

INTERNATIONAL MILITARY TRIBUNAL
NUREMBERG





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OF
THE MAJOR WAR CRIMINALS

BEFORE

**THE INTERNATIONAL
MILITARY TRIBUNAL**

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ONE HUNDRED AND FORTY-FIRST DAY

Wednesday, 29 May 1946

Morning Session

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): The Tribunal will adjourn this afternoon at 4 o'clock in order to sit in closed session.

MR. THOMAS J. DODD (Executive Trial Counsel for the United States): Mr. President, the day before yesterday the Tribunal asked if we would ascertain whether or not Document Number D-880 had been offered in evidence. It consists of extracts from the testimony of Admiral Raeder, and we have ascertained that it was offered, and it is Exhibit Number GB-483. It was put to a witness by Mr. Elwyn Jones in the course of cross-examination, and it has been offered in evidence.

THE PRESIDENT: Thank you.

MR. DODD: Also, with respect to the Court's inquiry concerning the status of other defendants and their documents, we are able to say this morning that with respect to the Defendant Jodl the documents are now being translated and mimeographed, and there is no need for any hearing before the Tribunal.

The Seyss-Inquart documents have been heard and are now being translated and mimeographed.

The Von Papen documents are settled; there is no disagreement between the Prosecution and the Defendant Von Papen, and they are in the process of being mimeographed and translated.

With respect to the Defendant Speer, we think there will be no need for any hearing, and I expect that by the end of today they will be sent to the translating and mimeographing departments.

The documents for the Defendant Von Neurath have not yet been submitted by the defendant to the Prosecution.

And with respect to the Defendant Fritzsche, our Russian colleagues will be in a position to advise us more exactly in the course of the day. I expect that I shall be able to advise the Tribunal as to the Defendant Fritzsche before the session ends today.

THE PRESIDENT: Does that conclude all questions of witnesses?

MR. DODD: Yes, I believe—at least, we have no objection to any of the witnesses.

THE PRESIDENT: Very well, then; there need not be any further hearing in open court on the cases of the Defendants Jodl, Seyss-Inquart, Von Papen, and Speer until their actual cases are presented.

MR. DODD: Yes, Sir.

THE PRESIDENT: Thank you.

DR. ROBERT SERVATIUS (Counsel for the Defendant Sauckel): Mr. President, I have a technical question to bring up. Yesterday the witness Hildebrandt arrived, but again it was the wrong Hildebrandt. This is the third witness who has appeared here in this comedy of errors. It was the wrong one for Mende, the wrong one for Stothfang, and the wrong one for Hildebrandt. But this witness knows where the right ones are.

The witnesses had received information in their camp that they were to appear here and they were then taken to the collecting center for Ministerial Directors in Berlin-Lichterfelde. Perhaps it will still be possible to bring these two witnesses here. Especially the witness Hildebrandt, who can testify about the French matters, would be of importance if we could still get him.

THE PRESIDENT: Was the name given accurately to the General Secretary?

DR. SERVATIUS: The name was given accurately. The other man's name was also Hildebrandt, only not Hubert but Heinrich. He was also a Ministerial Director...

THE PRESIDENT: I do not mean only the surname but all his Christian names.

DR. SERVATIUS: Yes, one name was Heinrich and the other Hubert, and abbreviated it was "H" for both, Dr. H. Hildebrandt, which apparently caused the confusion.

THE PRESIDENT: Well, I say the names of all witnesses had better be given in full; really in full, not merely with initials.

DR. SERVATIUS: I had given the name in full. As to the physician, the witness Dr. Jäger, I received his private address this morning. He is not under arrest. He was at first a witness for the Prosecution. His private address is in Essen, in the Viehhof Platz, and he is there now.

THE PRESIDENT: I think you had better take up all these details with the General Secretary, and he will give you every assistance.

DR. SERVATIUS: Concerning the case of Sauckel, I should like to make one more remark to the Tribunal.

There are about 150 documents which have been submitted by the Prosecution, and some of them are only remotely connected with Sauckel. No trial brief and no special charges were presented here orally against Sauckel, so that I cannot see in detail to what extent Sauckel is held responsible. The case was dealt with only under the heading of "Slave Labor," and so the ground of the defense is somewhat unsteady.

I do not intend to discuss every one of these 150 documents, but I should like to reserve the right to deal with some of them later if that should appear necessary. I want to point out only the most important ones, and then return to them in the course of the proceedings. At any rate, may I ask you not to construe it as an admission if I do not raise objections against any of these documents now.

THE PRESIDENT: No admission will be inferred from that. Dr. Servatius, I have before me here a document presented by the French Prosecution against the Defendant Sauckel. I suppose what you mean is that that document, that trial brief entitled *Responsabilité Individuelle*, does not refer to each of these 150 documents.

DR. SERVATIUS: There was, first of all, a document book, "Slave Labor," submitted by the American Prosecution, which is not headed "Sauckel" but "Slave Labor"; and I cannot say, therefore, which parts concern Sauckel in particular.

THE PRESIDENT: Well, it does say, "...and the special responsibility of the Defendants Sauckel and Speer therefore..." That is the American document book. It does name Sauckel.

DR. SERVATIUS: Yes.

THE PRESIDENT: And there is this other trial brief presented by Mr. Mounier on behalf of the French Delegation, which is definitely against Sauckel. But no doubt that does not specify all these 150 documents that you are referring to.

DR. SERVATIUS: Yes.

[The Defendant Sauckel resumed the stand.]

Witness, yesterday near the end of the session we spoke about a manifesto—that memorandum which was intended to impress upon the various offices their duty to carry out your directives and to remove the resistance that existed. Now, you yourself have made statements which are hardly compatible with your directives, it seems. I submit to you Document Number R-124. That concerns a meeting of the Central Planning Board of 1 March 1944. There, with regard to recruitment, you said that, in order to get the workers, one ought to resort to "shanghai," as was the custom in earlier days. You said:

"I have even resorted to the method of training staffs of French men and women agents . . . who go out on man hunts and stupefy victims with drink and persuasive arguments in order to get them to Germany."

Have you found that?

FRITZ SAUCKEL (Defendant): I have found it.

THE PRESIDENT: Whereabouts in 124 is it?

DR. SERVATIUS: That is Document R-124.

THE PRESIDENT: Yes, but it is a very long document.

DR. SERVATIUS: It is in the document itself, Page 1770.

THE PRESIDENT: Yes, I have got it.

SAUCKEL: That is, as I can see, the report or record of a meeting of the Central Planning Board of the spring of 1944. During that year it had become extremely difficult for me to meet the demands of the various employers of labor represented in the Central Planning Board. At no time did I issue directives or even recommendations to "shanghai." In this conference I merely used that word as reminiscent of my days as a seaman, in order to defend myself against those who demanded workers of me, and in order to make it clear to the gentlemen how difficult my task had become, particularly in 1944. Actually, a very simple situation is at the root of this. According to German labor laws and according to my own convictions, the "Arbeitsvermittlung" (procurement of labor)—the old word for "Arbeitseinsatz" (allocation of labor)—was a right of the State; and we, myself included, scorned private methods of recruitment. In 1944 Premier Laval, the head of the French government, told me that he was also having great difficulties in carrying out the labor laws where his own workers were concerned.

In view of that, and in agreement with one of my collaborators, Dr. Didier, conferences were held in the German Embassy—the witness Hildebrandt, I believe, is better able to give information about that—with the head of the collaborationist associations, that is to say, associations among the French population which advocated collaboration with Germany. During these conferences at the German Embassy these associations stated that in their opinion official recruitment in France had become very difficult. They said that they would like to take charge of that and would like to provide recruiting agents from their own ranks and also provide people from among their members who would go to Germany voluntarily. Recruitment was not to take place through official agencies but in cafés. In these cafés, of course, certain expenses would be necessary which would have to be met; and the recruiting agents would have to be paid a bonus, or be compensated by a

glass of wine or some gin. That way of doing things, naturally, did not appeal to me personally; but I was in such difficulties in view of the demands put to me that I agreed, without intending, of course, that the idea of "shanghai" with its overseas suggestions and so forth should be seriously considered.

DR. SERVATIUS: Did this suggestion come from the Frenchmen, or was it your suggestion?

SAUCKEL: As I have said already, the suggestion was made by the French leaders of these associations.

DR. SERVATIUS: If you read on a few lines in the document, you will find that mention is made of special executive powers which you wanted to create for the allocation of labor; it says there:

"Beyond that, I have charged a few capable men with the establishment of a special executive force for the Allocation of Labor. Under the leadership of the Higher SS and Police Leader a number of indigenous units have been trained and armed, and I now have to ask the Ministry of Munitions for weapons for these people."

How do you explain that?

SAUCKEL: That, also, can be explained clearly only in connection with the events that I have just described. At that time there had been many attacks on German offices and mixed German-French labor offices. The Director of the Department for the Allocation of Labor in the office of the military commander in France, President Dr. Ritter, had been murdered. A number of recruiting offices had been raided and destroyed. For that reason these associations who were in favor of collaboration had suggested, for the protection of their own members, that a sort of bodyguard for the recruiting organization should be set up. Of course I could not do that myself because I had neither the authority nor the machinery for it. In accordance with the orders of the military commander, it had to be done by the Higher SS and Police Leader; that is, under his supervision. This was carried out in conjunction with the French Minister of the Interior at that time, Darnand; so as to be able to stand my ground against the censure of the Central Planning Board, I used an example in this drastic form. As far as I know, these hypothetical suggestions were not put into practice.

DR. SERVATIUS: Who actually carried out the recruitment of the foreign workers?

SAUCKEL: The actual recruitment of foreign workers was the task of the German offices established in the various regions, the offices of the military commanders or similar civilian German institutions.

DR. SERVATIUS: You ordered recruitment to be voluntary. What was the success of that voluntary recruitment?

SAUCKEL: Several million foreign workers came to Germany voluntarily, as voluntary recruitment was the underlying principle.

DR. SERVATIUS: Now, at the meeting of the Central Planning Board—the same meeting which we have just discussed—you made a remark which contradicts that. It is on Page 67 of the German photostat, Page 1827 of the English text. I shall read the sentence to you. Kehrl is speaking. He says, "During that entire period, you brought a large number of Frenchmen to the Reich by voluntary recruitment."

Then an interruption by Sauckel: "Also by forced recruitment."

The speaker continues, "Forced recruitment started when voluntary recruitment no longer yielded sufficient numbers."

Now comes the remark on which I want you to comment. You answered, "Of the 5 million foreign workers who came to Germany, less than 200,000 came voluntarily."

Please explain that contradiction.

SAUCKEL: I see that this is another interruption which I made. All I wanted to say by it was that Herr Kehrl's opinion that all workers had come voluntarily was not quite correct. This proportion, which is put down here by the stenographer or the man writing the records, is quite impossible. How that error occurred, I do not know. I never saw the record; but the witness Timm, or others, can give information on that.

DR. SERVATIUS: I refer now to Exhibit Sauckel-15. That is Directive Number 4, which has been quoted already and which lays down specific regulations with regard to recruiting measures. It has already been submitted as Document Number 3044-PS. Why did you now abandon the principle of voluntary recruitment?

SAUCKEL: In the course of the war our opponents also carried out very considerable and widespread countermeasures. The need for manpower in Germany, on the other hand, had become tremendous. During that period a request was also put to me by French, Belgian, and Dutch circles to bring about a better balance in the economy of these territories and even to introduce what we called a labor draft law, so that the pressure of enemy propaganda would be reduced and the Dutch, Belgians, and French themselves could say that they were not going to Germany voluntarily but that they had to go because of a compulsory labor service and because of laws.

DR. SERVATIUS: Did the proximity of the front have any influence on the fact that people no longer wanted to come voluntarily?

SAUCKEL: Of course I came to feel that; and it is understandable that the chances of victory and defeat caused great agitation among the workers; and the way things looked at the front certainly played an important part.

DR. SERVATIUS: Did purely military considerations also cause the introduction . . .

THE TRIBUNAL (Mr. Francis Biddle, Member for the United States): Dr. Servatius, will you ask the witness what he means by a labor draft law. Does he mean a law of Germany or a law of the occupied countries?

DR. SERVATIUS: Witness, you heard the question, whether you mean a German law or a law of the administration of the occupied countries?

SAUCKEL: That varied. The Reich Government in some of the territories introduced laws which corresponded to the laws that were valid for the German people themselves. Those laws could not be issued by me, but they were issued by the chiefs of the regional administrations or the government of the country concerned on the order of the German Government.

In France these laws were issued by the Laval Government, in agreement with Marshal Pétain; in Belgium, in agreement with the Belgian general secretaries or general directors still in office or with the ministries.

THE PRESIDENT: Do you mean, in the other countries, by the German Government or the German Government's representatives? You have only spoken of . . .

SAUCKEL: The order to introduce German labor laws in the occupied territories was given by the Führer. They were proclaimed and introduced by the chiefs who had been appointed by the Führer for these territories, for I myself was not in a position to issue any directives, laws, or regulations there.

THE PRESIDENT: Go on.

DR. SERVATIUS: How were these laws carried out?

SAUCKEL: The laws were published in the official publications and legal gazettes, as well as being made known through the press and by posters in those territories.

DR. SERVATIUS: I mean the practical execution. How were the people brought to Germany?

SAUCKEL: They were summoned to the local labor office, which was mostly administered by local authorities. Cases had to be examined individually, according to my directives, which have been submitted here as documents. Cases of hardship to the family, or

other such cases, were given special consideration. Then, in the normal manner—as was done in Germany also—the individual workers or conscripted persons were brought to Germany.

DR. SERVATIUS: Were you present—did you ever witness this procedure?

SAUCKEL: I observed this procedure personally in a number of cities in Russia, France, and Belgium; and I made sure that it was carried out in accordance with orders.

DR. SERVATIUS: If compulsion was necessary, what coercive measures were taken?

SAUCKEL: At first, such compulsory measures were taken as are justified and necessary in every normal civil administration.

DR. SERVATIUS: And if they were not sufficient?

SAUCKEL: Then proceedings were proposed.

DR. SERVATIUS: These were legal measures, were they?

SAUCKEL: According to my conviction, they were legal measures.

DR. SERVATIUS: You have stated repeatedly in documents, which are available here, that a certain amount of pressure was to be used. What did you mean by that?

SAUCKEL: I consider that every administrative measure taken on the basis of laws or duties imposed by the state, on one's own nation, or in any other way, constitutes some form of stress, duty, pressure.

DR. SERVATIUS: Were not measures used which brought about some sort of collective pressure?

SAUCKEL: I rejected every kind of collective pressure. The refusal to employ collective pressure is also evident from decrees issued by other German offices in the Reich.

DR. SERVATIUS: Is it not true that in the East the villages were called upon to provide a certain number of people?

SAUCKEL: In the East, of course, administrative procedure was rendered difficult on account of the great distances. In the lower grades, as far as I know, native mayors were in office in every case. It is possible that a mayor was requested to select a number of workers from his village or town for work in Germany.

DR. SERVATIUS: Is that the same as that form of collective pressure, where, if nobody came, the entire village was to be punished?

SAUCKEL: Measures of that kind I rejected entirely in my field of activity, because I could not and would not bring to the German economy workers who had been taken to Germany in such a manner

that they would hate their life and their work in Germany from the very outset.

DR. SERVATIUS: What police facilities were at your disposal?

SAUCKEL: I had no police facilities at my disposal.

DR. SERVATIUS: Who exercised the police pressure?

SAUCKEL: Police pressure in the occupied territories could be exerted on order or application of the respective chief of the territory, or of the Higher SS and Police Leader, if authorized.

DR. SERVATIUS: Then it was not within your competence to exert direct pressure?

SAUCKEL: No.

DR. SERVATIUS: Did you exert indirect pressure by your directives, by cutting off food supplies, or similar measures?

SAUCKEL: After the fall of Stalingrad and the proclamation of the state of total war, Reich Minister Dr. Goebbels in Berlin interfered considerably in all these problems. He ordered that in cases of persistent refusal or signs of resistance compulsion was to be used by means of refusing additional food rations, or even by withdrawal of ration cards. I personally rejected measures of that kind energetically, because I knew very well that in the western territories the so-called food ration card played a subordinate role and that supplies were provided for the resistance movement and its members on such a large scale that such measures would have been quite ineffective. I did not order or suggest them.

DR. SERVATIUS: At the meeting of the Central Planning Board on 1 March 1944 you also stated that, if the French executive agencies were unable to get results, then one might have to put a prefect up against a wall. Do you still consider this to be legally justified pressure?

SAUCKEL: That is a similarly drastic remark of mine in the Central Planning Board which was never actually followed by an official order and not even by any prompting on my part. It was simply that I had been informed that in several departments in France the prefects or responsible chiefs supported the resistance movement wholeheartedly. Railroad tracks had been blown up; bridges had been blown up; and that remark was a verbal reaction on my part. I believe, however, I was then only thinking of a legal measure, because there did, in fact, exist a French law which made sabotage an offense punishable by death.

DR. SERVATIUS: May I refer to the document in this connection?

THE PRESIDENT: Is it in Document Number R-124?

DR. SERVATIUS: It is on Page 1776, where it says that on the basis of the law it would then be necessary to put a mayor up against a wall.

[Turning to the defendant.] Do you know what laws existed in France compelling co-operation from the French authorities, or whether there were such laws?

SAUCKEL: Yes, such laws existed.

DR. SERVATIUS: A number of reports, which were submitted here, concerning the application of measures of compulsion, mentioned abuses and outrageous conditions allegedly caused by recruitment measures. What can you say about that in general?

SAUCKEL: I did not quite understand your question.

DR. SERVATIUS: Concerning the use of compulsion, a number of reports were brought up here, and you have heard them; reports setting forth measures which must surely be generally condemned. You heard of the burning down of villages and the shooting of men. What can you say to that in general?

SAUCKEL: All these measures are clearly in contradiction to the directives and instructions which I issued and which have been submitted here in large numbers, and to these I must refer. These are methods against which, when I heard as much as hints of them, I took very severe measures.

DR. SERVATIUS: And who bears the immediate responsibility for such incidents?

SAUCKEL: The responsibility for such incidents rests with the local authorities which did these things.

DR. SERVATIUS: Were there any other offices besides the local authorities which dealt with recruitment of labor?

SAUCKEL: That is exactly what I was fighting for from the very beginning—to eliminate and combat the intricate maze of offices which, without restraint or control, recruited workers by compulsion. That was part of my job.

DR. SERVATIUS: What kind of offices were they? Local offices?

SAUCKEL: They were offices of all kinds. I myself heard about most of them only here.

DR. SERVATIUS: What was the situation with regard to the Todt Organization?

SAUCKEL: The Todt Organization for a long time recruited and used manpower independently in all territories.

DR. SERVATIUS: Did the labor service have anything to do with that?

SAUCKEL: Do you mean the labor service of Reichsarbeitsführer Hierl?

DR. SERVATIUS: Yes.

SAUCKEL: That I cannot say; that was a German military organization for training for manual work.

DR. SERVATIUS: Were workers taken for the Armed Forces?

SAUCKEL: Workers were employed for local urgent work, of course, by army groups, by construction and fortification battalions, and so on, which I neither knew about nor was in a position to control. Road building . . .

DR. SERVATIUS: How about the Reichsbahn?

SAUCKEL: The Reichsbahn repaired its tracks itself and recruited or hired the workers for its requirements whenever it needed them.

DR. SERVATIUS: These offices were not under your supervision?

SAUCKEL: No.

DR. SERVATIUS: Did they carry out your instructions or were they required to carry them out?

SAUCKEL: They were not obliged to carry them out; and for that very reason I sent out, and in a very emphatic form, that manifesto which was mentioned yesterday. As, however, I myself had no supervision over the executive authorities, I had to leave it to the various offices to take these instructions into consideration.

DR. SERVATIUS: Was the number of workers recruited in the various territories in that manner very large?

SAUCKEL: There were certainly very large numbers of them.

DR. SERVATIUS: There were also Reich offices which dealt with the question of manpower. What about the deportations carried out by Himmler? Did you have any connection with those?

SAUCKEL: With reference to the question of these deportations, I can only say that I did not have the least thing to do with them. I never agreed—I never could have agreed, in view of my own outlook, my development, and my life—I could not have agreed to the use of prisoners or convicts for work in that manner. That was absolutely foreign to my nature. I also have the firm conviction that, on account of my forcible statements and measures, I was intentionally kept uninformed about the whole matter, because it was quite contrary to my own views on work and on workers. I said very often—and it can be seen in documents here—that I wanted to win the co-operation of the foreign workers for Germany and for the German way of life, and I did not want to alienate them.

DR. SERVATIUS: These then were the various offices which, apart from you, had to do with recruitment of workers?

SAUCKEL: May I make a short statement in that respect? I heard the word "deportation" a few times in Germany and I always rejected the idea very emphatically because I knew nothing about such operations. According to the use of the word in the German language I understand "deportation" to mean the sending away of prisoners and of people who have committed some punishable act against the State. I never carried out deportations because of my own views on the ethics of work. On the contrary, I gave the workers recruited through my office—and that was the point on which I finally obtained Hitler's consent at the beginning of my job, and it was not an easy matter—I gave all foreign workers legal contracts, whether they came voluntarily or through German labor conscription. They should and must receive the same treatment, the same pay, and the same food as the German workers. That is why I rejected the idea of deportation in my methods and my program. I can testify here with a clear conscience that I had nothing at all to do with those deportations, the terrible extent of which I learned only here.

DR. SERVATIUS: You have pointed out repeatedly that this labor had to be brought to Germany under all circumstances, that one had to proceed ruthlessly, that it was an absolute necessity to get the workers. Does that not show that you agreed with such measures?

SAUCKEL: I should like to point out the following distinction:

My directives and instructions can be clearly seen in numerous documents. I could issue only these because I had no executive power and no machinery of my own. All these directives, from the very beginning, prescribe legally correct and just treatment. It is true, however, that I used the words "under all circumstances" when communicating with German offices—the Führer himself had impressed these words on me—and I used the word "ruthlessly," not with respect to the treatment of workers but with respect to the many arguments, disputes, arbitrary acts, and individual desires which the German offices, with which I had to contend fiercely, had among themselves and against me. For the most part they did not understand the importance of the allocation of labor as an economic measure in time of war. The military authorities, the army commanders, very often told me, for instance, that it was nonsense to bring these people to Germany. There was the Vlassov Army under the Russian general of that name, and the military authorities wanted these Russian workers to join the Vlassov Army. I opposed that. I did not consider it right, nor did I consider it

sufficiently reliable. These were the things against which I had to proceed ruthlessly in my dealings with the German administration in those territories.

DR. SERVATIUS: Were there other circumstances, too, which led to the transportation of people to Germany?

SAUCKEL: Yes, there were other circumstances which, however, were not connected directly but indirectly with the allocation of labor, and they often took me by surprise; for example, the evacuation of military zones, which frequently had to be carried through at a moment's notice or after only a very short time of preparation. And when such an evacuation had been carried out it was the task of the local labor offices to put the evacuated population to work in areas in the rear or to bring to Germany such workers as could be used there.

This sort of labor allocation entailed, of course, considerable difficulties for me. There were families and children among the evacuated people; and they, naturally, had also to be provided with shelter. It was often the very natural wish of the Russian fathers and mothers to take their children with them. That happened, not because I wanted it, but because it was unavoidable.

DR. SERVATIUS: And did you always use this labor, or only occasionally?

SAUCKEL: To a large extent those people were used by the local authorities in those territories and put into agriculture, industry, railroads, bridge building, and so on.

DR. SERVATIUS: Did you have anything to do with resettlement?

SAUCKEL: I never had anything to do with resettlement. By a decree of the Führer that task was expressly delegated to the Reichsführer SS.

DR. SERVATIUS: Did Rosenberg not report to you about bad conditions which existed in his sphere?

SAUCKEL: Yes. I had about four conversations with Rosenberg, at his request; and he told me about the bad conditions. There was no doubt on my part that such conditions were to be utterly condemned.

DR. SERVATIUS: Did he speak about Koch?

SAUCKEL: The Reichskommissariat Ukraine was mainly involved. There were considerable differences between the Reich Minister for the Occupied Eastern Territories, Rosenberg, and Reich Commissioner Koch.

DR. SERVATIUS: Were you in a position to take measures against Koch?

SAUCKEL: Koch was not subordinate to me either directly or indirectly. I could not give him any instructions in such matters. I let him know from the outset that I could not possibly agree with such methods as I had heard about, to some extent through Rosenberg, although I could not prove them.

Koch was of the opinion—and he explained that in his letters to Rosenberg—that in his territory he was the sole authority. He also pointed that out to me.

DR. SERVATIUS: Did Rosenberg not think the cause for these conditions was that your demands were too high?

SAUCKEL: I also spoke to Herr Rosenberg about that. I personally was of the opinion that, if the demands could be divided up and orderly recruitment and conscription could take place, it was quite possible to fill the quotas. After all I had orders and instructions from the Führer and the Central Planning Board.

DR. SERVATIUS: Did you ever talk about the methods which should be used?

SAUCKEL: The methods that should be used were not only frequently discussed between us, but I published them in many very clear directives. I even went so far as to issue and distribute my manifesto over the head of this higher authority to the subordinate offices so that they could be guided by it.

I have to point out emphatically, however, that these were incidents which occurred for the most part before my directives came into effect and before my appointment.

DR. SERVATIUS: I want to refer you to Document Number 018-PS. That is in the "Slave Labor Brief," Page 10.

THE PRESIDENT: That is not Page 10. It is Number 10.

DR. SERVATIUS: It is Exhibit Number USA-186. In the English "Slave Labor" Book it is Document 10. It is a letter of 21 December 1942.

[The document was handed to the defendant.]

If you go through that document, you will see that Rosenberg complains about the methods used by your agents and collaborators. What are these offices for which you are being made responsible here?

SAUCKEL: There is an error in this letter on the part of Herr Rosenberg, because it was not I who had offices there but the Reich Commissioner.

DR. SERVATIUS: In other words you are saying that he addressed himself to the wrong person?

SAUCKEL: Yes.

DR. SERVATIUS: Then will you lay that document aside.

SAUCKEL: Rosenberg writes on Page 2, "I empowered the Reich Commissioner for the Ukraine..."

DR. SERVATIUS: You assume, therefore, that the writer of this letter did not himself know exactly who the authorities in his territory were?

SAUCKEL: Yes, that was quite possible, because I myself had only been in office a short time.

DR. SERVATIUS: What did you do as a result of the complaint which Rosenberg made? Did you do anything at all?

SAUCKEL: After receiving Rosenberg's letter I had a discussion with him immediately. As it was shortly before Christmas, 21 December 1942, I called by telegram an official meeting at Weimar for 6 January, to which representatives of the respective offices in the East were invited. I also invited Reich Minister Rosenberg to that meeting. And at that conference these officials were again told clearly and unmistakably that it was their duty to use correct and legal methods.

DR. SERVATIUS: In that connection I would like to refer to Document Number Sauckel-82. It is in the Sauckel Document Book Number 3, Page 207. I submit the handbook itself, which contains a number of documents for judicial notice.

I quote one sentence from the speech on the principles of recruiting which Sauckel made there before 800 people who were employed in the Allocation of Labor program.

THE PRESIDENT: Did you say 800?

DR. SERVATIUS: Page 206.

THE PRESIDENT: It is 8,000 in my copy. Isn't it 8,000?

DR. SERVATIUS: The third book, Page 206, Document Number 82.

THE PRESIDENT: I am looking at Document Number 82. I thought you said 800 men were employed. I am looking at the beginning of Document 82.

DR. SERVATIUS: It begins on Page 204. He spoke before 800 people, not 8,000. It should be 800. That is a mistake in the translation of the document.

THE PRESIDENT: Very well.

DR. SERVATIUS: The following is stated here:

"Principles of our recruiting:

"1) Where the voluntary method fails (and experience shows that it fails everywhere) compulsory service takes its place..."—I skip a few sentences.

"It is bitter to tear people from their homes, from their children. But we did not want the war. The German child who loses its father at the front, the German wife who mourns her husband killed in battle, suffer far more. Let us disclaim every false sentiment now."

THE PRESIDENT: You have left out some of the document, have you not?

DR. SERVATIUS: I did not quite understand.

THE PRESIDENT: You have left out some of the document.

DR. SERVATIUS: Yes, I omitted some sentences and I said so. But I can read all of it.

THE PRESIDENT: I only mean on Page 206. I didn't mean the whole document. On Page 206 you have just skipped two sentences.

DR. SERVATIUS: I have four sentences there. I will read them again:

"Where the voluntary method fails, compulsory service takes its place."

Then I omitted two sentences, which I shall now read:

"This is the iron law for the Allocation of Labor for 1943. In a few weeks from now there must no longer be any occupied territory in which compulsory service for Germany is not the most natural thing in the world."

THE PRESIDENT: Didn't you also leave out the words "experience shows that it fails everywhere"?

DR. SERVATIUS: I read that the first time; I wanted to save time.

"We are going to discard the last remnants of our soft talk about humanitarian ideals. Every additional gun which we procure brings us a minute closer to victory. It is bitter to tear people from their homes, from their children. But we did not want the war. The German child who loses its father at the front, the German wife who mourns her husband killed in battle, suffer far more. Let us disclaim every false sentiment now.

"Here we must be guided by the realization that in the long run a high output can be demanded of foreign workers only if they are satisfied with their lot. I will not tolerate men being treated badly.

"3) Under no circumstances are you, as the recruiting commission abroad, permitted to promise things which according to the directives and regulations issued are not possible and cannot be carried out on account of the war. It is much better to introduce labor conscription and say, 'You must take this

upon yourselves and in return you will enjoy the rights of the workers employed in Germany.' Anyone who works in Germany has rights in Germany, even if he is a Bolshevist. We shall watch very carefully to insure that the German name be not sullied. You can demand of me any protection in your field of work, but none for any crimes. The name of our nation is holy. For the first time in German history you must represent for the Reich the principles of German labor. Be conscious of that at all times."

[Turning to the defendant.] Apart from the information which you received from Rosenberg, did you receive any other reports concerning recruiting methods?

SAUCKEL: Apart from the information from Rosenberg and his letters of that time, I did not receive any other direct complaints. But I had issued emphatic orders that any complaints received by my office were to be forwarded immediately to the competent Reich authorities for investigation, punishment, and the remedying of the grievances. I should like to state this: My office received a great many complaints which concerned me; but they were complaints about insufficient numbers of workers provided by me. It was my duty to correct this. For the correction of inadequacies in administration, for eliminating unjust measures in various fields or various agencies, I could not be competent, as the Reich authorities themselves were competent in that respect.

DR. SERVATIUS: But it should have been of great interest to you what happened there. Did you not hear anything of these incidents? Was nothing reported to you?

SAUCKEL: That I was interested from a humane and personal point of view can be seen from the fact that I was concerned about these things, although they did not come within my office.

DR. SERVATIUS: But you spoke here about one case in which it was reported to you that a cinema had been surrounded. Perhaps you remember that case?

SAUCKEL: When on a visit to Field Marshal Kluge, I heard from him that he had been informed that in the area of his army, or army group, a cinema had been surrounded and the people attending the cinema had been brought to Germany to work. I immediately had that case most carefully investigated, and the investigation took 3 months. Witnesses will be able to testify to that when they appear here. The result of the investigation was the following: It was not a case of labor recruitment for Germany. A construction unit near Rovno was celebrating in that cinema the end of one of its tasks; and in the middle of that celebration the order was received that this unit had to be put on a new job, a

different place of work. The contractor thereupon interrupted the celebration in a very drastic way by having the immediate transport of these workers carried out by a force of police. That, of course, had nothing to do with my work and my organization; but it took me 3 months to discover the true facts of this complaint by Field Marshal Kluge. In every case where such complaints came to my attention I investigated and dealt with them and condemned them, because they did not help me.

DR. SERVATIUS: We will leave this matter of recruitment now and turn to the question of the transportation of these people to Germany. Who was responsible for their transportation?

SAUCKEL: For transportation the German Reichsbahn and the authorities designated in my Directive Number 4—regional offices and regional labor departments—were responsible. Immediately on assuming my office I had a detailed discussion with Dr. Dorpmüller, Reich Minister of Transport; his state secretary, Dr. Ganzenmüller; and before him Dr. Kleinmüller; and it was agreed that the transportation of workers to Germany should be carried out in an unobjectionable manner; that the transport trains should be supplied with food for the duration of the journey; that, if Russians were included in these transports, the cars should under no circumstances be overcrowded; and that, if at all possible, passenger coaches should be used for these transports. We agreed on this, though the Reich Minister of Transport said that he could not be expected to provide the people with better transport than the German soldiers had; still, he could at least guarantee that the cars would not be overcrowded.

DR. SERVATIUS: You have seen the Molotov report, that is Exhibit Number USSR-51. You know its contents, describing the conditions of these transports, saying that the cars were overcrowded, that the dying were thrown out and left lying on the tracks, and that newly born children died immediately. Were such conditions reported to you, or did you hear of them in your official position?

SAUCKEL: Such incidents were not reported to me in my official position, and they could not possibly have referred to worker transports of my office.

DR. SERVATIUS: What kind of transports could they have been then?

SAUCKEL: As far as I could determine from the proceedings here, they must have been transports of inmates of concentration camps who were being evacuated. I do not know for certain; but I cannot explain it otherwise because I would not tolerate such conditions under any circumstances, nor did I hear about them. Such things were of no advantage to us.

THE PRESIDENT: Where is that document, USSR-51?

DR. SERVATIUS: USSR-51 is the official report which I received in printed form. I have a printed German copy. I assume that it has been submitted to the Tribunal already. If not, I will obtain it and submit it myself.

THE PRESIDENT: If it has got the Number USSR-51, it must have been submitted to the Tribunal. That is the exhibit number. I wonder whether it has got some other number by which we can identify it?

DR. SERVATIUS: The Prosecution handed me Document Number 054-PS: that is Exhibit Number USA-198. That is Number 13 in the English "Slave Labor" Book.

[Turning to the defendant.] There, on Page 4, mention is made of a return transport, and in connection with it very bad conditions are described and censured. Did you find it? The passage begins:

"Very depressing effects on the morale of the skilled workers and the population are caused above all by people returning from Germany in a condition unfit for work, or who were already unfit before they came to Germany."

