

“The Higher SS and Police Leader East has issued on 28 June 1944 the following order:

“The security situation in the Government General has in the last 9 months grown worse to such an extent that from now on the most radical means and the harshest measures must be applied to the alien assassins and saboteurs. The Reichsführer SS, in agreement with the Governor General, has ordered that in all cases where assassinations of Germans, or such attempts, have occurred or where saboteurs have destroyed vital installations, not only the culprits be shot but that also all of the kinsmen are to be executed and their female relatives who are above 16 years old are to be put into concentration camps. It is strictly presupposed, of course, that if the culprit or culprits are not apprehended, their names and addresses be correctly ascertained. Male members of kin include, for example: the father, sons (insofar as they are above 16 years of age), brothers, brothers-in-law, cousins, and uncles of the culprit. The same ruling applies to the women. The aim of this procedure is to secure joint

responsibility of all men and women of the kin of the culprit. It furthermore hits most severely the family circle of the political criminal. For example, this practice has already shown, at the end of 1939, the best results in the new Eastern territories, especially in the Warta district. Experience shows that as soon as this new method for combatting assassins and saboteurs becomes known to these foreign people—this may be achieved by oral propaganda—the female members of a kin to which members of the resistance movement or bands belong will exert a curbing influence.”

Now the SD and Gestapo also conducted third-degree interrogations of prisoners of war; and I refer to Document 1531-PS, Exhibit Number USA-248. This document contains an order of 12 June 1942, signed by Müller, which authorized the use of third-degree methods in interrogations where preliminary investigation indicated that the prisoners could give information on important facts such as subversive activities but not to extort confessions of prisoners' own crimes.

Now I quote from Page 2 of the English translation, Paragraph 2:

“Third degree may, under this supposition, only be employed against Communists, Marxists, Jehovah's Witnesses, saboteurs, terrorists, members of resistance movements, parachute agents, asocial elements, Polish or Soviet Russian loafers, or tramps. In all other cases, my permission must first be obtained.”

Then I pass to Paragraph 4 at the end:

“Third degree can, according to the circumstances, consist amongst other methods, of:

“Very simple diet (bread and water); hard bunk; dark cell; deprivation of sleep; exhaustive drilling; also in flogging (for more than 20 strokes a doctor must be consulted).”

On the 24th of February 1944 the commander of the Sipo and the SD for the district of Radom published an order issued by the Befehlshaber of the Sipo and the SD at Kraków, which is Document L-89, Exhibit Number USA-507, in the first volume. This followed closely the provisions of the previous decree that I have just quoted from; and I quote the first paragraph after the list of offices on the first page:

“In view of the variety of methods used to date in intensified interrogations and in order to avoid excesses, also to protect officials against eventual criminal proceedings, the Befehlshaber of the Security Police and of the SD in Kraków has issued the following order for the Security Police in the

Government General, which is based on the regulations in force for the Reich."

And then the regulations are quoted. The significance of this document is that it proves that as late as 1944 third-degree interrogations were still being conducted by the Gestapo.

I next pass to the activity of the Gestapo and the SD as being primary agencies for the persecution of the Jews; and I do not intend to go into any of the evidence previously introduced, except to refer to the participation of these organizations.

The responsibility of the Gestapo and SD for the mass extermination program carried out by the Einsatz groups of the Sipo and SD, in the annihilation camps to which Jews were sent by the Sipo and SD, has already been considered; and I simply cite to the Tribunal the Document 2615-PS, which has previously been introduced and in which the number of Jews executed was referred to by Eichmann. I simply call attention that Eichmann was head of Section B IV of the Gestapo. That section of the Gestapo dealt with Jewish affairs, including matters of evacuation, means of suppressing enemies of the people and the State, and the dispossession of rights of German citizenship. The Gestapo was also charged with the enforcement of discriminatory laws, which heretofore have been introduced.

I now invite Your Honors' attention to Document 3058-PS, Exhibit Number USA-508. I would like to exhibit to Your Honors that it is a red-bordered document signed by Heydrich himself and addressed to the Defendant Göring. It is dated the 11th of November 1938. I pass this to the reporter—and before it is passed to the reporter—there is an appendix attached to it to the effect that the matter had been called to the attention of the Defendant Göring.

Now this concerns a report of activities of the Gestapo in connection with the anti-Jewish demonstrations, you will recall, in the fall of 1938. This is a report from Heydrich personally to the Defendant Göring. It is addressed to the Prime Minister, General Field Marshal Göring and is dated the 11th of November 1938. The previous documents showed that that activity occurred just before—and the order for it in connection with the Jewish uprooting or extermination:

"The extent of the destruction of Jewish shops and houses cannot yet be verified by figures. The figures given in the reports—815 shops destroyed, 29 department stores set on fire or destroyed, 171 dwelling houses set on fire or destroyed—indicate only a fraction of the actual damage caused, as far as arson is concerned. Due to the urgency of the reporting, the reports received to date are entirely limited to general statements such as 'numerous' or 'most shops

destroyed.' Therefore the figures given will be considerably augmented.

"One hundred and ninety-one synagogues were set on fire and another 76 completely destroyed. In addition, 11 parish halls, cemetery chapels, and similar buildings were set on fire and three more completely destroyed.

"Twenty thousand Jews were arrested, also seven Aryans and three foreigners. The latter were arrested for their own safety.

"Thirty-six deaths were reported and those seriously injured were also numbered at 36. Those killed and injured are Jews. One Jew is still missing. The Jews killed include one Polish national, and those injured include two Poles."

I want to call Your Honors' special attention to the paper appended to that document:

"The General Field Marshal"—that is Göring—"has been informed. No steps are to be taken. By order."

It is dated the 15th of November 1938 and signed. The signature is illegible.

Now in that same connection Heydrich was charged by the Defendant Göring with this entire program; and we next offer in evidence the original of that order, 710-PS, Exhibit Number USA-509. That is an order dated the 31st of July 1941. It is written on the stationery of the Reich Marshal of the Greater German Reich, Commissioner for the Four Year Plan, Chairman of the Ministerial Council for National Defense; and it is dated at Berlin, the 31st of July 1941, and directed to the Chief of the Security Police and the Security Service, SS Gruppenführer Heydrich:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at—through furtherance of emigration and evacuation—a solution of the Jewish problem as favorable as possible, I hereby charge you with making all necessary preparations in regard to organizational and financial matters for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

"Wherever other Government agencies are involved, these are to co-operate with you.

"I charge you furthermore, to send me before long an overall plan concerning the organizational, factual, and material measures necessary for the accomplishment of the desired final solution of the Jewish question."—signed—"Göring."

The Tribunal has already received the evidence as to what the final solution of the Jewish problem was as conceived by Heydrich and executed by the Security Police and SD under him and under the Defendant Kaltenbrunner, which was enslavement and mass murder.

Now, finally, in this presentation, the last activity of the Gestapo and SD to which I will refer is that these organizations were the primary agencies for the persecution of the churches. Already evidence has been received concerning the persecution of the churches. In this struggle the Gestapo and the SD played a secret but very highly significant part.

Section C2 of the SD dealt with education and religious life. Section B1 of the Gestapo dealt with political Catholicism, Section B2 with political Protestantism, and Section B3 with other churches and Freemasonry.

The Church was one of the enemies of the Nazi State, and it was a peculiar function of the Gestapo to combat it. It issued restrictions against church activities, dissolved church organizations, and placed clergymen in protective custody.

I now want to offer in evidence Document 1815-PS, Exhibit Number USA-510. This is a very large file—this original document—and I want to quote only portions of it. This was a file of the Gestapo regional office at Aachen. It discloses that the purpose of the Gestapo in combatting the churches was to destroy them, and I want to read the first page of the English translation from the beginning.

This is dated the "12th of May 1941, at Berlin, from the RSHA, Section IV B 1, to all Staatspolizeileitstellen. For information: The SD Leit-Abschnitte; the inspectors of the Sipo and SD." I understand this word "Abschnitte" means sub-divisions. The subject is "Concerning the Study and Treatment of Political Churches":

"The chief of the RSHA has ordered that the tasks assigned to the SD and Sipo regarding control of the political churches, which have hitherto been carried out jointly by the SD-Abschnitte and Stapostellen, shall now be solely performed by the Stapostellen"—which I understand means regional offices of the Gestapo.

Then it refers to the plan for the division of work issued by the RSHA on March 1, 1941:

"In addition to combatting opposition, the Stapostellen thus take over the entire Gegnernachrichtendienst"—I understand that word means counter-intelligence—"in this sphere.

"In order that the Stapostellen should be in a position to take over this work, the Chief of the Sipo and SD has ordered that the church specialists, hitherto employed in the

SD-Abschnitten, shall be temporarily detailed in equal rank to the Stapo offices and operate the 'Nachrichtendienstliche Arbeit'—which means intelligence service in regard to the Church—"On the orders of the Chief of the RSHA and in agreement with the heads of Amt III, II, and I, those church specialists specified in the attached list..."

THE PRESIDENT: Is it necessary to give us the details of this?

COL. STOREY: No, Sir, I don't think so. At any rate, if Your Honors please, we quote from it; and it is simply a direction as to how they will proceed.

Now then, later, on the 22d and 23rd of September 1941, they called a conference of these so-called church specialists attached to the Gestapo regional offices that I have mentioned. That was held in the lecture hall of the RSHA in Berlin. Notes were taken, and this same document contains notes of that conference. The program is shown; the plan is worked out in connection with the churches. I will just read the closing statement to these so-called church specialists; it is very short:

"Each one of you must go to work with your whole heart and a true fanaticism. Should a mistake or two be made in the execution of this work, this should in no way discourage you, since mistakes are made everywhere. The main thing is that the adversary"—meaning the church—"should be constantly opposed with determination, will, and effective initiative."

And then, finally, the last thing I would like to refer to in this document is on the eighth page of the English translation, which sets out their immediate aim and their ultimate aim:

"The immediate aim: The Church must not regain 1 inch of the ground it has lost.

"The ultimate aim: Destruction of the confessional churches to be brought about by the collection of all material obtained through Nachrichtendienst activities, which will, at a given time, be produced as evidence against the church of its treasonable activities during the German fight for existence."

I understand that long German word means intelligence activities.

Now, if Your Honors please, this concludes the factual, documentary presentation which I shall make in connection with the SD and Gestapo. Closely allied with it is the case against Kaltenbrunner, as the representative of these organizations, which will be presented immediately after lunch by Lieutenant Whitney Harris. Also, there will be one or two witnesses who will be introduced in connection with these organizations and in connection with Kaltenbrunner.

With that I should like to conclude, with just these remarks:

The evidence shows that the Gestapo was created by the Defendant Göring in Prussia in April 1933 for the specific purpose of serving as a police agency to strike down the actual and ideological enemies of the Nazi regime and that henceforward the Gestapo in Prussia and in the other states of the Reich carried out a program of terror against all who were thought to be dangerous to the domination of the conspirators over the people of Germany. Its methods were utterly ruthless. It operated outside the law and sent its victims to the concentration camps. The term "Gestapo" became the symbol of the Nazi regime of force and terror.

Behind the scenes operating secretly, the SD, through its vast network of informants, spied upon the German people in their daily lives, on the streets, in the shops, and even within the sanctity of the churches.

The most casual remark of the German citizen might bring him before the Gestapo where his fate and freedom were decided without recourse to law. In this government, in which the rule of law was replaced by a tyrannical rule of men, the Gestapo was the primary instrumentality of oppression.

The Gestapo and the SD played an important part in almost every criminal act of the conspiracy. The category of these crimes, apart from the thousands of specific instances of torture and cruelty in policing Germany for the benefit of the conspirators, reads like a page from the devil's notebook:

They fabricated the border incidents which Hitler used as an excuse for attacking Poland.

They murdered hundreds of thousands of defenseless men, women, and children by the infamous Einsatz groups.

They removed Jews, political leaders, and scientists from prisoner-of-war camps and murdered them.

They took recaptured prisoners of war to concentration camps and murdered them.

They established and classified the concentration camps and sent thousands of people into them for extermination and slave labor.

They cleared Europe of the Jews and were responsible for sending hundreds of thousands to their deaths in annihilation camps.

They rounded up hundreds of thousands of citizens of occupied countries and shipped them to Germany for forced labor and sent slave laborers to labor reformatory camps.

They executed captured commandos and paratroopers and protected civilians who lynched allied fliers.

They took civilians of occupied countries to Germany for secret trial and punishment.

They arrested, tried, and punished citizens of occupied countries under special criminal procedures, which did not accord fair trials, and by summary methods.

They murdered or sent to concentration camps the relatives of persons who had allegedly committed crimes.

They ordered the murder of prisoners in Sipo and SD prisons to prevent their release by Allied armies.

They participated in the seizure and spoliation of public and private property.

They were primary agencies for the persecution of the Jews and churches.

In carrying out these crimes the Gestapo operated as an organization closely centralized and controlled from Berlin headquarters. Reports were submitted to Berlin and all important decisions emanated from Berlin. The regional offices had only limited power to commit persons to concentration camps. All cases, other than short of duration, had to be submitted to Berlin for approval.

The Gestapo was organized on a functional basis. Its principal divisions dealt with groups and institutions against which it committed the worst crimes—which I have enumerated.

Thus, in perpetrating these crimes, the Gestapo acted as an entity, each section performing its parts in the general criminal enterprises ordered by Berlin. The Secret State Police should be held responsible as an organization for the vast crimes in which it participated.

The SD was at all times a department of the SS. Its criminality directly concerns and contributes to the criminality of the SS.

And as to the Gestapo, it is submitted that it was an organization in the sense in which that term is used in Article 9 of the Charter, that the Defendants Göring and Kaltenbrunner committed the crimes defined in Article 6 of the Charter in their capacity as members and leaders of the Gestapo, and that the Gestapo, as an organization, participated in and aided the conspiracy which contemplated and involved the commission of the crimes defined in Article 6 of the Charter.

And finally, I have in my hand here a brochure published in honor of the famous Heydrich, the former Chief of the Security Police and SD; and I quote from a speech delivered by Heydrich on German Police Day, 1941, of which I ask the Tribunal to take judicial notice:

"Secret State Police, Criminal Police, and SD are still adorned with the furtive and whispered secrecy of a political detective story. In a mixture of fear and shuddering—and

yet at home with a certain feeling of security because of their presence—brutality, inhumanity bordering on the sadistic, and ruthlessness are attributed abroad to the men of this profession.”

Those are the words of Heydrich, who was the former head of this organization.

Does Your Honor want to go ahead?

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): I have just heard that during the afternoon the evidence will concern the Defendant Kaltenbrunner. I therefore regard it as advisable to make a motion regarding Kaltenbrunner now, before the recess, and not in the afternoon.

My suggestion is the following:

I ask that the trial against Kaltenbrunner be postponed during his absence. Kaltenbrunner has only been able to be present at a few days of the proceedings so far. The reason for his absence is an illness which, in my opinion, is of a serious nature, for it is obvious that in so important a trial only a very serious illness can justify the absence of a defendant. I have no doctor's report on his present condition. It appears to me dubious whether he will be capable of attending the hearing at all in the future. Be that as it may, my present suggestion that the trial of Kaltenbrunner be postponed is not in contradiction to Paragraph 12 of the Charter. If a defendant is alive and cannot be brought to trial in person, then the trial can proceed against him in his absence. This is particularly justified if the defendant is concealing himself and it is thus his own fault if he is tried in his absence.

But Kaltenbrunner is here in prison. He did not withdraw himself from the trial and he wishes nothing more than that he may be able to face the accusations. But if such a defendant is obliged to be absent through no fault of his own, then a trial that was nevertheless carried out would hardly be consistent with justice. Article 12 of the Charter mentions this point of justice specifically.

I should regret the procedure of the trial all the more since precisely now Kaltenbrunner must have an opportunity to give me information in my capacity as his Defense Counsel. The particular Indictment is not even known to him; it was only handed over just before the Christmas recess.

I do not need to emphasize how greatly the Defense's task is made more difficult by a continuation of the trial—indeed it is made almost impossible.

THE PRESIDENT: The Tribunal will consider the application which has been made on behalf of counsel for the Defendant Kaltenbrunner and will give its decision shortly.

The Tribunal will now adjourn until 2 o'clock.

COL. STOREY: If I may make just one statement in connection with that, if Your Honor pleases.

THE PRESIDENT: Yes, certainly.

COL. STOREY: The evidence against Kaltenbrunner will be in connection with the part he played in these organizations; and we thought, in the interest of time, the individual case against Kaltenbrunner could be presented at the same time. Now, if it were not presented in this connection, it would be within a few days, early next week, in connection with the other individual defendants. Counsel mentions that he probably will not be able to be here for some time, and I thought I would make that statement.

THE PRESIDENT: Yes.

[A recess was taken until 1400 hours.]

Afternoon Session

THE PRESIDENT: The Tribunal has considered the motion made by counsel on behalf of Kaltenbrunner, and it considers that any evidence which you were intending to produce, which is directed against Kaltenbrunner individually and not against the organizations, ought to be postponed until the Prosecution come to deal, as the Tribunal understands you do propose to deal, with each defendant individually; and the Tribunal thinks that Kaltenbrunner's case might properly be kept to the end of the individual defendants, and that the evidence which is especially brought against Kaltenbrunner might then be adduced. If Kaltenbrunner is then still unable to be in Court, that evidence will have to be given in his absence.

COL. STOREY: If Your Honor pleases, I don't believe that the case, as we have it prepared now, can be separated as between the organizations and the individuals.

THE PRESIDENT: No, but if it bears against the organizations it can be adduced now.

COL. STOREY: I understood that, but if Your Honor pleases, I say that the preparation that we have made is in connection both with the organizations and the individuals. In other words, it is a joint presentation, therefore, under Your Honor's ruling, as taken, it would have to go over until next week with the individual defendants' cases, because we prepared it so that it will affect the organizations as well as the defendant individually, because his acts are in connection with what he has done with the organizations included; in other words, we don't have it separated.

THE PRESIDENT: How will that affect you for this afternoon?

COL. STOREY: We can introduce a witness next; but if Your Honor pleases, with reference to the witness, the witness, of course, would affect the organizations, and incidentally would affect Kaltenbrunner, too. I do not see how you could separate that, except that for the witnesses this afternoon the questions could be confined to the organizations.

THE PRESIDENT: Now, of course, all the evidence which has been given up to date, much of it in Kaltenbrunner's absence, has in one sense been against Kaltenbrunner in being evidence against the organization of which he was the head.

COL. STOREY: Colonel Amen was going to examine the witness orally, and it is primarily against the organizations; and incidentally it would affect Kaltenbrunner's individual liability.

THE PRESIDENT: I think the Tribunal would like you to go on with the evidence.

COL. STOREY: Yes. It has been suggested, if Your Honor pleases, that we might have a few minutes to confer about the situation, about the witnesses.

THE PRESIDENT: You wish to adjourn for a few minutes?

COL. STOREY: Just a few minutes so that we can confer because it changes our order of proof.

THE PRESIDENT: Very well.

COL. STOREY: Just 10 minutes will be sufficient.

THE PRESIDENT: Yes; we will adjourn now.

[A recess was taken.]

THE PRESIDENT: The Tribunal will now hear the evidence which the Prosecution desires to call, and insofar as it consists of oral testimony, the Tribunal will afford counsel for Kaltenbrunner the opportunity of cross-examining the witnesses so called, at a later stage if he wishes to do so.

HERR LUDWIG BABEL (Counsel for SS and SD): I was at first appointed counsel for the members of the SS and the SD who had made an application to be heard in these proceedings. My duties were limited to presenting the incoming motions to the Court in a suitable form. Not until the Tribunal made its announcement of 17 December 1945, was I appointed as Defense Counsel for the organizations of the SS and the SD. As such I have no client or employer who could give me information or instruction for conducting the defense. In order to obtain the needed information I am, therefore, directed to communicate with members of the organizations I am representing, most of whom are in prisoner-of-war camps or are under arrest. So far, because of the shortness of time, I have not been able to get this information.

After 17 December 1945 thousands of motions were submitted to me through the Court, and in the short period of time since then I have not been able to follow the instructions they contained.

According to Article 16 of the Charter the defendant is to be shown a copy of the Indictment and of all pertaining documents, written in a language he understands, within a proper time prior to the beginning of the Trial. This provision should, according to the sense, be also applied to the indicted organizations. To serve the Indictment on the organizations is not provided for in the rules of procedure nor has the Tribunal so far ordered it.

In view of the very extensive work involved I personally was not in a position to have a sufficient number of copies prepared for distribution to the various camps in which the members of the

organizations are and thereby enable them to express their views and to give me the needed information.

In view of these circumstances, for which I am not responsible nor are the organizations which I am representing, I am not in a position to cross-examine a witness who would be heard today, thereby making use of the right accorded to me as Defense Counsel. The hearing of a witness against the Defendant Kaltenbrunner likewise concerns the organizations which I represent, the SS and the SD. To hear such a witness at this point would mean limiting the Defense.

I therefore submit a motion to postpone the further discussion of the charges against the organizations of the SS and the SD. By visiting the camps, in which there are members of the organizations of the SS and SD, and after discussions with them, I shall be able to obtain the information needed for the defense. I should like to add that thereby no delay in the proceedings would be caused; and, I presume, this would in no way place a burden upon the Prosecution.

THE PRESIDENT: If you will allow me to interrupt you, I understand your application to be that you are not in a position to cross-examine these witnesses this afternoon and that you wish for an opportunity similar to that which I have already accorded to the counsel for Kaltenbrunner, to be accorded to you. You wish for an opportunity to cross-examine these witnesses at a later stage, is that right?

HERR BABEL: Yes. At the same time, however, I should like to point out at this moment that, through the peculiarity of the task that has been allotted to me, it is being made difficult to cover questions subsequently...

THE PRESIDENT: Let us not take up time by that. Was your application that you might have an opportunity of cross-examining these witnesses at a later date?

HERR BABEL: My motion had that meaning but was also for the purpose of making the defense itself possible as a whole, which at a time when I cannot make the necessary use of the privileges granted me by the Charter...

THE PRESIDENT: The Tribunal is ready to give you the opportunity of cross-examining these witnesses at a later date.

LIEUTENANT COMMANDER WHITNEY R. HARRIS (Assistant Trial Counsel for the United States): May it please the Tribunal, we submit Document Book BB as a separate document book, relating to the Defendant Kaltenbrunner. This book contains our documents, from which quotations will be made during this

presentation. Reference will be made to three or four other documents contained in the document book on the Gestapo and the SD.

During the past 3 court days, the Tribunal has heard evidence of the criminality of the SS, the SD, and the Gestapo. The fusion of these organizations into the shock formations of the Hitler Police State has been explained from an organizational standpoint. There is before the Tribunal a defendant who represents these organizations through the official positions which he held in the SS and the German Police and whose career gives added significance to this unity of the SS and the Nazi Police. The name of this defendant is Ernst Kaltenbrunner.

I now offer Document 2938-PS as exhibit next in order, Exhibit Number USA-511. This is an article which appeared in *Die Deutsche Polizei*, the magazine of the Security Police and SD, on 15 May 1943, at Page 193, entitled, "Dr. Ernst Kaltenbrunner, the New Chief of the Security Police and SD;" and I quote the beginning of the article:

"SS Gruppenführer Dr. Ernst Kaltenbrunner was born the son of the lawyer Dr. Hugo Kaltenbrunner, on 4 October 1903, at Ried, in the Inn Kreis, near Braunau. He spent his youth in the native district of the Führer, with which his kinsfolk, originally a hereditary scythe-making clan, had been closely connected since olden times. Later he moved with his parents to the little market town of Raab, and then to Linz, on the Danube, where he attended the State Realgymnasium, and there he passed his final examination in 1921."

The next paragraph describes Kaltenbrunner's legal education, his nationalistic activities, and his opposition to Catholic-Christian Social student groups. It states that after 1928 Kaltenbrunner worked as a lawyer candidate in Linz. The article continues; and I quote, reading the third paragraph:

"As early as January 1934 Dr. Kaltenbrunner was jailed by the Dollfuss Government on account of his Nazi views and sent with other leading National Socialists into the concentration camp Kaisersteinbruch. He caused and led a hunger strike and forced the government to dismiss 490 National Socialist prisoners. In the following year he was jailed again, because of suspicion of high treason, and committed to the court martial of Wels (Upper Danube). After an investigation of many months, the accusation of high treason collapsed; but he was sentenced to 6 months' imprisonment for subversive activities. After the spring of 1935, Dr. Kaltenbrunner was the leader of the Austrian SS, the right to practice his profession having been suspended because of

his National Socialist views. It redounds to his credit that in this important position he succeeded through energetic leadership in maintaining the unity of the Austrian SS, which he had built up in spite of all persecution, and succeeded in committing it successfully at the right moment.

"After the Anschluss, in which the SS was a decisive factor, he was appointed State Secretary for Security Matters on 11 March 1938 in the new National Socialist Cabinet of Dr. Seyss-Inquart. A few hours later he was able to report to the Reichsführer SS Heinrich Himmler, who had landed at Aspern, the Vienna airport, on 12 March 1938, 3 a.m., as the first National Socialist leader, that the movement had achieved complete victory and that"—the article quotes Kaltenbrunner—"the SS is in formation awaiting further orders.

"The Führer promoted Dr. Kaltenbrunner on the day of the annexation to SS Brigadeführer and leader of the SS-Oberabschnitt Donau. On 11 September 1938 this was followed by his promotion to SS Gruppenführer."

The Tribunal will recall evidence heretofore received; and I refer to Page 570 (Volume II, Page 417) of the English transcript of these proceedings, of the telephone conversation between Göring and Seyss-Inquart, in which Göring stated that Kaltenbrunner was to have the Department of Security. I continue quoting the last paragraph from this article:

"During the liquidation of the Austrian National Government and the reorganization of Austria into the Alps and Danube Districts, he was appointed Higher SS and Police Leader with the Reich Governors in Vienna, Lower Danube and Upper Danube in Corps Area 17, and in April 1941 he was promoted to Lieutenant General of Police."

Kaltenbrunner thereby became the little Himmler of Austria.

According to *Der Grossdeutsche Reichstag*, fourth Wahlperiode, 1938, published by F. Kienast, at Page 261, our Document 2892-PS, Kaltenbrunner joined the Nazi Party and the SS in Austria in 1932. He was Party Member 300179 and SS Member 13039. Prior to 1933 he was the "Gauredner" and legal adviser to SS Division 8. After 1933 he was the leader of SS Regiment 37 and later the leader of SS Division 8. Kaltenbrunner was given the highest Nazi Party decorations, the Golden Insignia of Honor and the Blutorden. He was a member of the Reichstag after 1938.

I now offer Document 3427-PS as exhibit next in order, Exhibit Number USA-512. This is also an article which appeared in *Die Deutsche Polizei*, the magazine of the Security Police and SD, 12 February 1943, at Page 65; and I quote:

"SS Gruppenführer Kaltenbrunner Appointed Chief of the Security Police and of the SD.

"Berlin, 30 January 1943.

"Upon suggestion of the Reichsführer SS and Chief of German Police, the Führer has appointed SS Gruppenführer and Lieutenant General of Police Dr. Ernst Kaltenbrunner as Chief of the Security Police and of the SD, as successor of SS Obergruppenführer and Lieutenant General of Police Reinhard Heydrich, who passed away 4 June 1942."

The Tribunal has heard frequent references made to the speech Himmler delivered on 4 October 1943 at Posen, Poland, to Gruppenführer of the SS, our Document 1919-PS, heretofore received as Exhibit Number USA-170, in which with unmatched frankness Himmler discussed the barbaric program and criminal activities of the SS and the Security Police. Near the beginning of the speech Himmler referred to—and I quote merely this one sentence: "Our comrade, SS Gruppenführer Ernst Kaltenbrunner, who has succeeded our fallen friend Heydrich."

Kaltenbrunner carried out the responsibilities as Chief of the Security Police and SD to the satisfaction of Himmler and Hitler, for on 9 December 1944, according to the *Befehlsblatt* of the Security Police and SD...

DR. KAUFFMANN: May I interrupt just for a second? I understood the decision of the Tribunal to be that the proceedings against Kaltenbrunner were to be postponed until Kaltenbrunner is fit for trial, and now the case of Kaltenbrunner is being discussed.

THE PRESIDENT: No, the decision, which the Tribunal indicated before, was based upon the view that the evidence could be divided between evidence which bore directly against Kaltenbrunner and evidence which bore against the organization of the Gestapo; but when you attended before us in closed session, it was explained that it was impossible to do that and that the evidence was so inextricably mingled that it was impossible to direct the evidence solely to the organization and not to include that against Kaltenbrunner. Accordingly, the Tribunal decided that they would go on with the evidence which the Prosecution desired to present in its entirety but that they would give you the opportunity of cross-examining any witnesses which might be called, at a later date. Of course you will, in addition to that, have the fullest opportunity of dealing with any documentary evidence which bears against Kaltenbrunner when the time comes for you to present the defense on behalf of Kaltenbrunner.

Do you follow that?

DR. KAUFFMANN: Certainly.

THE PRESIDENT: You will have the opportunity of cross-examining any witness who is called this afternoon or tomorrow, at a later date—a date which will be convenient to yourself. And in addition, with reference to any or all evidence such as is now being presented by counsel for the United States, you will have full opportunity at a future date of dealing with that evidence in any way that it seems right to you to do.

DR. KAUFFMANN: Yes. May I just say one word more. The misunderstanding under which I am laboring is clearly due to the fact that I was of the opinion that witnesses were to be heard, whereas I now learn that evidence, a greater amount of it, is to be put forward. However, as I hear that the Tribunal is also admitting the evidence in its entirety I shall, of course, have to submit to this decision.

LT. COMDR. HARRIS: Kaltenbrunner carried out the responsibilities as Chief of the Security Police and SD to the satisfaction of Himmler and Hitler, for on 9 December 1944, according to the *Befehlsblatt* of the Security Police and SD, Number 51, Page 361, our Document 2770-PS, he received, as Chief of the Security Police and SD, the decoration known as the Knight's Cross of the War Merit with Crossed Swords, one of the highest military decorations. By that time Kaltenbrunner had been promoted to the high rank of SS Obergruppenführer and General of the Police.

I invite the attention of the Tribunal to the organization chart entitled, "The Position of Kaltenbrunner and the Gestapo and SD in the German Police System," Exhibit Number USA-493. As Chief of the Security Police and SD, Kaltenbrunner was the head of the Gestapo, the Kripo and the SD, and of the RSHA which was a department of the SS, and the Reich Ministry of the Interior. He was in charge of the regional offices of the Gestapo, the SD, and the Kripo within Germany, and of the Einsatz groups and Einsatzkommandos in the occupied territories.

Directly under Kaltenbrunner were the chiefs of the main offices of the RSHA including Amt III (the SD within Germany), Amt IV (the Gestapo), Amt V (the Kripo), and Amt VI (foreign intelligence).

I offer Document 2939-PS as exhibit next in order, Exhibit Number USA-513. This is the affidavit of Walter Schellenberg, who was chief of Amt VI of the RSHA from the autumn of 1941 to the end of the war. I am going to read a very small portion of this affidavit, beginning with the sixth sentence of the first paragraph:

"On or about 25 January 1943, I went together with Kaltenbrunner to Himmler's headquarters at Lötzen in East Prussia. All of the Amt chiefs of the RSHA were present at this meeting, and Himmler informed us that Kaltenbrunner was to be appointed Chief of the Security Police and SD (RSHA)

as successor to Heydrich. His appointment was effective 30 January 1943. I know of no limitation placed on Kaltenbrunner's authority as Chief of the Security Police and SD (RSHA). He promptly entered upon the duties of the office and assumed direct charge of the office and control over the Amt. All important matters of all Ämter had to clear through Kaltenbrunner."

During Kaltenbrunner's term in office as Chief of the Security Police and SD, many crimes were committed by the Security Police and SD pursuant to policy established by the RSHA or upon orders issued out of the RSHA, for all of which Kaltenbrunner was responsible by virtue of his office. Each of these crimes has been discussed in detail in the case against the Gestapo and SD, and reference is here made to that presentation. Evidence now will be offered only to show that these crimes continued after Kaltenbrunner became Chief of the Security Police and SD on 30 January 1943.

The first crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the murder and mistreatment of civilians of occupied countries by the Einsatz groups. There were at least five Einsatz groups operating in the East during Kaltenbrunner's term in office.

The *Befehlsblatt* of the Security Police and SD—and this is contained in our Document 2890-PS, of which I ask the Tribunal to take judicial notice—contains reference to Einsatz Groups A, B, D, G, and Croatia during the period of August 1943 to January 1945.

I shall not read from that document which contains those excerpts, but the Tribunal will note those references to the name "Einsatz groups," indicating that they were operating during the time that Kaltenbrunner was Chief of the Security Police and SD. The Tribunal will recall Document 1104-PS, which has heretofore been received as Exhibit Number USA-483. I will only refer in passing to this document, which contained a lengthy and critical report on the conduct of the Security Police in exterminating the Jewish population of Sluzk, White Ruthenia. That report was submitted to Heydrich on 21 November 1941. Yet the same conditions of horror and cruelty continued to characterize the operations of Einsatzkommandos in the East while Kaltenbrunner was Chief of the Security Police and SD. I refer to Document R-135, which has heretofore been received as Exhibit Number USA-289; and I will not read anything from that but simply refresh the recollection of the Tribunal to the report of Gunther, the prison warden at Minsk, under date of 31 May 1943, to the General Commissioner for White Ruthenia, in which he pointed out that after 13 April 1943 the SD

had pursued a policy of removing all gold teeth, bridgework, and fillings of Jews, an hour or two before they were murdered.

The Tribunal will also recall in this exhibit the report of 18 June 1943 to the Reich Minister for the Occupied Territories describing the practice of the police battalions of locking men, women, and children into barns which were then set on fire.

The second crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD, is the execution of racial and political undesirables.

THE PRESIDENT: Lieutenant Harris, I think you are going perhaps a little bit too fast, and it is difficult for us to follow you when you are referring so quickly to these documents.

LT. COMDR. HARRIS: Thank you, Sir.

The second crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD, is the execution of racial and political undesirables screened out of prisoner-of-war camps by the Gestapo. The Tribunal will recall Document Number 2542-PS, heretofore received as Exhibit Number USA-489. I believe you will find that document in the Gestapo document book. It was introduced this morning.

THE PRESIDENT: The Lindow affidavit?

LT. COMDR. HARRIS: Yes. That is the Lindow affidavit that indicates that the program of screening prisoner-of-war camps continued during 1943.

The third crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the taking of recaptured prisoners of war

THE PRESIDENT: Wait a minute. You have not yet drawn our attention to any specific paragraph which shows that it was in operation after 1943; you are passing on to something else whilst I am looking at the document to see what I have got.

LT. COMDR. HARRIS: Referring specifically to the third paragraph, if the Tribunal please, which has heretofore been read into evidence.

THE PRESIDENT: That only says until about the beginning of 1943.

LT. COMDR. HARRIS: It says early in 1943 the department was dissolved and absorbed into the departments in Subsection IV B. The work concerning Russian PW's must then have been done by IV B 2a.

THE PRESIDENT: Yes. Well, that is all you want it for, is it not?

LT. COMDR. HARRIS: Yes.

The third crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the taking of recaptured prisoners of war to concentration camps where they were executed. I invite the attention of the Tribunal to Document 1650-PS which has heretofore been received as Exhibit Number USA-246. This is the secret Gestapo order, the Kugel Erlass, or Bullet Decree, under which escaped prisoners of war were sent to concentration camps by the Security Police and SD for execution.

This order, dated 4 March 1944, was signed—and I quote: "Chief of the Security Police and of the Security Service, for the Chief,"—signed—"Müller."

I now offer Document L-158 as exhibit next in order. This is Exhibit Number USA-514. I am not going to read this document since it is similar to the previous document offered, but I do wish to refer to the marked passages. First: "On 2 March 1944 the Chief of the Security Police and SD, Berlin, forwarded the following OKW order." Then follows the statement that upon recapture certain escaped prisoners of war should be turned over to the Chief of the Security Police and SD. The document goes on to say—and I quote, "In this connection the Chief of the Security Police and SD has issued the following instructions." Detailed instructions follow concerning the turning over of such prisoners to the commandant of Mauthausen under the operation Bullet. Further, this order states, and I quote—this is at the very end of the order:

"The list of the recaptured officers and non-working non-commissioned officer prisoners of war will be kept here by IV A 1. To enable a report to be made punctually to the Chief of the Sipo and SD, Berlin, statements of the numbers involved must reach Radom by 20 June 1944."

I recall the attention of the Tribunal to Document 2285-PS, which was received this morning as Exhibit Number USA-490.

THE PRESIDENT: Has that Document L-158 already been put in evidence?

LT. COMDR. HARRIS: No, Sir, I have just put in those portions. I have just put the document in evidence at this time, Sir. The document has not been read in its entirety for the reason that the contents, other than the quoted portions, are substantially the same as Document 1650-PS which has been read at length.

THE PRESIDENT: You say it is the same as Document 1650-PS?

LT. COMDR. HARRIS: It is, Sir, substantially the same. It relates to the same subject. It was, however, addressed to a

different party, and I particularly wish to place before the Tribunal the last paragraph which has been quoted and read into evidence.

THE PRESIDENT: The last paragraph does not mean very much by itself, does it?

LT. COMDR. HARRIS: Very well, Sir. Then, if the Tribunal will permit it, I would like to read the document in its entirety.

THE PRESIDENT: Do you mean that Document 1650-PS has got these Paragraphs 1, 2 and 3 in it?

LT. COMDR. HARRIS: Yes, Sir. That is exactly what I do mean, Sir.

I recall the attention of the Tribunal to Document 2285-PS, which was received in evidence this morning as Exhibit USA-490. That was the affidavit of Lieutenant Colonel Gast and Lieutenant Veith of the French Army who stated that during 1943 and 1944 prisoners of war were murdered at Mauthausen under the Bullet Decree. I am sure the Tribunal will recall that document.

The fourth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the commitment of racial and political undesirables to concentration camps and annihilation camps for slave labor and mass murder. Before Kaltenbrunner became Chief of the Security Police and SD on 30 January 1943, he was fully cognizant of conditions in concentration camps and of the fact that concentration camps were used for slave labor and mass murder. The Tribunal will recall from previous evidence that Mauthausen Concentration Camp was established in Austria and that Kaltenbrunner was the Higher SS and Police Leader for Austria. This concentration camp, as shown by Document 1063(a)-PS, which was received this morning as Exhibit Number USA-492, was classified by Heydrich in January 1941 in Category III, a camp for the most heavily accused prisoners and for asocial prisoners who were considered incapable of being reformed. The Tribunal will recall that prisoners of war to be executed under the Bullet Decree were sent to Mauthausen. As will be shown hereafter, Kaltenbrunner was a frequent visitor to Mauthausen Concentration Camp. On one such visit in 1942 Kaltenbrunner personally observed the gas chamber in action. I now offer Document 2753-PS as exhibit next in order, Exhibit Number USA-515. This is the affidavit of Alois Höllriegl, former guard at Mauthausen concentration camp. The affidavit states, and I quote:

"I, Alois Höllriegl, being first duly sworn, declare:

"I was a member of the Totenkopf SS and stationed at the Mauthausen Concentration Camp from January 1940 until the end of the war. On one occasion, I believe it was in the fall of 1942, Ernst Kaltenbrunner visited Mauthausen. I was on

guard duty at the time and saw him twice. He went down into the gas chamber with Zierys, commandant of the camp, at a time when prisoners were being gassed. The sound accompanying the gassing operation was well known to me. I heard the gassing taking place while Kaltenbrunner was present.

"I saw Kaltenbrunner come up from the gas cellar after the gassing operation had been completed."—signed—"Höllriegl."

On one occasion Kaltenbrunner made an inspection of the camp grounds at Mauthausen with Himmler and had his photograph taken during the course of the inspection. I offer Document 2641-PS as exhibit next in order, Exhibit Number USA-516. This exhibit consists of two affidavits and a series of photographs. Here are the original photographs in my hand. The original photographs are the small ones, which have been enlarged, and those in the document book are not very good reproductions, but the Tribunal will see better reproductions which are being handed to it.

DR. KAUFFMANN: As the whole accusation against Kaltenbrunner personally has nevertheless been brought forward, I feel bound to make a motion on a matter of principle. I could have made this motion this morning just as well. It concerns the question of whether affidavits may be read or not. I know that this question has already been the subject of consultation by the Tribunal and that the Tribunal has come to a definite decision on this question. When I make this question again a matter for decision, it is for a special reason.

Every trial is somewhat dynamical. What was right at one time may be wrong later. The greatest and most important trial in history depends in many important points on the mere reading of affidavits which have been taken by the Prosecution exclusively, according to its own maxims.

The reading of affidavits is not satisfactory in the long run. It is becoming, from hour to hour, more necessary to see, to hear for once, a witness for the Prosecution and to test his credibility and the reliability of his memory. Many witnesses are standing, so to speak, at the door of this courtroom, and they need only to be called in. To hear the witness at a later stage is not sufficient; nor is it certain that the Tribunal will permit a hearing on the same evidential subject. I therefore oppose the further reading of the affidavits just announced. The spirit of Article 19 of the Charter should not be killed by the literal interpretation.

THE PRESIDENT: Is your application that you want to cross-examine the witness or is your application that the affidavit should not be read?

DR. KAUFFMANN: The latter.

THE PRESIDENT: That the affidavit should not be read?

DR. KAUFFMANN: Yes.

THE PRESIDENT: Are you referring to the affidavit of Höllriegl, Document 2753-PS?

DR. KAUFFMANN: Yes.

THE PRESIDENT: The Tribunal is of the opinion that the affidavit, which is upon a relevant point, upon a material point, is evidence which ought to be admitted under Article 19 of the Charter; but they will consider any motion which counsel for Kaltenbrunner may think fit to make for cross-examination of the witness who made the affidavit if he is available and could be called.

[*To Lieutenant Commander Harris.*] You were dealing with these photographs, were you not?

LT. COMDR. HARRIS: Yes, Sir. They have been offered in evidence as the exhibit next in order, and I wish to refer to the first affidavit accompanying them, which appears in the document book.

THE PRESIDENT: Yes.

LT. COMDR. HARRIS: It being the affidavit of Alois Höllriegl.

THE PRESIDENT: Yes. You had handed up the affidavit at the same time, had you not?

LT. COMDR. HARRIS: Yes, Sir, I did, Sir. That affidavit states, and I quote:

"I was a member of the Totenkopf SS and stationed in the Mauthausen Concentration Camp from January 1940 until the end of the war. I am thoroughly familiar with all of the buildings and grounds at Mauthausen Concentration Camp. I have been shown Document 2641-PS, which is a series of six photographs. I recognize all of these photographs as having been taken at Mauthausen Concentration Camp. With respect to the first photograph I positively identify Heinrich Himmler as the man on the left, Ziereis, the commandant of Mauthausen Concentration Camp in the center, and Ernst Kaltenbrunner as the man on the right."

THE PRESIDENT: He does not say, does he, at what date the photographs were taken?

LT. COMDR. HARRIS: No, Sir, I have no evidence as to what date the photographs were taken, Sir.

THE PRESIDENT: Just that Kaltenbrunner was there?

LT. COMDR. HARRIS: Just that Kaltenbrunner was there, at some time, in the company of Ziereis and Himmler.

THE PRESIDENT: Yes.

LT. COMDR. HARRIS: With full knowledge of conditions in, and the purpose of, concentration camps, Kaltenbrunner ordered or permitted to be ordered in his name the commitment of persons to concentration camps.

I offer Document L-38 as exhibit next in order, Exhibit Number USA-517. This is an affidavit of Hermann Pister, the former commandant of Buchenwald concentration camp, which was taken on 1 August 1945 at Freising, Germany, in the course of an official military investigation by the United States Army, and I quote from it as follows, beginning with the second paragraph:

"With exception of the mass delivery of prisoners from the concentration camps of the occupied territory, all prisoners were sent to the Concentration Camp Buchenwald by order of the Reichssicherheitshauptamt"—Reich Security Main Office—"Berlin. These orders for protective custody (red forms) were in most cases signed with the name 'Kaltenbrunner.' The few remaining protective custody orders were signed by 'Förster.'"

I now offer Document 2477-PS as exhibit next in order, Exhibit Number USA-518. This is the affidavit of Willy Litzenberg, former Chief of Department IVA1b in the RSHA. This document reads in part as follows, and I quote, beginning with the second paragraph:

"The right of taking into summary protective custody belongs to the directors of the State Police Directorates or State Police Offices; previously for a period of 21 days; later, I think, for a period of 56 days. Custody exceeding this time had to be sanctioned by the competent Office for Protective Custody in the RSHA. The regulations for protective custody or the signing of the protective custody order could only be issued through the Director of the RSHA as Chief of the Sipo and SD. All regulations and protective custody orders that I have seen bore a facsimile stamp of Heydrich or Kaltenbrunner. As far as I can remember, I have never seen a document of this kind with another name as signature. How far and to whom the Chief of the Sipo and SD possibly gave authority for the use of his facsimile stamp, I do not know. Perhaps the Chief of Amt IV possessed a similar authority. The greater part of the Protective Custody Office was transferred to Prague. Only one staff remained in Berlin."

I now offer Document 2745-PS as exhibit next in order, Exhibit Number USA-519. This is an order, under date of 7 July 1943, which was found at the former office of the section of the Gestapo which handled protective custody matters in Prague. It was an order to

the Prague office to send a teletype message to the Gestapo office in Köslin ordering protective custody of one Ratzke, and her commitment to the concentration camp at Ravensbrück for refusing to work. The order carried the facsimile signature of Kaltenbrunner and I invite the attention of the Tribunal to the original which has that facsimile for the arrest. Orders of this type were the basis for the orders actually sent out to the Prague office, which carried the teletype signature of Kaltenbrunner. At the bottom of the page the Tribunal will note the facsimile stamp of Kaltenbrunner.

I next refer to Document L-215, which has heretofore been received as Exhibit Number USA-243. I believe the Tribunal will recall this document, which has heretofore been received in evidence, and which contains 25 orders for arrest issued out of the Prague office of the RSHA to the Einsatzkommando of Luxembourg, all of which carry the typed signature of Kaltenbrunner. And the Court will remember—and I am holding up the original document—that these arrest orders were the red forms which the commandant of Buchenwald referred to in his affidavit as being the forms which he saw coming from RSHA committing persons to Buchenwald.

The concentration camps to which persons were committed, according to Document L-215, by Kaltenbrunner, included Dachau, Natzweiler, Sachsenhausen, and Buchenwald.

THE PRESIDENT: What was the date of it?

LT. COMDR. HARRIS: The most of these, Sir, were in 1944. I believe they are all in 1944.

THE PRESIDENT: It does not appear on the document does it?

LT. COMDR. HARRIS: It does appear, Sir, on the original document, yes. The first page of this translation is a summary of all of these. There is only one of the dossiers which has been translated in full, and the date on that one is 15. 2. 1944.

THE PRESIDENT: Yes; I see.

LT. COMDR. HARRIS: Among the grounds specified on these orders carrying the typed signature of Kaltenbrunner were, quoting:

“Strongly suspected of working to the detriment of the Reich; spiteful statements inimical to Germany, as well as aspersions and threats against persons active in the National Socialist movement; strongly suspected of aiding deserters.”

I now offer Document 2239-PS as exhibit next in order, Exhibit Number USA-520. This is a file of 42 telegrams sent by the Prague office of the RSHA to the Gestapo office at Darmstadt, and they all carry the teletype signature of Kaltenbrunner. These commitment orders were issued during the period from 20 September 1944 to 2 February 1945. The concentration camps to which Kaltenbrunner

sent these people included Sachsenhausen, Ravensbrück, Buchenwald, Bergen-Belsen, Flossenbürg, and Theresienstadt. Nationalities included Czech, German, French, Dutch, Italian, Corsican, Lithuanian, Greek, and Jews. Grounds included refusal to work, religious propaganda, sex relations with PW's, communist statements, loafing on the job, working against the Reich, spreading of rumors detrimental to morale, "action Gitter," breach of work contracts, statements against Germany, assault of foremen, defeatist statements, and theft and escape from jail.

Not only did Kaltenbrunner commit persons to concentration camps, but he authorized executions in concentration camps. I now offer Document L-51 as exhibit next in order, Exhibit USA-521. This is the affidavit of Adolf Zutter, the former adjutant of Mauthausen Concentration Camp, taken in the course of an official military investigation of the United States Army, on 2 August 1945, at Linz, Austria. This affidavit states, and I am quoting from Paragraph 3:

"Standartenführer Ziereis, the commander of Camp Mauthausen, gave me a large number of execution orders after opening the secret mail, because I was the adjutant and I had to deliver these to Obersturmführer Schulz. These orders of execution were written approximately in the following form...."

There follows in the affidavit a description of the order for execution issued by the RSHA to the commander of the Concentration Camp Mauthausen. I omit quoting that description and continue at the next paragraph:

"Orders for execution also came without the name of the court of justice. Until the assassination of Heydrich, these orders were signed by him or by his competent deputy. Later on the orders were signed by Kaltenbrunner, but mostly they were signed by his deputy, Gruppenführer Müller.

"Dr. Kaltenbrunner, who signed the above-mentioned orders, had the rank of SS general—Obergruppenführer—and was the Chief of the Reich Security Main Office.

"Dr. Kaltenbrunner is about 40 years old, height about 1.76 to 1.80 meters, and has deep fencing scars on his face.

"When Dr. Kaltenbrunner was only a Higher SS and Police Leader in Vienna, he visited the camp several times; later on as the Chief of Reich Security Main Office (RSHA) he visited the camp, too, though this occurred much less frequently. During these visits, the commander usually received him outside the building of the camp headquarters and reported. Concerning the American military mission, which

landed behind the German front in the Slovakian or Hungarian area in January 1945, I remember when these persons were brought to Camp Mauthausen. I suppose the number of the arrivals was about 12 to 15 men. They wore a uniform, which was American or Canadian, brown-green color shirt and tunic and cloth cap. Eight or 10 days after their arrival the execution order came in by telegraph or teletype. Standartenführer Zierys came to me into my office and told me, 'Now Kaltenbrunner has given the permission for the execution.' This letter was secret and had the signature 'signed, Kaltenbrunner.' Then these people were shot according to martial law and their belongings were given to me by Oberscharführer Niedermeyer."

The fifth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD was the deportation of citizens of occupied territories for forced labor and the disciplining of forced labor.

I am sure the Tribunal will recall, without referring to it, Document 3012-PS, which has heretofore been received as Exhibit Number USA-190. That was the letter from the head of the Sonderkommando of the Sipo and SD, which stated that the Ukraine would have to provide a million workers for the armament industry and that force should be used where necessary. That letter was dated 19 March 1943.

Kaltenbrunner's responsibility for the disciplining of foreign labor is shown by Document 1063-PS, which has heretofore been received as Exhibit Number USA-492. No part of this letter has been read into the record. This letter dated 26 July 1943 was addressed to Higher SS and Police Leaders, commanders and inspectors of the Sipo and SD, and to the chiefs of Einsatz Groups B and D.

The Tribunal will recall that Einsatz Groups A, B, C, and D, operating in the East, carried out the extermination of Jews and Communist leaders. This document proves Kaltenbrunner's control over Einsatz Groups B and D. This document is signed "Kaltenbrunner." The first paragraph provides as follows:

"The Reichsführer SS has given his consent that besides concentration camps, which come under the jurisdiction of the SS Economic and Administration Main Office, further labor reformatory camps may be created for which the Security Police alone is competent. These labor reformatory camps are dependent on the authorization of the Reich Security Main Office, which can only be granted in case of urgent need (great number of foreign workers, and so forth)."

I now offer Document D-473 as exhibit next in order, Exhibit Number USA-522. It should be right at the beginning of the

document book. This letter signed "Kaltenbrunner" was sent by him under date of 4 December 1944 to regional offices of the Criminal Police.

The Tribunal will recall that Kaltenbrunner's responsibility covered the Criminal Police as well as the Gestapo. It provides in part, and I quote, reading at the beginning of the letter:

"According to the decree of 30 June 1943, crimes committed by Polish and Soviet-Russian civilian laborers are being prosecuted by the Directorates of the State Police and even in those cases where for the time being the Criminal Police had, within the sphere of its competence, carried on the inquiries. For the purpose of speeding up the process and in order to save manpower, the decree of 30 June 1943 is altered, and the Directorates of the Criminal Police are authorized as from now on to prosecute, themselves, the crimes they are inquiring into, within the sphere of their competence, insofar as they are cases of minor or medium crimes."

I begin with the second paragraph:

"The following are available to the Criminal Police as a means of prosecution:

"Police imprisonment . . . Admission into a concentration camp for preventive custody as being antisocial or dangerous to the community."

And next to the last paragraph:

"Their stay in the concentration camp is normally to be for the duration of the war. Besides this, the Directorates of the Criminal Police are authorized to hand over Polish and Soviet-Russian civilian laborers in suitable cases and with the agreement of the competent Directorates of the State Police to the Gestapo's penal camps for the 'education for labor.' Where the possibilities of prosecuting an individual case are insufficient because of the peculiarity of the case, the case is to be handed over to the competent Directorate of the State Police. Signed: Dr. Kaltenbrunner."

In addition to sending foreign workers to Gestapo labor camps, Kaltenbrunner punished foreign workers by committing them to concentration camps. I offer Document 2582-PS as exhibit next in order, Exhibit Number USA-523.

This is a series of four teletype orders committing individuals to concentration camps. I invite the attention of the Tribunal to the second order dated 18 June 1943 under which the Gestapo at Saarbrücken was ordered to deliver a Pole to the Concentration Camp Natzweiler as a skilled workman and to the third teletype dated 12 December 1944 in which the Gestapo at Darmstadt was ordered

to commit a Greek to the Concentration Camp Buchenwald because he was drifting around without occupation and to the fourth teletype dated 9 February 1945 in which the Gestapo at Darmstadt in Bensheim was ordered to commit a French citizen to Buchenwald for shirking work and insubordination. All of those orders are signed Kaltenbrunner.

I offer Document 2580-PS as exhibit next in order, Exhibit Number USA-524. This document contains three more of these red form orders for protective custody, all signed Kaltenbrunner. The first one shows that a citizen of the Netherlands was taken into protective custody for work sabotage, and the second one shows that a French citizen was taken into protective custody for work sabotage and insubordination, both under date of 2 December 1944.

The sixth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the executing of captured commandos and paratroopers and the protecting of civilians who lynched Allied fliers.

The Tribunal will recall, I am sure, without referring to it, the Hitler order of 18 October 1942 which was introduced this morning, Document 498-PS, Exhibit Number USA-501, to the effect that commandos, even in uniform, were to be exterminated to the last man and that individual members captured by the police in occupied territory were to be handed over to the SD.

I now offer Document 1276-PS as exhibit next in order, Exhibit Number USA-525. This is an express top-secret letter from the Chief of the Security Police and SD signed "Müller," by order, to the Supreme Command of the Armed Forces, in which the Chief of the Security Police and SD states—and I quote from the third paragraph of the second page of the English translation:

"I have instructed the Befehlshaber of the Security Police and the SD in Paris to treat such parachutists in English uniform as members of the commando operations in accordance with the Führer's order of 18 October 1942 and to inform the military authorities in France that there must be corresponding treatment at the hands of the Armed Forces."

This letter was dated 17 June 1944. That executions were carried out by the SD pursuant to the said Hitler order of 18 October 1942 while Kaltenbrunner was Chief of the Security Police and SD, is indicated by Document 526-PS heretofore received as Exhibit Number USA-502. That was the order introduced this morning; I am sure the Tribunal recalls it.

The policy of the police to protect civilians who lynched Allied fliers was effective during the period that Kaltenbrunner served as Chief of the Security Police and SD. I now offer Document 2990-PS

as exhibit next in order, Exhibit Number USA-526. This is an affidavit of Walter Schellenberg, the former Chief of Amt VI of the RSHA, and provides in Paragraph 7—this is all I'm going to read from the affidavit:

"In 1944, on another occasion but also in the course of an Amts-chef conference, I heard fragments of a conversation between Kaltenbrunner and Müller. I remember distinctly the following remarks of Kaltenbrunner:

" 'All offices of the SD and the Security Police are to be informed that pogroms of the populace against English and American terror fliers are not to be interfered with. On the contrary, this hostile mood is to be fostered.' "

The seventh crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the taking of civilians of occupied countries to Germany for secret trial and punishment, and the punishment of civilians of occupied territories by summary methods. The fact that this crime continued after 30 January 1943 is shown by Document 835-PS, which is offered as exhibit next in order, Exhibit Number USA-527. This is a letter from the High Command of the Armed Forces to the German Armistice Commission under date 2 September 1944. The document begins, and I quote:

"Conforming to the decrees referred to, all non-German civilians in occupied territories who have endangered the security and readiness for action of the occupying power by acts of terror and sabotage or in other ways are to be surrendered to the Security Police and SD. Only those prisoners are excepted who were legally sentenced to death or were serving a sentence of confinement prior to the announcement of these decrees. Included in the punishable acts which endanger the security or readiness of action of the garrison power are those also of a political nature."

The eighth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the crime of executing and confining persons in concentration camps for crimes allegedly committed by their relatives. That this crime continued after 30 January 1943 is indicated by Document L-37, heretofore received in evidence as Exhibit Number USA-506. That was received this morning. It is the letter of the Commander of Sipo and SD at Radom, dated 19 July 1944, in which it was stated that the male relatives of assassins and saboteurs should be shot and the female relatives over 16 years of age sent to concentration camps. I refer again to Document L-215, which has heretofore been received in evidence as Exhibit Number USA-243, and specifically to the case of Junker,

who was ordered by Kaltenbrunner to be committed to Sachsenhausen Concentration Camp by the Gestapo "because as a relative of a deserter, he is expected to endanger the interest of the German Reich if allowed to go free."

The ninth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the clearance of Sipo and SD prisons and concentration camps. I refer the Tribunal to Document L-53, which was received in evidence as Exhibit Number USA-291. This was the letter from the Commander of the Sipo and SD, Radom, dated 21 July 1944, in which it is stated that the Commander of the Sipo and SD of the General Government had ordered all Sipo and SD prisons to be cleared and, if necessary, the inmates to be liquidated. I now offer Document 3462-PS as exhibit next in order, Exhibit Number USA-528. This is the sworn interrogation of Bertus Gerdes, the former Gaustabsamtsleiter under the Gauleiter of Munich. This interrogation was taken in the course of an official military investigation of the U.S. Army. In this interrogation Gerdes was ordered to state all he knew about Kaltenbrunner. I am only going to read a very small portion of his reply, beginning on the third paragraph of Page 2:

"Giesler told me that Kaltenbrunner was in constant touch with him because he was greatly worried about the attitude of the foreign workers and especially inmates of Concentration Camps Dachau, Mühldorf, and Landsberg, which were in the path of the approaching Allied armies. On a Tuesday in the middle of April 1945 I received a telephone call from Gauleiter Giesler asking me to be available for a conversation that night. In the course of our personal conversation that night, I was told by Giesler that he had received a directive from Obergruppenführer Kaltenbrunner, by order of the Führer, to work out a plan without delay for the liquidation of the concentration camp at Dachau and the two Jewish labor camps in Landsberg and Mühldorf. The directive proposed to liquidate the two Jewish labor camps at Landsberg and Mühldorf by use of the German Luftwaffe, since the construction area of these camps had previously been the targets of repeated enemy air attacks. This action received the code name of 'Wolke A-1.'"

I now pass to the second paragraph on Page 3, continuing to quote from this interrogation:

"I was certain that I would never let this directive be carried out. As the action Wolke A-1 should have become operational already for some time, I was literally swamped by couriers from Kaltenbrunner and moreover I was supposed to have discussed the details of the Mühldorf and Landsberg actions

in detail with the two Kreisleiter concerned. The couriers, who were in most cases SS officers, usually SS Untersturmführer, gave me terse and strict orders to read and initial. The orders threatened me with the most terrible punishment, including execution, if I did not comply with them. However, I could always excuse my failure to execute the plan because of bad flying weather and lack of gasoline and bombs. Therefore, Kaltenbrunner ordered that the Jews in Landsberg be marched to Dachau in order to include them in the Dachau extermination operations, and that the Mühldorf action was to be carried out by the Gestapo.

"Kaltenbrunner also ordered an operation 'Wolkenbrand' for the Concentration Camp Dachau, which provided that the inmates of the concentration camp at Dachau were to be liquidated by poison with the exception of Aryan nationals of the Western Powers.

"Gauleiter Giesler received this order direct from Kaltenbrunner and discussed in my presence the procurement of the required amounts of poison with Dr. Harrfeld, the Gau health chief. Dr. Harrfeld promised to procure these quantities when ordered and was advised to await my further directions. As I was determined to prevent the execution of this plan in any event, I gave no further instructions to Dr. Harrfeld.

"The inmates of Landsberg had hardly been delivered at Dachau when Kaltenbrunner sent a courier declaring the Action Wolkenbrand was operational.

"I prevented the execution of the 'Wolke A-1' and 'Wolkenbrand' by giving Giesler the reason that the front was too close and asked him to transmit this on to Kaltenbrunner.

"Kaltenbrunner therefore issued directives in writing to Dachau to transport all Western European prisoners by truck to Switzerland and to march the remaining inmates into Tyrol, where the final liquidation of these prisoners was to take place without fail."

THE PRESIDENT: The Court will adjourn now.

[The Tribunal adjourned until 3 January 1946 at 1000 hours.]

TWENTY-SIXTH DAY

Thursday, 3 January 1946

Morning Session

LT. COMDR. HARRIS: If the Tribunal will recall, at the end of the last session we had finished reading a portion of the sworn interrogation of the Gaustabsamtsleiter under the Gauleiter of Munich and had touched on the point where he said that Kaltenbrunner issued directives to Dachau to transport Western European prisoners by truck to Switzerland and to march the remaining inmates into Tyrol.

I now offer, as exhibit next in order, the first five pages of the interrogation report of Gottlob Berger, Chief of the head office of the SS, made under oath on 20 September 1945, in the course of these proceedings. You will find these pages at the end of the document book and this is offered as Exhibit Number USA-529. These pages have been translated into German and made available to the defendants.

THE PRESIDENT: Does it have a number?

LT. COMDR. HARRIS: It has no PS number, Sir. It is at the very end of the document book. I wish to read only one question and answer from these pages; and I refer to Page 3 of the exhibit, the last question and answer on that page:

"Q: Assuming, only for the purposes of this discussion, that these atrocities that we hear about are true, who do you think is primarily responsible?

"A: The first one, the commandant; the second one, Glücks; because he was practically responsible for all the interior direction of the camps. If one wants to be exact, one would have to find out how the information service between the camp commandant and Glücks actually operated. I want to give you the following example:

"During the night of the 22d and 23rd of April, I was sent to Munich by plane. As I entered the city, I met a group of perhaps 120 men dressed in the suits of the concentration camps. These people made a very miserable impression on me. I asked the guard who was with them, 'What about these men?' He told me that these men were marching by foot to the Alps. Firstly, I sent him back to Dachau. Then I wrote

a letter to the commandant to send no more people by foot to any place but, whenever the Allies advanced any further, to give over the camp completely. I did that on my own responsibility and I told him that I came straight from Berlin and that I can be found in my service post in Munich. The commandant or his deputy telephoned at about 12 o'clock and told me that he had received this order from Kaltenbrunner after he had been asked by the Gauleiter of Munich, the Reichskommissar..." (Document Number USA-529)

The tenth crime for which Kaltenbrunner is responsible as Chief of the Security Police and SD is the persecution of the Jews. This crime, of course, continued after 30 January 1943; and evidence has heretofore been received that the persecutions continued until, and were accelerated toward, the end of the war. Kaltenbrunner took a personal interest in such matters, as is indicated by Document 2519-PS, which is offered as exhibit next in order, Exhibit Number USA-530. This exhibit consists of a memorandum and an affidavit; and I invite the attention of the Tribunal to the affidavit. Quoting from the affidavit:

"I, Henri Monneray, being first duly sworn, depose and say that since 12 September 1945 I have been and I am the member of the French staff for the prosecution of Axis criminality and have been pursuing my official duties in this connection in Nuremberg, Germany, since 12 October 1945.

"In the course of my official duties, at the instruction of the French Chief Prosecutor, I examined the personal documents of the defendants..."

THE PRESIDENT: Is it necessary to read all of this? What is the object of this affidavit?

LT. COMDR. HARRIS: To show that this document was derived from the personal effects of the Defendant Kaltenbrunner.

THE PRESIDENT: From the personal possession?

LT. COMDR. HARRIS: From the personal possession.

THE PRESIDENT: Yes, well, you can leave out the immaterial parts.

LT. COMDR. HARRIS: Very good, Sir. Passing to the last sentence of the affidavit:

"Said Document 2519-PS is the document which I found in the envelope containing Kaltenbrunner's personal papers."

I now read the memorandum, quoting:

"Radio message to Gruppenführer SS Major General Vegelein, Headquarters of the Führer, through Sturmbannführer SS Major Sansoni, Berlin.

"Please inform the Reichsführer SS and report to the Führer that all arrangements against Jews, political, and concentration camp internees in the Protectorate have been taken care of by me personally today. The situation there is one of calmness, fear of Soviet successes, and hope of an occupation by the Western enemies. Kaltenbrunner."

THE TRIBUNAL (Mr. Biddle): That is not dated?

LT. COMDR. HARRIS: This is not dated.

The eleventh crime for which Kaltenbrunner is responsible is the persecution of the churches. It is unnecessary to present specific evidence that this crime continued after 30 January 1943, since this was one of the fundamental purposes of the Security Police and SD, as has already been shown.

These are the crimes for which the Defendant Kaltenbrunner must answer. As to his intent, there is no need to go outside the record before this Tribunal. On December 1, 1945, in these proceedings the Witness Lahousen was asked on cross-examination, "Do you know Mr. Kaltenbrunner?"

After describing his meeting with Kaltenbrunner on a day in Munich when a university student and his sister were arrested and executed for distributing leaflets from the auditorium, Lahousen said—and I wish to refer only to two sentences on Page 724 of the transcript (Volume III, Page 29)—quoting:

"I can easily reconstruct that day. It was the first and last time that I saw Kaltenbrunner, with whose name I was familiar. Of course Kaltenbrunner mentioned this subject to Canaris, who was completely shattered because of what happened that day and was still under the painful impression—and thank God there are still witnesses available who can testify to this. When discussing the matter Kaltenbrunner was very much to the point, but at the same time he was quite cynical about it. That is the only thing I can tell you about this matter."

Kaltenbrunner was a life-long fanatical Nazi. He was the leader of the SS in Austria prior to the Anschluss and played a principal role in the betrayal of his native country to the Nazi conspirators. As higher SS and Police Leader in Austria after the Anschluss, he supervised and had knowledge of the activities of the Gestapo and the SD in Austria. The Mauthausen Concentration Camp was established in his jurisdiction and he visited it several times. On at least one occasion he observed the gas chamber in action. With this knowledge and background he accepted, in January 1943, appointment as Chief of the Security Police and SD, the very agencies which sent such victims to their deaths. He held that office

to the end, rising to great prominence in the SS and the German Police and receiving high honors from Hitler. Like other leading Nazis, Kaltenbrunner sought power; to gain it, he made his covenant with crime.

COL. STOREY: If the Tribunal please, next will be some witnesses, and Colonel Amen will handle the interrogation. Colonel Amen.

COLONEL JOHN HARLAN AMEN (Associate Trial Counsel for the United States): May it please the Tribunal, I wish to call as a witness for the Prosecution, Mr. Otto Ohlendorf.

THE PRESIDENT: Will you spell it, please?

COL. AMEN: O-h-l-e-n-d-o-r-f, the first name being Otto. Your Lordship will note that his name appears under Amt III on the chart on the wall.

THE PRESIDENT: What did you say appeared?

COL. AMEN: The name of this witness appears under Amt III of the chart, RSHA, the large square, the third section down.

THE PRESIDENT: Amt III. Oh, yes; I see it.

[Witness Ohlendorf took the stand.]

THE PRESIDENT: Otto Ohlendorf, 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.]

COL. Amen: Will you try to speak slowly and pause between each question and answer.

OTTO OHLENDORF (Witness): Yes.

COL. AMEN: Where were you born?

OHLENDORF: In Hohen-Egelsen.

COL. AMEN: How old are you?

OHLENDORF: Thirty-eight years old.

COL. AMEN: When, if ever, did you become a member of the National Socialist Party?

OHLENDORF: 1925.

COL. AMEN: When, if ever, did you become a member of the SA?

OHLENDORF: For the first time in 1926.

COL. AMEN: When, if ever, did you become a member of the SS?

OHLENDORF: I must correct my answer to the previous question; I thought you were asking about my membership in the SS.

COL. AMEN: When did you become a member of the SA?

OHLENDORF: In the year 1925.

COL. AMEN: When, if ever, did you join the SD?

OHLENDORF: In 1936.

COL. AMEN: What was your last position in the SD?

OHLENDORF: Chief of Amt III in the RSHA.

COL. AMEN: Turning to the chart on the wall behind you, will you tell the Tribunal whether you can identify that chart in any way.

OHLENDORF: I have already seen this chart. I worked on it, and I can identify it as accurate.

COL. AMEN: What, if anything, did you have to do with making up that chart?

OHLENDORF: This chart was made up during my interrogation.

COL. AMEN: For the information of the Tribunal, that is Exhibit Number USA-493, the chart of which the witness speaks.

OHLENDORF: I didn't understand you.

COL. AMEN: Will you tell the Tribunal whether that chart correctly portrays the basic organization of the RSHA, as well as the position of Kaltenbrunner, the Gestapo, and the SD in the German Police system?

OHLENDORF: This chart represents the organization of the RSHA. It shows the correct position of the SD departments, of the State Police, and of the Secret Police.

COL. AMEN: Referring once more to the chart, please indicate your position in the RSHA and state for what period you continued to serve in that capacity.

[The witness pointed to Amt III on the chart.]

COL. AMEN: What were the positions of Kaltenbrunner, Müller, and Eichmann in the RSHA, and state for what periods of time each of them continued to serve in his respective capacity?

OHLENDORF: Kaltenbrunner was Chief of the Sicherheitspolizei and the SD; as such, he was also Chief of the RSHA, the internal organizational term for the office of the chief of the Sicherheitspolizei and the SD.

Kaltenbrunner occupied this position from 30 January 1943 until the end of the war. Müller was Chief of Amt IV, the Gestapo. When the Gestapo was established, he became Deputy Chief, and as such he logically became Chief of Amt IV of the RSHA. He occupied this position until the end of the war. Eichmann occupied a position in Amt IV under Müller and worked on the Jewish problem from

approximately 1940 onwards. To my knowledge, he also occupied this position until the end of the war.

COL. AMEN: Did you tell us for what period of time you continued to serve as Chief of Amt III?

OHLENDORF: I was part-time Chief of Amt III from 1939 to 1945.

COL. AMEN: Turning now to the designation "Mobile Units" with the Army shown in the lower right hand corner of the chart, please explain to the Tribunal the significance of the terms "Einsatzgruppe" and "Einsatzkommando."

OHLENDORF: The concept "Einsatzgruppe" was established after an agreement between the Chiefs of the RSHA, OKW, and OKH, on the separate use of Sipo units in the operational areas. The concept "Einsatzgruppe" first appeared during the Polish campaign.