SAUCKEL: These can only be incidents which occurred before . . .

THE PRESIDENT: We haven't had the question yet, have we? The question didn't come through, I think.

DR. SERVATIUS: I will put the question again.

In this document mention is made of return transports from Germany to the East, and two transports are denounced on account of the abominable conditions which are described. I quote from the document:

"Very depressing effects on the morale of the skilled workers and the population are caused above all by people returning from Germany in a condition unfit for work, or who were already unfit before they came to Germany. Several times already transports of skilled workers on their way to Germany have passed returning transports of such unfit persons, and they have stood on the tracks alongside each other for some time. On account of the insufficient care given these returning transports (sick, injured, or weak people, mostly 50 or 60 to a car, often many days without sufficient care and food, usually escorted by only 3 or 4 men), and through the frequently very unfavorable—even if exaggerated—statements of these repatriates about their treatment in Germany and en route, added to what the people could see with their own eyes, a psychosis of fear developed among the skilled workers and others being transported to Germany. Several transport

leaders, especially those of the 62d and the 63d Transports, reported details in this connection. In one case the leader of the transport of skilled workers observed with his own eyes how a person who had died of hunger was unloaded on the side track from a returning transport. (1st Lt. Hofmann of the 63d Transport, Darniza Station.) On another occasion it was reported that en route three dead..."

THE PRESIDENT: I don't think you need read all of this to the defendant. He probably knows it and he can give his answer upon it.

DR. SERVATIUS: You see that reference is being made to a report; will you please comment on it?

SAUCKEL: Concerning this report, may I say the following: These terrible conditions had to be investigated at once by the local authorities concerned. A report on the result of the investigation did not reach me. This report here was also not made to me. I may point out that the transportation to Germany of sick people unfit for work was strictly prohibited by me, because that would have been a crime and an impossibility from the economic point of view. I could not possibly say who sent these trains back. It was also not established what kind of transports they really were. The report describes conditions which already existed before I came into office. I, personally—and I should like to emphasize this particularly—issued a decree according to which sick people or pregnant women—I personally issued orders that, if a return transport of sick people were necessary, the German Red Cross were to furnish personnel to accompany these people all the way back to their native place. These orders can be found among the codes. Such terrible cases of negligence and crime are, therefore, in contradiction to the clear regulations issued by the German labor authorities.

DR. SERVATIUS: Did you not equip Bad Frankenthal for sick people who could not return?

SAUCKEL: In my own Gau it was not Bad Frankenthal but Bad Frankenhausen, Kyffhäuser, which I made available for sick Soviet workers. In addition, I had a large school set aside in Edendorf near Weimar with 100 beds for typhus patients and Russian prisoners of war. So, on my own initiative, I myself did everything possible to help in dealing with cases of sickness and similar matters. It was also prohibited to return people while they were in a sick condition.

THE PRESIDENT: We had better adjourn now.

[A recess was taken.]

DR. SERVATIUS: When the workers arrived in Germany . . .

SAUCKEL: May I say something about Document Number 054-PS to supplement my testimony? It is very important.

DR. SERVATIUS: Yes.

SAUCKEL: On Page 5, near the center of the page, I should like to call your attention to the following sentence of the reporter —this is a report within a military authority: "These extreme incidents which took place in transports in the first few months did not, to our knowledge, repeat themselves in the summer." In the first months of the year 1942 I was not even in office, and my program did not commence until May. In the summer of that year, as it is correctly stated here, an end was put to this state of affairs.

Furthermore, I should like to call attention in the same document, 054-PS, I believe on Page 10, to a copy of a letter of complaint which says, "As I informed you in my letter of 20 April 1942 . . ." It is evident, therefore, that this letter deals with complaints about conditions which must have been disclosed before I assumed office.

DR. SERVATIUS: I was going to ask you about the arrival of workers in Germany. What happened when a transport arrived in Germany?

SAUCKEL: Upon their arrival in Germany the people of the transport had not only to be properly received but they also had to be medically examined again and checked at a transit camp. One examination had to be made at the time and place of recruitment, and another took place at a fixed point before the border. Thus, from the time of recruitment until being put to work three medical examinations and checks had to be made, according to my directives.

DR. SERVATIUS: What were the transit camps?

SAUCKEL: These transit camps were camps in which the people from the various transports came together at the border, and where they were examined and registered in the proper manner.

DR. SERVATIUS: I submit Document Number UK-39 to you. I have no exhibit number for it.

THE PRESIDENT: It is a British exhibit?

DR. SERVATIUS: I could not establish whether it already has an exhibit number; I shall have to check on that. At any rate, it was given to me.

THE PRESIDENT: You gave the Number UK-39?

DR. SERVATIUS: Yes, UK-39.

THE PRESIDENT: It must be a British exhibit number, must it not?

SIR DAVID MAXWELL-FYFE (Deputy Chief Prosecutor for the United Kingdom): The series is not a British exhibit; our exhibits are "GB." It is an earlier series of documents that we have prepared. But we will try to find out.

DR. SERVATIUS: If you will look at this document, it is a letter of the Reich Security Main Office, dated 18 January 1943, concerning "Concentration Camp Hertogenbosch." Then it says, "This camp will be equipped as a transit and reception camp."

Was that a place to which your workers were sent?

SAUCKEL: The Allocation of Labor had nothing at all to do with these camps and concentration camps. This was not a transit camp for workers but was obviously the transit camp of a concentration camp. These were not at all known to me. I never had to and never did concern myself with such transports and transit camps; and I would not have done it.

DR. SERVATIUS: A report of the French Government was submitted here; it is Document Number UK-78 and French Exhibit Number RF-87. The heading is "Third Study." It is a very comprehensive report. I shall quote from my notes. The report contains the following, roughly: "Immediately upon their arrival the workers were taken to these actual slave markets which were called sorting houses. The living conditions there were miserable."

Is that one of your transit camps which is so described?

SAUCKEL: That is absolutely impossible; such a camp never existed.

DR. SERVATIUS: How was the distribution of the workers carried out in practice? I refer once more to the Molotov report, Document Number USSR-51. The Soviet Delegation says here that this document was submitted under that exhibit number. The report says that the workers were taken to the slave market and were sold for 10 to 15 marks. What do you have to say to that?

SAUCKEL: I believe every German employer who received these workers, either in agriculture or in war industry, is a witness to the fact that a procedure of this sort never took place in any form; that it was quite inconceivable that such slave markets were instituted through the authority of the Reich Ministry of Labor; but that these workers who passed through National Socialist labor exchanges received exactly the same contracts and conditions as the German workers themselves, with some variations, and in no case were they put to work like slaves without rights or pay, without a contract, without sickness insurance, or without accident insurance. That may be seen from the numerous directives and decrees which were issued by the Reich Ministry of Labor and by me for every race involved.

DR. SERVATIUS: What were the general living conditions of foreign workers in Germany?

SAUCKEL: The general living conditions of foreign workers in Germany as far as they were recruited through the offices of the Allocation of Labor, were exactly the same as those of German workers who were accommodated in camps. Living conditions were dependent on the circumstances of war and, in contrast with peacetime, were subject to the same limitations as applied to the German population. The adjutant of Herr Von Schirach, a man unknown to me, who appeared here as a witness yesterday, described conditions in Vienna; those conditions existed in other German cities too.

DR. SERVATIUS: What were the security measures in these camps?

SAUCKEL: In the camps themselves?

DR. SERVATIUS: Well, I mean generally.

SAUCKEL: The security measures were the responsibility of the Police, not mine, because the camps came under the various industries and the German Labor Front.

DR. SERVATIUS: Now, I submit Document Number EC-68. It contains directives issued by the Regional Food Office of Baden regarding the treatment of Poles in Germany. This is Exhibit Number USA-205, to be found in the American Document Book "Slave Labor," the fourth document. I shall now read the beginning of this document, which you have already seen. It says there:

"The offices of the Reich Food Administration—(Regional Food Office) of Baden—have received with great satisfaction the result of the negotiations with the Higher SS and Police Leader in Stuttgart on 14 February 1941. Appropriate memoranda have already been sent to the district food offices. Below I promulgate the individual regulations as they were laid down during the conference and are now to be supplied accordingly:

"1. In principle farm workers of Polish nationality no longer have the right to complain; consequently, no complaints may be accepted by any official agency.

"2. Farm workers of Polish nationality may no longer leave the localities in which they are employed."

Now, I shall omit some points and just confine myself to the essential parts. I turn to Point 5:

"5. Visits to theaters, cinemas, or other cultural entertainments are strictly prohibited for farm workers of Polish nationality."

Other regulations follow, prohibiting use of the railroad, and under Number 12 there is a vital provision:

"12. Every employer of Polish farm workers has the right to administer chastisement..."

Please comment on this document and tell us to what extent you approve of it.

SAUCKEL: First of all, I should like to point out that this document is dated 6 March 1941—that is, more than a year before I assumed office. Such an absurd and impossible decree never came to my attention during my term of office. But since I am now being confronted with the document and am learning about it, I should like to refer to my own decrees, which I issued entirely independently of what had gone before and which automatically revoked such decrees. In order to prevent these absurd decrees of some agency in the Reich from being effective, I had my decrees collected and published in a handbook in which it says—because of the time factor and out of respect for the Tribunal, I cannot ask the Tribunal to look at all of them; but they are in direct contradiction to such views. I would like to ask that I be permitted to quote just one sentence from the manifesto already referred to, which is directed against such nonsense and against the misuse of manpower. I refer particularly to my directives for fair treatment. The sentence reads as follows:

"... these orders and directives, as well as their supplements, are to be brought very forcibly to the attention of works managers and leaders of camps for foreign nationals, as well as their personnel, at least four times a year by the regional labor offices. Actual adherence to them is to be constantly supervised."

DR. SERVATIUS: Does the manifesto end with that?

SAUCKEL: That is a paragraph from the manifesto which refers specifically to my orders prescribing just and humane treatment, sufficient food, leisure time, and so forth.

DR. SERVATIUS: You issued a great number of directives. Did you notice any opposition to your basic regulations; and, if so, what did you do?

SAUCKEL: As soon as I noticed opposition I made special reference to my decrees, of course, because they had been approved by the Führer, upon my recommendations, for my field of activity.

DR. SERVATIUS: As far as care and welfare were concerned, did the DAF—the German Labor Front—play a special role? What was the task of the DAF?

SAUCKEL: The task of the DAF was to care for German workers and look after their interests. In this capacity it had to

concern itself, as a matter of course, with the welfare of foreign workers. That was its ordinary task; and at the same time it had a corrective influence on state labor administration, an influence similar to that exerted by the trade unions on state control, as far as it exists, in other countries.

DR. SERVATIUS: What tasks did the works managers have?

SAUCKEL: They had the task of regulating the total production of their works; and, of course, they were fully responsible for their workmen and for the foreign workers who had been assigned to them.

DR. SERVATIUS: Were they primarily responsible, or was the DAF responsible?

SAUCKEL: The employers were primarily responsible, according to the law regulating German labor.

DR. SERVATIUS: Now the workers were mostly billeted in camps. Who supervised the accommodations in these camps?

SAUCKEL: The accommodations in these camps were under the final supervision of the German trade inspection office, which was under the Reich Ministry of Labor. The trade inspection office had the authority and power to enforce observance from employers who failed to comply with the orders of the Reich Minister of Labor.

DR. SERVATIUS: Did you yourself issue any orders or decrees concerning the camps?

SAUCKEL: I personally issued orders concerning the camps, but they could be put into effect and supervised only by the Reich Minister of Labor.

DR. SERVATIUS: So much about the accommodations of the camps. Now what were the living conditions within the camps? Who was responsible for them?

SAUCKEL: In the camps themselves the camp leaders were responsible. The camp leader was appointed by agreement between the DAF and the works manager, and to my knowledge—this was not within the range of my duties—his appointment had to be confirmed and accepted by the security authorities.

DR. SERVATIUS: You speak of the security authorities. To what extent did the Police take part in the surveillance of these camps, the maintenance of discipline, and such matters?

SAUCKEL: Surveillance of the camp and maintenance of discipline was the task of the camp leader, and had nothing to do with the Police. The Police had, as I believe is the case in every country, surveillance and control rights as regards espionage and the secrecy of the plant, *et cetera*. Beyond that, the Police had nothing to do with the camp.

DR. SERVATIUS: Were these camps shut off from the outside world? What was the situation in that respect when you assumed office?

SAUCKEL: When I assumed office, the camps, particularly of the Eastern Workers, were very much shut off from the world and were fenced in with barbed wire. To me this was incompatible with the principle of employing productive and willing workers; and with all the personal energy I could muster, I succeeded in having the fences and barbed wire removed; and I also reduced the limits of the curfew regulations for Eastern Workers, so that the picture which was presented here yesterday could eventually be realized. Anything else would have been incompatible, technically speaking, with the workers' willingness to work, which I wanted.

DR. SERVATIUS: Now the question of food. What was the food of these foreign workers?

SAUCKEL: The feeding of the foreign workers came under the system that was applied to the feeding of the German people, and accordingly additional rations were allotted to people doing heavy, very heavy, or overtime work.

DR. SERVATIUS: Did this situation exist when you assumed office?

SAUCKEL: When I assumed office and received the order from the Führer that in addition to the foreign workers who were already in the Reich I was to bring further quotas into the Reich, the first step I took was to visit the Reich Minister for Food, for it was obvious to me that bringing in foreign workers was in the first place a question of feeding; poorly fed workers, even if they want to, cannot turn out satisfactory work. I had many detailed conversations with him; and by referring to the Führer and the Reich Marshal, I succeeded in obtaining suitable food for the workers, and food quotas were legally fixed. It was not easy to do this because the food situation, even for Germans, was always strained; but without these measures it would not have been possible for me, also from a personal point of view, to carry through my task.

DR. SERVATIUS: Details with regard to the food situation were mentioned here which would justify the assumption that extremely bad conditions existed. Was nothing of this sort brought to your attention, or did you yourself not hear anything?

SAUCKEL: As far as bad feeding conditions in the work camps of civilian laborers is concerned I never had any very unfavorable reports. I personally made repeated efforts to have this matter in particular constantly looked into. The works managers themselves took the problem of food very seriously.

DR. SERVATIUS: Did you not, in a decree and letter to the Gau labor offices and Gauleiter, deal with the subject of good treatment of foreigners; and did you not on that occasion criticize existing conditions?

SAUCKEL: Immediately after I assumed office, when the Gauleiter were appointed as plenipotentiaries for the Allocation of Labor in their Gaue, I called their attention to the food situation and ordered them to give their attention to that question and also to the question of accommodation. I heard that in two Gaue my instructions were not being taken seriously enough. In one case I myself went immediately to Essen and remedied the situation there—it concerned the barbed wire—and in another case, in eastern Bavaria, I also intervened personally. Besides that, I made use of these two incidents to write to the Gauleiter and the governments of the German Länder and provinces and again pointed out the importance of observing these instructions.

DR. SERVATIUS: I refer to Document 19, that is in the English Book Number 1, Page 54; Document Sauckel-19.

THE PRESIDENT: 19?

DR. SERVATIUS: This is Document Number 19, in the first document book, Page 54. Only a portion of this is reproduced. In a circular to all the Gau labor offices and Gauleiter is the following:

“If in a Gau district the statement is still being made that ‘if anyone in the Gau has to freeze this winter, the first ones should be the Russians’ (that is, the Russian civilian laborers employed for work in the Gau), such a statement shows plainly that in that region of the Gau the contact between the administrative labor office and the competent political offices is as yet not close enough. It is one of the most important tasks of the Allocation of Labor and the collaboration between you and the Gauleiter as my deputies for the Allocation of Labor to see to it that the foreign workers recruited for the German armament industry and food economy are looked after in such a manner as to enable them to give the maximum of efficiency. There is, therefore, no question of protecting from want German fellow countrymen only and being satisfied with inadequate provisions for laborers of foreign origin. On the contrary, it is imperative to bear constantly in mind the fact that, in order to bring about victory, a maximum of efficiency must be demanded not only of German fellow countrymen but also of the foreign workers. It would be absurd to bring foreign workers into the country, at considerable expense, for work for German economy and then to

allow their efficiency to be impaired or ruined through lack of proper care."

In conclusion there follows a reminder that Sauckel's decree must be observed.

[Turning to the defendant.] What was the situation with regard to the clothing of foreign workers?

SAUCKEL: The clothing of foreign workers from the western regions gave us relatively little trouble for these workers were well supplied and they were also compensated for their clothing. But the clothing of the Eastern Workers was a problem. On behalf of the Eastern Workers I applied to the Reich Minister of Economy for a quota of clothing and provided 1 million Eastern Workers with all necessary under and outer clothing. To supply this quota of clothing 10,000 workers were required as well as 30,000 tons of raw materials. Thus, every care was given to the question of clothing, and this clothing was actually issued.

DR. SERVATIUS: The French Delegation has submitted Document Number RF-5. It is a propaganda brochure, *Work for Europe*. I had also submitted this, and the Tribunal took judicial notice of it. I should like to submit it again and refer to three pictures contained therein. The essential thing about these pictures is that some of the workers coming from the East arrived barefoot, and later there are pictures where these workers are seen well dressed in Germany, and it is evident that the situation as regards the clothing of these workers had made considerable progress in Germany.

THE PRESIDENT: Is this Sauckel-5?

DR. SERVATIUS: No, it is a document of the French Delegation, Document RF-5.

[Turning to the defendant.] What was the situation with regard to working hours? Who regulated the working hours?

SAUCKEL: The working hours were regulated on the basis of decrees by the Führer, the Ministerial Council, and later on by Reich Minister Goebbels. The carrying out of these decrees was my task.

DR. SERVATIUS: What was the average working time?

SAUCKEL: One can hardly talk of an average working time in Germany during the war. There was the legal working time of 8 hours. For anything beyond 8 hours, overtime had to be paid.

In the year 1943 the average working time per week was at first set at 54 hours; later, as far as it was necessary, at 10 hours per day. When Reich Minister Dr. Goebbels became Reich Delegate for Total War Effort, against my objections and against the objection of other offices but on the basis of the authority which he had, he demanded and proclaimed a 10-hour working day for all offices and

industries. However this could not be carried through at all, for in many industries and offices work had to be regulated according to the difficulties which were already then appearing—difficulties of raw materials, power supply, and the amount of work. But in exceptional cases, which were not infrequent, 11 and 12 hours of work were put in where production demanded it. German workers as well worked longer hours. All workers were then compensated accordingly.

DR. SERVATIUS: In the French Document Number RF-22, on Page 101 of the German text, is the following:

“From the interrogations by the agencies of the *Ministère des Prisonniers* of deported workers who had returned home, it can be seen that the average time of work per week was at least 72 hours.”

Then the source of this information is mentioned, but that does not interest us here.

“Sixty-four-hour weeks were not infrequent. Cases of 100-hour weeks with 30 to 38 consecutive hours were mentioned.”

What can you tell us about this? Did such cases come to your attention?

SAUCKEL: I cannot comment on these reports, because I do not know whether they concern people who were being used in concentration camps or those who were used as civilian workers in the other sector for which I was responsible. It is correct that in very exceptional cases there were periods in which long hours of work were put in. That was decided by the factory and applied also to the German workers. But in such cases appropriate rest periods had to be interspersed. These long hours were worked only for the completion of important contracts. Where these people actually worked, I cannot determine from the interrogation and, therefore, I cannot give you a precise answer.

DR. SERVATIUS: What were the provisions for free time?

SAUCKEL: Free time was at the disposal of the workers.

DR. SERVATIUS: Who was responsible for regulating free time?

SAUCKEL: The regulation of free time was the responsibility of the DAF as far as the arrangements of details for free time were concerned.

DR. SERVATIUS: What was the situation regarding the employment of children and young people?

SAUCKEL: By German Reich law children under 12 years of age are not permitted to work. Children under 14 are only permitted to work a few hours on the land.

DR. SERVATIUS: Did you issue decrees about working hours for children?

SAUCKEL: I issued decrees or confirmed the laws which were already in existence insofar as they applied to this work.

DR. SERVATIUS: Now I shall show you Document Number 345-PS, which is a letter written by Reich Minister Rosenberg to Lammers, dated 20 July 1944.

[The document was handed to the defendant.]

THE PRESIDENT: Has this been put in before? Has this been offered in evidence before?

DR. SERVATIUS: This document was submitted in cross-examination. I myself have just received it. It deals with the recruitment of young people of 15 to 20 years of age for employment in the Reich during the war. Then the document refers to the transfer to the Reich of young people aged 10 to 14 years; that is the "Hay Action." And it goes on to say:

"The object of this action is the further care of young people through the Reich Youth Leadership and the training of apprentices for German economy in a manner similar to that which has already been successfully carried out with the White Ruthenia Youth Service in co-operation with the GBA"—which means you.

Please comment on whether you had use made of these young people.

SAUCKEL: No, I had nothing whatever to do with this action; and in the index of addresses my name is not mentioned. I do not know of this matter.

DR. SERVATIUS: So you did not violate your own rules by issuing special directives?

SAUCKEL: No. This was a transaction with which I did not concern myself.

DR. SERVATIUS: Then I should like to submit another letter to you, which was also submitted by the Prosecution in connection with the Schirach case. It is Document Number 1137-PS, a letter dated 19 October 1944. On Page 3 of this document, the following appears:

"In addition to this, other labor was supplied to the German armament industry earlier—namely, first of all, 3,500 boys and 500 girls to the Junkers Works; secondly, 2,000 boys and 700 girls to the OT . . .

"The agency under the Hitler Youth has procured from the Occupied Eastern Territories for the armament industry"—

I leave out what does not interest us—"5,500 boys and 1,200 girls."

Did you authorize the use of this labor, or did this matter pass through your hands?

SAUCKEL: No.

DR. SERVATIUS: How was this labor brought into the armament industry?

SAUCKEL: Well, I personally am unable to explain that in detail. Apparently this took place on the basis of an agreement between offices of the Ministry for the Eastern Occupied Territories or those of Hauptbannführer Nickel. I have heard only during the proceedings here that the young people involved were of an age at which work is prohibited for them. I understood that it was more in the nature of pre-employment care, but...

DR. SERVATIUS: That is known.

SAUCKEL: It did not go through me or through my office.

DR. SERVATIUS: What about the use of foreign women?

SAUCKEL: Women from foreign countries were used in exactly the same way as German women. No other conditions.

DR. SERVATIUS: Document Number 025-PS has been submitted here. That is Exhibit Number USA-698, which was also submitted only now and is not contained in the books. This is the record of a conference which took place in your office and in which you spoke at length on the use of female labor. In the third paragraph it says:

"To this end, the Führer has ordered the use of 400,000 to 500,000 female Eastern Workers from the Ukraine, between the ages of 15 to 35, for domestic purposes; and the Plenipotentiary General for the Allocation of Labor"—that is you—"has been charged with the carrying through of this action, which is to be concluded in approximately 3 months."

It goes on:

"It is the specific wish of the Führer that as many girls as possible shall be germanized if they prove satisfactory."

Will you please comment on this?

SAUCKEL: Yes, this concerns a decree of the Führer to bring 400,000 to 500,000 female Eastern Workers into the Reich for German households, but especially in order to lighten the work of the German farmers' wives. I should like to mention, in connection with this document, that I did not compile it and that my office did not compile it either. Most likely these minutes were written on the basis of notes which somebody had taken. With reference to these proposed 400,000 to 500,000 domestic servants, it must be said that

they were to be brought into the Reich only on a voluntary basis. Actually some 13,000 to 15,000 only, I believe, came into the Reich. The idea of "Germanization," as used here, also refers only to their free will or wish to remain in Germany.

DR. SERVATIUS: What medical attention did the foreign workers receive? Various things have been mentioned here, for instance: "If the worker can no longer work, he is no longer a concern of ours," which is supposed to have been a principle of yours. Then it is further said that work, food, and pay must be brought into relationship with each other. If the worker can no longer work, he is just a dead weight. What can you say with regard to these accusations?

SAUCKEL: Would you show me where I said that? I am not familiar with it.

DR. SERVATIUS: This is in the transcript of a court session; I have the page here, in the German transcript, 2789 (Volume V, Pages 394, 395). It says there that if the worker can no longer work, no concern should be given to his fate. Did you advocate this principle?

SAUCKEL: On the contrary; there exist hundreds of precise decrees and orders which I issued. They were published in the *Reichsgesetzblatt*, in special issues sent to the factories and to the labor exchanges and in special collections, in which it is set down most clearly that the foreign workers who were brought into the Reich through the Allocation of Labor had to be treated in accordance with German laws, regulations, and directives as far as medical treatment and care, including insurance, were concerned. There were also . . .

THE PRESIDENT: Dr. Servatius, were you putting to the defendant a document where it was alleged he had said that after they were unfit to work, that it is no more his concern? Was it the document you were putting to him?

DR. SERVATIUS: This document was submitted to him with regard to the female workers of whom he is alleged to have said that they were to be germanized. I am no longer dealing with that document, but have turned to the question of medical care.

THE PRESIDENT: You mean that was in Document 025-PS, Exhibit USA-698?

DR. SERVATIUS: That document, Number 025-PS, refers only to female workers. This question has already been dealt with. I have turned to the question of medical care in general and am no longer dealing with the question of female workers.

[Turning to the defendant.] Did you receive reports about abominable conditions regarding the health and the medical care of foreign workers?

SAUCKEL: No. Not only German physicians were employed as official physicians in the factories and camps to deal with the hygiene and health of the workers, but also numerous physicians and medical assistants from the home countries of the foreign workers were engaged and assigned to these camps.

DR. SERVATIUS: How did you supervise the execution of your decrees, and what other controlling agencies existed?

SAUCKEL: There were the following controlling agencies: first of all...

DR. SERVATIUS: Just a moment. I should like to refer to Document Sauckel-2. In it I have made a survey of the control and inspection agencies concerned with supervision. I shall explain this diagram briefly:

In the center, there is the Reich Ministry of Labor, under Seldte; underneath that, the trade inspection boards, including the police department for trade and town planning. That was the only department which had police powers—that is, it could take action against any resistance on the part of those recruited for work. Besides this, several other official agencies were created to handle the difficult problem of welfare. There is, first of all, if you look at the right-hand side, the German Labor Front, an agency encompassing the interests of the employers, the industry, and the workers, and in some respects taking the place occupied in the past by the trade unions. From these matters of welfare were turned over to the factories. A special inspection board was created, the Reich Inspection Office of the German Labor Front, with a department for foreign workers which had its own liaison men in the factories to hear complaints. In the factories themselves there were also foreign workers who were able to report on conditions there.

Then, turning further to the right, is the Reich Ministry for Food and Agriculture which, through the regional food offices, also had direct insight into questions pertaining to food and welfare. The reports which went to the Reich Foreign Minister through diplomatic channels were eventually also passed on to Sauckel, as we shall see later.

Then there is a special department for Eastern Workers under the Rosenberg Ministry—that is the central agency for the peoples of the East—and this last letter which we had here, apparently came from one of the gentlemen in this agency. This central agency for the peoples of the East in turn also had its agents in the factories

and works, and they made reports directly. All these reports were turned over to Sauckel.

Now, I turn to the left part of the diagram. Sauckel himself instituted for inspectional purposes a personal staff which was sent around to visit factories. We heard from several witnesses that these inspectors appeared and saw to it that everything was in order. Then he established a special office, the Reich Inspectorate. Complaints which came from the German Labor Front and other sources were sent to this inspectorate. When Sauckel says that he immediately passed on these complaints, they were sent first to the Reich Inspectorate, which in turn advised the necessary offices and, if need be, applied the compulsory measures of the Reich Labor Ministry. Then also the Gauleiter were given the task of supervision, and the witnesses who have appeared here—witnesses who were Gauleiter in their time—have confirmed that they exercised control as plenipotentiaries for the Allocation of Labor. Further to the left is shown the care and control exercised by the Reich Ministry for Propaganda which had taken over a supervisory function concerning the direction of the camps and the workers. Then, finally on the far left, comes the Wehrmacht which had its own supervisory machinery through its inspectors, who were entrusted with the prisoners of war and who saw to it that the conventions were observed.

The reports of all these agencies were sent to Sauckel, and he testified here that abominable conditions were not reported to him, that he could make his influence felt only through directives, and that he gave his instructions.

THE PRESIDENT: Dr. Servatius, will you ask the defendant whether that was a correct statement on the meaning of the chart?

DR. SERVATIUS: Witness, this explanation, which I have given, and this diagram, which you have seen, are they correct?

SAUCKEL: Yes.

DR. SERVATIUS: They are correct?

SAUCKEL: Yes.

DR. SERVATIUS: Would you comment now on the activity of the Gauleiter as plenipotentiaries? How did you supervise the Gauleiter?

SAUCKEL: I could not supervise the Gauleiter themselves, as I had no disciplinary or official control over them. But I had the Gaue visited by members of my staff at intervals of about 3 months. On the occasion of these visits the complaints of the Gauleiter were heard and then factories and camps were inspected

jointly and a check was made to see how far my directives were, or were not, carried out. I should like to remark that these inspectors naturally were not allowed any control in concentration camps and the work in the concentration camps; that was a different field which was under the control of Obergruppenführer Pohl and in which I had no authority and no insight.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. EGON KUBUSCHOK (Counsel for Defendant Von Papen): I ask permission for the Defendant Von Papen to be absent from the court sessions tomorrow morning and afternoon. I need a fairly long consultation with him for the preparation of his defense which I would not be able to have otherwise. Dr. Flexner will represent him during the session.

THE PRESIDENT: Yes.

MARSHAL (Colonel Charles W. Mays): If it please the Tribunal, a report is made that the Defendant Göring is absent.

THE PRESIDENT: As I said this morning, the Tribunal will rise at 4 this afternoon.

DR. SERVATIUS: This morning we got as far as the inspections, but I should like to go back to one question.

You said that the head of the factory was responsible for the workers. Did that also apply to the prisoner-of-war and concentration camps?

SAUCKEL: No. The Army, or that part of the Armed Forces under the authority of which these prisoners of war were kept, was responsible for the prisoner-of-war camps. In the same way, as far as I know, the concentration camps alone were responsible for their inmates, even if they worked.

DR. SERVATIUS: You had formed a Department 9 as a Reich inspection department in the Reich Ministry of Labor. What were the special tasks of this inspection department?

SAUCKEL: I had set up that inspection department, which had not existed before in the Ministry of Labor, because I wanted to ascertain the uniformity and execution of contracts throughout the entire area of the Reich, as well as in the occupied territories where German undertakings and German labor contracts were being carried out; also to examine and control the unified administrative regulations; and, moreover, to see whether my orders concerning food, lodging, treatment, and care were being observed and to what extent they were in need of change. All this was also contained in a directive which I gave to the inspection department.

DR. SERVATIUS: What was the position of the Central Inspection Department in the German Labor Front—the Central Inspection Department for the care of foreign workers?

SAUCKEL: The Central Inspection Department of the DAF had the task of supervising the welfare of foreign workers in the camps in Germany to see whether they were being fed, and so on, in the prescribed way.

DR. SERVATIUS: If there were any abuses, did the Inspection Department report that to you; or who received the report?

SAUCKEL: An agreement between the Führer, the German Labor Front, Dr. Ley, and myself, was added as a supplement to the decree concerning the formation of the Central Inspection Department, and it stated that where it was a question of conditions in camps the Central Inspection Department had to deal directly with the Reich offices concerned, or with the industrial inspection office in the Reich Labor Ministry, in order to remedy the conditions; whereas cases of shortage or surplus of manpower, *et cetera*, were to be reported to me.

DR. SERVATIUS: By this agreement, therefore, your rights were limited?

SAUCKEL: Yes.

DR. SERVATIUS: That is Document 1913-PS, which has been submitted. It is an agreement between Sauckel and Dr. Ley of 20 September 1943. It is Exhibit USA-227. It is Document Number 41 in the English document book. I shall only refer to it, without quoting from it.

[Turning to the defendant.] What other kinds of supervisory offices existed? I am thinking about the French.

SAUCKEL: Well, after I took office, men were appointed to act as liaison agents with the foreign workers. These men, in agreement with the German Labor Front, had the right to visit camps, talk to the workers themselves, and hear their complaints. A special agreement had been reached with the French Government in collaboration with the Reich Foreign Minister.

DR. SERVATIUS: That is Document Sauckel-31. It is on Page 79 of the English text in the Sauckel Document Book Number 1, "French Agency for the Care of the French Employed in the Reich." That is a circular from Sauckel dated 30 April 1942. I submit the document itself, which is in this collection. I quote:

"I communicate the following letter from the Foreign Office of 10 April 1942:

"The Government of the Reich has notified the French Government that it agrees to the following regulations regarding the care of French voluntary workers in Germany:

"Besides the already existing office for prisoners of war, an agency for French civilian workers will be established in Berlin under the direction of Ambassador Scapini. The Reich Government will furnish a building to house this agency. The agency may establish branch offices in four other German cities.

"The agency is charged with the care of the French workers in Germany. It will supervise the fulfillment of the contracts made by the workers engaged. It may accept proposals from the workers and transmit them to the competent offices, and see that unsatisfactory conditions are remedied. It is entitled to issue certificates and references to the workers for submission to the French authorities."

I omit one paragraph:

"Moreover, the head of the French representatives is granted the diplomatic privileges of personal immunity for the execution of his tasks, as well as exemption from German jurisdiction and from coercion by the police."

That is the citation.

[Turning to the defendant.] How did that office actually work with you?

SAUCKEL: That office actually worked with both the DAF and with me. The representative of that office took part in the negotiations in France with the French Government. The office changed later to the extent that the care of the civilian workers was taken over by M. Brunedon in the place of M. Scapini who looked after prisoners of war only.

DR. SERVATIUS: Then, it was only a change of personnel?

SAUCKEL: Yes, it was only a change of personnel. I frequently talked with these gentlemen and acted according to their wishes.

DR. SERVATIUS: What did the Central Inspection Department for the peoples of the Eastern Territories do?

SAUCKEL: The Central Inspection Department for the peoples of the Eastern Territories was an office under the Reich Commissioner for the Eastern Territories.

DR. SERVATIUS: How did that office work?

SAUCKEL: It worked in the same way as the French office, except that it was a German organization and Germans were in charge. It had the confidence of the Eastern Workers who worked with us as allies.

DR. SERVATIUS: Did you receive any complaints from that side?

SAUCKEL: None, apart from the cases which Rosenberg reported to me and which I discussed with him. Everything was attended to there.

DR. SERVATIUS: Now I come to the question of the maintenance of labor discipline. What sort of regulations were there in order to maintain labor discipline—punctuality and good work? What kind of regulations existed?

SAUCKEL: In Germany the regulations concerning labor discipline was a matter for the factories themselves. Each factory had its regulations which in normal times were agreed to between the management, the foreman, and the workers' council. This council could take disciplinary action in the form of fines. During the war labor discipline had become more strict, because owing to the scarcity of workers it was not possible to maintain the right of the employer or the employee to give notice. So the German worker, and German labor and industry were under wartime decrees and laws. In order to enforce these, I later issued Decree Number 13 at the suggestion of the Ministerial Council for the Defense of the Reich. This decree, which has been submitted, provides, first of all, for varying degrees of punishment within the industries for infractions of labor regulations, tardiness and unexcused absence from work.

DR. SERVATIUS: That is Document Sauckel-23 in the Sauckel document book; in the English text, Number 1, Page 62. The witness has given you the essential contents. I merely refer to it now.

SAUCKEL: These measures within the industries for the maintenance of labor discipline started with a warning, and then went up to a fine, or the loss of a day's or week's pay.

DR. SERVATIUS: What happened in the case of gross offenses?

SAUCKEL: If they could not be dealt with by the courts of honor of the Labor Front, cases of constant and obstinate bad conduct had to be reported to the police.

DR. SERVATIUS: This law applied to foreigners as well as to Germans?

SAUCKEL: Yes, that applied to Germans and foreigners.

DR. SERVATIUS: And what was done in case of criminal offenses?

SAUCKEL: They also had to be reported to the police. The labor authorities had no competence in criminal and similar cases.

DR. SERVATIUS: To whom were the complaints sent if the regulations were not applied correctly; that is, if instead of fines corporal punishment had been inflicted?

SAUCKEL: Complaints of this kind were sent to the Labor Front, or to the liaison men for the foreign workers.

DR. SERVATIUS: Were any such cases reported to you?

SAUCKEL: None were reported to me, because that was not within my competence.

DR. SERVATIUS: What were the labor correction camps?

SAUCKEL: They were institutions of the Reichsführer SS.

DR. SERVATIUS: Who was put into these camps?

SAUCKEL: Those who were punished by the authorities for infractions of labor discipline which could not be dealt with by the factory regulations.

DR. SERVATIUS: Were they the same as concentration camps?

SAUCKEL: No; in my opinion, no. These labor training camps were not under the supervision of the Reich Labor Ministry, nor under mine. They were a police institution.

DR. SERVATIUS: You know from these proceedings that quite a number of workers did, in fact, come into the concentration camps. How can you explain that?

I shall hand you Document 1063-PS, Exhibit USA-219. It is a letter of 17 December 1942; in the English document book it is Number 28 of the Slave Labor Book. It is a letter marked "Secret," sent by the Chief of the Security Police and the SD to all SS offices; at any rate, not to you. I quote:

"For reasons of war necessity which cannot be discussed further here, the Reichsführer SS and Chief of the German Police ordered on 14 December 1942 that by the end of January 1943, at the latest, at least 35,000 prisoners fit for work are to be sent to the concentration camps. In order to obtain this number, the following measures are required: 1. As from now (until 1 February 1943) Eastern Workers, and those foreign workers who are fugitives, or have broken their contracts... are to be brought by the quickest means to the nearest concentration camps..."

THE PRESIDENT: Presumably the witness knows the document.

DR. SERVATIUS: Do you know that document?

SAUCKEL: I saw that document here for the first time.

DR. SERVATIUS: You have not yet looked through it?

SAUCKEL: I saw an excerpt here in Nuremberg for the first time.

DR. SERVATIUS: Then I should like to draw your attention to the decisive passage. Will you please read at the bottom of the first page. It says the following:

"In case of necessity, offices not directly involved must be given to understand that each and every one of these measures is an indispensable Security Police measure, and be told the specific reasons in individual cases, so that complaints can be prevented, or at any rate eliminated."

What did you know about that decree?

SAUCKEL: Nothing was known to me about that decree. It explains many things which puzzled us. It appears to be a letter

from Gruppenführer Müller and, to my surprise, it states quite clearly that other offices—and they can only refer to my offices or Speer's—should be informed that these measures are necessary Security Police measures. That was downright fraud with the intention of misleading us.

DR. SERVATIUS: What do you understand . . .

THE PRESIDENT: Before you pass from this document—I understood the defendant to say that workers were sent to labor camps for infraction of labor rules. That was what you said, wasn't it?

SAUCKEL: If workers, in spite of repeated warnings and fines in the factory, did not show improvement or continued the offenses, they were reported by the factories, not by me, to a police office. As far as I know, this police office had an agreement with the Reich Minister of Justice according to which . . .

THE PRESIDENT: I asked you where they were sent when you said that they were sent to labor camps for infraction of labor rules, and for no other reason. Did you say that?

SAUCKEL: For no other reason; for infractions or for criminal offenses.

THE PRESIDENT: Then how do you explain the first words of Paragraph 1 of this document:

"As from now, all Eastern Workers must be sent to the nearest concentration camps . . .?"

SAUCKEL: It says here, in the German text, Your Lordship: "As from now, until 1 February 1943, Eastern Workers, and those foreign workers who are fugitives, or who have broken contracts, or who do not belong to allied, friendly, or neutral states, are to be brought by the quickest means to the nearest concentration camps, in observance of the necessary formalities as given under Figure 3."

That is the arbitrary directive of that office which I did not know about.

DR. SERVATIUS: What do you understand by "extermination by labor"?

SAUCKEL: I heard that expression "extermination by labor" for the first time here in the courtroom. Such a concept was of necessity absolutely contrary to the interests which I stood for in my position.

DR. SERVATIUS: Did you have anything to do with the employment of concentration camp inmates?

SAUCKEL: I had nothing to do with the employment of concentration camp inmates, and I also told my colleagues that we

would have nothing to do with the employment of that kind of labor. I had nothing to do with punitive measures of any kind.

DR. SERVATIUS: Who put the concentration camp inmates to work in the armament industries?

SAUCKEL: I cannot tell you that from personal knowledge because I had nothing to do with it, and I never participated in discussions dealing with this subject.

DR. SERVATIUS: It has been alleged here that you used the Nacht and Nebel Order to get workers to Germany.

SAUCKEL: I did not know the Nacht and Nebel Order. I only found out about it here. It had nothing to do with the allocation of labor and my duties.

DR. SERVATIUS: What about the employment of Jewish workers?

SAUCKEL: I had nothing to do with the employment of Jews. That was exclusively the task of the Reichsführer of the SS.

DR. SERVATIUS: I submit the Document R-91. That is Exhibit USA-241, and Exhibit RF-347. It is not included in the document books. It is a letter from the Chief of Security Police and SD Müller to the Reichsführer SS, field headquarters, dated 16 December 1942. It says there, and I quote:

"In connection with the increased assignment of manpower to the KL"—that should probably read KZ—"which is ordered to take place before 30 January 1943, the following procedure may be applied in the Jewish sector: total number, 45,000 Jews."

Then there is a more detailed specification, and among other things, it says at the end, "3,000 Jews from the occupied territories of the Netherlands," and further, "The number 45,000 includes those unfit for work..."

What had you to do with that letter?

SAUCKEL: I have just learned of that letter for the first time. I did not know of it before, and I can only emphasize that these transports and this procedure had nothing to do with my work, and that I had nothing to do with them at any time.

DR. SERVATIUS: Then we have here Document L-61, which has been submitted. That is Exhibit USA-177; in the English document book on slave labor, it is Document Number 6. The document is in the first list of documents which was made available to the Defense, and it was listed as an original letter from Sauckel which admitted the deportation of Jews.

Will you please read this letter to yourself and state your position as to how far you had anything to do with the deportation of

Jews. I shall briefly state what the contents are. It says there in that letter of 26 November 1942:

"By agreement with the Chief of the Security Police and the SD, Jews who are still in employment are from now on also to be evacuated from the territory of the Reich and are to be replaced by Poles who are being deported from the Government General."

This letter ends by saying:

"I transmit the foregoing copy for your information. Insofar as this affects the removal of Jews employed in your area, I request that you take the necessary measures in agreement with the competent offices of the Chief of the Security Police and the SD."

Then it says, "Signed, Fritz Sauckel."

Will you state your position with respect to that letter, please?

SAUCKEL: May I say with respect to this document that it was shown to me already in the preliminary interrogations. I had it only for a short time then, and when it was presented to me again in the course of the proceedings I found that it was not an original document which I had signed. My name is typewritten at the bottom.

Secondly, it appears very peculiar to me that this letter, which I am supposed to have signed, was not dated by my office. My office, as can be seen from numerous documents, was in Berlin, in Mohrenstrasse. This letter was dated by the Saarlandstrasse office.

As far as the contents are concerned, I have to state that I at no time had a personal arrangement or agreement with the SD and Security Police in the sense of that letter; neither had I any knowledge of that letter, and I cannot remember it now either. The only thing in that letter which is correct is that I was obliged to replace the loss of manpower in German industry—whether Jews, soldiers, or others—within 2 weeks. It is possible that this letter came from the Saarlandstrasse office, from a subordinate office. I cannot say anything else about it.

DR. SERVATIUS: How is it, then, that the ending, "Signed, Fritz Sauckel" is on the letter?

SAUCKEL: I cannot understand that. If it were an authentic copy, it would have had to be signed.

THE PRESIDENT: Have you got the original?

DR. SERVATIUS: No, I have not got the original. It has been submitted by the Prosecution and is therefore in the files of the Tribunal as an exhibit.

SAUCKEL: The appendix deals with events which also occurred before my time in office—that is, before I came into office these happenings had practically all taken place.

DR. SERVATIUS: Did you have any knowledge as to what would happen to the Jews?

SAUCKEL: Do you mean . . . ?

DR. SERVATIUS: The final solution.

SAUCKEL: No, I had no knowledge of that. It would have made my task much easier and I would have had much less difficulty if all these people, as far as they were capable of working, had been brought into the labor plan in a more reasonable manner. I knew absolutely nothing about this final solution, and it was entirely contrary to my interest.

DR. SERVATIUS: Concerning the question of wages, who was responsible for the regulation of wages?

SAUCKEL: I was responsible for the regulation of wages during my term of office.

DR. SERVATIUS: What kind of wages were paid? Leave out the Eastern people for the moment.

SAUCKEL: In principle, all foreign workers were paid the wages which had been agreed upon by contract with the liaison offices and the governments, and which were in accordance with the wage scales recognized as legal in the different regions in Germany.

DR. SERVATIUS: What about the so-called Eastern Workers?

SAUCKEL: As far as the Eastern Workers were concerned, when I took office I found that under the existing regulations most of their wages were deducted as taxes in favor of the Reich. This was in accordance with a decree of the Ministerial Council for National Defense.

DR. SERVATIUS: Were you satisfied with that, or did you take steps to improve conditions?

SAUCKEL: It can be seen from the documents—that is to say, from the decrees which I issued during my term of office—that these regulations, which I considered intolerable, were improved step by step, as far as I was able to overcome opposition, until in 1944 the Eastern Worker stood on the same level as the German worker. The first improvement was made in June 1942 when wages were doubled, the second in 1943, and the last in March 1944, by Decree 11.

DR. SERVATIUS: I refer here to the following documents, which I shall not read: Document Sauckel-50, in Sauckel Document Book 2, Page 134; Document Sauckel-17, in Sauckel Document

Book 2, Page 137; Document Sauckel-52, Sauckel Document Book 2, Page 143; Document Sauckel-58, Sauckel Document Book 2, Page 156; and finally, Document Sauckel-58(a), Sauckel Document Book 2, Page 161. I submit the original in a collection, "Regulations Governing Allocation of the Eastern Workers."

THE PRESIDENT: Dr. Servatius, I understood the defendant to say just now that that Document L-61 was drawn up before he took charge of the labor commitment.

DR. SERVATIUS: It refers to things which existed before his term of office and were almost completed at the time when that letter was drafted—that is, that state of things already existed.

THE PRESIDENT: There is nothing in the document to show that, is there?

DR. SERVATIUS: It can be seen from the date.

THE PRESIDENT: The date is 26 November 1942.

DR. SERVATIUS: The appendix refers to a decree of 27 March 1942. The second appendix, if we go back further, is an appendix of 21 January 1942 which also deals with that question. What we have quoted here was only the last letter, the final letter.

THE PRESIDENT: I see. We have not got the full document before us then.

DR. SERVATIUS: I will submit it.

[Turning to the defendant.] Regarding the wages of the Eastern Workers, did the Eastern Workers receive any remuneration besides these wages?

SAUCKEL: The Eastern Workers, as a result of my efforts, received remuneration in the form of premiums for good work, and Christmas bonuses, in the same way as the German workers; and in addition there was an agreement with the Eastern Ministry according to which the families of Eastern Workers were to receive the amount of 130 rubles per month upon request.

DR. SERVATIUS: I refer here to some documents. They are Document Sauckel-22, in the English book, Volume I, Page 9; a decree, Document Sauckel-54, concerning premiums, which is in Volume II, Page 151; and Document Sauckel-57, concerning Christmas bonuses, Volume II, Page 155.

[Turning to the defendant.] What remained for the Eastern Workers in cash wages?

SAUCKEL: When I started in office—that is before the regulations introduced by me—the Eastern Worker, after his expenses for food and lodging had been deducted, had about 4 marks 60 pfennigs per week left over, if one takes as an average example

the rate of 60 pfennigs an hour for an average worker in German industry.

The same worker's net pay, or "Freibetrag" as it was called, was increased in June 1942, after I had had an opportunity of looking into these things, by about 100 percent to 9.10 marks.

May I state that it would have been quite impossible for a German worker at the same wage level to have had more left over for saving when one considers his taxes and social contributions, his expenses for rent, heating, and food. That was the principle laid down for me by the Ministerial Council for Reich Defense for the payment of this labor. It was not my wish. However, as early as March or April 1943 the wage of the Russian worker, again due to my intervention, was increased to about 12 marks, and in the spring of 1944 it was increased to about 18 marks.

THE PRESIDENT: I don't think we need to have all this in detail. There is no particular charge against the defendant that he did not pay any of the workers, is there? I mean, he says, he paid them and we do not want the details of the number of marks.

DR. SERVATIUS: Mr. President, the accusation of slave labor has been made, and this as a rule is unpaid labor. The French report, Document RF-22, has estimated a loss of 77 milliards which is supposed to have been suffered by France through the use of her workers. It is interesting to hear at least . . .

THE PRESIDENT: You do not want exact details of it, do you?

DR. SERVATIUS: *[Turning to the defendant.]* What have you to say about the facilities for transferring these wages?

SAUCKEL: I first had to create facilities for transferring wages, because the only real attraction for a foreign worker to work in Germany was that he could support his family at home by sending part of his earnings to his native country. That was done on the basis of agreements reached with the President of the German Reichsbank. He himself has testified to that.

DR. SERVATIUS: Concerning the question of wages, I refer to Document 021-PS, which has been submitted as F-44. It is not in either of the document books. It is dated 2 April 1943. It shows how rates of pay were calculated and deals with the improvement of the wages of Eastern Workers. I do not want to quote it in detail; but a study will reveal that serious attempts were made here to bring about an improvement and an equalization.

[Turning to the defendant.] What was the duration of labor contracts?

SAUCKEL: The duration of labor contracts depended on agreements which had been concluded with the governments in question.

For the western and southern countries the contract was for 6 months, 9 months, or 1 year. As for the eastern countries and the Soviet workers, when I came to office, the existing regulations provided for an indefinite period. As I considered a definite period to be necessary in spite of the greater distances, here too I finally succeeded in obtaining a time limit of 2 years.

DR. SERVATIUS: Was it intended to continue to use this manpower after the war, and were these foreign workers to remain in Germany? I ask that question because the French Prosecution quoted the following passage from the book, *Work for Europe*, Exhibit RF-5, Page 23:

"A large percentage of foreign workers will remain in our country even after the victory, and then, having been trained for construction work, they will continue and complete the projects interrupted by the war."

From that was it concluded that forced labor was to continue even after the war?

SAUCKEL: That was partly or entirely the opinion of the author of that article, but I believe that it was also mentioned that the workers would return home and there use, for the benefit of their own homeland, the knowledge and skill which they had gained from new work in Germany. I had absolutely no intention of keeping foreign workers in Germany after the war, and in any case I could not have done so. On the contrary, I even ordered that a card index of foreign workers, a central register, should be carefully kept on the basis of which, in case of a favorable conclusion of the war, it would be possible for me faithfully to return these workers to their native countries and have a record of them.

DR. SERVATIUS: If I understood you correctly, it was not a question of forcibly retaining the workers, but of keeping them here by recruitment?

SAUCKEL: Yes; it was not reported to me that a large number of foreign workers wanted to stay in Germany of their own accord. That is an assumption.

DR. SERVATIUS: What about the compulsory labor? What was the duration of the contracts?

SAUCKEL: There was no difference in pay or length of contract between voluntary work and compulsory work, or what we called in the language of the decree, "Dienstverpflichtungen." This held true for all countries. If a Frenchman doing compulsory labor had a contract for 6 or 9 months, he had the same right as the voluntary worker to return after 9 months. It was possible to extend the period.

DR. SERVATIUS: In which cases was the contract extended?

SAUCKEL: The contract was extended when the worker wanted of his own free will to continue his services, or when there was an emergency or shortage of manpower in a particular factory which justified an extension. Then that had to be arranged with the liaison officers.

DR. SERVATIUS: Besides civilian workers, were prisoners of war also used in Germany? What did you have to do with that use of manpower?

SAUCKEL: The employment of prisoners of war was quite complicated, because it had to take place in agreement with the general in charge of the Prisoners of War Organization. The so-called technique of transposition caused me difficulties. Allow me to explain this.

There existed the Geneva Convention, or the Hague Convention, according to which prisoners of war could not be used in armament or ammunition industries. When, however, we spoke of prisoners of war being engaged in the armament industry that meant that so-and-so many German women or workers were transferred to industries in which the Geneva Convention prohibited the use of prisoners of war, and that prisoners of war took their place. That was done in agreement with the offices of the general in charge of the Prisoners of War Organization.

DR. SERVATIUS: And who saw to it that the Geneva Convention was observed?

SAUCKEL: The general in charge of the Prisoners of War Organization and we ourselves, or the "Arbeitseinsatz" administration, adhered to the rules of the Geneva Convention and several times compiled a catalog of the types of work for which prisoners of war could be used. Also during my time, in 1943 and 1944, a special edition of this catalog was published, and it can be found in the so-called *Blue Book*.

DR. SERVATIUS: Have you known cases where prisoners of war were used contrary to the Geneva Convention?

SAUCKEL: Certain agreements were made with the French Government, as far as volunteers were concerned, and this applied to a certain extent to Eastern Workers.

DR. SERVATIUS: Who was responsible for the housing, feeding, and care of prisoners of war?

SAUCKEL: The offices of the general in charge of the Prisoners of War Organization were solely responsible.

DR. SERVATIUS: Is it known to you that millions of prisoners of war had perished by the time you had assumed office?

SAUCKEL: It had become known to me before I assumed office that a great number of prisoners of war perished in the so-called battles of encirclement in the East. These battles lasted a long time, and owing to our enormous transport difficulties we could not move the prisoners, and they were left on the battlefield in a state of utmost exhaustion. That is all I know about that.

DR. SERVATIUS: At the beginning of your activities you had to deal with prisoners of war, had you not? What did you find out at that time, or what did you do?

SAUCKEL: I found out that some of the Russian prisoners of war were terribly undernourished.

DR. SERVATIUS: What did you do?

SAUCKEL: Together with the general in charge of the Prisoners of War Organization I arranged for all these prisoners of war—as far as I know and remember there were about 70,000 in the Reich at that time—to be billeted with German farmers, in order to build up their strength. The farmers were obliged to feed these prisoners of war for at least 3 months, without putting them to work. As compensation the farmers were given the assurance that these prisoners of war would stay with them and work for them until the end of the war.

DR. SERVATIUS: During the course of the war did prisoners of war obtain the status of free laborers?

SAUCKEL: Yes. As far as French workers were concerned, I was instrumental in seeing that they were employed only by agreement with the French Government. These agreements were concluded under the sponsorship of the German Ambassador in Paris. The quotas were negotiated in accordance with instructions given me by the Führer and by the Reich Marshal. The first quota was 250,000 French laborers and 150,000 skilled workers.

As a compensation for the use of these voluntary workers—and I emphasize voluntary—50,000 French prisoners of war who were farmers were to be, and actually were, returned to the French Government in order to improve the cultivation of French farm land.

That was the first agreement.

DR. SERVATIUS: What was the *Relève*?

SAUCKEL: The *Relève* was an agreement between the French Government and my office according to which for every three French workers who came to Germany one French prisoner of war was released and sent home by the Führer.

DR. SERVATIUS: And who brought about this agreement?

SAUCKEL: This agreement was concluded on the basis of a discussion between the French Premier and myself. I was much

in favor of this agreement, because I myself spent 5 years behind barbed wire during the first World War.

DR. SERVATIUS: Did it make it easier for the prisoners? Did they return home?

SAUCKEL: Yes, they returned home.

DR. SERVATIUS: And how did the civilian population react to that? Above all, how did the workers feel who had to go to Germany?

SAUCKEL: This was an act of comradeship, and according to the reports I received the feeling was favorable.

DR. SERVATIUS: Then in reality instead of one prisoner of war there were three imprisoned workers?

SAUCKEL: No. These workers could move about freely in Germany in the same way as the other French workers and the German population.

DR. SERVATIUS: Did they have to come to Germany for an indefinite period of time?

SAUCKEL: No, they stayed according to the length of their contracts, just like the other workers.

DR. SERVATIUS: What was the average duration of a contract?

SAUCKEL: 9 months.

DR. SERVATIUS: Then the result was that after 9 months the prisoners of war, as well as the other workers, could return home?

SAUCKEL: Yes. This continual exchange necessitated new quotas and new agreements with the French Government, for there always had to be replacements.

DR. SERVATIUS: Were these negotiations carried on under a certain pressure?

SAUCKEL: No. I beg you to hear witnesses on this. They were conducted on a free diplomatic basis.

DR. SERVATIUS: To what extent was this *Relève* carried through? Was it on a very large or only on a small scale?

SAUCKEL: It was carried out on the basis of 250,000 workers who were to go to Germany.

DR. SERVATIUS: The French Prosecution in their government report said that only weak and sick people were sent back who could not work anyway. What have you to say to that?

SAUCKEL: As far as I know, French soldiers who were prisoners of war were sent back. The sending back and the selection of the soldiers was not my task but that of the general in charge of the

Prisoners of War Organization. I consider it possible that sick soldiers were also sent back to their homes in this way if they wished it. But certainly it was not the intention to send back only sick or older soldiers, but soldiers in general. That was the basis of the agreement.

DR. SERVATIUS: There was a second course which was chosen—the improved status which the French called “transformation.” What kind of arrangement was that?

SAUCKEL: The improved status was a third agreement which included the provision that French prisoners of war in Germany were given the same contracts and the same status as all other French civilian workers.

DR. SERVATIUS: When a new French worker came to Germany? The ratio therefore was 1 to 1?

SAUCKEL: 1 to 1.

DR. SERVATIUS: Did these French workers have to bind themselves indefinitely, or was there a time limit here too?

SAUCKEL: Exactly the same as applied to the *Relève*.

DR. SERVATIUS: Was this improvement in status welcomed by the French soldiers, or did they disapprove of it?

SAUCKEL: They did not disapprove of it but welcomed it, according to the attitude of the individual soldier. A large number rejected it; others accepted it gladly, for by this measure the workers received high wages and all the liberties that were accorded outside the barbed wire, and the like. I myself saw how an entire camp accepted this new status. They had been told that the gates and barbed wire would be done away with, the prisoner regulations discontinued, and the surveillance abolished.

DR. SERVATIUS: Could these prisoners who had been turned into workers also go home?

SAUCKEL: My documents show that they were allowed to go home.

DR. SERVATIUS: Did they receive any furlough?

SAUCKEL: Yes, they did. Many of them came back, and an equally large number did not.

DR. SERVATIUS: I should like to refer to Document RF-22, German text, Page 70 of the French Government report. This document shows and admits that the prisoners received leave to go home at the beginning of this transformation, and I quote, “The unfortunate men did not return, however, and therefore this procedure was discontinued.”

[Turning to the defendant.] Have you heard of the idea, "indirect forced labor"?

SAUCKEL: No. Please explain it to me.

DR. SERVATIUS: [Turning to the Tribunal.] The French report contains the argument that those workers who worked in France in armament industries did so for the benefit of Germany. Sauckel was not connected with this in any way. This French report, which deals at length with the economic side of the Arbeitseinsatz, says that it worked according to a well-conceived and flexible system, and at first negotiations were friendly. The measures then became harsher in accordance with the circumstances.

[Turning to the defendant.] Was there a definite plan? Did you have to carry out certain instructions, or what system was adopted?

SAUCKEL: I should like to be allowed to explain this. A plan of the sort you have just outlined never existed. The only thing towards which I worked was the program which I drew up and which is in the possession of the Tribunal; a program which I admit, and for which I take all the consequences and the responsibility, even for my subordinates. This program was carried out through my decrees, which are also available in full. The development of the war did not permit me to give full consideration to the circumstances which now, *post factum*, appear obvious. We ourselves stood in the midst of the flow of events as the war developed and did not have time to ponder over such matters.

DR. SERVATIUS: What were the "Sperrbetriebe" and the "Ausnahmebetriebe" in France?

SAUCKEL: The Sperrbetriebe were industries which were the result of an agreement between Reich Minister Speer and, I believe, the French Minister of Economics, Bichelonne. They were industries which worked partly for German armaments and partly for German civilian requirements, and did not come under my offices.

DR. SERVATIUS: What was the number of workers who were brought to Germany from foreign countries?

SAUCKEL: The number of workers brought from foreign countries to Germany, according to careful estimates and the records of the statistical department of the Reich Ministry of Labor, might be said to be about 5 million.

DR. SERVATIUS: Did you determine how far these laborers were to be used, and how many were to be brought in?

SAUCKEL: No, I could not determine that, for I did not represent the German economy, and I myself could not decide the extent of the German armament and agricultural programs.

DR. SERVATIUS: Apart from the current quotas which you had to supply, there were certain so-called program orders made by the Führer. Is that true?

SAUCKEL: Yes, because the Führer drew up the armament program, as far as I know.

DR. SERVATIUS: You have told me of your programs. I shall read the figures, and perhaps you can confirm them.

The first program in April 1942: the demand was for 1.6 million workers; 1.6 million were supplied, the entire figure being made up of foreigners.

The second program in September 1942: 2 million, and 2 million were supplied, of which 1 million, that is only half, were foreigners.

In 1943: the demand was for 1 million, and 1 million were supplied, the entire figure being made up of foreign workers.

Then the last program on 4 January 1944: the Führer demanded 4 million, and the demand met with 0.9 million.

SAUCKEL: Allow me to correct you. The figure should read, demand met with 3 million.

DR. SERVATIUS: Demand 4 million; demand met with 3 million. And how many were foreigners?

SAUCKEL: 0.9 million.

DR. SERVATIUS: 0.9 million foreigners. How many workers came from the East, how many from the West, and how many from other regions?

SAUCKEL: I naturally cannot give you the exact figure here without data or statistics, but on an average I would say that the figure for each group might be about 30 percent; the percentage of workers from the East was certainly somewhat higher.

DR. SERVATIUS: And how were the requirements ascertained?

SAUCKEL: Through the demands of the employers of labor.

DR. SERVATIUS: And what were the employers of labor?

SAUCKEL: They were the Economic Ministry, the Armament Ministry, the Agricultural Ministry, the various trades, the State Railways, the mines, *et cetera*, all big undertakings.

DR. SERVATIUS: And to whom did they present their demands?

SAUCKEL: Usually the demand was made simultaneously to the Führer and to me, or to the collecting agencies provided for by the Four Year Plan.

DR. SERVATIUS: Were they the reduced requirements, if their demands had to be checked, or were they the original demands?

SAUCKEL: I have just said that it varied. The demands were sent in to me, and at the same time they were almost always sent to the Führer, because the Führer had to approve these demands.

DR. SERVATIUS: And what was the position of the Central Planning Board?

SAUCKEL: The Central Planning Board was an office where above all, as far as I know, the quotas for raw materials were fixed, but where questions of work and manpower were also discussed.

DR. SERVATIUS: Could you receive orders from the Central Planning Board?

SAUCKEL: Yes, the demands which were put to me I had to consider as orders, for the Führer had laid on me the duty of meeting the demands of the war economy.

DR. SERVATIUS: Did you belong to the Central Planning Board yourself?

SAUCKEL: No, I was only called in when there were to be debates on the use of manpower.

DR. SERVATIUS: What was the relationship between your office and Speer's?

SAUCKEL: My office had to meet the demands made by Speer.

DR. SERVATIUS: Did Speer have his own machinery for directing labor?

SAUCKEL: Yes, he had to have that in his ministry, and he did have it. That was essential.

DR. SERVATIUS: Could you meet all the demands made of you?

SAUCKEL: No.

DR. SERVATIUS: Were your labor reserves exhausted?

SAUCKEL: According to my conviction, yes; for already in 1943—and it was one of the purposes of my manifesto—I pointed out that the economic problems of the occupied countries were very serious and had to be regulated and settled so as to avoid confusion.

DR. SERVATIUS: What labor reserves were still left in Germany?

SAUCKEL: In Germany after 1943 there were no more really usable reserves of manpower left. Many discussions took place on this problem, but the labor most in demand was skilled labor, miners, and workers for the heavy industries.

DR. SERVATIUS: And what manpower reserves were there to be gotten out of France?

SAUCKEL: I must say that from our point of view, and according to our judgment concerning economic and labor questions, there

was a great deal of manpower and very extensive reserves in the occupied territories.

DR. SERVATIUS: Do you mean that in comparison the economic forces of Germany were far more exhausted than those of the occupied countries?

SAUCKEL: Perhaps I can show it by a comparison with the first World War. In the first World War, 10 to 12 million Germans were mobilized for labor. In this war about 25 million German men and women were used, and more than half were women. I must add that all the women who did Red Cross or other welfare work in Germany were not included in my statistics. They were included in other countries.

DR. SERVATIUS: I have a concluding question: If you view your activity as Plenipotentiary General for the Allocation of Labor from today's standpoint, what would you say about the use of foreign labor in general?

SAUCKEL: It is very hard for me to answer this question. I myself and the entire German people were of the opinion, and had to be, that this war was neither willed nor brought about by the German people—and, to be truthful, I must include the Party. Our standpoint was that we had to do our duty to our people.

DR. SERVATIUS: It is not intended that you should give an explanation in the wider sense, but that you should limit yourself to the general aspects of the question of labor allocation, and tell us whether today you consider your activity justified or not.

SAUCKEL: From the point of view of the war situation and of German economy, and as I saw and tried to carry out my allocation of labor, I considered it justified, and, above all, inevitable; for Germany and the countries we occupied were an economic whole that could not be split up. Without such an exchange of eastern and western manpower Germany could not have existed for even 1 day. The German people themselves were working to the extreme limit of their capacity.

DR. SERVATIUS: I have concluded my questioning of the defendant.

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): Witness, did the Ministry for the Occupied Eastern Territories often try to cut down the labor quotas demanded by you?

SAUCKEL: Not only the Ministry for the Occupied Eastern Territories tried to do that, but I myself tried very hard to do so by intervening with the Führer and all the employers of labor.

DR. THOMA: I should like to put several questions to you with regard to Document Number 054-PS, which describes the abuses in

the recruiting and transporting of Eastern Workers. Did you personally take steps to put an end to the abuses which are specified here?

SAUCKEL: Yes, of course. Please interrogate the witnesses on this.

DR. THOMA: Did you notice that this report deals with the city and the region of Kharkov in the Ukraine, and do you know that this entire district was never under the civilian administration of the Ministry for the Occupied Eastern Territories?

SAUCKEL: Yes, I know that, and I testified that this report was not sent to me but to an Army office. This Army office had its own labor department which was directly subordinate to it.

DR. THOMA: In this report did you especially notice the following paragraph on the first page:

"a) With few exceptions, the Ukrainians who are being employed in the Reich as individual workers for example, in small trade enterprises, on farms..."

SAUCKEL: Will you please tell me where it says that?

DR. THOMA: On Page 1, the last paragraph: "Judging from the discussions with the gentlemen and the reading of the reports, it can be said in general..."

SAUCKEL: Which documents? There are several documents.

DR. THOMA: I mean 054-PS, of course.

SAUCKEL: Which?

DR. THOMA: I think it is the first, second, third paragraph, "d"—the second paragraph.

SAUCKEL: Yes, I have found it.

DR. THOMA: It says there that the Ukrainians who were being employed as individual workers in the Reich, were "very satisfied with the conditions." But: "b. On the other hand the Ukrainians living in community camps complain a great deal..."

Is that correct?

SAUCKEL: Yes. In my testimony I quoted the passage in which the author of the letter said that this was the case during the first few months only, for I immediately had the camps inspected and improved. I even went so far as to get the Reich Labor Minister to issue new camp regulations, all as a result of this complaint.

DR. THOMA: Did you personally visit the Occupied Eastern Territories on several occasions and speak to the administrative authorities there; for example, in Riga, Kovno, Zhitomir?

SAUCKEL: Not only did I speak to the administrative authorities there, but I compiled this manifesto in Russia and had it published there, and everything that is contained in the manifesto was communicated to these offices in the same way.

DR. THOMA: Yes. But is it correct that you emphasized the special urgency of the Führer decree?

SAUCKEL: That was my duty; that was what I was there for.

DR. THOMA: That is not right from the legal point of view; for your actual authority came from Göring, as the Delegate for the Four Year Plan.