The agreement with the OKH and OKW, however, was arrived at only before the beginning of the Russian campaign. This agreement specified that a representative of the Chief of the Sipo and the SD would be assigned to the army groups, or armies, and that this official would have at his disposal mobile units of the Sipo and the SD in the form of an Einsatzgruppe, subdivided into Einsatzkommandos. The Einsatzkommandos would, on orders from the army group or army, be assigned to the individual army units as needed.

COL. AMEN: State, if you know, whether prior to the campaign against Soviet Russia, any agreement was entered into between the OKW, OKH, and RSHA?

OHLENDORF: Yes, the Einsatzgruppen and Einsatzkommandos, as I have just described them, were used on the basis of a written agreement between the OKW, OKH, and RSHA.

COL. AMEN: How do you know that there was such a written agreement?

OHLENDORF: I was repeatedly present during the negotiations which Albrecht and Schellenberg conducted with the OKH and OKW; and I also had a written copy of this agreement, which was the outcome of these negotiations, in my own hands when I took over the Einsatzgruppe.

COL. AMEN: Explain to the Tribunal who Schellenberg was. What position, if any, did he occupy?

OHLENDORF: Schellenberg was, at the end, Chief of Amt VI in the RSHA; at the time when he was conducting these negotiations as the representative of Heydrich, he belonged to the Amt I.

COL. AMEN: On approximately what date did these negotiations take place?

OHLENDORF: The negotiations lasted several weeks. The agreement must have been reached about 1 or 2 weeks before the beginning of the Russian campaign.

COL. AMEN: Did you yourself ever see a copy of this written agreement?

OHLENDORF: Yes.

COL. AMEN: Did you have occasion to work with this written agreement?

OHLENDORF: Yes.

COL. AMEN: On more than one occasion?

OHLENDORF: Yes; in all questions arising out of the relationship between the Einsatzgruppen and the Army.

COL. AMEN: Do you know where the original or any copy of that agreement is located today?

OHLENDORF: No.

COL. AMEN: To the best of your knowledge and recollection, please explain to the Tribunal the entire substance of this written agreement.

OHLENDORF: First of all, the agreement stated that Einsatzgruppen and Einsatzkommandos would be set up and used in the operational areas. This created a precedent, because until that time the Army had, on its own responsibility, discharged the tasks which would now fall solely to the Sipo. The second was the regulation as to competence.

THE PRESIDENT: You're going too fast. What is it that you say the Einsatzkommandos did under the agreement?

OHLENDORF: I said, this was the relationship between the Army and the Einsatzgruppen and the Einsatzkommandos. The agreement specified that the army groups or armies would be responsible for the movement and the supply of Einsatzgruppen, but that instructions for their activities would come from the Chief of the Sipo and SD.

COL. AMEN: Let us understand. Is it correct that an Einsatz group was to be attached to each army group or army?

OHLENDORF: Every army group was to have an Einsatzgruppe attached to it. The army group in its turn would then attach the Einsatzkommandos to the armies of the army group.

COL. AMEN: And was the army command to determine the area within which the Einsatz group was to operate?

OHLENDORF: The operational area of the Einsatzgruppe was already determined by the fact that it was attached to a specific army group and therefore moved with it, whereas the operational areas of the Einsatzkommandos were then fixed by the army group or army.

COL. AMEN: Did the agreement also provide that the army command was to direct the time during which they were to operate?

OHLENDORF: That was included under the heading "movement."

COL. AMEN: And also to direct any additional tasks they were to perform?

OHLENDORF: Yes. Even though the Chiefs of the Sipo and SD had the right to issue instructions to them on their work, there existed a general agreement that the army was also entitled to issue orders to the Einsatzgruppen, if the operational situation made it necessary.

COL. AMEN: What did this agreement provide with respect to the attachment of the Einsatz group command to the army command?

OHLENDORF: I can't remember whether anything specific was contained in the agreement about that. At any rate a liaison man between the army command and the SD was appointed.

COL. AMEN: Do you recall any other provisions of this written agreement?

OHLENDORF: I believe I can state the main contents of that agreement.

COL. AMEN: What position did you occupy with respect to this agreement?

OHLENDORF: From June 1941 to the death of Heydrich in June 1942, I led Einsatzgruppe D, and was the representative of the Chief of the Sipo and the SD with the 11th Army.

COL. AMEN: And when was Heydrich's death?

OHLENDORF: Heydrich was wounded at the end of May 1942, and died on 4 June 1942.

COL. AMEN: How much advance notice, if any, did you have of the campaign against Soviet Russia?

OHLENDORF: About 4 weeks.

COL. AMEN: How many Einsatz groups were there, and who were their respective leaders?

OHLENDORF: There were four Einsatzgruppen, Group A, B, C, and D. Chief of Einsatzgruppe A was Stahlecker; Chief of Einsatzgruppe B was Nebe; Chief of Einsatzgruppe C, Dr. Rasche, and later, Dr. Thomas; Chief of Einsatzgruppe D, I myself, and later Bierkamp.

COL. AMEN: To which army was Group D attached?

OHLENDORF: Group D was not attached to any army group, but was attached directly to the 11th Army.

COL. AMEN: Where did Group D operate?

OHLENDORF: Group D operated in the Southern Ukraine.

COL. AMEN: Will you describe in more detail the nature and extent of the area in which Group D originally operated, naming the cities or territories?

OHLENDORF: The northernmost city was Cernauti; then southward through Mohilev-Podolsk, Yampol, then eastward Zuvalje, Czervind, Melitopol, Mariopol, Taganrog, Rostov, and the Crimea.

COL. AMEN: What was the ultimate objective of Group D?

OHLENDORF: Group D was held in reserve for the Caucasus, for an army group which was to operate in the Caucasus.

COL. AMEN: When did Group D commence its move into Soviet Russia?

OHLENDORF: Group D left Duegen on 21 June and reached Pietra Namsk in Romania in 3 days. There the first Einsatzkommandos were already being demanded by the Army, and they immediately set off for the destinations named by the Army. The entire Einsatzgruppe was put into operation at the beginning of July.

COL. AMEN: You are referring to the 11th Army?

OHLENDORF: Yes.

COL. AMEN: In what respects, if any, were the official duties of the Einsatz groups concerned with Jews and Communist commissars?

OHLENDORF: On the question of Jews and Communists, the Einsatzgruppen and the commanders of the Einsatzkommandos were orally instructed before their mission.

COL. AMEN: What were their instructions with respect to the Jews and the Communist functionaries?

OHLENDORF: The instructions were that in the Russian operational areas of the Einsatzgruppen the Jews, as well as the Soviet political commissars, were to be liquidated.

COL. AMEN: And when you say "liquidated" do you mean "killed?"

OHLENDORF: Yes, I mean "killed."

COL. AMEN: Prior to the opening of the Soviet campaign, did you attend a conference at Pretz?

OHLENDORF: Yes, it was a conference at which the Einsatzgruppen and the Einsatzkommandos were informed of their tasks and were given the necessary orders.

COL. AMEN: Who was present at that conference?

OHLENDORF: The chiefs of the Einsatzgruppen and the commanders of the Einsatzkommandos and Streckenbach of the RSHA who transmitted the orders of Heydrich and Himmler.

COL. AMEN: What were those orders?

OHLENDORF: Those were the general orders on the normal work of the Sipo and the SD, and in addition the liquidation order which I have already mentioned.

COL. AMEN: And that conference took place on approximately what date?

OHLENDORF: About 3 or 4 days before the mission.

COL. AMEN: So that before you commenced to march into Soviet Russia, you received orders at this conference to exterminate the Jews and Communist functionaries in addition to the regular professional work of the Security Police and SD; is that correct?

OHLENDORF: Yes.

COL. AMEN: Did you, personally, have any conversation with Himmler respecting any communication from Himmler to the chiefs of army groups and armies concerning this mission?

OHLENDORF: Yes. Himmler told me that before the beginning of the Russian campaign Hitler had spoken of this mission to a conference of the army groups and the army chiefs—no, not the army chiefs but the commanding generals—and had instructed the commanding generals to provide the necessary support.

COL. AMEN: So that you can testify that the chiefs of the army groups and the armies had been similarly informed of these orders for the liquidation of the Jews and Soviet functionaries?

OHLENDORF: I don't think it is quite correct to put it in that form. They had no orders for liquidation; the order for the liquidation was given to Himmler to carry out, but since this liquidation took place in the operational area of the army group or the armies, they had to be ordered to provide support. Moreover, without such instructions to the army, the activities of the Einsatzgruppen would not have been possible.

COL. AMEN: Did you have any other conversation with Himmler concerning this order?

OHLENDORF: Yes, in the late summer of 1941 Himmler was in Nikolaiev. He assembled the leaders and men of the Einsatzkommandos, repeated to them the liquidation order, and pointed out that the leaders and men who were taking part in the liquidation bore no personal responsibility for the execution of this order. The responsibility was his, alone, and the Führer's.

COL. AMEN: And you yourself heard that said?

OHLENDORF: Yes.

COL. AMEN: Do you know whether this mission of the Einsatz group was known to the army group commanders?

OHLENDORF: This order and the execution of these orders were known to the commanding general of the army.

COL. AMEN: How do you know that?

OHLENDORF: Through conferences with the army and through instructions which were given by the army on the execution of the order.

COL. AMEN: Was the mission of the Einsatz groups and the agreement between OKW, OKH, and RSHA known to the other leaders in the RSHA?

OHLENDORF: At least some of them knew of it, since some of the leaders were also active in the Einsatzgruppen and Einsatzkommandos in the course of time. Furthermore, the leaders who were dealing with the organization and the legal aspect of the Einsatzgruppen also knew of it.

COL. AMEN: Most of the leaders came from the RSHA, did they not?

OHLENDORF: Which leaders?

COL. AMEN: Of the Einsatz groups.

OHLENDORF: No, one can't say that. The leaders in the Einsatzgruppen and Einsatzkommandos came from all over the Reich.

COL. AMEN: Do you know whether the mission and the agreement were also known to Kaltenbrunner?

OHLENDORF: After his assumption of office Kaltenbrunner had to deal with these questions and consequently must have known details of the Einsatzgruppen which were offices of his.

COL. AMEN: Who was the commanding officer of the 11th Army?

OHLENDORF: At first, Ritter von Schober; later, Von Manstein.

COL. AMEN: Will you tell the Tribunal in what way or ways the commanding officer of the 11th Army directed or supervised Einsatz Group D in carrying out its liquidation activities?

OHLENDORF: An order from the 11th Army was sent to Nikolaiev stating that liquidations were to take place only at a distance

of not less than 200 kilometers from the headquarters of the commanding general.

COL. AMEN: Do you recall any other occasion?

OHLENDORF: In Simferopol the army command requested the Einsatzkommandos in its area to hasten the liquidations, because famine was threatening and there was a great housing shortage.

COL. AMEN: Do you know how many persons were liquidated by Einsatz Group D under your direction?

OHLENDORF: In the year between June 1941 to June 1942 the Einsatzkommandos reported 90,000 people liquidated.

COL. AMEN: Did that include men, women, and children?

OHLENDORF: Yes.

COL. AMEN: On what do you base those figures?

OHLENDORF: On reports sent by the Einsatzkommandos to the Einsatzgruppen.

COL. AMEN: Were those reports submitted to you?

OHLENDORF: Yes.

COL. AMEN: And you saw them and read them?

OHLENDORF: I beg your pardon?

COL. AMEN: And you saw and read those reports, personally?

OHLENDORF: Yes.

COL. AMEN: And it is on those reports that you base the figures you have given the Tribunal?

OHLENDORF: Yes.

COL. AMEN: Do you know how those figures compare with the number of persons liquidated by other Einsatz groups?

OHLENDORF: The figures which I saw of other Einsatzgruppen are considerably larger.

COL. AMEN: That was due to what factor?

OHLENDORF: I believe that to a large extent the figures submitted by the other Einsatzgruppen were exaggerated.

COL. AMEN: Did you see reports of liquidations from the other Einsatz groups from time to time?

OHLENDORF: Yes.

COL. AMEN: And those reports showed liquidations exceeding those of Group D; is that correct?

OHLENDORF: Yes.

COL. AMEN: Did you personally supervise mass executions of these individuals?

OHLENDORF: I was present at two mass executions for purposes of inspection.

COL. AMEN: Will you explain to the Tribunal in detail how an individual mass execution was carried out?

OHLENDORF: A local Einsatzkommando attempted to collect all the Jews in its area by registering them. This registration was performed by the Jews themselves.

COL. AMEN: On what pretext, if any, were they rounded up?

OHLENDORF: On the pretext that they were to be resettled.

COL. AMEN: Will you continue?

OHLENDORF: After the registration the Jews were collected at one place; and from there they were later transported to the place of execution, which was, as a rule an antitank ditch or a natural excavation. The executions were carried out in a military manner, by firing squads under command.

COL. AMEN: In what way were they transported to the place of execution?

OHLENDORF: They were transported to the place of execution in trucks, always only as many as could be executed immediately. In this way it was attempted to keep the span of time from the moment in which the victims knew what was about to happen to them until the time of their actual execution as short as possible.

COL. AMEN: Was that your idea?

OHLENDORF: Yes.

COL. AMEN: And after they were shot what was done with the bodies?

OHLENDORF: The bodies were buried in the antitank ditch or excavation.

COL. AMEN: What determination, if any, was made as to whether the persons were actually dead?

OHLENDORF: The unit leaders or the firing-squad commanders had orders to see to this and, if need be, finish them off themselves.

COL. AMEN: And who would do that?

OHLENDORF: Either the unit leader himself or somebody designated by him.

COL. AMEN: In what positions were the victims shot?

OHLENDORF: Standing or kneeling.

COL. AMEN: What was done with the personal property and clothing of the persons executed?

OHLENDORF: All valuables were confiscated at the time of the registration or the rounding up and handed over to the Finance

Ministry, either through the RSHA or directly. At first the clothing was given to the population, but in the winter of 1941-42 it was collected and disposed of by the NSV.

COL. AMEN: All their personal property was registered at the time?

OHLENDORF: No, not all of it, only valuables were registered.

COL. AMEN: What happened to the garments which the victims were wearing when they went to the place of execution?

OHLENDORF: They were obliged to take off their outer garments immediately before the execution.

COL. AMEN: All of them?

OHLENDORF: The outer garments, yes.

COL. AMEN: How about the rest of the garments they were wearing?

OHLENDORF: The other garments remained on the bodies.

COL. AMEN: Was that true of not only your group but of the other Einsatz groups?

OHLENDORF: That was the order in my Einsatzgruppe. I don't know how it was done in other Einsatzgruppen.

COL. AMEN: In what way did they handle it?

OHLENDORF: Some of the unit leaders did not carry out the liquidation in the military manner, but killed the victims singly by shooting them in the back of the neck.

COL. AMEN: And you objected to that procedure?

OHLENDORF: I was against that procedure, yes.

COL. AMEN: For what reason?

OHLENDORF: Because both for the victims and for those who carried out the executions, it was, psychologically, an immense burden to bear.

COL. AMEN: Now, what was done with the property collected by the Einsatzkommandos from these victims?

OHLENDORF: All valuables were sent to Berlin, to the RSHA or to the Reich Ministry of Finance. The articles which could be used in the operational area, were disposed of there.

COL. AMEN: For example, what happened to gold and silver taken from the victims?

OHLENDORF: That was, as I have just said, turned over to Berlin, to the Reich Ministry of Finance.

COL. AMEN: How do you know that?

OHLENDORF: I can remember that it was actually handled in that way from Simferopol.

COL. AMEN: How about watches, for example, taken from the victims?

OHLENDORF: At the request of the Army, watches were made available to the forces at the front.

COL. AMEN: Were all victims, including the men, women, and children, executed in the same manner?

OHLENDORF: Until the spring of 1942, yes. Then an order came from Himmler that in the future women and children were to be killed only in gas vans.

COL. AMEN: How had the women and children been killed previously?

OHLENDORF: In the same way as the men—by shooting.

COL. AMEN: What, if anything, was done about burying the victims after they had been executed?

OHLENDORF: The Kommandos filled the graves to efface the signs of the execution, and then labor units of the population leveled them.

COL. AMEN: Referring to the gas vans which you said you received in the spring of 1942, what order did you receive with respect to the use of these vans?

OHLENDORF: These gas vans were in future to be used for the killing of women and children.

COL. AMEN: Will you explain to the Tribunal the construction of these vans and their appearance?

OHLENDORF: The actual purpose of these vans could not be seen from the outside. They looked like closed trucks, and were so constructed that at the start of the motor, gas was conducted into the van causing death in 10 to 15 minutes.

COL. AMEN: Explain in detail just how one of these vans was used for an execution.

OHLENDORF: The vans were loaded with the victims and driven to the place of burial, which was usually the same as that used for the mass executions. The time needed for transportation was sufficient to insure the death of the victims.

COL. AMEN: How were the victims induced to enter the vans?

OHLENDORF: They were told that they were to be transported to another locality.

COL. AMEN: How was the gas turned on?

OHLENDORF: I am not familiar with the technical details.

COL. AMEN: How long did it take to kill the victims ordinarily?

OHLENDORF: About 10 to 15 minutes; the victims were not conscious of what was happening to them.

COL. AMEN: How many persons could be killed simultaneously in one such van?

OHLENDORF: About 15 to 25 persons. The vans varied in size.

COL. AMEN: Did you receive reports from those persons operating these vans from time to time?

OHLENDORF: I didn't understand the question.

COL. AMEN: Did you receive reports from those who were working on the vans?

OHLENDORF: I received the report that the Einsatzkommandos did not willingly use the vans.

COL. AMEN: Why not?

OHLENDORF: Because the burial of the victims was a great ordeal for the members of the Einsatzkommandos.

COL. AMEN: Now, will you tell the Tribunal who furnished these vans to the Einsatz groups?

OHLENDORF: The gas vans did not belong to the motor pool of the Einsatzgruppen but were assigned to the Einsatzgruppe as a special unit, headed by the man who had constructed the vans. The vans were assigned to the Einsatzgruppen by the RSHA.

COL. AMEN: Were the vans supplied to all of the different Einsatz groups?

OHLENDORF: I am not certain of that. I know only in the case of Einsatzgruppe D, and indirectly that Einsatzgruppe C also made use of these vans.

COL. AMEN: Are you familiar with the letter from Becker to Rauff with respect to these gas vans?

OHLENDORF: I saw this letter during my interrogation.

COL. AMEN: May it please the Tribunal, I am referring to Exhibit 501-PS, Exhibit USA-288, being a letter already in evidence, a letter from Becker to Rauff.

[Turning to the witness.] Will you tell the Tribunal who Becker was?

OHLENDORF: According to my recollection, Becker was the constructor of the vans. It was he who was in charge of the vans of Einsatzgruppe D.

COL. AMEN: Who was Rauff?

OHLENDORF: Rauff was group leader in Amt II of the RSHA. Among other things, he was at that time in charge of transportation.

COL. AMEN: Can you identify that letter in any way?

OHLENDORF: The contents roughly correspond to my experiences and are therefore probably correct.

[Document 501-PS was handed to the witness.]

COL. AMEN: Will you look at the letter before you and tell us whether you can identify it in any way?

OHLENDORF: The external appearance of the letter as well as the initial "R" (Rauff) on it, and the reference to Zwabel or Fabel who took care of transportation under Rauff, seems to testify to the letter's authenticity. The contents roughly correspond to the experiences which I had at that time.

COL. AMEN: So that you believe it to be an authentic document?

OHLENDORF: Yes.

COL. AMEN: Will you now lay it aside on the table there?

Referring to your previous testimony, will you explain to the Tribunal why you believe that the type of execution ordered by you, namely, military, was preferable to the shooting-in-the-neck procedure adopted by the other Einsatz groups?

OHLENDORF: On the one hand, the aim was that the individual leaders and men should be able to carry out the executions in a military manner acting on orders and should not have to make a decision of their own; it was, to all intents and purposes, an order which they were to carry out. On the other hand, it was known to me that through the emotional excitement of the executions ill-treatment could not be avoided, since the victims discovered too soon that they were to be executed and could not therefore endure prolonged nervous strain. And it seemed intolerable to me that individual leaders and men should in consequence be forced to kill a large number of people on their own decision.

COL. AMEN: In what manner did you determine which were the Jews to be executed?

OHLENDORF: That was not part of my task; but the identification of the Jews was carried out by the Jews themselves, since the registration was handled by a Jewish Council of Elders.

COL. AMEN: Did the amount of Jewish blood have anything to do with it?

OHLENDORF: I can't remember the details, but I believe that half-Jews were also considered as Jews.

COL. AMEN: What organizations furnished most of the officer personnel of the Einsatz groups and Einsatzkommandos?

OHLENDORF: I did not understand the question.

COL. AMEN: What organizations furnished most of the officer personnel of the Einsatz groups?

OHLENDORF: The officer personnel was furnished by the State Police, the Kripo, and, to a lesser extent, by the SD.

COL. AMEN: Kripo?

OHLENDORF: Yes, the State Police, the Criminal Police and, to a lesser extent, the SD.

COL. AMEN: Were there any other sources of personnel?

OHLENDORF: Yes, most of the men employed were furnished by the Waffen-SS and the Ordnungspolizei. The State Police and the Kripo furnished most of the experts, and the troops were furnished by the Waffen-SS and the Ordnungspolizei.

COL. AMEN: How about the Waffen-SS?

OHLENDORF: The Waffen-SS and the Ordnungspolizei were each supposed to supply the Einsatzgruppen with one company.

COL. AMEN: How about the Order Police?

OHLENDORF: The Ordnungspolizei also furnished the Einsatzgruppen with one company.

COL. AMEN: What was the size of Einsatz Group D and its operating area as compared with the other Einsatz groups?

OHLENDORF: I estimate that Einsatzgruppe D was one-half or two-thirds as large as the other Einsatzgruppen. That changed in the course of time, since some of the Einsatzgruppen were greatly enlarged.

COL. AMEN: May it please the Tribunal, I have other questions relating to organizational matters which I think would clarify some of the evidence which has already been in part received by the Tribunal; but I don't want to take the time of the Tribunal unless they feel that they want any more such testimony. I thought perhaps if any members of the Tribunal had questions they would ask this witness directly, because he is the best informed on these organizational matters of anyone who will be presented in Court.

THE PRESIDENT: We will adjourn now for 10 minutes.

[A recess was taken.]

THE PRESIDENT: Colonel Amen, the Tribunal does not think that it is necessary to go further into the organizational questions at this stage, but it is a matter which must be really decided by you because you know what the nature of the evidence which you are considering is.

So far as the Tribunal is concerned, they are satisfied at the present stage to leave the matter where it is. But there is one aspect of the witness' evidence which the Tribunal would like you to investigate, and that is whether the practices of which he has been speaking continued after 1942, and for how long.

COL. AMEN: *[To the witness.]* Can you state whether the liquidation practices which you have described continued after 1942 and, if so, for how long a period of time thereafter?

OHLENDORF: I don't think that the basic order was ever revoked. But I cannot remember the details—at least not with regard to Russia—which would enable me to make concrete statements on this subject. The retreat began very shortly thereafter, so that the operational region of the Einsatzgruppen became ever smaller. I do know, however, that other Einsatzgruppen with similar orders had been envisaged for other areas.

COL. AMEN: Your personal knowledge extends up to what date?

OHLENDORF: I know that the liquidation of Jews was prohibited about six months before the end of the war. I also saw a document terminating the liquidation of Soviet commissars, but I cannot recall a specific date.

COL. AMEN: Do you know whether in fact it was so terminated?

OHLENDORF: Yes, I believe so.

THE PRESIDENT: The Tribunal would like to know the number of men in your Einsatz group.

OHLENDORF: There were about 500 men in my Einsatzgruppe, excluding those who were added to the group as assistants from the country itself.

THE PRESIDENT: Including them, did you say?

OHLENDORF: Excluding those who were added to the group from the country itself.

THE PRESIDENT: Do you know how many there would be in other groups?

OHLENDORF: I estimate that at the beginning there were seven to eight hundred men; but, as I said, this number changed rapidly in the course of time, since the Einsatzgruppen themselves acquired new people or succeeded in getting additional personnel from the RSHA.

THE PRESIDENT: The numbers increased, did they?

OHLENDORF: Yes, the numbers increased.

COL. AMEN: Now, here are perhaps just a half dozen of these questions I would like to ask, because I do think they might clear up, in the minds of the Tribunal, some of the evidence which has gone before. I shall be very brief, if that is satisfactory to the Tribunal.

[Turning to the witness.] Will you explain the significance of the different widths of the blue lines on the chart?

OHLENDORF: The thick blue line between the position of Himmler as Reichsführer SS and Chief of the German Police and the RSHA is designed to show the identity of the offices of the chiefs of the Sicherheitspolizei and the SD in their tasks. The RSHA

treated both ministerial questions of leadership and individual executive questions, that is to say, matters of the Sipo and the SD. From the legal administrative point of view, however, the organizational scheme shows an illegal state of affairs in that the RSHA as such never actually had official validity. The formal, legal position was different from that shown on this chart. Party and State offices with different authority were amalgamated. Under this designation RSHA, no directives or laws or orders could be issued on a legal basis, because the State Police, in its ministerial capacity, was still subordinate to the Ministry of the Interior, whereas the SD, despite this set-up, was an organ of the Party.

Therefore if I wanted to reproduce this administrative scheme accurately, I should, for example, have to put in place of Amt IV, the Amt "Political Police", a part of the former Hauptamt Sicherheitspolizei. This Amt "Political Police" existed formally to the very end and had sprung from the Police Department of the Ministry of the Interior. Also, the Secret State Police Amt, the Central Office of the Prussian Secret State Police, the head office of all the political police offices of the different Länder, continued to exist formally.

Thus, ministerial questions continued to be dealt with under the heading of the Minister of the Interior. So far as it was necessary to emphasize the formal competence of the Ministry of the Interior, this was indicated in the heading "Reich Minister of the Interior" with the filing notice "Pol," the former designation of the Police Department of the Ministry of the Interior, together with the appropriate filing notice of the competent department of the former Hauptamt Sicherheitspolizei; for example, filing notice "Pol-S" meant Sicherheitspolizei; "V" meant Amt Verwaltung und Recht (Administration and Law).

The RSHA was therefore nothing more than a camouflage designation which did not correctly represent the actual state of affairs but gave the Chief of the Sipo and the SD, as a collective designation for the Chief of the Hauptamt Sicherheitspolizei and the Chief of the SD Hauptamt (an office which existed until 1939), the opportunity of using one or the other letterhead at any time.

At the same time it gave him the opportunity of an internal amalgamation of all forces and the opportunity of a division of the spheres of work on a practical, effective basis. But the State offices in this Amt did remain in a way dependent on the Ministry of the Interior, and similarly the departments of the SD remained departments of the Party.

The SD Hauptamt, or the RSHA, had formally only the significance of an SS Main Office, in which the SS members of the Sipo

and the SD belonged to the SS. But the SS, that is to say, Himmler, as Reichsführer SS, gave these State offices no official authority to issue orders.

THE PRESIDENT: I am not sure that I follow altogether what you have been saying; but is what you have been saying the reason why you are shown on the chart as concerned with Amt III, which refers, apparently, only to inside Germany, while, according to your evidence, you were the head of Einsatz Group D, which was operating outside Germany?

OHLENDORF: The fact that I led an Einsatzgruppe had nothing to do with my position as Chief of Amt III. I led the Einsatzgruppe as an individual and not as Chief of Amt III; and in my capacity as leader of an Einsatzgruppe, I entered into a completely new function and assumed an office completely separate from my previous one.

THE PRESIDENT: I see. And did it involve that you left Germany and went into the area invaded in the Soviet Union?

OHLENDORF: Yes.

COL. AMEN: Will you now explain the significance of the dotted blue lines, as compared with the solid blue lines on the right-hand side of the chart?

OHLENDORF: The solid lines indicate a direct official channel for orders, whereas the dotted lines signify that there was, as a rule, no direct channel.

COL. AMEN: Was the term "SD" ever used to include both the Sipo and the SD?

OHLENDORF: In the course of years the term "SD" was used more and more incorrectly. It came to be established as an abbreviation for Sipo and SD, without actually being suitable for that. "SD" was originally simply a designation for the fact that someone belonged to the SS through the SD Main Office. When the SD Main Office was dissolved and was taken over into the RSHA, the question arose whether the designation SD, which was also worn as insignia on the sleeve of the particular SS man, should be replaced by another insignia or a new abbreviation, e.g., RSHA. That was not done because the camouflage of the RSHA would thereby have been endangered. But when, for example, I read in a Führer order that in France people were to be turned over to the SD, that was a case in point of the false use of the designation SD, because there were no such offices in France and the SD, insofar as it functioned in departments, e.g., Amt III, had no executive power but was purely an intelligence organ.

COL. AMEN: Briefly, what was the relationship between the SS and the Gestapo?

OHLENDORF: The relationship between the SS and Gestapo was this: The Reichsführer SS, as such, took over the tasks of the Police and attempted to link the State Police and the SS more closely, that is to say, on the one hand to employ only members of the State Police who were eligible for the SS and, on the other hand, to use the institutions of the SS, e.g., education and training of the younger generation by the Waffen-SS, in order in this way to supply recruits for the State Police. This amalgamation was later extended by Himmler in an attempt to bring about the same relationship between the SS and the Ministry of the Interior, i.e., the whole internal administration.

COL. AMEN: About how many full-time agents and honorary auxiliary personnel did the SD employ?

OHLENDORF: Yes, well, in this connection, too, one cannot use the term SD; one must distinguish here between Amt III and Amt VI. Amt III, as the interior intelligence service, had about 3,000 salaried members, including men and women. On the other hand, the interior intelligence service worked essentially with honorary members, that is, with men and women who put their professional experiences and the experiences in their surroundings at the disposal of the interior intelligence service. I would judge their number to be roughly 30,000.

COL. AMEN: Will you briefly give the Tribunal a general example of how a typical transaction was handled through the channels indicated on the chart?

OHLENDORF: First, a general example, invented to make things clear. Himmler heard that more and more saboteurs were being dropped from planes into Germany and were endangering transportation and factory sites. He informed Kaltenbrunner in the latter's capacity as Chief of the Sipo and instructed him to draw the attention of his organs to this state of affairs and to take measures ensuring that these saboteurs would be seized as soon and as completely as possible.

Kaltenbrunner instructed the chief of Amt IV, that is, the State Police, to prepare an order to this effect for the regional offices. This order was drawn up by the competent authorities in Amt IV and was either transmitted by Müller directly to the State Police offices in the Reich or—and this is more probable on account of the importance of the question and the necessity to bring the order at the same time to the attention of the other offices of the Sicherheitspolizei—or he gave it to Kaltenbrunner, who signed it and sent it to the regional offices in the Reich.

An order of this sort laid down, for example, that the State Police offices were to report the measures they were taking as well as their results. These reports went back through the same

channels from the regional offices to the competent authorities in Amt IV, from there to the Chief of Amt IV, from there to the Chief of the Sicherheitspolizei, Kaltenbrunner, and then to the Chief of the German Police Himmler.

COL. AMEN: And, finally will you give a specific example of a typical transaction handled through the channels indicated on the chart?

OHLENDORF: I take the example of the arrest of the leaders of the leftist parties after the events of the 20th of July: This order was also transmitted from Himmler to Kaltenbrunner; Kaltenbrunner passed it on to Amt IV and an appropriate draft for a decree was formulated by Amt IV, signed by Kaltenbrunner, and sent to the regional offices. The reports were returned from the subordinate offices back to the higher offices along the same channels.

COL. AMEN: May it please the Tribunal. The witness is now available to other counsel. I understand that Colonel Pokrovsky has some questions that he wishes to ask on behalf of the Soviets.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): The testimony of the witness is important for the clarification of questions in a report on which the Soviet Delegation is at present working. Therefore, with the permission of the Tribunal, I would like to put a number of questions to the witness.

[Turning to the witness.] Witness, you said that you were present twice at the mass executions. On whose orders were you an inspector at the executions?

OHLENDORF: I was present at the executions on my own initiative.

COL. POKROVSKY: But you said that you attended as inspector.

OHLENDORF: I said that I attended for inspection purposes.

COL. POKROVSKY: On your initiative?

OHLENDORF: Yes.

COL. POKROVSKY: Did one of your chiefs always attend the executions for purposes of inspection?

OHLENDORF: Whenever possible I sent a member of the staff of the Einsatzgruppe to witness the executions, but this was not always feasible since the Einsatzgruppen had to operate over great distances.

COL. POKROVSKY: Why was some person sent for purposes of inspection?

OHLENDORF: Would you please repeat the question?

COL. POKROVSKY: For what purpose was an inspector sent?

OHLENDORF: To determine whether or not my instructions regarding the manner of the execution were actually being carried out.

COL. POKROVSKY: Am I to understand that the inspector was to make certain that the execution had actually been carried out?

OHLENDORF: No, it would not be correct to say that. He was to ascertain whether the conditions which I had set for the execution were actually being carried out.

COL. POKROVSKY: What manner of conditions had you in mind?

OHLENDORF: 1. Exclusion of the public; 2. Military execution by a firing-squad; 3. Arrival of the transports and carrying out of the liquidation in a smooth manner to avoid unnecessary excitement; 4. Supervision of the property to prevent looting. There may have been other details which I no longer remember. At any rate, all ill-treatment, whether physical or mental, was to be prevented through these measures.

COL. POKROVSKY: You wished to make sure that what you considered to be an equitable distribution of this property was effected, or did you aspire to complete acquisition of the valuables?

OHLENDORF: Yes.*

COL. POKROVSKY: You spoke of ill-treatment. What did you mean by ill-treatment at the executions?

OHLENDORF: If, for instance, the manner in which the executions were carried out caused excitement and disobedience among the victims, so that the Kommandos were forced to restore order by means of violence.

COL. POKROVSKY: What do you mean by "restore order by means of violence"? What do you mean by suppression of the excitement amongst the victims by means of violence?

OHLENDORF: If, as I have already said, in order to carry out the liquidation in an orderly fashion it was necessary, for example, to resort to beating.

COL. POKROVSKY: Was it absolutely necessary to beat the victims?

OHLENDORF: I myself never witnessed it, but I heard of it.

COL. POKROVSKY: From whom?

OHLENDORF: In conversations with members of other Kommandos.

* Only the first half of the preceding question, originally spoken in Russian, was transmitted to the witness in German by the interpreter. The answer of the witness, therefore, refers only to this first half of the question.

COL. POKROVSKY: You said that cars, autocars, were used for the executions?

OHLENDORF: Yes.

COL. POKROVSKY: Do you know where, and with whose assistance, the inventor, Becker, was able to put his invention into practice?

OHLENDORF: I remember only that it was done through Amt II of the RSHA; but I can no longer say that with certainty.

COL. POKROVSKY: How many were executed in these cars?

OHLENDORF: I did not understand the question.

COL. POKROVSKY: How many persons were executed by means of these cars?

OHLENDORF: I cannot give precise figures, but the number was comparatively very small—perhaps a few hundred.

COL. POKROVSKY: You said that mostly women and children were executed in these vans. For what reason?

OHLENDORF: That was a special order from Himmler to the effect that women and children were not to be exposed to the mental strain of the executions; and thus the men of the Kommandos, mostly married men, should not be compelled to aim at women and children.

COL. POKROVSKY: Did anybody observe the behavior of the persons executed in these vans?

OHLENDORF: Yes, the doctor.

COL. POKROVSKY: Did you know that Becker had reported that death in these vans was particularly agonizing?

OHLENDORF: No. I learned of Becker's reports for the first time from the letter to Rauff, which was shown to me here. On the contrary, I know from the doctor's reports that the victims were not conscious of their impending death.

COL. POKROVSKY: Did any military units—I mean, Army units—take part in these mass executions?

OHLENDORF: As a rule, no.

COL. POKROVSKY: And as an exception?

OHLENDORF: I think I remember that in Nikolaiev and in Simferopol a spectator from the Army High Command was present for a short time.

COL. POKROVSKY: For what purpose?

OHLENDORF: I don't know, probably to obtain information personally.

COL. POKROVSKY: Were military units assigned to carry out the executions in these towns?

OHLENDORF: Officially, the Army did not assign any units for this purpose; the Army as such was actually opposed to the liquidation.

COL. POKROVSKY: But in practice?

OHLENDORF: Individual units occasionally volunteered. However, at the moment I know of no such case among the Army itself, but only among the units attached to the Army (Heeresgefolge).

COL. POKROVSKY: You were the man by whose orders people were sent to their death. Were Jews only handed over for the execution by the Einsatzgruppe or were Communists—"Communist officials" you call them in your instructions—handed over for execution along with the Jews?

OHLENDORF: Yes, activists and political commissars. Mere membership in the Communist Party was not sufficient to persecute or kill a man.

COL. POKROVSKY: Were any special investigations made concerning the part played by persons in the Communist Party?

OHLENDORF: No, I said on the contrary that mere membership of the Communist Party was not, in itself, a determining factor in persecuting or executing a man; he had to have a special political function.

COL. POKROVSKY: Did you have any discussions on the murder vans sent from Berlin and on their use?

OHLENDORF: I did not understand the question.

COL. POKROVSKY: Had you occasion to discuss, with your chiefs and your colleagues, the fact that motor vans had been sent to your own particular Einsatzgruppe from Berlin for carrying out the executions? Do you remember any such discussions?

OHLENDORF: I do not remember any specific discussion.

COL. POKROVSKY: Had you any information concerning the fact that members of the execution squad in charge of the executions were unwilling to use the vans?

OHLENDORF: I knew that the Einsatzkommandos were using these vans.

COL. POKROVSKY: No, I had something else in mind. I wanted to know whether you received reports that members of the execution squads were unwilling to use the vans and preferred other means of execution?

OHLENDORF: That they would rather kill by means of the gas vans than by shooting?

COL. POKROVSKY: On the contrary, that they preferred execution by shooting to killing by means of the gas vans.

OHLENDORF: Yes, I have already said that the gas van...

COL. POKROVSKY: And why did they prefer execution by shooting to killing in the gas vans?

OHLENDORF: Because, as I have already said, in the opinion of the leader of the Einsatzkommandos, the unloading of the corpses was an unnecessary mental strain.

COL. POKROVSKY: What do you mean by "an unnecessary mental strain"?

OHLENDORF: As far as I can remember the conditions at that time—the picture presented by the corpses and probably because certain functions of the body had taken place leaving the corpses lying in filth.

COL. POKROVSKY: You mean to say that the sufferings endured prior to death were clearly visible on the victims? Did I understand you correctly?

OHLENDORF: I don't understand the question; do you mean during the killing in the van?

COL. POKROVSKY: Yes.

OHLENDORF: I can only repeat what the doctor told me, that the victims were not conscious of their death in the van.

COL. POKROVSKY: In that case your reply to my previous question, that the unloading of the bodies made a very terrible impression on the members of the execution squad, becomes entirely incomprehensible.

OHLENDORF: And, as I said, the terrible impression created by the position of corpses themselves, and by the state of the vans which had probably been dirtied and so on.

COL. POKROVSKY: I have no further questions to put to this witness at the present stage of the Trial.

THE PRESIDENT: Does the Prosecutor for the French Republic desire to put any questions to the witness?

M. FRANÇOIS DE MENTHON (Chief Prosecutor for the French Republic): No.

THE PRESIDENT: Does the counsel for Kaltenbrunner desire to cross-examine now or at a later date?

DR. KAUFFMANN: Perhaps I could ask a few questions now and request that I be allowed to make my cross-examination later, after consultation with Kaltenbrunner.

THE PRESIDENT: Very well.

DR. KAUFFMANN [*Turning to the witness.*]: How long have you known Kaltenbrunner?

OHLENDORF: May I be allowed to sit? May I sit down?

THE PRESIDENT: Certainly.

OHLENDORF: I saw Kaltenbrunner for the first time during the journey from Berlin to Himmler's headquarters at the time when Kaltenbrunner was to be appointed Chief of the Sipo and SD. Before that, I only knew of his existence.

DR. KAUFFMANN: You did not know him?

OHLENDORF: I only knew of his existence.

DR. KAUFFMANN: Did you come into personal contact with Kaltenbrunner in private or official discussions after his appointment as Chief of the RSHA?

OHLENDORF: Yes, of course.

DR. KAUFFMANN: Do you know his views on the Jewish question, for example?

OHLENDORF: No, I don't know his particular views on this question.

DR. KAUFFMANN: Do you know his attitude in the church question?

OHLENDORF: In the question of the church—he repudiated the anti-church course followed in Germany. We agreed that an understanding had to be reached with the church.

DR. KAUFFMANN: Do you know his attitude on the liquidation of civilian prisoners, parachutists, and so on?

OHLENDORF: No.

DR. KAUFFMANN: Do you know that Kaltenbrunner made special efforts to use the SD, in order to supply the criticism lacking at the Führerstab?

OHLENDORF: Yes, that was the task of the SD even before Kaltenbrunner, and he also gave his material support to this task.

THE PRESIDENT: A little bit more slowly.

OHLENDORF: It was the task of the SD even before Kaltenbrunner came, and he approved and materially supported this tendency.

DR. KAUFFMANN: Do you know, either directly or indirectly, that Kaltenbrunner had no authority to give executive orders, for example, that he had no authority to send people to concentration camps or release them from concentration camps, that all these things were handled exclusively by Himmler and Müller?

OHLENDORF: I think this question is too general to be answered in a concrete way, it must be divided up.

If you ask whether Kaltenbrunner could order executive actions, I must answer in the affirmative. If you then name Himmler and Müller to the exclusion of Kaltenbrunner, I must point out that in

the organization of the RSHA Müller was Kaltenbrunner's subordinate; and consequently orders from Himmler to Müller were also orders to Kaltenbrunner, and Müller was obliged to inform Kaltenbrunner of them.

On the other hand, it is certain that, particularly in regard to the concentration camps, the final decision on dispatch to them or release from them was really made by Himmler. I can say with absolute certainty—in this connection the expression "to the last washerwoman" was often used—that Himmler reserved the final decision for himself. Whether Kaltenbrunner had any authority at all in this regard, I cannot say definitely.

DR. KAUFFMANN: Did you personally see the original orders and original signatures of Kaltenbrunner ordering the liquidation of sabotage troops and so on?

OHLENDORF: No.

DR. KAUFFMANN: Do you know, either directly or indirectly, that after Heydrich's death a change, which to be sure was not a formal change, took place and that another and milder course was followed by Kaltenbrunner?

OHLENDORF: I couldn't answer that question with concrete proof.

DR. KAUFFMANN: Then I will leave that question, and come to another. Did Kaltenbrunner know that you were an Einsatz leader in the East?

OHLENDORF: Yes.

DR. KAUFFMANN: Who gave you this order?

OHLENDORF: Heydrich.

DR. KAUFFMANN: Heydrich gave it to you? Then it was before this time?

OHLENDORF: Yes, of course.

DR. KAUFFMANN: I have no further questions at the moment.

THE TRIBUNAL (Major General I. T. Nikitchenko, Member for the U.S.S.R.): Witness Ohlendorf, can you answer up to what date the Einsatzgruppe under your command was operating?

OHLENDORF: The staff of the Einsatzgruppe went as far as the Caucasus and then returned. As far as I can remember, a combat command (Kampfkommando) was formed out of it under the name "Bierkamp," and that was used in fighting the partisans. Then, I think, the Einsatzgruppe was entirely disbanded, Bierkamp went into the Government General and took a large number of his men with him.

THE TRIBUNAL (Gen. Nikitchenko): What did the group do after Bierkamp left?

OHLENDORF: I think I can say that the Einsatzgruppe ceased to exist after the retreat from the Caucasus. It took over tasks similar to those of the Wehrmacht under the immediate command of the Commander of the Sicherheitspolizei in the Ukraine and particularly under the command of the Higher SS and Police Leaders in the Ukraine.

THE TRIBUNAL (Gen. Nikitchenko): In other words, it merely carried out its activities in different surroundings under different leadership, and that was all the difference. Such functions as were performed by the Einsatzgruppe in the past continued to be carried out in new surroundings.

OHLENDORF: No, it actually became a combat unit.

THE TRIBUNAL (Gen. Nikitchenko): What does that mean? Against whom were the military actions directed?

OHLENDORF: Within the scope of operations directed against the partisan movement.

THE TRIBUNAL (Gen. Nikitchenko): Can you say more particularly what this group was actually doing?

OHLENDORF: After the retreat?

THE TRIBUNAL (Gen. Nikitchenko): When you say that the function of this group changed when it conducted operations against the partisans.

OHLENDORF: I have no concrete experiences myself. It was probably used for reconnaissance against the partisans and also in combat.

THE TRIBUNAL (Gen. Nikitchenko): But did it carry out any executions?

OHLENDORF: I can no longer say that definitely for this period, for the unit now entered territories in which that sort of activity was out of the question.

THE TRIBUNAL (Gen. Nikitchenko): In your testimony you said that the Einsatz group had the object of annihilating the Jews and the commissars, is that correct?

OHLENDORF: Yes.

THE TRIBUNAL (Gen. Nikitchenko): And in what category did you consider the children? For what reason were the children massacred?

OHLENDORF: The order was that the Jewish population should be totally exterminated.

THE TRIBUNAL (Gen. Nikitchenko): Including the children?

OHLENDORF: Yes.

THE TRIBUNAL (Gen. Nikitchenko): Were all the Jewish children murdered?

OHLENDORF: Yes.

THE TRIBUNAL (Gen. Nikitchenko): But the children of those whom you considered as belonging to the category of commissars, were they also killed?

OHLENDORF: I am not aware that inquiries were ever made after the families of Soviet commissars.

THE TRIBUNAL (Gen. Nikitchenko): Did you send anywhere reports on the executions which the group carried out?

OHLENDORF: Reports on the executions were regularly submitted to the RSHA.

THE TRIBUNAL (Gen. Nikitchenko): No, did you personally send any reports on the annihilation of thousands of people which you effected? Did you personally submit any report?

OHLENDORF: The reports came from the Einsatzkommandos who carried out the actions, to the Einsatzgruppe and the Einsatzgruppe informed the RSHA.

THE TRIBUNAL (Gen. Nikitchenko): Whom?

OHLENDORF: The reports went to the Chief of the Sipo personally.

THE TRIBUNAL (Gen. Nikitchenko): Personally?

OHLENDORF: Yes, personally.

THE TRIBUNAL (Gen. Nikitchenko): What was the name of this police officer? Can you give his name?

OHLENDORF: At that time, Heydrich.

THE TRIBUNAL (Gen. Nikitchenko): After Heydrich?

OHLENDORF: I was no longer there then, but that was the standing order.

THE TRIBUNAL (Gen. Nikitchenko): I am asking you whether you continued to submit reports after Heydrich's death or not?

OHLENDORF: After Heydrich's death I was no longer in the Einsatz, but the reports were, of course, continued.

THE TRIBUNAL (Gen. Nikitchenko): Do you know whether the reports continued to be submitted after Heydrich's death or not?

OHLENDORF: Yes.

THE TRIBUNAL (Gen. Nikitchenko): Yes?

OHLENDORF: No, the reports...

THE TRIBUNAL (Gen. Nikitchenko): Was the order concerning the annihilation of the Soviet people in conformity with the policy

of the German Government or the Nazi Party or was it against it? Do you understand the question?

OHLENDORF: Yes. One must distinguish here: The order for the liquidation came from the Führer of the Reich, and it was to be carried out by the Reichsführer SS Himmler.

THE TRIBUNAL (Gen. Nikitchenko): But was it in conformity with the policy conducted by the Nazi Party and the German Government, or was it in contradiction to it?

OHLENDORF: A policy amounts to a practice so that in this respect it was a policy laid down by the Führer. If you were to ask whether this activity was in conformity with the idea of National Socialism, then I should say "no."

THE TRIBUNAL (Gen. Nikitchenko): I am talking about the practice.

THE PRESIDENT: I understood you to say that objects of value were taken from the Jewish victims by the Jewish Council of Elders.

OHLENDORF: Yes.

THE PRESIDENT: Did the Jewish Council of Elders settle who were to be killed?

OHLENDORF: The Jewish Council of Elders determined who was a Jew, and then registered the Jews individually.

THE PRESIDENT: And when they registered them did they take their valuables from them?

OHLENDORF: That was done in various ways. As far as I remember, the Council of Elders was given the order to collect valuables at the same time.

THE PRESIDENT: So that the Jewish Council of Elders would not know whether or not they were to be killed?

OHLENDORF: Yes.

THE PRESIDENT: We will adjourn now until 5 minutes past 2.

[A recess was taken until 1405.]

Afternoon Session

THE TRIBUNAL (Mr. Biddle): When you spoke of the written agreement between the leaders of the Einsatz groups and the Army, do you know whether or not the functions and purposes of the Einsatz groups were described in the agreement? Did the agreement say what the groups were going to do?

OHLENDORF: I no longer remember that. In any case the task of liquidation was not mentioned.

THE TRIBUNAL (Mr. Biddle): Do you understand the question?

OHLENDORF: Yes. I cannot quite remember whether there was a general clause in the agreement about the tasks and activities of the Security Police in the operational area, but I am certain that it contained nothing regarding the task of liquidation.

THE TRIBUNAL (Mr. Biddle): You stated that there had been a general order for the liquidation of all Jews. Was that order in writing?

OHLENDORF: No.

THE TRIBUNAL (Mr. Biddle): Do you know who gave the order?

OHLENDORF: Is this question with regard to the activities of the Einsatzgruppen?

THE TRIBUNAL (Mr. Biddle): Yes.

OHLENDORF: Regarding the Einsatzgruppen, the order came first via Himmler, Heydrich, and Streckenbach to the Einsatzgruppen and then was repeated a second time by Himmler personally.

THE TRIBUNAL (Mr. Biddle): Did a similar order go to the Army?

OHLENDORF: I know of no such order to the Army in this form.

THE PRESIDENT: Now do any of the defendants' counsel wish to cross-examine this witness?

DR. OTTO NELTE (Counsel for Defendant Keitel): Witness, you said that several weeks before the opening of the Russian campaign, there were conferences regarding the tasks of the Einsatzgruppen and the Einsatzkommandos. Were you personally present at these conferences?

OHLENDORF: May I briefly correct this by saying that the main subject was not the tasks of the Einsatzgruppen but the set-up within the operational area...

THE PRESIDENT: Wait a moment. Will you repeat that, please?

OHLENDORF: May I make a correction by saying that, according to my recollection, the main subject was not the tasks of the

Einsatzgruppen but the establishment of these mobile organizational units for activities within the operational area of the Army.

DR. NELTE: In other words, this concerned tasks within the sphere of the Army?

OHLENDORF: Yes.

DR. NELTE: You testified that the written agreement was concluded between the RSHA on the one hand and the OKW and OKH on the other. Are you familiar with the difference in authority between the OKW and the OKH?

OHLENDORF: Yes.

DR. NELTE: Who was present from the OKW at these conferences?

OHLENDORF: I cannot mention any one name because I personally was not present at these conferences, but these conferences were conducted by Heydrich on the one hand and by his deputy, Schellenberg, on the other.

DR. NELTE: Schellenberg also spoke on this question in an affidavit presented here, but he mentioned Quartermaster General Wagner as the official with whom he had to deal. Can you remember now whether this was also the case at the conferences to which you are referring?

OHLENDORF: At any rate the name of Quartermaster General Wagner is one of the few names mentioned which I remember in connection with these conferences.

DR. NELTE: Is it known to you that Quartermaster General Wagner had nothing to do with the OKW as an institution?

OHLENDORF: Yes.

DR. NELTE: I take it that you cannot therefore name any personality who might be regarded as representative of the OKW?

OHLENDORF: No, I cannot. I merely said that I remembered—that is, I still have in my mind's eye—the letterhead OKW-OKH. I took this double heading to mean that essential negotiations with Canaris were probably being carried out, that arrangements with Canaris were therefore included in this agreement, and that this accounted for the letterhead OKH plus OKW, which, to me as well, had appeared unusual, since the OKH, *per se*, was naturally in charge of all movement and supply.

DR. NELTE: A joint letterhead OKW-OKH, as such, did not, of course, exist. In your case then it could have been only a type-written copy?

OHLENDORF: I can still visualize a mimeographed sheet.

DR. NELTE: Do you know which signatures were on this document which you visualize?

OHLENDORF: I cannot remember, I am sorry.

DR. NELTE: One of the judges already put the question that orders would naturally result from an agreement of this kind. Is the name of the OKW, or the signature perhaps, included in any one such order?

OHLENDORF: Now I do not understand what kind of orders you mean.

DR. NELTE: When an agreement is made between two different organizations such as the RSHA on the one hand and, shall we say, the OKH on the other, then the office entrusted with the execution of that which has been agreed upon must be informed thereof in a form known as an "order" in military parlance. Is such an order known to you as originating from the OKW?

OHLENDORF: Please understand that no such orders from the War Office or the OKW were received by me. I should have had only orders or wishes expressed by the Army.

DR. NELTE: By the Army or by your superior command?

OHLENDORF: No. I am speaking now... If I think of the Armed Forces...

DR. NELTE: Therefore, there was no connection of any kind between you, as leader of the Einsatzgruppe, and the OKW as such?

OHLENDORF: No immediate connection. I know very well that individual reports reached the OKW through official channels.

DR. NELTE: If you know that, can you tell me to which office? Because, after all, OKW covered a great many.

OHLENDORF: I should assume they eventually reached Canaris.

DR. NELTE: I thank you.

DR. EGON KUBUSCHOK (Counsel for the Reich Cabinet): Witness, in your position as Chief of the SD, you will probably have some idea about the trustworthiness of the members of the Reich Cabinet and about the secrecy in which very important matters were kept. Please answer this question: whether the order which has been discussed today regarding the liquidations, in your opinion, originated in the Reich Cabinet and whether this order, in your opinion, was made known to the individual members of the Reich Cabinet?

OHLENDORF: I am convinced that both questions are to be answered in the negative.

DR. KUBUSCHOK: I should like to ask the witness a few more questions on behalf of the Defendant Speer, since counsel for the

Defendant Speer is absent and I, as a colleague, have taken over this task.

Witness, is it known to you that the Defendant Speer, contrary to Hitler's orders, took measures to prevent the destruction of industrial and other installations?

OHLENDORF: Yes.

DR. KUBUSCHOK: That these measures also extended beyond the interior of Germany to the then still-occupied area of Upper Silesia, *et alia*?

OHLENDORF: I believe that the date when I learned about this was so late that, although applicable to some small areas in the West, it no longer applied to any area in the East.

DR. KUBUSCHOK: One more question which you might perhaps know about. Do you know that the Defendant Speer prepared an attempt on Hitler's life in the middle of February of this year?

OHLENDORF: No.

DR. KUBUSCHOK: Do you know that Speer undertook to turn Himmler over to the Allies so that he could be called to account and possibly clear others who were innocent?

OHLENDORF: No.

DR. KUBUSCHOK: This question will perhaps be answered in the affirmative by another witness.

Are you well informed regarding the events of the 20th of July?

OHLENDORF: To a considerable extent.

DR. KUBUSCHOK: Is it known to you that the circle of plotters of 20 July had also planned to keep the Defendant Speer as head of his Ministry?

OHLENDORF: Yes.

DR. KUBUSCHOK: Do you know any details about that?

OHLENDORF: From the participants in the plot of the 20th of July I merely learned that they had considered him, on a drafted organizational scheme, as continuing in his post as head of the armament ministry.

DR. KUBUSCHOK: Witness, do you believe that this intention of the plotters of the 20th of July was due to the fact that the Defendant Speer, in view of his activities, was considered not only in these circles but even elsewhere merely as an expert and not as a politician?

OHLENDORF: The question is very hard to answer. It is very difficult not to be considered a politician if one has been so closely connected with those authorities of the Reich who made the final

political decisions and has perhaps been an essential contributor to the suggestions and proposals from which the decisions evolved. On the other hand, Minister Speer was known or believed not to be purely a politician.

DR. RUDOLF MERKEL (Counsel for the Gestapo): Witness, do you know that in April 1933 the Gestapo was created in Prussia?

OHLENDORF: I do not know the month, but I do know the year.

DR. MERKEL: Do you know what was the purpose of creating this institution?

OHLENDORF: To fight political opponents potentially dangerous to the State.

DR. MERKEL: Do you know how this institution, which was intended originally for Prussia only, was extended to the rest of the Reich?

OHLENDORF: Either in 1933 or in 1934 the institution of the Political Police was created in all of the Länder. These Political Police agencies were officially subordinated in 1934, as far as I remember, to the Reichsführer SS as Political Police Chief of the Länder. The Prussian Secret State Police Office represented the first central headquarters. After the creation of the Main Office of the Security Police the command tasks were delegated by Himmler to Heydrich who carried them out through the Main Office of the Security Police.

DR. MERKEL: Who created and instituted the Gestapo in the individual Länder?

OHLENDORF: I cannot give you an answer to this question.

DR. MERKEL: Do you know whether before 1933, in the area which then constituted the Reich, there had existed a similar institution, a political police force?

OHLENDORF: Yes, that existed, as far as I remember, at Police headquarters in Berlin, for instance; and I believe it was Department IA. At any rate political police organizations did exist.

DR. MERKEL: Do you know anything about the sphere of activities of this organization which existed before 1933?

OHLENDORF: Yes. They were the same; at any rate their activities were fundamentally the same.

DR. MERKEL: Do you know anything about the personnel of the Gestapo, which on the whole, was a new institution and consequently not constituted merely by a transfer of personnel already in existence.

OHLENDORF: When I became acquainted with the State Police it was certainly true that the nucleus of expert personnel had been

taken from the Criminal Police and the majority of the leading men in the State Police offices, that is, in the regional offices of the State Police, had risen from the ranks of the civil administration, possibly also from the Police administrations of the various Länder (Länderpolizeiverwaltungen), and that they had, in part, even been detailed from the civil administration. The same was also true for the experts within Amt IV—the Gestapo.

DR. MERKEL: You say the majority of the officials were detailed?

OHLENDORF: I did not say the majority were detailed, but I said "in part."

DR. MERKEL: Detailed in part? Was it possible for any of these members of the Gestapo to resist being taken over into the Gestapo if they did not wish it, or was it not?

OHLENDORF: I would not affirm that a definite resistance was possible. Some of them might have succeeded, by cunning, in avoiding it had they not wanted to go. But if one was detailed to such an office from the civil administration, then, as an official, one simply had to obey. As an official one had to.

DR. MERKEL: The members of the Gestapo evidently consisted almost exclusively, or exclusively, of civil service officials? Do you know anything about that?

OHLENDORF: That probably was no longer the case during the war. But as a rule it should be assumed that they were officials insofar as the specialists were concerned. Some of them, of course, while in training, were not yet officials and others again were engaged merely as employees or, especially, as assistants.

DR. MERKEL: Can you tell me the approximate number of the members of the Gestapo towards the end of the war?

OHLENDORF: I estimate the total organization of the Gestapo, including the regional offices and the occupied territories, at about 30,000.

DR. MERKEL: There was therefore within the Gestapo a considerable percentage of officials who were merely administrative officials and had nothing to do with operational functions?

OHLENDORF: Yes, of course.

DR. MERKEL: And what was the percentage of these administrative officials who performed purely administrative functions?

OHLENDORF: We must, in the first instance, take into consideration that this number included the assistants, as well as the women; and I cannot give you any figures off hand. But it is certain that a proportion of one specialist to three or four persons not employed in a functional capacity could not be considered excessive.

DR. MERKEL: Do you know anything about who was responsible for the direction and administration of the concentration camps?

OHLENDORF: It was Obergruppenführer Pöhl.

DR. MERKEL: Did or did not the Gestapo have anything to do with the direction and with the administration of the concentration camps?

OHLENDORF: According to my knowledge, not.

DR. MERKEL: Therefore, no members of the Gestapo were active or in any way involved in the measures carried out in the concentration camps?

OHLENDORF: As far as I could judge from a distance, only investigating officials of the State Police were active in the concentration camps.

DR. MERKEL: Did the Gestapo in any way participate in the mass executions undertaken by your Einsatzgruppe which you described this morning?

OHLENDORF: Only to the same extent as every other person present in the Einsatzgruppe.

DR. MERKEL: I ask the Tribunal to give me the opportunity of questioning this witness again after the return of the Defendant Kaltenbrunner, since I am obliged to rely exclusively on information received from Kaltenbrunner.

THE PRESIDENT: I think that the Tribunal will be prepared to allow you to put further questions at a later stage.

DR. MERKEL: Thank you.

PROFESSOR DR. FRANZ EXNER (Counsel for the General Staff and the High Command of the German Armed Forces): Witness, you mentioned the negotiations which took place in the OKW, which later led to an agreement between OKW and OKH on the one side, and the Reich Security Main Office (RSHA) on the other. I am interested in this point: Can you assert that during the negotiations for this agreement there was mention of the extermination and the killing of Jews?

OHLENDORF: I cannot say anything concrete on this particular subject, but I do not believe it.

DR. EXNER: You do not believe it?

OHLENDORF: No.

DR. EXNER: In addition you have told us that the Commanding General of the 11th Army knew about the liquidations, and I should

like to ask you: Do you know anything regarding the commanding generals of the other armies?

OHLENDORF: In general they must have been informed through the speech of the Führer before the beginning of the Russian campaign.

DR. EXNER: That is a conclusion that you have drawn?

OHLENDORF: No, it is not a conclusion that I have drawn; it is merely a report on the contents of the speech which, according to Himmler's statement, Hitler had made to the commanding generals.

DR. EXNER: Now you have spoken about directives given by the Commanding General of the 11th Army. What kind of directives were they?

OHLENDORF: I first spoke about the commanding general in the Nikolaiev incident, that is, about the order given at that time that the liquidations should take place 200 kilometers away from the headquarters of the High Command of the army. The second time, I did not speak about the commanding general of the army but about the High Command of the army at Simferopol, because I cannot say, with any certainty, who had requested the competent Einsatzkommando at Simferopol to speed up the liquidations.

DR. EXNER: That is the very question I should like to put to you: With whom in the 11th Army did you negotiate at that time?

OHLENDORF: I, personally, did not negotiate at all with anyone on this subject, as I was not the person directly concerned with these matters; but the High Command of the Army negotiated with the competent local Einsatzkommando either through the responsible army office, which at all times was in touch with the Einsatzkommandos, namely the I-C or the I-CAO, or else through the staff of the OQ.

DR. EXNER: Who gave you orders for the advance?

OHLENDORF: The orders for the advance came, as a rule, from the Chief of Staff.

DR. EXNER: From the Chief of Staff? The Commanding General of the army at the time referred to was Von Manstein. In this case was there ever an order signed by Von Manstein?

OHLENDORF: I cannot remember any such order; but when the advance was being discussed there were oral consultations with Von Manstein, the Chief of Staff, and me.

DR. EXNER: When the advance was being discussed?

OHLENDORF: Yes.

DR. EXNER: You said that the Army was opposed to these liquidations. Can you state how this became evident?

OHLENDORF: Not the Army, but the leaders were inwardly opposed to the liquidations.

DR. EXNER: Yes; but I mean, how did you recognize that fact?

OHLENDORF: In our conversations. Not only the leaders of the Army were opposed to the liquidations but also most of those who had to carry them out.

DR. EXNER: I thank you.

PROFESSOR DR. HERBERT KRAUS (Counsel for Defendant Schacht): Were you acquainted with the personal records on Reichsbank President Schacht kept in your department?

OHLENDORF: No.

DR. KRAUS: Do you know why, after the 20th of July 1944, the former Reichsbank President Schacht was arrested and interned in a concentration camp?

OHLENDORF: Probably the occasion of the 20th of July was favorable also for the conviction at last of Reichsbank President Schacht, who was known to be inimical to the Party, inasmuch as by means of witnesses or other methods he could be brought to trial in connection with the events of the 20th of July.

DR. KRAUS: Then Defendant Schacht was known to your people as being inimical to the Party?

OHLENDORF: Yes, at least from 1937-1938 on.

DR. KRAUS: Since the year 1937 or 1938? And you also suspected him of participating in Putsche?

OHLENDORF: Personally I did not suspect this; because I was not concerned with these matters at all. He was mainly under suspicion because of his well-known enmity. But, as far as I know, this suspicion was never confirmed.

DR. KRAUS: Can you tell me, who caused Schacht to be arrested?

OHLENDORF: That I cannot say.

DR. KRAUS: Then you don't know whether the arrest was ordered by the Führer, by Himmler, or by some subordinate authority.

OHLENDORF: I don't think the order could possibly have come from any subordinate authority.

DR. KRAUS: Then you assume that it had been ordered by the Führer?

OHLENDORF: At least by Himmler.

DR. OTTO STAHLER (Counsel for Defendant Göring): Witness, if I understood you correctly, you said: At the beginning of 1933,

after the seizure of power by Hitler, the Gestapo was created in Prussia; but before that time there had already existed in Prussia an organization with similar tasks, for instance at the Police headquarters in Berlin with Department IA, with the difference that this organization was opposed to National Socialism, whereas now the contrary is true. But its task was likewise to keep political opponents under observation and if need be to arrest them, and thus to protect the State from these political opponents.

OHLENDORF: Yes.

DR. STAHLER: You said further that in 1933, after the seizure of power, a political police with identical tasks was also instituted in all the other Länder.

OHLENDORF: Yes, in the year 1933-1934.

DR. STAHLER: This political police, which existed in the various Länder, was then centralized in 1934 and its direction handed over to Himmler?

OHLENDORF: It was not at first centralized, but Himmler did become Chief of Police of all the Länder.

DR. STAHLER: Now one more question. Did the Prussian Gestapo play a leading role, as far as the other Länder were concerned, as early as 1933 or only after Himmler took over the leadership in 1934?

OHLENDORF: I do not believe that the Prussian State Police, which after all was under the leadership of Reich Marshal Göring, became, at that time, the competent authority for the other Länder as well.

FLOTTENRICHTER OTTO KRANZBUEHLER (Counsel for Defendant Dönitz): I am speaking as the representative of the counsel for Defendant Grossadmiral Raeder.

[Turning to the witness.] Witness, you just mentioned a speech of the Führer before the army commanders, in which the Führer is supposed to have given instructions to the commanders regarding the liquidation of Jews. Which conference do you mean?

OHLENDORF: A conference which must have taken place shortly before the Russian campaign with the commanders of the army groups and the armies at the Führer's quarters.

FLOTTENRICHTER KRANZBUEHLER: Were the commanders of the various branches of the Armed Forces absent?

OHLENDORF: I do not know that.

FLOTTENRICHTER KRANZBUEHLER: Were you yourself present at this conference?

OHLENDORF: No. I have recounted this conference on the basis of a conversation I had with Himmler.

FLOTTENRICHTER KRANZBUEHLER: Did this conversation with Himmler take place in a large circle of people or was it a private conversation?

OHLENDORF: It was a private conversation.

FLOTTENRICHTER KRANZBUEHLER: Did you have the impression that Himmler stated facts, or do you consider it possible that he wished to encourage you in your difficult task?

OHLENDORF: No. The conversation took place much, much later and did not spring from such motives, but from resentment at the attitude of certain generals of the Armed Forces. Himmler wanted to say that these generals of the Armed Forces could not disassociate themselves from the events that had taken place, as they were just as responsible as all the rest.

FLOTTENRICHTER KRANZBUEHLER: And when did this conversation with Himmler take place?

OHLENDORF: In May 1945, at Flensburg.

FLOTTENRICHTER KRANZBUEHLER: Thank you.

DR. SERVATIUS: Witness, with regard to the command channels at the disposal of the RSHA for the execution of its orders and measures and for the transmission of these orders to tactical organizations, such as the SD and the concentration camps, did the RSHA possess its own command channels or did it rely on the channels of the Leadership Corps organization, that is, were these orders forwarded via the Gauleitung and the Kreisleitung?

OHLENDORF: I know nothing about it. I consider it entirely out of the question.

DR. SERVATIUS: You consider it entirely out of the question that the Gauleitung and the Kreisleitung had been informed? How was it, for instance...

OHLENDORF: One moment, please. You asked me whether these orders passed through these channels. You did not ask me whether they had been informed.

DR. SERVATIUS: Were these offices informed of the orders?

OHLENDORF: The inspectors, the Gestapo leaders, and the SD leaders were all considered as police or political agents (Referenten) of the Gauleiter or the Reichsstatthalter; and these office chiefs had to report to the Gauleiter on their respective fields of activity. To what extent this was done, I am unable to judge. It depends on the activities and on the degree of co-operation between the Gauleiter and these offices, but in any case it is inconceivable that the State

Police could carry on these activities for any length of time without the knowledge of the responsible Party organizations.

DR. SERVATIUS: Does this also hold for reports from lower to higher units? For the activities of the concentration camps?

OHLENDORF: The concentration camps were not subordinate to the State Police. I am convinced, since these were purely affairs of the Reich, that there was no such close connection between the Gauleiter and the concentration camps as there was between the Gauleiter and the permanent activities of the State Police.

DR. SERVATIUS: I also represent the Defendant Sauckel. Do you know of the impressment of foreign workers by the SS? Foreign workers who, as a matter of fact, came from the concentration camps?

OHLENDORF: Only superficially.

HERR BABEL: Witness, this morning you mentioned the figures of 3,000 and 30,000 for the Security Service. I should now like to know for certain how these figures are to be understood. Do the 3,000 members of the SD whom you mentioned this morning represent the entire personnel of the SD at that time, or did they represent only those members who were employed in the field with the mobile units also mentioned by you this morning?

OHLENDORF: No, it represented the total personnel including employees and women auxiliaries.

HERR BABEL: Including employees and women auxiliaries. And the 30,000 which we also discussed—were they honorary members (ehrenamtliche Mitglieder) employed only in the interior of Germany?

OHLENDORF: Yes; as a rule, in any case.

HERR BABEL: And who, for the most part, belonged neither to the SS nor to the Party?

OHLENDORF: Yes.

HERR BABEL: How large were the mobile units of the SD employed in these executions?

OHLENDORF: The SD had no mobile units but rather only individual members of the SD detailed to outside organizations. The SD, as a separate entity, did not act independently anywhere.

HERR BABEL: In your opinion and judging by your own experience, how many of these detailed personnel were there?

OHLENDORF: The figure was quite small.

HERR BABEL: Will you please give an approximate figure.

OHLENDORF: I place the figure at an average of about two to three SD experts per Einsatzkommando.

HERR BABEL: I should like to know the total strength of the SS. Do you know anything about that?

OHLENDORF: No, I have no idea at all.

HERR BABEL: No idea at all. Did any units of the Waffen-SS and other subordinate SS groups in any way participate in the Einsatzgruppen?

OHLENDORF: As I said this morning, in each Einsatzgruppe there was, or rather there should have been, one company of Waffen-SS.

HERR BABEL: One company. And what, at that time, was the exact strength of one company?

OHLENDORF: I do not know about the Waffen-SS serving with the other Einsatzgruppen, but I estimate that my particular group employed approximately 100 men of the Waffen-SS.

HERR BABEL: Were Death's-Head Units (Totenkopf Verbände) also employed?

OHLENDORF: No.

HERR BABEL: Was the Adolf Hitler Bodyguard (Leibstandarte Adolf Hitler) employed in any fashion?

OHLENDORF: That was purely a matter of chance. I cannot name a single formation from which these Waffen-SS had been taken.

HERR BABEL: Another question that was touched upon this morning: When was the SD created and what, at first, were its duties?