SAUCKEL: Yes, that is correct. The official channel was: Führer, Göring, Four Year Plan—that was the order.

DR. THOMA: Then, if you said it was the Führer's order, you did so to give a special emphasis?

SAUCKEL: No, that was not my intention. The Führer commissioned me to replace the loss of German soldiers, Doctor. These were instructions which I had received directly from the Führer or Göring on the basis of the requirements of the employers of labor.

DR. THOMA: Was a written order sent to you?

SAUCKEL: Yes, written orders were also sent.

DR. THOMA: From Hitler personally?

SAUCKEL: Yes, from Hitler and from Göring; from both of them.

DR. THOMA: Do you recall that you made an agreement with Rosenberg to the effect that Eastern Workers in Germany, after their return to their own country, were to receive land so that they would not be at a disadvantage as compared with the people who had remained?

SAUCKEL: Yes, that was agreed between Rosenberg and myself; that is correct.

DR. THOMA: Was this actually carried out?

SAUCKEL: Just how far this was carried out, I am unable to state. That was a task for the Ministry of the Occupied Eastern Territories. I assume that it was carried out as far as possible.

DR. THOMA: Do you recall that Rosenberg constantly advocated the doing away with the so-called Eastern Worker's badge?

SAUCKEL: Rosenberg, as well as I myself, advocated the abolition of the Eastern Worker's badge. There is a letter from the Reichsführer SS refusing this; but I know for certain that at the end of 1943 or the beginning of 1944 we succeeded in abolishing

this Eastern Worker's badge, and it was replaced by a national emblem as worn by the other foreigners.

DR. THOMA: Why was this Eastern Worker's badge to be abolished?

SAUCKEL: This Eastern Worker's badge was to be abolished for various reasons, but above all to eliminate the demoralizing effect produced on the Eastern Workers by the wearing of a discriminating badge.

DR. THOMA: I have one last question. You said that you did not recall having received any complaints except those that you discussed with Rosenberg. Now, numerous complaints were constantly being investigated by the Central Agency for Eastern People together with the DAF. Did the DAF report to you on this?

SAUCKEL: The DAF reported that, in accordance with my directives, it had to put a stop to abuses and bad conditions wherever they were found. That was its duty. In order to remedy these abuses the DAF had not to apply to me but to the trade inspection department of the Reich Ministry of Labor, whose task it was.

DR. THOMA: Did you make sure whether this inspection department stopped these abuses?

SAUCKEL: I installed my own inspection agencies there, as mentioned by Dr. Servatius. However, the trade inspection department was the only authorized agency which had the legal authority to use compulsory measures and it was supervised by the Reich Labor Minister who had full authority.

DR. THOMA: I have no further questions. Thank you.

THE PRESIDENT: What is the emblem that you have been speaking about?

SAUCKEL: The Eastern Worker's emblem or badge consisted of a bluebordered square, which bore a blue inscription "Ost." The Reichsführer SS first ordered it to be worn on the right side of the breast; later, on the sleeve. Still later I was instrumental in getting this changed to a national emblem—blue, I think, or something similar—like the Russian colors, as the people themselves wished.

DR. OTTO NELTE (Counsel for Defendant Keitel): Herr Sauckel, the Defendant Keitel and the OKW are accused by the Prosecution of the deportation of civilian people for the purposes of the mobilization of labor. You were also interrogated before the start of this Trial as to whether the OKW, and Keitel as Chief of the OKW, participated in the procurement, recruitment, and conscription of people in the occupied territories.

A number of things which were not clear and which are contained in the record have been cleared up by your testimony.

Especially in answering the last question of my colleague, Dr. Thoma, you made it clear that the organizational official channel was as follows: The Plenipotentiary General for the Allocation of Labor, the Four Year Plan--Göring, and the Führer. Is that correct?

SAUCKEL: Generally speaking, yes.

DR. NELTE: I am interested in determining whether in this official channel the OKW was included, or the Führer in some other function than Supreme Commander of the Wehrmacht.

SAUCKEL: I myself was not a soldier, and I am not familiar with the detailed organization of the OKW and the OKH. It was often difficult for a layman to make the distinction between these things. It is true that the OKH was competent for the recruitment of workers in occupied countries controlled by army groups. Therefore, labor regulations for the occupied countries which were under the authority of the Army had to be issued through laws or directives by the General Staff.

DR. NELTE: You probably mean the Quartermaster General of the Army?

SAUCKEL: The Quartermaster General was, as far as I know, next to the Commander-in-Chief of the Army.

DR. NELTE: And by this you mean to say that the OKW and the Defendant Keitel had no competence concerning the procuring, recruiting, and conscripting of manpower in the occupied territories?

SAUCKEL: He had no competence in this respect. I came into contact with Field Marshal Keitel, because the Führer repeatedly instructed me to ask Field Marshal Keitel to transmit his orders to the army groups by telephone or through directives.

DR. NELTE: And what about the question of the allocation of workers? Did the OKW, and specifically the Defendant Keitel as Chief of the OKW, have any competence concerning the allocation of workers at home?

SAUCKEL: No, for the workers were used in those economic branches for which they had been demanded, and they had nothing at all to do with the OKW.

DR. NELTE: Thank you very much.

THE PRESIDENT: Do any members of the Prosecution wish to cross-examine?

M. JACQUES B. HERZOG (Assistant Prosecutor for the French Republic): Defendant Sauckel, you joined the National Socialist Party in 1925, didn't you? Is that correct?

SAUCKEL: I joined the National Socialist Party for the first time, as an ordinary member, as early as 1923. When the Party was reorganized in 1925 I again became a member.

M. HERZOG: But you had supported the policy of National Socialism since 1921, had you not?

SAUCKEL: From 1921 onwards, I supported a German policy. In 1921 I did not as yet belong to the Party. I knew about the Party, and I was in sympathy with its ideas; that is probably the right way to put it.

M. HERZOG: Did you not make speeches in favor of National Socialism from that time on?

SAUCKEL: From about the middle of 1921 I made speeches in favor of Germany, not expressly for the Party and only in a very small way, at small gatherings, and as my conscience guided me.

M. HERZOG: You were Gauleiter, member of the Landrat, Minister of the Interior, and Governor of Thuringia. Is it correct that in this capacity you brought about the Nazification of your Gau?

SAUCKEL: I was Prime Minister of Thuringia from August 1932, and I was Minister of the Interior as well.

M. HERZOG: I am asking you the question again: Is it correct that, in your capacity as Gauleiter and Governor of Thuringia, you brought about the Nazification of your Gau?

SAUCKEL: Nazification is a term with which I was neither familiar nor do I consider it correct. I recruited for the National Socialist Party and I supported it.

M. HERZOG: You were Obergruppenführer of the organization of the SS, were you not?

SAUCKEL: I do not quite understand. Of the SS?

M. HERZOG: You were an Obergruppenführer of the SS?

SAUCKEL: I already stated in my preliminary interrogation that I was an honorary Obergruppenführer of the SS. I myself never served in the SS, nor did I exercise any functions in the SS.

M. HERZOG: When did you become Obergruppenführer of the SS?

SAUCKEL: As far as I remember I became an Obergruppenführer of the SS in 1934.

M. HERZOG: And you were that until when?

SAUCKEL: Until the end.

M. HERZOG: Among the documents which you have presented in your document book, there is Document Sauckel-95. I will read the following passage on Page 252 of the French translation:

"My dear fellow countrymen, our magnificent SA and SS, persecuted and insulted during a whole decade as the scum of the German people, have carried through, supported, and sustained this revolution with an unshakable discipline..."

Is it correct...

THE PRESIDENT: From what are you reading?

M. HERZOG: From Document Sauckel-95 of the defendant's document book; Document Sauckel-95, which was submitted yesterday by the learned counsel for the defense, Page 252 of the French translation. It is in the third document book of the defendant.

THE PRESIDENT: Yes, go on.

M. HERZOG: I put the question again and read:

"My dear fellow countrymen, our magnificent SA and SS, persecuted and insulted during a whole decade as the scum of the German people, have carried through, supported, and sustained this revolution with an unshakable discipline..."

Do you confirm this declaration?

SAUCKEL: Yes, but I request that I be shown the document in cross-examination so that I can define my attitude in detail.

M. HERZOG: This document is taken from your own document book, which you yourself submitted.

SAUCKEL: Yes, I remember it well.

M. HERZOG: Were the Nuremberg Laws concerning Jews in accordance with your convictions?

SAUCKEL: I had no influence on legislation such as culminated in the Nuremberg Laws. My conviction is that every nation and every race has the right to exist and to demand respect and protection through itself. What I demand and have demanded for my own people is exactly the same.

M. HERZOG: Did you see to it that the Nuremberg Laws were strictly applied in the Gau of Thuringia?

SAUCKEL: The Nuremberg Laws could apply to Thuringia only insofar as my authority to appoint or dismiss employees was involved; and, of course, according to German law, it was my duty to carry out the law. The carrying out of this law by me entailed neither ill-usage nor any other inhuman treatment.

M. HERZOG: Did you approve of Hitler's theory of living space?

SAUCKEL: The Führer wrote about living space in his book. How far I agreed or disagreed with him cannot, in my opinion, be dealt with in this Trial, for I had no influence as to how the Führer himself should interpret the word Lebensraum.

THE PRESIDENT: The Tribunal think that you must answer the question, whether or not you approve of the doctrine of Lebensraum.

SAUCKEL: I am not fully acquainted with the statements made by the Führer about the doctrine of Lebensraum. I should like to emphasize that I never thought of Lebensraum in connection with the carrying out of wars, or wars of aggression; neither did I promote the idea; but the idea of Lebensraum is perhaps best brought home to us by the fact that the population of Europe in the last 100 years has increased threefold, from 150 million to 450 million.

M. HERZOG: Did you, or did you not approve of the theory of Lebensraum? Answer "yes" or "no."

SAUCKEL: I did not agree with the theory of Lebensraum if it had to do with wars of aggression.

M. HERZOG: Did you approve of Hitler's theory of the master race?

SAUCKEL: I could give abundant proof that I personally always refused to emphasize the idea of a master race, and said so in my speeches. I am personally much more interested in proficiency than in ideas about a master race.

M. HERZOG: Then you did not think that the foreign policy of Germany should have been conducted according to these two theories; the theory of Lebensraum on the one hand, and the theory of the master race on the other hand?

SAUCKEL: I have already stated to my counsel that I did not concern myself with foreign policy and was not informed about it, as I am not versed in matters of foreign policy.

M. HERZOG: On the contrary, did you not approve of all the measures of foreign policy, and did you not participate in them?

THE PRESIDENT: Perhaps we had better break off now, and you can repeat the question tomorrow.

[The Tribunal adjourned until 30 May 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-SECOND DAY

Thursday, 30 May 1946

Morning Session

[The Defendant Sauckel resumed the stand.]

PROFESSOR DR. FRANZ EXNER (Counsel for Defendant Jodl): Mr. President, I should like to put a request to you. My client comes next in order and he would like to be excused, if possible, this afternoon and all day tomorrow, so that he can prepare his case.

THE PRESIDENT: Yes, certainly.

MARSHAL: May it please the Tribunal, the report is made that the Defendant Von Papen is absent.

M. HERZOG: Defendant Sauckel, I was asking you yesterday whether you considered that Germany's foreign policy was based on the Hitlerian theories concerning living space and the master race.

SAUCKEL: May I ask you to repeat the question? I did not quite understand it in German.

M. HERZOG: I was asking you yesterday if you considered that the foreign policy of Germany was based on the two Hitlerian theories, Lebensraum and the master race.

SAUCKEL: I have understood—whether German foreign policy was based on the principles of Lebensraum and the master race.

M. HERZOG: Yes, I am asking you to answer whether, in your opinion, it was so.

SAUCKEL: Not on the principle of a master race. I should like to be permitted to give an explanation of this.

I personally have never approved of the statements made by some of the National Socialist speakers about a superior race and a master race. I have never advocated that. As a young man I traveled about the world. I traveled in Australia and in America, and I met families who belong to the happiest memories of my life. But I loved my own people and sought, I admit, equality of rights for them; and I have always stood for that. I have never believed in the superiority of one particular race, but I always held that equality of rights was necessary.

M. HERZOG: That being so, you did not approve of the whole of the foreign policy of Hitler; and you did not collaborate with him?

SAUCKEL: In answer to the question by my counsel I stated that I never considered myself to be a politician as regards foreign policy. I entered the Party by quite a different way and for quite different motives.

M. HERZOG: Do you remember the declaration which you made on 4 September 1945 to two American officers?

[Turning to the Tribunal.] This declaration is Document Number 3057-PS. It was submitted as Exhibit Number USA-223.

[Turning to the defendant.] You said the following:

"I have been a convinced National Socialist since 1921 and agreed 100 percent with the program of Adolf Hitler. I worked actively to that end; and during the period from 1921 until the assumption of power I made about 500 speeches, the sense and contents of which represented the National Socialist standpoint. It was for me a particular satisfaction to have raised the Gau of Thuringia to a predominant position with regard to its National Socialist views and convictions. Until the collapse I never doubted Adolf Hitler, but obeyed his orders blindly."

THE PRESIDENT: You are going a little bit too fast. This has been read, M. Herzog. I do not think you need read all of it.

M. HERZOG: I would ask you then, Defendant Sauckel, if you confirm the statements which were made under oath, voluntarily and without any duress, on 4 September 1945, and which contradict those that you made yesterday and which you have just made to me.

SAUCKEL: I confirm that my signature is appended to this document. I ask the Tribunal's permission to state how that signature came about.

This document was presented to me in its finished form. I asked to be allowed to read and study this document in my cell in Oberursel and decide whether I could sign it. That was denied me. During the conversation an officer was consulted who, I was told, belonged to the Polish or Russian army; and it was made clear to me that if I hesitated too long in signing this document I would be handed over to the Russian authorities. Then this Polish or Russian officer entered and asked, "Where is Sauckel's family? We know Sauckel, of course we will take him with us; but his family will have to be taken into Russian territory as well." I am the father of 10 children. I did not stop to consider; and thinking of my family, I signed this document.

When I returned to my cell, I sent a written message to the commandant of the camp and asked permission to talk with him alone on this matter. But that was not possible, because shortly afterwards I was brought to Nuremberg.

M. HERZOG: Is not your signature at the end of this document in which you declared that you "made the above declarations voluntarily and without any duress"?

SAUCKEL: That is correct, but in this situation . . .

M. HERZOG: I think your explanation is sufficient.

THE PRESIDENT: Will you ask him whether he has read it now and whether it is true.

M. HERZOG: I asked you a few moments ago, and I ask you now: Are you ready to confirm that your statements are correct?

SAUCKEL: These statements are not correct in individual points, and I asked that I might correct these various points; but I was not given the time to do that.

On the last morning before I left I was told I could discuss this matter in Nuremberg, and when I was interrogated here I told the American officer about the matter.

THE PRESIDENT: M. Herzog, was this document read over in the Tribunal during the prosecution?

M. HERZOG: This document was submitted under Exhibit Number USA-223.

DR. SERVATIUS: Mr. President, as far as I recall this document was not submitted. At the time I had a conversation with the American representative of the Prosecution and told him about these objections. He did not bring it up at a later session because of these objections; and the President himself, at the conclusion, asked whether this document would not be produced, and the prosecutor said, "No. Having talked it over with the Defense, I will dispense with this document."

THE PRESIDENT: Well, you tell us that it wasn't read over in court.

DR. SERVATIUS: No, it was not read in court. At any rate I would like to object to the admissibility of this document, for it was given under duress.

THE PRESIDENT: Under these circumstances, M. Herzog, you may cross-examine in what way you like upon the document. The Tribunal was under the impression that it had already been read over. That is why they stopped you reading it.

M. HERZOG: *[Turning to the defendant.]* In Paragraph 2 you declared:

"After the putting into effect of the Nuremberg Laws, in keeping with my convictions, I saw to it that all these laws were fully carried out in the Gau of Thuringia."

Paragraph 4:

"With regard to foreign policy I have been of the opinion that the German people has a justified claim for living space in Europe and by reason of their superior racial level have to assume a leading position.... I agreed with all the decisions taken by Hitler and the NSDAP concerning the means to be used and the measures to be taken to obtain these ends, and I collaborated actively in the execution of this plan."

SAUCKEL: I could not follow your concluding sentences.

M. HERZOG: I will read it once more:

"... I agreed with all the decisions taken by Hitler and the NSDAP concerning the means to be used and the measures to be taken to obtain these ends, and I collaborated actively in the execution of this plan."

I ask you to confirm whether you made these statements.

SAUCKEL: I certainly would not have made those statements in the way I did, if I had been able to act freely and according to my own will.

M. HERZOG: The Tribunal will consider it. Is it a fact that you were appointed...

THE PRESIDENT: M. Herzog, the Tribunal thinks that the document is before the witness and he should be asked to point out in what way he says the document is wrong.

M. HERZOG: Defendant Sauckel, you heard what the President has said. You say that this document does not correspond to the truth. Will you kindly tell the Tribunal in what way it does not.

SAUCKEL: May I take this document point by point? I was 100 percent in agreement with the social program, and I told my counsel that when he examined me.

THE PRESIDENT: Defendant, what the Tribunal wishes is that you should take the document and point out, sentence by sentence, what is wrong in it.

SAUCKEL: In Paragraph 1, the year 1921 is incorrect.

I became a member, as my first membership card shows, only in 1923 or 1925. Before the year 1923 I was in sympathy with the Party.

As to being 100 percent in agreement with Adolf Hitler's program, I meant 100 percent insofar as the program appeared to me

to be justified legally and constitutionally, and according to ethics and morality.

Just how many meetings I conducted I cannot say. My speeches and lectures were based mainly on my life and on my experiences. Those were the only things that I could talk about, and I wanted to reconcile the German social classes and the German professions to National Socialist ideology.

THE PRESIDENT: Defendant, I have pointed out to you that what the Tribunal desires is for you to take the document and say what sentences in it are wrong, and not to make speeches.

SAUCKEL: In my eyes, all the sentences are wrong. I would not have put them that way if I myself had been able to formulate them. The way they stand, I dispute each and every sentence, for I did not write them and I was not consulted. These sentences were put before me as they are now.

DR. SERVATIUS: Mr. President, may I be permitted to give an explanation of this matter? This statement is practically a summary of all the interrogations in which the various points appear as a confession in the sense of the Indictment. The defendant could not say a word in his own defense if this were correct. Since it is a résumé and since conclusions can be drawn from it, he must have the opportunity of refuting these conclusions; and that necessitates a statement. These are not definite facts which can be answered with "yes" or "no."

THE PRESIDENT: The defendant has just said that the whole document is wrong, and he has also said that the document was obtained from him under duress.

DR. SERVATIUS: Yes.

THE PRESIDENT: And it is therefore not any use to go through it in detail. But the Tribunal would like to hear from the American Prosecution if they have anything to say about the matter.

MR. DODD: I do not have a copy of the document before me in English, but I...

THE PRESIDENT: You see, Mr. Dodd, M. Herzog has said that it was offered in evidence under the Exhibit Number USA-223.

MR. DODD: My recollection is that—I will check the record, Mr. President—my recollection is that in the presentation of the case on Slave Labor, we included this in our document book but did not offer it in evidence. I think I said to the Tribunal at the time that we had decided not to offer it. It had been printed and put in the document book.

My memory may be faulty, but my recollection is, Mr. President, that the President of the Tribunal asked me if I did not intend to

offer it, and I then stated that we had thought it over and decided not to use it.

THE PRESIDENT: I do not understand how it gets an exhibit number if it isn't offered in evidence.

MR. DODD: I don't either. I think it is an error.

THE PRESIDENT: I see. Mr. Dodd, do you know whether this is a résumé or a summary of a number of interrogations which were taken?

MR. DODD: My understanding is to the contrary. I think it was taken before the Defendant Sauckel was in Nuremberg and before any interrogations were conducted on the part of the interrogation division of the American Prosecution.

THE PRESIDENT: Were you aware Dr. Servatius was objecting to the document on the ground that it was obtained under duress?

MR. DODD: My recollection is that at the time of the presentation of the Slave Labor case Dr. Servatius made some objection, and I think that is what brought the matter up at that time; and that is why we did not use it.

THE PRESIDENT: Very well. Then you had better pass from it.

M. HERZOG: *[Turning to the defendant.]* You were appointed Plenipotentiary General for the Allocation of Labor by an ordinance of 21 March 1942?

SAUCKEL: Yes, that is correct.

M. HERZOG: Is it correct to say that this decree was countersigned by the Codefendant Keitel?

SAUCKEL: The decree, I believe, was countersigned three times. I believe that is right. At the moment I cannot confirm it with certainty.

M. HERZOG: Would you kindly explain to the Tribunal under what circumstances you were appointed to that office?

SAUCKEL: I answered that question when it was put to me by my counsel yesterday. It was a surprise to me.

M. HERZOG: Did Speer, the Reich Minister for Armaments, have anything to do with your appointment?

SAUCKEL: I cannot tell you that from my own knowledge. Bormann's announcement said it was at the suggestion of Speer; but I cannot tell you that from my own knowledge.

M. HERZOG: Do you recollect having made any statement on that subject in your interrogation on 12 September 1945?

SAUCKEL: At this moment I cannot remember the statement.

M. HERZOG: On 12 September 1945 you were interrogated by Major Monigan; and you appear to have stated the following—the Tribunal will find this on the first page of the extracts of the interrogatory which has been handed them:

“In March 1942 I was summoned rather suddenly by Minister Speer, who had been appointed a short while previously. Speer told me that it was urgent that I should assume...”

THE PRESIDENT: Could you move those papers away from the light; you cannot see the light which is constantly going on.

M. HERZOG: “...Speer told me that it was urgent that I should assume new functions in connection with the question of labor. A few days later he asked me to go with him to general headquarters, and I was introduced to the Führer who told me that I must accept this new appointment without fail.”

Do you confirm that statement?

SAUCKEL: It is correct; only I cannot say whether that was before a decision—whether my appointment was previously arranged before these meetings through the initiative of some other gentlemen; but except for that, the facts are correct.

M. HERZOG: But you confirm that the Defendant Speer, Minister for Armament and War Production, took you to Hitler's headquarters on the occasion of your appointment.

SAUCKEL: Yes, that is correct.

M. HERZOG: Yesterday your counsel submitted a chart showing the general organization of your service and how it was connected with the other organizations of the Reich. You declared that chart was correct. I would ask you to confirm, by saying “yes” or “no,” whether you think that chart is correct.

SAUCKEL: According to my own personal recollection, yes.

M. HERZOG: Have you that chart in front of you?

SAUCKEL: No, I have not.

M. HERZOG: It is the document which was handed up yesterday by your counsel showing the different offices.

THE PRESIDENT: Which chart is it?

M. HERZOG: It is Chart Number 1, indicating how Sauckel's department dovetailed with the other ministerial services.

[Turning to the defendant.] Will you look at Column 6 starting from the left, the column above which there is the name of the Defendant Funk? Have you found it?

SAUCKEL: Yes.

M. HERZOG: Would you go down that column, the third square, representing the armament inspectors? Is it correct that the armament inspectors, as shown here, were under the Defendant Funk?

SAUCKEL: Under Funk? Which department do you mean, which division? That is not quite correct here. It should be moved a bit to the side. Later it was under Speer. It says Reichsautobahn and highway inspectors. That did not come under Funk. That is a mistake.

M. HERZOG: Do you see the square beside that one, which connects the Plenipotentiary General for the Allocation of Labor with the directorate of the Reichsautobahn service. It is the square on the right-hand side, a little above the others. Should it be connected with the Reichsautobahn service? Should it not be with the square above, inspectors of armaments?

SAUCKEL: Yes; I cannot understand how this mistake could happen in this chart. I have not seen this diagram before. This is the first time I have seen it; that is a mistake. I did not know about that.

M. HERZOG: And you stated it was accurate without having examined it beforehand, is that so?

SAUCKEL: I assumed it to be the same chart as the one which was put before me as complete.

DR. SERVATIUS: Mr. President, when I presented this chart yesterday, I mentioned that there might be a few discrepancies. These discrepancies came in when it was being mimeographed. But I did not see the final...

THE PRESIDENT: Dr. Servatius, you can ask any questions if you want to in re-examination, but there is no ground for objection to questions which have been put. The questions are perfectly proper.

M. HERZOG: Defendant, you did take part in the conferences of the Central Planning Board of the Four Year Plan?

SAUCKEL: Only in some of them, when labor problems were being discussed.

M. HERZOG: Will you please tell the Tribunal which of your colleagues accompanied you or represented you at such conferences?

SAUCKEL: That varied—Dr. Timm, Dr. Hildebrandt, Dr. Stothfang; but it varied.

M. HERZOG: Who among the other defendants also participated in those conferences? Can you tell us?

SAUCKEL: I can recall with certainty only Herr Speer as being one who participated in these conferences. Whether Herr Funk actually participated, I really cannot remember any particular meeting. Perhaps he did, and perhaps not. I am sorry I cannot say for certain.

M. HERZOG: And the Defendant Göring?

SAUCKEL: At the meetings of the Central Planning Board I personally never saw the Reich Marshal. I do not know whether certain conferences which were held at his place had strictly to do with the Central Planning Board. Some conferences in which he participated took place at Karinhall, but whether they dealt with matters concerning the Central Planning Board I cannot say. It was not always clear.

M. HERZOG: But when the Defendants Göring and Funk did not take part in these meetings were they not represented there?

SAUCKEL: The Reich Marshal was represented by Field Marshal Milch, but whether Reich Minister Funk was represented I cannot remember exactly. He might have been represented by Herr Kehrl or someone else. There were many gentlemen there; I did not know all of them personally.

M. HERZOG: Is it not correct to say that, at these conferences of the Central Planning Board of the Four Year Plan, the general decisions concerning the allocation of labor were made by all the people who were present or were represented?

SAUCKEL: At the Central Planning Board no general decisions were made. The demands were made known there and, as there was nearly always a dispute, the higher authorities had to decide; generally it was the Führer. That happened frequently.

M. HERZOG: The Central Planning Board had established a collaboration between you and the other defendants who were present or represented there, is that not so?

SAUCKEL: That collaboration did not originate there, as those questions had already been discussed before the formation of this Central Planning Board. The questions were also discussed there, and demands were submitted and discussed.

M. HERZOG: Will you please take Document Number R-124. It has already been submitted to the Tribunal under Exhibit Number USA-179. You will see therein a declaration which you made at the meeting of 1 March 1944. I read:

"My duty towards the Führer..."

SAUCKEL: Will you please tell me the page from which you are reading?

M. HERZOG: Page 1780. The place is no doubt marked.

"My duty towards the Führer, the Reich Marshal, Minister Speer, and you, gentlemen, as well as towards agriculture, is clear; and I will fulfill it. As a start we have already 262,000 new workers; and I hope and am firmly convinced that I shall obtain most of what has been asked. The labor will have to be distributed, of course, according to the needs of German armament first, and secondly, German industry as a whole; and I shall always be prepared, gentlemen, to see to it that closest contact is constantly maintained here and that closest collaboration is given by the subordinated labor exchanges, as well as by the Gau labor exchanges."

Therefore, you do not contest the fact that the Central Planning Board did establish collaboration among the various services which recruited manpower, because you yourself asked for this collaboration.

SAUCKEL: I did not deny that there was collaboration. Collaboration is necessary in every regime and in every system. Here we were not concerned with foreign labor only, but chiefly with German labor, even at that period. I did not dispute the fact that work was being carried on; but final decisions were not always made there. That is what I wanted to say.

M. HERZOG: It is correct that you appointed delegates to represent you in the various German administrative departments?

SAUCKEL: I did not have representatives in the various administrative departments. I had liaison men, or else the administrative departments had liaison men in my office.

M. HERZOG: Did you not have such a liaison officer with the Defendant Speer, Minister for Armaments and War Production?

SAUCKEL: The man who was constantly with Speer was not a liaison officer, but the man who talked over with the Minister questions of demand, *et cetera*, which were pending. As far as I remember it was a Herr Berk.

M. HERZOG: And did you have a liaison officer with the Reich Minister of Labor?

SAUCKEL: I had no liaison officer with the Reich Minister of Labor. There were two departments in the Reich Ministry of Labor which concerned themselves with these problems in an administrative capacity.

M. HERZOG: In your interrogatory of 12 September 1945 you said as follows—the Tribunal will find it on Pages 6 and 7 of the interrogatory:

“I had moreover two officials who acted as intermediaries between Minister Speer and the Ministry of Labor.”

“Question: ‘Did this liaison officer establish a connection between your Ministry, Minister Speer, and the Ministry of Labor?’

“Answer: ‘Between me, Minister Speer, and the Ministry of Labor...’”

SAUCKEL: Will you please tell me the page?

M. HERZOG: Pages 4 and 5. Have you found it?

SAUCKEL: Yes.

M. HERZOG: “Between me, Minister Speer, and the Ministry of Labor...”

THE PRESIDENT: That is surely Page 6, is it not? You said Pages 4 and 5. It is Page 6, is it not?

M. HERZOG: Page 4 of the German extract, My Lord.

THE PRESIDENT: Oh, I see.

M. HERZOG: “Between me, Minister Speer, and the Ministry of Labor there were two counsellors, Dr. Stothfang . . . and Landrat Berk. They were jurists and experts in national economy. Dr. Stothfang was commissioned to act principally as liaison officer with the Ministry of Labor . . .”

Why did you tell me a few minutes ago that you had no liaison officer with the Ministry of Labor?

SAUCKEL: I made it quite clear that there were two departments which belonged to the Ministry of Labor, Departments 3 and 5; and this Ministerialrat Dr. Stothfang was formerly the personal assistant to State Secretary Syrup. In a few isolated cases he had discussions with State Secretary Syrup at my request, that is true; but these were not important. In general the departments themselves were in touch with the Ministry of Labor.

M. HERZOG: You confirm then, that you had a liaison officer at the Ministry of Labor and another in Minister Speer’s office?

SAUCKEL: I confirm that for occasional conferences. But these gentlemen were attached to those departments, and they came to me as my personal consultants and did not work in that Ministry. I cannot say either whether in this case the translation is correct. I do not remember exactly, but in principle it is correct.

But these gentlemen worked with me.

M. HERZOG: And will you please tell the Tribunal what the Stabsbesprechung was?

SAUCKEL: Stabsbesprechung was a conference on technical questions in which the various ministries or industrial employers participated who needed labor and the questions which had to be considered were discussed. I could not act independently, of course, as you have heard.

M. HERZOG: Who instituted these conferences, this new arrangement, these staff conferences? Who took the initiative in instituting them?

SAUCKEL: These staff conferences were instituted by me in order to obtain a clear conception of all these important questions, because in no regime or government in the world can anything be done in the dark.

M. HERZOG: You confirm then that these various kinds of liaison imply a common responsibility as to decisions taken by each one of you in the matter of manpower?

SAUCKEL: This question is not clear to me technically or administratively, for I could not do anything with the workers. I had to give them to other people, and I had to discuss the way this was to be done. But these conferences did not take place with the idea of a conspiracy or of a criminal act; they were the same kind of conferences as formerly took place. I have been present at conferences under a parliamentary system, and matters were dealt with in exactly the same way.

M. HERZOG: That is not what I was asking you. I was asking you whether you confirmed that the existence of these liaison officers to Minister Speer and the Minister of Labor, on the one hand, and the existence of this new organization that you created, on the other hand, implied a common responsibility in the decisions regarding manpower taken by Minister Speer, the Minister of Labor, and by you?

SAUCKEL: I cannot answer this question with a definite "no," as orders were given to me which, as a German official, I had to carry out in this case; and in order to carry them out I had to hold conferences. It was not possible to do otherwise, for it was not I personally, but German economy, that demanded and used these workers. This matter had to be settled in some way, regardless of whether German or other workers were concerned; and the same situation applied in normal times.

M. HERZOG: Is it a fact that, after you were appointed, you were authorized to be represented by special representatives in the military and civil departments of the occupied areas?

SAUCKEL: After 30 October—I cannot state the exact date—the instigation of the Führer, I appointed representatives to the

governments in the occupied countries. I mentioned this yesterday through my counsel.

M. HERZOG: The 30th of October? I think you mean the decree of 30 September 1942. It is a mistake on your part for the decree is dated 30 September.

SAUCKEL: I am sorry, I do not know the exact date.

M. HERZOG: Is it right that these representatives, appointed by that decree, were directly subordinate to you?

SAUCKEL: Insofar as they were my delegates, that is, for the passing on of orders, they were subordinate to me.

M. HERZOG: Is it true that they were authorized to give directives to the civilian and military authorities in the occupied territories?

SAUCKEL: That is correct as far as orders were concerned, but it is not true in general. It was a technical matter.

M. HERZOG: Who was your delegate with the occupation authorities in France?

SAUCKEL: The delegate with the occupation authorities in France was, first of all, President Ritter; he was murdered in Paris. And after him, President Glatzel.

M. HERZOG: Did you have a representative in Belgium?

SAUCKEL: In Belgium I had a delegate by the name of Schulze; he was with the military commander.

M. HERZOG: And in Holland?

SAUCKEL: In Holland there were various men. First of all, Herr Schmidt, and there was another man; I believe his name was Ritterbusch, or something like that, but I do not recall the exact name.

M. HERZOG: This system of representatives with the occupation authorities, was that approved of by Defendant Speer?

SAUCKEL: This was at the instigation of the Führer, and I assume that Speer agreed. He recommended it, as far as I know.

M. HERZOG: To your knowledge, did he take any initiative in the decree issued by the Führer concerning this matter?

SAUCKEL: Yes. He was present and he recommended it.

M. HERZOG: In your interrogatory you said, when speaking about these representatives, that Speer instituted these agencies for manpower in 1941 or 1942. The Tribunal will find this statement on Page 9 of the excerpts from the interrogatory. What do you understand by that sentence?

SAUCKEL: I did not quite understand you.

M. HERZOG: I shall read an extract of your interrogation of 8 October 1945.

"Question: 'What was the mission entrusted to your representatives in the labor offices of the military commander and of the civil governor? Did they merely give technical advice to the military authorities, which could be rejected at any time by the latter, or did they have authority to give directives to the military commanders on technical questions?'"