OHLENDORF: As far as I know, the SD was created in 1932.

HERR BABEL: And what were its duties at that time?

OHLENDORF: It constituted, so to speak, the Intelligence Corps of the Party. They were supposed to give information about Party opponents and, if necessary, to thwart them.

HERR BABEL: Did these duties change in the course of time, and, if so, when?

OHLENDORF: Yes, after the seizure of power, the combatting of political opponents was, in certain spheres, one of their principal duties and supplying the required information on certain individuals was considered an important factor. At that time an intelligence service, in the true sense of the word, did not yet exist; the real evolution of the SD machine within the field of home intelligence service only followed as from 1936-1937. From that time on the

work changed from the observation of individuals to technical matters. With the 1939 reorganization, when the Main Office of the SD was dissolved, the handling of political opponents was completely eliminated from the work of the SD, which work was thereafter limited to technical matters. Its duties now consisted in observing the effects of the measures carried out by the leading authorities of the Reich and the Länder and in determining how the circles affected reacted to them; in addition, they had to find out what the moods and attitude of the people and its various classes of society were during the course of the war. It was, as a matter of fact, the only authority offering criticism within the Reich and reporting facts from an objective point of view to top levels. It should also be pointed out that the Party did not, at any stage, legitimize this work until 1945. The only legitimation for this critical work came from Reich Marshal Göring, and that only after the war, for he could in this way draw the attention of the other departments, at meetings of the Reich Defense Council, to faulty developments. This expert critical work became, in fact, after 1939 the main function of the SD home intelligence service.

HERR BABEL: Another question. To what extent were units of the SD employed for duty in the concentration camps?

OHLENDORF: I would ask you at all times to distinguish between the SD home service (SD-Inland) with the head office of Amt III, and the SD service board (SD-Ausland). I cannot give you any information about the SD service board; but the chief, Schellenberg, is present in this courthouse. As far as Amt III is concerned, I know of no single case in which the SD home service had representatives or anything at all to do with concentration camps.

HERR BABEL: Now, a question concerning you personally. From whom did you receive your orders for the liquidation of the Jews and so forth? And in what form?

OHLENDORF: My duty was not the task of liquidation, but I did head the staff which directed the Einsatzkommandos in the field, and the Einsatzkommandos themselves had already received this order in Berlin on the instructions of Streckenbach, Himmler, and Heydrich. This order was renewed by Himmler at Nikolaiev.

HERR BABEL: You personally were not concerned with the execution of these orders?

OHLENDORF: I led the Einsatzgruppe, and therefore I had the task of seeing how the Einsatzkommandos executed the orders received.

HERR BABEL: But did you have no scruples in regard to the execution of these orders?

OHLENDORF: Yes, of course.

HERR BABEL: And how is it that they were carried out regardless of these scruples?

OHLENDORF: Because to me it is inconceivable that a subordinate leader should not carry out orders given by the leaders of the state.

HERR BABEL: This is your own opinion. But this must have been not only your point of view but also the point of view of the majority of the people involved. Didn't some of the men appointed to execute these orders ask you to be relieved of such tasks?

OHLENDORF: I cannot remember any one concrete case. I excluded some whom I did not consider emotionally suitable for executing these tasks and I sent some of them home.

HERR BABEL: Was the legality of the orders explained to these people under false pretenses?

OHLENDORF: I do not understand your question; since the order was issued by the superior authorities, the question of legality could not arise in the minds of these individuals, for they had sworn obedience to the people who had issued the orders.

HERR BABEL: Could any individual expect to succeed in evading the execution of these orders?

OHLENDORF: No, the result would have been a court-martial with a corresponding sentence.

THE PRESIDENT: Colonel Amen, do you wish to re-examine?

COL. AMEN: Just a very few questions, Your Honor.

[Turning to the witness.] What organization furnished the supplies to the Einsatz groups?

OHLENDORF: The Reich Security Main Office (RSHA) furnished the equipment.

COL. AMEN: What organization furnished weapons to the Einsatz groups?

OHLENDORF: The weapons were also furnished through the RSHA.

COL. AMEN: What organization assigned personnel to the Einsatz groups?

OHLENDORF: The Organization and Personnel Department of the RSHA.

COL. AMEN: And all these activities of supplies required personnel in addition to the operating members?

OHLENDORF: Yes.

COL. AMEN: I have no more questions.

THE PRESIDENT: That will do; thank you.

[The witness left the stand.]

COL. AMEN: The next witness to be called by the Prosecution is Dieter Wisliceny. That witness will be examined by Lieutenant Colonel Smith W. Brookhart, Jr.

[The witness, Wisliceny, took the stand.]

THE PRESIDENT: What is your name?

DIETER WISLICENY (Witness): Dieter Wisliceny.

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

[The witness repeated the oath.]

THE PRESIDENT: Please speak slowly and pause between questions and answers.

LIEUTENANT COLONEL SMITH W. BROOKHART, JR. (Assistant Trial Counsel for the United States): How old are you?

WISLICENY: I am 34 years old.

LT. COL. BROOKHART: Where were you born?

WISLICENY: I was born at Regulowken in East Prussia.

LT. COL. BROOKHART: Were you a member of the NSDAP?

WISLICENY: Yes, I was a member of the NSDAP.

LT. COL. BROOKHART: Since what year?

WISLICENY: I entered the NSDAP first in 1931, was then struck off the list and entered finally in 1933.

LT. COL. BROOKHART: Were you a member of the SS?

WISLICENY: Yes, I entered the SS in 1934.

LT. COL. BROOKHART: Were you a member of the Gestapo?

WISLICENY: In 1934 I entered the SD.

LT. COL. BROOKHART: What rank did you achieve?

WISLICENY: In 1940 I was promoted to SS Hauptsturmführer.

LT. COL. BROOKHART: Do you know Adolf Eichmann?

WISLICENY: Yes, I have known Eichmann since 1934.

LT. COL. BROOKHART: Under what circumstances?

WISLICENY: We joined the SD about the same time, in 1934. Until 1937 we were together in the same department.

LT. COL. BROOKHART: How well did you know Eichmann personally?

WISLICENY: We knew each other very well. We used the intimate "du," and I also knew his family very well.

LT. COL. BROOKHART: What was his position?

WISLICENY: Eichmann was in the RSHA, a section chief in Amt IV, Gestapo.

LT. COL. BROOKHART: Do you mean Section IV or a subsection, and, if so, which subsection?

WISLICENY: He ran Section IVA4. This department comprised two subsections: one for churches and another for Jewish matters.

LT. COL. BROOKHART: You have before you a diagram showing the position of Subsection IVA4b in the RSHA.

WISLICENY: Yes.

LT. COL. BROOKHART: Did you prepare this diagram?

WISLICENY: Yes, I made the diagram myself.

LT. COL. BROOKHART: Does it correctly portray the organizational setup showing the section dealing with Jewish problems?

WISLICENY: Yes, this was approximately the personnel of the section at the beginning of 1944.

LT. COL. BROOKHART: Referring to this chart and the list of leading personnel as shown in the lower section of the paper, were you personally acquainted with each of the individuals named therein?

WISLICENY: Yes, I knew all of them personally.

LT. COL. BROOKHART: What was the particular mission of IVA4b of the RSHA?

WISLICENY: This Section IVA4b was concerned with the Jewish question for the RSHA. Eichmann had special powers from Gruppenführer Müller, the Chief of Amt IV, and from the Chief of the Security Police. He was responsible for the so-called solution of the Jewish question in Germany and in all countries occupied by Germany.

LT. COL. BROOKHART: Were there distinct periods of activity affecting the Jews?

WISLICENY: Yes.

LT. COL. BROOKHART: Will you describe to the Tribunal the approximate periods and the different types of activity?

WISLICENY: Yes. Until 1940 the general policy within the section was to settle the Jewish question in Germany and in areas occupied by Germany by means of a planned emigration. The second phase, after that date, was the concentration of all Jews, in Poland and in other territories occupied by Germany in the East, in ghettos. This period lasted approximately until the beginning of

1942. The third period was the so-called "final solution" of the Jewish question, that is, the planned extermination and destruction of the Jewish race; this period lasted until October 1944, when Himmler gave the order to stop their destruction.

[A recess was taken.]

LT. COL. BROOKHART: When did you first become associated with Section IVA4 of the RSHA?

WISLICENY: That was in 1940. I happened to meet Eichmann...

LT. COL. BROOKHART: What was your position?

WISLICENY: Eichmann suggested that I go to Bratislava as adviser on the Jewish question to the Slovakian Government.

LT. COL. BROOKHART: Thereafter how long did you hold that position?

WISLICENY: I was at Bratislava until the spring of 1943; then, almost a year in Greece and later, from March 1944 until December 1944, I was with Eichmann in Hungary. In January 1945 I left Eichmann's department.

LT. COL. BROOKHART: In your official connection with Section IVA4, did you learn of any order which directed the annihilation of all Jews?

WISLICENY: Yes, I learned of such an order for the first time from Eichmann in the summer of 1942.

LT. COL. BROOKHART: Will you tell the Tribunal under what circumstances and what was the substance of the order?

WISLICENY: In the spring of 1942 about 17,000 Jews were taken from Slovakia to Poland as workers. It was a question of an agreement with the Slovakian Government. The Slovakian Government further asked whether the families of these workers could not be taken to Poland as well. At first Eichmann declined this request.

In April or at the beginning of May 1942 Eichmann told me that henceforward whole families could also be taken to Poland. Eichmann himself was at Bratislava in May 1942 and had discussed the matter with competent members of the Slovakian Government. He visited Minister Mach and the then Prime Minister, Professor Tuka. At that time he assured the Slovakian Government that these Jews would be humanely and decently treated in the Polish ghettos. This was the special wish of the Slovakian Government. As a result of this assurance about 35,000 Jews were taken from Slovakia into Poland. The Slovakian Government, however, made efforts to see that these Jews were, in fact, humanely treated; they particularly

tried to help such Jews as had been converted to Christianity. Prime Minister Tuka repeatedly asked me to visit him and expressed the wish that a Slovakian delegation be allowed to enter the areas to which the Slovakian Jews were supposed to have been sent. I transmitted this wish to Eichmann and the Slovakian Government even sent him a note on the matter. Eichmann at the time gave an evasive answer.

Then at the end of July or the beginning of August, I went to see him in Berlin and implored him once more to grant the request of the Slovakian Government. I pointed out to him that abroad there were rumors to the effect that all Jews in Poland were being exterminated. I pointed out to him that the Pope had intervened with the Slovakian Government on their behalf. I advised him that such a proceeding, if really true, would seriously injure our prestige, that is, the prestige of Germany, abroad. For all these reasons I begged him to permit the inspection in question. After a lengthy discussion Eichmann told me that this request to visit the Polish ghettos could not be granted under any circumstances whatsoever. In reply to my question "Why?" he said that most of these Jews were no longer alive. I asked him who had given such instructions and he referred me to an order of Himmler's. I then begged him to show me this order, because I could not believe that it actually existed in writing. He . . .

LT. COL. BROOKHART: Where were you at that time? Where were you at the time of this meeting with Eichmann?

WISLICENY: This meeting with Eichmann took place in Berlin, Kurfürstenstrasse 116, in Eichmann's office.

LT. COL. BROOKHART: Proceed with the answer to the previous question. Proceed with the discussion of the circumstances and the order.

WISLICENY: Eichmann told me he could show me this order in writing if it would soothe my conscience. He took a small volume of documents from his safe, turned over the pages, and showed me a letter from Himmler to the Chief of the Security Police and the SD. The gist of the letter was roughly as follows:

The Führer had ordered the final solution of the Jewish question; the Chief of the Security Police and the SD and the Inspector of Concentration Camps were entrusted with carrying out this so-called final solution. All Jewish men and women who were able to work were to be temporarily exempted from the so-called final solution and used for work in the concentration camps. This letter was signed by Himmler himself. I could not possibly be mistaken since Himmler's signature was well known to me. I . . .

LT. COL. BROOKHART: To whom was the order addressed?

WISLICENY: To the Chief of the Security Police and SD, that is, to the office of the Chief of the Security Police and SD.

LT. COL. BROOKHART: Was there any other addressee on this order?

WISLICENY: Yes, the Inspector of Concentration Camps. The order was addressed to both these offices.

LT. COL. BROOKHART: Did the order bear any classification for security purposes?

WISLICENY: It was classified as "secret."

LT. COL. BROOKHART: What was the approximate date of this order?

WISLICENY: This order was dated April 1942.

LT. COL. BROOKHART: By whom was it signed?

WISLICENY: By Himmler personally.

LT. COL. BROOKHART: And you personally examined this order in Eichmann's office?

WISLICENY: Yes, Eichmann handed me the document and I saw the order myself.

LT. COL. BROOKHART: Was any question asked by you as to the meaning of the words "final solution" as used in the order?

WISLICENY: Eichmann went on to explain to me what was meant by this. He said that the planned biological annihilation of the Jewish race in the Eastern Territories was disguised by the concept and wording "final solution." In later discussions on this subject the same words "final solution" appeared over and over again.

LT. COL. BROOKHART: Was anything said by you to Eichmann in regard to the power given him under this order?

WISLICENY: Eichmann told me that within the RSHA he personally was entrusted with the execution of this order. For this purpose he had received every authority from the Chief of the Security Police; he himself was personally responsible for the execution of this order.

LT. COL. BROOKHART: Did you make any comment to Eichmann about his authority?

WISLICENY: Yes. It was perfectly clear to me that this order spelled death to millions of people. I said to Eichmann, "God grant that our enemies never have the opportunity of doing the same to the German people," in reply to which Eichmann told me not to be sentimental; it was an order of the Führer's and would have to be carried out.

LT. COL. BROOKHART: Do you know whether that order continued in force and under the operation of Eichmann's department?

WISLICENY: Yes.

LT. COL. BROOKHART: How long?

WISLICENY: This order was in force until October 1944. At that time Himmler gave a counter order which forbade the annihilation of the Jews.

LT. COL. BROOKHART: Who was Chief of the Reichssicherheits-hauptamt at the time the order was first issued?

WISLICENY: That would be Heydrich.

LT. COL. BROOKHART: Did the program under this order continue with equal force under Kaltenbrunner?

WISLICENY: Yes; there was no diminution or change of any kind.

LT. COL. BROOKHART: State, if you know, how long Kaltenbrunner knew Eichmann.

WISLICENY: From various statements by Eichmann I gathered that Kaltenbrunner and Eichmann had known each other for a long time. Both came from Linz, and when Kaltenbrunner was made Chief of the Security Police, Eichmann expressed his satisfaction. He told me at that time that he knew Kaltenbrunner very well personally, and that Kaltenbrunner was very well acquainted with his family in Linz.

LT. COL. BROOKHART: Did Eichmann ever refer to his friendship or standing with Kaltenbrunner as being helpful to him?

WISLICENY: Yes, he repeatedly said that, if he had any serious trouble, he could at any time go to Kaltenbrunner personally. He did not have to do that very often, since his relations with his immediate superior, Gruppenführer Müller, were very good.

LT. COL. BROOKHART: Have you been present when Eichmann and Kaltenbrunner met?

WISLICENY: Yes; once I saw how cordially Kaltenbrunner greeted Eichmann. That was in February 1945 in Eichmann's office in Berlin. Kaltenbrunner came to lunch every day at Kurfürstenstrasse 116; there the chiefs met for their midday meal with Kaltenbrunner; and it was on one such occasion that I saw how cordially Kaltenbrunner greeted Eichmann and how he inquired after the health of Eichmann's family in Linz.

WISLICENY: In connection with the administration of his office, do you know to what extent Eichmann submitted matters to Heydrich and later to Kaltenbrunner for approval?

WISLICENY: The routine channel from Eichmann to Kaltenbrunner lay through Gruppenführer Müller. To my knowledge, reports to Kaltenbrunner were drawn up at regular intervals by

Eichmann and submitted to him. I also know that in the summer of 1944 he made a personal report to Kaltenbrunner.

LT. COL. BROOKHART: Did you have an opportunity to examine files in Eichmann's office?

WISLICENY: Yes; I frequently had occasion to examine the files in Eichmann's office. I know that he handled with special care any files which had to do with questions concerning his own special task. He was in every respect a confirmed bureaucrat; he immediately recorded in the files every discussion he ever had with any of his superiors. He always pointed out to me that the most important thing was for him to be covered by his superiors at all times. He shunned all personal responsibility and took good care to take shelter behind his superiors—in this case Müller and Kaltenbrunner—when it was a question of responsibility for his actions.

LT. COL. BROOKHART: In the case of a typical report going from Eichmann's department through Müller, Kaltenbrunner, to Himmler—have you seen copies of such reports in Eichmann's file?

WISLICENY: Yes, of course there were many such copies in the files. The regular channel was as follows: Eichmann had a draft made by a specialist or he made it himself; this draft went to Gruppenführer Müller, his department chief; Müller either signed this draft himself or left the signing to Eichmann. In most cases, when reports to Kaltenbrunner and Himmler were concerned, Müller signed them himself. Whenever reports were signed by Müller without any alteration they were returned to Eichmann's office, where a first copy and one carbon copy were prepared. The first copy then went back to Müller for his signature, and thence it was forwarded either to Kaltenbrunner or to Himmler. In individual cases where reports to Himmler were involved, Kaltenbrunner signed them himself. I myself have seen carbon copies with Kaltenbrunner's signature.

LT. COL. BROOKHART: Turning now to areas and countries in which measures were taken affecting the Jews, will you state as to which countries you have personal knowledge of such operations?

WISLICENY: First, I have personal knowledge of all measures taken in Slovakia. I also know full particulars of the evacuation of Jews from Greece and especially from Hungary. Further, I know about certain measures taken in Bulgaria and in Croatia. I naturally heard about the measures adopted in other countries, but was unable to gain a clear picture of the situation from personal observation or from detailed reports.

LT. COL. BROOKHART: Considering the case of Slovakia, you have already made reference to the 17,000 specially selected Jews who were sent from Slovakia. Will you tell the Tribunal of the other measures that followed concerning Jews in Slovakia?

WISLICENY: I mentioned before that these first 17,000 laborers were followed by about 35,000 Jews, including entire families. In August or the beginning of September 1942 an end was put to this action in Slovakia. The reasons for this were that a large number of Jews still in Slovakia had been granted—either by the President or by various ministries—special permission to remain in the country. A further reason might have been the unsatisfactory answer I gave the Slovakian Government in reply to their request for the inspection of the Jewish camps in Poland. This state of affairs lasted until September 1944; from August 1942 until September 1944 no Jews were removed from Slovakia. From 25,000 to 30,000 Jews still remained in the country.

LT. COL. BROOKHART: What happened to the first group of 17,000 specially selected workers?

WISLICENY: This group was not annihilated, but all were employed for enforced labor in the Auschwitz and Lublin Concentration Camps.

LT. COL. BROOKHART: How do you know this?

WISLICENY: I know this detail because the Commandant of Auschwitz, Hoess, made a remark to this effect to me in Hungary in 1944. He told me at that time that these 17,000 Jews were his best workers in Auschwitz.

LT. COL. BROOKHART: What was the name of that Commandant?

WISLICENY: The Commandant of Auschwitz was Hoess.

LT. COL. BROOKHART: What happened to the approximately 35,000 members of the families of the Jewish workers that were also sent to Poland?

WISLICENY: They were treated according to the order which Eichmann had shown me in August 1942. Part of them were left alive if they were able to work; the others were killed.

LT. COL. BROOKHART: How do you know this?

WISLICENY: I know that from Eichmann and, naturally, also from Hoess, during conversations in Hungary.

LT. COL. BROOKHART: What proportion of this group remained alive?

WISLICENY: Hoess at that time, in a conversation with Eichmann at which I was present, gave the figure of the surviving Jews who had been put to work at about 25 to 30 percent.

LT. COL. BROOKHART: Referring now to the 25,000 Jews that remained in Slovakia until September of 1944, do you know what was done with those Jews?

WISLICENY: After the outbreak of the Slovakian insurrection in the fall of 1944 Hauptsturmführer Brunner, one of Eichmann's assistants, was sent to Slovakia. Eichmann refused to grant my wish to go to Slovakia. With the help of German police forces and also with forces of the Slovakian Gendarmerie, Brunner assembled these Jews in several camps and transported them to Auschwitz. According to Brunner's statement, about 14,000 persons were involved. A small group which remained in Camp Szered was, as far as I know, sent to Theresienstadt in the spring of 1945.

LT. COL. BROOKHART: What happened to these Jews after they were deported from Slovakia, this group of 25,000?

WISLICENY: I assume that they also met with the so-called final solution, because Himmler's order to suspend this action was not issued until several weeks later.

LT. COL. BROOKHART: Considering now actions in Greece about which you have personal knowledge, will you tell the Tribunal of the actions there in chronological sequence?

WISLICENY: In January 1943 Eichmann ordered me to come to Berlin and told me that I was to proceed to Salonika to solve the Jewish problem there in co-operation with the German Military Administration in Macedonia. Eichmann's permanent representative, Sturmbannführer Rolf Günther, had previously been to Salonika. My departure had been scheduled for February 1942. At the end of January 1942 I was told by Eichmann that Hauptsturmführer Brunner had been nominated by him for the technical execution of all operations in Greece and that he was to accompany me to Salonika. Brunner was not subordinate to me; he worked independently. In February 1942 we went to Salonika and there contacted the Military Administration. As first action...

LT. COL. BROOKHART: Whom in the Military Administration did you deal with?

WISLICENY: War Administration Counsellor (Kriegsverwaltungsrat) Dr. Merten, Chief of the Military Administration with the Commander of the Armed Forces in the Salonika-Aegean Theater.

LT. COL. BROOKHART: I believe you used 1942 once or more in reference; did you at all times refer to 1943 in dealing with Greece?

WISLICENY: That is an error. These events occurred in 1943.

LT. COL. BROOKHART: What arrangements were made through Dr. Merten and what actions were taken?

WISLICENY: In Salonika the Jews were first of all concentrated in certain quarters of the city. There were in Salonika about 50,000 Jews of Spanish descent. At the beginning of March, after this concentration had taken place, a teletype message from Eichmann

to Brunner ordered the immediate evacuation of all Jews from Salonika and Macedonia to Auschwitz. Armed with this order, Brunner and I went to the Military Administration; no objections were raised by the Military Administration, and measures were prepared and executed. Brunner directed the entire action in Salonika in person. The trains necessary for the evacuation were requisitioned from the Transport Command of the Armed Forces. All Brunner had to do was to indicate the number of railway cars needed and the exact time at which they were required.

LT. COL. BROOKHART: Were any of the Jewish workers retained at the request of Dr. Merten or the Military Administration?

WISLICENY: The Military Administration had made a demand for about 3,000 Jews for construction work on the railroad, which number was duly delivered. Once the work was ended, these Jews were returned to Brunner and were, like all the others, dispatched to Auschwitz. The work in question came under the program of the Todt Organization.

LT. COL. BROOKHART: What was the number of Jewish workers retained for the Organization Todt?

WISLICENY: Three to four thousand.

LT. COL. BROOKHART: Was there any illness among the Jews that were concentrated for transport?

WISLICENY: In the camp proper, that is, the concentration camp, there were no special cases of illness; but in certain quarters of the city inhabited by the Jews typhus was prevalent and other contagious diseases, especially tuberculosis of the lungs.

LT. COL. BROOKHART: What, if any, communication did you have with Eichmann concerning this typhus?

WISLICENY: On receipt of the teletype concerning the evacuation from Salonika, I got in touch with Eichmann on the telephone and informed him of the prevalence of typhus. He ignored my objections and gave orders for the evacuation to proceed immediately.

LT. COL. BROOKHART: Altogether, how many Jews were collected and deported from Greece?

WISLICENY: There were over 50,000 Jews. I believe that about 54,000 were evacuated from Salonika and Macedonia.

LT. COL. BROOKHART: What is the basis for your figure?

WISLICENY: I myself read a comprehensive report from Brunner to Eichmann on completion of the evacuation. Brunner left Salonika at the end of May 1943. I personally was not in Salonika from the beginning of April until the end of May, so that the action was carried out by Brunner alone.

LT. COL. BROOKHART: How many transports were used for shipping Jews from Salonika?

WISLICENY: From 20 to 25 transport trains.

LT. COL. BROOKHART: And how many were shipped in each train?

WISLICENY: There were at least 2,000, and in many cases 2,500.

LT. COL. BROOKHART: What kind of railway equipment was used for these shipments?

WISLICENY: Closed freight cars were used. The evacuees were given sufficient food to last them for about 10 days, consisting mostly of bread, olives, and other dry food. They were also given water and various other sanitary facilities.

LT. COL. BROOKHART: Who furnished this railway transportation?

WISLICENY: Transport was supplied by the Transport Command of the Armed Forces, that is, the cars and locomotives. The food was furnished by the Military Administration.

LT. COL. BROOKHART: What did the Subsection IVA4 have to do with obtaining this transportation, and who in that subsection dealt with transportation?

THE PRESIDENT: Colonel Brookhart, you need not go into this in such great detail.

LT. COL. BROOKHART: If Your Honor pleases, this particular question, I believe, will have a bearing on the implications involving the military; I can cut down on the other details.

THE PRESIDENT: Well, you spent some considerable time in describing how many of them were concentrated. Whether it was 60,000 or how many were kept for the Todt Organization—all those details are really unnecessary.

LT. COL. BROOKHART: Very well, Sir.

THE PRESIDENT: I mean, you must use your own discretion about how you cut down. I don't know what details or what facts you are going to prove.

LT. COL. BROOKHART: If Your Honor pleases, this witness, as he has testified, is competent to cover practically all details in these Balkan countries. It is not our wish to add cumulative evidence, but his testimony does furnish a complete story from the Head Office of the Reichssicherheitshauptamt through the field operations to the final solution.

THE PRESIDENT: Well, what is he going to prove about these 50,000 Jews?

LT. COL. BROOKHART: Their ultimate disposition at Auschwitz, as far as he knows.

THE PRESIDENT: Well, you can go on to what ultimately happened to them then.

LT. COL. BROOKHART: Yes, Sir.

[Turning to the witness.] What was the destination of these transports of Jews from Greece?

WISLICENY: In every case Auschwitz.

LT. COL. BROOKHART: And what was the ultimate disposition of the Jews sent to Auschwitz from Greece?

WISLICENY: They were without exception destined for the so-called final solution.

LT. COL. BROOKHART: During the collection period were these Jews called upon to furnish their own subsistence?

WISLICENY: I did not quite understand the question.

THE PRESIDENT: Colonel Brookhart, does it matter, if they were "brought to the final solution" which I suppose means death?

LT. COL. BROOKHART: Your Honor, this witness will testify that 280,000,000 drachmas were deposited in the Greek National Bank for the subsistence of these people and that this amount was later appropriated by the German Military Administration. That is all I have hoped to prove by this question.

[Turning to the witness.] Is that a correct statement of your testimony?

WISLICENY: Yes. The cash which the Jews possessed was taken away and put into a common account at the Bank of Greece. After the Jews had been evacuated from Salonika this account was taken over by the German Military Administration. About 280,000,000 drachmas were involved.

LT. COL. BROOKHART: When you say the Jews taken to Auschwitz were submitted to the final solution, what do you mean by that?

WISLICENY: By that I mean what Eichmann had explained to me under the term "final solution," that is, they were annihilated biologically. As far as I could gather from my conversations with him, this annihilation took place in the gas chambers and the bodies were subsequently destroyed in the crematories.

LT. COL. BROOKHART: If Your Honor pleases, this witness is able to testify as to actions in Hungary, involving approximately 500,000 Jews.

THE PRESIDENT: Go on, then. You must use your own discretion. I can't present your case for you.

LT. COL. BROOKHART: I have no desire to submit cumulative evidence.

[Turning to the witness.] Turning to actions in Hungary, will you briefly outline the actions taken there and your participation?

WISLICENY: After the entry of the German troops into Hungary Eichmann went there personally with a large command. By an order signed by the head of the Security Police, I was assigned to Eichmann's command. Eichmann began his activities in Hungary at the end of March 1944. He contacted members of the then Hungarian Government, especially State Secretaries Endre and Von Baky. The first measure adopted by Eichmann in co-operation with these Hungarian Government officials was the concentration of the Hungarian Jews in special places and special localities. These measures were carried out according to zones, beginning in Ruthenia and Transylvania. The action was initiated in mid-April 1944.

In Ruthenia over 200,000 Jews were affected by these measures. Consequently, impossible food and housing conditions developed in the small towns and rural communities where the Jews were assembled. On the strength of this situation Eichmann suggested to the Hungarians that these Jews be transported to Auschwitz and other camps. He insisted, however, that a request to this effect be submitted to him either by the Hungarian Government or by a member thereof. This request was submitted by State Secretary Von Baky. The evacuation was carried out by the Hungarian Police.

Eichmann appointed me liaison officer to Lieutenant Colonel Ferency, entrusted by the Hungarian Minister of the Interior with this operation. The evacuation of Jews from Hungary began in May 1944 and was also carried out zone by zone, first starting in Ruthenia, then in Transylvania, northern Hungary, southern, and western Hungary. Budapest was to be cleared of Jews by the end of June. This evacuation, however, was never carried out, as the regent, Horthy, would not permit it. This operation affected some 450,000 Jews. A second operation was then...

LT. COL. BROOKHART: Before you go into that, please, will you tell the Tribunal what, if anything, was done about organizing an Einsatz group to act in Hungary on the Jewish question?

WISLICENY: At the beginning of March 1944 a so-called Einsatzgruppe, consisting of Security Police and SD, was formed at Mauthausen near Linz. Eichmann himself headed a so-called "Sonder-Einsatz-Kommando" to which he detailed everybody who had held any position in his department. This Special-Action Commando was likewise assembled at Mauthausen. All questions of personnel devolved on the then Standartenführer, Dr. Geschke, leader of the Einsatzgruppe. In technical matters Eichmann was subordinate only to the Chief of the Security Police and the SD.

LT. COL. BROOKHART: What was the meaning of the designation "Special-Action Commando Eichmann" in relation to the movement into Hungary?

WISLICENY: Eichmann's activities in Hungary comprised all matters connected with the Jewish problem.

LT. COL. BROOKHART: Under whose direct supervision was Special-Action Commando Eichmann organized?

WISLICENY: I have already said that in all matters of personnel and economy Eichmann was subordinate to Standartenführer, Dr. Geschke, leader of the Einsatzgruppe. In technical matters he could give no orders to Eichmann. Eichmann likewise reported direct to Berlin on all the special operations undertaken by him.

LT. COL. BROOKHART: To whom?

WISLICENY: Either to Gruppenführer Müller, or, in more important cases, to the Chief of the Security Police and SD, that is, to Kaltenbrunner.

LT. COL. BROOKHART: During the period in which Hungarian Jews were being collected, what, if any, contact was made by the Joint Distribution Committee for Jewish Affairs with Eichmann's representative?

WISLICENY: The Joint Distribution Committee made efforts to contact Eichmann and to try to ward off the fate of the Hungarian Jews. I myself established this contact with Eichmann, since I wanted to discover some means of protecting the half million Jews in Hungary from the measures already in force. The Joint Distribution Committee made certain offers to Eichmann and in return requested that the Jews should remain in Hungary. These offers were mainly of a financial nature. Eichmann felt himself, much against his will, obliged to forward these proposals to Himmler. Himmler thereupon entrusted a certain Standartenführer Becher with further negotiations. Standartenführer Becher then continued the negotiations with Dr. Kastner, delegate of the J.D.C. But Eichmann, from the very first, endeavored to wreck the negotiations. Before any concrete results were obtained he attempted to present us with a *fait accompli*; in other words, he tried to transport as many Jews as possible to Auschwitz.

THE PRESIDENT: Need we go into all these conferences? Can't you take us on to the conclusion of the matter?

LT. COL. BROOKHART: The witness is inclined to be lengthy in his answers. That has been true in his pre-trial examination. I will try ...

THE PRESIDENT: You are examining him.

LT. COL. BROOKHART: Yes, Sir.

Was there any money involved in the meeting between Dr. Kastner and Eichmann?

WISLICENY: Yes.

LT. COL. BROOKHART: How much?

WISLICENY: In the first conversation Dr. Kastner gave Eichmann about 3 million pengoes. What the sums mentioned in further conversations amounted to, I do not know exactly.

LT. COL. BROOKHART: To whom did Dr. Kastner give this money and what became of it?

WISLICENY: It was given to Eichmann, who then turned it over to his financial agent; the sum was in turn handed to the commander of the Security Police and the SD in Hungary.

LT. COL. BROOKHART: These actions that you have described, involving approximately 450,000 Jews being moved from Hungary—were there any official communications sent to Berlin concerning these movements?

WISLICENY: Yes, as each transport left, Berlin was informed by teletype. From time to time Eichmann also dispatched a comprehensive report to the RSHA and to the Chief of the Security Police.

LT. COL. BROOKHART: Now with reference to the Jews that remained in Budapest, what, if any, action was taken against them?

WISLICENY: After Szalasi had taken over the Government of Hungary...

THE PRESIDENT: Colonel Brookhart, we have not yet heard, have we, what happened to these Jews from Hungary? If we have, I have missed it.

LT. COL. BROOKHART: I will ask that question now, Sir.

[Turning to the witness.] What became of the Jews to whom you have already referred—approximately 450,000?

WISLICENY: They were, without exception, taken to Auschwitz and brought to the final solution.

LT. COL. BROOKHART: Do you mean they were killed?

WISLICENY: Yes, with the exception of perhaps 25 to 30 percent who were used for labor purposes. I here refer to a previously mentioned conversation on this matter between Hoess and Eichmann in Budapest.

LT. COL. BROOKHART: Turning now to the Jews remaining in Budapest, what happened to them?

WISLICENY: In October-November 1944 about 30,000 of these Jews, perhaps a few thousand more, were removed from Budapest and sent to Germany. They were to be used to work on the construction of the so-called Southeast Wall, a fortification near Vienna. They were mostly women.

They had to walk from Budapest to the German border—almost 200 kilometers. They were assembled in marching formations and followed a route specially designated for them. Their shelter and nutrition on this march was extremely bad. Most of them fell ill and lost strength. I had been ordered by Eichmann to take over these groups at the German border and direct them further to the Lower Danube Gauleitung for labor purposes. In many cases I refused to take over these so-called workers, because they were completely exhausted and emaciated by disease. Eichmann, however, forced me to take them over and in this case even threatened to turn me over to Himmler to be put into a concentration camp if I caused him further political difficulties. For this same reason I was later removed from Eichmann's department.

A large proportion of these people then died in the so-called Lower Danube work camps from exhaustion and epidemics. A small percentage, perhaps 12,000, was taken to Vienna and the surrounding area, and a group of about 3,000 was taken to Bergen-Belsen, and from there to Switzerland. Those were Jews who had been released from Germany as a result of the negotiations with the J.D.C.

LT. COL. BROOKHART: Summarizing for the countries of Greece, Hungary, and Slovakia—approximately how many Jews were affected by measures of the Secret Police and SD in those countries about which you have personal knowledge?

WISLICENY: In Slovakia there were about 66,000, in Greece about 64,000, and in Hungary more than half a million.

LT. COL. BROOKHART: In the countries Croatia and Bulgaria, about which you have some knowledge, how many Jews were thus affected?

WISLICENY: In Bulgaria, to my understanding about 8,000; in Croatia I know of only 3,000 Jews who were brought to Auschwitz from Agram in the summer of 1942.

LT. COL. BROOKHART: Were meetings held of the specialists on the Jewish problem from Amt IVA, whose names appear on this sheet to which we made reference earlier?

WISLICENY: Yes. Eichmann was accustomed to calling a large annual meeting of all his experts in Berlin. This meeting was usually in November. At these meetings all the men who were working for him in foreign countries had to report on their activities. In 1944, so far as I know, such a meeting did not take place, because in November 1944 Eichmann was still in Hungary.

LT. COL. BROOKHART: In connection with the Jews about whom you have personal knowledge, how many were subjected to the final solution, that is, to being killed?

WISLICENY: The exact number is extremely hard for me to determine. I have only one basis for a possible estimate, that is a conversation between Eichmann and Hoess in Vienna, in which he said that only a very few of those sent from Greece to Auschwitz had been fit for work. Of the Slovakian and Hungarian Jews about 20 to 30 percent had been able to work. It is therefore very hard for me to give a reliable total.

LT. COL. BROOKHART: In your meetings with the other specialists on the Jewish problem and Eichmann did you gain any knowledge or information as to the total number of Jews killed under this program?

WISLICENY: Eichmann personally always talked about at least 4 million Jews. Sometimes he even mentioned 5 million. According to my own estimate I should say that at least 4 million must have been destined for the so-called final solution. How many of those actually survived, I am not in a position to say.

LT. COL. BROOKHART: When did you last see Eichmann?

WISLICENY: I last saw Eichmann towards the end of February 1945 in Berlin. At that time he said that if the war were lost he would commit suicide.

LT. COL. BROOKHART: Did he say anything at that time as to the number of Jews that had been killed?

WISLICENY: Yes, he expressed this in a particularly cynical manner. He said he would leap laughing into the grave because the feeling that he had 5 million people on his conscience would be for him a source of extraordinary satisfaction.

LT. COL. BROOKHART: The witness is available for other counsel.

THE PRESIDENT: Do any of the other prosecuting counsel wish to examine the witness?

MR. G.D. ROBERTS (Leading Counsel for the United Kingdom): My Lord, I have no desire to ask any questions.

THE PRESIDENT: Does the Soviet prosecutor wish to ask any questions?

COL. POKROVSKY: At this stage the Soviet Union does not wish to ask any questions.

THE PRESIDENT: Does the French prosecutor?

[There was no response.]

DR. SERVATIUS: Witness, you mentioned the impressment of the Jews for labor and named two cases, one of Jews from Slovakia who were brought to Auschwitz and put to work if they were fit for it; then later you spoke of those Jews who were brought from

Hungary to the Southeast Wall. Do you know whether the Plenipotentiary General for the Allocation of Labor Sauckel had any connection with these actions, whether this happened on his orders, and whether he otherwise had anything to do with these matters?

WISLICENY: As far as the Jews from Slovakia were concerned, the Plenipotentiary General for the Allocation of Labor had nothing to do with these matters. It was a purely internal affair for the Inspector of Concentration Camps who employed these Jews for his own purposes. Concerning the impressment of Jews for the construction of the Southeast Wall, I cannot definitely answer this question. I do not know to what extent the construction of the Southeast Wall was directed by the Plenipotentiary General for the Allocation of Labor. The Jews who came up from Hungary for this construction work were turned over to the Lower Danube Gau-leitung.

DR. SERVATIUS: I have no further questions to ask the witness.

THE PRESIDENT: Any other?

HERR BABEL: Witness, you mentioned measures taken by the Security Police and the SD; and you spoke about these organizations several times in your testimony. Is this merely an official designation or are we to conclude from your statement that the Security Service (the SD) as such, participated in some way?

WISLICENY: The actions mentioned were executed by Amt IV, that is, the Gestapo. If I mentioned the Chief of the Security Police and the SD, I did so because it was the correct designation of this office and not because I wished to mention the SD as such.

HERR BABEL: Did the SD then participate, in any way, in the measures against the Jews mentioned by you: 1) to what extent, and 2) in what manner?

WISLICENY: The SD as an organization was not involved. Some of the leaders, including me, who worked with Eichmann, came from the SD; but they had been detailed to Amt IV—to the Gestapo.

HERR BABEL: Did former members of the SS and SD who later became active in the Gestapo still remain members of their original organization, or were they now members of the Gestapo?

WISLICENY: No, they still remained with the SD.

HERR BABEL: And were they acting as members of the SD or were they carrying out orders of the Gestapo?

WISLICENY: We belonged to the Gestapo for the duration of our assignment. We merely remained on the SD payroll and were taken care of as members of their personnel. Orders were received exclusively from the Gestapo—from Amt IV.

HERR BABEL: In this connection I should like to ask one more question. Could an outsider ever know his way about in this maze of offices?

WISLICENY: No; that was practically impossible.

THE PRESIDENT: Is there any other of the defendants' counsel who wishes to cross-examine this witness? Colonel Amen, do you wish, or Colonel Brookhart, does he wish to re-examine the witness?

COL. AMEN: No further questions, Your Lordship.

THE PRESIDENT: Very well. That will do.

[The witness left the stand.]

COL. AMEN: It will take about 10 minutes, Sir, to get the next witness up. I had not anticipated we would finish quite so quickly. Do you still want me to get him up this afternoon?

THE PRESIDENT: Have you any other witnesses on these subjects?

COL. AMEN: Not on this subject, Sir. I have two very brief witnesses: one on the written agreement, concerning which testimony was given this morning, between the OKW and OKH and the RSHA—a witness who can answer the questions which the members of the Tribunal asked this morning, very briefly; and one other witness who is on a totally different subject.

THE PRESIDENT: On what subject is the other witness?

COL. AMEN: Well, he is on the subject of identifying two of the defendants at one of the concentration camps. I don't like to mention these names to the Defense unless you wish me to.

THE PRESIDENT: Very well. Then you will call those two witnesses tomorrow?

COL. AMEN: Yes, Your Lordship. I don't think either of them will take more than 20 minutes apiece.

THE PRESIDENT: Very well. Then you will go on with the evidence against the High Command?

COL. AMEN: Yes, Sir.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 4 January 1946 at 1000 hours.]

TWENTY-SEVENTH DAY

Friday, 4 January 1946

Morning Session

COL. AMEN: I would like to call as a witness for the Prosecution Walter Schellenberg.

[The witness, Schellenberg, took the stand.]

THE PRESIDENT: Is your name Walter Schellenberg?

WALTER SCHELLENBERG (Witness): My name is Walter Schellenberg.

THE PRESIDENT: Will you take this oath: "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.]

COL. AMEN: Speak slowly and pause between the questions and the answers.

Where were you born?

SCHELLENBERG: In Saarbrücken.

COL. AMEN: How old are you?

SCHELLENBERG: Thirty-five years.

COL. AMEN: You were a member of the NSDAP?

SCHELLENBERG: Yes.

COL. AMEN: And of the SS?

SCHELLENBERG: Yes; the SS also.

COL. AMEN: And of the Waffen-SS?

SCHELLENBERG: And the Waffen-SS.

COL. AMEN: And the SD?

SCHELLENBERG: And the SD.

COL. AMEN: What was the highest office you held?

SCHELLENBERG: The highest rank I held was that of SS Brigadeführer in the SS, and of major general in the Waffen-SS.

COL. AMEN: You were Chief of Amt VI?

SCHELLENBERG: I was Chief of Amt VI and Military.

COL. AMEN: During what period of time?

SCHELLENBERG: I was made Deputy Chief of Amt VI in July 1941, and the final confirmation of my appointment as Chief was in June of 1942.

COL. AMEN: State briefly the functions of Amt VI of the RSHA.

SCHELLENBERG: Amt VI was the political secret service of the Reich and worked principally in foreign countries.

COL. AMEN: Do you know of an agreement between OKW, OKH, and the RSHA concerning the use of Einsatz groups and Einsatzkommandos in the Russian campaign?

SCHELLENBERG: At the end of May 1941 conferences took place between the then head of the Security Police and the Quartermaster General, General Wagner.

COL. AMEN: And who?

SCHELLENBERG: The Quartermaster General of the Army, General Wagner.

COL. AMEN: Did you personally attend those conferences?

SCHELLENBERG: I kept the minutes of the final conferences.

COL. AMEN: Have you given us the names of all persons present during those negotiations?

SCHELLENBERG: The negotiations took place principally between Obergruppenführer Heydrich, who was then the Chief of the Security Police and the SD, and the Quartermaster General of the Army.

COL. AMEN: Was anyone else present during any of the negotiations?

SCHELLENBERG: Not during the negotiations themselves, but at a later meeting other persons took part.

COL. AMEN: And did those negotiations result in the signing of an agreement?

SCHELLENBERG: A written agreement was concluded.

COL. AMEN: Were you there when the written agreement was signed?

SCHELLENBERG: I kept the minutes and I saw both gentlemen sign.

COL. AMEN: By whom was this agreement signed?

SCHELLENBERG: It was signed by the then Chief of the Security Police, SS Obergruppenführer Heydrich, and the Quartermaster General of the Army, General Wagner.

COL. AMEN: Do you know where the original agreement, or any copy thereof, is located today?

SCHELLENBERG: No, that I cannot say. I know nothing about that.

COL. AMEN: But you are familiar with the contents of that written agreement?

SCHELLENBERG: Yes; for the most part I recall that.

COL. AMEN: To the best of your knowledge and recollection, please tell the Tribunal exactly what was contained in that written agreement.

SCHELLENBERG: The first part of this agreement began with the quotation of a basic decree by the Führer. It read in the introductory clause somewhat as follows:

For the safety of the fighting troops in the Russian campaign that is now expected to start, all means are to be used to keep the rear safe and protected. On the basis of this consideration every means is to be used to break any resistance. In order to support the fighting units of the Army, the Security Police and the Security Service are also to be called in for this task.

If I remember correctly, as a special example of something to be protected, the safeguarding of the so-called great routes of supply, also called "Rollbahnen," was mentioned.

COL. AMEN: Do you recall anything else contained in that agreement?

SCHELLENBERG: In the second part of this agreement the organization of the army groups was mentioned.

COL. AMEN: And what was said about that?

SCHELLENBERG: And the corresponding organization of the Einsatz groups and the Einsatzkommandos of the Security Police and the SD. Four different sectors were mentioned.

I remember the following: First, the front area; second, the operational zone—it was also divided into an army group area and a rear army group area; third, the rear army area; and fourth, the area where the civil administration (Reichskommissariat) was to be set up.

In these different areas, the division of subordination and command was clearly defined. In the front areas or fighting areas, the Einsatzkommandos of the Security Police and the SD were tactically and operationally under the command of the Army; that is, they were completely under the command of the Army.

In the operational zones only operational subordination should apply and this same rule should apply in the rear army area. In the zone intended for the civil administration (Reichskommissariat) the same conditions of subordination and command were to apply as in Reich territory.

In a third part it was explained what was meant by tactical and operational, or rather only the concept "operational" was explained

in detail. By "operational" was meant the subordination to the branches of the Army in respect to discipline and supplies. Special mention was made of the fact that the operational subordination also included all supplies—especially supplies of gasoline, food, and the making available of technical routes for the transmission of intelligence.

COL. AMEN: Have you now told us everything which you recall about that agreement?

SCHELLENBERG: Yes; I cannot remember anything else contained in the agreement.

COL. AMEN: If Your Honor pleases, that is all.

THE PRESIDENT: Does the English Prosecution have any questions to ask?

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): No.

THE PRESIDENT: Does the Russian Prosecution have any questions to ask?

COL. POKROVSKY: No.

THE PRESIDENT: Does the French Prosecution have any questions to ask?

[There was no response.]

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

DR. KAUFFMANN: Is it correct that Dr. Kaltenbrunner was your superior?

SCHELLENBERG: Dr. Kaltenbrunner was my immediate superior.

DR. KAUFFMANN: Until what time?

SCHELLENBERG: From the 30th of January of 1943 until the end.

DR. KAUFFMANN: Do you know his attitude towards the main themes of National Socialism, for instance, the treatment of the Jews or the treatment of the Church?

SCHELLENBERG: I personally did not have a chance to converse with him on these problems. What I know about him is the result of my own few personal observations.

DR. KAUFFMANN: Did you see original orders from Kaltenbrunner dealing with the execution of saboteurs, the confinement of people in concentration camps, and the like?

SCHELLENBERG: No. I heard him give only oral orders in respect to this—commands which he gave to the Chief of the State Police, the Chief of Amt IV of the RSHA.

DR. KAUFFMANN: Did Kaltenbrunner ever indicate to you that he had agreed with Himmler that everything concerning concentration camps and the entire executive power was to be taken away from him and that only the SD, as an intelligence service, was to be entrusted to him and that he wanted to expand this intelligence service in order to supply the criticism that was otherwise lacking?

SCHELLENBERG: I never heard of any such agreement, and what I found out later to be the facts is to the contrary.

DR. KAUFFMANN: Now, since you have given a negative answer, I must ask you the following question, in order to make this one point clear: Which facts do you mean?

SCHELLENBERG: I mean, for instance, the fact that after the Reichsführer SS very reluctantly agreed, through my persuasion, not to evacuate the concentration camps, Kaltenbrunner—by getting into direct contact with Hitler—circumvented this order of Himmler's and broke his word in respect to international promises.

DR. KAUFFMANN: Were there any international decisions in respect to this—decisions which referred to existing laws or decisions which referred to international agreements?

SCHELLENBERG: I would like to explain that, if through the intermediary of internationally known persons, the then Reichsführer SS promised the official Allied authorities not to evacuate the concentration camps, owing to the general distress, this promise was binding according to human rights.

DR. KAUFFMANN: What do you mean by evacuate?

SCHELLENBERG: Arbitrarily to evacuate the camps before the approaching enemy troops and to scatter them to other parts of Germany still unoccupied by the enemy troops.

DR. KAUFFMANN: What was your opinion?

SCHELLENBERG: That no further evacuation should take place, because human rights simply did not allow it.

DR. KAUFFMANN: That the camps should therefore be surrendered to the approaching enemy?

SCHELLENBERG: Yes.

DR. KAUFFMANN: Did you know that your activity, too, could bring suffering to many people, to people who were *per se* innocent?

SCHELLENBERG: I did not understand the question. Will you please repeat it?

DR. KAUFFMANN: Did you ever think that your activity, too, and the activity of your fellow-workers was a cause for the great suffering of many people—let us say Jews—even though these people were innocent?

SCHELLENBERG: I cannot imagine that the activity of my office could cause any such thing. I was merely in an information service.

DR. KAUFFMANN: Then your information service had no connection at all with such crimes.

SCHELLENBERG: No.

DR. KAUFFMANN: Then Kaltenbrunner, too, would not be guilty in regard to this point?

SCHELLENBERG: Certainly; because he was, at the same time, the Chief of Amt IV of the State Police.

DR. KAUFFMANN: I asked "in regard to this point," and by that I meant your sector.

SCHELLENBERG: I only represented the Sector Amt VI and Amt Military.

DR. KAUFFMANN: But Kaltenbrunner, at the same time, was Chief of Amt VI?

SCHELLENBERG: Kaltenbrunner was the Chief of the RSHA. Eight departments, as you probably know, were under him. I was at the head of one or two of them, namely, Amt VI and Amt Military. These two offices had nothing to do with the executive power of the State Police.

DR. KAUFFMANN: Then, if your department...

THE PRESIDENT: What I understood you to say was that you were only in a branch which was an information center; is that right?

SCHELLENBERG: Yes.

THE PRESIDENT: And that Kaltenbrunner was your immediate chief; is that right?

SCHELLENBERG: Kaltenbrunner was the Chief of the RSHA.

THE PRESIDENT: Yes, he was the Chief not only of your branch but of the whole organization.

SCHELLENBERG: Yes, that is correct.

DR. KAUFFMANN: I should like to question this witness later on, after I have talked with Kaltenbrunner.

DR. KUBUSCHOK: In the summer of 1943 were you in Ankara? And did you, on this occasion pay a visit to the German Embassy?

SCHELLENBERG: Yes.

DR. KUBUSCHOK: Did you during this visit criticize German foreign policy in various respects, and did you mention that it was absolutely advisable to establish better relations with the Holy See? Did Herr Von Papen then answer, "That would be possible only if, in accordance with the demands that I have made repeatedly, the

Church policy is revised completely and the persecution of the Church ceases”?

SCHELLENBERG: Yes, the gist of the conversation is correct; and I spoke with the then Ambassador Von Papen to this effect.

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): You said a little while ago that, with respect to authority, the same regulations applied in the area of the civil administration as in the Reich.

SCHELLENBERG: I said they were to apply.

DR. THOMA: Please answer my question again.

SCHELLENBERG: I will repeat: I described the agreement which contained the provision that in the areas intended for civil administration (Reichskommissariat) the same relations between the Army and the Security Police and the SD, in regard to subordination and command, were applicable as in the Reich.

DR. THOMA: Do you know how that was done in practice?

SCHELLENBERG: No, later on I did not concern myself with these questions any more.

DR. THOMA: Thank you.

HERR BABEL: You were a member of the SS and of the SD, and in leading positions . . .

THE PRESIDENT: Will you state, for the purposes of the record, which organization you appear on behalf of?

HERR BABEL: I represent the organization of the SS and SD.

[Turning to the witness.] In the RSHA there were departments of the Security Police and the SD. How were these two departments interrelated, and what was the purpose of the SD?

SCHELLENBERG: That is a question that I cannot answer with one sentence.

HERR BABEL: I can withdraw the question for the moment and ask a concrete one: Was the SD used with the “Einsatzgruppen” in the East? To what extent? And for what tasks?

SCHELLENBERG: I believe that most of this work in the East was undertaken by the Security Police, that is, by the Secret State Police and the Criminal Police and that only supplementary contingents were formed from the personnel of the SD.

HERR BABEL: How large were these contingents? How large was the SD?

SCHELLENBERG: I believe that I can estimate the figures: Excluding female employees, the State Police—perhaps 40,000 to 45,000; the Criminal Police—15,000 to 20,000; the SD of the interior, that is, Amt III with its organizational subsidiaries—2,000 to 2,500; and the SD outside Germany, that is my Amt VI—about 400.

HERR BABEL: And how was the SD used in the East with the Einsatz groups.

SCHELLENBERG: I cannot give you the particulars, as that was a concern of the personnel administration and it depended entirely upon the instructions of the then Chief of the Security Police.

HERR BABEL: Did the figures you mentioned include only the male members of the SD, or were the female employees also included?

SCHELLENBERG: Only male members. I excluded the female employees.

HERR BABEL: Yesterday a witness gave us approximately the same figure of 3,000, but he included the female employees in this figure.

SCHELLENBERG: I mentioned a figure of 2,000 to 2,500 for the SD in the interior.

HERR BABEL: What was the organizational structure of the Waffen-SS?

SCHELLENBERG: As for the organizational structure of the Waffen-SS, I cannot give you a detailed reply that is reliable as I did not deal with this question.

HERR BABEL: You were a member of the Waffen-SS and of the SD?

SCHELLENBERG: I was merely appointed a member of the Waffen-SS in January 1945, so to speak by higher orders, because I had many military units under my command and I had to be given a military rank through the Amt Military.

HERR BABEL: Do you know whether that also happened to a large extent in other cases?

SCHELLENBERG: That question is beyond me.

HERR BABEL: Thank you.

COL. AMEN: Do you know of any particular case in which Kaltenbrunner had ordered the evacuation of any one concentration camp, contrary to Himmler's wishes?

SCHELLENBERG: Yes.

COL. AMEN: Will you tell the Tribunal about that?

SCHELLENBERG: I cannot give you the exact date, but I believe it was in the beginning of April 1945. The son of the former Swiss President, Muesi, who had taken his father to Switzerland, returned by car to the Buchenwald Concentration Camp, in order to fetch a Jewish family which I myself had set free. He found the camp in process of being evacuated under the most deplorable conditions. When he had, 3 days previously, driven his father to Switzerland, he was given definite assurance before he left that the camps would

not be evacuated. Since this assurance was also intended for General Eisenhower, he was doubly disappointed at this breach of promise. Muesi, Jr., called on me personally at my office. He was deeply offended and reproached me bitterly. I could not understand what had happened; and I at once contacted Himmler's secretary, protesting against this sort of procedure. Shortly after, it was admitted that the facts as depicted by Muesi, Jr., were true, although it was still incomprehensible, because Himmler had not given these orders. I was assured that everything would be done to put an immediate halt to the evacuations. This was confirmed on the telephone personally by Himmler a few hours later. I believe it was on the same day, after a meeting of office chiefs, that I informed Kaltenbrunner of the situation and expressed my profound concern at this new breach of international assurances. As I paused in the conversation, the Chief of the State Police, Gruppenführer Müller, interrupted and explained that he had started the evacuation of the more important internees from the individual camps 3 days ago on Kaltenbrunner's orders. Kaltenbrunner replied with these words:

"Yes, that is correct. It was an order of the Führer which was also recently confirmed by the Führer in person. All the important internees are to be evacuated at his order to the south of the Reich."

He then turned to me mockingly and, speaking in dialect, said:

"Tell your old gentleman (i.e. Muesi, Sr.) that there are still enough left in the camps. With that you too can be satisfied."

I think this was on 10 April 1945.

COL. AMEN: That is all, may it please the Tribunal.

THE TRIBUNAL (Gen. Nikitchenko): Can you say now what the functions of the RSHA were?

SCHELLENBERG: That I cannot answer in one sentence. I believe...

THE TRIBUNAL (Gen. Nikitchenko): Be brief, be brief! What were the aims?

SCHELLENBERG: The RSHA was a comprehensive grouping of the Security Police, that is, the State Police...

THE TRIBUNAL (Gen. Nikitchenko): We know about this organization on the basis of the documents which are at the disposal of the Court, but what were its functions?

SCHELLENBERG: I just wanted to explain its functions. Its functions consisted of security, that is, State Police activity, of Criminal Police activity, and of intelligence activity at home and abroad.

THE TRIBUNAL (Gen. Nikitchenko): Would it be correct to formulate the functions as follows: To suppress those whom the Nazi Party considered its enemies?

SHELLENBERG: No, I think this statement is too one-sided.

THE TRIBUNAL (Gen. Nikitchenko): But all these functions were included?

SHELLENBERG: They were, perhaps, a certain part of the activities of the State Police.

THE TRIBUNAL (Gen. Nikitchenko): Had this part of the functions, then, been changed after Kaltenbrunner took office?

SHELLENBERG: No, there was no change.

THE TRIBUNAL (Gen. Nikitchenko): Had those functions, to which you referred just now, been changed since the time that Kaltenbrunner took office as Chief of the Security Police?

SHELLENBERG: The functions, as I formulated them, did not change after Kaltenbrunner assumed office.

THE TRIBUNAL (Gen. Nikitchenko): I have one more question: What were the aims and purposes of the Einsatz groups which were to have been created on the basis of the agreement between the SD and the High Command?

SHELLENBERG: As I mentioned before, in the first part of the agreement made at that time it was laid down that the rear must be protected and all means used to repress any resistance.

THE TRIBUNAL (Gen. Nikitchenko): To repress or to crush resistance?

SHELLENBERG: The words were, "All resistance is to be crushed with every means."

THE TRIBUNAL (Gen. Nikitchenko): By what means was the resistance to be suppressed?

SHELLENBERG: The agreement did not mention or discuss this in any way.

THE TRIBUNAL (Gen. Nikitchenko): But you know what means were used for that suppression, do you not?

SHELLENBERG: Later I heard that because of the bitterness of the struggle, harsh means were chosen, but I know this only by hearsay.

THE TRIBUNAL (Gen. Nikitchenko): What does it mean more exactly?

SHELLENBERG: That in partisan fighting and in encounters with the civilian population many shootings took place.

THE TRIBUNAL (Gen. Nikitchenko): Including children?

SCHELLENBERG: I didn't hear about that.

THE TRIBUNAL (Gen. Nikitchenko): You didn't hear about it?
[There was no response.]

THE TRIBUNAL (Gen. Nikitchenko): That is all.

SIR DAVID MAXWELL-FYFE: Since Your Lordship was good enough to ask me whether I wanted to put any questions, I have had some further information and I should be very grateful if the Tribunal would be good enough to allow me to ask one or two questions.

[Turning to the witness.] Would you direct your mind to a conversation between the Defendant Kaltenbrunner, Gruppenführer Nebe, and Gruppenführer Müller, in the spring of 1944, in Berlin at Wilhelmstrasse 102.

SCHELLENBERG: Yes.

SIR DAVID MAXWELL-FYFE: With what was that conversation concerned?

SCHELLENBERG: This conversation, as far as I could gather—for I took no part in it—concerned the subsequent covering for the shooting of about 50 English or American prisoners of war. The gist of the conversation was, as far as I remember, that there had evidently been an inquiry from the International Red Cross as to the whereabouts of 50 English and American prisoners of war. This request for information by the International Red Cross appears to have been passed on to the Chief of the Security Police and the SD by way of the Foreign Office. From the conversation I could...

SIR DAVID MAXWELL-FYFE: Was it already in the form of a protest against the shooting of prisoners of war?

SCHELLENBERG: I believe it was lodged in the form of a protest, since from fragments of this conversation I gathered that there was a discussion as to how the shooting of these prisoners of war, which had already taken place, could be covered up or disguised.

SIR DAVID MAXWELL-FYFE: Did Kaltenbrunner discuss this with Müller and Nebe?

SCHELLENBERG: Kaltenbrunner discussed this matter with Müller and Nebe, but I heard merely fragments of the conversation. I heard, incidentally, that they meant to discuss the details in the course of the afternoon.

SIR DAVID MAXWELL-FYFE: Did you hear any suggestion put forward as to what explanations should be given to cover the shooting of these prisoners?

SCHELLENBERG: Yes, Kaltenbrunner himself offered these suggestions.

SIR DAVID MAXWELL-FYFE: What were the suggestions?

SCHELLENBERG: That the majority should be treated as individual cases, as "having perished in air raids"; some, I believe, because they "offered resistance," that is, "physical resistance," while others were "pursued when escaping."

SIR DAVID MAXWELL-FYFE: You mean—shot while trying to escape?

SCHELLENBERG: Yes, shot in flight.

SIR DAVID MAXWELL-FYFE: And these were the excuses which Kaltenbrunner suggested?

SCHELLENBERG: Yes, these were the excuses that Kaltenbrunner suggested.

SIR DAVID MAXWELL-FYFE: Now, I want you to try and remember as well as you can about these prisoners. Does any number remain in your mind? Can you remember any number of prisoners that they were discussing or how these explanations arose? About how many?

SCHELLENBERG: I remember only that the number "50" was mentioned over and over again, but what the actual details were I cannot say because I just caught fragments of the conversation. I could not follow the whole conversation.

SIR DAVID MAXWELL-FYFE: But the number "50" remains in your mind?

SCHELLENBERG: Yes, I heard "50."

SIR DAVID MAXWELL-FYFE: Can you remember anything of the place or the camp in which these people had been, who were said to have been shot?

SCHELLENBERG: I cannot tell you under oath. There is a possibility that I might add something I heard afterwards. I believe it was Breslau, but I cannot say it exactly, as a fact.

SIR DAVID MAXWELL-FYFE: And can you remember anything of what service the people belonged to? Were they Air Force or Army? Have you any recollection on that point?

SCHELLENBERG: I believe they were all officers.

SIR DAVID MAXWELL-FYFE: Were officers?

SCHELLENBERG: Yes.

SIR DAVID MAXWELL-FYFE: But you cannot remember what service?

SCHELLENBERG: No, that I cannot tell you.

SIR DAVID MAXWELL-FYFE: I am very grateful to the Tribunal for letting me ask these questions.

COL. AMEN: That is all for this witness.

THE PRESIDENT: Very well, the witness can go then.

[The witness left the stand.]

COL. AMEN: I wish to call as the next witness, Alois Höllriegel.

[The witness, Höllriegel, took the stand.]

THE PRESIDENT: What is your name?

ALOIS HÖLLRIEGEL (Witness): Alois Höllriegel.

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

[The witness repeated the oath.]

THE PRESIDENT: You can sit down if you want to.

COL. AMEN: What position did you hold at the end of the war?

HÖLLRIEGEL: At the end of the war I was Unterscharführer at Mauthausen.

COL. AMEN: Were you a member of the Totenkopf SS?

HÖLLRIEGEL: Yes; in the year 1939 I was drafted into the SS.

COL. AMEN: What were your duties at the Mauthausen Concentration Camp?

HÖLLRIEGEL: I was until the winter of 1942 with a guard company, and I stood guard. From 1942 until the end of the war I was detailed to the inner service of the concentration camp.

COL. AMEN: And you therefore had occasion to witness the extermination of inmates of that camp by shooting, gassing, and so forth?

HÖLLRIEGEL: Yes, I saw that.

COL. AMEN: And did you make an affidavit in this case to the effect that you saw Kaltenbrunner at that camp?

HÖLLRIEGEL: Yes.

COL. AMEN: And that he saw and was familiar with the operation of the gas chamber there?

HÖLLRIEGEL: Yes.

COL. AMEN: Did you also have occasion to see any other important personages visiting that concentration camp?

HÖLLRIEGEL: I remember Pohl, Glücks, Kaltenbrunner, Schirach, and the Gauleiter of Styria, Uiberreither.

COL. AMEN: And did you personally see Schirach at that concentration camp at Mauthausen?

HÖLLRIEGEL: Yes.

COL. AMEN: Do you remember what he looks like so that you could identify him?

HÖLLRIEGEL: I think that he has probably changed a little in recent times, but I would certainly remember him.

COL. AMEN: How long ago was it that you saw him there?

HÖLLRIEGEL: That was in the fall of 1942. Since then I have not seen him.

COL. AMEN: Will you look around the courtroom and see whether you can see Schirach in the courtroom?

HÖLLRIEGEL: Yes.

COL. AMEN: Which person is it?

HÖLLRIEGEL: In the second row, the third person from the left.

COL. AMEN: The affidavit to which I referred was Exhibit Number USA-515.

THE PRESIDENT: What is the PS number?

COL. AMEN: 2753-PS.

[Turning to the witness.] I now show you a copy of Document Number 2641-PS and ask you whether you can recognize the place where those individuals are standing?

HÖLLRIEGEL: As far as can be seen from the picture, it is a quarry. Whether it is at Mauthausen or not one cannot determine exactly, because the view is too small.

COL. AMEN: Would you repeat that answer please?

HÖLLRIEGEL: Certainly. As far as can be seen from this picture, it is not possible to say definitely if this is the Wiener-Graben quarry which adjoined Mauthausen. It might easily be another quarry. A larger range of vision is required. But I think that visits were often made there. I assume that this is the Wiener-Graben quarry.

COL. AMEN: Very good. Just lay the picture aside for the time being. Did you have occasion to observe the killing of inmates of the concentration camp by pushing them off a cliff?

HÖLLRIEGEL: Yes.

COL. AMEN: Will you tell the Tribunal what you saw with respect to that practice?

HÖLLRIEGEL: I remember, it was in 1941. At that time I was with a guard company on the tower which closed off the area of the Wiener-Graben quarry. I was able to observe in the morning about six to eight prisoners who came with two SS men. One was Haupt-scharführer Spatzenöcker and the other, Unterscharführer Edenhofer; they moved about and made strange gestures...

THE PRESIDENT: Wait, you are going too fast. You should go slower.

HÖLLRIEGEL: I saw that they were approaching the precipice near the quarry. I saw from my watchtower that these two SS men were beating the prisoners and I realized immediately that they intended to force them to throw themselves over the precipice or else to push them over. I noticed how one of the prisoners was kicked while lying on the ground, and the gestures showed that he was supposed to throw himself down the precipice. This the prisoner promptly did under the pressure of the blows—presumably in despair.

COL. AMEN: How steep was the precipice?

HÖLLRIEGEL: I estimate it to be 30 to 40 meters.

COL. AMEN: Was there a term used amongst you guards for this practice of having the prisoners fall from the top of the precipice?

HÖLLRIEGEL: Yes, in Mauthausen Camp they were called paratroopers.

COL. AMEN: The witness is available to other counsel.

THE PRESIDENT: Does the Russian Prosecutor or the French Prosecutor or any defense counsel have any questions?

DR. SAUTER: Witness, I am interested in the following points: You said just now that in 1939 you were taken into the SS?

HÖLLRIEGEL: That is true; on the 6th of September...

DR. SAUTER: One moment; please repeat your answer.

HÖLLRIEGEL: That is right. On the 6th of September 1939 I was taken into the SS at Ebersberg near Linz.

DR. SAUTER: Had you no connection at all with the Party before then?

HÖLLRIEGEL: Yes. In April 1938 I enlisted in the civilian SS, because I was out of work during the entire previous period of the Schuschnigg Government and without any support, and consequently I thought, I would join the civilian SS; there I would get work in order to marry my wife.

DR. SAUTER: Then, if I understood you correctly, you were drafted into the SS in 1939, because you had already voluntarily enlisted in the civilian SS in the spring of 1938?

HÖLLRIEGEL: I cannot say that exactly. Many were drafted into the Armed Forces, into the Air Force, and into the General SS.

DR. SAUTER: Are you an Austrian?

HÖLLRIEGEL: Yes.

DR. SAUTER: Then at that time you lived in Austria?

HÖLLRIEGEL: Yes, in Graz.

DR. SAUTER: Then I should be interested in a certain point in regard to the Defendant Von Schirach. You saw the Defendant Von Schirach at Mauthausen. How often did you see him there?

HÖLLRIEGEL: I can remember quite clearly—once.

DR. SAUTER: Once?

HÖLLRIEGEL: Yes.

DR. SAUTER: Was Von Schirach alone at Mauthausen, or, was he together with other people?

HÖLLRIEGEL: No. Von Schirach was accompanied by other gentlemen. There was a group of about 10 people, and among them I recognized Von Schirach and Gauleiter Uiberreither.

DR. SAUTER: There are supposed to have been 20 persons at least and not 10 on that occasion.

HÖLLRIEGEL: I did not know at that time that I might have to use these figures; I did not count them.

DR. SAUTER: This point is important to me, because the Defendant Schirach told me it was a visiting inspection, an official inspection tour of the Concentration Camp Mauthausen, as a result of a meeting of the economic advisors of all six Gaue of the Ostmark.

HÖLLRIEGEL: Yes, I naturally did not know why he came to the camp, but I remember that this group came with Von Schirach and Schutzhaftlagerführer (Protective Custody-Camp Leader) Bachmeyer. At any rate I could see that it looked like an inspection.

DR. SAUTER: Did you know that this inspection was announced in the camp several days before and that certain preparations were made in the camp because of this inspection?

HÖLLRIEGEL: I cannot remember any specific preparations but I do remember it was in the evening. I can't tell you the exact time; it was the time of the evening roll call. The prisoners had assembled for roll call and all the hands on duty also had to fall in. Then this group came in.

DR. SAUTER: Did you or your comrades not know on the day before that this inspection would take place the very next day?

HÖLLRIEGEL: I cannot remember that.

DR. SAUTER: And did it not strike you that certain definite preparations had been made in this camp?

HÖLLRIEGEL: I cannot remember noticing that any preparations had been made.

DR. SAUTER: I have no further questions to ask this witness.

DR. GUSTAV STEINBAUER (Counsel for Defendant Seyss-Inquart): Witness, you described an incident which, judged by the concepts of civilized people, cannot be termed anything but murder—that is, the hurling of people over the side of the quarry. Did you report this incident to your superiors?

HÖLLRIEGEL: These incidents happened frequently and one can take it that the chances were a thousand to one that the superiors knew about them.

DR. STEINBAUER: In other words, you did not report this. Is it true that not only the internees but also the guards were forbidden under pain of death to report incidents of this sort to a third person?

HÖLLRIEGEL: Yes.

DR. STEINBAUER: I have no other question.

COL. AMEN: Would you just look at that picture again?

HÖLLRIEGEL: Yes.

COL. AMEN: Will you look at it carefully and tell me whether that is the quarry underneath the cliff which you have just described?

HÖLLRIEGEL: Yes. As far as I can tell from this picture, and I assume with a 100 percent degree of accuracy that it is the quarry Wiener-Graben; but one would have to see more, more background, to decide whether it is really this quarry. One sees too little, but I think quite certainly . . .

COL. AMEN: Do you recognize the individuals whose faces appear in the picture?

HÖLLRIEGEL: Yes.

COL. AMEN: Will you tell the Tribunal the ones which you do recognize?

HÖLLRIEGEL: I recognize of course Reichsführer SS Himmler first of all, next to him the commandant of Mauthausen Concentration Camp Ziereis and way to the right I recognize Kaltenbrunner.

COL. AMEN: That is all, may it please the Tribunal.

THE PRESIDENT: The witness can go and we will adjourn for 10 minutes.

[A recess was taken.]

COL. STOREY: If the Tribunal please, the next and final subject of the criminal organizations is the General Staff and High Command, to be presented by Colonel Taylor.

COLONEL TELFORD TAYLOR (Associate Trial Counsel for the United States): Your Lordship and members of the Tribunal, the Indictment seeks a declaration of criminality, under Articles 9 to 11 of the Charter, against six groups or organizations; and the last one listed in the Indictment is a group described as the General Staff and High Command of the German Armed Forces.

At first sight these six groups and organizations seem to differ rather widely one from another, both in their composition and in

their functions. But all of them are related, and we believe that they are logically indicted together before the Tribunal because they are the primary agencies and the chief tools by means of which the Nazi conspirators sought to achieve their aims. All six of them were either established by, controlled by, or became allied with the Nazis; and they were essential to the success of the Nazis. They were at once the principal and indispensable instruments: The Party, the Government, the Police, and the Armed Forces. It is my task to present the case in chief against the General Staff and High Command group.

Now, in one respect this group is to be sharply distinguished from the other groups and organizations against which we have sought this declaration. For example, the Leadership Corps of the Nazi Party—of the NSDAP—is the Leadership Corps of the Party itself, the Party which was the embodiment of Nazism and which was the instrument primarily through which Hitlerism rode to full power and tyranny in Germany. The SA and the SS were branches—to be sure, large branches—of the Nazi Party. The German Police did, indeed, have certain roots and antecedents which antedated Hitlerism; but it became 99 per cent a creature of the Nazi Party and the SS. The Reich Cabinet was in essence merely a committee or series of committees of Reich Ministers; and when the Nazis came to power, quite naturally these ministerial positions were filled for the most part by Nazis. All these groups and organizations, accordingly, either owe their origin and development to Nazism or automatically became Nazified when Hitler came to power.

Now, that is not true of the group with which we are now concerned. I need not remind the Tribunal that German armed might and the German military tradition antedate Hitlerism by many decades. One need not be a graybeard to have very vivid personal recollections of the war of 1914 to 1918, of the Kaiser, and of the "scrap of paper." For these reasons I want to sketch very briefly, before going into the evidence, the nature of our case against this group, which is unique in the particulars I have mentioned.

As a result of the German defeat in 1918 and the Treaty of Versailles, the size and permissible scope of activities of the German Armed Forces were severely restricted. That these restrictions did not destroy or even seriously undermine German militarism, the last few years have made abundantly apparent. The full flowering of German military strength came about through collaboration; collaboration between the Nazis on the one hand and the career leaders of the German Armed Forces—the professional soldiers, sailors, and airmen.

When Hitler came to power, he did not find a vacuum in the field of military affairs. He found a small Reichswehr and a body

of professional officers with a morale and outlook nourished by German military history. The leaders of these professional officers constitute the group named in the Indictment, the General Staff and High Command of the German Armed Forces. This part of the case concerns that group of men.

Now, needless to say, it is not the Prosecution's position that it is a crime to be a soldier or a sailor or to serve one's country as a soldier or sailor in time of war. The profession of arms is an honorable one and can be honorably practiced. But it is too clear for argument that a man who commits crimes cannot plead as a defense that he committed them in uniform.

It is not in the nature of things, and it is not the Prosecution's position that every member of this group was a wicked man or that they were all equally culpable. But we will show that this group not only collaborated with Hitler and supported the essential Nazi objectives, but we will show that they furnished the one thing which was essential and basic to the success of the Nazi program for Germany; and that was skill and experience in the development and use of armed might.

Why did this group support Hitler and the Nazis? I think Your Honors will see, as the proof is given, that the answer is very simple. The answer is that they agreed with the truly basic objectives of Hitlerism and Nazism and that Hitler gave the generals the opportunity to play a major part in achieving these objectives. The generals, like Hitler, wanted to aggrandize Germany at the expense of neighboring countries and were prepared to do so by force or threat of force. Force, armed might, was the keystone of the arch, the thing without which nothing else would have been possible.

As they came to power and when they had attained power, the Nazis had two alternatives: either to collaborate with and expand the small German Army, known as the Reichswehr, or to ignore the Reichswehr and build up a separate army of their own. The generals feared that the Nazis might do the latter and accordingly were the more inclined to collaborate. Moreover, the Nazis offered the generals the chance of achieving much that they wished to achieve by way of expanding German armies and German frontiers; and so, as we will show, the generals climbed onto the Nazi bandwagon. They saw it was going in their direction for the present. No doubt they hoped later to take over the direction themselves. In fact, as the proof will show, ultimately it was the generals who were taken for a ride by the Nazis.

Hitler, in short, attracted the generals to him with the glitter of conquest and then succeeded in submerging them politically; and, as the war proceeded, they became his tools. But if these military leaders became the tools of Nazism, it is not to be supposed that

they were unwitting or that they did not participate fully in many of the crimes which we will bring to the notice of the Tribunal. The willingness—and, indeed, the eagerness—of the German professional officer corps to become partners of the Nazis, will be fully developed.

Your Lordship, there will be three principal parts to this presentation. There will be first a description of the composition and functioning of the General Staff and High Command group as defined in the Indictment; next, the evidence in support of the charges of criminality under Counts One and Two of the Indictment; finally, the evidence in support of the charges under Counts Three and Four.

The members of the Tribunal should have before them three document books which have been given the designation "CC." The first of these books is a series of sworn statements or affidavits which are available to the Tribunal in English, Russian, and French and which have been available to the defendants in German. The second and third books are the usual type of document books, separated merely for convenience of handling. The second book contains documents in the C- and L-series, and the third book, in the PS- and R-series. For the convenience of the Tribunal we have had handed up a list of these documents in the order in which they will be referred to.

The Tribunal should also have one other document, and that is a short mimeographed statement entitled, "Basic Information on the Organization of the German Armed Forces." That has also been handed up in English, Russian, and French and has been made available to the defendants' Information Center in German.

So I turn first to the description of the group as defined in the Indictment.

During the first World War there was an organization in the German Armed Forces known as the Great General Staff. This name, the German General Staff or Great General Staff, persists in the public mind; but the Grosse Generalstab no longer exists in fact. There has been no such single organization, no single German General Staff, since 1918; but there has, of course, been a group of men responsible for the policy and the acts of the German Armed Forces, and the fact that these men have no single collective name does not prevent us from collecting them together. They cannot escape the consequences of their collective acts by combining informally instead of formally. The essence of a general staff or a high command lies, not in the name you give it, but in the functions it performs; and the men comprised within the group as we have defined it in the Indictment do constitute a functional group, welded together by common responsibility, of those officers who had the principal authority and responsibility under Hitler for the plans and operations of the German Armed Forces.

Let us examine first the general structure and organization of the German Armed Forces and then look at the composition of the group as specified in the Indictment. As I just mentioned, we have prepared a very short written exposition of the organization of the German Armed Forces, which we have handed up to the Tribunal. That document contains a short sketch setting forth the basic history and development of the Supreme Command of the German Armed Forces since 1933 and the structure as it emerged after its reorganization in 1938. It also contains a simple chart which, in a few moments, will be displayed at the front of the courtroom. It also contains a short glossary of German military expressions; and it contains a comparative table of ranks in the German Army and in the SS, showing the equivalent ranks in the American Army and the equivalent ranks for the German Navy and the British Navy. I may say that military and naval ranks differ slightly among the principal nations, but that by and large they follow the same general pattern and terminology.

When the Nazis came to power in 1933, the German Armed Forces were controlled by a Reich Defense Minister, who at that time was Field Marshal Werner von Blomberg. Under Von Blomberg were the Chief of the Army Staff, who at that time was Von Fritsch, and of the Naval Staff, the Defendant Raeder. Owing to the limitations imposed on Germany by the Treaty of Versailles, the German Air Force at that time had no official existence whatever. The Army and Naval Staffs were renamed "High Command"—Oberkommando des Heeres and Oberkommando der Kriegsmarine—from which are derived the initials by which they are generally known, OKH and OKM.

In May 1935 at the time that military conscription was introduced in Germany, there was a change in the titles of these offices; but the structure remained basically the same. Field Marshal Von Blomberg remained in supreme command of the Armed Forces, with the title of Reich Minister for War and Commander-in-Chief of the Armed Forces. Von Fritsch assumed the title Commander-in-Chief of the Army, and Raeder, Commander-in-Chief of the Navy.

The German Air Force came into official and open existence at about this same time, but it was not put under Von Blomberg. It was an independent institution under the personal command of the Defendant Göring who had the double title of Air Minister and Commander-in-Chief of the Air Force.

I will now ask that that chart be displayed, please.

This chart, Your Honors, has been certified and sworn to by three principal German generals and the affidavits with reference to it will be introduced in a few moments. It shows the organization,

the top organization, of the Armed Forces as it emerged in 1938 after the reorganization which I will now describe.

In February 1938 Von Blomberg and Von Fritsch were both retired from their positions and Blomberg's ministry, the War Ministry, was wound up. The War Ministry had contained a division or department called the Wehrmachtsamt, meaning the Armed Forces Department; and the function of that department had been to co-ordinate the plans and operations of the Army and Navy. From this Armed Forces Department was formed a new over-all Armed Forces authority known as the High Command of the German Armed Forces—that is the box in the center, right under Hitler—known in German as Oberkommando der Wehrmacht, and usually known by the initials OKW.

Since the Air Force as well as the Army was subordinated to OKW, co-ordination of all Armed Forces matters was vested in the OKW, which was really Hitler's personal staff for these matters. The Defendant Keitel was appointed Chief of the OKW. The most important division of the OKW, shown just to the right, was the Operations Staff, of which the Defendant Jodl became the chief.

Now, this reorganization and the establishment of OKW was embodied in a decree issued by Hitler on the 4th of February 1938. This decree appeared in the *Reichsgesetzblatt*, and I invite the Court's attention to it by way of judicial notice (1915-PS). Copies are available; and I would like to read the decree, which is very short, into the transcript. I quote:

"Command authority over the entire Armed Forces is from now on exercised directly by me personally."

THE PRESIDENT: Where do we find it?

COL. TAYLOR: That is not a document, Your Honor, because it is a decree from the *Reichsgesetzblatt* and subject to judicial notice; but copies are available here if the Tribunal cares to look at it.

I will continue with the second paragraph of this decree:

"The Armed Forces Department in the Reich War Ministry with its functions becomes the High Command of the Armed Forces and comes directly under my command as my military staff.

"The head of the Staff of the High Command of the Armed Forces is the Chief of the former Armed Forces Department, with the title of Chief of the High Command of the Armed Forces. His status is equal to that of a Reich Minister.

"The High Command of the Armed Forces also takes over the affairs of the Reich War Ministry. The Chief of the High Command of the Armed Forces, as my representative, exercises the functions hitherto exercised by the Reich War Minister.

The High Command of the Armed Forces is responsible in peacetime for the unified preparation of the defense of the Reich in all areas according to my directives."

Dated at Berlin, 4 February 1938; signed by Hitler, by Lamers, and by Keitel.

Underneath the OKW come the three supreme commands of the three branches of the Armed Forces: OKH, OKM, and the Air Force. The Air Force did not receive the official designation OKL until 1944. The Defendant Raeder remained after 1938 as Commander-in-Chief of the Navy, but Von Fritsch, as well as Blomberg, passed out of the picture; Von Fritsch being replaced by Von Brauchitsch as Commander-in-Chief of the Army. Göring continued as Commander-in-Chief of the Air Force. In 1941 Von Brauchitsch was replaced as Commander-in-Chief of the Army—that is the first box in the left column—by Hitler himself; and in 1943 Raeder was replaced as Commander-in-Chief of the Navy by the Defendant Dönitz. The Defendant Göring continued as Commander-in-Chief of the Air Force until the last month of the war.

OKW, OKH, OKM, and OKL each had its own staff. These four staffs did not have uniform designations. The three staffs of the Army, Navy, and Air Force are the three boxes in a horizontal line next to the bottom. The staff of the OKW is the little box to the right at the top, bearing the names of Jodl and Warlimont.

In the case of OKH—that is the Army—the staff was known as the Generalstab or the General Staff. In the case of OKW, it was known as the Führungsstab or Operations Staff, but in all cases the functions were those of a general staff in military parlance.

It will be seen, therefore, that in this war there was no single German General Staff; but, rather, that there were four, one for each branch of the service and one for the OKW as the over-all inter-service Supreme Command.

So we come to the bottom line on the chart. Down to the bottom line we have been concerned with the central staff organization at the center of affairs. Now we pass to the field. Under OKH, OKM, and OKL come the various fighting formations of the Army, Air Force, and Navy, respectively.

In the Army the largest army field formation was known to the Germans, as indeed it is among the nations generally, as an army group, or in German "Heeresgruppe." Those are shown in the box in the lower left hand corner. An army group or Heeresgruppe controls two or more armies—in German, "Armeen." Underneath the armies come the lower field formations, such as corps, divisions, and regiments, which are not shown on the chart.

In the case of the German Air Force, the largest formation was known as an air fleet or "Luftflotte," and the lower units under the

air fleet were called corps, "Fliegerkorps" or "Jagdkorps"; or divisions, "Fliegerdivisionen" or "Jagddivisionen." These lower formations again we have not shown on the chart.

Under the OKM were the various naval group commands, which controlled all naval operations in a given area with the exception of the high seas fleet itself and submarines. The commanders of the fleet and the submarines were directly under the German Admiralty.

So we may now examine the group as defined in the Indictment; the group against which the Prosecution seeks the declaration of criminality. It is defined in Appendix B of the Indictment. The group comprises, firstly, German officers who held the top positions in the four supreme commands which I have just described and, secondly, the officers who held the top field commands.

Turning first to the officers who held the principal positions in the supreme commands, we find that the holders of nine such positions are included in the group. Four of these are positions of supreme authority: The Chief of the OKW, Keitel; the Commander-in-Chief of the Army, Von Brauchitsch, later Hitler; Commander-in-Chief of the Navy, Raeder, and later Dönitz; Commander-in-Chief of the Air Force, Göring, and later Von Greim.

Four other positions are those of the chiefs of the staffs to those four commanders-in-chief: The Chief of the Operations Staff of the OKW, Jodl; the Chief of the General Staff of the Army, Halder, and later others; the Chief of the General Staff of the Air Force, Jeschonnek, and later others; the Chief of the Naval War Staff.

The ninth position is that of Deputy Chief of the Operations Staff of OKW. Throughout most of the war that was General Warlimont, whose name is shown under Jodl's on the chart. The particular responsibility of Jodl's deputy was planning—strategic planning—and for that reason his office has been included in the group as defined in the Indictment.

The group named in the Indictment includes all individuals who held any of those nine staff positions between February 1938 and the end of the war in May 1945. February 1938 was selected as the opening date because it was in that month that the top organization of the German Armed Forces was reorganized and assumed substantially the form in which you see it there and in which it persisted up until the end of the war.

Twenty-two different individuals occupied those nine positions during that period, and of those 22, 18 are still living.

Turning next to the officers who held the principal field commands, the Indictment includes, as members of the group, all commanders-in-chief in the field who had the status of Oberbefehlshaber in the Army, Navy, or Air Force. The term "Oberbefehlshaber"

rather defies literal translation into English. Literally, the components of the word mean "over-command-holder;" and we can perhaps best translate it as "commander-in-chief."

In the case of the Army, commanders of the army groups and armies always had the status and title of Oberbefehlshaber. In the Air Force the commanders-in-chief of air fleets always had the status of Oberbefehlshaber, although they were not formally so designated until 1944. In the Navy officers holding the senior regional commands and, therefore, in control of all naval operations in a given sector had the status of Oberbefehlshaber.

Roughly 110 individual officers had the status of Oberbefehlshaber in the Army, Navy, or Air Force during the period in question. All but approximately a dozen of them are still alive. The entire General Staff and High Command group, as defined in the Indictment, comprises about 130 officers, of whom 114 are believed to be still living. These figures, of course, are the cumulative total of all officers who at any time belonged to the group during the 7 years and 3 months from February 1938 to May 1945.

The number of active members of the group at any moment is, of course, much smaller. It was about 20 at the outbreak of the war and it rose to about 50 in 1944 and 1945. That is to say, that at any one moment of time in 1944 the group—the active group—would have consisted of the nine individuals occupying the nine staff positions and about 41 Naval, Air Force, or Army commanders-in-chief.

The structure and the functioning of the German General Staff and High Command group has been described in a series of affidavits by some of the principal German field marshals and generals. These affidavits are included in Volume I of Document Book CC. I want to state briefly how these statements were obtained.

In the first place two American officers who were selected for their ability and experience in interviewing high-ranking German prisoners of war were briefed by an intelligence officer and by the Trial counsel on the particular problems presented by this part of the case, the organizational side of the German Armed Forces. These officers were already well versed in military intelligence and were fluent in German. It was emphasized that the function of these interrogating officers was merely to inquire into and establish the facts with respect to the organization of the Armed Forces, to establish facts on which the Prosecution wanted to be accurately informed.

The German generals to be interrogated were selected on the basis of the special knowledge which they could be presumed to possess by reason of the positions which they had held in the past. After each interview the interrogator prepared a report, and from

this report such facts as appeared relevant to the issues before the Tribunal were extracted and a statement embodying them was prepared. This statement was then presented to the German officer at a later interview in the form of a draft, and the German officer was asked whether it truly reproduced what he had said and was invited to alter it in any way he saw fit. The object was to procure the most accurate testimony on organizational matters that we could.

I will take up these affidavits one by one, and I think the members of the Tribunal will see that they fully support the Prosecution's description of the group and conclusively establish that this group of officers was, in fact, the group which had the major responsibility for planning and for directing the operations of the German Armed Forces.

The Soviet and French Judges have copies in French and Russian, and the Defense has copies in German.

The first of these affidavits is that of Franz Halder, who held the rank of "Generaloberst" or colonel general—the equivalent of a four-star general in the American Army. His affidavit will be Exhibit Number USA-531 (Document 3702-PS). Halder was Chief of the General Staff of OKH. That would be the box second from the bottom on the left-hand side. He was Chief of the General Staff of the OKH from September 1938 to September 1942. He is, accordingly, a member of the group and well qualified by his position to testify as to the organization. His statement is short, and I will read it in full:

"Ultimate authority and responsibility for military affairs in Germany was vested in the head of the State, who prior to the 2d of August 1934, was Field Marshal Von Hindenburg and thereafter, until 1945, was Adolf Hitler.

"Specialized military matters were the responsibility of the three branches of the Armed Forces subordinate to the Commander-in-Chief of the Armed Forces (at the same time head of the State), that is to say, the Army, Navy, and the Air Force. In practice, supervision within this field was exercised by a relatively small group of high-ranking officers. These officers exercised such supervision on the basis of their official instructions and by virtue of their training, their positions, and their mutual contacts. Plans for military operations of the German Armed Forces were prepared by members of this group, according to the instructions of the OKW, in the name of their respective commanding officers and were presented to the Commander-in-Chief of the Armed Forces (at the same time the head of the State).

"The members of this group were charged with the responsibility of preparing for military operations within their

competent fields, and they actually did prepare for any such operations as were to be undertaken by troops in the field. "Prior to any operation, the respective members of this group were assembled occasionally and given appropriate directions by the head of the State. Examples of such meetings are the speech by Hitler to the commanders-in-chief on 22 August 1939 prior to the Polish campaign and the conference at the Reich Chancellery on 14 June 1941 prior to the first Russian campaign.

"The composition of this group and the relationship of its members to each other were as shown in the attached chart. This was, in effect, the General Staff and High Command of the German Armed Forces. Signed: Halder."

The chart to which reference is made is the chart which is at the front of the room and which was attached to the affidavit. The two meetings referred to in the last paragraph of the affidavit are covered by documents which will be introduced subsequently.

I next offer a substantially identical statement by Von Brauchitsch, which will be Exhibit Number USA-532 (Document 3703-PS). Von Brauchitsch held the rank of field marshal and was Commander-in-Chief of the Army from 1938 to 1941—therefore also a member of the group. I need not read his statement, since it is practically the same as that given by Halder; but I will ask that it be set forth in full in the transcript at this point. The only difference between the two statements is in the last sentence of each. Halder states that the group described in the Indictment "was, in effect, the General Staff and High Command of the German Armed Forces," whereas Von Brauchitsch puts it a little differently, saying, "In the hands of those who filled the positions shown in the chart lay the actual direction of the Armed Forces." Otherwise, the two statements are identical.

[The document referred to above is as follows:]

"Ultimate authority and responsibility for military affairs in Germany was vested in the head of State who prior to 2 August 1934 was Field Marshal Von Hindenburg and thereafter until 1945 was Adolf Hitler.

"Specialized military matters were the responsibility of the three branches of the Armed Forces subordinate to the Supreme Commander of the Armed Forces (at the same time head of State), that is to say, the Army, the Navy, and the Air Force. In practice supervision within this field was exercised by a relatively small group of high ranking officers. These officers exercised such supervision on the basis of their official instructions and by virtue of their training, their positions, and their mutual contacts. Plans for military operations

of the German Armed Forces were prepared by members of this group according to the instructions of the OKW and were presented to the Supreme Commander of the Armed Forces (at the same time head of State).

"The members of this group were charged with the responsibility of preparing for military operations within their competent fields and they actually did prepare for any such operations as might possibly be undertaken by troops in the field.

"Prior to any operation, members of this group were assembled occasionally and given appropriate directions by the head of State. Examples of such meetings are the speech by Hitler to the commanders-in-chief on 22 August 1939 prior to the Polish campaign and the conference at the Reich Chancellery on 14 June 1941 prior to the first Russian campaign.

"The composition of this group and the relationship of its members to each other were as shown in the attached chart. In the hands of those who filled the positions shown in the chart lay the actual direction of the Armed Forces."—Signed—"Von Brauchitsch."

Now, the Tribunal will see from these affidavits that the chart which is on display at the front of the Court and which is contained in the short expository statement has been laid before Von Brauchitsch and Halder and that these two officers have vouched for it under oath as an accurate picture of the top organization of the German Armed Forces. The statements by Von Brauchitsch and Halder also fully support the Prosecution's statement that the holders of the positions shown on this chart constitute the group in whom lay the major responsibility for the planning and execution of all Armed Forces matters.

I would now like to offer another affidavit by Halder which sets forth some of the matters of detail to which I adverted in describing the group. It is quite short. Affidavit Number 6, which becomes Exhibit USA-533 (Document 3704-PS)—and I shall read it in full into the transcript:

"The most important department in the OKW was the Operations Staff, in much the same way as the General Staff was in the Army and Air Force and the Naval War Staff in the Navy. Under Keitel there were a number of departmental chiefs who were equal in status with Jodl but, in the planning and conduct of military affairs, they and their departments were less important and less influential than Jodl and Jodl's staff.

"The OKW Operations Staff was also divided into sections. Of these the most important was the section of which Warlimont was chief. It was called the National Defense Section, and it was primarily concerned with the development of strategic questions. From 1941 onwards Warlimont, though charged with the same duties, was known as Deputy Chief of the OKW Operations Staff.

"There was during World War II no unified General Staff such as the Great General Staff which operated in World War I.

"Operational matters for the Army and Air Force were worked out by the group of high ranking officers described in my statement of 7 November (in the Army, the General Staff of the Army; and in the Air Force, the General Staff of the Air Force).

"Operational matters of the Navy were, even in World War I, not worked out by the Great General Staff but by the Naval Staff. Signed: Halder."

The Tribunal will note that this affidavit is primarily concerned with the functions of the General Staffs of the four commands of OKW, OKL, OKH, and OKM and fully supports the inclusion in the group of the Chiefs of Staff of the four services, as well as the inclusion of Warlimont as Deputy Chief of the OKW staff because of his strategic planning responsibilities.

I have just one other very short affidavit covering a matter of detail. The Tribunal will remember that the highest fighting formation in the German Air Force was known as an air fleet or Luftflotte and that all commanders-in-chief of air fleets are included in this group. That is the box in the lower-right-hand corner. The commanders of air fleets always had the status of Oberbefehlshaber, but they were not formally so designated until 1944. These facts are set forth in an affidavit by the son of Field Marshal Von Brauchitsch. His son had the rank of Oberst, or colonel, in the German Air Force and was personal aide to the Defendant Göring as Commander-in-Chief of the Air Force. His affidavit is Number 9 and becomes Exhibit Number USA-534 (Document 3705-PS). It reads as follows:

"Luftflottenchefs have the same status as the Oberbefehlshaber of an army. During the war they had no territorial authority and, accordingly, exercised no territorial jurisdiction.

"They were the highest troop commanders of the Air Force units subordinate to them and were directly under the command of the Commander-in-Chief of the Air Force.

"Until the summer of 1944 they bore the designation Befehlshaber and from then on that of Oberbefehlshaber. This change of designation carried with it no change in the functions and responsibilities that they previously had."

Your Honor, that concludes the description of the composition of the group and the personnel of it. The staff of the Tribunal have referred to me two inquiries which have been addressed to the Tribunal by counsel for the group and it seemed to me it might be appropriate if I disposed of those inquiries now as to the composition of the group. The letters were turned over to me 2 days ago.

The first is from Hofrat Düllmann, and he has asked whether the group, as defined in the Indictment, is contingent upon rank, whether it includes officers holding a definite rank such as field marshal or "Generaloberst."

The answer to that is clearly "no." As has been pointed out, the criterion of membership in the group is whether one held one of the positions on the chart up there; and one would be in the group if one held one of the positions, no matter what one's rank. Rank is no criterion. In point of fact, I suppose everybody in the group held at least the rank of general in the German Army, which is the equivalent of lieutenant general in ours.

He has also asked whether the group includes officers of the so-called General Staff Corps. The answer to that is "no." There was in the German Army a war academy, and graduates of the war academy were in the branch of service described as the General Staff Corps. They signed themselves, for example, "Colonel in Generalstab." They functioned largely as adjutants and assistants to the chief staff officers. I suppose there were some thousands of them—two or three thousand, but they are not included in the group. Many of them were officers of junior rank. They are not named in the Indictment, and there is no reason and no respect in which they are comprehended within the group as defined.

The other letter of inquiry is from Dr. Exner, who states that he is in doubt as to the meaning of Oberbefehlshaber and goes on to state that he believes that Oberbefehlshaber includes commanders-in-chief in theaters of war, the commanders-in-chief of army groups, and the commanders-in-chief of armies. That is quite right. Those are the positions as shown on the chart.

Let us now spend a few minutes examining the way this group worked. In many respects, of course, the German military leaders functioned in the same general manner as obtained in the military establishments of other large nations. General plans were made by the top staff officers and their assistants in collaboration with the field generals or admirals who were entrusted with the execution of the plans. A decision to wage a particular campaign would be made,

needless to say, at the highest level; and the making of such a decision would involve political and diplomatic questions, as well as purely military considerations. When, for example, the decision was made to attack Poland, the top staff officers in Berlin and their assistants would work out general military plans for the campaign. These general plans would be transmitted to the commanders of the army groups and armies who would be in charge of the actual campaign; and then there would follow consultation between the top field commanders and the top staff officers at OKW and OKH, in order to revise and perfect and refine the plans.

The manner in which this group worked, involving as it did the interchange of ideas and recommendations between the top staff officers at OKW and OKH, on the one hand, and the principal field commanders on the other hand, is graphically described in two statements by Field Marshal Von Brauchitsch. That is Affidavit Number 4, which will be Exhibit Number USA-535 (Document 3706-PS). I invite the Tribunal's attention to these and will read them into the transcript. The statement of 7 November 1945:

"In April 1939 I was instructed by Hitler to start military preparations for a possible campaign against Poland. Work was immediately begun to prepare an operational and deployment plan. This was then presented to Hitler and approved by him, as amended by a change which he desired. After the operational and deployment orders had been given to the two commanders of the army groups and the five commanders of the armies, conferences took place with them about details, in order to hear their desires and recommendations. After the outbreak of the war I continued this policy of keeping in close and constant touch with the commanders-in-chief of army groups and of armies by personal visits to their headquarters, as well as by telephone, teletype, or wireless. In this way I was able to obtain their advice and their recommendations during the conduct of military operations. In fact, it was the accepted policy and common practice for the Commander-in-Chief of the Army to consult his subordinate commanders-in-chief and maintain a constant exchange of ideas with them.

"The Commander-in-Chief of the Army and his Chief of Staff communicated with army groups and through them, as well as directly, with the armies; through army groups on strategic and tactical matters; directly on questions affecting supply and administration of conquered territory occupied by the armies. An army group had no territorial executive power. It had a relatively small staff, which was concerned only with military operations. In all territorial matters it was the

Commander-in-Chief of the Army, and not of the army group, who exercised executive power. Signed: Von Brauchitsch."

There follows:

"Supplement to the statement of 7 November 1945:

"When Hitler had made a decision to support the realization of his political objectives through military pressure or through the application of military force, the Commander-in-Chief of the Army, if he was at all involved, ordinarily first received an appropriate oral briefing or an appropriate oral command. Operational and deployment plans were next worked out in the OKH. After these plans had been presented to Hitler, generally by word of mouth, and had been approved by him, there followed a written order from the OKW to the three branches of the Armed Forces. In the meanwhile the OKH began to transmit the operational and deployment plans to the army groups and armies involved.

"Details of the operational and deployment plans were discussed by the OKH with the commanders-in-chief of the army groups and armies and with the chiefs of staff of these commanders. During the operations the OKH maintained a constant exchange of ideas with the army groups by means of telephone, radio, and courier. The Commander-in-Chief of the Army used every opportunity to maintain a personal exchange of ideas with the commanders of army groups, armies, and lower echelons by means of personal visits to them.

"In the war against Russia the commanders of army groups and armies were individually and repeatedly called in by Hitler for report. Orders for all operational matters went from the OKH to army groups, and for all matters concerning supply and territorial executive power from the OKH directly to the armies. Signed: Von Brauchitsch."

The Oberbefehlshaber in the field, therefore—and in the case of the Army that means the commanders-in-chief of army groups and armies—participated in planning and directing the execution of the plans, as those affidavits show. The Oberbefehlshaber were also the repositories of general executive powers in the areas in which their army groups and armies were operating. In this connection I invite the Court's attention to Document 447-PS, which is already in evidence as Exhibit Number USA-135, this being a directive of 13 March 1941 signed by Keitel and issued by the Supreme Command of the Armed Forces. This directive sets out various regulations for the operations against the Soviet Union which were actually begun a few months later on 22 June. The documents, Your Honor, are in numerical order in Document

Books II and III. Document Book II contains C and L; Document Book III contains PS; and this, being 447-PS, will be in Document Book III in numerical order within the PS's. And within that Document, under Paragraph I, the paragraph entitled "Area of Operations and Executive Power" ("Vollziehende Gewalt"), the Tribunal will find Subparagraph 1, in which the following appears—that is Page 1 of the translation, Paragraph 2:

"It is not contemplated to declare East Prussia and the Government General an area of operations. However, in accordance with the unpublished Führer orders from 19 and 21 October 1939, the Commander-in-Chief of the Army shall be authorized to take all measures necessary for the execution of his military aim and for the safeguarding of the troops. He may transfer his authority to the commanders-in-chief" — that, in the original German, is Oberbefehlshaber—"of the army groups and armies. Orders of that kind have priority over all other obligations and over orders issued by civilian agencies."

Your Honors will see that this executive power, with priority over civilian agencies, was vested in the Commander-in-Chief of the Army with authority to transfer it to commanders-in-chief of army groups or armies—to the members of the group as defined in the Indictment.

Further on in the document, under Subparagraph 2(a), the document states—that is the fourth paragraph, on Page 1 of the document:

"The area of operations of the Army created through the advance of the Army beyond the frontiers of the Reich and the neighboring countries is to be limited in depth as far as possible. The Commander-in-Chief of the Army has the right to exercise the executive power"—vollziehende Gewalt—"in this area, and may transfer his authority to the commanders-in-chief" — Oberbefehlshaber — "of the army groups and armies."

THE PRESIDENT: This would be a convenient time to break off.

[A recess was taken until 1400 hours.]

Afternoon Session

THE PRESIDENT: The Tribunal will sit tomorrow in closed session to consider matters of procedure, and there will therefore be no public session tomorrow.

COL. TAYLOR: Your Lordship, I have just one more document dealing with this subject of the structure of the group before passing on to the substantive charges of criminality.

This document is C-78, which is already in evidence as Exhibit Number USA-139. That will be found in Volume II of the document book. This document is the official command invitation to participate in the consultation at the Reich Chancellery on 14 June 1941, 8 days prior to the attack on the Soviet Union. This is one of the meetings that was referred to in the last paragraph of the affidavits by Halder and Von Brauchitsch, which were read into the record this morning. It is signed by Colonel Schmundt, the chief Wehrmacht adjutant to Hitler, and is dated at Berchtesgaden, 9 June 1941. It begins:

"In re: Conference Barbarossa"—that being the code for the attack on the Soviet Union—"the Führer and Supreme Commander of the Armed Forces has ordered reports on Barbarossa by the commanders of army groups and armies and naval and air commanders of equal rank."

That is, as the Tribunal will see once again, the very group specified in the bottom line of the chart on the wall, army groups, armies, naval, and air commanders of similar rank.

This document likewise includes a list of the participants in this conference, and I would just like in closing on this subject to run through that list to point out who the participants in this conference were and how closely they parallel the structure of the group as we find it in the Indictment. The Tribunal will see that the list of participants begins at the foot of Page 1 of the translation:

General Field Marshal Von Brauchitsch, who was the Commander-in-Chief of the Army and a member of the group; General Halder, who was Chief of the Army Staff and a member of the group; then three subordinates, who were not members of the group: Paulus, Heusinger, and Gyldenfeldt.

Navy: Captain Wagner, who was Chief of the Operations Staff, Operations Division of the naval war staff, not a member of the group. On the air side: General Milch, State Secretary and General Inspector of the Air Force, again not a member of the group; Jeschonnek, Chief of the General Staff of the Air Force and a member of the group; and two of his assistants.

Passing over the page to the OKW, High Command of the Armed Forces, we find Keitel, Jodl, Warlimont, all members of the group, were present, with an assistant from the General Staff.

Then four officers from the office of the adjutant, who were not members of the group.

Then we pass to the officers from the field commands: General Von Falkenhorst, Army High Command, Norway, member of the group; General Stumpff, Air Fleet 5, member of the group; Rundstedt, Reichenau, Stülpnagel, Schober, Kleist, all from the Army, all members of the group.

Air Force: General Löhr, Air Fleet 4, member of the group. General Fromm and General Udet were not members. One was director of the home forces, commander of the home forces, and the other the Director General of Equipment and Supply, G.A.F.

The Navy: Raeder, a member of the group; Fricke, chief of the naval war staff, and a member of the group; and a personal assistant who was not a member; Carls, Naval Group North, a member of the group, likewise Schmundt.

Then from the Army: Leeb, Busch, Kuchler, all members of the group as Oberbefehlshaber; Keller, a member of the group; Bock, Kluge, Strauss, Guderian, Hoth, Kesselring, all members of the group.

And it will accordingly be seen that except for a few assisting officers of relatively junior rank, all the participants in these consultations were members of the group as defined in the Indictment and that in fact the participants included almost all the members of the group who were concerned in the impending operation against the Soviet Union.

I have now concluded the first part of the presentation, to wit, the description of the General Staff and High Command group and its composition and structure and general manner of functioning. I turn now to the charges levelled against this group in the Indictment.

Appendix B charges that this group had a major responsibility for the planning, preparation, initiation, and waging of the illegal wars set forth in Counts One and Two and for the War Crimes and Crimes against Humanity detailed in Counts Three and Four.

In presenting the evidence in support of these charges we must keep in mind that under the Charter the group may be declared criminal in connection with any acts of which an individual defendant who was a member of the group may be convicted.

The General Staff and High Command group is well represented among the individual defendants in this case. Five of the individual defendants, or one-quarter of the individuals here, are members of the group.

Taking them in the order in which they are listed, the first is the Defendant Göring. Göring is a defendant in this case in numerous capacities. He is a member of the General Staff and High Command group by reason of having been Commander-in-Chief of the Air Force from the time when the Air Force first came into the open and was officially established until about 1 month prior to the end of war. During the last month of the war he was replaced in this capacity by Von Greim, who committed suicide shortly after his capture at the end of the war. Göring is charged with crimes under all Counts of the Indictment.

The next listed defendant who is a member of the group is Keitel. He and the remaining three defendants are, all four of them, in this case primarily or solely in their military capacities, and all four of them are professional soldiers or sailors.

Keitel was made chief of the High Command of the German Armed Forces, or OKW, when the OKW was first set up in 1938 and he remained in that capacity throughout the period in question. He held the rank of Field Marshal throughout most of this period, and in addition to being the Chief of the OKW, he was a member of the Secret Cabinet Council and of the Council of Ministers for the Defense of the Reich. Keitel is charged with crimes under all four Counts.

The Defendant Jodl was a career soldier. He was an Oberstleutnant, or lieutenant colonel, when the Nazis came to power and ultimately attained the rank of Generaloberst or colonel general. He became the Chief of the Operations Staff of the Wehrmacht and continued in that capacity throughout the war. He also is charged with crimes under all four counts.

The other two defendants who are members of this group are on the nautical side. The Defendant Raeder is in a sense the senior member of the entire group, having been Commander-in-Chief of the German Navy as early as 1928. He attained the highest rank in the German Navy, Grossadmiral. He retired from the Supreme Command of the Navy in 1943, in January, and was replaced by Dönitz. Raeder is charged under Counts One, Two, and Three of the Indictment.

The last of the five defendants, Dönitz, was a relatively junior officer when the Nazis came to power. During the early years of the Nazi regime, he specialized in submarine activities and was in command of the U-boat arm when the war broke out. He rose steadily in the Navy and was chosen to succeed Raeder when the latter retired in 1943. He then became Commander-in-Chief of the Navy and attained the rank of Grossadmiral. When the German Armed Forces collapsed near the end of the war, Dönitz succeeded

4 Jan. 46

Hitler as head of the German Government. He is charged under Counts One, Two, and Three of the Indictment.

Four of these five defendants are reasonably typical of the group as a whole. We must except the Defendant Göring who is primarily a Nazi Party politician nourishing a hobby for aviation as a result of his career in 1914-18. But the other four made soldiering or sailing their life work. They collaborated with and joined in the most important adventures of the Nazis, but they were not among the early Party members. They differ in no essential respects from the other 125 members of the group. They are, no doubt, abler men in certain respects. They rose to the highest position in the German Armed Forces, and all but Jodl attained highest rank.

But they will serve as excellent case studies and as representatives of the group, and we can examine their ideas as they have expressed them in these documents and their actions, with fair assurance that these ideas and actions are characteristic of the other group members.

I turn first to the criminal activities of the General Staff and High Command group under Counts One and Two of the Indictment, their activities in planning and conspiring to wage illegal wars. Here my task is largely one of recapitulation. The general body of proof relating to aggressive war has already been laid before the Tribunal by my colleague, Mr. Alderman, and the distinguished members of the British Delegation.

Many of the documents to which they drew the Tribunal's attention showed that the defendants here who were members of the General Staff and High Command group participated knowingly and wilfully in crimes under Counts One and Two. I propose to avoid referring again to that evidence so far as I possibly can, but I must refer to one or two of them again to focus the Tribunal's attention on the part which the General Staff and High Command group played in aggressive War Crimes.

Now it is, of course, the normal function of a military staff to prepare military plans. In peacetime, military staffs customarily concern themselves with the preparation of plans for attack or defense based on hypothetical contingencies. There is nothing criminal about carrying on these exercises or preparing these plans. That is not what the defendants and this group are charged with.

We will show that the group agreed with the Nazi objective of aggrandizing Germany by threat of force or force itself, and that they joined knowingly and enthusiastically in developing German armed might for this purpose. They were advised in advance of the Nazi plans to launch aggressive wars. They laid the military plans and directed the initiation and carrying on of the wars. These things we believe to be criminal under Article 6 of the Charter.

Aggressive war cannot be prepared or waged without intense activity on the part of all branches of the armed forces, and particularly by the high-ranking officers who control these forces. To the extent, therefore, that German preparation for and the waging of aggressive war are historical facts of common knowledge, or are already proved, it necessarily follows that the General Staff and High Command group, and the German Armed Forces, participated therein.

This is so notwithstanding the effort on the part of certain German military leaders to insist that until the troops marched they lived in an ivory tower unwilling to see the direction to which their work led.

The documents to which I will refer fully refute this, and moreover some of these men now fully admit they participated gladly with the Nazis, because the Nazi aims coincided closely with their own.

I think that the documents which Mr. Alderman read into the transcript already adequately reflect the purposes and objectives of the German General Staff and High Command group during the period prior to the absorption of Austria. During this period occurred, as is charged in the Indictment, firstly, secret rearmament, including the training of military personnel, the production of war munitions, and building of an air force; secondly, the Göring announcement on 10 March 1935 that Germany was building a military air force; thirdly, the law for compulsory military service of 16 March 1935, fixing the peacetime strength of the German Army at 500,000; and finally, and fourthly, the reoccupation of the Rhineland on 7 March 1936 and the refortification of that area.

Those particular facts do not require judicial proof. They are historical facts, and likewise the fact that it would have been impossible for the Nazis to achieve these things without co-operation by the Armed Forces is indisputable from the very nature of things.

Mr. Alderman described to the Tribunal and read from numerous documents which illustrate these events. He included numerous documents concerning the secret expansion of the German Navy in violation of treaty limitations, under the guidance of the Defendant Raeder.

He also read the secret Reich Defense Law, Document 2261-PS, already in the record as Exhibit Number USA-24, which was adopted on the same day that Germany unilaterally renounced the armament provisions of the Versailles Treaty. He read Von Blomberg's plan, dated 2 May 1935, for the reoccupation of the Rhineland—that is Document C-159, Exhibit Number USA-54—and Blomberg's orders under which the reoccupation was actually carried out.

4 Jan. 46

All these events, by obvious inference, required the closest collaboration between the military leaders and the Nazis. I need not labor that point further.

But it is worth while, I think, to re-examine one or two of the documents which show the state of mind and the objectives of the German military leaders during this early period. One document read from by Mr. Alderman which reflects the viewpoint of the German Navy on the opportunities which Nazism accorded for rearmament so that Germany could achieve its objectives by force or threat of force is a memorandum published by the High Command of the German Navy in 1937, entitled *The Fight of the Navy against Versailles*. That is Document C-156, Exhibit Number USA-41. The Tribunal will recall that this memorandum, this official publication of the German Navy, stated that only with the assistance of Hitler had it been possible to create the conditions for rearmament. The Defendant Jodl has stated this, better than I could possibly put it, in his speech to the Gauleiter on 7 November 1943. That is in Document L-172, Exhibit Number USA-34, from which Mr. Alderman read at length.

Nor were the high-ranking German officers unaware that the policies and objectives of the Nazis were leading Germany in the direction of war. I invite the Court's attention to Document C-23, which is already in the record as Exhibit Number USA-49. This consists of some notes made by Admiral Carls of the German Navy in September 1938. These notes were written by Admiral Carls by way of comment on a "Draft Study of Naval Warfare against England" and they read in part as follows—that will be found, Your Lordship, on Page 3 of the translation of Document C-23:

"There is full agreement with the main theme of the study.

"1. If, according to the Führer's decision, Germany is to acquire a position as a world power guaranteed by its own strength, she needs not only sufficient colonial possessions but also secure naval communications and secure access to the ocean.

"2. Both requirements can be fulfilled only in opposition to Anglo-French interests and would limit their position as world powers. It is unlikely that they can be achieved by peaceful means. The decision to make Germany a world power therefore forces upon us the necessity of making corresponding preparations for war.

"3. War against England means at the same time war against the Empire, against France, probably against Russia as well, and a large number of countries overseas; in fact, against one-half to one-third of the whole world.

"It can be justified and have a chance of success only if it is prepared economically as well as politically and militarily, and waged with the aim of conquering for Germany an outlet to the ocean."

Let us turn to the Air Force, having seen what the viewpoint of the Navy was. Parts of the German Air Staff during this pre-war period were developing even more radically aggressive plans for the aggrandizement of the Reich. Document L-43, Exhibit Number GB-29, is a study prepared by the chief of a branch of the General Staff of the Air Force called the Organization Staff. The study in question is a recommendation for the organization of the German Air Force in future years up to 1950. The recommendation is based on certain assumptions, and one assumption was that by 1950 the frontiers of Germany would be as shown on the map which was attached as an enclosure to this study. There is only one copy of the map available, Your Honor.

The Court will note on this map that Austria, Czechoslovakia, Hungary, Poland, and the Baltic coast up to the Gulf of Finland are all included within the borders of the Reich. The Court will also note, at Page 2 of the Document itself—that is L-43—that the author envisaged the future peacetime organization of the German Air Force as comprising seven group commands, four of which lie within the borders of Germany proper at Berlin, Braunschweig, Munich, and Königsberg, but the three others are proposed to be at Vienna, Budapest, and Warsaw.

Before turning to particular acts of aggression by the German Armed Forces, I want to stress once more the basic agreement and harmony between the Nazis and the German military leaders. Without this agreement on objectives there might never have been a war. In this connection I want to direct the Tribunal's attention to an affidavit Number 3 in Document Book I, which will be Document 3704-PS, Exhibit Number USA-536, by Von Blomberg, formerly Field Marshal, Reich War Minister, and Commander-in-Chief of the German Forces until February 1938.

I will read the affidavit into the transcript:

"From 1919, and particularly from 1924, three essential territorial questions occupied attention in Germany. These were the questions of the Polish Corridor, the Ruhr, and Memel.

"I, myself, as well as the whole group of German staff officers, believed that these three questions, outstanding among which was the question of the Polish Corridor, would have to be settled some day, if necessary by force of arms. About 90 per cent of the German people were of the same mind as the officers on the Polish question. A war to wipe out the outrage perpetrated by the creation of the Polish Corridor and to

lessen the threat to separated East Prussia, surrounded by Poland and Lithuania, was regarded as a sacred duty, though a sad necessity. This was one of the chief reasons behind the partially secret rearmament which began about 10 years before Hitler came to power and was accentuated under Nazi rule.

"Before 1938-1939 the German generals were not opposed to Hitler. There was no reason to oppose Hitler, since he produced the results which they desired. After this time some generals began to condemn his methods and lost confidence in the power of his judgment. However, they failed as a group to take any definite stand against him, although a few of them tried to do so and as a result had to pay for this with their lives or their positions.

"Shortly before my removal from the post of Commander-in-Chief of the Armed Forces, in January 1938, Hitler asked me to recommend a successor. I suggested Göring, who was the ranking officer, but Hitler objected because of his lack of patience and diligence. I was not replaced as Commander-in-Chief of the Armed Forces by any officer, but Hitler personally took over my function as Commander. Keitel was recommended by me as a *chef de bureau*. As far as I know, he was never named Commander of the Armed Forces but was always merely a 'chief of staff' under Hitler and in effect conducted the administrative functions of the Ministry of War.

"At my time Keitel was not opposed to Hitler and therefore was qualified to bring about a good understanding between Hitler and the Armed Forces, a thing which I myself desired and had furthered as Reichswehrminister and Reichskriegsminister. To do the opposite would have led to a civil war, for at that time the mass of the German people supported Hitler. Many are no longer willing to admit this. But it is the truth.

"As far as I heard, Keitel did not oppose any of Hitler's measures. He became a willing tool in Hitler's hands for every one of his decisions.

"He did not measure up to what might have been expected of him."

The statement by Von Blomberg which I have just read is paralleled closely in some respects by an affidavit by Colonel General Blaskowitz. That is Affidavit Number 5 in Volume I of the document book Exhibit Number USA-537. Blaskowitz commanded an army in the campaign against Poland and the campaign against France. He subsequently took command of Army Group G in southern France and at the end of the war he was in command of

Army Group H, which had retreated beyond the Rhine. The first three paragraphs of his affidavit are substantially identical with the first three paragraphs of Von Blomberg's; and since they are available in all languages, for expedition I will start reading with Paragraph 4, where the affidavit is on a different subject:

"After the annexation of Czechoslovakia we hoped that the Polish question would be settled in a peaceful fashion through diplomatic means, since we believed that this time France and England would come to the assistance of their ally. As a matter of fact, we felt that if political negotiations came to nothing the Polish question would unavoidably lead to war, that is, not only with Poland herself but also with the Western Powers.

"When in the middle of June I received an order from the OKH to prepare myself for an attack on Poland, I knew that this war came even closer to the realm of possibility. This conclusion was only strengthened by the Führer's speech on 22 August 1939 at the Obersalzberg when it clearly seemed to be an actuality. Between the middle of June 1939 and 1 September 1939 the members of my staff who were engaged in preparations participated in various discussions which went on between the OKH and the army group. During these discussions such matters of a tactical, strategical, and general nature were discussed as had to do with my future position as Commander-in-Chief of the 8th Army during the planned Polish campaign.

"During the Polish campaign, particularly during the Kutno operations, I was repeatedly in communication with the Commander-in-Chief of the Army; and he, as well as the Führer, visited my headquarters. In fact, it was common practice for commanders-in-chief of army groups and of armies to be asked from time to time for estimates of the situation and for their recommendations by telephone, teletype, or wireless, as well as by personal calls. These front commanders-in-chief thus actually became advisers to the OKH in their own field, so that the positions shown in the attached chart embrace that group which was the actual advisory council of the High Command of the German Armed Forces."

The Tribunal will note that the latter part of this affidavit, like those of Halder and Brauchitsch, vouches for the accuracy of the structure and organization of the General Staff and High Command group as described by the Prosecution. The Tribunal will also note that the Von Blomberg affidavit and the first part of the Blaskowitz affidavit make it clear beyond question that the military leaders of Germany knew of, approved, supported, and executed plans for the

expansion of the Armed Forces beyond the limits set by treaties. The objectives which they had in mind are obvious, and in these documents and affidavits we see the Nazis and the generals in agreement upon the basic objective of aggrandizing Germany by force or threat of force and collaborating to build up the armed might of Germany, in order to make possible the subsequent acts of aggression. We turn now to an examination of those particular acts of aggression which have already been described to the Tribunal in general, with the particular purpose of noting participation in these criminal acts by the General Staff and High Command group.

I may say, Your Lordship, that in going over this material, in order to save time I propose to read from a very few documents. There are large numbers of documents. Accordingly, when I cite them I think there is probably no need for the Tribunal to try to find them in the documents before it. Most of them are documents already in evidence and I propose to cite them for purposes of recapitulation, without reading very much.

The Tribunal will recall that Mr. Alderman read into the transcript portions of a document, 386-PS, Exhibit Number USA-25, consisting of notes by Colonel Hossbach on a conference which was held in the German Chancellery in Berlin on the 5th of November 1937. Hitler presided at this conference, which was a small and highly secret one; and the only other participants were the four principal military leaders and the Minister of Foreign Affairs, the Defendant Neurath. The four chief leaders of the Armed Forces—Blomberg, who was then Reich Minister of War, and the commanders-in-chief of the three branches of the Armed Forces: Von Fritsch for the Army, Raeder for the Navy, and Göring for the Air Force—were present. Hitler embarked on a general discussion of Germany's diplomatic and military policy and stated that the conquest of Austria and Czechoslovakia was an essential preliminary "for the improvement of our military and political position" and "in order to remove any threat from the flanks."

The military and political advantages which were envisaged included the acquisition of a new source of food, shorter and better frontiers, the release of troops for other tasks, and the possibility of forming new divisions from the population of the conquered territories. Blomberg and Von Fritsch joined in the discussion and Von Fritsch stated that he was making a study to investigate "the possibilities of carrying out operations against Czechoslovakia with special consideration for the conquest of the Czechoslovakian system of fortifications."

The following spring, in March 1938, the German plans with respect to Austria came to fruition. Mr. Alderman has already read into the record portions of the diary kept by the Defendant Jodl.

The portion here in question, Document 1780-PS, Exhibit Number USA-72, of this diary shows the participation of the German military leaders in the absorption of Austria. As is shown by Jodl's diary entry for 11 February 1938, the Defendant Keitel and two other important generals were present at the Obersalzberg meeting between Schuschnigg and Hitler, and the purpose is shown clearly by the entry which recites that:

"... in the evening and on 12 February General Keitel with General Von Reichenau and Sperrle at the Obersalzberg, Schuschnigg together with G. Schmidt are again being put under heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol."

The General Von Reichenau referred to there was at that time the head commander of Wehrkreis 7, one of the military districts into which Germany was divided. He subsequently commanded the 10th Army in Poland and the 6th Army in France and was a member of the group as defined in the Indictment. Sperrle, who was in Spain during the civil war and then commanded Luftflotte 3, the 3rd German Air Fleet, practically throughout the war, was also a member of the group. Two days later Keitel and other military leaders were preparing proposals to be submitted to Hitler which would give the Austrian Government the impression that Germany would resort to force unless the Schuschnigg agreement was ratified in Vienna.

These proposals are embodied in a document dated February 14, 1938, 1775-PS, Exhibit Number USA-73, and signed by Keitel. Portions of Keitel's proposals to the Führer are as follows:

- "1) Take no real preparatory measures in the Army or Luftwaffe. No troop movements or redeployments.
- "2) Spread false but quite credible news which may lead to the conclusion of military preparations against Austria: a) through V-men"—that means agents—"in Austria, b) through our customs personnel at the frontier, c) through travelling agents."

Going down the document to 4), Keitel proposed:

- "4) Order a very active make-believe wireless exchange in Wehrkreis VII and between Berlin and Munich.
- "5) Real maneuvers, training flights, and winter maneuvers of the mountain troops near the frontier.
- "6) Admiral Canaris has to be ready beginning on February 14 in the Service Command Headquarters VII in order to carry out measures given by order of the Chief of the OKW."

As Jodl's diary shows under the entry for 14 February, these deceptive maneuvers were very effective and created in Austria the

impression that these threats of force might be expected to create. About a month later armed intervention was precipitated by Schuschnigg's decision to hold a plebiscite in Austria. Hitler ordered mobilization in accordance with the pre-existing plans for the invasion of Austria, these plans being known as "Case Otto," in order to absorb Austria and stop the plebiscite. Jodl's diary under the entry for 10 March 1938 tells us as follows on Page 2:

"By surprise and without consulting his ministers Schuschnigg ordered a plebiscite for Sunday, 13 March, which should bring a strong majority for the Legitimists in the absence of plan or preparation.

"Führer is determined not to tolerate it. The same night, March 9 to 10, he calls for Göring. General Von Reichenau is called back from Cairo Olympic Committee, General Von Schober is ordered to come, as well as Minister Glaise-Horstenau, who is with Gauleiter Bürckel in the Palatinate."

The General Von Schober referred to succeeded General Von Reichenau as Commander of Wehrkreis 7 and later was Commander of the 11th Army in Russia and was a member of the group as defined in the Indictment.

The invasion of Austria differs from the other German acts of aggression in that the invasion was not closely scheduled and timed in advance. This is the case simply because the invasion was precipitated by an outside event, that being Schuschnigg's order for the plebiscite. But, although for this reason the element of deliberately timed planning was lacking, the foregoing documents make clear the participation of the military leaders at all stages.

At the small policy meeting of November 1937, when Hitler's general program for Austria and Czechoslovakia was outlined, the only others present were the four principal military leaders and the Foreign Secretary.

In February Keitel, Reichenau, and Sperrle were all present to help subject Schuschnigg to the heaviest military pressure. Keitel and others immediately thereafter worked out and executed a program of military threat and deception to frighten the Austrian Government into acceptance of the Schuschnigg protocol. When the actual invasion took place, it was, of course, directed by the military leaders and executed by the Armed Forces, and we are indebted to the Defendant Jodl for a clear statement of why the German military leaders were only too delighted to join with the Nazis in bringing about the end of Austrian independence.

In his lecture in November 1943 to the Gauleiter, which appears in Document L-172, which is Exhibit Number USA-34, Jodl explained—this is Page 5, Paragraph 3 of the translation:

"The Austrian Anschluss, in its turn, brought with it not only fulfillment of an old national aim, but also had the effect both of re-inforcing our fighting strength and of materially improving our strategic position. Whereas until then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and air base for the Allies, in particular Russia) Czechoslovakia herself was now enclosed by pincers. Her own strategic position had now become so unfavorable that she was bound to fall a victim to any vigorous attack before effective aid from the West could be expected to arrive."

The foregoing extract from Jodl's speech makes a good transition to the case of Czechoslovakia—"Case Green," or "Fall Grün." I propose to treat this very briefly. Mr. Alderman has covered the general story of German aggression against Czechoslovakia very fully and the documents he read from are full of evidence showing the knowing participation in this venture by Keitel, Jodl, and other members of the group.

Once again the Hossbach minutes of the conference between Hitler and the four principal military leaders, Document 386-PS, Exhibit Number USA-25, may be called to mind. Austria and Czechoslovakia were then listed as the most proximate victims of German aggression. After the absorption of Austria, Hitler as head of the State and Keitel as Chief of all the Armed Forces lost no time in turning their attention to Czechoslovakia. From this point on nearly the whole story is contained in the Schmundt file, Document 388-PS, Exhibit Number USA-26, and Jodl's diary, both of which have been read from extensively. These two sources of information go far, I think, to demolish what is urged in defense of the military defendants and the General Staff and High Command group. They seek to create the impression that the German generals were pure military technicians, that they were not interested in or not informed about political and diplomatic considerations—that they prepared plans for military attack or defense on a purely hypothetical basis. They say all this in order to suggest that they did not share and could not estimate Hitler's aggressive intentions, that they carried out politically conceived orders like military automatons, with no idea whether the wars they launched were aggressive or not.

When these arguments are made, Your Honor, may I respectfully suggest: Read the Schmundt file and read General Jodl's diary. They make it abundantly clear that aggressive designs were conceived jointly between the Nazis and the generals, that the military leaders were fully posted on the aggressive intentions and fully

informed on the political and diplomatic developments, that, indeed, German generals had a strange habit of turning up at diplomatic foregatherings; and indeed, if the documents did not show these things, a moment's thought must show them to be true.

A highly successful program of conquest depends on armed might. It cannot be executed by an unprepared, weak, or recalcitrant military leadership. It has, of course, been said that war is too important a business to be left to soldiers alone; and this is no doubt true, but it is equally true that an aggressive diplomacy is far too dangerous a business to be conducted without military advice and support, and no doubt some of the German generals had qualms about Hitler's timing and the boldness of some of his moves. Some of these doubts are rather interestingly reflected in an entry from Jodl's diary which has not yet been read.

That is Document 1780-PS again—the entry for 10 August 1938. It appears on Page 4 of the translation of 1780-PS:

"10 August 1938. The Army chiefs and the chiefs of the Air Forces groups, Lieutenant Colonel Jeschonnek, and I are ordered to the Berghof. After dinner the Führer makes a speech lasting for almost 3 hours, in which he develops his political thoughts. The subsequent attempts to draw the Führer's attention to the defects of our preparations, which are undertaken by a few generals of the Army, are rather unfortunate. This applies especially to the remarks of General Von Wietersheim, in which, to top it off, he claims to quote from General Adams that the Western fortifications can be held for only 3 weeks. The Führer becomes very indignant and flares up, bursting into the remarks that in such a case the whole Army would not be good for anything. 'I assure you, General, the position will be held not only for 3 weeks, but for 3 years.'

"The cause of this despondent opinion, which unfortunately enough is held widely within the Army General Staff, is based on various reasons. First of all, it"—the General Staff—"is prejudiced by old memories and feels responsible also for political decisions instead of obeying and executing its military mission. That is certainly done with traditional devotion, but the vigor of the soul is lacking, because in the end they do not believe in the genius of the Führer. One does perhaps compare him with Charles XII. And since water flows downhill, this defeatism may not only possibly cause immense political damage, for the opposition between the generals' opinion and that of the Führer is common talk, but may also constitute a danger for the morale of the troops. But I have no doubt that this, as well as the morale of the people, will

encourage the Führer enormously when the right moment comes.”

THE PRESIDENT: Shall we break off now for 10 minutes?

[A recess was taken.]

COL. TAYLOR: The extract from the Jodl diary from which I have just read may indeed show that some of the German generals at that time were cautious with respect to Germany's ability to take on Poland and the Western Powers simultaneously; but, nonetheless, the entry shows no lack of sympathy with the Nazi aims for conquest. And there is no evidence in Jodl's diary or elsewhere that any substantial number of German generals lacked sympathy with Hitler's objectives. Furthermore, the top military leaders always joined with and supported his decisions, with formidable success in these years from 1938 to 1942.

So, if we are told that German military leaders did not know that German policy toward Czechoslovakia was aggressive or based on force or threat of force, let us remember that on 30 May 1938 Hitler signed a most secret directive to Keitel—already in the transcript, Document 388-PS, Exhibit Number USA-26—in which he stated clearly his unalterable decision to smash Czechoslovakia by military action in the near future.

The Defendant Jodl was in no doubt what that directive meant. He noted in his diary, the same day, that the Führer had stated his final decision to destroy Czechoslovakia soon and had initiated military preparation all along the line.

And the succeeding evidence, both in the Schmundt file and in the Jodl diary, shows how these military preparations went forward. Numerous examples of discussions, plans, and preparations during the last few weeks before the Munich Pact, including discussions with Hungary and the Hungarian General Staff, in which General Halder participated, are contained in the Jodl diary and the later items in the Schmundt file. The day the Munich Pact was signed, the 29th of September, Jodl noted in his diary—Document 1780-PS—the entry for 29 September:

“The Munich Pact is signed, Czechoslovakia as a power is out. Four zones as set forth will be occupied between the 2d and 7th of October. The remaining part of mainly German character will be occupied by the 10th of October. The genius of the Führer and his determination not to shun even a world war have again won the victory without the use of force. The hope remains that the incredulous, the weak, and the doubtful people have been converted and will remain that way.”

Plans for the liquidation of the remainder of Czechoslovakia were made soon after Munich. Ultimately the absorption of the remainder was accomplished by diplomatic bullying, in which the Defendant Keitel participated, for the usual purpose of demonstrating that German armed might was ready to enforce the threats—as shown by two documents already in, and which I need not read: Document 2802-PS, Exhibit Number USA-117; and 2798-PS, Exhibit Number USA-118.

And once again the Defendant Jodl, in his 1943 lecture, Document L-172, Exhibit Number USA-34, tells us clearly and in one sentence why the objective of eliminating Czechoslovakia lay as close to the hearts of the German military leaders as to the hearts of the Nazi:

“The bloodless solution of the Czech conflict in the autumn of 1938 and the spring of 1939 and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it then became possible to consider the Polish problem on the basis of more or less favorable strategic premises.”

And this serves to recall the affidavits by Blomberg and Blaskowitz, from which I have already read. The whole group of German staff and front officers believed that the question of the Polish Corridor “would have to be settled some day, if necessary by force of arms,” they told us. “Hitler produced the results which all of us warmly desired,” they have told us.

I turn now to Poland. The German attack on Poland is a particularly interesting one from the standpoint of the General Staff and High Command. The documents which show the aggressive nature of the attack have already been introduced by Colonel Griffith-Jones of the British Delegation. I propose to approach it from a slightly different angle, inasmuch as these documents serve as an excellent case study of the functioning of the General Staff and High Command group as defined in the Indictment.

This attack was carefully timed and planned, and in the documents one can observe the staff work step by step. Colonel Griffith-Jones read from a series of directives from Hitler and Keitel, embodied in Document C-120, Exhibit Number GB-1, involving “Fall Weiss”, which was the code word for the plan of attack on Poland. That is a whole series of documents, and the series starts—C-120—with a reissuance of a document called, “Directive for the Uniform Preparation for War by the Armed Forces.”

We have encountered this periodically reissued directive previously. That was a sort of form for standing instructions to the Armed Forces laying out what their tasks during the coming period would be.

In essence these directives are: Firstly, statements of what the Armed Forces must be prepared to accomplish in view of political and diplomatic policies and developments and; secondly, indications of what should be accomplished diplomatically in order to make the military tasks easier and the chances of success greater. They constitute, in fact, a fusion of diplomatic and military thought and they strongly demonstrate the mutual interdependence of aggressive diplomacy and military planning.

Note the limited distribution of these documents, early in April 1939, in which the preparation of the plans for the Polish war is ordered. Five copies only are distributed by Keitel: One goes to Brauchitsch at OKH; one to Raeder at OKM; one to Göring at OKL; and two to Warlimont in the planning branch of OKW.

Hitler lays down that the plans must be capable of execution by 1 September 1939; and, as we all remember, that target date was adhered to. The fusion of military and diplomatic thought is clearly brought out by a part of one of these documents which has not previously been read; that is Document C-120, Subdivision D, and it is to be found at Page 4. The sub-heading is "Political Requirements and Aims":

"German relations with Poland continue to be based on the principle of avoiding any quarrels. Should Poland, however, change her policy towards Germany, based up to now on the same principles as our own, and adopt a threatening attitude towards Germany, a final settlement might become necessary, notwithstanding the pact in effect with Poland.

"The aim, then, will be to destroy Polish military strength and create in the East a situation which satisfies the requirements of national defense. The Free State of Danzig will be proclaimed a part of the Reich territory at the outbreak of the conflict, at the latest.

"The political leadership considers it its task in this case to isolate Poland if possible, that is to say, to limit the war to Poland only.

"The development of increasing internal crises in France and the resulting British cautiousness might produce such a situation in the not too distant future.

"Intervention by Russia, so far as she would be able to do this, cannot be expected to be of any use for Poland, because this would imply Poland's destruction by Bolshevism.

"The attitude of the Baltic States will be determined wholly by German military exigencies.

"On the German side Hungary cannot be considered a certain ally. Italy's attitude is determined by the Berlin-Rome Axis."

Sub-heading 2, "Military Conclusions":

"The great objectives in the building up of the German Armed Forces will continue to be determined by the antagonism of the Western Democracies. Fall Weiss constitutes only a precautionary complement to these preparations. It is not to be looked upon in any way, however, as the necessary prerequisite for a military settlement with the Western opponents.

"The isolation of Poland will be more easily maintained, even after the beginning of operations, if we succeed in starting the war with heavy, sudden blows and in gaining rapid successes.

"The entire situation will require, however, that precautions be taken to safeguard the western boundary and the German North Sea coast, as well as the air over them."

Let no one suggest that these are hypothetical plans or that the General Staff and High Command group did not know what was in prospect. The plans show on their face that they are no war game. But, to clinch this point, let us refer briefly to Mr. Alderman's so-called "pin-up" document on Poland, Document L-79, Exhibit Number USA-27. These are Schmundt's notes on the conference in Hitler's study at the Reich Chancellery, Berlin, on 23 May 1939, when Hitler announced—and I quote just one sentence:

"There is, therefore, no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity."

Note who was present besides Hitler and a few military aides: The Defendant Göring, Commander-in-Chief of the Luftwaffe; the Defendant Raeder, Navy; the Defendant Keitel, OKW; Von Brauchitsch, Commander-in-Chief of the Army; Colonel General Milch, who was State Secretary of the Air Ministry and Inspector General of the Luftwaffe; General Bodenschatz, Göring's personal assistant; Rear Admiral Schniewind, Chief of the naval war staff; Colonel Jeschonnek, Chief of the Air Staff; Colonel Warlimont, Planning Staff. All of them, except Milch, Bodenschatz, and the adjutants, are members of the group.

So far these documents have shown us the initial and general planning of the attack on Poland. These general plans, however, had to be checked, corrected, and perfected by the field commanders who were to carry out the attack.

I offer Document C-142, which will be Exhibit Number USA-538. This document was issued in the middle of June 1939, and in this document Von Brauchitsch, as Commander-in-Chief of the Army, passed on the general outlines of the plan for the attack on Poland to the field commanders-in-chief—to the Oberbefehlshaber of army groups and armies—so that the field commanders could work out

the actual preparation and deployment of troops in accordance with the plans. This is from Page 1 of the translation, and I quote:

"The object of the operation is to destroy the Polish Armed Forces. High policy demands that the war should be begun by heavy surprise blows in order to achieve quick results. The intention of the Commander-in-Chief of the Army is to prevent a regular mobilization and concentration of the Polish Army by a surprise invasion of Polish territory and to destroy... the mass of the Polish Army which is to be expected to be west of the Vistula-Narev Line."

I skip to the next paragraph:

"The army group commands and the army commands will make their preparations on the basis of surprise of the enemy. There will be alterations necessary if surprise should have to be abandoned. These will have to be developed simply and quickly on the same basis; they are to be prepared mentally to such an extent that in case of an order from the Commander-in-Chief of the Army they can be carried out quickly."

THE PRESIDENT: What is the date of that document?

COL. TAYLOR: The date of that document is the middle of June 1939; I believe it is the 15th or 14th of June 1939. The date is on the original.

The next document is 2327-PS, which will be Exhibit Number USA-539. It is signed by Blaskowitz. It is dated 14 June 1939, and it shows us an Oberbefehlshaber at work in the field planning an attack. Blaskowitz at that time was Commander of the 3rd Army Group and he became Commander-in-Chief of the German 8th Army during the Polish campaign. I read some extracts from this document found on Page 1 of the translation:

"The Commander-in-Chief of the Army has ordered the working out of a plan of deployment against Poland which takes into account the demands of the political leadership for the opening of war by surprise and for quick success.

"The order of deployment by the High Command of the Army, known as Fall Weiss, authorizes the 3rd Army Group (in Fall Weiss 8th Army headquarters) to give necessary directions and orders to all commands subordinated to it for Fall Weiss."

I skip to Paragraph 7 on Page 1:

"The whole correspondence on Fall Weiss has to be conducted under the classification 'top secret.' This is to be disregarded only if the content of a document, in the judgment of the

chief of the responsible command, is harmless in every way—even in connection with other documents.

“For the middle of July a conference is planned where details of the execution will be discussed. Time and place will be ordered later on. Special requests are to be communicated to 3rd Army Group before 10 July.”

That is signed, “The Commander-in-Chief of the 3rd Army Group, F. Blaskowitz.”

I skip to Page 2 to read one further extract under the title at the top of Page 2 of the translation, “Aims of Operation Fall Weiss”:

“The operation, in order to forestall an orderly Polish mobilization, is to be opened by surprise with forces which are for the most part armored and motorized, placed on alert in the neighborhood of the border. The initial superiority over the Polish frontier guards and surprise, both of which can be expected with certainty, are to be maintained by quickly bringing up other parts of the Army as well as by counteracting the marching up of the Polish Army.

“Accordingly, all units have to keep the initiative against the foe by quick action and ruthless attacks.”

Finally, a week before the actual attack on Poland, and when all the military plans are laid, we find the group as defined in the Indictment all in one place, in fact, all in one room. On August 23 the Oberbefehlshaber assembled at Obersalzberg to hear Hitler's explanation of the timing of the attack and for political and diplomatic orientation from the head of the State. This speech has already been read from at length. It is found in Document 798-PS, Exhibit Number USA-29; and I pass over it, except to note and emphasize that it is addressed to the very group defined in the Indictment as the General Staff and High Command group. It is, incidentally, the second of the two examples referred to in the affidavits by Halder and Brauchitsch, Numbers 1 and 2, which I read previously.