THE PRESIDENT: On what page is that?

M. HERZOG: Page 9, Mr. President.

"Answer: 'In 1941 or 1942 Speer instituted this delegation for manpower.'"

I would merely ask you what you understand by that phrase. What did you mean when you said that Speer instituted this delegation for manpower in 1941 or 1942?

SAUCKEL: I have to say, in this connection, that I never saw the minutes again after I had been interrogated. I cannot confirm that sentence about 1941-42, and I cannot imagine that I expressed myself in that way during the interrogation.

M. HERZOG: The Tribunal will judge your answer. Is it correct that, besides your representatives with the civil and military commanders, you installed administrative offices for labor in the occupied territories?

SAUCKEL: That is not correct. They were already there.

M. HERZOG: You confirm then that besides the delegates who represented you, there were recruiting agencies for manpower in the occupied territories?

SAUCKEL: Yes. In the occupied territories, in all regional governments, either civilian or military, there were departments dealing with manpower which were a part of the administration; and they were subordinate to the administration authorities.

M. HERZOG: Can you give an indication of the size of the personnel of those various services in the occupied areas?

SAUCKEL: Do you mean the total number? I cannot tell you from memory the separate figures for the personnel of these administrative offices. I never have known these figures exactly.

M. HERZOG: Do you remember the conference which took place, with you as chairman, on 15 and 16 July 1944 at the Wartburg with the heads of the regional labor offices and the labor delegations from the European occupied territories? On 15 July 1944, in the afternoon, State Counsellor Börger gave an account of the personnel

employed. It is Document Number F-810, which I submit under the Exhibit Number RF-1507. I will read on Page 20:

"State Counsellor Börger stated that outside the frontiers of the Reich there are about 4,000 people engaged in the administration of labor; Eastern area, 1,300; France, 1,016; Belgium and Northern France, 429; Netherlands, 194 . . ."

Do you confirm this statement of State Counsellor Börger?

SAUCKEL: Yes, speaking generally it may be true.

M. HERZOG: Apart from your representatives, apart from those services that we were talking about, did you not create in France commissions composed of specialists who were entrusted with organizing the employment of labor on the German pattern? Please answer.

SAUCKEL: I did not quite understand the question. Please repeat it.

M. HERZOG: I shall repeat it. Apart from your representatives—apart from the services that we have been talking about—did you not create, in France particularly, commissions composed of specialists who were entrusted with organizing the employment of manpower on the German pattern?

SAUCKEL: I told my defense counsel yesterday about my collaboration with French units for . . .

M. HERZOG: That is not what I mean. I am talking about commissions composed of specialists. Do you not remember that in order to insure the recruiting of manpower in France you thought of the system of attaching two French *départements* to a German Gau?

SAUCKEL: I remember now what you mean. This was the system of adoption arranged in agreement with the French Government, according to which a German Gau adopted a French *département*. The main object was to inform the workers, who were to come to Germany, about conditions in Germany and to have mutual talks with the economic offices of the French *départements* about statistics.

M. HERZOG: I hand to the Tribunal Document Number 1293-PS, which becomes French Exhibit Number RF-1508.

[Turning to the defendant.] This is a letter bearing your signature, dated Berlin 14 August 1943, from which I shall read extracts. The Tribunal will find it in the document book which I handed to them at the beginning of this session. I shall first read the last paragraph on Page 1.

THE PRESIDENT: I am afraid I have not got it—1293?

M. HERZOG: Mr. President, the documents which figure in my document book were handed to the Tribunal this morning—unless

I am making a mistake, for which I apologize in advance—in the order in which I intend to use them.

THE PRESIDENT: I have one. 1293. Is that right?

M. HERZOG: I have attached a slip only to those documents which I think I shall use several times, so that the Tribunal may find them more easily. May I now begin to read?

THE PRESIDENT: I am sorry but the documents had not been handed up to me, that is all. None of them had been handed up.

M. HERZOG: I am reading at the bottom of Page 1:

“The solving of these two great manpower problems demands the immediate setting up in France of a stronger and better German labor organization possessing the necessary powers and means. This will be done by a system of sponsorship by Gaue. France has got about 80 *départements*. Greater Germany is divided into 42 political Gaue, and for the purposes of manpower recruitment it is divided into 42 Gau labor office districts. Each German Gau labor office district will take over and sponsor, say, two French *départements*. Each German Gau labor office will furnish for the *départements* it sponsors a commission of specialists, made up of the ablest and most reliable experts. These commissions will organize the allocations of labor in these sponsored *départements* according to the German pattern.”

I skip one page and continue reading at the bottom of Page 2 of the French text. That is Page 3 of the German translation:

“There is no doubt that this projected system of sponsorship by Gaue for the employment of French manpower in Germany, and especially the transformation necessary in the interest of Germany of French civilian workers for the German armament industries, will bring about enormous advantages in France herself compared with the present system.”

I am passing to the bottom of Page 3 of the French text, and I read under “d”:

“The Central German Labor Office in Paris, that is, the representative of the Plenipotentiary General and his office . . .”

You told me a short while ago that the German offices for the recruitment of labor in the occupied territories were not under you as Plenipotentiary General for the Allocation of Labor, but under the local authorities. How do you explain this sentence?

SAUCKEL: It can be explained very simply. These men were subordinate to the military commanders in the labor department. They were sent from Germany, and they were taken from the labor offices and put into the administration.

M. HERZOG: You say, "The Central German Labor Office in Paris, that is, the representative of the Plenipotentiary General and his office..." The Central German Labor Office in Paris was therefore your representative?

SAUCKEL: The Central German Labor Office in Paris was a part of the civilian administration of the military commander in France. This is not expressed in this sentence, for it was taken for granted in this letter that the Gauleiter knew this. The position as I explained it is entirely correct.

M. HERZOG: I shall continue reading:

"The Central German Labor Office in Paris, that is, the representative of the Plenipotentiary General and his office, will therefore have in the whole of France a reliable apparatus which will make it a great deal easier for him to solve his problems in France, in spite of any possible or even real passive resistance on the part of the higher or lower French bureaucracy."

I skip two lines.

"I have, therefore, charged the presidents or the provisional chiefs of the newly formed Gau labor offices to set up a corresponding organization in the *départements* which they are sponsoring; and I request you, in your capacity as my Plenipotentiary for the Allocation of Labor, in agreement with Reichsleiter Bormann, to promote and give your fullest support to the new task allotted to your Gau labor office. The president or the provisional chief of your Gau labor office is instructed to keep you informed of all details concerning the carrying out of these measures."

Are not these measures an attempt to subordinate French territory to German territory as far as the organization of labor is concerned?

SAUCKEL: Yes. But I should like to ask you and the High Tribunal to allow me to say the following in explanation: On the first page, Paragraph 1—I quote from the third line—it says, "...with the full consent of the Führer I am to take far-reaching and urgent measures in France in negotiation with the head of the French Government and the competent"—now comes the important part—"German authorities;"—that is, the military commander's department, in which these labor authorities and this delegate were incorporated and to whom they were subordinate.

And on Page 4, I should like to read about the special purpose of this system of sponsorship which should have nothing unfriendly about it. I read from Page 4 in the German text, under the letter "a":

"Prejudice, suspicion, lack of care, failure to redress and look into complaints"—that is, complaints by the workers—"which are prejudicial to the employment of manpower in Germany, all these things can be very largely eliminated by the relations between the Gau and its sponsored *département*."

Now I read under letter "b":

"Every French worker in such a *département* knows exactly where and under what conditions he will have to work in Germany. German propaganda and explanatory material will tell him about the locality in which he will have to work and about all matters which are of interest to him."

And that was the purpose of that arrangement. It was something I wanted to do for the French workers, besides looking after German interests.

M. HERZOG: Please answer me "yes" or "no." Was this arrangement an attempt to bring about a joint administration between the French *départements* and the German Gaue as far as the employment of labor was concerned? Answer me "yes" or "no."

SAUCKEL: No. I should like to give an explanation to this negative answer. The purpose of this arrangement was to clear up unsolved problems between the French Government, between the French *départements*, between French industrialists and factories, on the one hand, and the administrative offices in Germany where the French workers were to be employed. That was the real purpose—to settle complaints and clear away mistrust.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

M. HERZOG: Defendant, is it true that your Codefendant Göring placed under your control all the organizations of the Four Year Plan which were concerned with the recruiting of labor?

SAUCKEL: The various organizations of the Four Year Plan which had to do with manpower were dissolved. Departments 3 and 5 of the Reich Ministry of Labor continued to deal exclusively with these matters.

M. HERZOG: Is it true that the powers of the Reich Minister of Labor concerning the employment of labor were transferred to you and that as a result of this transfer you had powers to issue regulations and laws?

SAUCKEL: Only insofar as the work of Departments 3 and 5 were connected with my own task. Otherwise the functions of the

Reich Ministry of Labor remained independent under the Reich Minister of Labor.

M. HERZOG: But within these departments you exercised the powers of the Reich Minister of Labor after your appointment as Plenipotentiary General for the Allocation of Labor?

SAUCKEL: Within my office as Plenipotentiary General for the Allocation of Labor. But I must emphasize that these departments were not under me; they were merely at my disposal. Great importance was attached to this difference at the time. The departments continued to work independently within the whole framework of the Ministry of Labor.

M. HERZOG: But as a result of this situation you exerted administrative autonomy in matters concerning labor?

SAUCKEL: Not an autonomy; it was done by vote. I could not issue decrees, but could only give instructions. In every case I had to get the agreement of the other administrative authorities and Reich ministries, and the agreement of the Führer or of my superior office.

M. HERZOG: Did you not have *carte blanche* from the Führer for the recruiting and the utilization of labor?

SAUCKEL: Not for recruiting and utilization, but for guiding and directing. If I may express it in this way, it was never a case of the workers' agent—that is, of course, what allocation of labor really means—employing these workers himself. The firms employed the workers, not the agent.

M. HERZOG: For the recruiting of labor you had *carte blanche* from the Führer. Is that not true?

SAUCKEL: Not absolutely, and only after there had been a vote and after the agreement of the regional authorities concerned had been obtained, especially in the case of foreign countries. I never recruited workers in France without the express agreement of the French Government and with their collaboration. The French administration was used here.

M. HERZOG: Defendant Sauckel, you have on several occasions mentioned the agreements and arrangements made in France with those whom you yourself call "the leaders of collaboration." You know better than any other that these leaders of collaboration, imposed upon France by the enemy, bound themselves only and that their acts were never ratified by the French people as a whole. Besides, these leaders of collaboration, whose testimony cannot be suspect to you, have themselves revealed that pressure was exerted upon them, and we will discuss that now. Is it true that on 16 April 1942, that is to say, less than a month after your appointment, you

stated in a letter to the Defendant Rosenberg—which states your program and which was presented to you yesterday—that you included the recruiting of foreign workers in your program for the utilization* of labor?

SAUCKEL: I resent the term “exploitation.”* By strictest orders from the Führer, it is true that recruitment of foreign workers had to be included in my program.

M. HERZOG: Is it true that you included the recruitment of foreign workers in your program of 16 April 1942? You admitted this yesterday, and I ask you to confirm it.

SAUCKEL: Yes, it is true. I only emphasize that I did it on the strictest orders from the Führer.

M. HERZOG: Is it true that this program of 16 April 1942, that is to say, 3 weeks after your appointment, already contained the principle of forced recruiting?

SAUCKEL: It was done by express order of the Führer, in case voluntary recruitment proved to be inadequate. I said that yesterday to my counsel.

M. HERZOG: Do you remember the decree that you issued on 29 August 1942? This decree dealt first and foremost with the employment of labor in occupied territories—Decree Number 10 of 22 August by the Plenipotentiary General for the Allocation of Labor. It was submitted to the Tribunal as Exhibit Number RF-17 (Document Number RF-17). Do you remember it?

SAUCKEL: I do remember Decree Number 10.

M. HERZOG: Was this decree applicable to the occupied territories which were under German administration?

SAUCKEL: As far as I can remember—I have not the exact wording and the separate paragraphs before me—it dealt with the regulation of working contracts drawn up by German firms. The purpose was to prevent a muddle.

M. HERZOG: Is it true that you went on a mission to Paris in August 1942?

SAUCKEL: That is possible; but I, of course, cannot remember the individual dates.

M. HERZOG: Is it true that you went on a mission to Paris in January 1943?

SAUCKEL: That is also possible, even probable.

* The word *utilization* used by the French prosecutor was wrongly interpreted into German as “Ausbeutung” meaning “exploitation.”

M. HERZOG: Is it true that you went on a mission to Paris in January 1944?

SAUCKEL: Also probable, yes; but I do not know the individual dates.

M. HERZOG: You therefore went on missions to Paris before the French authorities, the French *de facto* authorities, had published the legislative decrees of 4 September 1942, 16 February 1943, and 1 February 1944. Is that not true?

SAUCKEL: I did not understand your question exactly.

M. HERZOG: I asked you whether it is true, that before the French *de facto* authorities published the three fundamental laws on forced labor of 4 September 1942, 16 February 1943, and 1 February 1944, you went on missions to France, to Paris?

SAUCKEL: I only went on journeys to Paris for the purpose of negotiating with the French Government, and I want to add that for me and in accordance with my convictions...

M. HERZOG: Do you admit that in the course of these missions you imposed on the French authorities the laws on forced labor?

SAUCKEL: It is not correct to put it in that way, rather...

M. HERZOG: You therefore contest the fact that the laws on forced labor were issued under pressure by you?

SAUCKEL: I dispute the word "pressure." I negotiated most correctly with the French Government before such laws were published. I expressly resent the word "pressure," and there were plenty of witnesses during these negotiations.

M. HERZOG: Do you remember the telephone conversation that the Defendant Speer had with you from the Führer's headquarters on 4 January 1943?

SAUCKEL: Yes, I probably had several conversations with Speer. I do not know which particular conversation you are referring to.

M. HERZOG: Do you not remember a note that you sent to your various offices as a result of this telephone conversation of 4 January 1943?

SAUCKEL: Yes. Quite probably I did make several notes. I had to make notes when I received a telephone conversation containing an instruction.

M. HERZOG: I now submit Document Number 556-PS, which has already been submitted to the Tribunal under the Exhibit Numbers USA-194 and RF-67. I will read that document, or at least its first paragraph:

“On 4 January 1943, at 2000 hours, Minister Speer telephoned from the Führer’s headquarters to inform me that according to the decision of the Führer it is no longer necessary, when engaging skilled and unskilled labor in France, to show any special consideration for the French. Emphasis or more severe measures may be used in order to recruit labor.”

I ask you, Defendant, what you mean when you say that it is not necessary to show any special consideration for the French?

SAUCKEL: This note or rather this decision did not come from me. This was a communication which came from the Führer’s headquarters, based on a decision made by the Führer. In spite of that—and I want to emphasize that particularly—my attitude towards the French Government did not change, and it does not say so in this record either. I continued to adopt the same polite attitude in my negotiations with the Government, and I ask the Tribunal to be allowed to make a short statement on how these negotiations with the French Government were conducted.

M. HERZOG: You will give it later in your examination. Do you remember the discussion that you had on 12 January 1943, at the German Embassy in Paris, with the French authorities?

SAUCKEL: As far as I know, I only talked to French ministers in the German Embassy in Paris.

M. HERZOG: That is exactly what I am asking you. Do you remember this conversation that you had with the French authorities on 12 January 1943?

SAUCKEL: Not in detail, no; but that I did negotiate is possible.

M. HERZOG: Do you remember the persons who took part in this conversation?

SAUCKEL: Yes. Usually the French Premier, the French Minister for Labor, Minister Bichelonne, took part in such discussions. On the German side, the Ambassador; on behalf of the military commander, Dr. Fischer; and, as my representative, probably Dr. Hildebrandt or some other gentleman.

M. HERZOG: And you do not remember what Laval said to you at this meeting of 12 January 1943?

SAUCKEL: Very many matters were discussed in great detail during these conferences, and I do not know what you mean.

M. HERZOG: Well, I will submit to you the minutes of this meeting. It is Document Number F-809, which I submit to the Tribunal under Exhibit Number RF-1509.

In the course of this discussion Laval made a long statement to you; more exactly, several statements.

THE PRESIDENT: Where shall we find this?

M. HERZOG: It is in my document book, Mr. President. It must be marked with a slip 809.

THE PRESIDENT: Oh yes, I have got it.

M. HERZOG: First, I read Page 7 of the French text and of the German text:

"Gauleiter Sauckel demands a further 250,000 new workers. Gauleiter Sauckel knows very well—and his offices have certainly informed him about this—the difficulties which the French Government had in carrying out the program last year. The Gauleiter must realize that as a result of the number of prisoners of war and workers who are already employed by Germany, the sending of another 250,000 workers will increase even further the difficulties of the French Government. I cannot conceal these difficulties from the Gauleiter, because they are evident; and the Germans who are in Paris know these difficulties. When the Gauleiter replies that they have had to overcome the same difficulties in Germany and when he even states that French industry must be expanded, it seems to me that I must remind him that Germany not only demands workers of France, but is also beginning to take away the machines from factories in order to transport them to Germany. France may have nothing left, but until now she still had her means of production. If these too are taken from her, France loses even her possibilities for working.

"I do everything to facilitate a German victory"—and you see Laval could hardly be suspect to you, Defendant—"but I must admit that German policy makes heavier demands on me nearly every day and these demands do not conform to a definite policy. Gauleiter Sauckel can tell the German workers that they are working for Germany. I cannot say that Frenchmen are working for France.

"I see that in many fields the French Government is not able to act. One would almost believe that on the German side they set no value on the good will of the French and that they are bent on instituting a German administration throughout France. My task is being made more difficult every day. It is true that I do not allow myself to be discouraged; but I consider, however, that it is my duty to remind the Gauleiter of the gravity of Franco-German relations and of the impossibility of continuing along this path. It is no longer a matter of a policy of collaboration; rather, it is on the French side a policy of sacrifice, and on the German side a policy of coercion."

I pass to the next page, Page 11:

"The present state of mind in France, the uncertainty concerning the means which the French Government possesses, the half-freedom in which it finds itself, all these do not give me the necessary authority to furnish Gauleiter Sauckel with an immediate reply. We can do nothing. We are not free to change salaries; we are not free even to combat the black market; we cannot take any political measure without everywhere coming up against some German authority which has substituted itself in our place.

"I cannot guarantee measures which I do not take myself. I am persuaded that the Führer is unaware that the French Government cannot act. There cannot be in one country two governments on questions which do not concern directly the security of the occupation forces."

I skip two more pages, to Page 18; and I read only this sentence:

"It is not possible for me to be a mere agent for German measures of coercion."

That is the document which I submit to you, Defendant, and I ask you two questions concerning it.

The first question is: What did you answer to Laval when he made this statement to you?

The second one is: Do you not think that here there is proof of the pressure which you dispute?

SAUCKEL: To begin with, if the Tribunal would permit it, I should have to read my reply to Premier Laval. The document proves, and this has been confirmed to me by Premier Laval on various occasions, that I conducted my negotiations with him in a proper manner; and in spite of the fact that I had orders not to conduct political conversations but only to deal with my actual task, I always reported to the Führer about these matters. But I think that the tone of my reply was definitely beyond reproach. These negotiations which I conducted...

M. HERZOG: That is not the question that I asked you. I asked you what you answered him when he made that statement to you, when he said to you, for instance, that it was not possible for him to be a mere agent for German measures of coercion.

SAUCKEL: I would have to read my answer. I cannot remember it now.

M. HERZOG: Do you therefore dispute the fact that this represents pressure?

SAUCKEL: Premier Laval did not complain about me in this connection. He complained about general conditions in France,

because this was the time of occupation. The situation was that there was a German occupation. It was war.

M. HERZOG: Well, I am going to submit to you Document...

DR. SERVATIUS: Mr. President, regarding this document, I should like to draw your attention to an error of translation which will lead to considerable misunderstanding. According to this document it says that the recruitment could be approached with emphasis and more severe measures, and the word "emphasis" has been translated by "pressure" in the English. But that is not meant. It is not "Druck," pressure; it is "Nachdruck," emphasis. That means that the next in authority can be approached with energy.

THE PRESIDENT: I am told that the translation we have got is "emphasis."

DR. SERVATIUS: "Pressure."

THE PRESIDENT: I am told the translation is "emphasis." No, no, the translation is "emphasis." It is in this document, and the translation in English is "emphasis."

DR. SERVATIUS: Oh, I had the French translation.

M. HERZOG: I am going to submit to you Document...

THE PRESIDENT: Is this document in the PS series?

M. HERZOG: No, Mr. President, it is a new document which I am submitting now, a French document which will bear Exhibit Number RF-1509 (Document Number. F-809).

THE PRESIDENT: Where did this document come from?

M. HERZOG: That document comes, Mr. President, from the archives of the Majestic Hotel in Paris, where the German offices in Paris were located. Some months ago these archives were found again in Berlin, and we have extracted the Sauckel documents.

I submit to the Tribunal the certificate of authentication for the Sauckel files, as well as for the documents which I intend to submit to the Tribunal in the course of my cross-examination. Perhaps, as the document is in French, the Tribunal would like me to read it.

THE PRESIDENT: Yes, read it, will you? You mean this procès-verbal? What is this procès-verbal? Who is it identified by?

M. HERZOG: This procès-verbal is identified by two persons, by Commandant Henri, French liaison officer at the American Documentation Center in Berlin, and by my colleague, M. Gerthoffer, who, with Commandant Henri, took these archives.

THE PRESIDENT: Perhaps you had better read this procès-verbal so that it will go into the record.

M. HERZOG: "I, Charles Gerthoffer, Deputy Prosecutor at the Court of the Seine, on duty with the International Military Tribunal for the Major War Criminals, having gone to Berlin to the offices of the Ministerial Collecting Center, Commandant Henri, Chief of the French Mission, gave to me, with the authority of Colonel Helm of the American Army, Chief of the 6889 Berlin Collecting Center, seven files from the archives of the German military command in France concerning forced labor and registered at the M.C.C. under the following numbers: 3 DS, Numbers 1 to 213; 4 DS, Numbers 1 to 230; 5 DS, Numbers 1 to 404; and two appendices; 6 DS, Numbers 1 to 218; 7 DS, Numbers 1 to 118; and one appendix; 1 to 121; 50 DS, Numbers 1 to 55; 71 DS, Numbers 1 to 40."

"I declared to Commandant Henri that I took the said files in order to submit them to the International Military Tribunal for the Major War Criminals so that they might be used in the course of the proceedings and that they will thereafter be delivered to the French Ministry of Justice, whose property they remain.

"There are five copies of this document, one of which is to serve as an affidavit for the International Military Tribunal for the Major War Criminals."

Signed, "Charles Gerthoffer," and Signed, "Henri."

This represents the certificate of authentication of the files themselves.

I have a second certificate . . .

SAUCKEL: May I make a remark regarding the first document, please?

M. HERZOG: I would ask you not to interrupt me.

THE PRESIDENT: M. Herzog, the documents came from the Hotel Majestic, did they?

M. HERZOG: Yes, Mr. President.

THE PRESIDENT: The Hotel Majestic was the place where the . . .

M. HERZOG: The place in Paris where the offices of the German military command in France and the various occupation offices were located. These documents, which had vanished at the time of the liberation, were found again at the Ministerial Collecting Center in Berlin. The document which I have just submitted to you is the certificate of authentication of these files, and I also have the certificate of authentication of the documents which I have extracted from these files and which I am now ready to read to the Tribunal, if the Tribunal so desires.

THE PRESIDENT: The Hotel Majestic was the place where the German military government was established in Paris; isn't that right?

M. HERZOG: Yes, Mr. President, if I am not mistaken. Does the Tribunal desire that I should read the other certificate of authentication, that is to say at least in part—the one concerning the document itself?

THE PRESIDENT: I thought you had already read it.

M. HERZOG: No, Mr. President. I am submitting to the Tribunal two certificates of authentication. The first, the one which I have just read, is the certificate of authentication of seven files which contain a very large number of documents. From these seven files we have extracted only a certain number of documents which we are submitting to the Tribunal; and that is why, after having presented the certificate...

THE PRESIDENT: The second document only says that the documents which you are submitting are documents which came from those files?

M. HERZOG: Yes, Mr. President.

THE PRESIDENT: And the files themselves came from the Hotel Majestic, which was the place where the German military administration was carried on. Will you put the second document on the record?

M. HERZOG: Yes, Mr. President.

THE PRESIDENT: Are you offering in evidence the original German documents?

M. HERZOG: Yes, Mr. President.

[Turning to the defendant.] Since you still deny the pressure that you exerted on the government, I will submit to you Document Number 1342-PS.

SAUCKEL: I think that an error in translation has been made here. I understood that you asked whether I denied that I was putting pressure on the Tribunal. I respect this Tribunal too highly to try to exert pressure upon it. I do not understand the question. I understood you to ask me whether I denied that I exerted pressure on the Tribunal; and, of course, that question I have to answer with "no."

M. HERZOG: I said this to you: Since you deny that you exerted pressure on the French authorities, I will submit to you a new document. It is Document Number 1342-PS which has already been submitted to the Tribunal under Exhibit Number RF-63. This document represents the minutes of a meeting which you held on 11 January

1943 in Paris with various German occupation authorities. Do you remember that on that occasion you made a declaration concerning your relations with the Vichy Government? I will read this declaration to you. It is on Page 4 of the French and German texts.

SAUCKEL: Unfortunately, I am not able to find it.

M. HERZOG: I will read the declaration:

"The French Government..."—It is the last paragraph but one before the end of Page 4.—"The French Government is composed of nothing but adepts at temporization. If the first 250,000 workers had arrived in Germany in time, before the autumn—the negotiations with the French Government having already been begun in the preceding spring—we might perhaps have been able to recruit key men in the Reich earlier and form new divisions; and it might then not have come to the cutting off of Stalingrad. In any case, the Führer is now absolutely decided to rule in France, if need be even without a French Government."

When you made this declaration, did it not reflect the pressure which you were exerting on the French Government?

SAUCKEL: This is not a conference with the French Government. This is a statement of facts.

M. HERZOG: I did not say that it was a conference with the French Government. I asked you what you meant when you stated that the Führer was determined to rule in France, even without the French Government. Was that not pressure?

SAUCKEL: That was a straightforward decision and a statement from the Führer, for which I am not responsible. I merely repeated it, and in any case it was never realized.

M. HERZOG: Why did you transmit it to the occupation authorities in France in the course of a conference that you were holding with them concerning the recruitment of labor?

SAUCKEL: Because it was my duty to give a description of the situation as I saw it at the time.

M. HERZOG: But do you not think that, in expressing to them this declaration of the Führer, you were using it to exert pressure?

SAUCKEL: I could not exert any pressure by that, because this was merely transmitting a statement of the situation. I did not tell the French Government that the Führer would remove them and that therefore they would have to do such and such a thing. I merely negotiated.

M. HERZOG: But you did state, and I ask you to confirm it, you did state in the course of that conference that the Führer had

decided to rule in France, if need be, even without a French Government?

Did you say that? I ask that you answer me "yes" or "no."

SAUCKEL: Yes, I repeated that, but not with the intention of doing that.

M. HERZOG: Do you remember the discussion which you had on 14 January 1944 in Paris with various German personalities?

SAUCKEL: Yes; it is possible that I had a discussion there at that time, but I cannot remember at the moment what it was about.

M. HERZOG: You do not remember a discussion which you had on 14 January, and you do not remember the German personalities who were present at this meeting?

SAUCKEL: Probably there were several conferences, but I cannot tell you now which one you are talking about. Neither do I remember, of course, what the actual subjects of the discussions were.

M. HERZOG: On 14 January 1944 you had a conference in Paris with Abetz, Von Stülpnagel, Oberg, and Blumentritt. Do you remember that in the course of that discussion you submitted to your listeners the draft of a law which you had drawn up and which you wanted to impose on the French authorities?

SAUCKEL: I was not trying to impose it. I was trying to discuss it. I was negotiating. I was not trying to impose it upon them. The wording of the minutes shows that quite clearly.

M. HERZOG: Do you dispute the fact that you yourself drafted a law which you transmitted to the French Government?

SAUCKEL: No, that I do not deny. That I submitted such a draft law and that I drafted it, I do not deny.

M. HERZOG: You do admit then that you yourself drafted the text?

SAUCKEL: Yes, but I cannot tell you which one you mean.

M. HERZOG: I submit to you Document Number F-813, which I put in under Exhibit Number RF-1512. It is the minutes of this meeting of 14 January 1944, Document Number F-813. These minutes are signed by Abetz, Oberg, Von Stülpnagel, Blumentritt, and you. I read from Paragraph III the heading: "The Plenipotentiary General for the Allocation of Labor"—which was you—"has drawn up a draft law for the French Government."

Do you still dispute the fact that you yourself drew up draft laws which you submitted to the French Government?

SAUCKEL: That I do not deny; I had to submit a proposal. However, it was based on mutual negotiations.

M. HERZOG: Do you deny the fact that you imposed this law by pressure?

SAUCKEL: That I imposed this law by pressure, that I do deny. I negotiated about it.

M. HERZOG: Do you not remember that you gave an account to the Führer of the mission which you carried out in Paris in January 1944?

SAUCKEL: It was my duty to report when I made such journeys for I was carrying out the Führer's orders.

M. HERZOG: I submit to you this report, Document Number 556-PS, which was submitted to the Tribunal under Exhibit Number RF-67. Twice in the course of this report you speak of German demands. Do you not think that to give an account to the Führer of German demands having been accepted is to give an account to him of the success of the pressure which you exerted?

SAUCKEL: I cannot conceive in what other way a basis for negotiations could be found. The German Government made demands, and because of those demands there were negotiations with the French Government which had to be considered by me as *de jure*.

M. HERZOG: Do you admit, therefore, that the German Government and you, who were its agent, were making demands? Please answer "yes" or "no."

SAUCKEL: The German Government was making demands; yes, that is true.

M. HERZOG: Thank you. And those demands, did they not, at times, take the form of a veritable ultimatum?

SAUCKEL: I am not aware of that. I can only say that I was very polite and accommodating when talking to the French Premier and that our negotiations ran very smoothly. He often mentioned that, and it is in the record.

M. HERZOG: When you took action concerning the mobilization of the 1944 class, do you not remember that you demanded this mobilization in a veritable ultimatum? Answer "yes" or "no."

SAUCKEL: I cannot say so from memory.

THE PRESIDENT: M. Herzog, I think you might put to him the last sentence in the letter of the 25th of January 1944, 556-PS.

M. HERZOG: "I have, however, allowed no doubts to remain that further and more severe measures will be taken if the demands for the transfer of workers is not met."

SAUCKEL: Yes, I probably said that, though not in the form in which it is put down in this letter.

M. HERZOG: Do you remember that on 6 June 1944, the day of the dawn of our liberation, you addressed a letter to Ambassador Abetz?

SAUCKEL: I cannot tell you that from memory.

M. HERZOG: Well, I am going to produce this letter. It is the French document, Number F-822, which I submit to the Tribunal under Exhibit Number RF-1513:

"6 June 1944. Paris.

"Your Excellency and dear Party Comrade Abetz:

"The long-expected invasion has finally begun. Thus ends also for the Allocation of Labor a period of waiting which up to now has served as an obvious, sometimes tacit, pretext for saying that the sending of workers into the Reich was impossible owing to the political atmosphere in the country."

I skip a few lines and I quote again.

"Now that the German soldier must once more fight and bleed on the Channel coast, now that the struggle may extend at any hour to many other parts of France, any call or any words from Laval can have no weight whatsoever. The only language which can now be understood is that of the German soldier. I beg you, therefore, in these decisive hours to ask Premier Laval at last to do something which is obviously very difficult for him; that is to say, that he should at last sign the order for the calling up of the 1944 class. I do not wish to be kept waiting any longer. Neither do I wish to leave with an opinion which might be unjust but which at the same time is forced upon me, concerning the temporizing tactics of the French Government.

"I beg you, therefore, most urgently, to obtain by 10 o'clock tomorrow morning the signature of the French Premier to the decree for the calling up of the 1944 class, or else to inform me quite clearly if Laval should answer with a categorical 'no.' I will not accept any delaying excuses, as all technical preparations regarding the quotas from the *départements*, as well as the arrangements for transport, have either been made or are now about to be made, thanks to the joint discussions which have been going on."

Do you not call this a veritable ultimatum?

SAUCKEL: It is only an ultimatum insofar as my departure was in question and nothing else. I could not exert any pressure on Laval or use any threats.

M. HERZOG: What did you mean when you said:

"I beg you, therefore, most urgently to obtain by 10 o'clock tomorrow morning the signature of the French Premier to the decree for the calling up of the 1944 class, or else to inform me quite clearly if Laval should answer with a categorical 'no.' I will not accept any delaying excuses..."

Is that not an ultimatum?

SAUCKEL: It is only an ultimatum insofar as I could not wait any longer. I had to leave, because I had orders to leave. I was trying to get a decision, a "yes" or "no," nothing else.

M. HERZOG: And to demand an answer "yes" or "no"—you do not consider that an ultimatum, Defendant Sauckel?

SAUCKEL: I had to leave, and I wanted a decision as to whether the French Premier would sign it or not.

M. HERZOG: Thank you. The Tribunal will, I am sure, note your answer.

Do you know how many French workers were deported to Germany as the result of your various actions?

SAUCKEL: As far as I can remember—I cannot say exactly off-hand—there were 700,000 to 800,000 French workers employed in Germany. However, I cannot tell you exactly without documents.

M. HERZOG: Is it correct that in Belgium and in Northern France the deportation of workers for forced labor was regulated through laws of the army of occupation?

SAUCKEL: I do not know about it being through the laws of the army of occupation but through labor administration.

M. HERZOG: Is it correct that it was the decree of 6 October 1942 which instituted forced labor in Belgium and in Northern France?

SAUCKEL: We called it "compulsory labor service" in German law. That is correct.

M. HERZOG: Is it correct that General Von Falkenhausen, the German Military Commander in Belgium and in Northern France, who signed the order of October 1942, did so under pressure from you?

SAUCKEL: No, he did not sign it under pressure from me, because I talked to him about it and there was not any argument. This was done at the request of the Reich Government and the Führer.

M. HERZOG: I submit to you the interrogatory of General Von Falkenhausen, who testified before a French magistrate on 27 November 1945. I submitted this interrogatory under Exhibit Number

RF-15 (Document Number RF-15) in the course of my presentation in January. I read from Page 1. Question 3:

"Question: 'Will you swear that you will tell the truth, the whole truth, and nothing but the truth?'

"Answer: 'I swear.'

"Question: 'On 6 October 1942 there appeared an order which instituted compulsory labor service in Belgium and in the departments of Northern France...'"

I skip two lines.

"Answer: 'I was Commander for Northern France and Belgium.'

"Question: 'Does the witness remember having promulgated this order?'

"Answer: 'I do not remember exactly the text of this order, because it was drawn up after a long struggle with Sauckel, the Plenipotentiary General for the Allocation of Labor.'

"Question: 'Did you have any difficulties with Sauckel?'

"Answer: 'I was fundamentally opposed to the institution of compulsory labor service, and it was only after having received orders that I consented to promulgate the decree.'"

Do you still deny that General Von Falkenhausen issued this order under pressure from you?

SAUCKEL: I deny the version as it is put before me now, emphatically.

M. HERZOG: You dispute the testimony of General Von Falkenhausen?

SAUCKEL: In this version, yes, because the institution...

M. HERZOG: This statement was given under oath, and your testimony today is given under oath. The Tribunal will take note of it.

SAUCKEL: I say with full consciousness that to the best of my recollection this version is not completely correct. Laws regarding labor in occupied territories were not made on my order but on the order of the Führer, and I did not have any argument about it with General Von Falkenhausen. We discussed it in a very friendly way, and he introduced the law. I do not remember having had any difficulties in this connection. And in another paragraph he states here that at that time he gave all his instructions on Hitler's orders. I myself had neither arguments nor difficulties with him.

M. HERZOG: Is it correct that in Holland the deportation of Dutch workers for forced labor was under the jurisdiction of the Reichskommissariat?

SAUCKEL: Please, would you hear the Defendant Seyss-Inquart about that? The expression jurisdiction is entirely new to me. In France, Belgium, and Holland this matter was dealt with through the administration of the labor departments, that is to say...

M. HERZOG: Who signed the orders concerning forced labor in Holland?

SAUCKEL: I assume that Herr Seyss-Inquart did.

M. HERZOG: Is it correct that the orders signed by the Defendant Seyss-Inquart constituted only a local application of the general program which you were charged with carrying out?

SAUCKEL: A local application in Holland? I do not quite understand it the way it is put in German.

M. HERZOG: Is it not correct that by signing the orders concerning forced labor in Holland the Defendant Seyss-Inquart was but implementing your program of forced labor?

SAUCKEL: It was a realization of the Führer's labor program as he, the Führer, had ordered it.

M. HERZOG: Did you go to Belgium or to Holland in order to control the implementation of the laws on forced labor?

SAUCKEL: Not to control. I was in Belgium and Holland only for a very short time. I had conferences there with the leading men, and according to my recollection I visited the labor authorities in Antwerp and saw how they functioned—the German ones.

M. HERZOG: And in the course of these journeys you were preparing detailed measures for the implementation of the labor program, is that not true?

SAUCKEL: I did not draft them during those journeys; I discussed them there. Of course, I did some work while traveling.

M. HERZOG: I submit to you Document Number PS-556, Exhibit Number RF-67. It is a letter which you wrote to the Führer on 13 August 1943. In this you declare, Paragraph 1 of the letter:

"My Führer,

"I take the liberty of informing you of my return from France, Belgium, and Holland, where I went on official business. After difficult and lengthy negotiations, I have imposed upon the occupied territories of the West, for the 5 last months of the year 1943, the program which is indicated below; and I have also prepared detailed measures for its implementation—in

France through the military commander, the German Embassy, the French Government; in Belgium through the military commander; and in Holland through the offices of the Reich Commissioner."

Do you still dispute, Defendant, the fact that you went to Belgium and Holland in order to prepare detailed measures there?

SAUCKEL: I have never denied that, I would like to say that I do not resent the expression, but only the way you present it now and then. It says quite clearly that they were discussed there; that is what is meant by preparation.

M. HERZOG: One last question on this matter: What is your estimate of the number of Dutch workers who were deported to Germany?

SAUCKEL: I cannot tell you exactly from memory how many Dutch workers were employed on the basis of contracts with them and on the basis of these laws. Maybe there were 200,000 or 300,000, maybe more. I cannot tell you offhand what these Dutch figures were.

M. HERZOG: Thank you. Is it correct that the forced recruitment of foreign workers was carried out with brutality?

SAUCKEL: Regarding the instructions which I issued, that was discussed adequately and clearly yesterday. My instructions are available practically in their entirety, and discountenance any brutal recruitment which...

THE PRESIDENT: Defendant, you were not asked about your instructions, but you were asked whether brutality was shown. If you know, you can answer.

SAUCKEL: I cannot know. From time to time I heard about excesses, and I stopped them at once, and I protested against them when I heard of them.

M. HERZOG: Did you have knowledge of protests concerning the manner in which the recruitment of workers was carried out in the occupied territories?

SAUCKEL: I received protests, and that was discussed yesterday with my counsel.

M. HERZOG: And when you received those protests, what did you do?

SAUCKEL: I had those cases investigated and left any further measures to the authorities concerned. I did everything on my side to prevent and stop such occurrences, and that can and will be testified to here.

M. HERZOG: Is it correct that you appealed for the help of the Wehrmacht to insure the recruiting of foreign workers?

SAUCKEL: In those areas where the Wehrmacht exercised jurisdiction I passed on to the military commanders or commanders-in-chief, through the Quartermaster General of the Army, the instructions I received from the Führer.

M. HERZOG: Is it correct that you asked the military authorities to put troops at the disposal of your offices and services?

SAUCKEL: I have no recollection of troops, but there were labor detachments there. It is true that in areas where there were uprisings or partisan fighting I asked that order be restored, so that the administration which had been disturbed or interrupted could be resumed.

M. HERZOG: You therefore asked that troops should be put at your disposal?

SAUCKEL: Not at my disposal. It was not my task to bring order to those areas. I explained that it was essential for the fulfillment of my own tasks and that I could only carry them out if proper administration were once more made possible by the establishment of order; it was not for recruiting purposes.

M. HERZOG: Did you not ask that those troops should participate in the tasks assigned to the service for the recruitment of labor? I submit to you Document Number F-815, which I put in under Exhibit Number RF-1514. It is a letter of 18 April 1944 from General Field Marshal Von Rundstedt and addressed to you. I read the first paragraph of it:

"On the part of the Plenipotentiary General for the Allocation of Labor . . ."—that is you, is it not?

SAUCKEL: That is I, but there was another department in France, too . . .

M. HERZOG: ". . . the request was made that the Commander, West should be approached to the effect that in sectors where there are units belonging to the Commander, West, the commanders of these units should receive orders to support the execution of the tasks assigned to the Allocation of Labor by making troops available."

Do you still deny that you requested that troops should be put at your disposal?

SAUCKEL: I personally did not ask for them. This appears to be the administrative office West.

M. HERZOG: Are you not the Plenipotentiary General for the Allocation of Labor?

SAUCKEL: Yes, but this order is not known to me personally.

M. HERZOG: Do you know whether this request was seconded by the Defendant Speer?

SAUCKEL: I cannot tell you.

M. HERZOG: I submit to you Document Number 824-PS...

THE PRESIDENT: Perhaps you better put that off until after the adjournment.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

M. HERZOG: Mr. President, I believe that Mr. Dodd has a statement to make to the Tribunal.

MARSHAL: May it please the Tribunal, the report is made that the Defendant Jodl is absent.

MR. DODD: Document Number 3057-PS, concerning which M. Herzog questioned the defendant this morning, was in the document book offered by the United States with reference to the slave-labor program, but it was not offered in evidence, and I found the reference in the record at Page 1397 of the transcript for 13 December 1945 (Volume III, Page 494) and the President of the Tribunal particularly asked why we had not read Document 3057-PS. I answered that we had intended to offer it, but that counsel for Sauckel had told me that his client maintained that he had been coerced into the making of the statement, and for that reason we preferred not to offer it, and were not offering it.

THE PRESIDENT: I want to announce that the Tribunal will rise this afternoon at half past 4 to sit in closed session.

SAUCKEL: May I be permitted to give my explanation on that document?

M. HERZOG: What document are you speaking of?

SAUCKEL: I am referring to the letter of the Field Marshal Von Rundstedt. This document represents a letter which is addressed to me...

THE PRESIDENT: I did not hear you ask any question. Did you ask your question?

M. HERZOG: Yes, Mr. President. It is the document which I presented just before the recess, and the document shows that the official in charge of the recruitment and allocation of labor—that is he himself—asked that troop units should be put at his disposal.

THE PRESIDENT: Do you mean Document F-815? Yes, very well.

M. HERZOG: That is correct, Mr. President.

[Turning to the defendant.] I ask you whether you recognize that this document establishes the fact that you requested troop units?

SAUCKEL: As far as this question is concerned I cannot answer precisely, for I personally did not receive this letter. Instead it was sent to Paris, to the office there. This letter is not initialed by me. But in order to clarify my position, I should like to emphasize specifically that I did not demand troops in order to recruit workers. I asked for troops when in certain areas the

administrative procedure could not be carried through, because of resistance activities, *et cetera*. In that connection there is an error in this letter of Field Marshal Von Rundstedt. But I did not receive this reply myself. It is initialed by the office of the military commander in Paris.

M. HERZOG: I submit Document F-824, which I hand to the Tribunal as Exhibit RF-1515. This Document F-824 is a letter from the Commander of the West, from his headquarters, dated 25 July 1944. I quote:

"One can conclude from this that on the order of the Führer, and after the abrogation of all contrary decrees, the desires of the Plenipotentiary General for the Allocation of Labor..."

This Plenipotentiary General for the Allocation of Labor is you yourself; is that not so?

"...and of Reich Minister Speer must in principle be carried out. Following my telegraphic communication, on the basis of the conference of ministers of 11 July in the Reich Chancellery, concerning which the Commander of the West will be informed by the military commander, the following directives are in force from now on:

"Without taking into account justified misgivings concerning security and order within the country, recruiting must start everywhere where the possibilities referred to in my telegram present themselves. As an only exception the Führer has decided that in the actual fighting zone no methods of coercion will be used against the population as long as the latter are helpful to the Wehrmacht. On the other hand, the recruiting of volunteers among refugees from the combat zones is to be handled energetically. Moreover, all means will be considered justified, in order to recruit as much labor as possible from elsewhere by means at the disposal of the Wehrmacht."

Do you again deny that at your request, and at that of Reich Minister Speer, troop units carried out the recruiting of labor?

SAUCKEL: I should like to remark in this connection that I do not dispute what has just been described. At that time the commander-in-chief was under the stress of battle and the evacuation of the population. But I can testify that after the date of 25 July 1944 these things did not apply any longer, for the withdrawal of German troops was much too rapid; so that this decree, which had been issued by the Führer, was no longer in effect.

M. HERZOG: Do you remember the conference, the ministers' conference of 11 July 1944, to which the document I have just read refers?

SAUCKEL: Yes, I recall it.

M. HERZOG: Do you remember the persons who were present at this meeting?

SAUCKEL: Not all of them.

M. HERZOG: I submit to you the minutes of this meeting. It is Document 3819-PS, which has been handed to the Tribunal under number . . .

THE PRESIDENT: The Tribunal would like you to read the last passage in Document F-824—that is, not the last, but the last on that page beginning with "Afin . . ." It is on Page 346 of the French translation.

M. HERZOG: "In order to make the measures undertaken as effective as possible, the troops must be informed of the necessity of the Arbeitseinsatz organization so that they may put down the many acts of subversive and open resistance. The field commanders and military administration offices must give as much aid as possible to the delegates of the Plenipotentiary General for the Allocation of Labor and refrain from encroaching on their activities which are in conformance with instructions. I therefore ask you to give the necessary directions to this effect . . ."

Do you still deny that at your request the Army was used for the recruitment of workers?

THE PRESIDENT: There is a passage on the next page, too, in the supplementary note, Paragraph 1.

M. HERZOG: "Supplementary note by the Commander of the West.

"The Commander of the West reported to the Chief of the OKW on 23 July as follows:

"1) In spite of anxieties concerning internal security, I have authorized the application of the Sauckel-Laval agreement of 12 May 1944.

"2) I shall issue further instructions for the application of these measures in the combat zone in agreement with OKW/WFSt/Qu. (Verw. 1) 2 (West) Number 05201/44, Secret, of 8 July 1944.

"The Commander of the West, signed Von Kluge, Field Marshal.

"Further instructions follow. For the Commander of the West. The Chief of the General Staff," *et cetera*.

I come back now to the conference of 11 July 1944. I submit to you Document Number 3819-PS, submitted under Exhibit Number GB-306. The Tribunal will find it under Document 3819-PS in the first part of my document book. It represents the minutes of the

ministers' conference which took place on 11 July 1944 in Berlin, a gathering of ministers, chiefs of the Party, and of administration.

You will find on Page 6 of the French translation the list of all the persons who were there. Do you remember who, among the defendants, were among those present? Do you recognize the signature of Defendant Funk? That of Defendant Speer?

SAUCKEL: I have not found it yet.

M. HERZOG: Have you found them?

SAUCKEL: I have not found Speer's signature yet.

M. HERZOG: Was Defendant Speer present at this conference?

SAUCKEL: I cannot tell you from memory. I cannot find his name.

M. HERZOG: Were you yourself present at this conference?

SAUCKEL: Yes, I participated.

M. HERZOG: Do you remember the proposals which, in the course of this conference, General Warlimont made to you in the name of the General Staff? Do you remember the reply that you made to these proposals?

SAUCKEL: I recall a conversation between General Warlimont and myself on that occasion, and I gave an answer; but I cannot give it to you verbatim without having some data at my disposal.

M. HERZOG: Well, I am going to read you the text. It is on Page 10. The Tribunal will find it at the bottom of the page:

"The representative of the Chief of the OKW, General Warlimont, referred to a recent order of the Führer according to which all German forces would have to be used in the task of recruiting labor. Where troops of the Wehrmacht are stationed, whenever they are not engaged exclusively in military tasks—such as the construction of coastal fortifications—they will be available, but they cannot be detached solely for the purpose of the Plenipotentiary General for the Allocation of Labor. General Warlimont made the following practical proposals:

"(a) Troops which are in action against partisans will, in addition, have to be used for recruiting labor in the zones held by partisan bands..."

SAUCKEL: Would you please tell me where that is. I have not this passage on this page. Will you please show me the page?

M. HERZOG: I will have it shown to you. Point it out to the interpreter also.

SAUCKEL: Yes, I find the place about General Warlimont, but in the German translation it sounds entirely different from what you are reading.

M. HERZOG: It is on Page 3. Have you found it?

SAUCKEL: Yes.

M. HERZOG: Then I can resume the reading of it.

"(a) Troops which are in action against partisans will, in addition, be used for recruiting labor in the zones held by partisan bands. Any person who cannot give a satisfactory reason for his staying in that region will be compulsorily recruited.

"(b) If large towns are totally or partially evacuated owing to food difficulties, all the population capable of work will be recruited for labor with the aid of the Wehrmacht.

"(c) A special effort for recruiting labor among refugees from areas close to the front must be made with the aid of the Wehrmacht.

"Gauleiter Sauckel accepted these proposals with gratitude and expressed the hope that results would be obtained by these means."

Do you still continue to claim that the Wehrmacht did not cooperate in the recruiting of labor?

SAUCKEL: I did not deny that in the combat area, and for the purpose of maintaining order in the rear areas, these measures were proposed, but they were not carried through.

M. HERZOG: Well, I am going to produce a document which refers to 3 or 4 days after this meeting of ministers. It is a telegram from Defendant Keitel, Document Number F-814, which I submit to the Tribunal under Exhibit Number RF-1516. It is a telegram addressed by Defendant Keitel to all military commanders. I call your attention to the fact that it bears the stamp of the labor department of the military commander in France. This is dated 15 July and here is the text of it...

THE PRESIDENT: M. Herzog, some of these documents are not tabbed and it is quite impossible to find them unless you tell us where they are.

M. HERZOG: I have tabbed only those documents which I intend to use several times, so that the Tribunal will be able to find them easily. Otherwise, the documents must be in the order in which I use them. Document F-814 should, therefore, be immediately after Document 3819-PS, unless I am mistaken.

THE PRESIDENT: 3819, you mean?

M. HERZOG: Actually it is after the document marked Document RF-15; it is the fourth document after Document F-814.

THE PRESIDENT: We have got 815 after that; after RF-15, we have Document F-815.

M. HERZOG: After 815 we have Document F-823, then F-824, and F-814, Mr. President.

THE PRESIDENT: Yes, yes, now I see it.

M. HERZOG: This document contains the instructions which Keitel gave in connection with this meeting of leaders. I read the second paragraph:

"The present situation demands the use of all conceivable means for the procurement of additional labor, because it is the fighting men who benefit first of all by all armament measures. In view of this fact, all questions concerning internal unrest, the increase of resistance and such matters must be put in the background. We must concentrate on giving every help and support to the Plenipotentiary General for the Allocation of Labor. I refer to my directives for the co-operation of the Wehrmacht in the procurement of workers from France"

Do you still contend that the Wehrmacht was not used for the recruitment of labor?

SAUCKEL: I must emphasize here again that I did not dispute that these things had been planned and ordered. I did not dispute that fact, and I should like to emphasize that again. But these measures were not carried through, and I would like to emphasize that also. And besides that, I did not send this telegram.

M. HERZOG: Is it correct to say that the German Police proceeded to take steps to recruit foreign workers?

SAUCKEL: How far the Police carried through their measures in detail, I do not know, but I do know that they carried through some measures on their own accord.

M. HERZOG: But is it not true that you recommended your offices to put themselves in touch with the chiefs of the Police, the SD, and the SS?

SAUCKEL: I considered both the SD and the Police to be regular and justified institutions, and I had to ask for their help when it was necessary.

M. HERZOG: You, therefore, admit that you recommended your offices to put themselves in contact with the chiefs of the Police, the SD, and the SS for the accomplishment of their tasks?

SAUCKEL: To support me in my tasks only where an orderly participation or the use of the Police was necessary from an

administrative point of view—not for the recruitment of workers as such, but only to remove difficulties or disturbances in administration.

M. HERZOG: I ask you the question again, and I ask you to answer "yes" or "no." Did you recommend your offices to get in touch with the chiefs of the Police, the SS, and the SD?

SAUCKEL: I can only answer that question with a qualified "yes"—on occasions when it was necessary to call in police aid; not in order to carry through the task itself.

M. HERZOG: Is it true that the chiefs of the German Police assisted in the conferences which you held with the French authorities concerning the recruitment of labor?

SAUCKEL: Sometimes representatives of the Higher SS and Police Leader were present just as in the case of the French, where the Minister of the Interior or the Minister of the Police was present. I neither demanded that nor proposed it.

M. HERZOG: But you admit that the representatives of the German Police were present at these discussions? Can you give the name of one of these representatives? Do you know Standartenführer Knochen?

SAUCKEL: Standartenführer Knochen was in Paris, and on occasions he was present at these conferences.

M. HERZOG: Is it correct that the chiefs of the German Police attended the conferences which the German authorities held concerning labor problems?

SAUCKEL: To my recollection they attended various conferences, but that occurred at the proposal of the military commander, under whose direction these conferences took place.

M. HERZOG: Was there a representative of the Police at the conference of chiefs on 11 July 1944, which we mentioned just now in Document 3819-PS?

SAUCKEL: Do you mean the meeting at Berlin?

M. HERZOG: Yes, the Berlin meeting on 11 July 1944.

SAUCKEL: I believe Kaltenbrunner attended that conference. The meeting had been called by Reich Minister Lammers.

M. HERZOG: Did you never ask Himmler, in the presence of the Führer, for the help of the SS in the recruitment of labor?

SAUCKEL: At a discussion with the Führer in January, Reichsführer SS Himmler was present. On this occasion, as far as I recollect, I pointed out that the program for the year 1944, which had been drawn up by the Führer, could not be carried through by me if the partisan menace and obstruction in certain areas were

not removed. And that, of course, could only be done by the authorities who had jurisdiction there.

M. HERZOG: You admit, therefore, that you asked Reichsführer SS Himmler to put his police forces at your disposal?

SAUCKEL: No, it is not correct to put it in that way. I have to contradict you there. Neither I nor my offices could have police forces put at our disposal. I merely asked for help in those areas where I was supposed to carry through administrative measures and where a pacification and restoration of order was first necessary. Otherwise, I could not carry out my task.

M. HERZOG: I am going to show you Document Number 1292-PS. It has already been submitted to the Tribunal under Exhibit Number USA-225. It is the minutes of a meeting held in the presence of the Führer on 4 January 1944. In my document book it is a little way after the marked document and is also marked with a tab.

On Page 3 of the French text, Page 5 of the German text, you declared:

"Success will depend mainly on what German executive forces are made available. My action cannot be carried through with native executive forces."

Do you recognize that declaration?

SAUCKEL: Will you please indicate the place to me? I have not found it yet. Which page in German?

M. HERZOG: It must be on Page 5 of the text which was given to you.

SAUCKEL: Yes, that is correct. That is a statement, a rather abbreviated statement, probably made by Reich Minister Dr. Lammers. But I should like to say emphatically that it can be interpreted only in this way: In those areas, which were very numerous at the time, I could not put into effect an administration to deal with manpower until order had been restored through executive forces. This statement, therefore, is not quite correct as presented here.

M. HERZOG: Defendant Sauckel, you said to us only yesterday that you were formerly a worker. Did you ever consider that a worker could be taken to his work handcuffed?

SAUCKEL: No, I never thought of such a thing. I hear now for the first time that I am supposed to have sent, or had workers sent to their places of work handcuffed. I do not remember that. In any case, I never decreed anything like that; that much I can say.

M. HERZOG: On 30 August 1943, you made a speech in Paris to the Allocation of Labor staffs which you were setting up in France. I give you Document Number F-816, which I submitted to the Tribunal this morning, and I ask you to look at it again. I ask you to read...

Mr. President, I think I have made a mistake. I do not think I submitted that document, and, therefore, I submit it now, under the Exhibit Number RF-1517.

[Turning to the defendant.] Please look at Page 10 of the photostat which has been given to you—Page 38 of the French translation, the last line on the page:

“The most severe measures for recruiting labor—police action or the use of handcuffs—must be applied by us in the most unobtrusive manner.”

That is what you declared on 30 August 1943 to the Allocation of Labor staffs when they met in Paris.

SAUCKEL: I have not found the place. Will you please have it shown to me?

M. HERZOG: It is on Page 10, some 14 lines down. Have you found it now?

SAUCKEL: Yes; I have found it.

M. HERZOG: And you considered that handcuffs could be used in the recruitment of labor?

SAUCKEL: It can only be a statement regarding cases of flagrant resistance to the authority of the state or to the execution of some administrative action. Experience shows us that this has been found necessary the whole world over. I merely said that everything should be done in an orderly and correct way. I did not call that a rule to be applied for the recruitment of labor. It cannot be understood in any other way.

M. HERZOG: But you said that to the Allocation of Labor officials in France. The Tribunal will judge that.

SAUCKEL: Yes, but it must be interpreted as being applied only if there were flagrant resistance to an executive authority; otherwise it was never intended.

M. HERZOG: The Tribunal will form its own opinion.

Defendant Sauckel, have you ever created any special police for the recruitment of labor?

SAUCKEL: No, I established no special police; I explained that yesterday. That was a suggestion put forward by the French units themselves for protection. At a conference I exaggerated and called it “police,” but it was not a police force.

M. HERZOG: Have you heard of a "Committee for Social Peace"?

SAUCKEL: Yes, that was talked about.

M. HERZOG: Have you heard a committee mentioned which was called the "League for Social Order and Justice?"

SAUCKEL: Yes.

M. HERZOG: Have you ever drafted any order or sent any instructions which advised the institution of these committees?

SAUCKEL: It was proposed, yes, and it was discussed. As far as I remember that was in the spring of 1944.

M. HERZOG: And you claim that you never set up these committees, or drafted any instructions concerning the setting up of these committees?

SAUCKEL: I have already said that I did that.

M. HERZOG: You admit that you drafted instructions concerning the formation of these special police forces?

SAUCKEL: That was done on the basis of discussions which I had with these French units.

M. HERZOG: So you did do this?

SAUCKEL: Yes, in agreement with these French units.

M. HERZOG: Very well.

I submit to the Tribunal Document Number F-827, under Exhibit Number RF-1518. These are instructions of the Defendant Sauckel for the formation of these special police forces. The document consists of several sets of instructions. On Page 6, there is an order of 25 January 1944 by the Defendant Sauckel.

THE PRESIDENT: Where is it?

M. HERZOG: On Page 6, immediately after Document 1292 in my document book, you will find the instructions of the Defendant Sauckel. I read:

"Berlin, 25 January 1944. Secret.

"Subject: Formation of a protection corps for the execution of the tasks of the Allocation of Labor in France and in Belgium during the year 1944.

"1) To the Military Commander in France, Paris.

To the Military Commander for Belgium and Northern France, Brussels.

"In order to secure the carrying out of the necessary tasks of the Allocation of Labor in Belgium and France, especially the assignments for Germany, and to strengthen the executive, a protective corps, the Committee for Social Peace, is to be created in France and Belgium. This protective corps is to

consist of indigenous forces with a nucleus of German police who will act as leaders. This protective corps will consist of approximately 5,000 men in France, and approximately 1,000 men in Belgium. I give the following provisional instructions for the formation of this protective corps and the accomplishment of its tasks:

"I. Selection of members of the Protective Corps.

"The selection shall be made in close agreement with the competent Police and SD offices, which shall approve the candidates, especially from the point of view of their loyalty. The selection shall be made especially among the members of political movements favorably disposed to collaboration with Germany.

"II. Organization of the Protective Corps.

"The Protective Corps will be directed from central offices to be set up in Paris and Brussels. The heads of these offices shall be designated by me."—That is to say, by you, Defendant Sauckel.—"They shall take orders from my delegates in France. In purely police questions, the Protective Corps shall be directed by the Higher SS and Police Leader. The regional groups of the Protective Corps shall take orders from the commanders of German police forces, and the latter will receive technical directions from the Feldkommandantur and from the recruiting offices as to their participation in tasks concerning the Allocation of Labor. The German Police and the services of the SD will deal with instruction in police matters; technical training, as far as the Allocation of Labor is concerned, will be given insofar as is necessary by the experts of the Feldkommandantur and the recruiting offices.

"The members of the Protective Corps will not wear uniform; they will however, carry firearms.

"III. Execution of orders.

"The members of the Protective Corps assigned to the recruiting offices or to the Feldkommandantur shall be employed in such a way as to insure maximum efficiency in the execution of measures ordered. For example, they must be informed immediately if Frenchmen who have been summoned by German offices do not appear. They must find out the domiciles of these persons and bring them to report in accordance with instructions from the German police leader in collaboration with the French and German police. Furthermore, they must track down immediately all those who have refused to appear when summoned, and those who have broken their contracts. In the interests of an effective executive, it is expedient that

they receive regularly lists of persons summoned and persons liable for service, to enable them to act immediately in cases where German directives have not been complied with.

"It is to be presumed that these quick methods, coupled with fitting punishment and immediate publication of the punishments, will have a more deterrent effect than that achieved by tracking down the men afterwards, as has been done up to now. Furthermore, members of the Protective Corps are to keep the German offices informed of any particular difficulties in recruitment. . . ."

And all that, Defendant, is signed "Sauckel." Do you still claim that you did not form a special police corps in France and Belgium?

SAUCKEL: I already told my attorney yesterday that in agreement with French organizations such a protective corps was set up, so that on the one hand people who wanted to work could be protected, and on the other hand administrative measures could be carried out. Since the Frenchmen themselves declared that they were ready and willing to collaborate, I did not see anything unfavorable in this or anything that was in any way out of order.

It was to alleviate the conditions of the indigenous people themselves.

M. HERZOG: I ask you to answer my question "yes" or "no." Do you admit that you set up this special police service?

SAUCKEL: I admit that I suggested this Protective Corps, and that it was set up, but only on a small scale.

M. HERZOG: Is it true that you issued instructions, or imposed measures of constraint against those who evaded the compulsory labor service?

SAUCKEL: I did not issue them myself, but rather the French Government did. That is correct; for in every occupied territory—and that is true the whole world over—the authority of the occupying power must be respected.

M. HERZOG: Is it true that you demanded that the death penalty should be applied to officials who, for instance, hindered your action?

SAUCKEL: It is true that at a conference with the French Premier Laval, I demanded, by way of negotiations, the death penalty in cases of very serious obstruction.

M. HERZOG: Then you admit that you demanded the application of the death penalty in the case of these officials?

SAUCKEL: Yes, if a serious case of sabotage was in question—according to martial law.

M. HERZOG: Is it true that your task was to procure for the German war industry the labor it required?

SAUCKEL: That was one of my tasks.

M. HERZOG: In this respect were you responsible to the Defendant Speer, Minister for Armaments and Munitions, for the carrying out of your task?

SAUCKEL: I was responsible to the Four Year Plan and to the Führer, and I had instructions from the Führer to meet the requirements of Reich Minister Speer as far as it was possible for me to do so.

M. HERZOG: Did the Defendant Speer approve of all the steps which you took in recruiting foreign labor?

SAUCKEL: At all events he agreed, or he demanded, that workers should be put at his disposal. Sometimes, however, we did not entirely agree as to how it should be done; for instance, we did not agree about the protected factories in France.

M. HERZOG: We will come to that later. I ask you to tell me whether you always succeeded in satisfying the demands for workers which were made to you by the different sections of German industry?

SAUCKEL: No, I was not always successful.

M. HERZOG: And when you failed, did the orders that were sent to you by Defendant Speer have to have priority over all others?

SAUCKEL: Yes, they had to have priority.

M. HERZOG: Were there not incidents in this respect? For instance, did it not happen that some transports of workers were diverted from their original destination on instructions from Defendant Speer?

SAUCKEL: It did happen that, contrary to my instructions, labor transports were stopped, or transferred to other regions or to other factories. But whether the order always emanated from Herr Speer, or from an armament commission, or from another office, I do not know. It was not always from the same quarter.

M. HERZOG: In your interrogatory you declared, however, that the original destination of these transports was sometimes changed in order to satisfy the demands of Speer's offices. Do you confirm this?

SAUCKEL: Yes; but I meant by that something rather different. In that case I was informed about it. There were two kinds of changes, or deviations: those which I did not know about, and those which were agreed upon.

M. HERZOG: Will you tell the Tribunal what was understood by the "red ticket" system?

SAUCKEL: The red ticket system was applied when there was a demand for workers, mostly specialized or skilled workers, which had to take priority over all other demands because the work was necessary.

M. HERZOG: The system of the red ticket was applied to the armament industry, was it not?

SAUCKEL: The red ticket system was applied to the armament industry.

M. HERZOG: And it was established by agreement between the Defendant Speer and yourself?

SAUCKEL: That was a system which, in my opinion, was always intended to meet emergencies; there were variations, such as lists or red tickets. Originally, there were only lists, and the red ticket was added by decree.

M. HERZOG: You therefore admit that by these various systems you share with the Defendant Speer the responsibility of having compelled workers to work in German factories for the needs of the war which Germany was fighting against their own native lands?

SAUCKEL: I should like to emphasize particularly that this red ticket system did not apply only to foreign workers; it applied especially to German workers too—German skilled workers.

M. HERZOG: But it was applied also to foreign workers?

SAUCKEL: It applied to foreign workers as well, if they were specialists and declared their willingness.

M. HERZOG: Will you tell the Tribunal what is meant by the "blocking" of factories?

SAUCKEL: A factory was "blocked" if it was manufacturing articles which were not essential for war, or if it was a question of so-called luxury articles.

M. HERZOG: I do not think you understood my question. What were, for instance, the "S" factories in France—the factories protected by Speer?

SAUCKEL: "Sperrbetriebe" known as "S" factories—is that what you mean?

M. HERZOG: Yes.

SAUCKEL: Sperrbetriebe were factories which worked for Speer in France, which had been agreed to by the French Minister Bichelonne, and they were blocked as far as labor recruitment was concerned.

M. HERZOG: Did you not exert strong pressure on the Defendant Speer to get him to abandon the practice of blocking industries?

SAUCKEL: I asked him and I urged him, but I could not succeed in putting an end to the blocking of these factories.

M. HERZOG: Did you ever bring up the matter with Hitler and insist that Speer should give up his position?

SAUCKEL: Yes, I was very insistent with Hitler about it, but I had no success.

M. HERZOG: In this connection did you not ask the Führer to increase your powers at the expense of the Defendant Speer?

SAUCKEL: I did not ask for a general extension of my powers, but I asked that conditions should be allowed to remain as they had been previously, for—I ask to be permitted to explain this to the Tribunal—my task was to bring workers from France to Germany—may I make this statement:

The departments under Speer demanded skilled workers from me. There were skilled workers already in the factories which Speer had blocked. Similar industries in Germany would, of course, be worse off if instead of having skilled French workers they were supplied with unskilled French workers, or men without experience in that particular trade. I had to procure workers in any case, but I considered it wiser for German economy to procure for it the right kind of workers and not workers who were unskilled.

M. HERZOG: I beg the Tribunal to turn back to Document Number 3819-PS, the second part of 3819-PS. It consists of two letters, each addressed to the Führer, by the Defendant Sauckel and by the Defendant Speer, on this subject of the blocking of industries.

First of all, I will read to the Tribunal some extracts from Sauckel's letter, which happens to be the second.

THE PRESIDENT: Have these not both been read already?

M. HERZOG: I think they have already been read, Mr. President; I cannot affirm it, but believe so. Document Number 3819-PS has already been submitted to the Tribunal as Exhibit Number GB-306. If the Tribunal wishes, I can limit myself to very short extracts.

THE PRESIDENT: You need not read them for the purpose of your question of the defendant.