We have now come to the point where Germany actually launched the war. Within a few weeks, and before any important action on the Western Front, Poland was overrun and conquered; German losses were insignificant.

The three principal territorial questions mentioned in the Blomberg and Blaskowitz affidavits were all solved. The Rhineland had been reoccupied and fortified; Memel was annexed; the Polish Corridor had been annexed. And a good deal more, too: Austria, a part of the Reich; Czechoslovakia occupied; all of western Poland in German hands. Germany was superior in arms and in experience to her Western enemies, France and England.

Then came the 3 black years of the war, 1939, 1940, and 1941, when German armed might swung like a great scythe from north

to south to east: Norway and Denmark; the Low Countries; France; Italy became an ally of Germany; Tripoli and Egypt; Yugoslavia and Greece; Romania, Hungary, and Bulgaria became allies; the western part of the Soviet Union overrun.

I would like to deal as a whole with this period from the fall of Poland in October 1939 to the attack against the Soviet Union in June of 1941. In this period occurred the aggressive wars in violation of treaties, as charged in the Indictment, against Norway, Denmark, Holland, Belgium, Luxembourg, Yugoslavia, and Greece.

I cannot improve on or add much to the presentation of these matters by the British Delegation. From the standpoint of proving Crimes against Peace, our case is complete. But I would like to review this period briefly from the military standpoint and view it as the German military leaders viewed it. And of one thing we may be sure: neither the Nazis nor the generals thought during this period in terms of a series of violations of neutrality and treaties. They thought in terms of a war, a war of conquest, a war for the conquest of Europe. Neutrality, treaties, non-aggression pacts—these were not the major considerations. They were annoying obstacles, and devices had to be formed and excuses manufactured to fit the circumstances.

Von Blomberg has told us in his affidavit, which I have read, that after 1939 some generals began to condemn Hitler's methods and lost confidence in his judgment. Which particular Hitler methods some of the generals condemned is not stated, but I think the Tribunal will not hear any substantial evidence that many of the generals condemned the march of conquest during the years 1939 to 1941. In fact the evidence is rather that most of the generals were having the time of their lives during those years.

Six weeks after the outbreak of war and upon the successful termination of the Polish campaign, 9 October 1939, there was issued a memorandum and directive for the conduct of the war in the West. This is Document Number L-52, and becomes Exhibit Number USA-540. It is not signed. It was distributed only to the four service chiefs, Keitel, Brauchitsch, Göring, and Raeder. From the wording there is every indication that it was issued by Hitler. I will read the pertinent extracts, starting with Page 2 of the document, about two-thirds of the way down in the first paragraph, starting with the words, "The aim of the Anglo-French conduct of war":

"The aim of the Anglo-French conduct of war is to dissolve or disintegrate the 80-million-state"—meaning Germany—"again so that in this manner the European equilibrium, in other words, the balance of power which serves their ends, may be restored. This battle, therefore, will have to be fought out by the German people one way or another. Nevertheless, the

very great successes of the first month of the war could serve, in the event of an immediate signing of peace, to strengthen the Reich psychologically and materially to such an extent that from the German viewpoint there would be no objection to ending the war immediately, insofar as the present achievement with arms is not jeopardized by the peace treaty.

"It is not the object of this memorandum to study the possibilities in this direction, or even to take them into consideration. In this paper I shall confine myself exclusively to the other case: the necessity to continue the fight, the object of which, as already stressed, consists, insofar as the enemy is concerned, in the dissolution or destruction of the German Reich. In opposition to this the German war aim is the final military dispatch of the West, that is, destruction of the power and ability of the Western Powers ever again to be able to oppose the state consolidation and further development of the German people in Europe. As far as the outside world is concerned, however, this internal aim will have to undergo various propaganda adjustments, necessary from a psychological point of view. This does not alter the war aim. It is and remains the destruction of our Western enemies."

I now pass to Page 3 of the translation, Paragraph 2, and the subheading "Reasons":

"The successes of the Polish campaign have made possible first of all a war on a single front, awaited for past decades without any hope of realization; that is to say, Germany is able to enter the fight in the West with all her might, leaving only a few covering troops in the East. The remaining European states are neutral either because they fear for their own fates or lack interest in the conflict as such or are interested in a certain outcome of the war, which prevents them from taking part at all, or at any rate too soon. The following is to be firmly borne in mind..."

At this point I interpolate that here follows a succession of references to countries, and I pass to Belgium and Holland at the foot of Page 3:

"Belgium and Holland: Both countries are interested in preserving their neutrality but incapable of withstanding prolonged pressure from England and France. The preservation of their colonies, the maintenance of their trade, and thus the securing of their interior economy, even of their very life, depend wholly upon the will of England and France. Therefore in their decisions, in their attitude, and in their actions both countries are dependent upon the West in the highest degree. If England and France promise themselves a

successful result at the price of Belgian neutrality, they are at any time in a position to apply the necessary pressure. That is to say, without covering themselves with the odium of a breach of neutrality, they can compel Belgium and Holland to give up their neutrality. Therefore, in the matter of the preservation of Belgo-Dutch neutrality, time is not a factor which might promise a favorable development for Germany." The final paragraph to be read is as follows:

"The Nordic States: Provided no completely unforeseen factors appear, their neutrality in the future is also to be assumed. The continuation of German trade with these countries appears possible even in a war of long duration."

Six weeks later, on 23 November 1939, our group as defined in the Indictment—the Oberbefehlshaber—again assembled, as found in Document Number 789-PS, already in the record as Exhibit Number USA-23, and heard from Hitler much of what he had said previously to the four service chiefs. This speech, part of which is already in the record, contains other portions, not previously read, which are now of interest; and the first extract which I would like to read is on Page 2 of the translation, about half-way down in Paragraph 1, starting with the words, "For the first time in history we have to fight only on one front..." I quote:

"For the first time in history we have to fight only on one front; the other front is at present free. But no one can know how long that will remain so. I have doubted for a long time whether I should strike first in the East and then in the West. In principle I did not organize the Armed Forces in order not to strike. The decision to strike was always in me. Sooner or later I wanted to solve the problem. Inevitably it was decided that the East was to be annihilated first. If the Polish war was won so quickly, it was due to the superiority of our Armed Forces. The most glorious experience in our history. Unexpectedly small expenditures of men and material. Now the Eastern front is held by only a few divisions. It is a situation which we viewed previously as unachievable. Now the situation is as follows: The opponent in the West lies behind his fortifications. There is no possibility of coming to grips with him. The decisive question is: How long can we endure this situation?"

Passing to Page 3 of that document, line 3:

"Everything is determined by the fact that the moment is favorable now; in 6 months it might not be so any more."

The final passage on Page 4 of the translation, in the long paragraph about half-way down, beginning, "England cannot live without its imports. We can feed...":

"England cannot live without its imports. We can feed ourselves. The permanent sowing of mines on the English coasts will bring England to her knees. However, this can occur only if we have occupied Belgium and Holland. It is a difficult decision for me. None has ever achieved what I have achieved. My life is of no importance in all this. I have led the German people to a great height, even if the world does hate us now. I risk the loss of this achievement. I have to choose between victory or destruction. I choose victory. Greatest historical choice, to be compared with the decision of Frederick the Great before the first Silesian war. Prussia owes its rise to the heroism of one man. Even there, the closest advisers were disposed to capitulation. Everything depended on Frederick the Great. Even the decisions of Bismarck in 1866 and 1870 were no less great. My decision is unchangeable. I shall attack France and England at the most favorable and quickest moment. Breach of the neutrality of Belgium and Holland is meaningless. No one will question that when we have won. The arguments we will choose for the breach of neutrality shall not be as idiotic as they were in 1914. If we do not break the neutrality, then England and France will. Without attack the war is not to be ended victoriously. I consider it possible to end the war only by means of an attack. The question as to whether the attack will be successful, no one can answer. Everything depends upon favorable providence."

Thereafter the winter of 1939 and 1940 passed quietly, the winter of so-called "phony war."

The General Staff and High Command group all knew what the plan was—they had all been told. To attack ruthlessly at the first opportunity; to smash the French and English forces; to pay no heed to treaties with, or neutrality of, the Low Countries. "Breaking of the neutrality of Holland and Belgium is meaningless. No one will question that when we have won." That is what Hitler told the Oberbefehlshaber. The generals and admirals agreed and went forward with their plans.

Now it is not true that all the steps in this march of conquest were conceived by Hitler and that the military leaders embarked on them with reluctance and misgivings. To show this we need only hark back for a moment to what Major Elwyn Jones told the Tribunal about the plans for the invasion of Denmark and Norway.

The Tribunal will recall that Hitler's utterances in October and November, which I have just read, although they are full of threatening comments about France and England and the Low Countries, contain no suggestion of an attack on Scandinavia. Indeed, Hitler's memorandum of 9 October, from which I read Document L-52,

affirmatively indicates that Hitler saw no reason to disturb the situation to the north, because he said that unless unforeseen factors appeared the neutrality of the northern states could be assumed. Trade could be continued with those countries even in a long war. But a week previously, on the 3rd of October 1939, the Defendant Raeder had caused a questionnaire to be circulated within the Naval Staff seeking comments on the advantages which might be gained from a naval standpoint by securing bases in Norway and Denmark. That document is C-122, Exhibit Number GB-82. And another document introduced by Major Elwyn Jones, Document C-66, which is Exhibit Number GB-81, shows that Raeder was prompted to circulate this questionnaire by a letter from another admiral named Carls, who pointed out the importance of an occupation of the Norwegian coast by Germany. Admiral Carls, Rolf Carls, later attained the rank of Admiral of the Fleet and commanded Naval Group North and in that capacity is a member of the group as defined in the Indictment, as well as Raeder.

The Tribunal will also recall that the Defendant Dönitz, who at that time was flag officer of submarines, replied to the questionnaire from Raeder on 9 October 1939. The document in question is Document C-5, Exhibit Number GB-83. And Dönitz replied that from his standpoint Trondheim and Narvik met the requirements for a submarine base, that Trondheim was better, and that he proposed the establishment of a U-boat base there. The next day Raeder visited Hitler, and this visit and certain subsequent events are described in a document which has not previously been introduced.

Now, Your Honors, owing to a confusion in numbering, the German document is C-71, but the translation appears in your books in Document L-323, and that will be Exhibit Number USA-541. The translation will be found in L-323, the middle of the page, entitled, "Entry in the War Diary of the Commander-in-Chief of the Navy, naval war staff, on 'Weserübung'," that being the code name for the operation against Norway and Denmark. Diary entry for 10 October 1939:

"First reference of the Commander-in-Chief of the Navy, when visiting the Führer, to the significance of Norway for sea and air warfare. The Führer intends to give the matter consideration.

"12 December 1939. Führer received Q and H"—those being presumably Quisling and Hagelin.

"Subsequent instructions to the Supreme Command of the Armed Forces to make mental preparations. The Commander-in-Chief of the Navy is having an essay prepared which will be ready in January."

I may interpolate. The translation of the next sentence is somewhat in error and should read:

"With reference to this essay Kapitän zur See Krancke is working on 'Weserübung' at OKW."

"During the time which followed H"—Hagelin—"maintained contact with the Chief of Staff of the Commander-in-Chief of the Navy. His aim was to develop the Party Q"—Quisling—"with a view to making it capable of action and to give the Supreme Command of the Navy information on the political developments in Norway and military questions. In general he pressed the speeding up of preparations, but considered that it was first necessary to expand the organization."

I think that is all I need read of that.

Another document, which is Document C-64, Exhibit Number GB-86, already in the record, shows that on 12 December the Naval War Staff discussed the Norwegian project with Hitler—I am not going to read from that document, Your Honors—at a meeting which the Defendants Keitel and Jodl also attended. In the meantime Raeder was in touch with the Defendant Rosenberg on the possibilities of using Quisling; and Major Elwyn Jones very properly pointed out to the Tribunal the close link between the service chiefs and the Nazi politicians. As a result of all this, on Hitler's instructions, Keitel issued an OKW directive on 27 January 1940 stating that Hitler had commissioned him to undertake charge of preparations for the Norway operation, to which he then gave the code name Weserübung.

On 1 March 1940 Hitler issued the directive setting forth the general plan for the invasion of Norway and Denmark. That is Document C-174, Exhibit Number GB-89, which Major Elwyn Jones put in the record. The directive was initialed by Admiral Kurt Fricke, who at that time was head of the operations division of the naval war staff and who at the end of 1941 became Chief of the naval war staff and in that capacity is a member of the group as defined in the Indictment. So, as these documents make clear, the plan to invade Norway and Denmark was not conceived in Nazi Party circles or forced on the military leaders; on the contrary, it was conceived in the naval part of the General Staff and High Command group, and Hitler was persuaded to take the idea up. Treaties and neutrality meant just as little to the General Staff and High Command group as to the Nazis.

As to the Low Countries, neither Hitler nor the military leaders were disturbed about treaty considerations. The Tribunal will remember that at a conference between Hitler and the principal military leaders in May 1939, as shown in Document L-79, Exhibit Number USA-27, already in the record, when the intention to attack

Poland was announced, Hitler, in discussing the possibility of war with England, said that the Dutch and Belgian air bases must be occupied by armed force. "Declarations of neutrality will be ignored." And later, in his speech to the Oberbefehlshaber in November 1939, Hitler said that they must first invade the Low Countries and "no one will question that when we have won."

Accordingly, one can well imagine that the winter of 1939 and 1940 and the early spring of 1940 was a period of very intensive planning in German military circles. The major attack in the West through the Low Countries had to be planned and the attack on Norway and Denmark had to be planned. The Defendant Jodl's diary for the period 1 February to 26 May 1940, Document 1809-PS, Exhibit Number GB-88, contains many entries reflecting the course of this planning. Some of the entries have been read into the record and others are now of interest.

The Tribunal will see from these entries which have already been read that during February and early March there was considerable doubt in German military circles as to whether the attack on Norway and Denmark should precede or follow the attack on the Low Countries and that at some points there even was doubt as to whether all these attacks were necessary from a military standpoint. But the Tribunal will not find a single entry which reflects any hesitancy from a moral angle, on the part of Jodl or any of the people he mentions, to overrun these countries.

I will make several references now to Document 1809-PS and several of the entries in it. I do not plan to quote verbatim from any one of them. The Court will note that on 1 February 1940 General Jeschonnek, the Chief of the Air Staff and a member of the group as defined in the Indictment, visited Jodl and made a suggestion that it might be wise to attack only Holland, on the ground that Holland alone would offer a tremendous improvement for Germany's aerial warfare.

On 6 February Jodl conferred with Jeschonnek, Warlimont, and Colonel Von Waldau, and what Jodl calls a "new idea" was proposed at this meeting: That the Germans should carry out only "Action H" (Holland) and the Weser Exercise (Norway and Denmark) and should guarantee Belgium's neutrality for the duration of the war.

I suppose the German Air Force may have felt that the occupation of Holland alone would give them sufficient scope for air bases for attacks on England and that if Belgium's neutrality were preserved the German bases in Holland would be immune from attack by the French and British armies in France. If, to meet this situation, the French and British should attack through Holland and Belgium, the violation of neutrality would be on the other foot. But whether or not this new idea made sense from a military angle, it

appears to be a most extraordinary notion from a diplomatic angle. It was a proposal to violate without any excuse the neutrality of three neighboring small countries and simultaneously to guarantee the neutrality of a fourth. What value the Belgians might have attributed to a guarantee of neutrality offered under such circumstances, it is difficult to imagine; and in fact, the "new idea" projected at this meeting seems a most extraordinary combination of cynicism and naïveté.

In the meantime, as Jodl's diary shows, on 5 February 1940 the "special staff" for the Norway invasion met for the first time and got its instructions from Keitel. On 21 February Hitler put General Von Falkenhorst in command of the Norway undertaking; and Jodl's diary records that "Falkenhorst accepts gladly."

On 26 February Hitler was still in doubt whether to go first to Norway or the Low Countries, but on 3 March he decided to do Norway first and the Low Countries a short time thereafter. This decision proved final. Norway and Denmark were invaded on 9 April and the success of the adventure was certain by the 1st of May. The invasion of the Low Countries took place 10 days later.

So France and the Low Countries fell, Italy joined the war on the side of Germany, and the African campaign began. In October 1940 Italy attacked Greece. The Italo-Greek stalemate and the uncertain attitude of Yugoslavia became embarrassing to Germany, particularly because the attack of the Soviet Union was being planned and Germany felt she could not risk an uncertain situation at her rear in the Balkans.

Accordingly, it was decided to end the Greek situation by coming to Italy's aid, and the Yugoslavian *coup d'état* of 26 March 1941 brought about the final German decision to crush Yugoslavia also. The documents have already been introduced by Colonel Phillimore, and there is little that I need to add for my present purpose. The decisions were made; the Armed Forces drew up the necessary plans and executed the attacks. The onslaught was particularly unmerciful and ruthless against Yugoslavia for the special purpose of frightening Turkey and Greece. The final deployment instructions were issued by Brauchitsch and appear in Document R-95, Exhibit Number GB-127, which has not been read before. Two extracts from this are of interest. These extracts are very short:

"The political situation in the Balkans having changed by reason of the Yugoslav military revolt, Yugoslavia has to be considered an enemy even should it make declarations of loyalty at first.

"The Führer and Supreme Commander has decided therefore to destroy Yugoslavia as quickly as possible."

And turning to Paragraph Number 5, the "Timetable for the Operations":

"On 5 April as soon as sufficient forces of the Air Forces are available and weather permitting, the Air Forces should attack continuously by day and night the Yugoslav ground organization and Belgrade."

The German attack on the Soviet Union I have little more to say about. The documents showing the aggressive nature of the attack have been put in by Mr. Alderman. I suppose it is quite possible that some members of the General Staff and High Command group opposed Barbarossa as unnecessary and unwise from a military standpoint. The Defendant Raeder so indicated in a memorandum he wrote on 10 January 1944, Document C-66, Exhibit Number GB-81. C-66 is the translation and the only document I propose to read on this subject, from which a few extracts are of interest. The quotation starts at the very outset of the Document C-66:

"At this time the Führer had made known his 'unalterable decision' to conduct the Eastern campaign in spite of all remonstrances. After that further warnings, if no new situation had arisen, were found to be, according to previous experiences, completely useless. As Chief of naval war staff I was never convinced of the 'compelling necessity' for Barbarossa."

And passing to the third paragraph:

"The Führer very early had the idea of one day settling accounts with Russia; doubtless his general ideological attitude played an essential part in this. In 1937-38 he once stated that he intended to eliminate the Russians as a Baltic power; they would then have to be diverted in the direction of the Persian Gulf. The advance of the Russians against Finland and the Baltic States in 1939-1940 probably further strengthened him in this idea."

And passing to the very end of the document, Paragraph 7, Page 4:

"As no other course is possible, I have submitted to compulsion. If thereby a difference of opinion arises between I SKL and myself"—that, if I may interpolate, is a division of the naval war staff having to do with operations—"it is perhaps because the arguments the Führer used on such occasions (dinner speech in the middle of July to the officers in command) to justify a step he had planned usually had a greater effect on people not belonging to the inner circle than on those who often heard this type of reasoning.

"Many remarks and plans indicate that the Führer calculated on the final ending of the Eastern campaign in the autumn

of 1941, whereas the Supreme Command of the Army (General Staff) was very skeptical."

That, to be sure, indicates division of opinion as to the military chances of a rapid success, but the part last quoted indicates that other members of the group favored Barbarossa and Raeder's memorandum actually says and substantiates what Blomberg's affidavit says: That some of the generals lost confidence in the power of Hitler's judgment, but that the generals failed as a group to take any definite stand against him, although a few tried and suffered thereby. Certainly the High Command took no stand against Hitler on Barbarossa and the events of 1941 and 1942 do not suggest that the High Command embarked on the Soviet war tentatively or with reservations, but rather with ruthless determination backed by careful planning. The plans themselves have all been read and cited to the Court previously.

That concludes the evidence on the criminal activities of the group under Counts One and Two. The documents written by the military leaders are not the writings of men who were reluctant to plan and execute these manifold wars.

I want to make clear again the nature of the accusations against this group under Counts One and Two. They are not accused on the ground that they are soldiers. They are not accused merely for doing the usual things a soldier is expected to do, such as making military plans and commanding troops. It is, I suppose, among the normal duties of a diplomat to engage in negotiations and conferences, to write notes and *aide-memoire*, to entertain at dinner parties, and cultivate good will toward the government he represents. The Defendant Ribbentrop is not indicted for doing these things. It is the usual function of a politician to draft regulations and decrees, to make speeches. The Defendants Hess and Frick are not indicted for doing those things.

It is an innocent and respectable business to be a locksmith; but it is none the less a crime, if the locksmith turns his talents to picking the locks of neighbors and looting their homes. And that is the nature of the charge under Counts One and Two against the defendants and the General Staff and High Command group. The charge is that, in performing the functions of diplomats, politicians, soldiers, sailors, or whatever they happened to be, they conspired, and did plan, prepare, initiate, and wage illegal wars and thereby committed crimes under Article 6 (a) of the Charter.

It is no defense for those who committed such crimes to plead that they practice a particular profession. It is perfectly legal for military men to prepare military plans to meet national contingencies, and such plans may legally be drawn whether they are offensive or defensive in a military sense. It is perfectly legal for military

leaders to carry out such plans and engage in war, if in doing so they do not plan and launch and wage wars which are illegal because they are aggressive and in contravention of the Charter.

I am very far from saying that there may not be individual cases, involving some individual members of this group, where drawing the line between legal and illegal behavior might involve some difficulties. That is not an uncommon situation in the legal field. But I do not believe that there is any doubt or difficulty here, before this Tribunal, as to the criminality of the General Staff and High Command group as a group under Counts One and Two, or as to the guilt of the five defendants who are members of the group.

In the case of the Defendants Göring, Keitel, and Jodl, the evidence is voluminous and their participation in aggressive plans and wars is more or less constant. The same is true of Defendant Raeder, and his individual responsibility for the aggressive and savage attack on Norway and Denmark is especially clear. The evidence so far offered against Dönitz is less voluminous for the reason that he was younger and not one of the top group until later in the war.

But numerous other members of the General Staff and High Command group, including its other leaders, are shown to have participated knowingly and wilfully in these illegal plans and wars: Brauchitsch, the Commander-in-Chief of the Army, and his Chief of Staff, Halder; Warlimont, the deputy of Jodl. In the nature of things these men knew all that was going on and participated fully, as the documents show. Reichenau and Sperrle helped to bully Schuschnigg; Reichenau, and Von Schober, together with Göring, were immediately sent for by Hitler when Schuschnigg ordered the plebiscite. At a later date we have seen Blaskowitz as an Oberbefehlshaber in the field, knowingly preparing for the attack on Poland; Field Marshal List educating the Bulgarians for their role during the attacks on Yugoslavia and Greece; Von Falkenhorst "gladly" accepting the assignment to command the invasion of Norway and Denmark. On the air side, Jeschonnek has been recorded proposing that Germany attack Norway, Denmark, and Holland and simultaneously assuring Belgium that there is nothing to fear. On the naval side, Admiral Carls, member of the group, foresees at an early date that German policy is leading to a general European war, and at a later date the attack on Norway and Denmark is his brainchild; Krancke, later one of the group, is one of the chief planners of this attack; Schniewind is in the inner circle for the attack on Poland; Fricke certifies the final orders for Weserübung and a few months later proposes that Germany annex Belgium and northern France and reduce the Netherlands and Scandinavia to vassalage.

Most of the 19 officers I have mentioned were at that time members of the group, as defined, and the few who were not, subsequently

became members. At the final conference for Barbarossa 17 additional members were present and at the two meetings with Hitler, at which the aggressive plans and the contempt for treaties were fully disclosed, the entire group was present.

The military defendants will perhaps argue that they are pure technicians. This amounts to saying that military men are a race apart from and different from the ordinary run of human beings—men above and beyond the moral and legal requirements that apply to others, incapable of exercising moral judgment on their own behalf.

What we are discussing here is the crime of planning and waging aggressive war. It stands to reason that that crime is committed most consciously and culpably by a nation's leaders—the leaders in all the major fields of activity which are necessary to and closely involved in the waging of war. It is committed by propagandists and publicists. It is committed by political leaders, by diplomats, by the chief ministers, by the principal industrial and financial leaders. It is no less committed by the military leaders.

In the nature of things, planning and executing aggressive war is accomplished by agreement and consultation among all these types of leaders. And if the leaders in any notably important field of activity stand aside or resist or fail to co-operate, then the program will at the very least be seriously obstructed. That is why the principal leaders in all these fields of activity share responsibility for the crime, and the military leaders no less than the others. Leadership in the military field, as well as in other fields, calls for moral wisdom as well as technical astuteness.

I do not think that the responsible military leaders of any nation will be heard to say that their role is that of a mere janitor, or custodian, or pilot of the war machine which is under their command and that they bear no responsibility whatsoever for the use to which that machine is put.

The prevalence of such a view would be particularly unfortunate today, when the military leaders control forces infinitely more powerful and destructive than ever before. Should the military leaders be declared exempt from the declaration in the Charter that planning and waging aggressive war is a crime, it would be a crippling, if not a fatal blow to the efficacy of that declaration.

Such is certainly not the view of the United States. The Prosecution here representing the United States believes that the profession of arms is a distinguished profession. We believe that the practice of that profession by its leaders calls for the highest degree of integrity and moral wisdom no less than for technical skill. We believe that, in consulting and planning with the leaders in other

fields of national activities, the military leaders must act in accordance with international law and the dictates of the public conscience. Otherwise the military resources of the nation will be used, not in accordance with the laws of modern society, but in accordance with the law of the jungle. The military leaders share responsibility with other leaders. I use the word "share" advisedly. Obviously the military leaders are not the final and exclusive arbiters, and the German military leaders do not bear exclusive responsibility for the criminal holocaust which was committed. But the German military leaders conspired with others to undermine and destroy the conscience of the German nation. The German military leaders wanted to aggrandize Germany and, if necessary, to resort to war for that purpose.

As the Chief Prosecutor for the United States said in his opening statement, the German military leaders are here before you because they, along with others, mastered Germany and drove it to war.

Your Lordship, that concludes the evidence under Counts One and Two, and if this would be a convenient stopping point...

THE PRESIDENT: You have another branch of the argument?

COL. TAYLOR: Counts Three and Four, Your Honor, which will take considerable time.

THE PRESIDENT: Very well, we will adjourn now.

[The Tribunal adjourned until 7 January 1946 at 1000 hours.]

TWENTY-EIGHTH DAY

Monday, 7 January 1946

Morning Session

COL. TAYLOR: May it please the Court, Sir, when the Court rose on Friday I had completed that part of the presentation on Counts One and Two. I now turn to that part of the Indictment which charges that the General Staff and High Command group had a major responsibility for the War Crimes and Crimes against Humanity involved in the execution of the Common Plan or Conspiracy set forth in Counts Three and Four of the Indictment. For purpose of brevity I shall refer to these crimes simply as War Crimes.

The presentation of the documents under this part of the case should take all or the better part of the morning session. At the conclusion of that, I propose to call a single witness, one witness, Erich von dem Bach-Zelewski, whose testimony on direct examination should not exceed 25 or 30 minutes. After that, I shall take possibly 10 minutes to conclude, and that will be the entire presentation.

On this part of the case I propose to show that members of the General Staff and High Command group, including the defendants who are members of the group, ordered and directed the commission of War Crimes, and thereby participated in the commission of War Crimes in their official capacity as members of the group. I also propose to show, in certain instances, the actual commission of War Crimes by members of the German Armed Forces as a result of these orders or as a result of other orders and arrangements made by members of the General Staff and High Command group which controlled the German Armed Forces. However, I do not propose to make a full showing of War Crimes committed by the German Armed Forces. The full presentation of the evidence under Counts Three and Four will be made, pursuant to agreement among the Chief Prosecutors, by the French and Soviet Delegations, and a substantial amount of the evidence to be presented by them will be relevant to the charges against the General Staff and High Command group.

We will at this time show the Tribunal that the General Staff and High Command became wedded to a policy of terror. In some cases, the evidence of this policy is in documentary form, and we will present the activating papers which were signed by, initialed by, and circulated among the members of the group. In other instances, where the actual crimes were committed by others than

members of the German Armed Forces, where, for example, prisoners of war were handed over to and mistreated by the SS or SD, we will show that in those cases members of this group were well aware that they were assisting in the commission of War Crimes. We will show that many crimes committed by the SS and SD were committed with the knowledge and necessary support of the General Staff and High Command group.

The first matter which I will take up relates to the killing, in violation of international law and the rules of war, of Allied commandos, paratroopers, and members of military missions, and the first document to which I wish to refer is 498-PS, which will be Exhibit USA-501.

This story starts with the order embodied in that document, which is an order issued by Hitler on 18 October 1942, and which Mr. Storey has already mentioned in the presentation of charges against the Sicherheitsdienst. The order begins with a recital that Allied commandos were using methods of warfare alleged to be outside the scope of the Geneva Convention, and thereafter proceeds to specify the methods of warfare which German troops should use against Allied commandos, and the disposition which should be made of captured commandos.

This order is one of the two basic documents in the story. I will read it in full:

"1. For some time our enemies have been using in their warfare methods which are outside the international Geneva Conventions. Especially brutal and treacherous is the behavior of the so-called commandos, who, as is established, are partially recruited even from freed criminals in enemy countries. From captured orders it is divulged that they are directed not only to shackle prisoners, but also to kill defenseless prisoners on the spot at the moment in which they believe that the latter, as prisoners, represent a burden in the further pursuit of their purpose or could otherwise be a hindrance. Finally, orders have been found in which the killing of prisoners has been demanded in principle.

"2. For this reason it was already announced, in an addendum to the Armed Forces communiqué of 7 October 1942, that in the future, Germany, in the face of the sabotage troops of the British and their accomplices, will resort to the same procedure, that is, that they will be ruthlessly mowed down by the German troops in combat, wherever they may appear.

"3. I therefore order:

"From now on all enemies on so-called commando missions in Europe or Africa, challenged by German troops, even if they are to all appearances soldiers in uniform or demolition troops,

whether armed or unarmed, in battle or in flight, are to be slaughtered to the last man. It does not make any difference whether they are landed from ships and airplanes for their actions, or whether they are dropped by parachute. Even if these individuals, when found, should apparently be prepared to give themselves up, no pardon is to be granted them on principle. In each individual case full information is to be sent to the OKW for publication in the communiqué of the Armed Forces.

"4. If individual members of such commandos, such as agents, saboteurs, *et cetera*, fall into the hands of the Armed Forces by some other means, through the police in occupied territories, for instance, they are to be handed over immediately to the SD. Any imprisonment under military guard, in PW stockades, for instance, *et cetera*, is strictly prohibited, even if this is only intended for a short time.

"5. This order does not apply to the treatment of any soldiers who, in the course of normal hostilities, large-scale offensive actions, landing operations, and airborne operations, are captured in open battle or give themselves up. Nor does this order apply to enemy soldiers falling into our hands after battles at sea, or to enemy soldiers trying to save their lives by parachute after air battles.

"6. I will hold responsible under military law, for failing to carry out this order, all commanders and officers who either have neglected their duty of instructing the troops about this order, or acted against this order when it was to be executed."

It is signed Adolf Hitler, and the Tribunal will note that this order was issued by OKW in 12 copies, and the distribution shown on the second page included the three Supreme Commands, Army, Sea, and Air, and the principal field commands.

Now, the same day Hitler issued a supplementary order, that is, Document 503-PS, which will be Exhibit USA-542. This was issued for the purpose of explaining the reasons why the basic order was issued. In this explanation, Hitler gave a rather different set of reasons for the issuance of the order and pointed out that Allied commando operations had been extraordinarily successful in the destruction of rear communications, intimidating laborers, and destroying important war plants in occupied areas. This is the other basic document; and while I need not read it in full, I would like to read substantial excerpts, starting with the first paragraph at the top of the page:

"Added to the decree concerning the destruction of terror and sabotage troops"—then in parentheses was a cross reference

to the order which I have just read—"a supplementary order of the Führer is enclosed.

"This order is intended for commanders only and must not, under any circumstances, fall into enemy hands.

"The further distribution is to be limited accordingly by the receiving bureaus.

"The bureaus named in the distribution list are held responsible for the return and destruction of all distributed copies of this order and copies made thereof."

It is signed, "The Chief of the High Command of the Armed Forces, by order of Jodl."

Thereafter follows a distribution list and then the supplementary order itself, signed by Hitler. I will start reading the first two paragraphs of the supplementary order which appear at the bottom of Page 1 of the translation:

"I have been compelled to issue strict orders for the destruction of enemy sabotage troops and to declare non-compliance with these orders severely punishable. I deem it necessary to announce to the competent commanding officers and commanders the reasons for this decree.

"As in no previous war, a method of destruction of communications behind the front, intimidation of the populace working for Germany, as well as the destruction of war-important industrial plants in territories occupied by us has been developed in this war."

I propose to skip to the bottom of Page 2, the last two paragraphs on Page 2 of the translation:

"The consequences of these activities are of extraordinary weight. I do not know whether each commander and officer is cognizant of the fact that the destruction of one single electric power plant, for instance, can deprive the Luftwaffe of many thousand tons of aluminum, thereby eliminating the construction of countless aircraft that will be missed in the fight at the front and so contribute to serious damage of the homeland as well as to bloody losses of the fighting soldiers.

"Yet this form of war is completely without danger for the adversary. Since he lands his sabotage troops in uniform but at the same time supplies them with civilian clothes, they can, according to need, appear as soldiers or civilians. While they themselves have orders ruthlessly to remove any German soldiers or even natives who get in their way, they run no danger of suffering really serious losses in their operations, since at the worst, if they are caught, they can immediately surrender and thus believe that they will theoretically fall

under the provisions of the Geneva Convention. There is no doubt, however, that this is a misuse in the worst form of the Geneva agreements, especially since part of these elements are even criminals liberated from prisons, who can rehabilitate themselves through these activities.

"England and America will therefore always be able to find volunteers for this kind of warfare, as long as they can truthfully assure them that there is no danger of loss of life for them. At worst, all they have to do is successfully to commit their attacks on people, traffic installations, or other installations and, upon being encountered by the enemy, to capitulate.

"If the German conduct of war is not to suffer grievous damage through these incidents, it must be made clear to the adversary that all sabotage troops will be exterminated, without exception, to the last man.

"This means that their chance of escaping with their lives is nil. Under no circumstances can it be permitted, therefore, that a dynamite, sabotage, or terrorist unit simply allows itself to be captured, expecting to be treated according to the rules of the Geneva Convention. It must, under all circumstances, be ruthlessly exterminated.

"The report on this subject appearing in the Armed Forces communiqué will briefly and laconically state that a sabotage, terror, or destruction unit has been encountered and exterminated to the last man.

"I therefore expect the commanding officers of armies subordinate to them, as well as individual commanders, not only to realize the necessity of taking such measures, but to carry out this order with all energy. Officers and noncommissioned officers who fail through some weakness are to be reported without fail or, if the circumstances require it, e. g. if danger is imminent, to be at once made strictly accountable. The homeland, as well as the fighting soldier at the front, has the right to expect that behind their backs the essentials of nourishment as well as the supply with war-important weapons and ammunition remains secure.

"These are the reasons for the issuance of my decree.

"If it should become necessary, for reasons of interrogation, initially to spare one man or two, then they are to be shot immediately after interrogation."

Your Lordship, the next is Document C-179, which will be Exhibit USA-543. As this document shows, 10 days later on 28 October 1942 and while the Defendant Raeder was Commander-in-Chief of the

German Navy, the naval war staff in Berlin transmitted its copy of the basic order of 18 October to the lower naval commands. The copy distributed by the Navy and the covering memorandum from the naval war staff show clearly the secrecy which surrounded the dissemination of this order; and I read the first sheet of this document only, the cover sheet:

"Enclosed please find an order of the Führer regarding annihilation of terror and sabotage units. This order must not be distributed in writing by flotilla leaders, section commanders, or officers of this rank. After verbal notification to subordinate sections, the above officers must hand this order over to the next higher section, which is responsible for its withdrawal and destruction."

Passing over to Page 3 of this document, at the very end we find a similar admonition in the notice for distribution, at the very end of the document; I read:

"These instructions are not to be distributed over and above the battalions and the corresponding staffs of the other services. After notification, those copies distributed over and above the regimental and corresponding staffs of the other services must be withdrawn and destroyed."

The next document, Your Lordship, is C-178, which becomes Exhibit USA-544. This document is dated 11 February 1943, which was 12 days after the Defendant Dönitz had become Commander-in-Chief of the German Navy. On that day, this memorandum was circulated within the naval war staff in order to clear up certain misunderstandings as to the scope of the basic order of 18 October 1942. This document, of which I will read the first four paragraphs, indicates why the earlier order had been treated as such a secret matter and also directs that all naval commanders and officers who failed to carry out the order, or to instruct their units concerning the order, would run the risk of serious court-martial penalties. I'll read the first four paragraphs only:

"From the notice given by the 3rd Section of the Naval Operations Staff on 1 February 1943 it has been discovered that the competent departments of the General Staff of the Army, as well as those of the Air Force Operations Staff, have a wrong conception regarding the treatment of saboteurs. A telephone inquiry at the 3rd Section of the Operations Staff proved that this naval authority was not correctly informed either.

"In view of this situation, reference is made to Paragraph 6 of the Führer Order of 18 October 1942"—and then a cross-reference—"according to which all commanders and officers who have neglected their duty in instructing their units about

the order referring to treatment of saboteurs are threatened with punishment by court-martial.

"The first Führer order concerning this matter of 18 October 1942 was given the protection of top secret merely because it stated therein (1) that according to the Führer's views, the spreading of military sabotage organizations in the East and West may have tremendous consequences for our whole conduct of the war, and (2) that the shooting of uniformed prisoners acting on military orders must be carried out even after they have surrendered voluntarily and asked for pardon.

"On the other hand, the annihilation of sabotage units in battle is not at all to be kept secret; but on the contrary, to be currently published in the OKW reports. The purpose of these measures to act as a deterrent will not be achieved if those taking part in enemy commando operations would not learn that certain death and not safe imprisonment awaits them. As the saboteurs are to be annihilated immediately, unless their statements are first needed for military reasons, it is necessary that not only all members of the Armed Forces must receive instructions that these types of saboteurs, even if they are in uniform, are to be annihilated but also all departments of the home staff, dealing with this kind of questions, must be informed of the course of action which has been ordered."

I will call the Tribunal's attention to the two reasons given in that quotation for keeping secret from the public knowledge of the fact that uniformed prisoners would be shot, even after they had surrendered and asked for pardon. This shows a clear awareness that that was in direct contravention of the Hague and Geneva Conventions.

THE PRESIDENT: Colonel Taylor, did you read the paragraph beginning, "Practical difficulties...?"

COL. TAYLOR: No, Your Honor. I'll read that.

THE PRESIDENT: I think you should.

COL. TAYLOR: "Practical difficulties may develop because of the definition of the term 'sabotage units.' The annihilation and destruction, according to Paragraph 5 of the Führer Order of 18 October 1942, do not apply to troops participating in large-scale landing operations and large-scale airborne operations. The criterion is to be found in that, in the latter case, an open battle takes place, whereas, for instance, 10 or more people who land by sea or air, or drop by parachute not to fight an open battle but to destroy either a factory, a bridge, or a

railway installation, would fall into the category of those who must be annihilated."

The next document, Your Honor, is 508-PS, which will be Exhibit USA-545. Now, the Hitler order of 18 October 1942 was actually carried out in a number of instances, of which we have the documentary proof for several. Document 508-PS shows that during the night of 19-20 November 1942, a British freight glider crashed near Egersund, in Norway. The glider carried a British commando unit of 17 men, of whom three were apparently killed in the crash. All were in British uniform. Fourteen survivors were executed in accordance with the Hitler Order the evening of 20 November. In proof of this I will read certain extracts from 508-PS, beginning on Page 1 of the translation, the paragraph numbered "1)":

"1. Following supplementary report is made about landing of a British freight glider at Egersund in the night of . . ."

It reads November 11 in the translation, but I believe in the original it was November 20; that is a typographical error.

"a) No firing on the part of the German defense.

"b) The towing plane (Wellington) crashed after touching the ground; 7-man crew dead. The attached freight glider also crashed; of the 17-man crew 14 alive. Indisputably a sabotage force. Führer Order has been carried out."

I pass to Page 3 of the translation, on which page appear two teletype messages. I wish to read the first two paragraphs at the top of the page:

"On 20 November 1942 at 5:50 an enemy plane was found 15 kilometers northeast of Egersund. It is a British aircraft (towed glider) made of wood without engine. Of the 17-member crew three are dead, six are severely, the others are slightly, wounded.

"All wore English khaki uniforms without sleeve insignia. Furthermore, following items were found: 8 knapsacks, tents, skis, and radiosender, exact number still unknown. The glider carried rifles, light machine guns and machine pistols, number unknown. At present the prisoners are with the battalion in Egersund."

Passing to the second teletype message, the first paragraph:

"Beside the 17-member crew extensive sabotage material and work equipment were found. Therefore the sabotage purpose was absolutely proved. The 280th Infantry Division ordered the execution of the action according to the Führer Order. The execution was carried out toward the evening of 20 November. Some of the prisoners wore blue ski-suits under their khaki

uniforms which had no insignia on the sleeves. During a short interrogation the survivors have revealed nothing but their names, ranks and serial numbers."

I pass to the last paragraph of that teletype, at the foot of Page 3 of the translation:

"In connection with the shooting of the 17 members of the crew, the Armed Forces Commander of Norway has issued an order to the district commanders, according to which the interrogations by G-2"—that was I. C. in the German—"and by BDS"—police—"are important before the execution of the Führer Order; in case of Paragraph Number 4 of the Führer Order, the prisoners are to be handed over to the BDS."

Your Lordship, the next document is 512-PS, Exhibit USA-546. This document recites three specific instances where the Hitler Order was carried out in Norway and especially emphasizes the desirability of taking individual commandos prisoner for interrogation. I read from Document 512-PS, dated 13 December 1942:

"According to the last sentence of the Führer Order of 18th October, individual saboteurs can be spared for the time being in order to keep them for interrogation. The importance of this measure was proved in the cases of the Glomfjærd, 2-man torpedo Drontheim, and glider plane Stavanger, where interrogations resulted in valuable knowledge of enemy intentions. Since in the case of Egersund the saboteur was liquidated immediately and no clues were obtained; therefore, Armed Forces Commander refers to the above-mentioned last sentence of the Führer Order calling for liquidation only after a short interrogation."

One final document from the Norwegian Theater of War is relative.

THE PRESIDENT: Colonel Taylor, what does "RK" in the last paragraph mean? The first words of the last paragraph?

COL. TAYLOR: Red Cross (Rotes Kreuz).

THE PRESIDENT: So they had a protest from the Red Cross?

COL. TAYLOR: Yes, Sir.

THE PRESIDENT: And "BDS"?

COL. TAYLOR: That is "Befehlshaber der Sicherheitspolizei (Sipo)."

Document 526-PS which is Exhibit USA-502, dated 10 May 1943, Colonel Storey has already brought to the Tribunal's attention in connection with the presentation against the Sicherheitsdienst. I will first read the opening sentences:

"On 30 March 1943, in Toftefjord (degree of latitude 70), an enemy cutter was sighted. Cutter was blown up by enemy.

"Crew: 2 dead and 10 taken, prisoners.

"Cutter sent from Scalloway (Shetland Isles) by the Norwegian Navy."

Passing to the word "Purpose":

"Purpose: Building of an organization for the sabotaging of strong-points, battery positions, staff and troop billets and bridges.

"Assigner of mission in London: Norwegian Major Munthe.

"Führer Order executed by Sicherheitsdienst (Security Service).

"Wehrmacht communiqué of 6 April announces the following about it: 'In northern Norway an enemy sabotage unit was engaged and destroyed on approaching the coast.'"

Now, shifting to the Italian Theater of War, I call the Court's attention to 509-PS, which will be Exhibit USA-547. This document is dated 7 November 1943; and is a telegram from the Supreme Commander in Italy to OKW; and it shows that on 2 November 1943 three British commandos, taken prisoner near Pescara in Italy, were given "special treatment" (sonderbehandelt), which as the Court knows from previous evidence in the case, meant death. What happened to the nine remaining prisoners of war in the hospital, we do not know.

I have one more document from the Italian Theater, 2610-PS, Exhibit USA-548. This specifically shows the carrying out of Hitler's orders. It consists of an affidavit, dated 7 November 1945, by Frederick W. Roche, a major in the Army of the United States. Major Roche was the Judge Advocate of an American Military Commission which tried General Anton Dostler, formerly Commander of the 75th German Army Corps, for the unlawful execution of 15 members of the United States Armed Forces. I will read from this affidavit:

"Frederick W. Roche, being duly sworn, deposes and says:

"I am a major in the Army of the United States. I was the Judge Advocate of the Military Commission which tried Anton Dostler for ordering the execution of the group of 15 United States Army personnel who comprised the 'Ginny Mission.' This Military Commission, consisting of five officers, was appointed by command of General McNarney, by Special Order, Number 269, dated 26 September 1945, Headquarters, Mediterranean Theater of Operations, United States Army, APO 512.

"The Military Commission met at Rome, Italy, on 8 October 1945, and proceeded with the trial of the case of the United States *versus* Anton Dostler. The trial of this case consumed 4 days, and the findings and sentence were announced on the morning of 12 October 1945. The charge and specification in this case are as follows:

"Charge: Violation of the law of war.

"Specification: In that Anton Dostler, then general, commanding military forces of the German Reich, a belligerent enemy nation, to wit the 75th Army Corps, did, on or about 24 March 1944, in the vicinity of La Spezia, Italy, contrary to the law of war, order to be shot summarily, a group of United States Army personnel consisting of two officers and 13 enlisted men who had then recently been captured by forces under General Dostler, which order was carried into execution on or about 26 March 1944, resulting in the death of the said 15 members of the Army of the United States..."—and a list of names follows.

"I was present throughout the entire proceeding. I heard all the testimony and I am familiar with the records in this case. The facts developed in this proceeding are as follows:

"On the night of 22 March 1944 two officers and 13 enlisted men of the 2677th Special Reconnaissance Battalion of the Army of the United States disembarked from some United States Navy boats and landed on the Italian coast near Stazione di Framura. All 15 men were members of the Army of the United States and were in the military service of the United States. When they landed on the Italian coast, they were all properly dressed in the field uniform of the United States Army and they carried no civilian clothes. Their mission was to demolish a railroad tunnel on the main line between La Spezia and Genoa. That rail line was being used by the German forces to supply their fighting forces on the Cassino and Anzio beachhead fronts. The entire group was captured on the morning of 24 March 1944 by a patrol consisting of Fascist soldiers and a group of members of the German Army. All 15 men were placed under interrogation in La Spezia and they were held in custody until the morning of 26 March 1944, when they were all executed by a firing squad. These men were never tried nor were they brought before any court or given any hearing; they were shot by order of Anton Dostler, then general commanding the 75th German Army Corps.

"Anton Dostler took the stand in this case and testified, by way of defense, that he ordered the 15 American soldiers to

be shot pursuant to the Hitler Order of 18 October 1942 on commando operations, which provided that commandos were to be shot and not taken prisoners of war, even after they had been interrogated. He also testified that he would have been subject to court-martial proceedings if he did not obey the Hitler Order.

"The following is a true copy of the findings and sentence in the case of the United States against Anton Dostler, as these findings and sentence appear in the original record of the trial and as they were announced in open court at Rome, Italy, on 12 October 1945:

"Findings: General Dostler, as President of this Commission it is my duty to inform you that the Commission, in closed session and upon secret written ballot, at least two-thirds of all the members of the Commission concurring in each finding of guilty, finds you of the specification and of the charge: Guilty.

"Sentence: And again in closed session and upon secret written ballot, at least two-thirds of all the members of the Commission concurring, sentences you: To be shot to death by musketry."

Now the order of 18 October 1942 remained in force, so far as we know, until the end of the war. I wish to offer 506-PS, which will be Exhibit USA-549. This document is dated 22 June 1944. It is initialed by Warlimont, and in it the OKW made it where the commando operation was undertaken by only one person. I will read the single paragraph of the order:

"The Operations Staff agrees with the view taken in the letter of the army group judge to the Supreme Commander Southwest of 20 May 1944. The Führer Order is to be applied even if the enemy employs only one person for a task. Therefore, it does not make any difference if several persons or a single person take part in a commando operation. The reason for the special treatment of participants in a commando operation is that such operations do not correspond to the German concept of usage and customs of warfare."

The Allied landing in Normandy early in June 1944, in the course of which large-scale airborne operations took place, raised among the Germans the question as to how far the Hitler Order would be applied in Normandy, and in France behind the German lines. I direct the Court's attention to Document 531-PS, which will be Exhibit USA-550. The memorandum is dated 23 June 1944 and is signed by Warlimont. Warlimont's memorandum starts by quoting

7 Jan. 46

a teletype received from the Supreme Command in the West, inquiring what should be done about applying the Hitler Order to airborne troops and commandos.

I would like to read a small part of the teletype, beginning at the beginning:

"Supreme Command West; teletype message Number 1750/44; top secret; 23 June 1944.

"The treatment of enemy commando groups has so far been carried out according to the order referred to."

If I may interpolate here, the order referred to is shown in the cross-reference to the Führer Order of 18 October 1942.

"With the large-scale landing achieved, a new situation has arisen. The order referred to directs, in Paragraph 5, that enemy soldiers who are taken prisoner in open combat or surrender within the limits of normal combat operations (such as large-scale landing operations and undertakings) are not to be treated according to Paragraphs 3 and 4. It must be established in a form easily understood by the troops how far the concept 'within the limits of normal combat operations, *et cetera*' is to be extended."

Then I pass down to Subparagraph D and read the first sentence of that subparagraph.

THE PRESIDENT: I think you ought to read the latter part of "C."

COL. TAYLOR: Your Honor, I think it is all summarized in the one sentence.

THE PRESIDENT: The last sentence is the one that I mean.

COL. TAYLOR: "Considerable reprisals against our own prisoners must be expected if its contents become known."

Then, continuing with "D":

"The application of Number 5 for all enemy soldiers in uniform penetrating from the outside into the occupied western territories is held by the Supreme Command West to be the most correct and clearest solution."

Accordingly, as it is there shown, the Supreme Command in the West directed that Paragraph 5, which is the paragraph under which the orders for execution are not to be applied, should be utilized in the West.

At the foot of the page is the position taken by the Armed Forces Operational Staff, the recommendation they were making:

"1. The Commando Order remains basically in effect, even after the enemy landing in the West.

"2. Number 5 of the order is to be clarified to the effect that the order is not valid for those enemy soldiers in uniform who are captured in open combat in the immediate combat area of the beachhead by our troops committed there, or who surrender. Our troops committed in the immediate combat area means the divisions fighting on the front line as well as reserves up to and including corps headquarters.

"3. Furthermore, in doubtful cases, enemy personnel who have fallen into our hands alive are to be turned over to the SD, upon whom it is incumbent to determine whether the Commando Order is to be applied or not.

"4. Supreme Command West is to see to it that all units committed in its zone are orally acquainted in a suitable manner with the order concerning the treatment of members of commando undertakings of 18 October 1942, along with the above explanation."

The final document on this episode, or inquiry, is 551-PS, which becomes Exhibit USA-551, and this is the actual order of 25 June 1944, constituting OKW's reply to the inquiry from the Supreme Command West, signed by Keitel, initialed by Warlimont and Jodl. I will read beginning with:

"Subject: Treatment of commando participants.

"1. Even after the landing of Anglo-Americans in France, the order of the Führer on the annihilation of terror and sabotage units of 18 October 1942 remains fully in force.

"Enemy soldiers in uniform in the immediate combat area of the bridgehead, that is, in the area of the divisions fighting in the most forward lines, as well as of the reserves up to the corps commands, according to Number 5 of the basic order of 18 October 1942, remain exempted.

"2. All members of terror and sabotage units, found outside the immediate combat area, who include fundamentally all parachutists, are to be killed in combat. In special cases, they are to be turned over to the SD.

"3. All troops committed outside the combat area of Normandy are to be informed about the duty to destroy enemy terror and sabotage units briefly and succinctly, according to the directives issued for it.

"4. Supreme Commander West will report immediately daily how many saboteurs have been liquidated in this manner. This applies especially also to undertakings by the military commanders. The number is to be published daily in the Armed Forces communiqué to exercise a frightening effect, as

had already been done toward previous commando undertakings in the same manner."

Your Lordship, there is just one further development in connection with this order, this basic order, and that was that in July 1944. The question was then raised within the German High Command as to whether the order should be applied to members of foreign military missions with special regard to the British, American, and Soviet military missions which were co-operating with Allied Forces in Southeastern Europe, notably in Yugoslavia. A long document signed by Warlimont, which is 1279-PS, and becomes Exhibit USA-552, embodies the discussions which were had at OKW. I think I need not read from this document, and merely wish to point out that the Armed Forces operational staff recommended that the order should be applied to these military missions and drew up a draft to this effect. I would, however, like to read 537-PS, which is Exhibit USA-553. This is the order which actually resulted from these discussions. It is dated 30 July 1944. I will read that in full:

"Subject: Treatment of members of foreign 'Military Missions' captured together with partisans.

"In the areas of the High Command Southeast and Southwest, members of foreign so-called 'Military Missions' (Anglo-American as well as Soviet-Russian) captured in the course of the struggle against partisans shall not receive the treatment as specified in the special orders regarding the treatment of captured partisans. Therefore they are not to be treated as prisoners of war but in conformity with the Führer's order concerning the annihilation of terror and sabotage troops of 18 October 1942.

"This order shall not be transmitted to units subordinate to the corps commands and the equivalent staffs of the other branches of the Armed Forces, and is to be destroyed after being made known.

"The Chief of the High Command of the Wehrmacht, Keitel."

Pursuant to this order, approximately 15 members of an Allied military mission to Slovakia were executed in January 1945, as is shown by Document L-51, which is already in the record as Exhibit USA-521, and which has been read in full by Lieutenant Harris. I will not read it again.

This concludes the presentation of documents with respect to the order of the 18th of October 1942 and its subsequent enforcement and application. I can pass from here to another subject.

THE PRESIDENT: We will adjourn for 10 minutes now.

[A recess was taken.]

COL. TAYLOR: Your Lordship, the order I have just been discussing operated chiefly in the Western Theater of War. This was natural, since Germany occupied almost the entire western coast of Europe from 1940 until the last year of the war, and during that period land fighting in Western Europe was largely limited to commando operations.

I want to pass now to the Eastern Front, where there was large-scale land fighting in Poland and the Soviet Union, from 1941 on. Here the German forces were fighting among a hostile population and had to face extensive partisan activities behind their lines. I propose to show here that the activities of the German Armed Forces against partisans and against other elements of the population became a vehicle for carrying out Nazi political and racial policies and a vehicle for the massacre of Jews and numerous segments of the Slav population which were regarded by the Nazis as undesirable. I will show that it was the policy of the German Armed Forces to behave with the utmost severity to the civilian population of the occupied territories; and that its military operations, particularly against partisans, were so conducted as to advance the Nazi policies to which I have referred.

I will show that the Armed Forces supported, assisted, and acted in cooperation with the SS groups to which reference has been made in the presentation by Major Farr and Colonel Storey.

I do not plan to make a full or even partial showing of war crimes on the Eastern Front. That will be done by the Soviet Delegation. Nor do I plan to retrace the ground covered by Colonel Storey and Major Farr during their presentation of the evidence against the SS, SD, and Gestapo, except to the extent necessary to clarify the relations between these organizations and the German Armed Forces and to demonstrate their close collaboration in the occupied territories of Eastern Europe.

The first document to which I will make reference is Document C-50, which will be Exhibit USA-554; and it will show that these policies of severity were determined upon and made official even before the invasion of the Soviet Union took place. This document consists of an order by Hitler dated 13 May 1941 and two covering transmittal sheets of subsequent date. I ask the Tribunal to note on Page 4 of the translation that the order is signed by Keitel, the Chief of the Supreme Command of the Armed Forces, and also to note the distribution, which appears at the foot of the second sheet, showing the distribution to the principal staff sections. The order itself begins on the third page, and that is where I propose to read. The document is entitled, "Order concerning the exercise of martial jurisdiction and procedure in the area 'Barbarossa' and special military measures":

"The application of martial law aims, in the first place, at maintaining discipline.

"The fact that the operational areas in the East are so far-flung, the battle strategy which this necessitates, and the peculiar qualities of the enemy, confront the courts-martial with problems which, being short-staffed, they cannot solve while hostilities are in progress and until some degree of pacification has been achieved in the conquered areas, unless jurisdiction is confined, in the first instance, to its main task.

"This is possible only if the troops themselves take ruthless action against any threat from the enemy population.

"For these reasons I herewith issue the following order effective for the area 'Barbarossa' (area of operations, Army rear area, and area of political administration):

"I. Treatment of offenses committed by enemy civilians.

"1. Until further notice the military courts and the courts-martial will not be competent for crimes committed by enemy civilians.

"2. Guerillas should be disposed of ruthlessly by the military, whether they are fighting or in flight.

"3. Likewise all other attacks by enemy civilians on the Armed Forces, its members, and employees, are to be suppressed at once by the military, using the most extreme methods, until the assailants are destroyed.

"4. Where such measures have been neglected or were not at first possible, persons suspected of criminal action will be brought at once before an officer. This officer will decide whether they are to be shot.

"On the orders of an officer with the powers of at least a battalion commander, collective drastic measures will be taken without delay against localities from which cunning or malicious attacks are made on the Armed Forces, if circumstances do not permit of a quick identification of individual offenders.

"5. It is expressly forbidden to keep suspects in custody in order to hand them over to the courts after the reinstatement of civil courts.

"6. The commanders of the army groups may, by agreement with the competent naval and air force commanders, reintroduce military jurisdiction for civilians in areas which are sufficiently pacified.

"For the area of the political administration this order will be given by the Chief of the Supreme Command of the Armed Forces.

"II. Treatment of offenses committed against inhabitants by members of the Armed Forces and its employees.

"1. With regard to offenses committed against enemy civilians by members of the Wehrmacht and its employees prosecution is not obligatory, even where the deed is at the same time a military crime or offense.

"2. When judging such offenses, it must be borne in mind, whatever the circumstances, that the collapse of Germany in 1918, the subsequent sufferings of the German people, and the fight against National Socialism which cost the blood of innumerable supporters of the movement, were caused primarily by Bolshevistic influence and that no German has forgotten this fact.

"3. Therefore, the judicial authority will decide in such cases whether a disciplinary penalty is indicated, or whether legal proceedings are necessary. In the case of offenses against inhabitants it will order a court-martial only if maintenance of discipline or security of the forces call for such a measure. This applies, for instance, to serious offenses originating in lack of self-control in sexual matters or in a criminal disposition and to those which indicate that the troops are threatening to get out of hand. Offenses which have resulted in senseless destruction of billets or stores or other captured material, to the disadvantage of our forces, should as a rule be judged no less severely.

"The order to institute proceedings requires in every single case the signature of the judicial authority.

"4. Extreme caution is indicated in assessing the credibility of statements made by enemy civilians.

"III. Responsibility of military commanders of the troops. Within their sphere of competence military commanders are personally responsible for seeing that:

"1. Every commissioned officer of the units under their command is instructed promptly and in the most emphatic manner on principles set out under I, above.

"2. Their legal advisers are notified promptly of these instructions and of verbal information in which the political intentions of the High Command were explained to the commanders-in-chief.

"3. Only those court sentences are confirmed which are in accordance with the political intentions of the High Command.

"IV. Security. Once the camouflage is lifted, this decree will be treated as 'most secret.'"

Your Lordship, the next document will be C-148, Exhibit USA-555. Less than 3 months after the invasion of the Soviet Union, the instructions which I have just read were amplified and made even more drastic. Document C-148 is an order dated 16 September 1941, signed by Keitel, widely distributed, as is shown on the second sheet where the distribution is listed. This order is of general application in all theaters of war, but from its contents it is clearly of primary importance for the Eastern Front. I read, beginning at the start of the order:

"Subject: Communist insurrection in occupied territories.

"1. Since the beginning of the campaign against Soviet Russia, Communist insurrection movements have broken out everywhere in the area occupied by Germany. The type of action taken is growing from propaganda measures and attacks on individual members of the Armed Forces into open rebellion and widespread guerilla warfare.

"It can be seen that this is a mass movement centrally directed by Moscow, which is also responsible for the apparently trivial isolated incidents in areas which up to now have been otherwise quiet.

"In view of the many political and economic crises in the occupied areas, it must, moreover, be anticipated that nationalist and other circles will make full use of this opportunity of making difficulties for the German occupying forces by associating themselves with the Communist insurrection.

"This creates an increasing danger to the German war effort, which shows itself chiefly in general insecurity for the occupying troops, and has already led to the withdrawal of forces to the main centers of disturbance.

"2. The measures taken up to now to deal with this general Communist insurrection movement have proved inadequate. The Führer has now given orders that we take action everywhere with the most drastic means, in order to crush the movement in the shortest possible time. Only this course, which has always been followed successfully throughout the history of the extension of influence of great peoples, can restore order.

"3. Action taken in this matter should be in accordance with the following general directions:

"a. It should be inferred in every case of resistance to the German occupying forces, no matter what the individual circumstances, that it is of Communist origin.

"b. In order to nip these machinations in the bud the most drastic measures should be taken immediately and on the

first indication, so that the authority of the occupying forces may be maintained and further spreading prevented. In this connection it should be remembered that a human life in the countries concerned frequently counts for nothing, and a deterrent effect can be attained only by unusual severity. The death penalty for 50-100 Communists should generally be regarded in these cases as suitable atonement for one German soldier's death. The way in which sentence is carried out should still further increase the deterrent effect.

"The reverse course of action, that of imposing relatively lenient penalties and of being content, for purposes of deterrence, with the threat of more severe measures does not accord with these principles and shall not be followed."

Unless the Court desires the next paragraph read, I will pass to Page 2, at the very end of the document, Paragraph Number 4:

"The commanding officers in the occupied territories shall see to it that these principles are made known without delay to all military establishments concerned in dealing with Communist measures of insurrection"—Signed—"Keitel."

Your Lordship, the next document will have the Exhibit Number USA-556, and it has been given the number D-411. It also has the designation UK-81. It is the last document in Document Book 2. This is a set of documents which includes a directive, dated 10 October 1941, by Field Marshal Von Reichenau, who was the Commander-in-Chief (Oberbefehlshaber) of the German 6th Army then operating on the Eastern Front. Reichenau, who died in 1942, was therefore a member of the group as defined in the Indictment; and here is what he had to say. I begin reading at Page 5 of the translation:

"Subject: Conduct of troops in Eastern Territories.

"Regarding the conduct of troops towards the Bolshevistic system, vague ideas are still prevalent in many cases. The most essential aim of war against the Jewish-Bolshevistic system is a complete destruction of their means of power and the elimination of Asiatic influence from the European culture. In this connection the troops are facing tasks which exceed the one-sided routine of soldiering. The soldier in the Eastern Territories is not merely a fighter according to the rules of the art of war, but also a bearer of ruthless national ideology and the avenger of bestialities which have been inflicted upon German and racially related nations.

"Therefore, the soldier must have full understanding for the necessity of a severe but just revenge on subhuman Jewry.

The Army has to aim at another purpose, that is the annihilation of revolts in the hinterland, which as experience proves, have always been caused by Jews.

"The combatting of the enemy behind the front line is still not being taken seriously enough. Treacherous, cruel partisans and unnatural women are still being made prisoners of war; and guerilla fighters dressed partly in uniforms or plain clothes and vagabonds are still being treated as proper soldiers and sent to prisoner-of-war camps. In fact, captured Russian officers talk even mockingly about Soviet agents moving openly about the roads and very often eating at German field kitchens. Such an attitude of the troops can only be explained by complete thoughtlessness, so it is now high time for the commanders to clarify the meaning of the present struggle.

"The feeding of the natives and of prisoners of war who are not working for the Armed Forces from army kitchens is an equally misunderstood humanitarian act, as is the giving of cigarettes and bread. Things which the people at home can spare under great sacrifices and things which are being brought by the command to the front under great difficulties should not be given to the enemy by the soldier, not even if they originate from booty. It is an important part of our supply.

"When retreating the Soviets have often set buildings on fire. The troops should be interested in extinguishing fires only as far as it is necessary to secure sufficient numbers of billets. Otherwise, the disappearance of symbols of the former Bolshevik rule, even in the form of buildings, is part of the struggle of destruction. Neither historic nor artistic considerations are of any importance in the Eastern Territories.

"The command issues the necessary directives for the securing of raw materials and plants essential for war economy. The complete disarming of the civil population in the rear of the fighting troops is imperative, considering the long and vulnerable lines of communication. Where possible, captured weapons and ammunition should be stored and guarded. Should this be impossible because of the situation, the weapons and ammunition will be rendered useless. If isolated partisans are found using firearms in the rear of the Army, drastic measures are to be taken. These measures will be extended to that part of the male population who were in a position to hinder or report the attacks. The indifference of numerous allegedly anti-Soviet elements, which originates from a 'wait-and-see' attitude, must give way to a clear decision for active

collaboration. If not, no one can complain about being judged and treated as a member of the Soviet system.

"The fear of the German counter measures must be stronger than the threats of the wandering Bolshevistic remnants. Being far from all political considerations of the future, the soldier has to fulfill two tasks:

"1. Complete annihilation of the false Bolshevistic doctrine of the Soviet State and its armed forces.

"2. The pitiless extermination of alien treachery and cruelty and thus the protection of the lives of German military personnel in Russia.

"This is the only way to fulfill our historic task to liberate the German people once and forever from the Asiatic-Jewish danger. Signed: Von Reichenau, Oberbefehlshaber."

The Tribunal will note the sheet immediately preceding Reichenau's order. That is Sheet Number 4 of the translation, which is a memorandum dated 28 October 1941. It shows that Reichenau's order met with Hitler's approval and was thereafter circulated by order of the Commander-in-Chief of the German Army.

The Tribunal will also note from the first sheet, the very top sheet in the several ensuing, that Reichenau's order was thereafter circulated down to divisional level, and was received by the 12th German Infantry Division on 27 November 1941.

These being the directives and policies prescribed by the German military leaders, it is no wonder that the Wehrmacht joined in the monstrous behavior and activities of the SS and SD on the Eastern Front.

Colonel Storey described to the Tribunal the formation of units known as Einsatzgruppen by the Sipo and SD, which were sent out to operate in and behind the operational areas on the Eastern Front, in order to combat partisans and to cleanse and pacify the civilian population. Major Farr and Colonel Storey both presented to the Tribunal a large amount of evidence showing the manner in which these units operated.

I want to refer back briefly to a few of these documents in order to trace the participation of the Armed Forces in those circumstances.

Colonel Storey read at length from 3012-PS, which is Exhibit USA-190, dated 19 March 1943. It is a directive from the commanding officer of one of these groups. This directive praised and justified such activities as the shooting of Hungarian Jews, shooting of children, and the total burning of villages and directed that in order not to obstruct the procuring of slave labor for the German armament industry, "as a rule no more children will be shot."

Major Farr read from R-102, which is Exhibit USA-470, a report covering the work of the Einsatzgruppen in the German occupied

territories of the Soviet Union during the month of October 1941. This report states cynically on Page 7:

"Spontaneous demonstrations against Jewry followed by pogroms on the part of the population against the remaining Jews have not been recorded on account of the lack of adequate instructions."

It shows as clearly as the human eye can see that pacification and anti-partisan activities became mere code words for the extermination of Jews just as much as Weserübung was the code word for the invasion of Norway and Denmark.

We have seen from the documents quoted a few moments ago that the German Army received some similar policies and directives. It only remains to show that in the field the Army and the SS worked hand in glove.

The Tribunal will recall the document quoted by Major Walsh, 1061-PS, already in evidence as Exhibit USA-275. It describes the destruction of the Warsaw ghetto; and at this time I merely want to call attention to one paragraph appearing at Page 6 of the translation, the third paragraph from the bottom of the page, where the author of the document stresses the close cooperation between the SS and the Army. I read that one paragraph and quote:

"The longer the resistance lasted, the tougher the men of the Waffen-SS, Police, and Wehrmacht became; they fulfilled their duty indefatigably in faithful comradeship and stood together as models and examples of soldiers. Their combat duty often lasted from early morning until late at night. At night search patrols with rags wound round their feet remained at the heels of the Jews and gave them no respite. Not infrequently they caught and killed Jews who used the night hours for supplementing their stores from abandoned dug-outs and for contacting neighboring groups or exchanging news with them."

To the same general effect is R-135, Exhibit USA-289, which is a report dated 5 June 1943 by the German General Commissioner for Minsk. Major Farr read from this report, describing an anti-partisan operation in which 4,500 enemies were killed: 5,000 suspected partisans and 59 Germans. The cooperation by the German Army is shown in the following excerpt, and I will begin reading at the bottom of Page 3 of the translation:

"The figures mentioned above indicate that again a heavy destruction of the population must be expected. If only 492 rifles are taken from 4,500 enemy dead, this discrepancy shows that among these enemy dead were numerous peasants from the country. The battalion Dirlwanger especially has a reputation for destroying many human lives. Among the 5,000

people suspected of belonging to bands, there were numerous women and children.

"By order of the chief of anti-partisan units, SS Obergruppenführer Von dem Bach, units of the Wehrmannschaften have also participated in the operation. SA Standartenführer Kunze was in command of the Wehrmannschaften, among whom there were also 90 members from my office and from the District Commissariat of Minsk. Our men returned from the operation yesterday without losses."

I need not read the rest of that. The next paragraph shows again the participation of the Armed Forces personnel.

The SS Obergruppenführer Von dem Bach, referred to in this quotation, will be a witness later in the day, and in this connection I want to call the Court's attention to 1919-PS, Exhibit USA-170, which is Himmler's speech on October 4, 1943 to a gathering of SS generals at Posen. In this speech Himmler mentioned the appointment of Von dem Bach to be chief of all anti-partisan units, and I would like to read one paragraph from Page 3 of the document merely for purpose of identification of the witness:

"Chief of the anti-partisan combat units:

"In the meantime I have also set up the department of the Chief of the anti-partisan combat units. Our comrade SS Obergruppenführer Von dem Bach is Chief of the anti-partisan combat units. I considered it necessary for the Reichsführer SS to be in authoritative command in all these battles, for I am convinced that we are best in a position to take action in this struggle, which is decidedly a political one. Except where the units which had been supplied and which we had formed for this purpose were taken from us to fill in gaps at the front, we have been very successful."

There is one further document which has already been introduced from which I wish to read new material. That is L-180, which is already in evidence as Exhibit USA-276. It is the report of Einsatzgruppe A, covering the period up to 15 October 1941. I think the excerpts which I will read will make clear beyond doubt the participation of the German military leaders and Armed Forces in the activities of these Einsatzgruppen. I read first from Page 2 of the translation, the top of the page:

"Einsatz Group A, after preparing their vehicles for action, proceeded to their area of concentration as ordered on 23 June 1941, the second day of the campaign in the East. Army Group North, consisting of the 16th and 18th Armies and Panzer Group 4, had started the advance the day before. Our task was to establish hurriedly personal contact with the commanders of the armies and with the commander of the army

rear area. It must be stressed from the beginning that co-operation with the Armed Forces was generally good; in some cases, for instance with Panzer Group 4 under Colonel General Höppner, it was very close and almost cordial. Misunderstandings which cropped up with some authorities in the first days were cleared up mainly through personal discussions."