M. HERZOG: *[Turning to the defendant.]* In this letter, on Page 27, you asked whether you could obtain in a general manner a free hand for the rational utilization of labor.

Do you admit that you asked the Führer for this free hand?

SAUCKEL: I have not found the place. I could never have asked for a free hand, but I did ask to be permitted to recruit as before. I cannot find the place that you are quoting.

M. HERZOG: You will find it on Page 27.

SAUCKEL: In this German text it says: "In this situation, it is absolutely necessary that I should again have a free hand." That means that I should have a free hand once again, as I had had before the blocked industries were instituted. That is correct, for I was interested in a rational use of labor.

M. HERZOG: That is what I asked you to confirm. Did you ask that your powers should be increased at the expense of those of your Codefendant Speer? Will you answer "yes" or "no," if you can?

SAUCKEL: I do not understand the question. Was it obtain them or ask for them?

M. HERZOG: Ask for them.

SAUCKEL: Yes, I asked for them, for it was to Speer's advantage.

M. HERZOG: You asked for that?

SAUCKEL: Yes, I asked for that in the interests of my tasks.

M. HERZOG: And do you not remember that on other occasions, the Defendant Speer likewise asked that his powers should be increased at the expense of yours?

SAUCKEL: Yes, that might have happened also.

M. HERZOG: You declared in your interrogatory that the very close relations between Speer and Goebbels after the fall of Stalin-grad made Speer want particularly to have you under his authority. Can you confirm this?

SAUCKEL: Yes.

M. HERZOG: Is it true that your general program for recruiting labor included the employment of prisoners of war?

SAUCKEL: The employment of prisoners of war as far as they should and could be put to work under the care of the Wehrmacht.

M. HERZOG: Do you remember the decree which we mentioned this morning, your Decree Number 10, which stipulated the order of priority of work and gave priority to armament? Was this order applicable to prisoners of war as well?

SAUCKEL: As I explained yesterday, this decree was applicable to prisoners of war only by way of exchange, and to the extent as set forth in the rules of work issued by the OKW and by me in a catalog of work.

M. HERZOG: But Article 8 of this decree stipulates only that it was applicable to prisoners of war.

SAUCKEL: Yes, in accordance, of course, with the other decrees which existed; that was a matter of course.

M. HERZOG: You spoke to us yesterday about inspectorates. Is it true that in September 1943 you came to an agreement with Dr. Ley concerning the setting up of a central inspectorate for foreign workers?

SAUCKEL: Yes, for the purposes of their welfare.

M. HERZOG: In consequence, you admit that you are responsible for the measures concerning the treatment of foreign workers?

SAUCKEL: I am responsible for the directives which I issued; they are all available.

M. HERZOG: Do you consider yourself responsible for the feeding of foreign workers?

SAUCKEL: I consider myself responsible for the directives which I issued regarding the feeding of foreign workers. The actual feeding of these people was not the task and responsibility of the labor authorities. That was the responsibility of the factories, or the camp leaders who had been charged by the factories to look after this.

M. HERZOG: I am going to have submitted to you Document Number 025-PS. This document was submitted to the Tribunal under Exhibit Number USA-698. You already had it yesterday. It consists of the report of a meeting in the office of the Plenipotentiary General for the Allocation of Labor—that is to say, you yourself—on 3 September 1942. The document is dated 4 September.

This document, Mr. President, is at the end of my document book, after Document F-827, the last page of the French translation. I read:...

THE PRESIDENT: The last page is Document F-857, is it not? The document called 857—the last page I have got. It is just in front of Document 2200-PS. Did you come across that? It is just after Document 1913-PS.

M. HERZOG: After Document 1913-PS, Mr. President.

THE PRESIDENT: Yes.

M. HERZOG: I read:

“The Führer cannot understand that, in the struggle for the future of Europe, the country which has to bear the brunt of this struggle is the one to suffer most from hunger; whereas in France...”

THE PRESIDENT: It is on Page 1 or Page 4?

M. HERZOG: No, Mr. President, on Page 4 of the French text—that is to say, on the last page.

“The Führer cannot understand that, in the struggle for the future of Europe, the country which has to bear the brunt of this struggle is the one to suffer most from hunger; whereas in France, in Holland, in Hungary, in the Ukraine, or anywhere else, there is no talk of hunger. He desires that it should be the reverse in the future. As regards the foreign workers living in the Reich—with the exclusion of the Eastern Workers—little by little their rations must be reduced and made to correspond to their output. It is not admissible that lazy Dutchmen or Italians should receive better rations than good Eastern Workers. In principle the guiding rule of utmost output must apply equally to feeding.”

[Turning to the defendant.] I ask you what you meant when you stated that, “In principle the guiding rule of utmost output must apply equally to feeding?”

SAUCKEL: There was a standard ration in the Reich which was increased by additional rations based on output or performance. I fought for the principle that these additional rations, which the workers from the West were already largely receiving, should be granted to the workers from the East as well; and that where western workers—that is, Dutch and Belgian workers—did not keep up their output in the same way as the Eastern Workers, these additional rations should be cut down accordingly, but not the standard ration which applied to the German people as well.

M. HERZOG: You therefore consider that if the output of one worker is smaller than that of another, his food rations must be smaller. Is that what I am to understand?

SAUCKEL: No, it is not right to interpret it that way. I should like to explain the system again. In Germany each worker received his ration as fixed by the Reich Minister for Food. In addition to that there were special increases as a reward for increased output. At the beginning these additional rations were not granted to Russian workers, and it is these additional rations we are dealing with here; not with starving people, or cutting down their standard food rations—additional rations for increased output.

THE PRESIDENT: Perhaps we had better adjourn now.

[A recess was taken.]

MARSHAL: If it pleases the Tribunal, the report is made that the Defendant Raeder is absent.

THE PRESIDENT: M. Herzog, do you anticipate being able to conclude your cross-examination before half past 4?

M. HERZOG: Yes, Mr. President, I think that I might even finish before that.

THE PRESIDENT: Very well.

M. HERZOG: Defendant Sauckel, I offered in evidence this morning Document Number F-810, which is an account of the conference which you held on 15 and 16 July 1944 at Wartburg with the heads of the regional labor offices. Do you remember?

SAUCKEL: Yes, I remember.

M. HERZOG: Do you remember whether during this conference the question was raised as to the discipline to be imposed upon the workers?

SAUCKEL: It is possible that during this conference—or conferences—this question was discussed. I cannot remember exactly; I did not participate in all the sessions.

M. HERZOG: Do you know Ministerialrat Dr. Sturm?

SAUCKEL: Ministerialrat Dr. Sturm is not personally known to me.

M. HERZOG: Do you remember the statements made at the conference of 15 and 16 July 1944 by Dr. Sturm?

SAUCKEL: I cannot remember any particular statements by Dr. Sturm.

M. HERZOG: I shall hand you once more the minutes of that meeting. It is Document Number F-810 which was presented this morning under Exhibit Number RF-1507. Will you please look at Page 25 of the German text. It is also Page 25 of the French version. There you see—I read the first line: "Sturm gave the following report from his sector on work discipline."

I shall pass to the next page, where I read, "We are working with the Gestapo..."

THE PRESIDENT: Where is this?

M. HERZOG: Document F-810, Mr. President; it is a document which is marked...

THE PRESIDENT: I know it is 806, but I thought you told us that they followed on.

M. HERZOG: 810, Sir, 810.

THE PRESIDENT: I have got that.

M. HERZOG: Page 25.

THE PRESIDENT: Yes, go on.

M. HERZOG: With your permission, I will begin again.

"Sturm gave the following report from his sector on work discipline..."

And on the following page: "We are working with the Gestapo and the concentration camps, and we are certainly on the right track."

Did you make any observations when that statement was made?

SAUCKEL: I did not hear that statement myself. He gave a specialized report on questions of labor legislation, as it says at the beginning. I am seeing the record for the first time in my life. There were several parallel meetings at the same time. I did not hear it myself, but it stands to reason that some sort of ruling regarding penalties had to be made, as is done in all labor legislation.

Perhaps I may read to you from the same document, the beginning:

"Measures regulating the employment of labor and wages are only possible on the basis of a healthy working morale. Regulations of a disciplinary and penal character for securing such morale require unified handling, the details of which will be dealt with at a subsequent meeting of experts on penal law."

That is, of course, not one of my offices.

M. HERZOG: I asked you what you thought of Dr. Sturm's statement.

SAUCKEL: May I read in connection with Dr. Sturm's statement, at the end of the first page...

M. HERZOG: Will you please answer my question first? What do you think of this statement?

SAUCKEL: I have already answered.

M. HERZOG: Please answer my question. What do you think of this statement?

SAUCKEL: I did not know of this statement, as Sturm, I believe, came from some other department. I do not know whether he belonged to the Ministry of Labor itself, or to some other department; that I cannot say. I did not hear these statements...

THE PRESIDENT: Watch the light. Do you not see the light in front of you?

M. HERZOG: Do you not remember that an agreement was reached between you and the Chief of the Police and SS to hand over to the Gestapo those workers who were guilty of leaving their work?

SAUCKEL: Well, there had to be an authority in Germany which dealt with workers who left their places of work without being entitled to do so. It could not have been done by any authority other than the Police; there was no other way. In connection with this document I beg to be allowed to read some more from Page 1:

"Apart from that, the number of penalties imposed by the authorities on German workers, such as reprimands, fines, concentration camps, and legal penalties, was relatively surprisingly small. In cases dealt with by the public prosecutor the penalties inflicted amounted on an average to 0.1 to 0.2 for every 1,000 workers."

M.HERZOG: What has that to do with the question which I asked you about your relations with the Gestapo and the concentration camps?

SAUCKEL: But there was no other authority except the police, who could make an arrest if it were necessary and legally justified by court rulings.

M.HERZOG: You admit, then, that it was with your agreement that the Gestapo proceeded to arrest workmen who had broken what you call their contract of work, and send them to concentration camps?

SAUCKEL: Not to concentration camps, no, but into the custody which was prescribed. The penalties were decreed in accordance with certain regulations. I made no other agreement.

M.HERZOG: I submit in evidence Document Number 2200-PS, which becomes Exhibit Number RF-1519. It is a service memorandum of the Gestapo addressed to the district police officials of the Cologne and Aachen districts. It refers to the struggle against breaches of contract on the part of foreign workers. Mr. President, it is the fourth document from the end in my document book. I read from it:

"The considerable number of refractory foreign workers... is dangerous to the security of the Reich.... There is always danger of actual sabotage in such cases, ... the Reichsführer SS and Chief of the German Police has reached an agreement with the Plenipotentiary General for the Allocation of Labor that all charges of absenteeism against foreign workers shall be dealt with by the Gestapo.

"...the district police authorities are expected to examine anything bearing on this matter. They are authorized by me to give warnings to absentees by order of the Gestapo State Police office, Cologne, and to order corrective custody

up to 3 days for all cases of minor importance. The instructions concerning the attitude to be taken toward the individual groups of foreign workers are to be noted. . . .

"In more serious cases of absenteeism the district police authorities will submit the files concerning the cases to the competent Gestapo office (Cologne, Aachen, or Bonn) for decision. The Gestapo will examine the matter and order the necessary measures—detention, sending to corrective labor camps, or concentration camps."

[Turning to the defendant.] Do you still deny that it was with your agreement that refractory workers were first handed over to the Gestapo, and then sent to concentration camps?

SAUCKEL: I did not deny it, but as stated in the first paragraph, this only happened if public order was disturbed by punishable offenses, that is in serious cases, or when there were breaches of working contracts. There was nobody except the police to undertake the search for such people, and I consider the procedure to be perfectly correct.

M. HERZOG: You think that it is a correct manner of procedure to hand over foreign workers to the Gestapo and to concentration camps? I note your answer.

SAUCKEL: Only in the case of serious offenses. It says "in serious cases" in the document. That was the demand imposed on me.

M. HERZOG: At what period did you learn about the atrocities which were committed in concentration camps?

SAUCKEL: I can say with a good conscience that I gained knowledge here of the cruelties which were committed in the concentration camps; after the collapse of the Reich.

M. HERZOG: Do you think that it was the same with all the Hitlerite chiefs?

SAUCKEL: I cannot speak for the others. I myself did not know of such measures, which I abhor and which I only learned of here.

M. HERZOG: Do you think that the Reichsführer SS Himmler, for example, was aware of the atrocities which were committed in the concentration camps?

SAUCKEL: I cannot say whether the Reichsführer SS knew of them, whether he himself instigated them. During the whole of my career I hardly ever spoke to the Reichsführer SS because our personal relations were rather strained.

M. HERZOG: During the interrogation by your counsel yesterday you declared that you once visited the concentration camp of Buchenwald; did you not?

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SAUCKEL: Yes, in 1937 or 1938. I cannot tell you that from memory now.

M. HERZOG: You declared you made this visit in the company of an Italian commission, did you not?

SAUCKEL: Yes, that is correct.

M. HERZOG: Do you know that there is in existence an album of official photographs of the concentration camp in Buchenwald?

SAUCKEL: I do not know that.

M. HERZOG: I offer that album in evidence to the Tribunal under Exhibit Number RF-1520. It bears the Document Number D-565. It is a document of the British Delegation.

[Turning to the defendant.] Do you recognize yourself in these photographs?

SAUCKEL: Yes, I recognize myself in this picture.

M. HERZOG: With whom are you there?

SAUCKEL: That is the Reichsführer SS.

M. HERZOG: Himmler?

SAUCKEL: Himmler, yes.

M. HERZOG: Thank you. And you contend that you, a Gauleiter and Reichsstatthalter of Thuringia, visited the Buchenwald Concentration Camp in the company of the Reichsführer SS, and—I call your attention to this—in the company of the commander of the camp, without knowledge of what was happening inside the camp?

SAUCKEL: I cannot tell you when this picture was taken or whether it was taken in the camp itself. I was once outside the camp together with the Reichsführer SS—there was another large site there—but I was never inside the camp together with the Reichsführer SS. I was there only once with an Italian commission.

This picture does not show that there was an inspection. Here you see some troops lined up . . .

M. HERZOG: The Tribunal will decide about that.

I offer in evidence under Exhibit Number RF-1521 the certificate establishing the origin of this album.

In October of 1945 you were interrogated on the expulsion of Jews from industry. You said this:

“I never had anything to do with it. I had nothing to do with the question of the eviction of Jews from industry. I had no influence in this matter. It was an enigma to me.”

Can you confirm this declaration?

SAUCKEL: That is perfectly correct. I did not say the eviction of the Jews from industry was a secret to me; I said that, to the best of my recollection, I had nothing to do with it.

M. HERZOG: Your counsel gave you a document yesterday, Document Number L-61, which you thought you had to contest.

SAUCKEL: Yes.

M. HERZOG: The point that you raised against this document was that it was dated 1942, and that it dealt with questions prior to your appointment. Did I understand you correctly yesterday?

SAUCKEL: The enclosures to the document deal with questions that had already been started before I was appointed.

M. HERZOG: I offer in evidence Document Number L-156, which becomes Exhibit Number RF-1522. It is a letter written under the authority of the Delegate for the Four Year Plan, the Plenipotentiary General for the Allocation of Labor, which is you. It is dated 26 March 1943. It is addressed to the chiefs of the regional labor offices, and it deals with the question of the eviction of Jews. It begins thus:

"In agreement with me and the Reich Minister for Armaments and Munitions, the Reichsführer SS, for reasons of state security, removed from their place of work at the end of February such Jews as were not living in camps and who were working as free workers.

"They have been formed into working units or assembled for deportation. In order not to endanger the efficacy of this measure, I have avoided issuing any notification beforehand, and I have notified only those regional labor offices in whose districts free Jewish manpower was employed in large numbers.

"So as to have a general view of the effect of those measures on the manpower position, I ask you to let me have, as from 31 March 1943, returns showing how many Jews were removed from their work, and how many it has been found necessary to replace by other workers.

"When giving the numbers of the factories and of the Jews employed by them, one should take into account the situation which existed before the evacuation. The enclosed form should be used for making reports, *et cetera*."

Do you still say that you had no part in the matter of the eviction of Jews and their replacement by foreign workers?

SAUCKEL: Here again I must state emphatically that this letter was never put before me. It has no signature, and here again it

comes from a subdivision in the Reich Ministry of Labor at 96 Saarlandstrasse. Some official dealt with it there. I myself have absolutely no recollection of having ever had knowledge of this letter. I did not write it, it does not come from my office, it has been written "by order," and the signature is not mine.

M. HERZOG: Will you please look on the left in the corner. It says:

"The Delegate for the Four Year Plan, the Plenipotentiary General for the Allocation of Labor." Is not that you? You talk of a subordinate. Are you trying to throw the responsibility on one of your subordinates?

SAUCKEL: No, I do not want to do that. I merely want to say that the letterhead belongs to some office, but I have never known anything about the letter. This is the first time in my life that I have seen it, and I myself did not have it written. I can say that under oath.

M. HERZOG: With this letter is an application form for replacement for the expelled Jews. Who else but you could have anything to do with this, you who were the Plenipotentiary General for the Allocation of Labor?

SAUCKEL: Yes, my department—I told my counsel yesterday that my department, of course, had to furnish replacements if workers were taken away from a concern, either by being called up for service or for some other measure. I did not always know the details.

M. HERZOG: You are not answering my question, the fact that this letter . . .

SAUCKEL: Yes, I have answered your question properly.

M. HERZOG: The fact that this letter contains an application relating to the replacement of workers, is that not proof that it comes from your department, you being the Plenipotentiary General for the Allocation of Labor?

SAUCKEL: Such a request could not come from my department. The evacuation of Jews was entirely the responsibility of the Reichsführer SS, I had only troubles because of such measures, as it was very difficult to replace workers. I had no interest in it.

M. HERZOG: In short, you deny that you ever proposed special working conditions for Jews?

SAUCKEL: That is just what I am denying. I had nothing to do with it. It was not my task.

M. HERZOG: Would you please refer once more to Document Number F-810, which I offered under Exhibit Number RF-1507? We

will hand it to you if you have not got it. Please look at Page 16, under the heading: "Gauleiter Sauckel." I quote . . .

SAUCKEL: I have not the document at hand—oh yes, I think I have it.

M. HERZOG: It was passed to you about 2 minutes ago. If you have not got it, it will be handed to you again.

SAUCKEL: Will you please give me the number again?

M. HERZOG: Document F-810, but I do not think it is marked on the photostat you have. Have you that document?

SAUCKEL: Yes.

M. HERZOG: Under the heading "Gauleiter Sauckel," I read—it is on Page 16 of the document:

"Sauckel objected very emphatically when it was said that the inmates of concentration camps and the Hungarian Jews constituted the best manpower on constructional work. This is not true to fact, because they produce on an average 65 to 70 percent of the work of a normal worker; never 100 percent. Besides, it is unworthy to put the German worker and the German moral conception of work in the same category as this pack of traitors. To an inmate of a concentration camp and to a Jew, work is not a mark of nobility. Things cannot be permitted to reach the point where inmates of concentration camps and Jews become articles in demand. It is absolutely essential that all concentration camp inmates and Jews working on building sites be kept apart from the remainder of the workers, including foreigners.

"Gauleiter Sauckel ended by pointing out that as a matter of fact he did not object to the employment of Jews and concentration camp inmates, but only to such exaggerations as mentioned above."

I would ask you, Sauckel, you who yesterday described your own life as a workman, what you meant when you said: "To an inmate of a concentration camp and to a Jew work is not a mark of nobility."

SAUCKEL: I want to say most emphatically that this paragraph is a very condensed and free rendering, and not a shorthand report. I raised an objection because I assumed that inmates of concentration camps would be traitors. My only object was that these people should not be taken to the same places of work as the other workers, the Jews either. But I did not employ them; that was the business of the Reichsführer SS. I was speaking at a conference of leaders and in the interests of workers with a clean record and the

other foreign workers. I objected to their being put to work together.

M. HERZOG: I ask you this question again. What did you mean when you said: "To an inmate of a concentration camp and to a Jew work is not a mark of nobility?"

SAUCKEL: By that I meant that the work of men who had been found guilty of offenses should not be compared with the work of free workers with a clean record. There is a difference if I employ prisoners in custody or if I employ free workers, and I wanted to see the two categories separated.

M. HERZOG: So that Jews were prisoners in custody, were they not?

SAUCKEL: In this case the Jews were prisoners of the Reichsführer SS. Actually, I regret the expression.

M. HERZOG: You dispute, therefore, that this phrase is an expression of the hostility which you showed to Jews for instance?

SAUCKEL: At that time I was, of course, against these Jews, but I was not concerned with their employment. I was against these workers, whose employment was the concern of the Reichsführer SS, being put with the other workers.

M. HERZOG: Did you ever conduct any propaganda against the Jews?

SAUCKEL: I conducted propaganda against the Jews with regard to their holding positions in the Reich which I considered should have been occupied by Germans.

M. HERZOG: I will submit to you an article which you wrote in June 1944, a time when I think in your Germany there were not very many Jews still occupying important posts. This article appeared in a newspaper, *Die Pflicht*, which you published in the Gau of Thuringia. It is Document Number 857 which I offer to the Tribunal as Exhibit Number RF-1523. I shall read extracts from this article.

[The document was handed to the defendant.]

First extract from Page 1, Column 1, the last paragraph but one:

"The old and finest virtues of the sailors, airmen, and soldiers of Great Britain can no longer stop the Jewish plague of corruption which is making such rapid ravages in the body of their country."

Then, on Page 2, Column 2, the last paragraph but one:

"There is no example in the history of the world to show that anything of lasting value has been created in the course of centuries by the Jews and their foolish followers who were

bound to them and corrupted by their customs and their women."

I ask you, Defendant Sauckel, what did you mean by the "Jewish plague of corruption"?

SAUCKEL: I meant that it was the outward sign of disintegration within the nations.

M. HERZOG: I ask you again my question. What do you mean by the "Jewish plague of corruption"?

SAUCKEL: It was my opinion that disintegration had set in among the nations owing to certain Jewish circles. That was my view.

M. HERZOG: The Tribunal will draw its own conclusions. Mr. President, I have no further questions.

MAJOR GENERAL G. A. ALEXANDROV (Assistant Prosecutor for the U.S.S.R.): I would like to make a general summary of your activities in your function of Plenipotentiary General for the Allocation of Labor.

Tell me how many foreign workers were employed in German economy and industry at the end of the war?

SAUCKEL: As far as I can tell you without documents, not counting prisoners of war, there were about 5 million foreign workers in Germany at the end of the war.

GEN. ALEXANDROV: You already quoted that number during your direct interrogation by our counsel. I believe that number applies not to the moment of the capitulation of Germany but to the date of 24 July 1942. I shall quote somewhat different data on that subject and will use your own documents. You were nominated Plenipotentiary General on 21 March 1942. On 27 July 1942,—that is to say, 3 months later—you submitted to Hitler and Göring your first report. In this report you stated that from 1 April to 24 July 1942 the requested mobilization quota of 1,600,000 persons was even surpassed by you. Do you confirm this figure?

SAUCKEL: I quoted that figure, and as far as I can remember that did not include only foreigners but also German workers.

GEN. ALEXANDROV: In the final part of your report you state that the total number of the population of the occupied territories evacuated to Germany, up to 24 July 1942, numbered 5,124,000 persons. Is that number exact? Do you confirm it?

SAUCKEL: Yes, but I believe that figure at the time included prisoners of war who had been employed in industry. Then I must say in this connection that in the case of all neutral, allied, and western countries there was a continuous exchange, because

these workers worked either 6 months, 9 months, or 1 year in Germany, and at the end of the period agreed on they returned to their own countries. That is why this figure may have been correct. Toward the end of the year, however, they could not have increased very much because this continuous exchange has to be taken into consideration.

GEN. ALEXANDROV: But the fact remains that, according to your figures, the population evacuated to Germany numbered 5,124,000 persons up to 24 July 1942; is that not so?

SAUCKEL: If it says so in the document, then it may be true. It is possible, or rather it is probable, that this takes into account the prisoners of war employed. I cannot say that without any records.

GEN. ALEXANDROV: I will show you later another document referring to this matter. On 1 December 1942, you compiled a summarized report on the utilization of manpower up to 30 November 1942. In this summary you quote a figure referring to the number of workers assigned to German war industries from 1 April to 30 November 1942, and these workers number 2,749,652. On Page 8 of your report you state that by 30 November 1942, in the territory of the Reich, 7 million workers were employed. Do you confirm these figures?

SAUCKEL: I cannot confirm the figures without records. Again, I assume that French and other prisoners of war were once more included.

GEN. ALEXANDROV: But the figure 7 million employed in German industry—foreign workers employed, even if you include the prisoners of war—is that figure exact? Will you now say how many workers were brought to Germany from occupied territories during the year 1943? Tell me that figure.

SAUCKEL: The number of foreign workers brought to Germany during the year of 1943 may have amounted to 1½ or 2 million. Various programs had been made in that connection which were being continually changed.

GEN. ALEXANDROV: I am now interested to know approximately how many workers were brought to Germany in 1943. You need not give an exact figure. Approximately.

SAUCKEL: I have already said from 1½ to 2 million. I cannot be more exact.

GEN. ALEXANDROV: I understand. Do you remember what task was assigned to you for the year 1944?

SAUCKEL: In 1944 a total of 4 million, including Germans, was demanded. But of these 4 million only 3 million were supplied,

and of these approximately 2,100,000 were Germans and 900,000 foreigners.

GEN. ALEXANDROV: Now can you give us at least a general summary of your activities? How many persons were brought to Germany from the occupied territories during the war, and how many were employed in agriculture and industry at the end of the war?

SAUCKEL: As far as I know and remember there were 5 million foreign workers in Germany at the end of the war. Several million workers returned to neutral and allied and western countries during the war, and they had to be replaced again and again, which was the cause of those new programs which were constantly being made. That is the explanation. Those workers who were already there before my time, and those who were brought in, probably might have reached a figure of 7 million, but during the war there were several millions who returned to their home countries.

GEN. ALEXANDROV: And also, a large number perished as a result of hard slave labor! That is not what I have in mind at the moment. In your documents you probably meant actual manpower and not those who perished or those who were absent. Could you tell us how many were brought to Germany from occupied territories during the war?

SAUCKEL: I have already given you the figure.

GEN. ALEXANDROV: Five million?

SAUCKEL: Yes.

GEN. ALEXANDROV: You continue to assert that that is so?

SAUCKEL: Yes, I maintain that at the end of the war there were, according to my statistical department and as far as I can remember, 5 million workers in Germany, because millions of workers continuously returned. The experts can give you a better answer than I. The contracts with the others were only 6 and 9 months, you see.

THE PRESIDENT: Your question is, is it not, how many were brought into Germany, how many foreign workers, during the whole of the war? Is that the question you are asking?

GEN. ALEXANDROV: Yes, it is, Mr. President.

THE PRESIDENT: What is your answer to that?

SAUCKEL: I have already stated that, including the workers who were there before my time, before I came into office, and including those who were there at the end, there may have been about 7 million. In accordance with my records, there were 5 million at the end, because the others had gone back.

THE PRESIDENT: Yes, but that is not what you are being asked. You are being asked: How many persons were brought to Germany from foreign countries during the whole of the war? You say there were 5 million at the end of the war, and there were constant changes in the preceding years. It follows that there must have been more than 5 million people brought to Germany in the course of a year.

SAUCKEL: I would estimate 7 million, but I cannot give you the exact figures because I am not sure about the figures before my time. At any rate, there must have been millions who returned home.

GEN. ALEXANDROV: Up to 30 November 1942 you quoted the figure of imported labor at 7 million...

SAUCKEL: Workers employed in Germany, and that includes prisoners of war, in 1942.

GEN. ALEXANDROV: All right, including prisoners of war, 7 million. Is that right, 7 million by 30 November?

SAUCKEL: I cannot tell you for certain. It may be correct, but I cannot tell you without documentary evidence.

GEN. ALEXANDROV: I will show you the document tomorrow. Today, please answer my question. You said that during 1943 approximately 2 million additional workers were imported.

SAUCKEL: In 1943?

GEN. ALEXANDROV: Yes, in 1943.

SAUCKEL: I said 1½ to 2 million.

GEN. ALEXANDROV: That is to say, 7 million plus 2 million make 9 million in all. Is that correct?

SAUCKEL: No. I said expressly that some were going back all the time, and I did not add the prisoners of war to the new imported labor.

GEN. ALEXANDROV: You do not seem to understand me. I am speaking of those who were brought to Germany from the occupied territories, who passed through your hands. To answer this it is of absolutely no importance how many of them perished in Germany, or how many left. That does not change the total number of workers brought to German territory from abroad.

If, therefore, by 30 November 1942 there were 7 million workers in Germany, and, according to you, in 1943 a further 2 million were brought in, and in 1944, as you just said, 900,000 were again brought in; then, according to you, the total number of workers imported into Germany during the war must have amounted to 10 million. Is that right?

SAUCKEL: I can say that only with the reservation that I do not know how many were actually there before my time. That may be correct as a guess, and including all prisoners of war who were assigned for work. You have, however, to deduct the prisoners of war from the civilian workers who were brought into the country.

THE PRESIDENT: The Tribunal will adjourn now.

[The Tribunal adjourned until 31 May 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-THIRD DAY

Friday, 31 May 1946

Morning Session

[The Defendant Sauckel resumed the stand.]

GEN. ALEXANDROV: Defendant Sauckel, I did not get a satisfactory answer yesterday to my question as to how many foreign workers were imported into Germany from the occupied territories. You will now be handed Document Number 1296-PS. It is your report of 27 July 1942. In addition, Document Number 1739-PS will also be handed to you. It is your survey of conditions as of 30 November 1942. I wish to explain to you that in this case we are dealing with the number of foreign workers imported into Germany, including prisoners of war. The loss of this manpower in this case is of no importance, since it will not change the number of persons imported into Germany. They were brought to Germany, but later perished either as a result of work beyond their strength, or else were returned as incapable of work. Did you receive these documents?

SAUCKEL: Yes. Please let us have a look at the documents, as we are dealing with figures.

GEN. ALEXANDROV: Pray do so. In Document Number...

SAUCKEL: I have not yet finished. I cannot...

GEN. ALEXANDROV: It is not essential for you to acquaint yourself with the contents of all the documents. In Document Number 1296-PS, on the last page of the report, at the end, you will find Section V. It is entitled, "General Summary..." Have you found it?

SAUCKEL: No, I have not yet found the passage. Which document, please?

GEN. ALEXANDROV: Document Number 1296-PS. Have you found it?

SAUCKEL: Yes, I have found this passage.

GEN. ALEXANDROV: It gives the total figure as 5,124,000. Is that correct?

THE PRESIDENT: 12 million, did you say? 12 million?

GEN. ALEXANDROV: 5,124,000 persons.

THE PRESIDENT: Yes. The translation said 12 million.

GEN. ALEXANDROV: That was an error.

SAUCKEL: In connection with this document I must state emphatically that the figure here is indicated as 5,124,000. It includes 1,576,000 prisoners of war, but the latter do not rank with the civilian workers. The prisoners were the responsibility of the Armed Forces and during their employment, or during their employment by the generals in charge of the prisoner-of-war camps, they were housed and cared for in the individual military areas.

GEN. ALEXANDROV: They were employed in the German industries. Please read after me Subparagraph V: "General Summary of Foreign Workers... at present employed in Germany."

SAUCKEL: Yes. That is correct.

GEN. ALEXANDROV: That is all I want. Now take...

SAUCKEL: Please, have I your permission to explain that these prisoners of war were not housed and cared for in the factories or by the DAF (German Workers' Front) but were billeted in the camps which were under the jurisdiction of the generals in charge of prisoners of war in the military areas, and they were consequently not included with the civilian workers in my statistics.

GEN. ALEXANDROV: As far as the number of prisoners of war working in your organization is concerned, a supplementary question will be asked later on. Actually, I am interested to know how many civilians and how many prisoners of war were employed in the German industries. Do you confirm this figure of 5,124,000? Is this figure correct or not?

SAUCKEL: That is a correct figure for this particular time. But in order that the Tribunal may get an exact picture of the procedure I should like to be allowed to refer to a very accurate document. That would be Document Number 1764-PS. It deals with the exact enumeration of individual workers from individual countries, and of prisoners of war about 6 months later. I submitted it to the main Reich offices, and to the Party offices in Posen. It was also submitted to the Führer and to the Reich offices...

GEN. ALEXANDROV: I have to interrupt you...

SAUCKEL: I beg you to allow me to complete my explanation. I must completely clarify these matters here and now. My conscience demands that I do so before the entire world.

For February 1943, that is half a year later, there appears on Page 7 of Document Number 1764-PS another exact enumeration with a figure of 4,014,000 civilian workers and 1,658,000 prisoners of war. The sum total—this figure was very accurate—was 5,672,000. That in spite of the inclusion of more foreign civilian workers this

figure was not materially increased has been proved by the fact—as I already stated yesterday—that civilian workers from western, southern, and southeastern territories for the most part had labor contracts binding them for 6 months only. Whenever possible, when under my charge, these contracts were observed; for otherwise, had I failed to keep to the contracts, that is, if I had not insisted on doing so, I would never have obtained any more workers.

If I employed several hundred thousand workers in half a year and then sent them back again, this figure would always disappear again because they went home. Therefore, far more civilian workers entered Germany than officially stated at any one time—than appeared in the total amount—for the number of those returning would always have to be deducted, and there were very many of them.

A French document has been presented which is a report from the Envoy Hemmen in Paris. My counsel will be good enough to tell me the PS number later. It shows that French workers, about 800,000 of them came to Germany; but these figures are not in accordance with those issued by my department, but in accordance with a statement from the French Embassy. In 1944 there were only 400,000 left in Germany as, owing to the time limits of their contracts, these contracts were expiring every day and thousands were returning home daily. Roughly 50 percent of the contracts would expire while another 50 percent would still be working. That is an exact explanation of this statement, made in all conscience.

GEN. ALEXANDROV: As to what these labor contracts actually were, those so-called labor contracts, I shall mention at a later date. My French colleague, during his examination, sufficiently proved the criminal methods used in the mobilization of workers in the West. How this was done in the East I will tell you a little later on. I should now like you to confirm the figures of your report—5,124,000 persons. Is this an exact figure, or is it not? I am not asking for any superfluous explanations. You are asked to state only whether this figure is correct or not.