This ends that particular extract. I read next a series of extracts, of which the first is at the bottom of Page 2:

"Similarly, native anti-Semitic forces were induced to start pogroms against Jews during the first hours after the entry, though this inducement proved to be very difficult. Following out orders the Security Police was determined to solve the Jewish question with all possible means and most decisively. But it was desirable that the Security Police should not put in an immediate appearance, at least in the beginning, since the extraordinarily harsh measures were apt to stir even German circles. It had to be shown to the world that the native population itself took the first action by way of natural reaction against the suppression by Jews during several decades and against the terror exercised by the Communists during the preceding period."

Next I pass to Page 4 of the translation, about half way down the page, the middle of the first complete paragraph:

"After the failure of purely military activities, such as the placing of sentries and combing through the newly occupied territories with whole divisions, even the Armed Forces had to look out for new methods. The Einsatz group undertook the search for new methods as an essential task. Soon, therefore, the Armed Forces adopted the experiences of the Security Police and their methods of combatting the partisans. For details I refer to the numerous reports concerning the struggle against the partisans."

I pass next to Page 6 under "Instigation of self-cleansing actions":

"Considering that the population of the Baltic countries had suffered very heavily under the government of bolshevism and Jewry while they were incorporated in the U.S.S.R., it was to be expected that after the liberation from that foreign government, they (that is, the population themselves) would render harmless most of the enemies left behind after the retreat of the Red Army. It had to be the duty of the Security Police to set in motion these self-cleansing movements and to direct them into the correct channels in order to accomplish the purpose of the cleansing operations as quickly as possible. It was no less important, in view of the future, to establish the unshakeable and provable fact that the liberated population

themselves took the most severe measures against the bolshevist and Jewish enemy quite on their own, so that the direction by German authorities could not be found out.

"In Lithuania this was achieved for the first time by partisan activities in Kovno. To our surprise it was not easy, at first, to set in motion an extensive pogrom against the Jews. Klimatis, the leader of the partisan unit mentioned above, who was used for this purpose primarily, succeeded in starting a pogrom on the basis of advice given to him by a small advanced detachment acting in Kovno and in such a way that no German order or German instigation was noticed from the outside. During the first pogrom in the night from 25 to 26 June, the Lithuanian partisans did away with more than 1,500 Jews, setting fire to several synagogues or destroying them by other means and burning down a Jewish dwelling district consisting of about 60 houses. During the following nights 2,300 Jews were eliminated in a similar way. In other parts of Lithuania similar actions followed the example of Kovno, though smaller and extending to the Communists who had been left behind.

"These self-cleansing actions went smoothly because the Army authorities, who had been informed, showed understanding for this procedure. From the beginning it was obvious that only the first days after the occupation would offer the opportunity for carrying out pogroms. After the disarmament of the partisans the self-cleansing actions ceased necessarily."

I pass to Page 10 of the translation, toward the bottom under "Other jobs of the Security Police":

"Occasionally the conditions prevailing in the lunatic asylums necessitated operations of the Security Police."

Passing to the next paragraph:

"In some cases authorities of the Armed Forces asked us to clean out, in a similar way, other institutions which were wanted as billets. However, as interests of the Security Police did not require any intervention, it was left to the authorities of the Armed Forces to take the necessary action with their own forces."

I pass on to Page 17 of the translation, the paragraph at the top of the page: "But it was decided . . ."

THE PRESIDENT: Colonel Taylor, did you read Paragraph 5 (1) on Page 10?

COL. TAYLOR: 5 (1) on Page 10? I read the first passage, Your Honor. If you would like it in full . . .

THE PRESIDENT: I think perhaps you might go to the end of it.

COL. TAYLOR: "Occasionally the conditions prevailing in the lunatic asylums necessitated operations of the Security Police. Many institutions had been robbed by the retreating Russians of their whole food supply. Often the guard and nursing personnel had fled. The inmates of several institutions broke-out and became a danger to the general security; therefore, in Aglona (Lithuania) 544 lunatics, in Mariampol (Lithuania) 109 lunatics, and in Mogutowo, near Luga, 95 lunatics were liquidated."

Passing back to Page 17, the first paragraph on that page:

"When it was decided to extend the German operations to Leningrad and also to extend the activities of Einsatz Group A to this town, I gave orders on 18 July 1941, to parts of Einsatzkommandos 2 and 3 and to the staff of the group to advance to Novosselje, in order to prepare these activities and to be able to advance as early as possible into the area around Leningrad and into the city itself. The advance of the forces of Einsatz Group A, which were intended to be used for Leningrad, was effected in agreement with and on the express wish of Panzer Group 4."

The final quotation from this document is Page 18, last paragraph:

"Einsatzkommandos of Einsatz Group A of the Security Police participated from the beginning in the fight against the nuisance created by partisans. Close collaboration with the Armed Forces and the exchange of experiences which were collected in the fight against partisans, brought about a thorough knowledge of the origin, organization, strength, equipment and system used by the Red partisans as time went on."

Now, in the light of these documents, I would like to turn to some of the remaining affidavits which are before the Tribunal in Document Book I. These affidavits have been furnished by responsible officials in both the Wehrmacht and the SS and fill in much of the background for the documents.

Affidavit Number 12 is an affidavit by Schellenberg, which in view of the fact that its contents have been covered in Schellenberg's and Ohlendorf's testimony, I do not propose to read. It covers much of the same ground; and I see no reason to take the time of the Tribunal by reading it. I should like to have it considered, subject to the usual rule that Schellenberg can be questioned on any of these matters by the Defense. The affidavit itself is available in French and Russian as well as in English and in German for the Defense, so I will pass over that one.

I turn to Affidavit Number 13, which will be Exhibit USA-558, Document Number 3711-PS. Schellenberg's affidavit will be Exhibit USA-557, Document Number 3710-PS; Number 13 is 558. This is an

affidavit by Wilhelm Scheidt, a retired captain of the German Army, who worked in the War History Section of the OKW from 1941 to 1945. It sheds considerable light on the relations between the Wehrmacht and the SS at the top with respect to anti-partisan warfare. I will read the affidavit:

"I, Wilhelm Scheidt, belonged to the War History Section of the OKW from the year 1941 to 1945.

"Concerning the question of partisan warfare I state that I remember the following from my knowledge of the documents of the Operations Staff of the OKW as well as from my conversations in the Führer's headquarters with Major General Walter Scherff, the Führer's appointee for the compilation of the history of the war.

"Counter-partisan warfare was originally a responsibility of Reichsführer SS Heinrich Himmler, who sent police forces to handle this matter.

"In the years 1942 and 1943, however, counter-partisan warfare developed to such an extent that the Operations Staff of the OKW had to give it special attention. In the Army Operations Section of the Operations Staff of the OKW, a specific officer was assigned the development of counter-partisan warfare as his special task. It proved necessary to conduct extensive operations against the partisans with Wehrmacht troops in Russian, as well as Yugoslavian territory. Partisan operations for a long while threatened to cut off the lines of communication and transport routes that were necessary to support the German Wehrmacht. For instance, a monthly report concerning the attacks on the railroad lines in occupied Russia revealed that in the Russian area alone from 800 to 1,000 attacks occurred each month during that period causing among other things the loss of from 200 to 300 locomotives.

"It was a well-known fact that partisan warfare was conducted with cruelty on both sides. It was well known that reprisals were inflicted on hostages and communities whose inhabitants were suspected of being partisans or of supporting them. It is beyond question that these facts must have been known to the leading officers in the Operations Staff of the OKW and in the Army's General Staff. It was further well known that Hitler believed that the only successful method of conducting counter-partisan warfare was to employ cruel punishments as deterrents.

"I remember that, at the time of the Polish revolt in Warsaw, SS Gruppenführer Fegelein reported to Colonel General

Guderian and Jodl about the atrocities of the Russian SS Brigade Kaminski, which fought on the German side."

Now, the foregoing documents and the testimony of Ohlendorf and Schellenberg relate to the arrangements which were made between the OKW, OKH, and Himmler's headquarters with respect to anti-partisan warfare. They show conclusively that these arrangements were made jointly and that the High Command of the Armed Forces was not only fully aware of, but was an active participant in, these plans.

Turning now to the field, I would like to read three statements by General Hans Röttiger, which will be Affidavits Numbers 15 and 16: Exhibit USA-559, Document Number 3713-PS; and USA-560, Document Number 3714-PS. General Röttiger attained the rank of general of panzer troops, the equivalent of a lieutenant general in the American Army, and was Chief of Staff of the German 4th Army, and later of Army Group Center on the Eastern Front, during the period of which he speaks.

The first statement is as follows:

"As Chief of Staff of the 4th Army from May 1942 to June 1943, to which was later added the area of the 9th Army, I often had occasion to concern myself officially with anti-partisan warfare. For the execution of these operations the troops received orders from the highest authority, as for example even the OKH, to use the harshest methods. These operations were carried out by troops of the army group and of the army, as, for example, security battalions.

"At the beginning, in accordance with orders which were issued through official channels, only a few prisoners were taken. In accordance with orders Jews, political commissars, and agents were delivered up to the SD.

"The number of enemy dead mentioned in official reports was very high in comparison with our own losses. From the documents which have been shown to me I have now come to realize that the order from the highest authorities for the harshest conduct of the anti-partisan war can only have been intended to make possible a ruthless liquidation of Jews and other undesirable elements by using for this purpose the military struggle of the Army against the partisans."

The second statement:

"Supplementary to my first declaration of 8 December 1945, I declare:

"As I stated orally on 28 November 1945, my then commander of the 4th Army instructed his troops many times not to wage war against the partisans more severely than was required at the time by the position. This struggle should only be pushed

to the annihilation of the enemy after all attempts to bring about a surrender failed. Apart from humanitarian reasons we necessarily had an interest in taking prisoners, since very many of them could very well be used as members of native volunteer units against the partisans.

"Alongside the necessary active combatting of partisans, there was propaganda directed at the partisans and also at the population with the object, by peaceful means, of causing them to give up partisan activities. For instance, in this way the women, too, were continually urged to get their men back from the forests or to keep them by other means from joining the partisans. And this propaganda had good results. In the spring of 1943 the area of the 4th Army was as good as cleared of partisans. Only on its boundaries, and then only from time to time, were partisans in evidence when they crossed into the area of the 4th Army from neighboring areas. The army was obliged on this account, on the orders of Army Group Center, to give up security forces to the neighboring army to the south."

The third statement by Röttiger, Number 16:

"During my period of service, from May 1942 to June 1943, as Chief of Staff of the 4th Army of the Army Group Center, SD units were attached in the beginning, apparently for the purpose of counter-intelligence activity in front-line areas. It was clear later on that these SD units were causing great disturbances among the local civilian population, with the result that my commanding officer therefore asked the commander of the Army Group, Field Marshal Von Kluge, to order the SD units to clear out of the front-line areas, which took place immediately. The reason for this, first and foremost, was that the excesses of the SD units, by way of execution of Jews and other persons, assumed such proportions as to threaten the security of the army in its combat areas because of the infuriated civilian populace. Although in general the special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities, we opposed these methods as far as possible because of the danger which existed for our troops, as I have mentioned above."

I would like now to offer one final document, the last document, 1786-PS, which will be Exhibit USA-561. This is an extract from the war diary of the Deputy Chief of the Armed Forces Operational Staff, dated 14 March 1943. I propose to read the last two paragraphs, which deal with the problem of shipping of suspected partisans to concentration camps in Germany.

7 Jan. 46

The Tribunal will see, from the extracts which I will read, that the Army was chiefly concerned with preserving a sufficient severity of treatment for suspected partisans without at the same time obstructing the procurement of labor from the occupied territories.

I will read the last two paragraphs:

"The Quartermaster General, together with the Economic Staff East, has proposed that the deportees should be sent either to prison camps or to reformatory labor camps in their own area and that deportation to Germany should take place only when the deportees are on probation and in less serious cases.

"In view of the Armed Forces Operations Staff, this proposal does not take sufficient account of the severity required and leads to a comparison with the treatment meted out to the 'peaceful population' which has been called upon to work. He recommends, therefore, transportation to concentration camps in Germany which have already been introduced by the Reichsführer SS for his sphere and which he is prepared to introduce for the Armed Forces in the case of an extension to the province of the latter. The High Command of the Armed Forces therefore orders that partisan helpers and suspects who are not to be executed should be handed over to the competent Higher SS and Police Leader, and orders that the difference between 'punitive labor' and 'being set to labor in Germany' be made clear to the population."

Finally, I would like to offer a group of four affidavits which show that the anti-partisan activities on the Eastern Front were under the command of and supported by the Wehrmacht, and that the nature of these activities was fully known to the Wehrmacht.

The first of these is Affidavit Number 17, Exhibit USA-562, Document Number 3715-PS by Ernst Rode, who was an SS Brigadeführer and major general of the Police, and was a member of Himmler's personal command staff from 1943 to 1945:

"I, Ernst Rode, was formerly Chief of the Command Staff of the Reichsführer SS, having taken over this position in the spring of 1943 as successor to former SS Obergruppenführer Kurt Knoblauch. My last rank was Major General of Police and of the Waffen-SS. My function was to furnish the forces necessary for anti-partisan warfare to the Higher SS and Police Leaders and to guarantee the support of Army Forces. This took place through personal discussions with the leading officers of the Operations Staff of the OKW and OKH, namely with General Warlimont, General Von Buttlar, Colonel General Guderian, Colonel General Zeitzler, General Heusinger, later General Wenk, Colonel Graf Kielmannsegg and later,

Colonel Von Bonin. Since anti-partisan warfare also was under the sole command of the respective army group commander in operational areas—for instance, in Army Group Center under Field Marshal Kluge and later Busch—and since police troops for the most part could not be spared from the Reich Commissariats, the direction of this warfare lay practically always entirely in the hands of the Army. In the same way orders were issued not by Himmler but by the OKH. SS and Police troops transferred to operational areas from the Reichskommissariate to support the army groups were likewise under the latter's command. Such transfers were frequent and therefore resulted in harm to anti-partisan warfare in the Reichskommissariate. According to a specific agreement between Himmler and the OKW and OKH, the direction of individual operations lay in the hands of the troop leader who commanded the largest troop contingent. It was therefore possible that an Army general could have SS and Police under him; and, on the other hand, that army troops could be placed under a general of the SS and Police. Anti-partisan warfare in operational areas could never be ordered by Himmler. I could merely request the OKH to order it, until 1944, mostly through the intervention of Generalquartiermeister Wagner or through State Secretary Ganzenmüller. The OKH then issued corresponding orders to the army groups concerned for compliance.

"The severity and cruelty with which the intrinsically diabolical partisan warfare was conducted by the Russians had already resulted in Draconian laws being issued by Hitler for its conduct. These orders, which were passed on to the troops through the OKW and OKH, were equally applicable to army troops as well as to those of the SS and Police. There was absolutely no difference in the manner in which these two components carried on this warfare. Army soldiers were exactly as embittered against the enemy as were those of the SS and Police.

"As a result of this embitterment orders were ruthlessly carried out by both components, a thing which was also quite in keeping with Hitler's desires or intentions. As proof of this, the order of the OKW and OKH can be adduced which directed that all captured partisans, for instance, such as Jews, agents, and political commissars, should without delay be handed over by the troops to the SD for special treatment. This order also contained the provision that in anti-partisan warfare no prisoners except the above-named be taken. That

7 Jan. 46

anti-partisan warfare was carried on by army troops mercilessly and to every extreme, I know as the result of discussions with army troop leaders, for instance with General Herzog, Commander of the 38th Army Corps, and with his Chief of Staff, Colonel Pamberg, in the General Staff, both of whom support my opinion. Today it is clear to me that anti-partisan warfare gradually became an excuse for the systematic annihilation of Jewry and Slavism."

Your Lordship, I am told that I misread and said "Hitler" instead of "Himmler".

I next wish to offer another and shorter statement by Rode, which shows that the SD Einsatzgruppen were under Wehrmacht command. This is Number 18, Exhibit USA-563; Document Number 3716-PS:

"As far as I know, the SD Einsatz groups with the individual army groups were completely subordinate to them, that is to say tactically as well as in every other way. The commanders were therefore thoroughly cognizant of the missions and operational methods of these units. They approved of these missions and operational methods because, apparently, they never opposed them. The fact that prisoners, such as Jews, agents, and commissars, who were handed over to the SD, underwent the same cruel death as victims of so-called purifications, is a proof that the executions had their approval. This also corresponded with what the highest political and military authorities wanted. Frequent mentions of these methods were naturally made in my presence at the OKW and OKH; and they were condemned by most SS and Police officers, just as they were condemned by most army officers. On such occasions I always pointed out that it would have been quite within the scope of the authority of the commanders of army groups to oppose such methods. I am of the firm conviction that an energetic and unified protest by all field marshals would have resulted in a change of these missions and methods. If they should ever assert that they would then have been succeeded by even more ruthless commanders, this, in my opinion, would be a foolish and even cowardly dodge."

I would like next to read the final affidavit, Number 24, in Document Book 1.

THE PRESIDENT: Colonel Taylor, unless you are going to conclude this particular part, I think we had better adjourn now.

COL. TAYLOR: I will conclude with two affidavits, Your Honor, but it will take probably 10 minutes.

THE PRESIDENT: Very well, if that will conclude it, go on.

COL. TAYLOR: It will conclude it. Firstly, Affidavit Number 24, which becomes Exhibit USA-565, Document Number 3718-PS. This is by Colonel Bogislav von Bonin, who, at the beginning of the Russian campaign, was a staff officer with the 17th Panzer Division:

"At the beginning of the Russian campaign, I was the first General Staff officer of the 17th Panzer Division which had the mission of driving across the Bug, north of Brest-Litovsk. Shortly before the beginning of the attack my division received, through channels from the OKW, a written order of the Führer. This order directed that Russian commissars be shot upon capture without judicial process immediately and ruthlessly. This order extended to all units of the Eastern Army. Although the order was supposed to be relayed to companies, the commanding general of the 37th Panzer Corps—General of Panzer Troops Lemelsen—forbade its being passed on to the troops because it appeared unacceptable to him from military and moral points of view."

That brings us to the final affidavit, Number 20, Exhibit USA-564, Document Number 3717-PS, which is by Adolf Heusinger, Generalleutnant in the German Army, and from 1940 to 1944 Chief of the Operations Section at OKH. I read:

"1. From the beginning of the war in 1939 until autumn 1940, I was I-a of the Operations Section of the OKH, and from autumn 1940 until 20 July 1944 I was chief of that section.

"When Hitler took over supreme command of the Army, he gave to the Chief of the General Staff of the Army the function of advising him on all operational matters in the Russian theater.

"This made the Chief of the General Staff of the Army responsible for all matters in the operational areas in the East, while the OKW was responsible for all matters outside the operational areas, for instance all troops—security units, SS units, Police—stationed in the Reich commissariats.

"All Police and SS units in the Reich commissariats were also subordinate to the Reichsführer SS. When it was necessary to transfer such units into operational areas this had to be done by order of the Chief of the OKW. On the other hand, corresponding transfers from the front to the rear were ordered by the OKW with the concurrence of the Chief of the General Staff of the Army.

"The Higher SS and Police Leaders normally had command of operations against partisans. If stronger army units were committed together with the SS and Police units within operational areas, a higher commander of the Army could be designated commander of the operation.

7 Jan. 46

"During anti-partisan operations within operational areas all forces committed for these operations were under the command of the commander of the respective army group.

"2. Directives as to the manner and methods of carrying on counter-partisan operations were issued by the OKW—Keitel—to the OKH upon orders from Hitler and after consultation with Himmler. The OKH was responsible merely for the transmission of these orders to army groups, for instance, such orders as those concerning the treatment to be accorded to commissars and Communists, those concerning the manner of prosecuting by courts-martial army personnel who had committed offenses against the population, as well as those establishing the basic principles governing reprisals against the inhabitants.

"3. The detailed working out of all matters involving the treatment of the local populace, as well as anti-partisan warfare in operational areas in pursuance of orders from the OKW, was the responsibility of the Quartermaster General of the OKH.

"4. It had always been my personal opinion that the treatment of the civilian population and the methods of anti-partisan warfare in operational areas presented the highest political and military leaders with a welcomed opportunity of carrying out their plans, namely, the systematic extermination of Slavism and Jewry. Entirely independent of this, I always regarded these cruel methods as military insanity, because they only helped to make combat against the enemy unnecessarily more difficult."

THE PRESIDENT: We will adjourn until a quarter past 2.

[A recess was taken until 1415 hours.]

Afternoon Session

COL. TAYLOR: Will Your Lordship swear the witness?

THE PRESIDENT: What is his name?

COL. TAYLOR: Erich von dem Bach-Zelewski.

[The witness, Von dem Bach-Zelewski, took the stand.]

THE PRESIDENT: What is your name?

ERICH VON DEM BACH-ZELEWSKI (Witness): Erich von dem Bach-Zelewski.

THE PRESIDENT: Will you take this oath: "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.]

COL. TAYLOR: May I remind the witness to speak very slowly, and to keep his answers as short as possible? Can you hear me?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Were you a member of the SS?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: What was the last rank you held in the SS?

VON DEM BACH-ZELEWSKI: SS Obergruppenführer and General of the Waffen-SS.

COL. TAYLOR: Did you serve in the 1914-18 war?

VON DEM BACH-ZELEWSKI: Yes. I was at the front from 1914 to 1918, was wounded twice, and received the Iron Cross, First and Second Class.

COL. TAYLOR: Did you remain in the army after the end of the last war?

VON DEM BACH-ZELEWSKI: Yes, I stayed in the 100,000-man army.

COL. TAYLOR: How long did you remain in the army?

VON DEM BACH-ZELEWSKI: Till 1924, when I took my discharge.

COL. TAYLOR: Did your military activities then stop?

VON DEM BACH-ZELEWSKI: No, I was battalion leader in the Border Defense, and subsequently I took part in maneuvers with the Wehrmacht until the campaign against Poland.

COL. TAYLOR: Did you join the Nazi Party?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: In what year?

VON DEM BACH-ZELEWSKI: In the year 1930.

COL. TAYLOR: What branch of the party did you join?

VON DEM BACH-ZELEWSKI: The Allgemeine-SS.

COL. TAYLOR: What were your activities in the SS prior to the outbreak of the war?

VON DEM BACH-ZELEWSKI: I established the Allgemeine-SS Border Defense in the districts of Schneidemühl and Frankfurt-an-der-Oder, and from 1934 I was Oberabschnittsführer in East Prussia and afterwards in Silesia.

COL. TAYLOR: Were you a member of the Reichstag during this period?

VON DEM BACH-ZELEWSKI: Yes, I was a member of the Reichstag from 1932 right up to the end.

COL. TAYLOR: Did you take any active part during this war, before the campaign against the Soviet Union?

VON DEM BACH-ZELEWSKI: No, not before the campaign against Russia.

COL. TAYLOR: What was your rank at the beginning of the war?

VON DEM BACH-ZELEWSKI: At the beginning of the war I was SS Gruppenführer and lieutenant general.

COL. TAYLOR: And when were you promoted?

VON DEM BACH-ZELEWSKI: I was promoted on 9 November 1941 to SS Obergruppenführer and general of the Waffen-SS.

COL. TAYLOR: What was your position after the beginning of the campaign against the Soviet Union?

VON DEM BACH-ZELEWSKI: Would you please repeat the question; it was not quite clear.

COL. TAYLOR: What was your position, your function, at the beginning of the war against the Soviet Union?

VON DEM BACH-ZELEWSKI: At the beginning of the campaign against Russia I served as Higher SS and Police Leader in the central sector of the Russian Front, in the rear zone of Army Group Center.

COL. TAYLOR: Was there a similar SS official in the rear zone of each army group?

VON DEM BACH-ZELEWSKI: Yes, in each army group, North, Center, and South, there was a Higher SS and Police Leader.

COL. TAYLOR: Who was the commander of Army Group Center?

VON DEM BACH-ZELEWSKI: The commander of Army Group Center was, in the beginning, General Field Marshal Von Bock, and later General Field Marshal Kluge.

COL. TAYLOR: Who was the Armed Forces commander in the rear zone of Army Group Center?

VON DEM BACH-ZELEWSKI: General of the Infantry Von Schenkendorff.

COL. TAYLOR: Was he directly subordinate to the commander of the army group?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Who was your immediate superior in the SS?

VON DEM BACH-ZELEWSKI: Heinrich Himmler.

COL. TAYLOR: And who was your immediate superior in the rear zone of the army?

VON DEM BACH-ZELEWSKI: General Von Schenkendorff.

COL. TAYLOR: What was your principal task as Higher SS and Police Leader in central Russia?

VON DEM BACH-ZELEWSKI: My principal task was fighting partisans.

COL. TAYLOR: Are you generally familiar with the operations of the so-called Einsatzgruppen of the SD?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Did these units play any important part in large-scale anti-Russian operations?

VON DEM BACH-ZELEWSKI: No.

COL. TAYLOR: What was the principal task of the Einsatzgruppen?

VON DEM BACH-ZELEWSKI: The principal task of the Einsatzgruppen of the Sicherheitspolizei was the annihilation of the Jews, gypsies, and political commissars.

COL. TAYLOR: Then what forces were used for large-scale anti-partisan operations?

VON DEM BACH-ZELEWSKI: For anti-partisan activities formations of the Waffen-SS, of the Ordnungspolizei, and above all, of the Wehrmacht were used.

COL. TAYLOR: Please describe the nature of these regular army units that were used for anti-partisan operations.

VON DEM BACH-ZELEWSKI: These units of the Wehrmacht were composed, in the first place, of the security divisions in the rear zone, just behind the battle front; then there were the so-called Landeschützen battalions which were independent units under the orders of the Wehrmacht commanders; and there were also Wehrmacht formations used for the defense of certain installations such as railways and landing grounds and other military objectives. Moreover, as from 1943 or 1942, there were the so-called "alarm units" composed of formations in the rear zone.

7 Jan. 46

COL. TAYLOR: Until what date did you remain Higher SS and Police Leader for central Russia?

VON DEM BACH-ZELEWSKI: I was Higher SS and Police Leader for central Russia until the end of 1942, with occasional interruptions when I was at the front and with one interval of about 6 months when I had an illness. At the end of 1942 I was appointed Chief of Anti-Partisan Combat Units.

COL. TAYLOR: Was this position of Chief of Anti-Partisan Combat Units created specially for you?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: To whom were you directly subordinate in this new capacity?

VON DEM BACH-ZELEWSKI: Heinrich Himmler.

COL. TAYLOR: Were your functions in this new capacity restricted to any particular part of the Eastern Front?

VON DEM BACH-ZELEWSKI: No. My sphere of activity comprised the entire Eastern zone.

COL. TAYLOR: What was the general nature of your duties as Chief of Anti-Partisan Combat Units?

VON DEM BACH-ZELEWSKI: First of all, I had to establish an intelligence center at Himmler's headquarters to which all reports in connection with partisan activities were dispatched, where they were evaluated, and then forwarded to the competent authorities.

COL. TAYLOR: In the course of your duties did you confer with the commanders of army groups and armies on the Eastern Front?

VON DEM BACH-ZELEWSKI: With the commanders of the army groups, not of the armies, and with the district commanders of the Wehrmacht.

COL. TAYLOR: Did you advise these commanders with respect to the methods which should be employed to combat partisans?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Will you name some of the commanders with whom you personally conferred?

VON DEM BACH-ZELEWSKI: I am quoting from memory, without giving a complete list: General of Cavalry Bremer, Wehrmacht commander in the East; General Field Marshal Kuchler, commanding general of Army Group North; the commanding generals of Army Group Center, Kluge and Busch; the Wehrmacht commander in the Ukraine, General of the Luftwaffe Kitzinger; General Field Marshal Freiherr von Weichs, commanding general in Serbia, at Belgrade; and General Kugler, Wehrmacht commander in the Trieste area.

COL. TAYLOR: What proportion of Wehrmacht troops was used in anti-partisan operations as compared to Police and SS troops?

VON DEM BACH-ZELEWSKI: Since the number of Police and SS troops was very small, anti-partisan operations were undertaken mainly by Wehrmacht formations.

COL. TAYLOR: Were the anti-partisan troops usually commanded by Wehrmacht officers or by SS officers?

VON DEM BACH-ZELEWSKI: It varied, depending mostly on the individual area; in the operational areas Wehrmacht officers nearly always commanded, but an order existed to the effect that the formation, be it Wehrmacht, Waffen-SS or Police, which supplied the most troops for a particular operation, had command of it.

COL. TAYLOR: Did the highest military leaders issue instructions that anti-partisan operations were to be conducted with severity?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Did the highest military authorities issue any detailed instructions as to the methods to be used in anti-partisan operations?

VON DEM BACH-ZELEWSKI: No.

COL. TAYLOR: What was the result, in the occupied territories, of this lack of detailed directives from above?

VON DEM BACH-ZELEWSKI: This lack of detailed directives resulted in a wild state of anarchy in all anti-partisan operations.

COL. TAYLOR: In your opinion, were the measures taken in anti-partisan operations far more severe than the circumstances warranted, or were they not?

VON DEM BACH-ZELEWSKI: Since there were no definite orders and the lower commanders were forced to act independently, the operations varied according to the character of the officer in command and the quality of the troops. I am of the opinion that the operations often not only failed in their purpose but even overshot their mark.

COL. TAYLOR: Did these measures result in the unnecessary killing of large numbers of the civilian population?

VON DEM BACH-ZELEWSKI: Yes.

COL. TAYLOR: Did you report these excessive measures to the commanders of the army groups and other Wehrmacht officers with whom you worked?

VON DEM BACH-ZELEWSKI: This state of affairs was generally known. There was no necessity to make a special report about it, since every operation had immediately to be reported in all detail, and was known to every responsible leader.

COL. TAYLOR: Were any effective steps taken by the higher military authorities or by the commanders of army groups to stop these excesses?

VON DEM BACH-ZELEWSKI: I remember that General Von Schenkendorff in particular made innumerable reports in this connection and discussed them with me; both of us forwarded them through our service channels.

COL. TAYLOR: Did these reports by General Von Schenkendorff have any effect?

VON DEM BACH-ZELEWSKI: No.

COL. TAYLOR: Why not?

VON DEM BACH-ZELEWSKI: Quartermaster General Wagner certainly attempted to effect a change by suggesting that more rigid supervision be imposed on the troops, but he did not succeed in his purpose.

COL. TAYLOR: Was an order ever issued by the highest authorities, that German soldiers who committed offenses against the civilian population were not to be punished in the military courts?

VON DEM BACH-ZELEWSKI: Yes, this order was issued.

COL. TAYLOR: Was this order an obstacle to correcting the excesses of the troops?

VON DEM BACH-ZELEWSKI: Yes, in my opinion this order prevented the orderly conduct of operations, since one can train troops only if one has adequate disciplinary powers and jurisdiction over them and is able to check excesses.

COL. TAYLOR: What decorations did you win during the war?

VON DEM BACH-ZELEWSKI: In this war I received the clusters to the Iron Cross I and II, the German Cross in gold, and the Knight's Cross to the Iron Cross.

COL. TAYLOR: Your Lordship, the witness is available for examination by others.

THE PRESIDENT: Does the Soviet Prosecutor wish to ask any questions?

COL. POKROVSKY: With your permission, I wish to ask a series of questions.

[Turning to the witness.] What forces of the Police and SS were at your disposal in 1941 and 1942, when you were Chief of the Police and SS in the rear zone of Army Group Center?

VON DEM BACH-ZELEWSKI: Directly under my command in 1941 were one police regiment of the Regular Police, and occasionally, for about 2 or 3 months at a time, one SS cavalry brigade.

COL. POKROVSKY: Was the Einsatzgruppe B, headed by Nebe, under your command?

VON DEM BACH-ZELEWSKI: No.

COL. POKROVSKY: Did you or did you not receive Nebe's reports?

VON DEM BACH-ZELEWSKI: Not directly, but I managed to see them.

COL. POKROVSKY: What do you know of the activities of Einsatzgruppe B?

VON DEM BACH-ZELEWSKI: Einsatzgruppe B was located in Smolensk, and operated in precisely the same way as all the other Einsatzgruppen. One heard everywhere in conversation that the Jews were being rounded up and sent to ghettos.

COL. POKROVSKY: Did you report to the commands of the operational groups on the activities of Einsatzgruppe B?

VON DEM BACH-ZELEWSKI: I asked for information on the activities of Einsatzgruppe B directly through Schenkendorff, from the I. C. of Army Group Center.

COL. POKROVSKY: Did you know of the order issued by the commander of the 6th Army, General Reichenau, regarding the partisan movement?

VON DEM BACH-ZELEWSKI: Would you be good enough to repeat the name; was it General Von Reichenau?

COL. POKROVSKY: Yes.

VON DEM BACH-ZELEWSKI: Yes, I know of that. I think it was in 1941, but I am not certain—it might have been in 1942—when General Von Reichenau sent to all the Wehrmacht commanders an order approving the actions taken against the Jews and partisans.

COL. POKROVSKY: In 1943 or later were there, under your command, units or companies specially selected to combat the partisan movement?

VON DEM BACH-ZELEWSKI: In 1943, as Chief of Anti-Partisan Combat Units, I had no direct authority to issue orders, since I was head of the central office, but I did lead some operations wherever the authority of two commanders overlapped.

COL. POKROVSKY: Do you know anything about the existence of a special brigade consisting of smugglers, poachers, and persons released from prison?

VON DEM BACH-ZELEWSKI: When all the troops really suitable for anti-partisan warfare had been withdrawn, an anti-partisan battalion under the command of Dirlwanger was formed and

attached to Army Group Center at the end of 1941 or the beginning of 1942. This battalion was gradually strengthened by the addition of reserve units until it reached the proportions, first, of a regiment and, later, of a brigade. This "Dirlewanger Brigade" consisted for the most part of previously convicted criminals; officially it consisted of so-called poachers, but it did include real criminals convicted of burglary, murder, *et cetera*.

COL. POKROVSKY: How do you explain the fact that the German Army Command so willingly strengthened and increased its forces by adding criminals to them and then using these criminals against the partisans?

VON DEM BACH-ZELEWSKI: I am of the opinion that this step was closely connected with a speech made by Heinrich Himmler at Weselsburg at the beginning of 1941, prior to the campaign against Russia, when he spoke of the purpose of the Russian campaign, which was, he said, to decimate the Slav population by 30 million, and that it was in order to achieve this purpose that troops of such inferior caliber were introduced.

COL. POKROVSKY: Is it correct then to say that the character of the troops used by the commanders to fight the partisans had been given careful consideration? Did they receive precise instructions how to treat the population and how to fight against the partisans? I am now referring to the proposed and officially sanctioned extermination of the population.

VON DEM BACH-ZELEWSKI: Yes, I think this purpose was a decisive factor in the selection of certain commanders and formations.

COL. POKROVSKY: By what means and by what measures were Wehrmacht units brought in to fight the partisans? Were they specially recruited or were they used from time to time according to some set plan?

VON DEM BACH-ZELEWSKI: I think that on the whole there was no definite set plan. So-called large-scale operations were initiated, planned, and executed by headquarters. Anti-partisan fighting, however, was mostly of a spontaneous nature, since every lower commander was obliged to keep his own area free of partisans and thus had to act on his own initiative.

COL. POKROVSKY: You said that in very many cases generals and officers of the Wehrmacht personally headed the operations against the partisans. Can you give us some concrete facts and the names of some of the generals and officers?

VON DEM BACH-ZELEWSKI: I didn't fully understand the meaning of the question. The names of commanders?

COL. POKROVSKY: You have told us that certain operations during the struggle against the partisans were conducted by officers and generals of the Wehrmacht, and I now ask you if you can name some of the officers and generals?

VON DEM BACH-ZELEWSKI: Yes, some of the generals I have already mentioned. In addition I remember Major General Hartmann, in central Russia. One large-scale anti-partisan operation was either led by him or at least directed by him from his headquarters. I also remember Colonel General Reinhardt in whose rear zone there were important partisan groups. I might even say that there was not a single general in the rear zone who did not participate in the struggle against the partisans. I cannot, of course, remember all the names; but if I hear them mentioned, I can tell you whether or not they participated.

COL. POKROVSKY: Could you tell us what undertaking was commanded by General Ackmann?

VON DEM BACH-ZELEWSKI: No, I cannot remember that.

COL. POKROVSKY: Were there any general orders relating to prisoners of war, the civilian population, or the partisans?

VON DEM BACH-ZELEWSKI: Unfortunately there were no general instructions which clearly stated how the partisans or the population were to be treated. That was the complaint I made: That no instruction was issued on the treatment of the partisans and that we were not even told who was to be considered a partisan. When anything happened and the German Wehrmacht was attacked, there were never clear orders on what was to be done by way of reprisals.

COL. POKROVSKY: Am I to understand that in the absence of direct orders commanders were given a clear field and had the right to declare any person they wished a partisan and treat him accordingly?

VON DEM BACH-ZELEWSKI: The commanders certainly had to and could act and decide independently. No precise control was possible in individual cases, but the activities of all the troops used were always clearly known to the High Command, because the individual reports of the troops contained all details of the counter measures taken against the partisans—that is, they had to contain the number of partisans killed in combat, the number of partisans shot, of partisan suspects shot, and the number of our own losses. At the same time captured weapons had to be listed in detail, so that each leader could therefore see clearly how an operation worked out in practice.

COL. POKROVSKY: That means that each commander decided for himself whether there was any reason to suspect a man and to execute him?

VON DEM BACH-ZELEWSKI: Yes.

COL. POKROVSKY: Do you know of any order prescribing the seizure of hostages and the burning of villages as a reprisal for abetting the partisans?

VON DEM BACH-ZELEWSKI: No. I do not think that written orders to that effect were ever issued, and it is precisely this lack of any orders which I considered a mistake. It should, for instance, have been definitely stated how many people could be executed as a reprisal for the killing of one, or of 10 German soldiers.

COL. POKROVSKY: Am I to understand that if certain commanders burned villages as a punitive measure against the local population, they, the commanders, would be acting on their own initiative?

VON DEM BACH-ZELEWSKI: Yes. These steps would be taken by a commander on his own initiative. Nor could his superior officers do anything against it, since orders emanating from the highest authorities definitely stated that if excesses were committed against the civilian population in the partisan areas, no disciplinary or juridical measures could be taken.

COL. POKROVSKY: And can we assume that the same applied to the seizure of hostages?

VON DEM BACH-ZELEWSKI: Well, I think that the question of hostages did not arise at all in the anti-partisan struggle. The hostage system was more common in the West. At any rate the term "hostage" was not used in anti-partisan warfare.

COL. POKROVSKY: Do you know anything about the forcible abduction and deportation to Germany of minors between 14 and 18 years of age?

VON DEM BACH-ZELEWSKI: Naturally, I do not remember details such as the age groups, but when I was appointed Chief of Anti-Partisan Combat Units, I welcomed an order, issued at my suggestion, forbidding indiscriminate reprisals of the troops and decreeing that in future captured partisans and partisan suspects would no longer be shot but would be brought to the Reich by the Sauckel organization.

COL. POKROVSKY: If I understood you correctly, you replied to a question of my colleague, the American Prosecutor, by saying that the struggle against the partisan movement was a pretext for destroying the Slav and Jewish population?

VON DEM BACH-ZELEWSKI: Yes.

COL. POKROVSKY: Was the Wehrmacht Command aware of the methods adopted for fighting the partisan movement and for destroying the Jewish population?

VON DEM BACH-ZELEWSKI: The methods were known generally, and hence to the military leaders as well. I do not, of course, know whether they were aware of the plan mentioned by Himmler.

COL. POKROVSKY: Did you personally take part in any conferences with generals of the Wehrmacht during which the methods of anti-partisan warfare were clearly and plainly discussed?

VON DEM BACH-ZELEWSKI: The methods as such were discussed in detail and knowledge of them was taken for granted, but it was not mentioned at these discussions that such and such a number of persons were to be shot. That would be a wrong conclusion.

COL. POKROVSKY: You have told us that the Germans intended to destroy the Slav population in order to reduce the number of Slavs to 30 million. Where did you get this figure and this order?

VON DEM BACH-ZELEWSKI: I must correct that: Not to reduce to 30 million, but by 30 million. Himmler mentioned this figure in his speech at the Weselsburg.

COL. POKROVSKY: Do you confirm the fact that actually all the measures carried out by the German commanders and by the Wehrmacht in the occupied Russian territories were directed to the sole purpose of reducing the number of Slavs and Jews by 30 million?

VON DEM BACH-ZELEWSKI: The meaning of that is not quite clear to me. Did the Wehrmacht know that the Slav population was to be diminished by 30 million? Would you please repeat the question, it wasn't quite clear?

COL. POKROVSKY: I asked: Can you actually and truthfully confirm that the measures taken by the Wehrmacht Command in the district administrative areas then occupied by the Germans were directed to the purpose of diminishing the Slavs and Jews by 30 million? Do you now understand the question?

VON DEM BACH-ZELEWSKI: I believe that these methods would definitely have resulted in the extermination of 30 million if they had been continued, and if developments of that time had not completely changed the situation.

COL. POKROVSKY: I have no further questions to put to the witness.

THE PRESIDENT: Does the Defense have any questions?

DR. EXNER: Witness, you said you were chief of anti-partisan operations, didn't you?

VON DEM BACH-ZELEWSKI: Chief of Anti-Partisan Combat Units.

DR. EXNER: Well, if such chaotic conditions really existed, why didn't you alter the system?

VON DEM BACH-ZELEWSKI: Because I was never given the requisite authority.

DR. EXNER: I beg your pardon?

VON DEM BACH-ZELEWSKI: Because I was never given authority. I could not issue orders, I had no disciplinary powers, and I was not an appointing authority for military courts.

DR. EXNER: Then did you make a report on the existing conditions to your superior officers?

VON DEM BACH-ZELEWSKI: Every day. I had a permanent staff at Himmler's headquarters.

DR. EXNER: Did you suggest any changes?

VON DEM BACH-ZELEWSKI: Persistently.

DR. EXNER: And why were these changes never realized?

VON DEM BACH-ZELEWSKI: I think I have already expressed myself quite clearly on this point: because I think that these changes were not desired.

DR. EXNER: You also, as you have informed us, reported to your superior authorities on the number of enemy dead, wounded, and prisoners after each operation. Tell me what, approximately, was the proportion of enemy prisoners to the enemy dead?

VON DEM BACH-ZELEWSKI: The figures varied in each case. I cannot generalize, but it was a fact that prisoners usually far outnumbered the enemy dead.

DR. EXNER: The prisoners outnumbered the dead?

VON DEM BACH-ZELEWSKI: Yes, but only in the years after the order allowing prisoners to be taken.

DR. EXNER: The system was harsher at first, you say, and milder later on?

VON DEM BACH-ZELEWSKI: Yes, it was milder insofar as we now had definite orders stating where the prisoners were to be brought and to whom they were to be turned over. There were no such orders in the beginning.

DR. EXNER: Can you name any orders which you received from military authorities, dealing in any way with the annihilation of millions of Slavs?

VON DEM BACH-ZELEWSKI: I already gave my answer to that question to the prosecutor when I said that a written order to that effect did not exist.

DR. EXNER: Do you know that the reports which you sent to Himmler on the actions which you had carried out were submitted by Himmler directly to the Führer?

VON DEM BACH-ZELEWSKI: May I reply to that in some detail? At first I had a permanent staff at Himmler's headquarters. My chief of staff was there permanently while I was at the front. Between the Wehrmacht offices—that is, OKW and OKH—and my own staff there was constant and organized interchange of reports, for reports on partisan activities did not always reach me first, since from some operational areas the channel for reports was through the OKH. Therefore the Wehrmacht sent me as many reports as I sent to the Wehrmacht. These reports were collected in my staff, and were daily sent to Himmler who forwarded them again.

DR. EXNER: To whom?

VON DEM BACH-ZELEWSKI: The gentlemen of the Wehrmacht have confirmed to me, here in prison, that these reports were submitted during strategic conferences.

DR. EXNER: Can you tell me whether Jews participated in the partisan groups?

VON DEM BACH-ZELEWSKI: There is no question but that in individual partisan groups Jews did participate, in numbers corresponding to the size of the Jewish population.

DR. EXNER: In individual groups? Was it not more in the nature of an exception?

VON DEM BACH-ZELEWSKI: Yes, it was definitely an exception.

DR. EXNER: That is why I do not quite understand how actions taken against the partisans were to lead to the extermination of the Jews.

VON DEM BACH-ZELEWSKI: I did not say that; I was speaking earlier of the Einsatzgruppen of the Sicherheitspolizei.

DR. EXNER: Oh, I see, that is different. Do you know anything about the Dirlewanger regiment?

VON DEM BACH-ZELEWSKI: That was the Dirlewanger Brigade, which I described in detail to the prosecutor a short time ago.

DR. EXNER: Yes. Was that brigade at any time under your command?

VON DEM BACH-ZELEWSKI: Yes, in 1941.

DR. EXNER: Was it a formation of the Army or the SS?

VON DEM BACH-ZELEWSKI: No, it was not a formation of the Waffen-SS; it was supplied by the Allgemeine SS, that is, by the Berger office.

7 Jan. 46

DR. EXNER: Can you tell me who was present at Himmler's speech at the Weselsburg?

VON DEM BACH-ZELEWSKI: About 12 Gruppenführer were present, I can name them if you like.

DR. EXNER: You mean Gruppenführer . . .

VON DEM BACH-ZELEWSKI: Gruppenführer of the SS.

DR. EXNER: Were any officers of the Wehrmacht present?

VON DEM BACH-ZELEWSKI: No.

DR. EXNER: Thank you very much.

DR. KRAUS: You were present in Königsberg on the 18th of August 1935 when the former President of the Reichsbank, Schacht, made a speech at the Eastern Fair (Ostmesse)?

VON DEM BACH-ZELEWSKI: Yes.

DR. KRAUS: What was your position at that time?

VON DEM BACH-ZELEWSKI: I was Oberabschnittsführer.

DR. KRAUS: Were you present at the speech in your official capacity?

VON DEM BACH-ZELEWSKI: Yes, as Oberabschnittsführer of the SS.

DR. KRAUS: And you suddenly left the room in the middle of the speech, as a protest?

VON DEM BACH-ZELEWSKI: Yes, in the middle of the speech I left the room.

DR. KRAUS: In protest?

VON DEM BACH-ZELEWSKI: Yes.

DR. KRAUS: Then you did not agree with the speech?

VON DEM BACH-ZELEWSKI: I did not leave on account of the speech but as a protest.

DR. KRAUS: As a protest against the contents of the speech?

VON DEM BACH-ZELEWSKI: No.

DR. KRAUS: May I ask, then, why you protested?

VON DEM BACH-ZELEWSKI: It is well known that in East Prussia I conducted a violent campaign against the then Gauleiter Koch, which led to his suspension. Koch and I were bitterly opposed and I could not therefore understand why Reich Minister Schacht, who God knows did not belong to Koch's school of thought, should take pains to pay compliments to this man, whom I knew to be corrupt.

DR. KRAUS: Were you protesting, then, against the attitude of Herr Schacht or that of Herr Koch?

VON DEM BACH-ZELEWSKI: I think Herr Schacht must have known that it was a protest against Koch. In any case I had it explained to him later, and we finally settled the matter amicably through mediators.

DR. KRAUS: I see. Thank you.

DR. SERVATIUS: Witness, you said that a change was made regarding the treatment of partisans, and that it was ordered that the partisans were to be placed into the labor service. Where did this order originate?

VON DEM BACH-ZELEWSKI: I cannot give you detailed information about this, I only know that Herr Sauckel himself went around in the East and made long speeches to the effect that it would be best if these men who were captured in partisan warfare were placed in the labor service through his organization.

DR. SERVATIUS: I asked where this order originated. Did it originate with Himmler or, as you described it, with the Sauckel organization?

VON DEM BACH-ZELEWSKI: No. The Sauckel organization could, of course, never issue orders relating to partisan warfare. I presume that the Sauckel organization suggested the order, but of course it had to originate with Himmler or the OKW.

DR. SERVATIUS: What do you know of the Sauckel organization? Where did it exist?

VON DEM BACH-ZELEWSKI: I know only what was generally known: namely, that this organization existed for the purpose of bringing manpower into the Reich for work in the armament industry.

DR. SERVATIUS: You spoke of an organization; but you don't know anything about this organization, do you?

VON DEM BACH-ZELEWSKI: No, I don't mean it in your sense, a large independent organization; that is not what I mean. But it was obvious that a man who was responsible for the whole of manpower must have an organization at his disposal. I beg your pardon, it was a mistake on my part.

DR. SERVATIUS: Then you do not know that Sauckel had no executive power at all and that he was not provided with an administrative machine of his own.

VON DEM BACH-ZELEWSKI: No, I don't know that.

THE PRESIDENT: I want the attention of the defendants' counsel. What I want to say is this, that unless counsel and the witnesses speak slowly and make adequate pauses between the questions and the answers, it is impossible for the interpreters to interpret properly, and the only result is that the questions and answers do not

come through to the Tribunal, nor do the defendants' counsel get the benefit of the true meaning of the answers which have been given in the examination-in-chief, and everything that you may think you gain by rapidity of cross-examination, you lose by the inadequacy of the translation. I will repeat, that you should pause at the end of your sentences and at the end of your questions, so as to give the interpreter's voice time to come through.

DR. STAHLER: Witness, you said that from 1942 onwards you were Chief of Anti-Partisan Combat Units. As such, it was your duty to fight the partisans in the East?

VON DEM BACH-ZELEWSKI: Yes, that is correct, in the East.

DR. STAHLER: Now, you said that it was not quite clear what was to be understood by the term "partisan"; the concept of "partisan" was never during the entire period clearly defined. Is that correct?

VON DEM BACH-ZELEWSKI: Yes, the sense of that is correct. In my opinion a distinction should be drawn between partisans and partisan suspects. The troops did not always make this distinction. A partisan was a man carefully selected and trained by the enemy. He was also very well armed. I always insisted that this concept was not vague, but concrete. If fire is opened from a wood, a house, or a village, it is not correct to say that everyone in the wood, house, or village is a partisan; for this reason: The tactics of the partisans were to disappear rapidly after a successful action; they relied on the element of surprise inherent in this method of warfare. If the troops took their counter measures without being specially trained and without exact knowledge of this concept of "partisan," then they would conclude from the fact that they had been fired on from a village, that all the inhabitants were partisans. In my view, a partisan can be considered as such only if he is encountered or captured with a weapon in his hand. If he has no weapon, he cannot be considered a partisan.

DR. STAHLER: Now, what did you do in a positive way to clarify this concept of "partisan"?

VON DEM BACH-ZELEWSKI: As I have already said, ever since 1941, even before I was Chief of Anti-Partisan Combat Units, not only I but also General Von Schenkendorff, continually sent numbers of memoranda containing suggestions. Moreover, in the Russian Army Group Center, for instance, we organized schools for fighting partisans, where the troops were to be trained along these lines. Schenkendorff and I, together, worked out a series of regulations for fighting partisans, but they were never published. Immediately after I was appointed Chief of Anti-Partisan Combat Units, that is, in the beginning of 1943, my staff began to prepare

a new series of regulations for fighting partisans. Many months passed, however, before these regulations were finally published, in 1944, when they were already practically useless.

DR. STAHLER: Who issued these regulations?

VON DEM BACH-ZELEWSKI: These regulations were published by the Wehrmacht, in the form of an ordinary Wehrmacht directive.

DR. STAHLER: They were issued by the Wehrmacht?

VON DEM BACH-ZELEWSKI: They came out in 1944.

DR. STAHLER: What were their contents?

VON DEM BACH-ZELEWSKI: They were entitled, *Regulations for the Fighting of Partisans (Bandenkampfvorschrift)*.

DR. STAHLER: What were their contents?

VON DEM BACH-ZELEWSKI: They comprised the whole of partisan warfare; thus they contained reconnaissance, operational details, differences between small-scale, medium-scale, and large-scale operations.

DR. STAHLER: Since these partisan combat regulations did not appear before 1944, was it not your task, as you had all anti-partisan forces in the whole East, to instruct your forces directly on their conduct?

VON DEM BACH-ZELEWSKI: In the first place, as I have said, I had no authority to issue orders. Consequently, I could only make suggestions. Secondly, closely organized anti-partisan forces never existed; it was an empty name which they were given. Any kind and number of formations would be assigned for anti-partisan warfare whenever necessary. It is wrong to say that I had troops at my disposal for the sole purpose of fighting the partisans. Moreover—and I should like to emphasize that—the document appointing me Chief of Anti-Partisan Combat Units stated as follows: Anti-partisan operations will be commanded either by the Higher SS and Police Officer, or the competent Wehrmacht commander in their respective areas. According to that directive, my own task was only that of an inspector, in spite of my continuous request for authority to issue orders.

DR. STAHLER: I don't quite understand . . .

THE PRESIDENT: You must go slowly and you must pause between your sentences.

DR. STAHLER: As general of the Waffen-SS you must have had power to issue orders?

VON DEM BACH-ZELEWSKI: I had authority only to issue orders when I personally conducted an operation.

DR. STAHLER: But you were appointed, as you said, to fight the partisans and you must have had combat units for the purpose?

VON DEM BACH-ZELEWSKI: No, I had no such units.

DR. STAHLER: Then how did you conduct your fight against the partisans?

VON DEM BACH-ZELEWSKI: In each case, I went to the respective commander, discussed the operation with him and asked for the necessary troops, unless they were put at my disposal, as it often happened, by the OKW or the OKH directly.

DR. STAHLER: You asked for troops, unless they were put at your disposal. But then these troops assigned to you were under your command, were they not?

VON DEM BACH-ZELEWSKI: No, only if I personally commanded the operation. Otherwise, as I said, either the competent general of the Wehrmacht or, in the area of the civil government, the higher SS and police Leader commanded the operation. It was expressly noted in the directive containing my appointment as Chief of the Anti-Partisan Combat Units, that I could request authority to command an operation only if the authority of two higher SS and police leaders or of two Wehrmacht commanders overlapped, thus calling for a higher authority to handle the conflicting responsibilities.

DR. STAHLER: Did you never personally command an operation?

VON DEM BACH-ZELEWSKI: Yes, I conducted one operation in 1943.

DR. STAHLER: In what way?

VON DEM BACH-ZELEWSKI: This undertaking took place in the fall of 1943, in the region of Idrizza Polotsk. I first flew to the Army Group Center and talked the matter over with the then chief, General Krebs. Then I went on to Army Group North and discussed the same matter with Field Marshal Kuehler. Kuehler organized all the troops of the SS and Police and also the Wehrmacht formations in the rear areas into a so-called corps under the command of Jaeckel. The Army Group Center did the same with its own forces, and also formed a corps under the command of the Higher SS and Police Leader in the area. I myself, with my staff, was in command of both, and Colonel Von Mellenthin of the OKH was assigned to me as liaison officer. Then I conducted the enterprise personally. In the meantime the front had been broken through in foggy weather, and I made the independent decision of turning against the Red Army forces which had broken through; thus my units became the front line.

DR. STAHLER: You said a little while ago that you had been decorated with the Knight's Cross. Did you receive this decoration for this undertaking alone?

VON DEM BACH-ZELEWSKI: No, as I said before, I was already at the front in the year 1941. Again and again I was with the fighting units: In 1941 at Moscow, in 1942 at Velikie-Luki, and later at Koebel, at Warsaw during the uprising in Warsaw; and from 1944 onwards I commanded an SS corps.

DR. STAHLER: Did you not know that you were particularly commended by Hitler and Himmler and decorated mainly for your ruthless and efficient actions in the war against the partisans?

VON DEM BACH-ZELEWSKI: No. I received no decoration for the war against the partisans. I received all my decorations, beginning with the clusters to the Iron Cross II, at the front and from the Wehrmacht. I will gladly give you names.

DR. STAHLER: The Brigade Dirlewanger was an SS brigade, wasn't it?

VON DEM BACH-ZELEWSKI: The Brigade Dirlewanger did not belong to the Waffen-SS. It was an organization which could possibly be classified as part of the Allgemeine-SS. It was not supplied and kept up by the Waffen-SS, but by the Berger office.

DR. STAHLER: Was the commander of the Brigade Dirlewanger a member of the SS?

VON DEM BACH-ZELEWSKI: Yes.

DR. STAHLER: Didn't you yourself suggest that criminals should be organized and used for fighting the partisans?

VON DEM BACH-ZELEWSKI: No.

DR. THOMA: Witness, do you know that the civil government in White Ruthenia often protested against the manner in which the anti-partisan activities were carried on?

VON DEM BACH-ZELEWSKI: Yes.

DR. THOMA: The civil authority was subordinate to the Reich Commissioner, and he in turn was subordinate to Rosenberg as Minister for the Occupied Eastern Territories; is that correct?

VON DEM BACH-ZELEWSKI: Yes.

DR. THOMA: If I understood you correctly, you disapproved of the manner in which the fighting against partisans was carried on, involving many innocent people; and you disapproved also of the existence of the Dirlewanger Regiment and of the speech of Reichsführer SS Himmler?

VON DEM BACH-ZELEWSKI: Yes.

DR. THOMA: How could you then reconcile it with your conscience to remain chief or inspector of anti-partisan units and also head of such Einsatzgruppen?

VON DEM BACH-ZELEWSKI: I was never chief of Einsatzgruppen.

THE PRESIDENT: The question had not come through then on the interpreter's voice before you began to answer. You must give greater pauses between the question and answer.

DR. THOMA: How did you reconcile it with your conscience to remain inspector of the anti-partisan forces in the East?

VON DEM BACH-ZELEWSKI: Not only could I reconcile that with my conscience, but I actually strove to obtain this position because in the years 1941 and 1942 I saw, together with Schenkendorff, that things could not continue as they were. General Schenkendorff, my immediate superior, recommended me for the position.

DR. THOMA: But you knew that you could not achieve anything with these suggestions?

VON DEM BACH-ZELEWSKI: No, I couldn't know that. What I realize and acknowledge today, I could not possibly have known then.

DR. THOMA: At any rate, you achieved nothing?

VON DEM BACH-ZELEWSKI: I don't think that; my opinion is rather that if someone else had been in my position, the disaster would have been greater.

DR. THOMA: Do you believe that Himmler's speech, in which he demanded the extermination of 30 million Slavs, expressed only his personal opinion; or do you consider that it corresponded to the National Socialist ideology?

VON DEM BACH-ZELEWSKI: Today I believe that it was the logical consequence of our ideology.

DR. THOMA: Today?

VON DEM BACH-ZELEWSKI: Today.

DR. THOMA: What was your own opinion at that time?

VON DEM BACH-ZELEWSKI: It is difficult for a German to fight through to this conviction. It took me a long time.

DR. THOMA: Then how is it that a few days ago a witness, namely, the Witness Ohlendorf, appeared here and admitted that through the Einsatzgruppen he had killed 90,000 people, but told the Tribunal that this did not harmonize with the National Socialist ideology?

VON DEM BACH-ZELEWSKI: I am of a different opinion. If for years, for decades, a doctrine is preached to the effect that the Slav race is an inferior race, that the Jews are not even human beings, then an explosion of this sort is inevitable.

DR. THOMA: Nevertheless the fact remains that, together with whatever attitude towards life you had at that time, you also had a conscience?

VON DEM BACH-ZELEWSKI: And today, too—for that reason I am here.

[Dr. Exner approached the lectern.]

THE PRESIDENT: Dr. Exner, are you cross-examining on behalf of some other defendant, or what?

DR. EXNER: I should like to ask two or three questions which my client put to me as important during the recess.

THE PRESIDENT: You have already cross-examined, have you not?

DR. EXNER: Yes, but I now have three new questions. We were not able to prepare ourselves for this cross-examination.

THE PRESIDENT: Very well. Go on.

DR. EXNER: Witness, you said an order was issued in the year 1944 regarding anti-partisan warfare. During the recess, I found in the document book of the Prosecution, under 1786-PS, mention of a combat directive on partisan warfare, dated 27 November 1942. Do you know of this?

VON DEM BACH-ZELEWSKI: No.

DR. EXNER: But it must exist, since it is mentioned here.

VON DEM BACH-ZELEWSKI: I don't know it.

DR. EXNER: Do you know of a Russian directive for partisan warfare?

VON DEM BACH-ZELEWSKI: Yes, that existed.

DR. EXNER: Could you give us information on the contents of this directive? What were the combat methods prescribed?

VON DEM BACH-ZELEWSKI: I no longer remember it.

DR. EXNER: Do you know where this directive is available?

VON DEM BACH-ZELEWSKI: No.

DR. EXNER: Thank you.

THE TRIBUNAL (Mr. Biddle): One moment. Do you know how many members of the Wehrmacht were used at any one time in this anti-partisan activity? What was the largest number of the troops?

VON DEM BACH-ZELEWSKI: Large-scale undertakings were those carried out with one division or more. I believe the largest number of troops for a single operation might have been three divisions.

THE TRIBUNAL (Mr. Biddle): I mean all the troops on the Eastern Front at any one time used in these anti-partisan activities?

VON DEM BACH-ZELEWSKI: I cannot answer that, because these troops were never together under my direction. Operations were conducted simultaneously, large-, small-, and medium-scale

operations were being carried out everywhere at the same time. Reports of such operations came in every day.

THE TRIBUNAL (Mr. Biddle): Do you know how many Einsatzgruppen were used?

VON DEM BACH-ZELEWSKI: I know of three, one for each army group.

THE PRESIDENT: [To Colonel Taylor.] You don't want to re-examine?

COL. TAYLOR: No, Sir.

THE PRESIDENT: Then the witness may go.

[The witness left the stand.]

COL. TAYLOR: Your Lordship, that concludes the evidence under Counts Three and Four of the Indictment and I have only a few more words by way of general conclusion.

I ask the Tribunal to bear in mind that the German High Command is not an evanescent thing, the creature of a decade of unrest, or a school of thought or tradition which is shattered and utterly discredited. The German High Command and military tradition have in the past achieved victory and survived defeat. They have met with triumph and disaster, and they have survived through a singular durability.

An eminent American statesman and diplomat, Mr. Sumner Welles, has written, and I quote from his book *The Time for Decision*, Page 261:

"... that the authority to which the German people have so often and so disastrously responded was not in reality the German Emperor of yesterday, or the Hitler of today, but the German General Staff. Whether their ostensible ruler is the Kaiser, or Hindenburg, or Adolf Hitler, the continuing loyalty of the bulk of the population is given to that military force controlled and guided by the German General Staff."

I think that this emphasizes the historical importance of the decision which this Tribunal is called on to make. But we are not now indicting the German General Staff at the bar of history, but on specific charges of crimes against international law and the dictates of the conscience of mankind, as embodied in the Charter which governs this Court.

The picture we have seen is that of a group of men with great power for good or evil, who chose the latter, who deliberately set out to arm Germany to the point where the German will could be imposed on the rest of the world, and who gladly joined forces with the most evil forces at work in Germany. "Hitler produced the results which all of us warmly desired," we are told by Blomberg and Blaskowitz, and that is obviously the truth. The converse is no

less clear; the military leaders furnished Hitler with the means and the might which were necessary to his survival, to say nothing of the accomplishment of those purposes which seemed to us so ludicrously impossible in 1932 and so fearfully imminent in 1942.

I have said that the German militarists were inept as well as persistent. Helpless as Hitler would have been without them, he succeeded in mastering them. The generals and the Nazis were allies in 1933. But it was not enough that the generals should be his voluntary allies; Hitler wanted them permanently and completely under his control. Devoid of political skill and principle, the generals lacked the mentality or morality to resist. On the day of the death of President Hindenburg, in August 1934, the German officers swore a new oath. Their previous oath had been to the Fatherland; now it was to a man—Adolf Hitler. Later the Nazi emblem became part of their uniform, the Nazi flag their standard. By a clever process of infiltration into key positions, Hitler seized control of the entire military machine.

We will no doubt hear the generals ask what they could have done about it. We will hear that they were helpless, and that to protect their jobs and families and lives, they had to follow Hitler's decisions. No doubt this became true, but the generals were a key factor in Hitler's rise to complete power and a partner in his criminal aggressive designs. It is always difficult and dangerous to withdraw from a criminal conspiracy. Never has it been suggested that a conspirator may claim mercy on the ground that his fellow conspirators threatened him with harm, should he withdraw from the plot.

In many respects the spectacle which the German General Staff and High Command group presents today is the most degrading of all the groups and organizations before this Court. They are the bearers of a tradition not devoid of valor and honor; but they emerge from this war stained both by criminality and ineptitude. Attracted by the militaristic and aggressive Nazi policies, the German generals found themselves drawn into adventures of a scope they had not foreseen. From crimes in which almost all of them participated willingly and approvingly were born others in which they participated partly because they were too ineffective to alter the governing Nazi policies and partly because they had to continue collaboration to save their own skins.

Having joined the partnership, the General Staff and High Command group planned and carried through manifold acts of aggression which turned Europe into a charnel house and caused the Armed Forces to be used for foul practices, foully executed, of terror, pillage, and wholesale slaughter. Let no one be heard to say that the military uniform shall be a cloak, or that they may find sanctuary

by pleading membership in the profession to which their actions were a disgrace.

COL. STOREY: If the Tribunal pleases, the next subject will be the presentation of supplemental evidence concerning the persecution of the churches as presented by Colonel Wheeler.

COLONEL LEONARD WHEELER, JR. (Assistant Trial Counsel for the United States): Your Honors, the material now to be submitted comprises, first, supplemental proof on the suppression of the churches within Germany: the Evangelical churches, the Catholic Church, and the Bibelforscher (or Bible students); and second, acts of suppression in the annexed and occupied territories, Austria, Czechoslovakia, and Poland. A large part of this proof will be from the official files of the Vatican.

I now submit to the Court United States Trial Brief H (supplemental), on "Suppression of the Christian Churches in Germany and in the Occupied Territories," and Document Book H (supplemental), containing English translations of all the documents referred to in the supplemental brief, or to be referred to in my oral presentation. I shall take up first the supplemental proof on the suppression of the churches in Germany.

Hitler announced in March 1933 a distinction in his policy toward politics and morals on the one hand and religion on the other. I offer in evidence Document Number 3387-PS, Exhibit Number USA-566. This is a speech by Hitler to the Reichstag on March 23, 1933, quoted in the *Völkischer Beobachter*, for March 24, 1933, Page 1, Column 5 of the German newspaper. I quote from this speech:

"While the Government is determined to carry through a political and moral purging of our public life, it is creating and insuring the requisites of a truly religious life. The Government sees in both Christian confessions the factors most important for the maintenance of our Volkstum. It will respect agreements concluded between them and the Länder. However, it expects that its work will meet with like appreciation. The Government will treat all other denominations with objective justice. However, it can never condone that belonging to a certain denomination or to a certain race should be regarded as a license for the commission or toleration of crime. The Government will devote its care to harmony between Church and State."

Toward the Evangelical churches, the Nazi conspirators proceeded at first with caution, and an appearance of legality. They set up a new constitution of the German Evangelical Church, which introduced the innovation of a single Lutheran Reich Bishop, who assumed all the administrative functions of the old agencies of the

churches. I refer to Document Number 3433-PS, the Decree concerning the Constitution of the German Evangelical Church, dated July 14, 1933, appearing in the *Reichsgesetzblatt*, 1933, Part I, Page 471, and request that the Court take judicial notice of it.

It is too well known to require documentation that the new Reich Bishop, Bishop Müller, heeded the voice of his Nazi masters. One of his first steps was to maneuver the Evangelical Youth Association into the Hitler Jugend under the Defendant Von Schirach in December 1933. In proof of this I refer to Document Number 1458 (a)=PS, already in evidence as part of Document Book D. This is an excerpt from Von Schirach's book, *The Hitler Youth—Idea and Formation*.

By 1935 it had become evident that more than persuasion by the Reich Bishop was necessary. Consequently the Nazi conspirators promulgated a number of public laws which, under innocent sounding titles, gradually wove a tight net of state control over all the affairs of the Evangelical churches. We ask that the Court take judicial notice of these laws published in the *Reichsgesetzblatt*. These may be briefly summarized as follows:

3434-PS, "Law concerning Procedure for Decisions in Legal Affairs of the Evangelical Church," dated 26 June 1935, signed by Hitler and Frick, appearing in 1935 in *Reichsgesetzblatt*, Part I, Page 774. This gave the Reich Minister of the Interior, the Defendant Frick, when question was raised in a civil lawsuit, sole authority to determine the validity of measures taken in the Evangelical state churches, or in the German Evangelical Church since May 1, 1933.

3435-PS, "First Ordinance for Execution of the Law concerning Procedure for Decisions in Legal Affairs of the Evangelical Church," dated July 3, 1935, appearing in 1935 *Reichsgesetzblatt*, Part I, Page 851. This implemented the earlier law, by setting up an Office for Decisions with three members appointed by the Reich Minister of the Interior.

3466-PS, "Decree to Unite the Competences of Reich and Prussia in Church Affairs," dated July 16, 1935, signed by Hitler, published in 1935 *Reichsgesetzblatt*, Part I, Page 1029. This transferred to Reich Minister without Portfolio Kerrl the Church Affairs hitherto handled by the Reich and Prussian Ministries of the Interior and for Science, Education, and Training of the Population.

3436-PS, "Law for the Safeguarding of the German Evangelical Church," dated 24 September 1935, published in the 1935 *Reichsgesetzblatt*, Part I, Page 1178, signed by Hitler and the Minister for Church Affairs, Dr. Kerrl. This empowered the Reich Minister of Church Affairs to issue ordinances with binding legal force.

3437-PS, "Fifth Decree for Execution of the Law for the Safeguarding of the German Evangelical Church," dated 2 December

1935, published in 1935 *Reichsgesetzblatt*, Part I, Page 1370. This prohibited "Organs of Church Leadership" in the Evangelical churches from filling pastorates, engaging clerical assistants, examining and ordaining candidates of the state churches, visitation, publishing of the banns, and collection and administration of church dues and assessments.

This series of laws culminated on June 26, 1937, in Document Number 3439-PS, the "Fifteenth Decree for the Execution of the Law for Security of the German Evangelical Church," dated June 25, 1937, published in 1937 *Reichsgesetzblatt*, Part I, Page 697. By this, the Reich Minister for Church Affairs, Kerrl, established a finance department for the churches to supervise the administration of all church property, the budget, and the use of budget funds and to regulate salaries and allowances of officials, clergy, and employees. Thus, before the outbreak of the war, the Nazi conspirators had the Evangelical churches tied hand and foot physically and administratively, if not spiritually.

Against the Catholic Church with its international organization the Nazi conspirators launched a most vigorous and drastic attack—again at first, however, cloaked under a mantle of co-operation and legality. A concordat signed by the Defendant Von Papen, one of the foremost Catholic laymen in Germany, was concluded between the Reich Government and the Vatican on July 20, 1933. It is printed in the 1933 *Reichsgesetzblatt*, Part II, Page 679 to Page 690, and contained in Document Number 3280 (a)-PS. I ask the Court to take judicial notice of it. I quote Article 1:

"The German Reich guarantees freedom of profession and public practice of the Catholic religion.

"It acknowledges the right of the Catholic Church, within the limit of those laws which are applicable to all, to manage and regulate its own affairs independently and, within the framework of its own competence, to publish laws and ordinances binding on its members."

Other articles which, being matters of common knowledge, I assume need not be read into the record, formulated basic principles such as freedom of the Catholic press, of Catholic education, and of Catholic charitable, professional, and other organizations.

The proposal for the concordat came from the Reich, and not from the Vatican. I refer to Document Number 3268-PS, Exhibit Number USA-356, excerpts from the Allocation of Pope Pius XII to the Sacred College on June 2, 1945, already read into evidence. I quote from Page 1 of the English mimeographed excerpts, Page 1 of the German translation, third paragraph, which has not previously been read, "In the spring of 1933 the German Government asked the Holy See to conclude a concordat with the Reich."

The present Pope, Pope Pius XII, then Cardinal Pacelli, negotiated and signed the concordat on behalf of the Vatican. As Archbishop Pacelli he had previously been Papal Nuncio in Germany for 12 years.

Relying upon the Nazis' assurances, particularly Hitler's speech of March 23, 1933 above quoted (3387-PS), the Catholic hierarchy revoked its previous opposition against Catholics becoming members of the National Socialist Party. I offer in evidence Document Number 3389-PS, Exhibit USA-566, a pastoral letter, dated March 23, 1933, from the Bishop of Cologne, and I quote from the *Völkischer Beobachter* for March 29, 1933 Page 2 Columns 2 and 3:

"The Archbishop of Cologne, Cardinal Schulte, announces to the Archdiocese of Cologne a declaration of the Bishops' Conference at Fulda, which states:

"The bishops of the diocese of Germany, in their dutiful solicitude to keep the Catholic faith pure and to protect the inviolable aims and rights of the Catholic Church, have adopted, for weighty reasons during the last years, an attitude of opposition toward the National Socialist movement, through prohibitions and warnings, which were to remain in effect as long and as far as those reasons remained valid.

"It should now be recognized that there are public and solemn declarations issued by the highest representative of the Reich Government—who at the same time is the authoritarian leader of that movement—which acknowledge the inviolability of the teachings of the Catholic faith and the unswerving mission and rights of the Church and which expressly guarantee the full validity of the legal pacts concluded between the several German Länder and the Church.

"Without lifting the condemnation, implied in our previous measures, of certain religious and ethical errors, the Episcopate now believes it can be confident that those general prohibitions and warnings prescribed need no longer be regarded as necessary."

The Catholic Center Party, yielding to these assurances and to pressure, was dissolved on July 5, 1933. I refer to Document Number 2403-PS, already in evidence as part of U. S. Document Book B, an excerpt from *Documents of German Politics*, the official Nazi publication, a document of which the Court can take judicial notice; and I quote from the last five lines of Page 1 of the English translation, appearing on Page 55 of the original German text, which states:

"Also the parties of German Catholicism which were supposed to be most deeply rooted, had to bow to the law of the New

Order. On July 4, 1933, the Bavarian People's Party (Document 27), and on July 5, 1933, the Center Party (Document 29), published an announcement of their dissolution."

In spite of these evidences of confidence and co-operation or submission on the part of the Catholics, the Nazi conspirators almost immediately commenced a series of violations of the concordat. I offer in evidence Document Number 3476-PS, Exhibit USA-567, being the Papal Encyclical, "Mit brennender Sorge"—in German—by Pope Pius XI on March 14, 1937, and also ask the Tribunal to take judicial notice of all of it. I quote from the one-page English excerpt . . .

THE PRESIDENT: Did you say 3476 or 3466?

COL. WHEELER: 3476.

THE PRESIDENT: We don't seem to have that.

COL. WHEELER: That may be a mistake, Sir, for 3563; the number was changed. The part of it which is in English in the Document Book, Sir, is under 3280-PS.

THE PRESIDENT: 3280?

COL. WHEELER: The difficulty is that the German original came in after the translation had been made from another source.

THE PRESIDENT: 3280(a)-PS?

COL. WHEELER: 3280 without the (a). It's just a couple of paragraphs.

THE PRESIDENT: Oh, yes; I see.

COL. WHEELER: These are found on Page 2, Paragraph 2, of the German original, which is in evidence now, which was secretly reproduced at Fulda from copies smuggled into Germany from Rome, and read definitely from pulpits all over Germany. I quote:

"It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which we had labored to sow the seeds of true peace, others, like the enemy in Holy Scripture (Matt. xiii, 25), sowed the tares of suspicion, discord, hatred, calumny, of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility for the fact that now, on the horizon of Germany, there is to be seen, not the rainbow of peace, but the threatening storm clouds of destructive religious strife.

"Anyone who has even a grain of a sense of truth left in his mind and even a shadow of a feeling of justice left in his heart will have to admit that, in the difficult and eventful

years which followed the concordat, every word and every action of Ours was ruled by loyalty to the terms of the agreement; but also he will have to recognize with surprise and deep disgust that the unwritten law of the other party has been arbitrary misinterpretation of agreements, circumvention of agreements, weakening of the force of agreements and, finally, more or less open violation of agreements.

"Only 10 days after the Concordat was signed . . ."

THE PRESIDENT: None of this is in our book.

COL. WHEELER: That's not in your book?

THE PRESIDENT: Not what you've been reading. The first paragraph, down to the words "destructive religious wars" is in our book. The rest isn't in it.

COL. WHEELER: I think there must have been an error today then, Sir. There was a second edition of that 3280, which contains the second paragraph. I'll have that substituted as soon as this is over.

THE PRESIDENT: All right.

DR. ALFRED SEIDL (Counsel for Defendant Frank): The United States Prosecution said earlier in the proceedings that a certain part of the material now being presented as evidence in the question of the opposition to the churches was made available by the Vatican. The Defendant Hans Frank has just sent me some questions which I do not want to withhold from the Tribunal. The questions are these:

1. Is the Vatican a Signatory to the Charter of the International Military Tribunal?
2. Did the Vatican deliver the material in an accusatory capacity?
3. Has the Vatican, acting as a co-prosecutor, identified itself with the principles of these proceedings?

The Defendant Hans Frank adds by way of explanation that his continued membership in the Roman Catholic Church depends on the reply to these questions.

THE PRESIDENT: I think it desirable that the Tribunal understand your objections. The first question that you ask is: Is the Vatican a Signatory to the Charter? Is that right?

DR. SEIDL: Yes.

THE PRESIDENT: Your second question was what? What was your second question?

DR. SEIDL: The second question is: Whether the Vatican submitted the material which is now being presented, acting as co-prosecutor?

THE PRESIDENT: And your third?

DR. SEIDL: The third question is—and it is addressed directly to the Prosecution—whether the Vatican, as prosecutor, has identified itself with the principles upon which this Trial is being conducted?

[There was a pause in the proceedings while the Judges conferred.]

THE PRESIDENT: In the opinion of the Tribunal the observations which have just been made by counsel on behalf of the Defendant Frank are entirely irrelevant, and any motion which they were intended to support is denied. The Prosecution will therefore continue.

COL. WHEELER: I now offer in evidence the first of a number of documents which the Vatican has supplied to the Prosecution in this case from its own files and which authoritatively state the acts of suppression of the Church by the Nazi conspirators. This first Vatican document, which deals in part with acts of suppression within Germany, is Document Number 3261-PS, Exhibit Number USA-568, a verbal note of the Secretariat of State of His Holiness the Pope to the German Embassy, dated January 18, 1942. I read the certificate accompanying this document:

“The Vatican, November 13th, 1945.

“I, Domenico Tardini, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of nine printed pages and entitled, ‘Verbal note of the Secretariat of State of His Holiness to the German Embassy,’ January 18th, 1942, Pages 3-11, is a true and correct translation into the English language from the Italian language of a carbon copy of a document now in the possession of the Secretariat of State of His Holiness, the original of which was dispatched to the German Embassy.”—Signed—“Domenico Tardini.”

The paper in the document book, Your Honors, is a mimeographed copy of the same printed document which we received from the Vatican. We did not have enough printed documents to make them in the document books.

On Page 2 of the English mimeographed text of this verbal note, Paragraphs 3 and 4—appearing on Page 2 of the German translation, Paragraphs 3 and 4—the Papal Secretary of State describes, I quote:

“Measures and acts which gravely violate the rights of the Church, being contrary not only to the existing concordats but to the principles of international law ratified by the Second Hague Conference...”

THE PRESIDENT: Did you say you were reading the third paragraph?

COL. WHEELER: Yes, Your Honor. It is the third full paragraph on Page 2. It starts in the middle of the paragraph with the last word on the seventh line of the third paragraph.

THE PRESIDENT: It is very difficult for us to find it if you don't tell us it begins in the middle of the paragraph.

COL. WHEELER: The last word of that line is "measures". It's the seventh line of the paragraph beginning "Yet, despite this keen desire," Sir.

THE PRESIDENT: Yes, I see.

COL. WHEELER: "... but often—and this is much more grave—to the very fundamental principles of Divine Law both natural and positive."

The next paragraph specifies these measures. I quote:

"Let it suffice to recall in this connection, among other things, the changing of the Catholic state elementary schools into undenominational schools; the permanent or temporary closing of many minor seminaries, of not a few major seminaries, and of some theological faculties; the suppression of almost all the private schools and of numerous Catholic boarding schools and colleges; the repudiation, decided upon unilaterally, of financial obligations which the State, municipalities, and so forth, had towards the Church; the increasing difficulties put in the way of the activity of the religious orders and congregations in the spiritual, cultural, and social field, and above all the suppression of abbeys, monasteries, convents, and religious houses in such great numbers that one is led to infer a deliberate intention of rendering impossible the very existence of the orders and congregations in Germany."

The Nazis did not overlook other sects or denominations in their efforts to suppress Christian religion in Germany. They persecuted the "Bibelforscher" or Bible students...

THE PRESIDENT: Perhaps, if you are going on to another church, it would be better to break off until tomorrow morning.

[The Tribunal adjourned until 8 January 1946 at 1000 hours.]

TWENTY-NINTH DAY

Tuesday, 8 January 1946

Morning Session

COL. WHEELER: The Nazis did not overlook other sects or denominations in their efforts to suppress Christian religion in Germany. They persecuted the Bibelforscher or International Bible Students as well. There has already been introduced and read into evidence Document Number D-84, Exhibit Number USA-236, showing that members of this sect were not only prosecuted in the courts, but also seized and sent to concentration camps, even after serving or remitting of their judicial sentences.

In Document Number 2928-PS, Exhibit Number USA-239, included in U.S. Document Book A, further evidence of persecution of Bibelforscher appears.

THE PRESIDENT: I think you are going a little bit fast. We are not going to refer to D-84?

COL. WHEELER: I am not going to read from it, Sir.

THE PRESIDENT: Then you go to 2928-PS?

COL. WHEELER: 2928-PS; it is in the document book, Sir. This document is an affidavit by Matthias Lex, Vice President of the national union of shoemakers. In describing his experience in Dachau Concentration Camp he says, and I quote from the third page of his affidavit:

"I include in the political prisoners the International Bible Students"—Bibelforscher—"whose number I estimate at over 150."

I want to read further from the last line of that page and the next few lines of the next page:

"The following groups were kept entirely isolated: The members of the so-called 'punishment companies,'"—Strafkompanien—"those who were in a concentration camp for a second time, and after about 1937 also the 'Bibelforscher'. Members of the 'punishment companies' were such prisoners who had committed disciplinary or slight offenses against the camp regulations. The following groups lived separately but could mix with the other groups during the day, either while working or while strolling through the camp:

"Political prisoners, Jews, anti-socials, gypsies, felons, homosexuals, and, before 1937, also the International Bible Students."

I refer also to Document Number 1531-PS—this is not in the document book—Exhibit Number USA-248, which is already in evidence. This was an order by the RSHA in 1942 authorizing third-degree methods against Jehovah's Witnesses. That was read by Colonel Storey.

I now turn to acts of suppression in the annexed and occupied territories. In Austria Bishop Rusch of Innsbruck has written an illuminating report on this subject. I offer this sworn statement in evidence, Document 3278-PS, Exhibit Number USA-569. This is a report on the fighting of National Socialism in the Apostolic Administration of Innsbruck-Feldkirch, of Tyrol and Vorarlberg. In this the Bishop declares, and I start on the first page of the English text and of the German translation:

"After having seized power, National Socialism immediately showed the tendency to exclude the Church from publicity."

The expression "publicity"—this was written in English by the Bishop—evidently means "public activities." I continue with the quote:

"At Corpus Christi in 1938 the customary solemn procession was forbidden. In the summer of the same year all ecclesiastical schools and kindergartens were disbanded. Daily newspaper and weekly reviews of Christian thinking were likewise removed. In the same year all kinds of ecclesiastical organizations, especially youth organizations such as Boy Scouts, were disbanded, all activity forbidden.

"The effect of these prohibitions came soon: The clergy took opposition against them, they could not do otherwise. Then a great wave of priest arrests followed. About a fifth of them were eventually arrested. Reasons for arrests were:

"1. The 'pulpit-paragraph.' When Party actions were mentioned or criticized even in the humblest manner.

"2. The practice of taking care of young people. A specially heavy prohibition was given in November 1939. Children's or youth's mass or services were forbidden. Religion or faith lessons were not allowed to be given in the church except lessons of preparing for first Communion or confirmation. Teaching of religion at school was very often forbidden without any reason.

"The priest, according to his conscience, could not follow this public proscription and this explained the great number of

arrests of priests. Finally, the priests were arrested on account of their 'caritative' work. It was, for instance, forbidden to give anything to foreigners or prisoners. A priest was arrested because he gave a cup of coffee and bread to two hungry Dutchmen. This 'caritative' act was seen to favor elements foreign to the race.

"In 1939 and 1940 a new activity began. Cloisters and abbeys were seized, disbanded, and many churches belonging to them closed. Among these two convents were disbanded: the cloister of the Dominican Sisters of Bludenz and that of the 'Perpetual Adoration' of Innsbruck. In the latter the Sisters were dragged, one by one, out of the cloister by the Gestapo. In the same way ecclesiastical property such as association-houses, parish and youth homes were seized. A list of these closed churches, disbanded cloisters, and ecclesiastical institutions is attached.

"Despite all these measures the results were not satisfactory. Then priests were not only arrested, but also deported to concentration camps. Eight priests of Tyrol and Vorarlberg have been imprisoned, among them the Provicar Monseigneur Dr. Charles Lampert. One died there on account of the ill-treatment, the others returned. Provicar Lampert was released but required to remain in Stettin, where later he was re-arrested and executed in November 1944, after having been condemned to death by secret proceedings."

There is attached to this report a three-and-a-half-page list entitled, "List of churches, convents, monasteries, and ecclesiastical objects of Tyrol and Vorarlberg seized—that is, confiscated—and of the institutions, confessional schools, *et cetera*, disbanded." Unless the Tribunal requires it, I shall not read these names.

I offer in evidence Document 3274-PS, Exhibit Number USA-570, received from Cardinal Innitzer of Vienna and authenticated by him. This is the first joint pastoral letter of the Archbishops and Bishops of Austria after liberation, dated October 17, 1945. I quote from Page 1, second paragraph of the English and German texts, which sums up the Nazi conspirators' campaign in Austria:

"A war which has raged terribly and horribly, like none other in past epochs of the history of humanity is at an end. . . . At an end also is an intellectual battle, the goal of which was the destruction of Christianity and Church among our people; a campaign of lies and treachery against truth and love, against divine and human rights, and against international law."

I quote further from the fourth and following paragraphs:

"Direct hostility to the Church was revealed in regulations against orders and monasteries, Catholic schools and institutions, against religious foundations and activities, against the ecclesiastical recreation centers and institutions; without the least rights to defend themselves they were declared enemies of both people and state and their existence destroyed.

"Religious instruction and education of children and adolescents were purposely limited, frequently entirely prevented. They encouraged in every manner all efforts hostile to religion and the Church and thus sought to rob the children and youth of our people of the most valuable treasure of holy faith and of true morality born of the Spirit of God. Unfortunately the attempt succeeded in innumerable cases to the permanent detriment of young people.

"Spiritual care of souls in churches and ecclesiastical houses, in hospitals and other institutions was seriously obstructed. It was made ineffectual in the Armed Forces and in the Labor Service, in the transfer of youth to the country and, beyond that, even in individual families and among numerous persons, to say nothing of the prohibition of spiritual ministrations to people of another nationality and of other races.

"How often was the divine service as such, also sermons, missions, Communion days, retreats, processions, pilgrimages, restricted for the most impossible reasons and made entirely impossible!

"Catholic literature, newspapers, periodicals, church papers, religious writings were stopped, books and libraries destroyed.

"What an injustice occurred in the dissolution of many Catholic societies, in the destruction of numerous church activities!

"Individual Catholic and Christian believers, whose religious confession was allegedly free, were spied upon, criticized on account of their belief, scorned on account of their Christian activity. How many religious officials, teachers, public and private employees, laborers, businessmen, and artisans, indeed, even peasants were put under pressure and terror! Many lost their jobs, some were pensioned off, others dismissed without pension, demoted, deprived of their real professional activity. Often enough such people who remained loyal to their convictions were discriminated against, condemned to hunger or tortured in concentration camps. Christianity and the Church were continually scorned and exposed to hatred.

"The apostasy movement found every assistance. Every opportunity was used to induce many to withdraw from the Church."

In assessing responsibility for these acts of suppression in Austria, the Court will recall that the Defendant Von Schirach was Gauleiter of Vienna from 1940 to 1945.

I now come to the acts of suppression in Czechoslovakia, where, the Court will recollect, the Defendant Von Neurath was Reich Protector for Bohemia and Moravia from 1939 to 1943 and was succeeded by the Defendant Frick. These acts have been summarized in an official Czech Government report. I refer to Document 998-PS, Exhibit Number USA-91, already in evidence. These are excerpts not previously read or referred to from the "Czech Official Report for the Prosecution and Trial of the German Major War Criminals by the International Military Tribunal Established according to the Agreement of the Four Great Powers, of August 8, 1945." Since this is an official government document or report of one of the United Nations, I ask that the Tribunal take judicial notice of it under Article 21 of the Charter and I suggest that I be permitted to summarize rather than read it.

It describes the maltreatment of Catholic priests—487 of whom were sent to concentration camps as hostages—dissolution of religious orders, suppression of religious instruction in Czech schools, suppression of Catholic weeklies and monthlies, dissolution of the Catholic gymnastic organization of 800,000 members, and seizure of Catholic Church property. It describes the entire prohibition of the Czechoslovak National Church and confiscation of all its property in Slovakia and its crippling in Bohemia.

The report describes the severe restriction on freedom of preaching by the Protestants and the persecution and imprisonment and execution of ministers and the suppression of Protestant Church youth organizations and theological schools and shows the complete subordination and later dissolution of the Greek Orthodox Church. It states that all Evangelical education was handed over to the civil authorities and many Evangelical teachers lost their employment.

The repressive measures adopted by the Nazi conspirators in Poland against the Christian Church were even more drastic and sweeping.

The Vatican documents now to be introduced describe persecutions of the Catholic Church in Poland in three areas: First, the incorporated territories, especially the Warthegau; second, the Government General; and third, the incorporated Eastern territories.

The Court will recall that the incorporated territories comprised territories adjacent to the old Reich, chiefly the Reich District

Wartheland or Warthegau, which included particularly the cities of Poznan and Lodz and the Reich district Danzig-West Prussia.

The occupied Polish territories which were organized into the Government General comprised the remainder of Poland, seized by the German forces in 1939 and extending to the new boundary with the Soviets formed at that time. This included Warsaw and Kraków. After the Nazis attacked the Union of Soviet Socialist Republics in June 1941, the parts of old Poland lying farther to the east and then overrun were included in the so-called Occupied Eastern Territories.

For the purpose of tying the defendants' responsibility for the persecutions occurring in their respective areas, the Court will bear in mind that the Defendant Frick was the official chiefly responsible for the reorganization of the Eastern territories. The Defendant Frank was head of the Government General from 1939 to 1945. The Defendant Seyss-Inquart was Deputy Governor General there from 1939 to 1940. And the Defendant Rosenberg was Reich Minister for the Occupied Eastern Territories from July 17, 1941 to the end.

I now offer in evidence Document Number 3263-PS, Exhibit Number USA-571, headed, "Memorandum of the Secretariat of State to the German Embassy regarding the religious situation in the 'Warthegau,' October 8, 1942." This document bears a certificate of authenticity from the Vatican signed by the Papal Secretary of Extraordinary Ecclesiastical Affairs corresponding to that accompanying Document 3261-PS, read in evidence a few minutes ago. Unless the Court requires otherwise, I suggest that it is not necessary to read each of these certificates, which are all similar one to another. I quote from Document 3263-PS, the first paragraph:

"For quite a long time the religious situation in the region called 'Warthegau' gives cause for very grave and ever-increasing anxiety. There, in fact, the Episcopate has been little by little almost completely eliminated; the secular and regular clergy have been reduced to proportions that are absolutely inadequate, because they have been in large part deported and exiled; the education of clerics has been forbidden; the Catholic education of youth is meeting with the greatest opposition; the nuns have been dispersed; insurmountable obstacles have been put in the way of affording people the help of religion; very many churches have been closed; Catholic intellectual and charitable institutions have been destroyed; ecclesiastical property has been seized."

On March 2, 1943 the Cardinal Secretary of State addressed to the Defendant Von Ribbentrop, Foreign Minister of the Reich, a note setting forth in detail the persecution of bishops, priests, and

other ecclesiastics and the suppression of the exercise of religion in the occupied Polish provinces. This document is so explicit and so authoritative that it deserves extensive quotation. I accordingly offer it in evidence: Document Number 3264-PS, Exhibit Number USA-572. It is headed, "A Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in the 'Warthegau' and in the other Polish provinces subject to Germany." It bears a Vatican certificate of authenticity like that of Document 3261-PS. It is signed, "L. Card. Maglione," meaning "Luigi Cardinal Maglione." I quote from this note, starting with Page 1, the third paragraph of the English mimeographed text and of the German translation:

"The place where, above all, the religious situation, by its unusual gravity, calls for special consideration is the territory called the 'Reichsgau Wartheland.'

"Six bishops resided in that region in August 1939; now there is left only one. In fact, the Bishop of Lodz and his auxiliary were, in the course of the year 1941, confined first in a small district of the diocese and then expelled and exiled in the 'Generalgouvernement.'

"Another bishop, Monseigneur Michael Kozal, Auxiliary and Vicar General of Wloclawek, was arrested in the autumn of 1939, detained for some time in a prison in the city and later in a religious house in Lad, and finally was transferred to the concentration camp at Dachau.

"Since His Eminence the Cardinal Archbishop of Gniezno and Poznan and the Bishop of Wloclawek, who had gone away during the period of military operations, were not allowed to return to their Sees, the only bishop who now remains in the 'Warthegau' is His Excellency Monseigneur Valentine Dymek, Auxiliary of Poznan; and he, at least up to November 1942, was interned in his own house."

I pass now to Page 2, fourth paragraph of the English text, the fifth paragraph of the German text:

"If the lot of their Excellencies the Bishops has been a source of anxiety for the Holy See, the condition of an immense number of priests and members of religious orders has caused it, and still causes it, no less grief.

"In the territory now called 'Warthegau' more than 2,000 priests exercised their ministry before the war; they are now reduced to a very small number.

"According to accounts received from various quarters by the Holy See, in the first months of the military occupation not a few members of the secular clergy were shot or otherwise

put to death, while others—some hundreds—were imprisoned or treated in an unseemly manner, being forced into employments unbecoming their state and exposed to scorn and derision.

“Then, while numbers of ecclesiastics were exiled or constrained in some other way to take refuge in the ‘General-gouvernement,’ many others were transferred to concentration camps. At the beginning of October 1941 the priests from the dioceses of the ‘Warthegau’ detained in Dachau already numbered several hundreds; but their number increased considerably in that month following a sharp intensification of police measures which culminated in the imprisonment and deportation of further hundreds of ecclesiastics. Entire ‘Kreise’ (districts) remained thus completely deprived of clergy. In the city of Poznan itself the spiritual care of some 200,000 Catholics remained in the hands of not more than four priests.

“No less painful was the fate reserved for the regular clergy. Many religious were shot or otherwise killed; the great majority of the others were imprisoned, deported, or expelled.

“In the same way far-reaching measures were taken against the institutions preparing candidates for the ecclesiastical state. The diocesan seminaries of Gniezno and Poznan, of Wloclawek, and of Lodz were closed. The seminary in Poznan for the training of priests destined to work among Polish Catholics abroad was also closed.

“The novitiates and houses of formation of the religious orders and congregations were closed.

“Not even the nuns were able to continue their charitable activities without molestation. For them was set up a special concentration camp at Bojanowo, where towards the middle of 1941 about 400 sisters were interned and employed in manual labor. To a representation of the Holy See made through the Apostolic Nunciature in Berlin (Memorandum N. 40.348 of June 11th, 1941) your Reich Ministry for Foreign Affairs replied in the Memorandum Pol. III 1886 of September 28 of the same year that it was only a question of a temporary measure, taken with the consent of the Reich lieutenant for Wartheland, in order to supply the lack of housing for Polish Catholic sisters. In the same memorandum it was admitted that as a result of reorganization of charitable institutions many Catholic sisters were without employment.

“But, in spite of the fact that this measure was declared to be temporary, it is certain that towards the end of 1942 some

hundreds of nuns were still interned at Bojanowo. It is established that for some time the religious were deprived even of spiritual help.

"Likewise in the matter of education and religious instruction of youth no attention was paid in the 'Warthegau' to the rights of the Catholic Church.

"All the Catholic schools were suppressed."

THE PRESIDENT: Who was the Foreign Minister of the Reich at the time that document was sent?

COL. WHEELER: It was the Defendant Von Ribbentrop.

I turn to Page 4, the 10th paragraph of the English text, Page 5, 4th paragraph of the German text:

"The use of the Polish language in sacred functions, and even in the Sacrament of Penance, was forbidden. Moreover—and this is a matter worthy of special mention and is at variance with the natural law and with the dispositions accepted by the legal systems of all nations—for the celebration of marriage between Poles the minimum age limit was fixed at 28 years for men and 25 years for women.

"Catholic Action was so badly hit as to be completely destroyed. The National Institute, which was at the head of the whole Catholic Action movement in Poland, was suppressed; as a result all the associations belonging to it, which were flourishing, as well as all Catholic cultural, charity, and social service institutions, were abolished.

"In the whole of the 'Warthegau' there is no longer any Catholic press and not even a Catholic bookshop.

"Grave measures were repeatedly taken with regard to ecclesiastical property.

"Many of the churches closed to public worship were turned over to profane uses. From such an insult not even the Cathedrals of Gniezno, Poznan, Wloclawek, and Lodz were spared. Episcopal residences were confiscated, the real estate belonging to the seminaries, convents, diocesan museums, libraries, and church funds were confiscated or sequestered."

I pass now to the third full paragraph on Page 5, a two-line paragraph:

"Even before ecclesiastical property was affected, the allowances to the clergy had been abolished."

Now, reading from Page 6, the fourth full paragraph of the English text:

"The administrative regulations published by the lieutenant's office for the application of the ordinance of September 13th,

1941 made the situation of the Catholics in that region still more difficult.

"For example, on November 19, 1941 came a decree of the Reich lieutenant by which among other things it was set forth that, as from the previous September 13th, the property of the former juridical persons of the Roman Catholic Church should pass over to the 'Römisch-katholische Kirche deutscher Nationalität im Reichsgau Wartheland' insofar as, on the request of the above-mentioned 'Religionsgesellschaft' such property shall be recognized by the Reich lieutenant as 'non-Polish property.' In virtue of this decree practically all the goods of the Catholic Church in the 'Warthegau' were lost."

Now I pass to Page 7, the second full paragraph:

"If we pass from the 'Warthegau' to the other territories in the East, we unfortunately find there, too, acts and measures against the rights of the Church and of the Catholic faithful, though they vary in gravity and extension from one place to another.

"In the provinces which were declared annexed to the German Reich and joined up with the Gaue of East Prussia, of Danzig West Prussia and of Upper Silesia, the situation is very like that described above in regard to seminaries, the use of the Polish mother-tongue in sacred functions, charitable works, associations of Catholic Action, the separation of the faithful according to nationality. There, too, one must deplore the closing of churches to public worship, the exile, deportation, the violent death of not a few of the clergy (reduced by two-thirds in the diocese of Culma and by at least a third in the diocese of Katowice), the suppression of religious instruction in the schools, and above all the complete suppression in fact of the Episcopate. Actually, after the Bishop of Culma, who had left during the military operations, had been refused permission to return to his diocese, there followed in February 1941 the expulsion of the Bishop of Plock and his auxiliary, who both died later in captivity; the Bishop, the venerable octogenarian Monseigneur Julian Anthony Nowowiejski, died at Dzialdowo on May 28th, 1941, and the auxiliary, Monseigneur Leo Wetmanski, 'in a transit camp' on October 10th of the same year.

"In the territory called the 'Generalgouvernement,' as in the Polish provinces which had been occupied by Soviet troops in the period between September 1939 and June 1941, the religious situation is such as to cause the Holy See lively apprehension and serious preoccupation. Without pausing to describe the treatment meted out in many cases to the clergy

(priests imprisoned, deported, and even put to death), the confiscation of ecclesiastical property, the closing of churches, the suppression even of associations and publications of simply and exclusively religious character, the closing of the Catholic secondary and higher schools and of the Catholic University of Lublin, let it suffice to recall two series of specially grave measures: those which affect the seminaries and those which weigh on the Episcopate.

"When the buildings of the various seminaries had been completely or in part occupied, the intention for some time (November 1940—February 1941) was to reduce these institutions for the training of priests to two—those of Kraków and Sandomierz; then the others were permitted to reopen, but only on condition that no new students were admitted, which in practice inevitably means that all these institutions will soon be closed."

I skip one paragraph here.

"Mention has several times been made of ecclesiastics deported or confined in concentration camps. The majority of them were transferred to the Altreich, where their number already exceeds a thousand."

THE PRESIDENT: What was the "Altreich"?

COL. WHEELER: The Altreich is the Old Reich of Germany.

THE PRESIDENT: Yes.

COL. WHEELER: "When the Holy See asked that they should be liberated and be permitted to emigrate to neutral countries of Europe or America (1940), the petition was refused; it was only promised that they should all be collected in the concentration camp at Dachau, that they should be dispensed from too hard labor, and that some should be permitted to say Mass, which the others could hear.

"The treatment of the ecclesiastics interned at Dachau, which, for a certain time in 1941 was in fact somewhat mitigated, worsened again at the end of that year. Particularly sorrowful were the announcements which for many months in 1942 came from that camp of the frequent deaths of priests, even of some young priests among them."

I pass by two paragraphs.

"Polish Catholics are not allowed to contract marriage in the territory of the Altreich; just as requests for religious instruction or instruction in preparation for confession and Holy Communion for the children of these workers are, in principle, not accepted."

What happened to complaints—even from the Vatican—as to religious affairs in the overrun territories is disclosed in Document Number 3266-PS, Exhibit Number USA-573, which I now offer in evidence. This is a letter from the Cardinal Archbishop of Breslau to the Papal Secretary of State, dated December 7, 1942. It bears a Vatican authentication similar to those already read.

This letter lays at the door of the Party Chancellery the responsibility for determining the policy and exercising final authority on religious questions in the occupied territories. I quote from Page 1, the first paragraph of this letter, and remind the Court that the Defendant Bormann was at that time Chief of the Nazi Party Chancellery and that the Defendant Kaltenbrunner was the Chief of the Reichssicherheitshauptamt, the RSHA. I quote from Document 3266-PS, beginning with the sixth line:

“About some of the gravest injuries inflicted on the Church, I not only protested on each occasion as the individual incident occurred, but I also made a most formal protest about them *in globo* in a document which, as spokesman of the Hierarchy, I sent to the supreme ruler of the State and to the ministries of the Reich on December 10th, 1941. Not a word by way of answer has been sent to us.

“Your Eminence knows very well the greatest difficulty in the way of opening negotiations comes from the overruling authority which the ‘National Socialist Party Chancery’ exercises in relation to the Chancery of the Reich and to the single Reich ministries. This ‘Parteikanzlei’ directs the course to be followed by the State, whereas the ministries and the Chancellery of the Reich are obliged and compelled to adjust their decrees to these directions. Besides, there is the fact that the ‘supreme office for the security of the Reich,’ called the ‘Reichssicherheitshauptamt’ enjoys an authority which precludes all legal action and all appeals. Under it are the ‘secret offices for public security,’ called ‘Geheime Staatspolizei’ (a title shortened usually to Gestapo), of which there is one for each province. Against the decrees of this central office and of the secret offices there is no appeal through the courts, and no complaint made to the ministries has any effect. Not infrequently the councillors of the ministries suggest that they have not been able to do as they would wish to because of the opposition of these Party offices. As far as the executive power is concerned, the organization called the SS, that is, ‘The Schutzstaffeln der Partei,’ is in practice supreme. . . .

“On a number of very grave and fundamental issues we have also presented our complaints to the supreme leader of the

Reich, the Führer. Either no answer is given, or it is apparently edited by the above-mentioned Party Chancery, which does not consider itself bound by the Concordat made with the Holy See."

I now offer in evidence Document Number 3279-PS, Exhibit Number USA-574. This is an excerpt from Charge Number 17 against the Defendant Hans Frank, Governor General of Poland, entitled, "Maltreatment and Persecution of the Catholic Clergy in the Western Provinces," submitted by the Polish Government under the terms of Article 21 of the Four-Power-Agreement of August 8, 1945. This gives further figures indicating the extent of the persecution of priests. I quote:

"The extract attached hereto and dealing with the 'General Conditions and Results of the Persecution' is taken from the text of Charge 17, Page 5, Paragraph IV, of the Polish Government against the defendants named in the Indictment before the International Military Tribunal, subject: 'Maltreatment and Persecution of the Catholic Clergy in the Incorporated Western Provinces of Poland.' It is a true translation into English of the original Polish.

"It is submitted herewith to the International Military Tribunal in accordance with Article 21 of the Charter of the Court."

Signed: "Dr. Tadeusz Cyprian, Polish Deputy Representative on the United Nations War Crimes Commission in London, signing on behalf of the Polish Government and of the Main Commission for Investigation of German War Crimes in Poland, whose seal I hereby attach."

THE PRESIDENT: I don't think you need read such certificates as that.

COL. WHEELER: This is the only one, Sir, that I have. I now read from this extract:

"General Conditions and Results of the Persecution:

"11. The general situation of the clergy in the Archdiocese of Poznan in the beginning of April 1940 is summarized in the following words of Cardinal Hlond's second report:

"Five priests shot; 27 priests confined in harsh concentration camps at Stutthof and in other camps; 190 priests in prison or in concentration camps at Bruczkow, Chludowo, Goruszki, Kazimierz, Biskupi, Lad, Lubin, and Puszczykowo; 35 priests seriously ill in consequence of ill-treatment; 122 parishes entirely left without priests.

"12. In the Diocese of Chelmno, where about 650 priests were installed before the war, only 3 percent were allowed to stay,

the 97 percent of them were imprisoned, executed, or put into concentration camps.

"13. By January 1941 about 700 priests were killed, 3,000 were in prison or concentration camps."

I refer also to Document Number 3268(a)-PS, Exhibit Number USA-356, excerpts from the allocution of Pope Pius XII to the Sacred College June 2, 1945, which has already been introduced into evidence and read from extensively. I shall not read from that again. This gives some very revealing figures concerning the priests and lay brothers confined in the concentration camp at Dachau.

The Tribunal will recall, from the previous reading of this document, the imprisonment of 2,800 priests and lay brothers in Dachau alone from 1940 to 1945, of whom all but about 800 were dead by April 1945, including an auxiliary bishop.

This document presents a forceful summary of the principal steps in the struggle of the Nazi conspirators against the Catholic Church.

In summation the Prosecution submits that the evidence presented to the Court proves that the attempted suppression of the Christian churches in Germany, Austria, Czechoslovakia, and Poland was an integral part of the defendants' conspiracy to eliminate internal opposition and otherwise to prepare for and wage aggressive war and shows the same conspiratorial pattern as their other War Crimes and Crimes against Humanity.

COL. STOREY: If the Tribunal please, before we present the subject of individual defendants, by agreement with our British colleagues, Major Elwyn Jones will now present a brief subject entitled, "Aggression as a Basic Nazi Idea."

MAJOR F. ELWYN JONES (Junior Counsel for the United Kingdom): May it please the Tribunal, it is now my duty to draw to the Tribunal's attention a document which became the statement of faith of these defendants. I refer to Hitler's *Mein Kampf*. It is perhaps appropriate that this should be considered at this stage of the Trial just before the Prosecution presents to the Tribunal the evidence against the individual defendants under Counts One and Two of the Indictment, for this book, *Mein Kampf*, gave to the defendants adequate foreknowledge of the unlawful aims of the Nazi leadership. It was not only Hitler's political testament; by adoption it became theirs.

This book, *Mein Kampf*, might be described as the blueprint of Nazi aggression. Its whole tenor and content enforce the Prosecution's submission that the Nazi pursuit of aggressive designs was no mere accident arising out of the immediate political situation in Europe and the world which existed during the period of Nazi power. *Mein Kampf* establishes unequivocally that the use of

aggressive war to serve their aims in foreign policy was part of the very creed of the Nazi Party.

A great German philosopher has said that "ideas have hands and feet." It became the deliberate aim of these defendants to see to it that the ideas, doctrines, and policies of *Mein Kampf* should become the active faith and guide for action of the German nation, and particularly of its malleable youth.

As my American colleagues have already submitted to the Tribunal, from 1933 to 1939 an extensive indoctrination in the ideas of *Mein Kampf* was pursued in the schools and universities of Germany, as well as in the Hitler Youth under the direction of the Defendant Baldur von Schirach and in the SA and SS and amongst the German population as a whole by the agency of the Defendant Rosenberg.

A copy of this book *Mein Kampf* was officially presented to all newly married couples in Germany, and I now hand to the Tribunal such a wedding present from the Nazis to the newlyweds of Germany and for the purposes of the record it will be Exhibit GB-128 (Document Number D-660). The Tribunal will see that the dedication on the flyleaf of that copy reads:

"To the newly-married couple, Friedrich Rosebrock and Else née zum Beck, with best wishes for a happy and blessed marriage. Presented by the Communal Administration on the occasion of their marriage on the 14th of November 1940. For the Mayor, the Registrar."

The Tribunal will see, at the bottom of the page opposite to the contents page, that that edition of *Mein Kampf*, which was the 1940 edition, brought the number of copies of *Mein Kampf* published to 6,250,000. This was the scale upon which this book was distributed. It was blasphemously called "the bible of the German people".

As a result of the efforts of the defendants and their confederates, this book poisoned a generation and distorted the outlook of a whole people.

As the SS General Von dem Bach-Zelewski indicated yesterday, if you preach for years, as long as 10 years, that the Slav peoples are inferior races and that the Jews are subhuman, then it must logically follow that the killing of millions of these human beings is accepted as a natural phenomenon.

From *Mein Kampf* the way leads directly to the furnaces of Auschwitz and the gas chambers of Maidanek.

What the commandments of *Mein Kampf* were I shall seek to indicate to the Tribunal by quotations from the book, which are set out in the extracts which I trust are now before the Tribunal.

Those extracts are set out in the order in which I shall, with the Tribunal's permission, refer to them.

Now these quotations fall into two main categories. The first category is that of general expression of Hitler's belief in the necessity of force as the means of solving international problems. The second category is that of Hitler's more explicit declarations on the policy which Germany must pursue.

Most of the quotations in the second category come from the last three Chapters, 13, 14, and 15 of Part II of *Mein Kampf*, in which Hitler's views on foreign policy were expounded. The significance of that fact will be realized if the Tribunal looks at the German edition of *Mein Kampf*. The Tribunal will observe that Part II of *Mein Kampf* was first published in 1927, that is to say, less than 2 years after the Locarno Pact and within a few months of Germany's entry into the League of Nations. The date of the publication of these passages, therefore, brands them as a repudiation of the policy of international co-operation embarked upon by Stresemann and as a deliberate defiance of the attempt to establish, through the League of Nations, the rule of law in international affairs.

First I place before the Tribunal some quotations showing the general views held by Hitler and accepted and propagated by the defendants about war and aggression generally. The first quotation, from Page 556 of *Mein Kampf*, reads:

"The soil on which we now live was not a gift bestowed by Heaven on our forefathers. But they had to conquer it by risking their lives. So also in the future our people will not obtain territory and therewith the means of existence as a favor from any other people, but will have to win it by the power of a triumphant sword."

On Page 145 Hitler revealed his own personal attitude to war. Of the years of peace before 1914 he wrote:

"Thus I used to think it an ill-deserved stroke of bad luck that I had arrived too late on this terrestrial globe, and I felt chagrined at the idea that my life would have to run its course along peaceful and orderly lines. As a boy I was anything but a pacifist and all attempts to make me so proved futile."

Generally, Hitler wrote of war in this way. On Page 162 we find:

"In regard to the part played by humane feeling, Moltke stated that in time of war the essential thing is to get a decision as quickly as possible and that the most ruthless methods of fighting are at the same time the most humane. When people attempt to answer this reasoning by 'highfalutin' talk about aesthetics, *et cetera*, only one answer can be given. It is that the vital questions involved in the struggle of a nation

for its existence must not be subordinated to any aesthetic consideration."

How faithfully these precepts of ruthlessness were followed by the defendants the Prosecution will prove in the course of this Trial.

Hitler's assumption of an inevitable law of struggle for survival linked up in Chapter 11 of Book I of *Mein Kampf*, with the doctrine of Aryan superiority over other races and the right of Germans, in virtue of this superiority, to dominate and use other peoples as instruments for their own ends. The whole of Chapter 11 of *Mein Kampf* is dedicated to this master race theory, and, indeed, many of the later speeches of Hitler, his addresses to his generals and so forth, were mainly repetitive of Chapter 11.

If the Court will look at the extract from Page 256, it reads as follows:

"Had it not been possible for them to employ members of the inferior race which they conquered, the Aryans would never have been in a position to take the first steps on the road which led them to a later type of culture; just as, without the help of certain suitable animals which they were able to tame, they would never have come to the invention of mechanical power, which has subsequently enabled them to do without these beasts. . . .

"For the establishment of superior types of civilization the members of inferior races formed one of the most essential prerequisites. . . ."

And in a later passage in *Mein Kampf*, at Page 344, Hitler applies these general ideas to Germany:

"If in its historical development the German people had possessed the unity of the herd by which other people have so much benefited, then the German Reich would probably be mistress of the globe today. World history would have taken another course, and in this case no man can tell if what many blinded pacifists hope to attain by petitioning, whining, and crying may not have been reached in this way: namely, a peace which would not be based upon the waving of olive branches by tearful misery-mongering of pacifist old women, but a peace that would be guaranteed by the triumphant sword of a people endowed with the power to master the world and administer it in the service of a higher civilization."

In these passages which I have quoted, the Tribunal will have noticed Hitler's love of war and scorn of those whom he described as pacifists. The underlying message of the whole of this book, which appears again and again, is: Firstly, that the struggle for existence requires the organization and use of force; secondly, that

the Aryan German is superior to other races and has the right to conquer and rule them; thirdly, that all doctrines which preach peaceable solutions of international problems represent a disastrous weakness in the nation that adopts them.

Implicit in the whole of the argument is a fundamental and arrogant denial of the possibility of any rule of law in international affairs.

It is in the light of the general doctrines of *Mein Kampf* that I invite the Tribunal to consider the more definite passages in which Hitler deals with specific problems of German foreign policy.

The very first page of the book contains a remarkable forecast of Nazi policy. It reads—Page 1, Column 1:

“German Austria must be restored to the great German motherland; and not, indeed, on any grounds of economic calculation whatsoever. No, no. Even if the union were a matter of economic indifference, and even if it were to be disadvantageous from the economic standpoint, still it ought to take place. People of the same blood should be in the same Reich. The German people will have no right to engage in a colonial policy until they shall have brought all their children together in one state. When the territory of the Reich embraces all the Germans and finds itself unable to assure them a livelihood, only then can the moral right arise from the need of the people, to acquire foreign territory. The plough is then the sword; and the tears of war will produce the daily bread for the generations to come.”

Hitler in this book also roundly declares that the mere restoration of Germany's frontiers as they were in 1914 would be wholly insufficient for his purposes. At Page 553 he writes:

“In regard to this point I should like to make the following statement: To demand that the 1914 frontiers should be restored is a glaring political absurdity that is fraught with such consequences as to make the claim itself appear criminal. The confines of the Reich as they existed in 1914 were thoroughly illogical because they were not really complete, in the sense of including all the members of the German nation. Nor were they reasonable, in view of the geographical exigencies of military defense. They were not the consequences of a political plan which had been well considered and carried out, but they were temporary frontiers established in virtue of a political struggle that had not been brought to a finish; and indeed, they were partly the chance result of circumstances.”

In further elaboration of Nazi policy, Hitler does not merely denounce the Treaty of Versailles; he desires to see a Germany which

is a world power with territory sufficient for a future German people, of a magnitude which he does not define.

In the next quotation, from Page 554, the first sentence reads:

"For the future of the German nation the 1914 frontiers are of no significance."

And in the third paragraph the Court sees:

"We National Socialists must stick firmly to the aim that we have set for our foreign policy, namely, that the German people must be assured the territorial area which is necessary for it to exist on this earth. And only for such action as is undertaken to secure those ends can it be lawful in the eyes of God and our German posterity to allow the blood of our people to be shed once again; before God, because we are sent into this world with the commission to struggle for our daily bread, as creatures to whom nothing is donated and who must be able to win and hold their position as lords of the earth only through their own intelligence and courage.

"And this justification must be established also before our German posterity, on the grounds that for each one who has shed his blood the life of a thousand others will be guaranteed to posterity. The territory on which one day our German peasants will be able to bring forth and nourish their sturdy sons will justify the blood of the sons of the peasants that has to be shed today. And the statesmen who have decreed this sacrifice may be persecuted by their contemporaries, but posterity will absolve them from all guilt for having demanded this offering from their people."

Then, the next quotation; Hitler writes at Page 557:

"Germany will either become a world power or will not continue to exist at all. But, in order to become a world power, it needs that territorial magnitude which gives it the necessary importance today and assures the existence of its citizens."

And, finally, he writes:

". . . we must take our stand on the principles already mentioned in regard to foreign policy, namely, the necessity of bringing our territorial area into just proportion with the number of our population. From the past we can learn only one lesson, and this is that the aim which is to be pursued in our political conduct must be twofold, namely: (1) The acquisition of territory as the objective of our foreign policy, and (2) the establishment of a new and uniform foundation as the objective of our political activities at home, in accordance with our doctrine of nationhood."

Now these passages from *Mein Kampf* raise the question: Where did Hitler expect to find the increased territory beyond the 1914 boundaries of Germany? To this Hitler's answer is sufficiently explicit. Reviewing the history of the German Empire from 1871 to 1918, he wrote in an early passage of *Mein Kampf*, at Page 132:

"Therefore, the only possibility which Germany had of carrying a sound territorial policy into effect was that of acquiring new territory in Europe itself. Colonies cannot serve this purpose so long as they are not suited for settlement by Europeans on a large scale. In the nineteenth century it was no longer possible to acquire such colonies by peaceful means. Therefore, any attempt at such a colonial expansion would have meant an enormous military struggle. Consequently, it would have been more practical to undertake that military struggle for new territory in Europe rather than to wage war for the acquisition of possessions abroad.

"Such a decision naturally demanded that the nation's undivided energies should be devoted to it. A policy of that kind, which requires for its fulfillment every ounce of available energy on the part of everybody concerned, cannot be carried into effect by half measures or in a hesitant manner. The political leadership of the German Empire should then have been directed exclusively to this goal. No political step should have been taken in response to considerations other than this task and the means of accomplishing it. Germany should have been alive to the fact that such a goal could have been reached only by war, and the prospect of war should have been faced with calm and collected determination.

"The whole system of alliances should have been envisaged and valued from that standpoint."

And then this is the vital sentence:

"If new territory were to be acquired in Europe, it must have been mainly at Russia's cost, and once again the new German Empire should have set out on its march along the same road as was formerly trodden by the Teutonic Knights, this time to acquire soil for the German plough by means of the German sword and thus provide the nation with its daily bread."

To this program of expansion in the East, Hitler returned again at the end of *Mein Kampf*. After discussing the insufficiency of Germany's pre-war frontiers, he again points the path to the East and declares that the 'Drang nach Osten' (the drive to the East) must be resumed; and he writes:

"Therefore we National Socialists have purposely drawn a line through the line of conduct followed by pre-war Germany in foreign policy We put an end to the perpetual Germanic

march towards the south and west of Europe and turn our eyes towards the lands of the East. We finally put a stop to the colonial and trade policy of pre-war times and pass over to the territorial policy of the future.

"But when we speak of new territory in Europe today we must principally think of Russia and the border states subject to her."

Now Hitler was shrewd enough to see that his aggressive designs in the East might be endangered by a defensive alliance between Russia, France, and England. His foreign policy, as outlined in *Mein Kampf*, therefore was to detach England and Italy from France and Russia and to change the attitude of Germany towards France from the defensive to the offensive.

The final quotation from *Mein Kampf* comes from Page 570:

"As long as the eternal conflict between France and Germany is waged only in the form of a German defense against the French attack, that conflict can never be decided, and from century to century Germany will lose one position after another. If we study the changes that have taken place, from the 12th century up to our day, in the frontiers within which the German language is spoken, we can hardly hope for a successful issue to result from the acceptance and development of a line of conduct which has hitherto been so detrimental for us.

"Only when the Germans have taken all this fully into account will they cease allowing the national will-to-live to wear itself out in merely passive defense and will rally together for a last decisive contest with France. And in this contest the essential objective of the German nation will be fought for. Only then will it be possible to put an end to the eternal Franco-German conflict which has hitherto proved so sterile.

"Of course it is here presumed that Germany sees in the suppression of France nothing more than a means which will make it possible for our people finally to expand in another quarter. Today there are 80 million Germans in Europe. And our foreign policy will be recognized as rightly conducted only when, after barely a hundred years, there will be 250 million Germans living on this continent, not packed together as the coolies in the factories of another continent, but as tillers of the soil and workers whose labor will be a mutual assurance for their existence."

I submit, therefore, that, quite apart from the evidence already submitted to the Tribunal, the evidence of *Mein Kampf*, taken in conjunction with the facts of Nazi Germany's subsequent behavior towards other countries, goes to show that from the very first moment that they attained power, and indeed long before that time,

Hitler and his confederates, the defendants, were engaged in planning and preparing aggressive war as is alleged against them in this Indictment.

Events have proved in the blood and misery of millions of men, women, and children that *Mein Kampf* was no mere literary exercise to be treated with easy indifference, as unfortunately it was treated before the war by those who were imperiled, but was the expression of a fanatical faith in force and fraud as the means to Nazi dominance in Europe, if not in the whole world. The Prosecution's submission is that, accepting and propagating the jungle philosophy of *Mein Kampf*, the Nazi confederates who are indicted here deliberately pushed our civilization over the precipice of war.

THE PRESIDENT: The Tribunal will now adjourn for 10 minutes.

[A recess was taken.]

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, the next stage of the Prosecution is the presentation of the cases against the individual defendants under the Counts One and Two of the Indictment. Before that is begun the chief prosecutors for the United States and Great Britain wish, with the permission of the Tribunal, to make four points perfectly clear:

The object of this part of the case is to collect for the benefit, first, of the members of the Tribunal and, secondly, of the Defense Counsel concerned, the evidence against each defendant under Counts One and Two which has been presented by the American and British Delegations. Otherwise it would be easy among the many documents already before the Court to miss relevant pieces of evidence which the Tribunal might wish to consider and to which the defendants may wish to make a reply.

This does not mean that the case against these defendants has in any way ended. Vital and important parts of the case remain concerning the actual atrocities, both War Crimes and Crimes against Humanity. The evidence in regard to these will shortly be presented by the French D elagation and the Delegation of the Union of Soviet Socialist Republics, and when the massive documentation of these crimes is placed before the Court, the French and Soviet Delegations will have the opportunity of relating them to the individual defendants in the dock.

It has been the desire of all the chief prosecutors to delimit as clearly as possible the evidence under the respective Counts of the Indictment. The documents in evidence, however, were not written with a view to this Trial, and therefore many of them inevitably deal with offenses under more than one Count. It is by reason of this alone that some overlapping and repetition necessarily exists.

Similarly it may occur that as the French and Soviet cases are developed documents may come to light which bear on the common plan or the initiation of wars of aggression or on other material connected with Counts One and Two. The American and British Delegations will welcome any addition to the evidence on these parts of the case which such documents may provide and gladly receive such reinforcement from their French and Soviet colleagues.

With this explanation, and I am very grateful to the Tribunal for allowing me to make it, I call on my friend Mr. Albrecht to commence this part of the case.

DR. THOMA: Colonel Wheeler in his accusation concerning the oppression of the Christian churches in the Eastern territory also named the Reich Minister for the Occupied Eastern Territories, the Defendant Rosenberg, and held him responsible. I have, however, neither in the speech of the Prosecution nor in the document book, found any proof that such persecution of the Church also took place in the territories administered by Rosenberg. I wish rather to direct the attention of the Tribunal to Document 1517-PS, in which there is a note signed by Rosenberg concerning a discussion on questions of the East. This document contains the following statement made by Rosenberg, "The Führer agrees with Rosenberg's Edict of Tolerance."

THE PRESIDENT: Am I to understand that you are making a motion at this stage?

DR. THOMA: I have a request to make to the Prosecution: that it should, if possible, subsequently substantiate its charge against Rosenberg.

THE PRESIDENT: Is your point that this Document 1517-PS has not yet been in, or what is your point?

DR. THOMA: To my knowledge this document has already been submitted, and that was in connection with Hitler's opinion that the Crimea question should be cleared up completely. But in my present request I am concerned with the fact that the Prosecution stated that in the Government General and likewise in Warthegau and in the Eastern countries, and in the areas administered by the Defendant Rosenberg as well, persecution of the Church took place. The Prosecution has produced documents concerning the first three territories, but as far as the latter territory is concerned, I have learned of no such documents being either in the document book or in the personal presentation made by the Prosecution.

THE PRESIDENT: Well, you must understand that the Tribunal are not at this stage accepting everything that has been said by the Prosecution. You will have full opportunity when you present the case on behalf of the Defendant Rosenberg to present any documents

which may be relevant and to comment upon any documents which have been cited by the Prosecution and to make any argument that you think right; but this is not the appropriate time to make any such argument. We are still considering the case for the Prosecution, and you will have full opportunity hereafter. Do you understand?

DR. THOMA: Then I ask the High Tribunal to consider my present explanation as a statement.

THE PRESIDENT: We will do so, but it is not convenient for Counsel for the Defense to intervene with statements of this sort; otherwise each one of the defendants' counsel might be doing it all the time. We must ask you therefore to withhold such statements until your time comes to answer the case for the Prosecution.

MR. RALPH G. ALBRECHT (Associate Trial Counsel for the United States): May it please the Tribunal, I have been charged by the Chief of Counsel for the United States with the duty of pointing out, on the basis of evidence already admitted and of additional evidence that will be offered, the individual responsibility of some of these defendants for the crimes specified in Counts One and Two of the Indictment.

When these defendants chose to abandon everything that had been recognized as good in German life and affirmatively participated in the work of achieving the objectives of the Party, we submit that they well knew what National Socialism stood for. They knew of the program announced by the Nazi Party and they also had knowledge of Nazi methods. The official NSDAP program with its 25 points was open and notorious. Announced and published to the world in 1920, it was published and republished and adverted to throughout the years. The Nazis made no secret of their intentions to make the Party program the fundamental law of the German State. The Nazis made no secret of their intentions generally. For all to read there was *Mein Kampf*, the product of the warped brain of the Führer, and there were the prolific writings and utterances of many other leaders who rose to prominence, some of whom are not sitting in the defendants' box. And Hitler himself had announced that the Nazis would use force if necessary to achieve their purposes.

Among these conspirators there were those who, like the Defendants Hess, Rosenberg, and Göring, were associated with Hitler since the very inception of the conspiracy. These men were among the original planners. They were the men who subsequently set the pace and cast the mould for the future. But there were also other conspirators (the balance of the defendants in the dock fit into this category), who voluntarily joined the conspiracy later.

While these men may be characterized perhaps as cruel, callous, or inhuman, they certainly may not be called dull or stupid. They knew, and had had the opportunity to observe, the manifestations of Nazi violence and Nazi methods as the pattern of the swastika developed. They knew the nature of what they were getting into. Therefore they must be presumed to have had the desire to participate—and participate they did—voluntarily, and so we submit that it may not validly be inferred that they did not join the stream of the conspiracy with their eyes open, *scienter*, as the conspiracy gathered momentum and developed into a rushing torrent.

Much evidence has already been admitted by the Tribunal of the overt acts of these defendants, as well as of their fellow conspirators. We shall make no effort at this time to present an exhaustive recital of all crimes planned or initiated by these defendants for which they must bear full responsibility beyond peradventure. The world already knows more of the evil deeds of these men and of their co-conspirators than the Prosecution possibly could hope to establish within the reasonable limits of time and of men's patience. At this point we shall attempt to focus attention merely to illustrative criminal conduct of the individual conspirators.

There is an advantage to proceeding, we submit, as we propose to do, with the permission of the Tribunal, to show in outline the extent to which these defendants have become implicated in the serious charges against them. In the case of many of these conspirators, a recital of their crimes will relate to their planning of several of the categories of crimes described in Counts One and Two of the Indictment. We shall draw these various threads together and show, as I have said, the outline of the completed proof, as it were, within Count One of the Indictment, against the individual conspirators.

Thus, on behalf of the United States, I shall commence to show how some of these defendants fit into the broad stream of the Common Plan or Conspiracy to wage aggressive war and the extent of their individual responsibility for their acts in pursuance of that conspiracy.

First of all, we mention the late Defendant Robert Ley who, by recourse to self-destruction, has escaped all punishment for his participation in the conspiracy.

Next we mention Gustav Krupp von Bohlen und Halbach, the action against whom has been severed from this proceeding.

Nevertheless, it should be noted that documentary proof has been offered and will be offered in support of the allegations of the Indictment that implicate both Ley and Krupp as co-conspirators, for whose crimes the remaining defendants also must accept responsibility.

Next we consider the Defendant Fritz Sauckel. The case against Sauckel has been completely stated and supported by a wealth of damning evidence by my learned colleague Mr. Dodd in his presentation of the case on slave labor. We submit that it is unnecessary to add anything further to the case against Sauckel to demonstrate how completely he filled his place in the stream of the conspiracy.

The next defendant to be considered is Albert Speer. Like his fellow-conspirator Sauckel, Speer is deeply implicated as a member of the conspiracy and much of the case against him has been presented by Mr. Dodd in the case on slave labor. But, unlike Sauckel, Speer's criminal activity went substantially beyond the realm of slave labor. His was one of the master minds in the plan for the systematic robbery and spoliation of the lands overrun by the German war machine. Documentary proof of Speer's participation in the spoliation practices in the countries of Western Europe, as well as in the Occupied Eastern Territories, will be presented subsequently by our learned colleagues, the Chief Prosecutor representing the Soviet Union and the Chief French Prosecutor, under the remaining Counts of the Indictment. This is essentially the case that proves Speer to have been a member of the conspiracy.

There is, however, one additional exhibit that I would like to offer into evidence at this time. It was received only a few days ago from the Ministerial Document Center at Kassel and it is a dossier maintained on the Defendant Speer in the offices of the Reichsführer SS. I offer this file as Exhibit Number USA-575. It is our Document 3568-PS and I shall read from the dossier. I shall read from the letter dated the 25th of July 1942, from the second paragraph:

"Reich Minister Speer was enrolled as an SS man on the personal staff of the Reichsführer SS under SS Number 46104, with effect from the 20th of July 1942, by order of the Reichsführer SS."

And I think that is all I need to read from that letter. But I should like to call the Tribunal's attention to the annexed document, which is a questionnaire, and right at the beginning of the same it is related that Albert Speer was in the SS since the autumn of 1932, and his membership number in the Party was 474481.

I next mention the Defendant Ernst Kaltenbrunner, whose case has been completely presented in connection with the presentation on the Gestapo and the SD as criminal organizations. We submit that further proof is not needed to prove how completely this enemy of his own fatherland, Austria, had been carried along in the stream of the conspiracy.

We pass then to the case of perhaps the most important conspirator on trial before this Tribunal—the Number Two Nazi, the Nazi who stood next to the Führer himself, the Nazi who was in some respects even more dangerous than the Führer and other leading Party leaders.

We say that he was more dangerous because, unlike many leading Nazis, including Hitler, who were morally and socially on the fringes of society before the Nazi Party rode to success in 1933, this conspirator was known to come of substantial family which had furnished officers to the army and important civil servants to the country in the past. Moreover, he was possessed of substantial appearance, an ingratiating manner, a certain affability. But all of these facets of character were but deceptions, because they helped to conceal the man's core of steel, his vindictiveness, his cruelty, his lust for self-adornment, self-glorification, and power.

This man was most dangerous, furthermore, because the outward characteristics to which I have called attention and which he has to some extent demonstrated here in the presence of the Tribunal were useful in deceiving the representatives of foreign states who, in their concern, sought to learn from him the true intentions of the Nazi State which, by its repeated floutings of its international commitments, had so seriously disturbed the tranquility of the world since 1933.

And I think that the record should show how throughout the earlier stages of this Trial, that is, before the nature of the documentary evidence offered by the Prosecution—too grim and almost implausible—much of the benevolence of this conspirator, his ever-ready smile and ingratiating manner, were daily in evidence in this chamber. His ready affirmation, by a pleasant nod for all to see, of the correctness of statements made or the contents of documents offered by counsel, his chiding shake of the head when he disagreed with such facts were commonplace.

THE PRESIDENT: I don't think the Tribunal is interested in this, Mr. Albrecht.

MR. ALBRECHT: I shall pass on, then, with the presentation, with the permission of the Tribunal, and I shall give an account of certain facts already established by the documents in evidence; and with the permission of the Tribunal I shall not, unless it is so wished, refer to the exhibit numbers or citations of most of the old evidence that I shall allude to. These are all set forth in the trial brief that has already been distributed.

Against the background of this factual account, into which we have drawn the main threads of the case already presented that show the complicity of the Defendant Göring, we shall offer certain

additional documentary evidence which we believe necessary to demonstrate Göring's connection and responsibility for certain phases of the conspiracy.

I should have said before, if Your Honors please, that there have been distributed and are now before you three volumes of document books bearing the letters "DD," which contain substantially all the documents, new as well as old, bearing on the individual responsibility of this defendant.

We shall first deal with the individual responsibility of this conspirator for Crimes against Peace. These crimes include Göring's participation in the acquisition and consolidation of power in Germany, the economic and military preparations for war, and the waging of aggressive war.

For more than two decades Göring's activities extended over nearly every phase of the conspiracy. He was one of the conspirators associated with Hitler from the very beginning. A member of the Party since 1922, he participated in the Munich Putsch of November 1923 at the head of the SA, a Nazi organization shown to have been committed to the use of violence.

Göring fled the country after the Putsch in order to escape arrest. After his return he became more than a commander of street fighters. He was designated Hitler's first political assistant. A measure of the man may be gleaned from an exhibit already in evidence, namely, Gritzbach's official biography of Göring, in which are recorded his dealings with the Brüning Government, his attempts to break down the barrier around President Von Hindenburg, and his *coup* as Reichstag President in September 1932 in procuring a vote of no confidence against the Von Papen Government just before the Reichstag was dissolved.

Göring's writings show him not to be backward in taking credit for his efforts to advance the cause of the Party. Full credit has also been accorded him by Hitler, and Göring has boasted that no title and no decoration could make him so proud as the designation given to him by the German people, and I quote, "the most faithful paladin of our Führer." That short quotation, may it please the Court, comes from our Exhibit Number USA-233, our Document 2324-PS.

With the advent of the Nazis to power in January 1933 Göring became acting Minister of the Interior and Prime Minister of Prussia. In these capacities he proceeded promptly to establish a regime of terror in Prussia designed to suppress all opposition to the Nazi program.

His chief tool in that connection was the Prussian Police, which remained under his jurisdiction until 1936. As early as February

1933, he directed the entire police force to render unqualified assistance to the para-military organizations supporting the new government, such as the SA and the SS, and to crush all political opponents with firearms, if necessary, and regardless of the consequences. The Tribunal will take judicial notice of the directives of the 10th and 17th of February 1933, which are cited on Page 7 of our brief and which appear in that collection of decrees known as the *Ministerialblatt für die Preussische Innere Verwaltung* of 1933.

Göring has frequently and proudly acknowledged his personal responsibility for the crimes committed pursuant to orders of this character, and I recall his words which he uttered before thousands of his fellow Germans:

"Each bullet which leaves the barrel of a police pistol now is my bullet. If one calls this murder, then I have murdered; I ordered all this, I back it up. I assume the responsibility and I am not afraid to do so."

That quotation, may it please the Tribunal, comes from our Exhibit Number USA-233, already in evidence, our Document 2324-PS.

Soon after he became Prime Minister of Prussia, in pursuance of the conspiracy, Göring began to develop the Gestapo or Secret State Police, the details of which organization of terror were presented to the Court by my learned colleague, Colonel Storey. As early as the 26th of April 1933, he signed the first law officially establishing the Gestapo in Prussia; and, pursuant to a decree which he signed, he named himself Prime Minister, Chief of the Prussian Secret State Police.

Göring was undoubtedly an efficient conspirator. He was impatient to consolidate the power of the Party at home. Already in spring 1933 the concentration camps were established in Prussia. Men and women, so-called "Marxists" and other political opponents, taken into custody by the Gestapo were thrown into concentration camps without trial. Göring said, "Against the enemies of the state we must proceed ruthlessly." That statement appears in our Document 2324-PS, which is already in evidence as Exhibit Number USA-233.

The range of political terrorism under his leadership was almost limitless. A glance at a few of his police directives in those early days will indicate the extent and thoroughness with which every dissident voice was silenced. I ask the Tribunal to take judicial notice of some of these decrees in the same collection I mentioned a short while ago, entitled the *Ministerialblatt für die Preussische Innere Verwaltung*, and we have cited these decrees on Pages 9 and 10 of our brief. These include:

A directive of the 22d of June 1933, which required all officials to watch the statements of civil servants and to denounce to the Defendant Göring those who made critical remarks. The failure to make such reports was to be regarded as proof of hostile attitude. Then there was the directive of the 23rd of June 1933, which suppressed all activities of the Social Democratic Party, including meetings and the party press, and ordered the confiscation of its property. There was the directive of the 30th of June 1933, which directed the Gestapo authorities to report to the Labor Trustees on the political attitude of the workers. There was the directive of the 15th of January 1934, which ordered the Gestapo and the frontier police to keep track of *émigrés*, particularly political *émigrés* and Jews residing in neighboring countries, and to arrest them and to put them in concentration camps if they returned to Germany.

The essential ruthlessness of Göring is further illustrated by a well-known bloody episode. After the elimination of the forces of the opposition, the Nazis felt it necessary to dispose of non-conformists within their own ranks. This they accomplished in what has become known as the Röhm Purge of the 30th of June 1934. The Defendant Frick, a chief conspirator in his own right, stated in that connection, in an affidavit, that many people were murdered who had nothing to do with the internal SA revolt, but who were "just not liked very well."

Göring's role in this sordid affair was related less than 2 weeks after the event by Hitler in a speech to the Reichstag, and I would like to offer in evidence as Exhibit Number USA-576 our Document 3442-PS, in which is contained the speech of Hitler made on the 13th of July 1934 in the Reichstag. It is published in *Das Archiv*, Volume 4, at Page 505. I quote:

"Meanwhile Minister President Göring had already received my instructions that in case of a purge he was to take analogous measures at once in Berlin and in Prussia. With an iron fist he beat down the attack on the National Socialist State before it could develop."

With the accession of the Nazis to power Göring at once assumed a number of the highest and most influential positions also in the Reich. The proof already presented on the composition and functions of the Reich Cabinet and of the offices held by Göring shows him to have been, in fact, the most important executive of the Nazi State.

A member of the Reichstag since 1928 and its President since 1932, he was a member of the Cabinet from the beginning as Reich

Minister without Portfolio. Shortly thereafter he received the portfolio as Reich Minister for Air. When, in an early meeting, the Cabinet discussed the pending Enabling Act, which gave the Cabinet plenary powers of legislation, he offered the suggestion that the required two-thirds majority might be obtained simply by refusing admittance to Social Democratic delegates. I offer in evidence, as Exhibit Number USA-578, our Document 2962-PS, which contains the minutes of that meeting. If Your Honors will note, that meeting was held on the 15th of March 1933, and there were present, besides the Defendant Göring, the Defendants Von Papen, Von Neurath, Frick, and Funk. I read from Page 6 of that document:

"Reich Minister Göring expressed his conviction that the Enabling Act would be passed with the necessary two-thirds majority. Possibly a majority could be obtained by banishing several Social Democrats from the hall. Possibly the Social Democrats would even refrain from voting on the Enabling Act..."

In 1935, with the unmasking of a secret Luftwaffe, Göring became its Commander-in-Chief. He sat as a member and the Führer's Deputy on the Reich Defense Council, established by the secret law of the 21st of May 1933. The purpose of that Council was, as stated by the Defendant Frick in an affidavit that is in evidence—and I quote:

"To plan preparations and decrees in case of war, which later on were published by the Ministerial Council for the Defense of the Reich."

His assumption of ever greater responsibility seemed limitless. In 1936 Göring was made Plenipotentiary for the Four Year Plan, whereby he acquired plenary legislative and administrative powers over all German economic life. In 1938 he became a member of the Secret Cabinet Council, which had been established to act as "an advisory board in the direction of foreign policy."

The Ministerial Council for the Defense of the Reich, created in 1939, took over, in effect, all of the legislative powers of the Cabinet which had not been reserved otherwise, and Göring became its chairman.

His efficient and ruthless services were recognized by Hitler in 1939, when he designated Göring as his successor, as heir apparent to the "New Order."

In April 1936 Göring was appointed Coordinator for Raw Materials and Foreign Exchange and empowered to supervise all State and Party activities in these fields. I offer in support of that fact, as Exhibit Number USA-577, our Document 2827-PS, which is an

excerpt from Rühle, *Das Dritte Reich*. I read from the fourth paragraph of the excerpt, if Your Honor pleases, which is an excerpt from a decree signed by Hitler, and it reads as follows:

"Minister President, Colonel General Göring will take the measures necessary for the accomplishment of the tasks given to him and has the authority to issue decrees and general administrative directives. He, for this purpose, is authorized to question and issue directives to all authorities, including the highest Reich authorities, and all agencies of the Party, its formations and attached organizations."

In this capacity Göring convened the War Minister, the Defendant Schacht as Minister of Economics and President of the Reichsbank, and the Finance Minister for the Reich and the State of Prussia to discuss inter-agency problems connected with war mobilization. At a meeting of this group on the 12th of May 1936, when the question of the prohibitive cost of synthetic raw material substitutes arose, Göring decided:

"If we have war tomorrow we must help ourselves by substitutes. Then money will not play any role at all. If that is the case, then we must be ready to create the prerequisites for that in peacetime."

A few days later, on the 27th of May 1936, at a meeting of the same group Göring opposed any limitations dictated by orthodox financial policies. He said that "all measures are to be considered from the standpoint of an assured waging of war."

The well-known Four Year Plan was proclaimed by Hitler at the 1936 Nuremberg Party Day. Göring was appointed Plenipotentiary in charge of the program, which was intended to achieve national self-sufficiency. Furthermore, Göring commented in 1936 that his chief task as Plenipotentiary was "to put the whole economy on a war footing within 4 years." I would like to offer into evidence, as Exhibit Number USA-579, our Document EC-408, so that I may direct the Tribunal's attention to a memorandum, dated the 30th of December 1936, of the Defense Division of the Wehrmacht, entitled, "Memorandum on the Four Year Plan and Preparation of the War Economy"; and in the third paragraph of the translation, or at Page 2, in the middle of Paragraph Number 3 in the German original, there is the statement registered in the protocol, in the memorandum, that:

"Minister President General Göring, as Commissioner for the Four Year Plan, by authority of the Führer and Reich Chancellor, granted 18 of October 1936.

"As regards the war economy, Minister President, Colonel General Göring sees it as his task 'within 4 years to put the entire economy in a state of readiness for war.'"

The exhibit from which I have just read is of interest because of another document that has just been brought to the attention of the Prosecution. It is a note for the files, dated December 2, 1936, written in longhand on the letterhead of "Minister President General Göring," and is in the handwriting of Colonel Bodenschatz, Göring's Chief of Staff. I offer this memorandum as Exhibit Number USA-580. It is our Document 3474-PS, and I direct the Tribunal's attention to the fact that the date of this document is the 2d of December 1936. That was a conference, apparently, at which all the chief officers and generals of the Air Force, the German Air Force, met. Besides the Defendant Göring, there were General Milch, General Kesselring, Rüdell, Stumpff, Christiansen, and all the top commanders of the Air Force, and I read:

"World press excited about the landing of 5,000 German volunteers in Spain. Official complaint by Great Britain; she gets in touch with France.

"Italy suggests that Germany and Italy send, each, one division ground troops to Spain. It is, however, necessary that Italy, as interested Mediterranean power, issue a political declaration first. A decision can be expected only within a few days.

"The general situation is very serious. Russia wants the war. England rearms speedily. Command therefore: Beginning today 'höchste Einsatzbereitschaft'"—apparently the translator did not see fit to translate those words, which mean the "highest degree of readiness"—"regardless of financial difficulties. Göring takes over full responsibility."

"Peace until 1941 is desirable. However, we cannot know whether there will be implications before. We are already in a state of war. It is only that no shot is being fired so far."

THE PRESIDENT: Perhaps that would be a convenient time to break off.

[A recess was taken until 1400 hours.]

Afternoon Session

MR. ALBRECHT: May it please the Tribunal, two important conferences which have already been adverted to by the Prosecution show clearly how the Defendant Göring inspired and directed the preparation of the German economy for aggressive war. On the 8th of July 1938 he addressed a number of the leading German aircraft manufacturers and laid the groundwork for a vast increase in aircraft production. He stated that war with Czechoslovakia was imminent and boasted that the German Air Force was already superior in quality and quantity to the English. He said that:

"... if Germany wins the war. Then she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal, risks must be taken..."

That quotation, may it please the Court, is taken from Document R-140, Exhibit Number USA-160.

A few weeks after the Munich Agreement, on the 14th of October 1938, at another conference held in Göring's office, he made the statement that Hitler had instructed him to organize a gigantic armament program which would make insignificant all previous achievements. He indicated that he had been ordered to build as rapidly as possible an air force five times as large, to increase the speed of army and navy rearmament, and to concentrate on offensive weapons, principally heavy artillery and heavy tanks; and at that meeting he proposed a specific program designed to accomplish those ends. That is a short summary of facts which appear from Exhibit Number USA-123 already in evidence, our Document 1301-PS.

In his dual role as Reich Air Minister and Commander-in-Chief of the German Air Force it was Göring's function to develop the Luftwaffe to practical war strength. As early as the 10th of March 1935, in an interview with the correspondent of the *London Daily Mail*, the mask of hypocrisy was removed and Göring frankly announced to the world that he was in the process of building a true military air force.

Two months later, in a speech to 1,000 Air Force officers, Göring spoke in a still bolder vein. I offer in evidence from Exhibit Number USA-437, our Document 3441-PS—which is Göring's *Reden und Aufsätze*—another excerpt that has not yet been read in evidence, from Page 242. Göring said:

"I repeat: I intend to create a Luftwaffe which, if the hour should strike, shall burst upon the foe like a chorus of revenge. The enemy must have the feeling of being lost already before having fought."

In the same year, on the 16th of March 1935, he signed his name to the conscription law which provided for compulsory military service and constituted an act of defiance on the part of Nazi Germany in violation of the Versailles Treaty. The Tribunal will take judicial notice of that decree, which is our Document 1654-PS, from which I shall not read, with the permission of the Tribunal—the Law for the Organization of the Armed Forces; it is cited in 1935 *Reichsgesetzblatt*, Part I, Page 369.

As is demonstrated by the affidavit of Ambassador Messersmith already in evidence, Göring's statements during this period left no doubt in the minds of Allied diplomats that Germany was engaged in full mobilization of air power for an impending war.

Göring was in fact the central figure in German preparation for military aggression. In German economic development, too, he held the key positions throughout the pre-war period. Although he held no official position in the field of foreign affairs, as the Number Two Nazi, history records that he was prominent in all major phases of Nazi aggression between 1937 and 1941.

In the Austrian affair Göring was the prompter and director of the diplomatic "tragicomedy" enacted before a shocked but silent world.

The Tribunal is familiar with Göring's complicity in the aggression against Austria. However, some additional documents have just come to our notice which show that Göring not only participated actively, but may even have been in direct charge of the German plan to bring about the Austrian Anschluss. I will offer the first of these documents, our Document 3473-PS, as Exhibit Number USA-581. I shall not read from that exhibit, if Your Honors please, but I would like to call the attention of the Tribunal to the letter from Keppler, who was one of Göring's agents, addressed to the Defendant Göring. It is dated the 6th of January 1938. From its context it would seem that a valid inference can be drawn that Göring was already active in the Austrian matter in 1937. Our prior evidence brought him into the picture much later. The Prosecution believes this document to be of great significance, as it shows that the Defendant Seyss-Inquart actually had Göring's mandate to carry out the orders of the Nazi conspirators in Vienna. The document itself will be read and discussed in the presentation of the case showing the individual responsibility of the Defendant Seyss-Inquart; and I shall not take the time of the Tribunal at this time.

The second document I wish to introduce is Exhibit Number USA-582, our Document 3472-PS. This exhibit would seem to show that the conspirators attempted to create the impression that the Anschluss, when it took place, was achieved by "legal" means. The

command apparently was given the members of the NSDAP in Austria to keep "hands off" in order to permit the devilry to be worked out by the official Reich agencies, that is, through the Defendant Göring and, presumably, the Defendant Von Papen, by direct contact with the Austrian officials.

I read from that document:

"Yesterday information reached me to the effect that Landesleiter Leopold"—and may I interrupt for a moment to point out that the word "Landesleiter" is the title of the leader of the Nazi community in Austria—"also on his part has started negotiations with Chancellor Schuschnigg. Thereupon I have asked the Foreign Office to investigate the truth of this information and, in case it is true, to take care that such negotiations are not held because they would merely disturb the proceedings of the other negotiations.

"Just now I got word from the Foreign Office that they received a report from the embassy in Vienna confirming the facts. I therefore would like to know whether it would not be more appropriate to forbid Landesleiter Leopold and the other members of the country's leadership to negotiate with Chancellor Schuschnigg as well as with any Austrian Government authorities as to the execution of the pact of the 11th of July 1936, unless it is done after contacting and in agreement with the authorities in charge in the Reich."

Now below, if I may call the attention of the Tribunal to the note that appears in this letter. It is written in blue pencil, and, while the translator has not indicated the initial below that note, it is a large "G"; and I have no doubt that that note was written by the Defendant Göring. It reads:

"Agreed, Minister Hess or Herr Bormann can give this order best! Keppler ought to ask therefore by telephone!"

If I may direct your attention to the upper right corner, there is another note in pencil, "Transmitted to Herr Keppler on the 11th of February 1938 by Fräulein Ernst;" and it is signed with initial "G," which in this case, however, we are quite sure is the initial of Miss Grundmann, who was one of Göring's secretaries.

The third document I offer as Exhibit Number USA-583, our Document 3471-PS. The first letter of this exhibit is written by the same Keppler to the same Bodenschatz mentioned a short while ago, but who is now a general. I shall not read from this exhibit, with the permission of the Tribunal, but I shall briefly summarize it. This letter and the annexes show that Leopold, the Nazi Landesleiter in Austria, was apparently not completely amenable to the orders given by Berlin and pursued his own methods for accomplishing an Anschluss. The second annex to this letter,

addressed to Keppler, who appears from this letter to have been an SS Gruppenführer, shows that prominent Nazis had declared themselves in favor of a Major Klausner to succeed Leopold as Landesleiter; and I would like to call the Tribunal's attention to the fact that in the left margin of the covering letter appear some red crayon marks in the characteristic color employed on several occasions, to our knowledge, by Göring; and they would seem to show that Göring personally had seen these documents and that General Bodenschatz had brought them to his attention. In any event these letters again demonstrate that Göring was one of the principal conspirators in the Austrian affair.

When the time finally came, on 11 March 1938, to consummate the Anschluss, Göring was in complete command. Throughout the afternoon and evening of that day he directed by telephone the activities of the Defendant Seyss-Inquart and of the other Nazi conspirators in Vienna. The pertinent portions of these telephone conversations, it will be remembered, were read into the record.

It will be recalled that early on the same evening of 11 March he dictated to the Defendant Seyss-Inquart the telegram which the latter was to send to Berlin, requesting the Nazi Government to send German troops to "prevent bloodshed." Two days later he was able to call the Defendant Ribbentrop in London and gleefully relate to him of his success and that "this story that we had given an ultimatum is just foolish gossip."

If I may interrupt for a moment, that passage I just alluded to was read into the record at Page 581 (Volume II, Page 424).

Similarly, Göring played an important role in the attack on Czechoslovakia. In March of 1938, at the time of the Anschluss, he had given a solemn assurance to the Czechoslovakian Minister in Berlin that the developments in Austria would in no way have a detrimental influence on the relations between Germany and Czechoslovakia and he had emphasized the continued earnest endeavor on the part of Germany to improve these relations. In this connection Göring had used the expression, "Ich gebe Ihnen mein Ehrenwort" ("I give you my word of honor").

That expression was read previously into the record at Page 962 (Volume III, Page 192).

On the other hand, in his address to German airplane manufacturers on the 8th of July 1938, which I have already mentioned, he made his private views on this subject, which were hardly consistent with his solemn official statements, abundantly clear.

On the 14th of October 1938, shortly after the Munich Agreement, at a conference in the Air Ministry, Göring stated that the Sudetenland had to be exploited with all means and that he counted upon a complete industrial assimilation of Czechoslovakia.

Meanwhile, as proof before the Tribunal shows, he was deceiving the representatives of the puppet Slovakian Government to the same end.

In the following year, with the rape of Czechoslovakia complete, Göring frankly stated what Germany's purpose had been throughout the whole affair. He explained that the incorporation of Bohemia and Moravia into the German economy had taken place, among other reasons, in order to increase the German war potential by exploitation of the industry there.

Göring was also a moving force in the later crimes against the peace. As the successor designate to Hitler, chief of the air forces and economic czar of Greater Germany, he was a party to all the planning for military operations of the Nazi forces in the East and in the West.

In the Polish affair, for example, it was Göring who, on the 31st of January 1935, gave assurances to the Polish Government through Count Czembek, as revealed in the Polish *White Book*, of which I ask the Tribunal to take judicial notice, that "there should be not the slightest fear in Poland that on the German side it"—meaning the German-Polish alliance—"would not be continued in the future." Yet, 4 years later, Göring helped to formulate plans for the ruthless invasion of Polish territory.

In respect to the attack upon the Soviet Union, the documents already introduced prove that plans for the ruthless exploitation of Soviet territory were made months in advance of the opening of hostilities. Göring was placed in charge of this army of spoliation, whose mission was that of "seizing raw materials and taking over all important concerns."

But these specific instances cited are merely illustrative of Göring's activities in the field of aggressive war. On Pages 20, 21, and 22 of our brief there appears a list of documents—by no means exhaustive—previously offered by the Prosecution, which demonstrate Göring's knowledge of and continued participation in the Nazi war program.

We turn now to Göring's responsibility for planning and his participation in the procurement of forced labor, the deportation and enslavement of residents of occupied territories, the employment of prisoners of war in war industry, the looting of works of art, and the Germanization and spoliation of countries overrun by the Nazis.

Evidence previously introduced has detailed the slave labor program of the Nazi conspirators and has shown its two purposes, both of them criminal. The first was to satisfy the labor requirements of the Nazi war machine by forcing residents of occupied countries to work in Germany. The second purpose was to destroy

or weaken the peoples of the occupied territories. It has been shown that millions of foreign workers were taken to Germany, for the most part under pressure and generally by physical force; that these workers were forced to labor under conditions of indescribable brutality and degradation; and that often they were used in factories and industries devoted exclusively to the production of munitions of war.

Göring was at all times implicated in the slave labor program. Recruitment and allocation of manpower and determination of working conditions were included in his jurisdiction as Plenipotentiary for the Four Year Plan, and from its beginning a part of the Four Year Plan Office was devoted to such work. I ask the Tribunal in this connection to take judicial notice of our Document 1862-PS, Ordinance for the Execution of the Four Year Plan, dated 18 October 1936, which appears in 1936 *Reichsgesetzblatt*, Part I, Page 887, and with the permission of the Tribunal I shall not read the same.

Soon after the fall of Poland Göring began the enslavement of large numbers of Poles. On 25 January 1940 the Defendant Frank, the Governor General of Poland, reported to Göring on his directive for the:

“Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich—among them at least 750,000 agricultural workers of which at least 50 percent must be women in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich.”

This is taken from our Exhibit Number USA-172, our Document Number 1375-PS.

That orders for this enormous number of workers originated with the Defendant Göring is clear from statements in the Defendant Frank's diary for 10 May 1940, already introduced in evidence.

For the harsh treatment given those workers when they reached Germany the Defendant Göring is also responsible. On 8 March 1940, as Plenipotentiary for the Four Year Plan and as Chairman of the Cabinet Council for the Defense of the Reich, he issued a directive entitled, “Treatment of Male and Female Civilian Workers of Polish Nationality in the Reich.” I refer to our Document R-148 as proof of that fact. I shall not introduce it at this time into evidence, with the permission of the Tribunal, as it will be introduced by the Soviet prosecution at a later date.

On 29 January 1942 the division for the employment of labor in the Four Year Plan office issued a circular, signed by Dr. Mansfeld, the general delegate for labor employed in the Four Year

Plan office, addressed to various civilian and military authorities in the occupied territories, explaining that, and I quote, "any and all... methods... must be adopted" to force workers to go to Germany. I shall not read from our exhibit, if the Tribunal please, but I would like to offer in evidence Document 1183-PS as our Exhibit Number USA-585. This is a circular letter dated the 29th of January 1942 of the Commissioner for the Four Year Plan.

It has been shown previously that on 21 March 1942 Hitler promulgated a decree appointing the Defendant Sauckel Plenipotentiary General for manpower, directing him to carry out his tasks within the framework of the Four Year Plan, and making him directly responsible to Göring as head of the Four Year Plan.

On 27 March 1942 the Defendant Göring issued his important enabling decree in pursuance of the decree of the Führer of 21 March 1942. The Tribunal has already judicially noted this decree, which is our Document 1666-PS.

Since the Defendant Sauckel was an authority under the Four Year Plan, the Defendant Göring retains full responsibility for the enormous war crimes committed by Sauckel as Plenipotentiary General for manpower. These crimes have been the subject of our presentations on slave labor and on the illegal use of prisoners of war.

It was also proven during those presentations that the Nazi conspirators ordered prisoners of war to work under dangerous conditions and in the manufacturing and transportation of arms and munitions of war, in violation of the laws of war and of Articles 31 and 32 of the Geneva Convention of 27 July 1929 on prisoners of war. The Defendant Göring had a part in all these crimes.

At a conference on 7 November 1941, the subject of which was the employment of citizens of the Soviet Union, including prisoners of war, it appears from a memorandum signed by Körner, who was State Secretary to the Defendant Göring as Plenipotentiary for the Four Year Plan, that Göring gave certain ruthless directives for the use of Soviet citizens, both prisoners of war and free Soviet workers, as laborers. I refer to our Document 1193-PS which, with the permission of the Tribunal, I shall not offer in evidence at this time and which will be offered by the Soviet Prosecution.

In a set of top-secret notes of outlines laid down by Göring in what was apparently the same conference of 7 November 1941, which are already in evidence, the following facts appear:

- 1) That, of a total of 5 million prisoners of war, 2 million were employed in war industries;
- 2) That it was better to employ PW's than unsuitable foreign workers;

3) That Poles, Dutchmen, *et cetera*, should be seized if necessary as PW's and employed as such, if work through free contract cannot be obtained.

These facts, if Your Honors please, appear in our Document 1206-PS, which was submitted in evidence as Exhibit Number USA-215.

In a secret letter from the Reich Minister of Labor to the presidents of the regional labor exchange offices, already in evidence, it is furthermore recorded that upon the personal order of the Reich Marshal, the Defendant Göring, 100,000 men are to be taken from among the French PW's not yet employed in the armament industry and assigned to the airplane armament industry and that gaps in manpower supply resulting therefrom are to be filled by Soviet PW's.

Evidence has also been introduced showing the organized, systematic program of the Nazi conspirators for the cultural impoverishment of every country in Europe. The continuous connection of the Defendant Göring with these activities has been substantiated.

In October 1939 the Defendant Göring requested Dr. Mühlmann to undertake immediately the "securing" of all Polish art treasures. In his affidavit, already offered, Dr. Mühlmann states that he was the special deputy of the Governor General of Poland, the Defendant Frank, for the safeguarding of art treasures in the Government General from October 1939 to September 1943, and that the Defendant Göring, in his capacity as Chairman of the Reich Defense Council, had commissioned him with this duty.

Mühlmann also confirms that it was the official policy of the Defendant Frank to take into custody all important art treasures which belonged to Polish public institutions, private collections, and the Church, and that such art treasures were actually confiscated.

It appears also from a report made by Dr. Mühlmann on 16 July 1943 on his operations that at one time 31 valuable sketches by the artist Albrecht Dürer were taken from the Polish collection and personally handed to the Defendant Göring who took them to the Führer's headquarters.

The part played by Göring in the looting of art by the Einsatzstab Rosenberg has been shown. We refer to Exhibit Number USA-368, which is our Document Number 141-PS, which is an order dated 5 November 1940, already read in evidence, in which Göring directs the chief of the Military Administration in Paris and the Einsatzstab Rosenberg to dispose of the art objects brought to the Louvre in the following priority:

"1) Those art objects as to the use of which the Führer has reserved the decision for himself;

"2) Those art objects which serve to complete the Reich Marshal's collection;

"3) Those art objects and library stocks, which seem of use for the establishment of the Hohe Schule and for Rosenberg's sphere of activities;

"4) Those art objects suitable for German museums...."

In view of the high priority afforded by the foregoing order to the completion of the defendant's own collection, it is not surprising to find that Göring continued to aid the operations of the Einsatzstab Rosenberg. It has been established that on 1 May 1941 Göring issued an order under his own signature to all Party, State, and Wehrmacht services, requesting them to give all possible support and assistance to the chief of staff of Reichsleiter Rosenberg.

By May 1942 the Defendant Göring was able to boast of the assistance which he had rendered to the work of the Einsatzstab Rosenberg. In our Document 1015(i)-PS which has been read in evidence on Page 1678 of the record (Volume IV, Page 87), he is shown writing to the Defendant Rosenberg that he personally supports the work of the Einsatzstab wherever he can do so and that accounted for the seizure of such a large number of art objects because he was able to render assistance to the Einsatzstab.

Thus, the Defendant Göring's responsibility for the planning of the looting of art, which was actually accomplished by the Einsatzstab Rosenberg, would seem clear.

Details of the execution of both the Germanization and spoliation policies in both the Western and Eastern countries occupied by the German armies will be presented subsequently by the French and Soviet Delegations. The responsibility of the Defendant Göring, in his capacity as Plenipotentiary for the Four Year Plan, as President of the Cabinet Council for the Defense of the Reich, and in other capacities, will be further demonstrated by that evidence.

The plans of the Nazi conspirators with respect to Poland have been shown by evidence already offered. The Nazis purported to incorporate the four western provinces of Poland into the German Reich. In the remaining portions occupied by them they set up the Government General. It has been shown that the Nazis planned to germanize the so-called incorporated territories ruthlessly, by deporting the Polish intelligentsia, Jews, and dissident elements to the Government General for eventual elimination, by confiscating Polish property, by sending those so deprived of their property to Germany as laborers, and by importing German settlers. It was specifically planned to exploit the people and material resources of the territory within the Government General by taking whatever was needed to strengthen the Nazi war machine, thus impoverishing this region and reducing it to a vassal state.

The Defendant Göring, together with Hitler and Lammers and with the Defendants Frick and Hess, on 8 October 1939 signed the decree by which certain parts of Polish territory were incorporated into the Reich.

Purporting to act by virtue of the foregoing decree, Göring, as Plenipotentiary for the Four Year Plan, signed an order on 30 October 1939 concerning the introduction of the Four Year Plan in the Eastern territories.

In his directive dated 19 October 1939 (Document Number EC-410, Exhibit Number USA-298) Göring stated that the task for the economic treatment of the various administrative regions would differ, depending on whether a country was to be incorporated politically into the German Reich or whether the Government General was involved, which, in all probability, would not be made a part of Germany. He went on to say:

"In the first mentioned territories the reconstruction and expansion of the economy, the safeguarding of all their production facilities and supplies must be aimed at, as well as a complete incorporation into the Greater German economic system at the earliest possible time. On the other hand there must be removed from the territories of the Government General all raw materials, scrap materials, machines, *et cetera*, which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the bare existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time and would make it more practical to exploit those enterprises by giving them German orders to be executed at their present location."

From the foregoing documents the complicity of the Defendant Göring in the plans for the ruthless exploitation of Poland appears clear. But his fine hand also may be found behind the remainder of the Nazi plans for Poland. As an illustration, it was the Defendant Göring who signed, with Hitler and the Defendant Keitel, the secret decree of 7 October 1939 which entrusted Himmler with the task of executing the Germanization program. That secret decree was read into evidence at Pages 1522-23 (Volume III, Page 583).

Evidence already introduced has shown from the mouths of Himmler, the Defendant Frank, and others just what this appointment involved in human suffering and degradation.

Similarly, it was the Defendant Göring who, by virtue of his powers as Plenipotentiary for the Four Year Plan, issued a decree on 17 September 1940 concerning confiscation in the incorporated Eastern territories. This decree applied to "property of citizens of

the former Polish State within the territory of the Greater German Reich including the incorporated Eastern territories." I ask the Court to take judicial notice of our Document 1665-PS, which is an "Order concerning Treatment of Property of Nationals of the Former Polish State," cited in 1940 *Reichsgesetzblatt*, Part I, Page 1270. I shall read from this document:

"Article I.

"1) Property of nationals of the former Polish State within the area of the Greater German Reich, including annexed Eastern territories, is subject to confiscation, administration by commissioner and sequestration in accordance with the following regulations."

I now skip to Article II.

"1) Confiscation will be applied in case of property belonging to: a) Jews; b) persons who have fled or who have absented themselves for longer than a temporary period.

"2) Confiscation may be applied: a) If the property is needed for the public good, especially for purposes of national defense or the strengthening of German folkdom; b) if the owners or other persons entitled to it immigrated into the area of the German Reich after 1 October 1918."

I skip now to Article IX, the first part:

"1) Sequestered property can be confiscated in favor of the Reich by the competent office... if the public weal, particularly the defense of the Reich or the consolidation of the German nationality, requires it."

Evidence has also been introduced by the United States showing the extent to which the spoliation of Soviet territory and resources and the barbarous treatment inflicted on Soviet citizens were the result of plans long made and carefully drawn up by the Nazis before they launched their aggressive war on the Soviet Union. The Nazis planned to destroy the industrial potential of the northern regions occupied by their armies and so to administer the production of food in the south and southeast, which normally produced a surplus of food, that the population of the northern region would inevitably be reduced to starvation because of diversion of such surplus food to the German Reich. It has been shown also that the Nazis planned to incorporate Galicia and all of the Baltic countries into Germany and to convert the Crimea, an area north of the Crimea, the Volga territory, and the district around Baku into German colonies.

By 29 April 1941, almost 2 months prior to the invasion of the Soviet Union, it appears that Hitler had entrusted the Defendant Göring with the over-all direction of the economic administration

in the area of operations and in the areas under political administration. It further appears that Göring had set up an economic staff and subsidiary authorities to carry out this function.

The form of this organization created by Göring and the duties of its various sections appear more clearly in a set of directives "for the operation of the economy in the newly occupied Eastern territories" issued by Göring, as Reich Marshal of the Greater German Reich, in June 1941. These directives are contained in the important *Green Portfolio* which, curiously enough, was printed by the Wehrmacht. By the terms of these directives it is stated that:

"The orders of the Reich Marshal cover all economic fields, including nutrition and agriculture. They are to be executed by the subordinate economic offices..."

An Economic Staff East was charged with the execution of orders transmitted to it from higher authority. One subdivision of this staff, the agricultural section, was charged with the following functions:

"Nutrition and agriculture, the economy of all agricultural products, provision of supplies for the Army in co-operation with the army groups concerned."

Excerpts from the *Green Portfolio* have already been admitted as Exhibit Number USA-315, but I will offer at this time without reading some additional excerpts in support of the facts that have just been related. I would like to offer, as Exhibit Number USA-587, our Document 1743-PS. This is another copy of the *Green Portfolio*, and I want to offer this portfolio to show to the Tribunal that these directives were originally published in June 1941. Document EC-472, which is already in evidence as Exhibit Number USA-315, was a revised edition published in July 1941. In other words, the economic plan for the invasion was ready when the Wehrmacht actually marched into the Soviet Union on June 22, 1941.

As appears from the foregoing directives, it was a subdivision of the economic organization set up by the Defendant Göring, the agricultural section of the Economic Staff East, which rendered a report on 23 May 1941, containing a set of policy directives for the exploitation of Soviet agriculture. It will be recalled that these directives contemplated abandonment of all industry in the food deficit regions, with certain exceptions, and the diversion of food from the food surplus regions to German needs, even though millions of people would inevitably die of starvation as a result. Those directives have already been read into evidence at Page 1558 (Volume IV, Page 5).

Minutes of a meeting at Hitler's headquarters on 16 July 1941, kept by the Defendant Bormann, have also been read in part in evidence. It was at this meeting that Hitler stated that the Nazis

never intended to leave the countries then being occupied by their armies, that although the rest of the world was to be deceived on this point, nevertheless, "this need not prevent us from taking all necessary measures—shooting, desettling, et cetera—and we shall take them." That quotation, may it please the Tribunal, was taken from our Exhibit USA-317, our Document L-221. Then Hitler discussed making the Crimea and other parts of the Soviet Union into German colonies. The Defendant Göring was present and participated in this conference.

As a final illustration it appears from a memorandum dated 16 September 1941, which is our Exhibit Number USA-318, that Göring presided over a meeting of German military officials concerned with the better exploitation of the occupied territories for the German food economy. In discussing this topic, the Defendant Göring said:

"In the occupied territories on principle only those people are to be supplied with an adequate amount of food who work for us. Even if one wanted to feed all the other inhabitants, one could not do it in the newly occupied Eastern areas. It is, therefore, wrong to funnel off food supplies for this purpose if it is done at the expense of the Army and necessitates increased supplies from home."

From the foregoing documents participation of the Defendant Göring in the Nazi plans for committing wholesale War Crimes in occupied territories is, we submit, clear.

I turn now to Göring's planning and his participation in inhumane acts committed against civilian populations before and during the war. It has been shown that shortly after becoming Prime Minister of Prussia in 1933, Göring created the Gestapo in Prussia, which became a model for that instrument of terror as it was extended to the rest of Germany. Concentration camps were established in Prussia in the spring of 1933 under his administration, and these camps were then placed in the charge of the Gestapo, of which he was chief.

The extent to which Göring and the other Nazi conspirators employed these institutions as agencies for the commission of their crimes already appears from the evidence. In 1936 Himmler became chief of the German Police. Thereafter Göring was able to devote his attention chiefly to the task of creating the German Air Force and to the task of preparing the nation economically for aggressive war. However, he continued to be concerned with these institutions of his creation. An example of this is shown in our Document 1584(I)-PS, already introduced as Exhibit Number USA-221, which is a teletype sent by Göring to Himmler in which he requested the latter to place at his disposal as great a number of concentration

camp inmates as possible, as the situation of air warfare made the subterranean transfer of industry necessary.

In his reply Himmler advised Göring by teletype that a survey on the employment of prisoners in the aviation industry showed that 36,000 were being employed for the purposes of the Air Forces and that an increase to a total of 90,000 prisoners was being contemplated.

Evidence has been introduced as to medical experiments performed on human beings at the concentration camp at Dachau and the part played by Field Marshal Milch, State Secretary and deputy to the Defendant Göring as Air Minister, for whose acts the latter must bear full responsibility. It is abundantly clear from letters written by Milch to General Wolff on 20 May 1942 and to Himmler in August 1942, both of which have been read in evidence at Page 1850 of the record (Volume IV, Page 204, 205), our Document 343-PS.

Finally, I turn to Göring's participation in and planning for elimination of all members of the Jewish race from the economic life of Germany and in the planned extermination of all Jews from the continent of Europe.

In 1935 the Defendant Göring, as President of the Reichstag, made a speech urging that body to pass the infamous Nuremberg race laws. I offer, as Exhibit Number USA-588, our Document 3458-PS, which is an excerpt from Rühle, *Das Dritte Reich*, Page 257. Göring said:

"God has created the races. He did not want equality and therefore we energetically reject any attempt to falsify the concept of race purity by making it equivalent with racial equality. We have experienced what it means when a people has to live in accordance with the laws of an equality that is alien to its kind and contrary to nature. For this equality does not exist. We have never acknowledged such an idea and therefore must reject it also, as a matter of principle, in our laws, and we must acknowledge that purity of race which nature and providence have destined."

Again, to show his official attitude, as revealed on 26 March 1938 in a speech in Vienna, I offer, as Exhibit Number USA-437, our Document 3460-PS, starting with Page 348. Göring said:

"I must address myself with a serious word to the city of Vienna. The city of Vienna can no longer rightfully be called a German city. So many Jews live in this city. Where there are 300,000 Jews, you cannot speak of a German city.

"Vienna must once more become a German city, because it must perform important tasks for Germany in Germany's

Ostmark. These tasks lie in the sphere of culture as well as in the sphere of economics. In neither of them can we, in the long run, put up with the Jew.

"This, however, should not be attempted by inappropriate interference and stupid measures but must be done systematically and carefully. As Delegate for the Four Year Plan, I commission the Reichsstatthalter in Austria jointly with the Plenipotentiary of the Reich to consider and take any steps necessary for the redirection of Jewish commerce, i.e., for the Aryanization of business and economic life, and to execute this process in accordance with our laws, legally but inexorably."

Acting within the framework of economic preparation for aggressive war, the Nazi conspirators then began the complete elimination of Jews from economic life preparatory to their physical annihilation. The Defendant Göring, as head of the Four Year Plan, was in active charge of this phase of the persecution.

The first step in his campaign was the decree of 26 April 1938, requiring registration of all Jewish-owned property. Both Göring and the Defendant Frick signed that law. It is already in evidence.

I beg the Tribunal's pardon. I would like the Tribunal to take judicial notice of that decree, which is our Document 1406-PS and cited as 1938 *Reichsgesetzblatt*, Part I, Page 414.

Now, armed with the information thus secured, the Nazi conspirators were fully prepared to take the next step. The killing of Vom Rath, a German Legation secretary in Paris on 9 November 1938, was made the pretext for widespread "spontaneous" riots, which included the looting and burning of many Jewish synagogues, homes, and shops, all carefully organized and supervised by the Nazi conspirators. The Defendant Göring was fully informed of the measures taken. The teletype orders of 10 November 1938 given by Heydrich are already in evidence and were read at Page 1405 of the record (Volume III, Page 500). A letter which Heydrich wrote to Göring on the following day has also been read. It is our Document 3058-PS, Exhibit Number USA-508. In it Himmler summarizes the so-called "spontaneous" riots that had taken place. He reported the day after the riot that insofar as the official reports from the district police were concerned he was able to state that 815 shops were destroyed, 171 dwelling houses set on fire or destroyed, and that all this indicates only a fraction of the actual damage caused, as far as arson is concerned. He also said that:

"Due to the urgency of the reporting, the reports received to date are entirely limited to general statements, such as

'numerous' or 'most shops destroyed'. Therefore"—says Heydrich—"the figures given will be considerably augmented.

"One hundred and ninety-one synagogues were set on fire and another 76 completely destroyed. In addition 11 parish halls, cemetery chapels, and similar buildings were set on fire. . . .

"Twenty thousand Jews were arrested. . . .

"Thirty-six deaths were reported and those seriously injured were also numbered at 36."

Immediately after these so-called "spontaneous" riots of 9 November, Göring acted as chairman of a meeting at the Reich Ministry of Air devoted to the Jewish question, which also was attended by the Defendant Funk and other conspirators. The stenographic report on that meeting is an extraordinary document, and it does not make pretty reading. It is our Document 1816-PS, which has already been offered as Exhibit Number USA-261. I should like to read certain passages that have not as yet been read into the record. I read from the top of first page, the first two paragraphs of Page 1 of the German original; Göring speaks:

"Gentlemen, today's meeting is of a decisive nature. I have received a letter written on the Führer's order by the Stabsleiter of the Führer's deputy, Bormann, requesting that the Jewish question be now uniformly comprehended and solved one way or another. And yesterday once again the Führer requested me by phone to take co-ordinated action in the matter.

"Since the problem is mainly an economic one, it is from the economic angle that it will have to be tackled. Naturally a number of legal measures will have to be taken which fall into the sphere of the Minister for Justice and into that of the Minister of the Interior; then certain resulting propaganda measures shall be taken care of by the office of the Minister for Propaganda. The Minister of Finance and the Minister for Economic Affairs shall take care of problems falling into their respective departments."

Specific measures to effect the Aryanization of Jewish business were then discussed. A representative of German insurance companies was called in to assist in the solving of the difficulties created by the fact that most of the Jewish stores and other property destroyed in the rioting were, in fact, insured, in some cases, ultimately by foreign insurance companies. All present were agreed that it would be unfortunate to pass a law which would have the effect of allowing foreign insurance companies to escape liability. The Defendant Göring then suggested a characteristic solution, and

I pass to Page 10. In German it is the third full paragraph on Page 3/11. Göring said:

"No, I don't even dream of refunding the insurance companies the money. The companies are liable. No, the money belongs to the State. That's quite clear. That would indeed be a present for the insurance companies. You made a wonderful *Petitum* there. You'll fulfill your obligations; you may count on that."

It is superfluous to quote further from the extensive discussion of all phases of persecution of the Jews that took place at this meeting. It is sufficient to point out that on the same day the Defendant Göring, over his own signature, promulgated three decrees putting into effect the most important matters decided at this meeting. In the first of these decrees a collective fine of 1 billion Reichsmarks was placed on all German Jews. I ask the Tribunal to take judicial notice of that decree, which is our Document 1412-PS and appears in 1938 *Reichsgesetzblatt*, Part I, Page 1579.

The second decree entitled, "A Decree on Elimination of Jews from German Economic Life" barred Jews from trades and crafts. I ask the Tribunal to notice judicially that decree, which is our Document 2875-PS, cited in 1938 *Reichsgesetzblatt*, Part I, Page 1580.

The third decree entitled, "Decree for the Restoration of the Appearance of the Streets of Jewish Economic Enterprises" took care of the insurance question raised in the morning's meeting by providing that insurance due to the Jews for various losses sustained by them was to be collected by the State. I ask the Court to notice judicially that decree also. It is our Document 2694-PS and appears in 1938 *Reichsgesetzblatt*, Part I, Page 1581.

THE PRESIDENT: Shall we break off for 10 minutes there?

[A recess was taken.]

THE PRESIDENT: Mr. Albrecht, the Tribunal thinks that these methods, which are really methods which we have already had under consideration, might be presented in a more summary way than you have been dealing with them, and if you can possibly shorten the matters with which you are dealing now by summarizing more than you are, it will be more useful to the Tribunal and will save time.

MR. ALBRECHT: My Lord, I think I am practically through with this point. At any event I think I shall not have to take more than 5 or 10 minutes.

THE PRESIDENT: Very well, but I may say that the same observation will apply to those who follow.

MR. ALBRECHT: May it please the Tribunal, the material I alluded to before the recess, we feel, is merely illustrative of the energetic manner in which the Defendant Göring took part in driving the Jews from economic life at this period. Two other documents would seem to be pertinent on this point.

I would like to offer our Document 069-PS as Exhibit Number USA-589, which is a circular letter dated 17 January 1939 signed by the Defendant Bormann, distributing a directive of the Defendant Göring with respect to certain discriminations to be applied in the housing of the Jews. I will be content with that summarization, if the Court please, and I do not intend to read further from that document.

The second document I desire to offer is our Document 1208-PS, which I offer as Exhibit Number USA-590. That is an order of the Defendant Göring as Commissioner for the Four Year Plan, dated 10 December 1938, prescribing the manner in which exploitation of Jewish property is to be undertaken and warning that any profit resulting from the elimination of Jews from economic activity is to go to the Reich.

There is no need, I believe, to read excerpts from the document, except that I do wish to call the attention of the Tribunal to the fact that Göring's letter is addressed to all the chief agencies of the Reich, to all the political leaders and leaders of the affiliated organizations of the Party, to all Gauleiter, to all Reichsstatthalter (or governors), and to the various local heads of the German Länder and subdivisions thereof.

As the German armies moved into other countries, the anti-Jewish laws were extended, often in a more stringent form, to the occupied territories. Many of the decrees were not signed by the Defendant Göring himself, but were issued on the basis of decrees signed by him.

Nevertheless, in his capacity as Commissioner for the Four Year Plan or as Chairman of the Ministerial Council for National Defense, the Defendant Göring himself signed a number of anti-Jewish decrees for occupied territories, including the decrees enumerated on Pages 47 and 48 of our brief, of which I ask the Tribunal to take judicial notice.

During the later years of the war the program of the Nazi conspirators for the complete physical annihilation of all Jews in Europe achieved its full fury. While the execution of this anti-Jewish program was for the most part handled by the SS and the Security Police, the Defendant Göring remains implicated to the last in the final efforts to achieve a Nazi "solution" of the Jewish problem.

On 31 July 1941 he wrote a letter to the conspirator Heydrich, which is the final document to which I wish to draw the Tribunal's

attention. It is a fitting climax to our presentation on this defendant. The reason why it was addressed to the notorious Heydrich, the predecessor of the Defendant Kaltenbrunner, need not strain our imagination. This document is our Document Number 710-PS, which has already been admitted as Exhibit Number USA-509, in connection with the case on the Gestapo. While it has already been read into evidence, with permission of the Court, I would like to close my presentation with the reading of that letter. Göring writes to Heydrich:

"Complementing the task that was assigned to you on 24 January 1939, which dealt with arriving at thorough furtherance of emigration and evacuation solution of the Jewish problem, as advantageous as possible, I hereby charge you to make all necessary organizational and practical preparations for bringing about a complete solution of the Jewish question in the German sphere of influence in Europe.

"Wherever other governmental agencies are involved, these are to co-operate with you.

"I charge you furthermore to send me, before long, an over-all plan concerning the organizational, factual, and material measures necessary for the accomplishment of the desired final solution of the Jewish question."

The presentation made to the Tribunal on the individual responsibility of the Defendant Göring has been intended to be merely illustrative of the mass of documentary evidence which reveals the leading part played by this conspirator in every phase of the Nazi conspiracy. Thus, we submit that the responsibility of Göring for the crimes with which he has been charged under Count One and Count Two of the Indictment has been established.

May it please the Tribunal, this completes the presentation on the individual responsibility of the Defendant Göring. We will now proceed with the arrangement made with the British Delegation on the presentation showing the individual responsibility of the Defendant Von Ribbentrop by Sir David Maxwell-Fyfe.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal, if the Tribunal would be good enough to look at Appendix A of the Indictment on Page 28 of the English text (Volume I, Page 69) they will find the particulars relating to this defendant, and they will find that the allegations regarding him fall into three divisions.

After reciting the offices which he held, the appendix of the Indictment goes on to say that the Defendant Ribbentrop used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that he promoted the accession to power of the Nazi conspirators as set forth in Count One of

the Indictment and permitted the preparation for war set forth in Count One of the Indictment.

In the second section he participated in the political planning and preparation of the Nazi conspirators for wars of aggression and wars in violation of international treaties, agreements, and assurances as set forth in Counts One and Two of the Indictment.

In accordance with the Führer Principle, he executed and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators, as set forth in Count One of the Indictment.

Then the third section: He authorized, directed, and participated in War Crimes, as set forth in Count Three of the Indictment, and the Crimes against Humanity, set forth in Count Four of the Indictment, including, more particularly crimes against persons and property in occupied territories. I hope that it might be useful to the Tribunal if I follow the order of these allegations in the Indictment as we collected the evidence for each of these in turn; I therefore proceed to deal first with the allegation that this defendant promoted the accession to power of the Nazi conspirators.

The Tribunal knows already that the defendant held various offices and these are usefully collected in his own certified statement, which has already been put in as Exhibit Number USA-5, Document 2829-PS. And I think it would be convenient if I very briefly explained the different activities and offices of the defendant which are dealt with in that list. It will be seen from that list that he became a member of the Nazi Party in 1932, but, according to the semi-official statement in *Das Archiv*, he had begun to work for the Party before that time. That semi-official statement goes on to say that he succeeded in extending his business connections to political circles, having joined in 1930 the service of the Party. At the time of the final struggle for power in the Reich, Ribbentrop played an important, if not strikingly obvious part in the bringing about of the decisive meetings between the representatives of the President of the Reich and the heads of the Party, who had prepared the entry of the Nazis into power on 30 January 1933. Those meetings, as well as those between Hitler and Von Papen, took place in Ribbentrop's house in Berlin-Dahlem.

This defendant was therefore present and active at the inception of the Nazi securing of power. After that, for a short period, he was adviser to the Party on questions of foreign affairs. His title was first "Adviser to the Führer on matters of foreign policy" and he later became representative in matters of foreign policy on the staff of the deputy. This was followed by membership in the Reichstag in November 1933 and in the Party organizations he became an Oberführer in the SS and was subsequently promoted to Gruppenführer and to Obergruppenführer. Thereafter he attained official government positions.

On the 24th of April 1934 he was appointed delegate of the Reich Government on matters of disarmament. That was after Germany had left the disarmament conference. In this capacity he visited foreign capitals. He was then given a more important and certainly a more resounding title: the German Minister Plenipotentiary at Large; and it was in that capacity that he negotiated the Anglo-German Naval Agreement of 1935.

In 1936, after the Nazi Government had re-occupied the Rhine-land contrary to the treaties of Versailles and Locarno, the matter was brought before the Council of the League of Nations, and the defendant addressed the Council in defense of the action of Germany. His next position began on 11 August 1936, when he was appointed Ambassador in London. He occupied that position for a period of some 18 months, and his activities there, while having their own interest, are not highly relevant to the matters now before the Tribunal. But during that period, in the capacity which he still had as German Minister Plenipotentiary at Large, he signed the original Anticomintern Pact with Japan in November 1936 and also the additional pact by which Italy joined it in 1937.

Finally, so far as this part of the case is concerned, on 4 February 1938 this defendant was appointed Foreign Minister in place of the Defendant Von Neurath and simultaneously was made a member of the Secret Cabinet Council (Geheimer Kabinettsrat) established by decree of Hitler of that date. That takes us up to the period of his holding the office of Foreign Minister, and his actions in that capacity will be dealt with in detail later on.

I refer the Tribunal without reading further, because I have already summarized it, to the extract from *Das Archiv*, which is Document D-472, which I now put in as Exhibit GB-130; also to the membership extract of the SS, which consists in the examination of the descent of SS leaders and which I insert as Exhibit GB-131. Again I shall not trouble the Tribunal with the details. It shows his rank, which I have already mentioned. There is no question of any honorary rank. It is simply stated to be the rank of Gruppenführer, and of course, it gives his ancestry in detail, in order to deal with the laws which related to that subject. It also deals with his adoption in order to secure the prefix of "von," but the defendant has now to deal with much more serious things than barren controversies with the *Almanach de Gotha*.

The only new document which I put before the Tribunal in this part of the case is Exhibit GB-129, Document 1337-PS, which shows the establishment of the Secret Cabinet Council and the membership of the Foreign Minister. These are the activities of this defendant in the earlier part of his career, and in the submission of the Prosecution they show quite clearly that he assisted willingly, deliberately,

intentionally, and keenly in bringing the Nazis into power and into the earlier stage of their obtaining control of the German State.

I now come to the second allegation in the Indictment, that this defendant participated in political planning and preparation with the Nazi conspirators for wars of aggression and wars in violation of international treaties, agreements, and assurances; and again it might help the Tribunal if I took these quite shortly, in order of aggression, and stated briefly the constituent allegations that we make and the references to matters before the Tribunal, referring the Tribunal only to any new document which shall come along.

The first is the Anschluss with Austria, and there the Tribunal will remember that the Defendant Ribbentrop was present at a meeting at Berchtesgaden on 12 February 1938, at which Hitler and Von Papen met the Austrian Chancellor Von Schuschnigg and his Foreign Minister, Guido Schmidt. The Tribunal will find the official account of that interview in Document 2461-PS, which I put in as Exhibit GB-132. What the Tribunal will find, I submit, is the truthful account of the interview in Exhibit Number USA-72, Document Number 1780-PS, which is the diary of the Defendant Jodl; and the relevant entries are those for 11 and 12 February 1938. They are extremely short, and I shall read—if the Tribunal will be kind enough to allow me, they do show quite clearly the case for the Prosecution—about the pressure that was used in Chancellor Schuschnigg's interview. It is at the foot of the first page in the Document Book; Document 1780-PS is the number.

And on the 11th of February the Defendant Jodl writes:

"In the evening and on 12 February General K"—Keitel—"with General Von Reichenau and Sperrle at Obersalzberg. Schuschnigg, together with G. Schmidt are being put under the heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol.

"13 February: In the afternoon General K"—Keitel—"asks Admiral C"—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.

"14 February: At 2:40 o'clock the agreement of the Führer arrives. Canaris went to Munich to the Counter-Intelligence Office VII and initiates the different measures.

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations."

It is rather interesting, after reading the frank statement of the Defendant Jodl, to look at the pale words of the official statement which I have also put in. That is the view of the meeting with Schuschnigg, which the Prosecution placed before this Court.

Will the Tribunal be good enough to ignore an allegation that appears in the trial brief that this defendant visited Mussolini before the Anschluss, as is stated by a member of his staff at that time. It was disputed by another member. Therefore, I would rather the Tribunal ruled it out.

The next point on which there is no dispute is the telephone conversation which took place between the Defendant Göring and the Defendant Ribbentrop on the 13th of March 1938, when this defendant was still in London. The Tribunal will remember that that was dealt with fully by my friend, Mr. Alderman. It was passing on what the Prosecution submits is a completely false statement: that there was no ultimatum. The facts of the ultimatum were explained by the earlier telephone conversations with the Defendant Göring in Vienna. Defendant Göring then passed that on to the Defendant Ribbentrop in London in order that he might propagate the story of there being no ultimatum, in political circles in London. That appears in the telephone conversation, which is Exhibit Number USA-76, Document 2949-PS, and, as I say, it is fully dealt with in the transcript on Page 582 (Volume II, Page 425).

The third action which this defendant took occurred after his return from London. Although he had been appointed Foreign Minister in February, he had gone back to London to clear up his business at the embassy and he was still in London until after the Anschluss had actually occurred, but his name appears as a signatory of the law making Austria a province of the German Reich. That is Document 2307-PS, which I now put in as Exhibit GB-133. And there is a reference in the *Reichsgesetzblatt*, which is given. These were the actions of the defendant with regard to Austria.

Then we come to Czechoslovakia, and there you have an almost perfect example of aggression at work in its various ways. Again I simply remind the Tribunal of the outstanding points with the greatest brevity. First, there is the question of stirring up trouble inside the country against which aggression is going to be set forth.

This Defendant, as Foreign Minister, was concerned with the stirring up of the Sudeten Germans under Henlein, and the contacts between the Foreign Office and Henlein are shown in Exhibit Numbers USA-93, 94, 95, and 96. These are Documents 3060-PS, 2789-PS, 2788-PS, and 3059-PS. They have all been read by my friend, Mr. Alderman, but I simply give to the Tribunal their effect on them, which is the stirring up of the Sudeten German movement in order to act with the Government of the Reich.

Then, after that, the Defendant Ribbentrop was present on the 28th of May 1938 at the conference with Hitler, at which the latter gave the necessary instructions to prepare the attack on Czechoslovakia. That was dealt with previously on Page 742 of the transcript (Volume III, Page 42). And I want to put before the Tribunal Document 2360-PS, which is a report of a speech of Hitler's in the *Völkischer Beobachter*; and, if the Tribunal would be good enough to look at it, it is a useful date to fix with regard to the aggression against Czechoslovakia, because that was the day on which Hitler, on his own proclamation, had decided that aggression was to take place against Czechoslovakia. The extract which I have taken is quite short and—if the Tribunal would look at the extract which is on Page 1, columns 5 and 6, bottom—the important passage is:

“On the basis of this unbearable provocation, which was still further emphasized by a 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.”

This was in January 1939. Then he goes on to say:

“On 28 May . . . I gave the order for the preparation of military steps against this state, to be concluded by 2 October. . . .”

The important point is that the 28th of May was the date when the Fall Grün for Czechoslovakia was the subject of orders and it was thereafter put into effect to come to fruition at the beginning of October. That is the second stage: To lay well in advance your plans of aggression. The third stage is to see that the neighboring states are not likely to cause you trouble.

So we find that on the 18th of July 1938 this defendant had a conversation with the Italian Ambassador Attolico, at which the attack on Czechoslovakia was discussed. That is Exhibit Number USA-85, Document 2800-PS. And there were further discussions which are contained in Exhibits USA-86 and 87, which are Documents 2791-PS and 2792-PS.

I think it is sufficient for me to say to the Tribunal that the effect of these documents is that it was made clear to the Italian Government that the German Government was going to move against Czechoslovakia.

The other country which was interested was Hungary, because Hungary had certain territorial ideas with regard to parts of the Czechoslovakian Republic.

So, on the 23rd and 25th of August, this defendant was present at the discussions and had discussions himself with the Hungarian politicians Imredy and Kania, and these are found in Exhibit Numbers USA-88 and 89, Documents 2796-PS and 2797-PS.

This defendant endeavored to get assurances of Hungarian help, and the Hungarian Government at the time was not too ready to commit

itself to action, although it was ready enough with sympathy. These are to be found in the documents which I have mentioned. And, again, unless the Tribunal desires, I shall not read any document that I summarize that way.

Now I have already mentioned that there had been contact with the Sudeten Germans. That was the long-term grievance that had to be exploited. But the next stage was to have a short-term grievance and to stir up trouble, preferably at the fountainhead. And so, between the 16th and 24th of September, we find the German Foreign Office, of which this defendant was at the head, stirring up trouble in Prague; and that is shown very clearly in Exhibits Numbers USA-97 to 101, which are Documents 2858-PS, 2855-PS, 2854-PS, 2853-PS, and 2856-PS. I have read them in order of date. And it would be interesting for the Tribunal to look at these. They ought to follow quite shortly the document they have just been looking at, beginning with Document PS-2858. You will see the sort of thing of which I am reminding the Tribunal. Here you have the document of the 19th of September coming from the Foreign Office to the German Embassy in Prague:

“Please inform Deputy Kundt at Conrad Henlein’s request to get in touch with the Slovaks at once and induce them to start their demands for autonomy during the next day.”

And the others deal with questions of arrest and the action that would be taken against any Czechs in Germany in order to make the position more difficult.

That was the contribution which this defendant made to the pre-Munich crisis. After, as the Tribunal will remember, on the 29th of September 1938, the Munich Agreement was signed. That is GB-23, Document TC-23, which I have already read to the Tribunal.

And, after that—I just remind the Tribunal of an interesting document which shows the sort of action which the Wehrmacht expected and the advice that the Wehrmacht expected from the Foreign Office.

You have, on the 1st of October, Document C-2, which is Exhibit Number USA-90, and that is a long document putting forward an almost infinite variety of breaches of international law, which were likely to arise or might have arisen from the action in regard to Czechoslovakia; and on all these points the opinion of the Foreign Office is sought. That, of course, remained a hypothetical question at that time because no war resulted.

Then, if the Tribunal please, we come to the second stage in the acquiring of Czechoslovakia: That is, having obtained the Sudetenland, arranging so that there would be a crisis in Czechoslovakia which would give an excuse for taking the rest. The Tribunal will remember the importance of this because it is the first time that the

German Government went outside its own statement about not going beyond German blood.

On that point, again, this defendant was active. On the 13th of March, as events were moving to a climax, he sent a telegram to the German Minister in Prague, who was under him, telling him to "make a point of not being available if the Government there wants to get in touch with you in the next few days." That is Exhibit Number USA-116, Document 2815-PS.

At the same time this defendant saw a delegation of pro-Nazi Slovaks in Berlin. At a conference with Hitler, at which this defendant was present, Tiso, one of the heads of the pro-Nazi Slovaks, was directed to declare an independent Slovak State, in order to assist in the disintegration of Czechoslovakia. That is Exhibit Number USA-117, Document 2802-PS, and the Tribunal might care to compare it with a previous meeting with another Slovak, Tuka, a month before, which is shown in Document 2790-PS, Exhibit Number USA-110. So that this defendant was assisting in the task, again, of supporting internal trouble:

Then on the 14th of March 1939, the next day, Hacha, the President of Czechoslovakia, was called to Berlin. This defendant was present at the meeting and the Tribunal will remember the usual pressure and threats which resulted in the aged President's purposing to hand over the Czechoslovak State to Hitler. The Tribunal will find that subject dealt with on Page 911 of the transcript (Volume III, from Page 158), and the relevant exhibit is Exhibit Number USA-118, Document 2798-PS, which is the minutes of the meeting between Hitler and Hacha that this defendant attended. You will also find it dealt with in Exhibit Number USA-126, Document 3061-PS, which is the Czechoslovakian Government report.

That was the end of the Czech part of Czechoslovakia. The following week this defendant signed a treaty with Slovakia which I now put in. It is Document 1439-PS, and I put it in as Exhibit GB-135, and the important part is Article 2, under which the German Government was given the right to construct military posts and installations and keep them garrisoned within Czechoslovakia. Again, I am not going to read it at length, but I hope the Tribunal will stop me if there are any of these documents which they would like read instead of summarized.

In that way this defendant by the terms of that treaty, after completely finishing Bohemia and Moravia as an independent state, had got military control in Slovakia.

Before I pass to Poland, there is one interesting little point on the Northern Baltic which I put before the Tribunal to show how this defendant could hardly keep his hands out of the internal affairs of other countries, even when it did not seem a very important

matter. The Tribunal will remember that on the 3rd of April 1939, as shown in GB-4, TC-53(a), Germany had occupied the Memelland. It would have appeared, as far as the Baltic States were concerned, that the position was satisfactory; but if the Tribunal will look at Document 2953-PS, which I put in as Exhibit GB-136, and Document 2952-PS, which I put in as GB-137, they will find that this defendant acted in close concert with the conspirator Heydrich, who is dead, in stirring up trouble in Lithuania with a group of pro-Nazi people called the "Woldemaras supporters." Document 2953-PS shows that Heydrich was passing to the Defendant Ribbentrop the request for financial support for the . . .

THE PRESIDENT: You are going to read 2953?

SIR DAVID MAXWELL-FYFE: Yes, My Lord, that is the one I was going to read. That is a letter from Heydrich to the Defendant Ribbentrop and it says:

"Dear Party Comrade Von Ribbentrop:

"Enclosed please find a further report about the 'Woldemaras supporters.' As already mentioned in the previous report the 'Woldemaras supporters' are still asking for help from the Reich. I therefore ask you to examine the question of financial support brought up again by the 'Woldemaras supporters' set forth on Page 4, Paragraph 2, of the enclosed report and to make a definite decision.

"The request of the 'Woldemaras supporters' for financial support could, in my opinion, be granted. Deliveries of arms should not, however, be made under any circumstances."

Then, 2952-PS, the next document, is a fuller report, and at the end of that there is added in handwriting, "I support small regular payments, e. g., 2,000 to 3,000 marks quarterly." It is signed "W," who I understand to be the Secretary of State.

I merely quoted that to show the extraordinary interference, even with comparatively unimportant countries.

Then we pass to the aggression against Poland, and again the Tribunal has had that fully dealt with by my friend Colonel Griffith-Jones; but again it might be useful if I just separated the various periods so that the Tribunal would have these in mind. The first was what one might call the Munich period, up to the end of September 1938; and at that time no language was too good for Poland. The Tribunal will remember the point.

The important documents showing that aspect of the case are GB-30, which is Document 2357-PS, Hitler's Reichstag speech on the 20th of February 1938, and then GB-31, Document TC-76, which is the secret Foreign Office memorandum of the 26th of August 1938, and GB-27, Document TC-73, Number 40. TC-73 is the Polish *White*

Book and 40 is the number of the document in the book. That is a conversation between M. Lipski, the Polish Ambassador, and this defendant.

Finally in this group is TC-73, Number 42, Hitler's speech at the Sportpalast on the 26th of September 1938, in which he said that this was the end of his territorial problems in Europe and expressed an almost violent affection for the Poles.

Now the next stage was between Munich and the rape of Prague, and then in the next stage—part of the German aggressions in Czechoslovakia having been accomplished and parts still remaining to be done—there is a slight change but still a friendly atmosphere. That begins with a conversation between this defendant and M. Lipski, which is contained in Exhibit GB-27, Document TC-73, Number 44.

There this defendant put forward very peaceful suggestions for the settlement of the Danzig issue. The Polish reply is in GB-28, TC-73.

THE PRESIDENT: You did not give the date of those, did you?

SIR DAVID MAXWELL-FYFE: Yes, My Lord. The first one is 25 October 1938; the Polish reply which says that it is unacceptable that Danzig should return to the Reich, but making suggestions for a bilateral agreement, is the 31st of October 1938. Between these dates, the Tribunal will remember according to Document C-137, Exhibit GB-33, dated the 21st of October the German Government had made its preparation to occupy Danzig by surprise. But although these preparations were made, still some 2 months later, on the 5th of January 1939, while the rape of Prague had not taken place, Hitler was suggesting to M. Beck, the Polish Foreign Minister, a new solution. That is contained in Document TC-73, Number-48, Exhibit GB-34, the interview of Hitler and Beck on the 5th of January 1939.

Then this defendant saw M. Beck on the next day and said there was no violent solution of Danzig, but a further building up of friendly relations. That is contained in GB-35, Document TC-73, Number 49. Not content with that, this defendant went to Warsaw on the 25th of January and, according to the report of his speech contained in Document 2530-PS, GB-36, talked of the continued progress and consolidation of friendly relations; and that was capped by Hitler's Reichstag speech on the 30th of January 1939, in the same sort of tone, contained in GB-37, TC-73, Number 57. That was the second stage—the mention of Danzig in honeyed words, because, of course, the rape of Prague had not been attained.

Then one has to remember, as one comes to the summer, the meeting at the Reich Chancellery on the 23rd of May 1939, which is reported in Document L-79, Exhibit Number USA-27. It has been read many times to the Tribunal, and I remind them of only this

point: That that is the document where Hitler makes it quite clear, and states in his own words, that Danzig has nothing to do with the real Polish question. He had to deal with Poland because he wanted Lebensraum in the East. That is the effect of that portion of the document which has been read so often to the Tribunal—that Danzig was merely an excuse.

It is important to have in mind, if I may respectfully suggest it, that that meeting was on the 23rd of May 1939, because there is an interesting corroboration of the attitude of mind—in showing how clearly this Defendant Ribbentrop had adopted the attitude of mind of Hitler—in the introduction to Count Ciano's diary, which was put in as Exhibit Number USA-166, Document 2987-PS; but I do not think this part of the diary, the introduction, has been read before to the Court. It is Document 2897-PS, and it comes two after L-79, which is the "Little Schmundt" file, just after the Obersalzberg document. It is set out in the trial brief, if the Tribunal will care to follow it there. Count Ciano says:

"In the summer of 1939 Germany advanced her claims against Poland, naturally without our knowledge; indeed, Ribbentrop had several times denied to our Ambassador that Germany had any intention of carrying the controversy to extremes. Despite these denials I remained unconvinced; I wanted to make sure for myself, and on August 11th I went to Salzburg. It was in his residence at Fuschl that Ribbentrop informed me, while we were waiting to eat, of the decision to start the fireworks, just as he might have told me about the most unimportant and commonplace administrative matter. 'Well, Ribbentrop,' I asked him, while we were walking in the garden, 'What do you want? The Corridor or Danzig?' 'Not any more, . . .' and he stared at me through those cold Musée Grevin eyes, 'We want war.'"

I remind the Tribunal how closely that corroborates the statement that Hitler had made at his Chancellery conference on the 23rd of May: That it was no longer a question of Danzig or the Corridor, it was a question of war to achieve Lebensraum in the East.

Then I remind the Tribunal, without citing it, that the Fall Weiss for operation against Poland is dated the 3rd and 11th of April 1939, which certainly shows that preparations were already in hand.

And then there is another reference in Count Ciano's diary which also has not been read and which makes this point quite clear. Again, if the Tribunal will take it as set out in the trial brief, I will read it, as it has not been read before:

"I have collected the conference records of verbal transcripts of my conversations with Ribbentrop and Hitler. Here I shall note only some impressions of a general nature. Ribbentrop

is evasive every time I ask him for particulars of the forthcoming German action. He has a guilty conscience. He has lied too many times about German intentions towards Poland not to feel embarrassment now over what he must tell me and what he is preparing to do.

"The will to fight is unalterable. He rejects any solution which might satisfy Germany and prevent the struggle. I am certain that even if the Germans were given everything they demanded they would attack just the same, because they are possessed by the demon of destruction.

"Our conversation sometimes takes a dramatic turn. I do not hesitate to speak my mind in the most brutal manner. But this doesn't shake him in the least. I realize how little weight this view carries in German opinion.

"The atmosphere is icy. And the cold feeling between us is reflected in our followers. During dinner we do not exchange a word. We distrust each other. But I at least have a clear conscience. He has not."

Whatever other defects there may have been about Count Ciano, there cannot be an appreciation of the situation which is more heavily corroborated by supporting documents than his diagnosis of the situation in the summer of 1939.

Then we come to the next stage in the German plan, which was sharp pressure on the claim for Danzig shown immediately after Czechoslovakia had been finally dealt with on the 15th of March. It is shown how closely it followed the completion of the rape of Prague. The first sharp raising of the claim was on the 21st of March, as shown in Exhibit GB-38, Document TC-73, Number 61. And that developed, as the Tribunal has heard from Colonel Griffith-Jones.

Then we come to the last days before the war, and one interesting side light is that Herr Von Dirksen, the German Ambassador at the Court of St. James, returned from London on the 18th of August 1939; and I put in the extract from the interrogation of the Defendant Ribbentrop, which is Document D-490. I put that in as GB-138.

I do not intend to read it to the Tribunal because it can be summarized in this way: That the Defendant Ribbentrop has certainly no recollection of ever having seen the German Ambassador to the Court of St. James after his return. He thinks he would have remembered him if he had seen him and he accepts the probability that he did not see him. And there is the point, when it was well-known that war with Poland would involve England and France, that either he was not sufficiently interested in opinion in London to take the trouble to see his ambassador or else, as he rather suggests, that he had appointed so weak and ordinary a career

diplomat to London that his opinion was not taken into account, either by himself or by Hitler. In either case, he was completely uninterested in anything which his ambassador might have to tell him of opinion in London or the possibility of war. And I conceive myself speaking with great moderation in putting it this way. That in the last days before the 1st of September 1939 this defendant did whatever he could to avoid peace with Poland and to avoid anything which might hinder the incursion of the war which we know he wanted. He did that, well knowing that war with Poland would involve Great Britain and France. These details were given in full by Colonel Griffith-Jones; I am not going through them again. But I have, for the convenience of the Tribunal, referred to the transcript at Pages 1000 to 1059 (Volume III, Pages 219 to 261), and M. Lipski summarized all that took place in his report of the 10th of October 1939, which is Document TC-73, Number 147, which is Exhibit GB-27.

Now these are the actions of this defendant in the Polish matter. I am glad to inform the Tribunal that with regard to the other countries they are very much shorter than with regard to Poland.

I now come to Norway and Denmark. I remind the Tribunal of the fact, if it cares to take cognizance thereof, that on the 31st of May 1939 the Defendant Ribbentrop, on behalf of Germany, signed a non-aggression pact with Denmark which provided that "the German Reich and the Kingdom of Denmark will under no circumstances go to war or employ force of any other kind against one another." This is Exhibit GB-77, Document TC-24. And just to fix the date, the Tribunal will remember that on the 9th of April 1940 the German Armed Forces invaded Denmark and at the same time they invaded Norway.

With regard to Norway there are three documents which show that this defendant was fully informed of the earlier preparations for that act of aggression. The Tribunal will remember that my friend, Major Elwyn Jones, did indicate with some particularity the relations between Quisling and the Defendant Rosenberg. But Rosenberg in this case also required the help of the Defendant Ribbentrop and, if the Tribunal would be good enough to turn to Document 957-PS, which I am putting in as GB-139, they will see the first of the documents which connect this defendant with the earlier Quisling activities.

The first one, Document 957-PS, is a letter from Defendant Rosenberg to this defendant and it begins:

"Dear Party Comrade Von Ribbentrop:

"Party Comrade Scheidt has returned and has made a detailed report to Geheimrat Von Grundherr, who will address you on this subject. We agreed the other day that 200,000 to 300,000

Reichsmarks would be made immediately available for the said purpose. Now it turns out that . . . Grundherr states that the second instalment can be made available only after 8 days. But as it is necessary for Scheidt to go back immediately, I request you to make it possible that this second instalment be given to him at once. With a longer absence . . . the connection with your representatives would also be broken up, which just now, under certain circumstances, could be very unfavorable.

"Therefore I think it is in everybody's interest, if Party Comrade Scheidt goes back immediately."

That was the 24th of February.

Now the next document, 004-PS, is a report from Rosenberg to Hitler, and if the Tribunal will be good enough to turn to Page 4—this is on the Quisling activities—they will find that that passage is sufficient to show how this defendant was connected with it. This is a report from Rosenberg to Hitler:

"Next to a financial support which was paid by the Reich in foreign currency, Quisling, as further help, was at the same time promised deliveries of goods which were urgently needed by Norway, such as coal and sugar. The shipments were to be conducted under cover of a new trade company, to be established in Germany, or through specially selected existing firms while Hagelin was to act as consignee in Norway. Hagelin had already conferred with the respective Ministers of the Nygaardsvold Government, as, for instance, the Minister of Supply and Commerce, and had been assured permission for the import of coal. At the same time the coal transports were to serve possibly to supply the technical means necessary to launch Quisling's political action in Oslo with German help. It was Quisling's plan to send a number of selected, particularly reliable men to Germany for a brief military training course in a completely isolated camp. They were then to be detailed as area and language specialists to German special troops, who were to be taken to Oslo on the coal barges to accomplish a political action. Thus Quisling planned to get hold of his leading opponents in Norway, including the King, and to prevent all military resistance from the very beginning. Immediately following this political action and upon an official request of Quisling to the Government of the German Reich, the military occupation of Norway was to take place. All military preparations were to be completed previously. Though this plan contained the great advantage of surprise, it also contained a great number of dangers which could possibly cause its failure. For this reason it received a quite dilatory

treatment, while at the same time it was not disapproved as far as the Norwegians were concerned.

"In February, after a conference with General Field Marshal Göring, Reichsleiter Rosenberg informed the Ministerial Director in the office of the Four Year Plan, Wohlthat, only of the intention to prepare coal shipments to Norway to the named confidant Hagelin. Further details were discussed in a conference between Wohlthat, Staff Director Schickedanz, and Hagelin. Since Wohlthat received no further instructions from the General Field Marshal, Foreign Minister Von Ribbentrop—after a consultation with Reichsleiter Rosenberg—consented to expedite these shipments through his office. Based on a report of Reichsleiter Rosenberg to the Führer it was also arranged at this conference to pay Quisling through Scheidt as liaison 10,000 English pounds per month for the next 3 months, commencing on the 15th of March, to support his work."

This was paid through Scheidt, the man who was mentioned before.

Now the other document, D-629, is a letter from Defendant Keitel to the Defendant Ribbentrop, dated the 3rd of April 1940. I need trouble the Tribunal only with the first paragraph. The Defendant Keitel says:

"Dear Herr Von Ribbentrop:

"The military occupation of Denmark and Norway has been, by command of the Führer, long in preparation by the High Command of the Wehrmacht. The High Command of the Wehrmacht has therefore had ample time to occupy itself with all the questions connected with the carrying out of this operation. The time at your disposal for the political preparation of this operation is, on the contrary, very much shorter. I believe myself, therefore, to be acting in accordance with your ideas in transmitting to you herewith, not only these wishes of the Wehrmacht which would have to be fulfilled by the Governments in Oslo, Copenhagen and Stockholm for purely military reasons, but also I include a series of requests which certainly concern the Wehrmacht only indirectly but which are, however, of the greatest importance for the fulfillment of its task."

Then he proceeds to ask that the Foreign Office get in touch with certain commanders. The important point for which I read it to the Tribunal—as far as I know, for the first time—is that there we have the Defendant Keitel saying quite clearly that the military occupation of Denmark and Norway has been long in preparation. And it is interesting when one looks back to the official life of Ribbentrop,

8 Jan. 46

which is contained in the archives and is Document D-472. I am quoting a sentence only because of the interesting contrast:

“With the occupation of Denmark and Norway on the 9th of April 1940 only a few hours before the landing of British troops in these territories, the battle began against the Western Powers.”

Then it goes on to Holland and Belgium.

It is quite clear that, whoever else had knowledge or whoever else was ignorant, this Defendant Ribbentrop had been up to his neck in the Quisling plottings, and it is made clear to him well a week before the invasion started, that the Wehrmacht and the Defendant Keitel had long been preparing this particular act of aggression.

I think, My Lord, that is really all the evidence on the aggression against Norway because, again, the story was put forward fully by my friend, Major Elwyn Jones.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 9 January 1946 at 1000 hours.]