SAUCKEL: It is correct for the time this statement was made, but it changed constantly for the reason I have mentioned.

GEN. ALEXANDROV: This figure is dated 24 July 1942; that is quite clear to everybody. Now, take the second document, 1739-PS. The last page of 1739-PS, where you will find the following sentence:

“Only then can we be sure that the immense number of foreign workers, both men and women, in the territory of the Reich—which has now reached 7 million, including all working prisoners of war—will furnish the greatest possible assistance to the German war industry.”

Does this sentence occur there? Is the number of 7 million given there?

SAUCKEL: The figure of 7 million is quoted here and includes all prisoners of war employed as labor at that particular time...

GEN. ALEXANDROV: I know what is written there. I am asking you: Is this figure of 7 million contained in the document or not?

SAUCKEL: Yes, it is written in this document.

GEN. ALEXANDROV: It is the correct figure?

SAUCKEL: It is the correct figure, and I am asking the Tribunal that I be allowed to read the two following sentences as well because you are accusing me of resorting to criminal methods. I, on my part, did all I could, and used all the influence I had, to prevent the use of criminal methods. This is proved by the two following sentences which I shall now read, and which state...

GEN. ALEXANDROV: I am obliged to interrupt you once more.

SAUCKEL: Please, may I add to the explanation I have already given, in accordance with the possibilities granted to me by the Tribunal, two more sentences in support of my declaration: "... undernourished half..."

GEN. ALEXANDROV: Defendant Sauckel...

THE PRESIDENT: Let him read the two sentences he wants to read.

GEN. ALEXANDROV: They have absolutely nothing to do with the question of the number of workers imported into Germany...

THE PRESIDENT: I have not got the translation of the document, so I cannot tell. I want to hear him read the sentences.

GEN. ALEXANDROV: Then read them, please.

SAUCKEL: "... half-desperate Eastern Workers would be more of a hindrance than a help to the war economy.

"It is essential that all the government offices, right down to the factories concerned"—for these, I must add, I was not responsible—"should be quite clear on the subject, and that is my constant endeavor."

I merely wanted to show my conscientiousness by those two sentences, and how sincerely I endeavored to carry out my task which was an extremely difficult one for me.

THE PRESIDENT: Now, Defendant, will you kindly answer the questions and only give explanations when it is necessary to explain the answer. All you were asked was whether the figure of 5,124,000 in the first document was correct and whether the figure of 7 million in the second document is correct, and you said both of them were.

Now go on, General.

SAUCKEL: I have already answered that it is correct, that the figure of 7 million is given in this document...

THE PRESIDENT: Well, we do not want any more explanations.

GEN. ALEXANDROV: I can understand perfectly well that you are not interested in increasing these appalling figures even by a single point, let alone by several millions.

Yesterday you stated that in 1943, 2 million more foreign workers came to Germany, and in 1944 a further 900,000 persons.

SAUCKEL: I must definitely correct that. I did not say that, but it is true that from July 1942 until the end of 1943 about 2 million foreign workers came to Germany, not in 1943 only. From February 1943, for instance, until the end of 1943 only 1 million came to Germany because we were experiencing considerable difficulties at the time. But from July 1942 until the end of 1942 about 1½ million arrived, so that in 1½ years 2 more million were added to the first number which I mentioned yesterday.

GEN. ALEXANDROV: It is already known how many you received in 1942. Yesterday you stated quite definitely that in 1943 about 2 million workers came to Germany. Is that correct? I am talking of 1943.

SAUCKEL: If I am supposed to have said that yesterday I do not remember it, for it is not true; but the truth is that from about July 1942 until the end of 1943 about 2 million foreign workers were sent to Germany.

THE PRESIDENT: General, the Tribunal is not really interested in the exact number of foreign workers who came to Germany. It does not seem to us to make very much difference whether 5 million or 6 million or 7 million came there. It is extremely difficult to follow the figures.

GEN. ALEXANDROV: I do not intend to determine the numbers of workers brought to Germany with mathematical precision. I do, however, consider it quite indispensable to realize the scale on which these crimes were committed. I would like the Defendant Sauckel to state definitely how many workers were brought to Germany during the war.

THE PRESIDENT: Well, I just told you we do not consider it important. You say that you do not want to ascertain with mathematical accuracy, but we have spent a considerable time in attempting to do so.

GEN. ALEXANDROV: This can be explained by the fact that the Defendant Sauckel does not give a precise reply to the questions put to him.

[Turning to the defendant.] Tell me, do you consider such methods of warfare, the mass driving into slavery of millions of people from the occupied territories, to be in accordance with the laws and customs of war and human morality in general?

SAUCKEL: I do not consider slavery and deportation admissible. Please allow me to add the following explanation to this clear reply. Personally, I was firmly convinced that it is no crime . . .

GEN. ALEXANDROV: Please do not evade the question.

SAUCKEL: I am not evading the question, but I may and I have the right to give an explanation of my reply; I have already given the answer.

GEN. ALEXANDROV: Give a direct answer.

SAUCKEL: It is necessary for my defense . . .

GEN. ALEXANDROV: I do not think it is necessary. Answer directly: Do you consider these methods criminal or do you not?

THE PRESIDENT: One moment, General, you asked the defendant whether he considered it honorable. Let him answer it in his own way. It is not a question whether a thing is honorable. He is entitled to answer it freely.

SAUCKEL: Now that I have given a clear reply to the effect that I could not be convinced in all conscience that I was committing a crime, I ask permission to read out the relevant sentences from Document Sauckel-86 in Document Book 3. They contain the instructions which I gave to my department and to the industrial concerns:

"We are not concerned"—I quote—"with material things but, and I would emphasize this again very definitely, with human beings, with many millions of human beings, every single one of whom—whether we want it or not—makes his criticism from his own point of view, be he a German or a foreign worker.

"On the other hand, the output of the individual, be he a Volksgenosse"—that means a German—"or not a Volksgenosse"—that means an alien—"be he a friend or an enemy of Germany, will always depend on whether he admits to himself that he is being treated justly, or whether he comes to the conclusion that he has been exposed to injustice.

"Be just"—I may add that this was my order to my departments—"Be just! There are many questions which you cannot always answer by merely studying my instructions, or the *Gesetzblatt*, or the *Reichsarbeitsblatt* . . ."

THE PRESIDENT: We do not want to go into a very long speech, you know, about a question like that. I mean, you do not want to read all your instructions to your subordinates again.

SAUCKEL: No, I only want to read two more sentences, Your Lordship:

“The worker’s life is so rich that it cannot be comprised even in many thick volumes. But every human breast harbors a feeling which says to him, ‘Have you been treated with kindness and justice . . .’”

THE PRESIDENT: Defendant, that is enough. We have heard enough of that.

GEN. ALEXANDROV: Defendant Sauckel, in July 1944 a conference was held at Hitler’s headquarters to deal with the question of the treatment of foreign workers in case of a further successful advance of the Allied armies. Do you know anything of this conference or not?

SAUCKEL: May I ask once more—what was the date?

GEN. ALEXANDROV: I am asking you about the conference which was held at Hitler’s headquarters in July 1944. Do you know anything about this conference or do you not?

SAUCKEL: I cannot remember for certain. I must ask you to place some document before me. I cannot remember any meeting in July because from 20 June 1944, or thereabout, I was no longer admitted to the Führer for any discussions.

GEN. ALEXANDROV: That is enough for me. That means that you do not know anything at all about this conference?

Tell me, for what purpose, for what kind of work were the foreign laborers employed who had been imported into Germany? Is it correct to state that they were primarily employed in the armament and munitions industries?

SAUCKEL: Workers were brought to Germany for employment in the armament industry. The armament industry is a very wide term, and is not identical with the manufacture of arms and munitions. The armament industry includes all products—from matches to cannons—that have anything to do with supply for the army. It is, therefore, necessary, within this broad, far-reaching term, to limit or isolate the manufacture of arms and munitions.

Moreover, workers were brought to Germany for all other branches of civil economy essential to the war effort, such as agriculture, mining, skilled trades, and so forth. We made three distinctions: War economy, which meant the entire German economy in wartime; armament economy meant . . .

THE PRESIDENT: Well, Defendant, we do not want a lecture upon that, you know. All you were asked was whether they were brought there for work in the armament industry.

SAUCKEL: A part of them.

GEN. ALEXANDROV: I should like you to answer whether the workers brought to Germany were primarily employed in Germany's war industries and for military purposes? Is that right or not? I mean in the broad sense of the word.

SAUCKEL: In the broad sense of the word, yes, including the entire economy in wartime.

GEN. ALEXANDROV: Then the utilization of imported manpower was subordinated entirely and fully to the conduct of the war of aggression by Germany? Do you admit that?

SAUCKEL: That is stretching the idea too far. My own views, according to which I acted and could only act at the time, excluded the word "aggressive."

GEN. ALEXANDROV: Please answer briefly if it appears to go too far. Tell me do you admit it or do you not?

SAUCKEL: I have already answered.

GEN. ALEXANDROV: Your part as organizer of the mass drive into slavery of the peaceful population of the occupied territories is sufficiently clear. I should now like to pass over to the elucidation of the part played by the individual ministries in this matter. Please enumerate the ministries and other government organizations which directly participated in carrying out the requisite measures for the mobilization and utilization of foreign manpower. Mention has already been made of the Ministry for the Occupied Eastern Territories, of the War Ministry and of the OKW, so that it is not necessary to speak about them again. Kindly enumerate the others.

SAUCKEL: On the plan, which has also been submitted to your delegation, Mr. Prosecutor, there are some small inaccuracies, inaccuracies made by the draftsman. I have not seen the completed drawing, but I took it for granted that the original drawing, as submitted to me, was correctly made by the draftsman. These small inaccuracies and deviations can be rectified, and the plan will then be unmistakably clear and offer the soundest explanation.

GEN. ALEXANDROV: Your defense counsel has stated here that this plan is not sufficiently accurate. It is precisely for that reason that I ask you this question and request you to explain which ministries and other government offices played an immediate part in the mobilization and utilization of foreign manpower, over and above those which I have already indicated.

THE PRESIDENT: General, he says that it is substantially correct, and that there was only one minor alteration suggested in it. Surely that is sufficient for us.

GEN. ALEXANDROV: Mr. President, Sauckel's defense counsel has himself stated that there are a number of inaccuracies in the plan. I will, however, endeavor to facilitate this task.

[Turning to the defendant.] Please tell me how the Foreign Office was connected with this matter.

SAUCKEL: The Foreign Office was connected with this matter in the following way:

It had to establish connections with countries where embassies, legations, or German delegations were acting. Negotiations would then take place under the chairmanship of the head of an embassy or delegation. The Foreign Office always made every effort to conduct these negotiations in a suitable way and in a proper manner.

GEN. ALEXANDROV: On 4 January 1944 a meeting was held with Hitler. This is Document 1292-PS. It is written in Subparagraph 4 of the minutes of this meeting, "The Plenipotentiary General for the Allocation of Labor must, before taking measures, contact the Minister for Foreign Affairs." What did that mean in this particular case?

SAUCKEL: In this case it meant that if I had to negotiate with the French or the Italian Government, I would first have to get in touch with the Minister for Foreign Affairs.

GEN. ALEXANDROV: After this meeting, which was held with Hitler on 4 January 1944—on 5 January 1944 you sent a letter to Lammers in which you related the question regarding the necessity for issuing a special directive as a result of this meeting, in order that all aid should be given you by the following authorities—I will enumerate them: The Reichsführer SS, the Minister of the Interior, the Minister for Foreign Affairs, Field Marshal Keitel, the Minister for the Occupied Eastern Territories, Rosenberg, the Reich Commissioners, the Governor General, and others. Do you remember this letter?

SAUCKEL: I remember that letter; will you be kind enough to put it before me. I cannot, of course, remember the contents in detail.

THE PRESIDENT: What is the number of that document, General?

GEN. ALEXANDROV: That is Number 1292-PS, Page 6 of the Russian text.

[Turning to the defendant.] Have you found the passage?

SAUCKEL: Yes. It is on the last page? May I ask if this is correct?

GEN. ALEXANDROV: This means you considered that all these organizations were to participate fully, one way or the other, in the execution of measures for the recruitment and utilization of manpower. Is that correct?

SAUCKEL: That is correct and I ask permission in this connection to give the following explanation: It is obvious that I myself, in my office, could not do certain things without informing the high-ranking authorities of the Reich. It merely proves that I was attempting to work correctly, and not to interfere wildly within the Reich, or in other administrative departments.

GEN. ALEXANDROV: I would like you to explain the following: When the Hitlerite government resorted to these criminal measures for driving off into slavery the population of the occupied territories, did practically all the government organizations of Hitlerite Germany—besides yourself—and the Party machinery of the NSDAP participate in these activities? Would it be correct to say so?

SAUCKEL: I protest against the words "driving off." Please hear my defense counsel on the subject in rebuttal.

GEN. ALEXANDROV: It is not a question of the words used. Answer me—is it correct or not?

SAUCKEL: The words are extremely important.

GEN. ALEXANDROV: Did the entire machinery of the German State participate in this matter or not?

SAUCKEL: In this form I must answer your question in the negative. There was...

GEN. ALEXANDROV: No other reply is demanded of you.

SAUCKEL: In the—I might explain this. For the recruiting of manpower, that is in the registration according to German orders, it was the chief, duly authorized and appointed for this purpose at the time, of a territorial government, a Reich commissariat, or the like, who participated—for I emphasize that I was unable to issue any laws in that field and was not allowed to do so. I could not interfere in any government department; that is impossible in any government system in the world.

GEN. ALEXANDROV: Yes. But you were obliged to co-ordinate the activities of all these representative organizations in Germany. That was the task assigned to you?

SAUCKEL: Not to co-ordinate, but to instruct them: and to ask for their co-operation where the case arose, if it came within their jurisdiction.

GEN. ALEXANDROV: That is not quite so. I did not wish to touch on this question, but I must revert to it now as you have somewhat minimized your part in this matter.

SAUCKEL: I request permission to reply to the word "minimize." The distribution and direction of manpower in the Reich was my principal task. It included, with the German workers, 30 million persons. I do not wish to minimize this task, for I did my best to introduce order into this mass of workers, as dictated by my sense of duty. I do not wish to minimize anything. It was my task and my duty towards my people.

GEN. ALEXANDROV: We need not argue on this subject. It would be much simpler to consult the document. An order by Göring will be handed to you in a moment.

SAUCKEL: I wish—I must apologize to you if you have misunderstood me. I—I have no intention of arguing. I am only asking for permission to clarify my conception of duty with regard to this task, for it was the most personal task I had.

GEN. ALEXANDROV: That is quite apparent in this order by Göring of 27 March 1942. It is Document Exhibit Number USSR-365. It will be handed to you in a minute. I will read a brief excerpt from it, showing the powers you were endowed with.

THE PRESIDENT: What is the number of it?

GEN. ALEXANDROV: It is Exhibit Number USSR-365.

THE PRESIDENT: Has it got a PS number?

GEN. ALEXANDROV: No. This is a Soviet exhibit.

[Turning to the defendant.] Please read Subparagraph 4 which clearly states:

"The Plenipotentiary General for the Allocation of Labor for the execution of his tasks is given authority through power assigned to me by the Führer to issue instructions to the highest authorities of the Reich and to their subordinate offices, as well as to the offices of the Party and to its organizations and affiliated organizations, to the Reich Protector, the Governor General, the military commanders, and the heads of civil administration."

That is what we read in Subparagraph 4 of this order. I believe, therefore, that on the strength of this order you were appointed Plenipotentiary General, with extraordinary powers, for the Allocation of Labor. Is that correct or not?

SAUCKEL: That is correct. I should like to add that this authority was limited to my own special sphere, and I take the liberty of reading the following sentence: "Orders and directives of fundamental importance are to be submitted to me in advance."

Also I might point out that a restriction was imposed on my deputies later in the autumn. There is a witness who can make a statement to that effect.

GEN. ALEXANDROV: I am not talking about your deputies. Your powers are only too clearly defined in Subparagraph 4 of Göring's order.

Now, will you enumerate which of the defendants, at the same time as yourself, directly and in his own sphere of action participated in the execution of measures for the mass deportation into slavery of the population of the occupied territories and their employment in Germany. Name them in succession. Did Defendant Göring participate in all these crimes, as your immediate chief and leader?

SAUCKEL: I want to point out most emphatically that I could not possibly have been aware that entire populations had been carried off by means of lawful recruitment and service engagements based on legal decrees. I deny this. I had nothing to do with measures concerning prisoners, *et cetera*, but...

THE PRESIDENT: The question was, did the Defendant Göring participate with you in the bringing of foreign workers into Germany? You do not seem to me really to be answering it at all.

SAUCKEL: I was directly subordinate to the Reich Marshal of the Greater German Reich in the question of the introduction of foreign manpower.

THE PRESIDENT: Then why do you not say so?

GEN. ALEXANDROV: So the Defendant Göring participated in the execution of these criminal measures?

THE PRESIDENT: General Alexandrov, when you want to ask a question of that sort I think it would be much better that you should not allege the fact that it is a crime. If you want to know whether the Defendant Göring took part with this defendant in the work that he was doing you can refer to that without calling it a crime; and then he perhaps will answer you more easily.

GEN. ALEXANDROV: Yes, My Lord.

[Turning to the defendant.] Did the Defendant Von Ribbentrop participate in carrying out these measures on diplomatic lines, and did he sanction the violation of international treaties and conventions where the utilization of foreign workers and prisoners of war in the German industries was concerned?

THE PRESIDENT: Well, there again, these defendants are saying that there was no violation of international law; so the question you should put to him is: Did Von Ribbentrop participate with him in these measures as far as diplomacy was concerned?

GEN. ALEXANDROV: I am now asking what was the connection between the Defendant Von Ribbentrop and the allocation of labor, and I would like to receive an answer to this question from the Defendant Sauckel.

SAUCKEL: The part played by Defendant Ribbentrop consisted in holding conferences with foreign statesmen or foreign government offices in the occupied territories as well as in neutral and friendly foreign countries; and he considered it highly important that these conferences should be conducted in a correct manner and that the aim should be to obtain the best possible conditions for foreign workers.

GEN. ALEXANDROV: I will question you about that a little later, when the question arises concerning the employment of prisoners of war in the German industries.

Please tell me now, what was the attitude of the Defendant Kaltenbrunner regarding these measures?

SAUCKEL: In this connection I met the Defendant Kaltenbrunner on one single occasion during a conference—the date of which I cannot at present remember—at the Reich Chancellery with Minister Lammers. I believe it was in 1944. Apart from that, I had no interview of any kind with Kaltenbrunner, nor did I reach any agreements with him on questions concerning the employment of labor.

GEN. ALEXANDROV: Yet the Defendant Kaltenbrunner placed police forces at your disposal for carrying out the recruitment of labor, did he not?

SAUCKEL: I have repeatedly emphasized the fact that the recruitment of workers was no concern of the Police. I must ask my defense counsel to submit the relevant regulations, of which there are numerous specimens available. They prove quite clearly and unequivocally and irrefutably the division of tasks between the Police and my department.

GEN. ALEXANDROV: Did the Police participate in the execution of these measures or did it not? I am not reproaching you now.

SAUCKEL: In my opinion the Police participated only in cases where the execution of administrative duties was rendered impossible in partisan areas. In White Ruthenia alone 1,500 local mayors were murdered by the partisans. This is seen from the document.

GEN. ALEXANDROV: But was recruitment, even in normal circumstances, not carried out by police methods? Did you know nothing at all about that?

SAUCKEL: I will tell you exactly what I know about it. There were in the occupied territories of Europe about 1,500 districts—

here I mean areas or departments, the Feldkommandanturen, which we in German administration would describe as being the size of a Kreis (district)—and these 1,500 districts contained 1,500 administrative centers staffed partly by local and partly by German personnel. In addition to this personnel, in the territories of the Soviet Union alone, 1,000 Russian workers who were previously employed in Germany were acting as recruiting officers. Now if each of these administrative centers, which would correspond to a German Landkreis and have a population of 40,000 to 70,000 inhabitants, selected in a proper way, examined, and tested five persons daily, that alone would amount to 2 million people a year; a perfectly clear method of administration, such as I ordered, organized, and carried out to the best of my administrative possibilities.

GEN. ALEXANDROV: You are giving needlessly detailed explanations in reply to these questions, and under such conditions the interrogation is being greatly prolonged. I consider it necessary that you answer briefly. You are perfectly able to do this, for I am putting the questions to you clearly.

SAUCKEL: I am trying to answer as briefly as possible. I regret that a specialized field is always difficult to understand and calls for explanations; I found it very difficult myself.

GEN. ALEXANDROV: Please answer: What part did the Defendant Kaltenbrunner play in the execution of measures on the allocation of labor? Did he participate in this or did he not?

SAUCKEL: I have already given you that answer.

GEN. ALEXANDROV: I did not understand you. Did he participate or did he not?

THE PRESIDENT: I beg your pardon. He said that he only met Kaltenbrunner on one occasion and that the task of the recruitment of labor was not one for Police. That is what he said.

GEN. ALEXANDROV: It is not necessary to multiply the number of meetings in order for Kaltenbrunner to have participated in the execution of these measures. He did not have to meet Defendant Sauckel frequently.

THE PRESIDENT: General Alexandrov, I do not want you to argue with me. I have told you what his answer was. It seemed to be an answer to your question.

GEN. ALEXANDROV: I am not arguing. I am merely explaining the reason for this question.

[Turning to the defendant.] As far as the participation of Defendant Rosenberg is concerned, I shall not ask you any questions, as

Defendant Rosenberg gave sufficiently clear answers when questioned by my American colleague, Prosecutor Dodd. Now tell me, what part did Defendant Frick play in the execution of these measures?

SAUCKEL: Defendant Frick, as Reich Minister of the Interior—I do not know how long he remained in office—scarcely participated at all. As far as I can remember I had discussions with his Reich Ministry of the Interior concerning the most necessary laws to be promulgated within Germany for German workers and the validity of those laws. Apart from that, he had no further part in this task; his work was quite different.

GEN. ALEXANDROV: We are discussing the question of foreign manpower. It was not merely by accident that you mentioned, in a letter to Lammers written after a meeting at Hitler's headquarters on the 4 January 1944, that the Ministry of the Interior was among the government offices detailed to operate with you. That is why I ask you, what part did Defendant Frick play in the execution of these measures for the recruitment of labor? You yourself asked for the co-operation of the Ministry of the Interior. Then how was this co-operation to be expressed?

SAUCKEL: To my very great personal sorrow Frick was at that time no longer Reich Minister of the Interior, but Himmler—if I remember correctly.

GEN. ALEXANDROV: What co-operation did you expect from the Ministry of the Interior?

SAUCKEL: It is, I believe only natural that in every form of government the internal and the general administration should be kept informed of events occurring and should participate as well, and so important a sphere as the employment of human beings calls for many ordinances. I could not possibly issue legal decrees, nor had I authority to do so. I had to submit them to the Ministerial Council for the Defense of the Reich. I could only issue technical directions, and that is quite a different thing altogether.

GEN. ALEXANDROV: Were Defendant Funk, as Minister of Economics, and Defendant Speer, as Minister for Armaments, the principal intermediaries between the industrialists and yourself as suppliers of manpower? Is that correct?

SAUCKEL: The end of your sentence contains a very erroneous conclusion. They were not middlemen between myself and the industries, but the industries were responsible to the Ministry for Armaments. Of course there were personal instructions issued about this in the course of years. I did not negotiate with the industries. The industries asked for workers and they got them, as did the agricultural industries.

GEN. ALEXANDROV: Please tell me, what part did the Defendants Funk and Speer play in the execution of these measures? I do not want any long drawn-out explanations. Answer me briefly.

SAUCKEL: Those two ministers were heads of the various business enterprises inside German economy which came within the jurisdiction of their ministries. They received their workers, and that was the end of my task.

GEN. ALEXANDROV: Did the Defendants Frank, Seyss-Inquart, and Neurath participate in the execution of these measures for the allocation of labor in such territories as were under their jurisdiction? I mean the territories of Poland, Bohemia and Moravia, and Holland. Is that correct?

SAUCKEL: These gentlemen, within the framework of their duties inside their own territories, supported me in issuing decrees and laws, and they themselves attached great importance to the proper and humane drafting of these laws and decrees.

GEN. ALEXANDROV: What was the part played by Defendant Fritzsche?

SAUCKEL: That I cannot tell you. I only met Dr. Fritzsche in Germany on one occasion—and that a very brief one—in, I believe, 1945, the beginning of 1945. I never spoke to him at all about my work, nor do I know whether he had anything to do with it. I can only state that I made repeated applications to the Reich Ministry for Propaganda to have my instructions and directives—as contained in the document books submitted by my defense counsel—widely circulated, particularly to the industries and other circles which received these workers.

GEN. ALEXANDROV: But one defendant is left—Bormann—and he is missing. What part did he play? He placed at your disposal the entire Party machinery of the NSDAP, did he not?

SAUCKEL: No, he did not. He placed the Gauleiter at my disposal. The instructions which I issued to the Gauleiter and the letters which I addressed to them—three of which are available here, and there never were many more of them—were to the effect that I was entitled to call on the Party for assistance in insuring the welfare, feeding, and clothing of the workers, and to see that they received everything that was humanly necessary and all we could possibly supply in view of existing wartime conditions. That was the role played by the Party, to the extent that it was asked to do so for me. Thus it was a form of control for the benefit of the foreign and German workers employed in Germany. Otherwise the Party had nothing to do with it. Incidentally, I did not much like interference on the part of outside offices.

GEN. ALEXANDROV: That is incorrect. I would remind you of your program for the allocation of labor which was issued in 1942. This is Document Number USSR-365 which states that the Gauleiter are appointed as your plenipotentiaries where the question of manpower is concerned, and that they will utilize this manpower.

SAUCKEL: Where does it say that? I could not appoint my plenipotentiaries myself.

GEN. ALEXANDROV: You will be shown the document in one moment. I do not quote the paragraph, I merely mention the contents, the gist of the paragraph, where it states that the Gauleiter will use the Party organizations in the districts subordinate to them. I therefore assume that the Party machinery as a whole participated in the execution of these measures.

SAUCKEL: It does not say so at all, Mr. Prosecutor.

GEN. ALEXANDROV: Have you found it: "The plenipotentiaries... make use of their...?"

SAUCKEL: Yes, and I did this only for the purpose I have described. Will you be good enough to read on?

GEN. ALEXANDROV: Read it yourself.

SAUCKEL: Thank you.

"The leaders of the highest departments of the state and of economy which are competent in their respective Gaue shall advise and instruct the Gauleiter on all important questions dealing with the allocation of labor."

That means within the scope of their spheres of duty; and then the latter are specified:

"The president of the Regional Labor Office"—that is not a Party but a government department—"the Trustee for Labor"—not a Party but a government department—"the Regional Peasant Leader"—not a Party but a government department—"the Gau Economic Adviser"—now, that is a Party department...

THE PRESIDENT: Please observe the light, to be sure the interpreters are getting it.

SAUCKEL: I apologize, Your Lordship.

"... the Gau representative of the Labor Front"—a department of the Labor Front—"the Regional Leaders of the Women's League..."

GEN. ALEXANDROV: Everything is perfectly clear, you need not enumerate. I should like to draw your attention to Subparagraph VI. It clearly states that the Gauleiter, functioning as plenipotentiaries for the allocation of labor, will, in their own Gaue, make use of the Party organizations under them. Is it written there?

SAUCKEL: Yes.

GEN. ALEXANDROV: It next enumerates the methods by which this task was executed, also through what institutions and what authorities. I conclude from this subparagraph, which states that they will utilize the Party institutions under their control, that the entire organization of the NSDAP participated in the execution of these measures, and I wish you to answer "yes" or "no."

SAUCKEL: No.

GEN. ALEXANDROV: There is no more to say.

SAUCKEL: No. May I supplement this reply of "no." You, in your first reply, told me that my description was not quite correct. My description is absolutely correct, that the Party was employed to deal with the welfare of German and foreign workers and to see to it that they were properly cared for and supplied. The Party organizations here mentioned were only entrusted with this kind of task, and could have had no other; and I, a former workman myself, was eager that these workers, both German and foreign, should be cared for as well as wartime conditions allowed. Hence this employment of Party organizations and no others. Therefore, my reply was absolutely correct.

GEN. ALEXANDROV: Did the district leaders of the Hitler Youth also participate in the execution of these measures?

SAUCKEL: The district leaders of the Hitler Youth participated in order to protect and care for the young people as expressly required by Reichsleiter Schirach and later by Reich Youth Leader Axmann. Protection had to be provided for the young people against any danger. The Hitler Youth did this, including young people employed from foreign countries. I must expressly emphasize this.

GEN. ALEXANDROV: Did you personally approve of the policy of the Hitlerite Government with regard to the deportation into slavery of the population of the occupied territories in order to insure the waging of a war of aggression? Did you approve of that policy?

SAUCKEL: I am forced to consider your question in the light of an accusation.

I personally have said over and over again that I had nothing to do with either foreign or domestic politics; nor was I a soldier, I meant to say. I received a task and I received orders. As a German, I tried to carry out that task correctly for the sake of my people and its government and to carry it out to the best of my ability, for it was made perfectly clear to me that the fate of my people depended on the accomplishment of this task. I worked with this

in mind, and I admit that I did my utmost to accomplish that task in the manner which I have pointed out here. I conceived this to be my duty and must acknowledge this fact here.

GEN. ALEXANDROV: In order to define your personal attitude to these crimes, I would like to remind you of a few of your own statements. These are taken from Document Number USSR-365. This document is a program for the utilization of labor in 1942, Page 9. You will now be shown the passage which I am about to quote: "I beg you to believe me, as an old and fanatical National Socialist Gauleiter..." Is it written there?

SAUCKEL: That is written there.

GEN. ALEXANDROV: Now we will go on to Document Number 566-PS. It is your telegram to Hitler dated 20 April 1943 which you sent during your flight to Riga. This telegram will now be handed to you and you will be shown the excerpt which I am about to read:

"I shall devote my entire strength with fanatical determination to the accomplishment of my task, and to justify your confidence."

Is that correct?

SAUCKEL: It is correct. I saw in Hitler, whom at that time I revered, a man who was the leader of the German people, who had been chosen by the German people; and I, as a German citizen and a member of a German government department, considered it my duty to justify by my work in my own sphere the confidence placed in me by the head of the State. I might say regarding this telegram...

GEN. ALEXANDROV: No explanations are needed about this telegram. I am not interested in your attitude towards Hitler. I am only interested in your personal attitude to those measures for compulsory labor which were carried out by you. It is essential to keep all questions within these limits. Now follows Document Number 1292-PS. This is a record of the meeting at Hitler's headquarters on 4 January 1944...

SAUCKEL: I request the permission of the Tribunal to add a few words to your last statement, Mr. Prosecutor. I was unable to see a criminal in Hitler at that time, and I never felt he was one; but I did feel obliged to do my duty, nothing else. As a human being and as the result of my upbringing I would never have supported crime.

THE PRESIDENT: What was your question, General? Simply whether this was a telegram sent to Hitler?

GEN. ALEXANDROV: I asked about the telegram, from which I have read one sentence into the record, in order to obtain a con-

firmation from the Defendant Sauckel that this telegram had been sent. I was not interested in anything else.

[Turning to the defendant.] The next document is 1292-PS. Have you got this document?

SAUCKEL: No.

GEN. ALEXANDROV: You have already been shown the passage I am about to read. Your statement reads as follows: "GBA Sauckel declared that with fanatical determination he would attempt to secure this manpower."

You were, at that time, speaking of the mobilization of 4 million workers. It says further: "He would do everything in his power to obtain the manpower desired for 1944."

Did you say that? Is the statement correctly rendered in the minutes of the report?

SAUCKEL: I did say that, and I ask to be allowed to add the following to my affirmative reply. I knew that the German people, and they were my people, were in dire—may I add an explanation to my clear reply, stating why I answered as I did? I am entitled to do so.

GEN. ALEXANDROV: Defendant Sauckel, you accompany every answer you give with lengthy supplementary explanations. You are merely delaying the interrogation. I am quite satisfied with your reply; what you have told me is perfectly sufficient.

THE PRESIDENT: General, he has given a perfectly clear answer that he did say it, and I think he is entitled to give some word of explanation. It is perfectly true that his explanations are intolerably long, but he is entitled to give some explanation.

GEN. ALEXANDROV: Mr. President, if every answer is to be accompanied by such extensive explanations...

THE PRESIDENT: General Alexandrov, I have said that he is entitled to give some explanation.

[Turning to the defendant.] Now then; please make it short.

SAUCKEL: I knew that the German people were engaged in their most bitter struggle. It was my duty to carry on with my task with all my strength—that is what I meant by "fanatical." I further explained, in another sentence, that I could not accomplish my task that year. As far as I was able to accomplish it in 1944 two-thirds were German workers, not mainly aliens but more than two-thirds Germans; and I was trying my utmost to put all German women to work, as far as they were capable of working, and in 1944 there were over 2 million of them.

GEN. ALEXANDROV: In April 1943 in order to accelerate the deportation of manpower to Germany from the occupied territories

you visited Rovno, Kiev, Dniepropetrovsk, Zaporozhe, Simferopol, Minsk, and Riga. In June of the same year you visited Prague, Kiev, Kraków, Zaporozhe, and Melitopol. Is that correct?

SAUCKEL: That is true, and during those journeys I personally satisfied myself that my departments were working properly. That was the object of my journey.

GEN. ALEXANDROV: Thus you personally organized the deportation into slavery of the peaceful population of the occupied territories. Is that correct too?

SAUCKEL: I must protest against that statement in the most vehement and passionate way. I did not do that.

GEN. ALEXANDROV: Then why did you go to all these towns and inhabited places? Did you not do so in order to enforce the deportation of the people in the occupied territories?

SAUCKEL: I visited these areas to satisfy myself personally as to how my offices in these cities—I should not say “my,” but the labor offices of the local administrations—were working; whether they were conscientiously carrying out their obligations towards the workers; whether they were attending to medical examinations, card indexing, *et cetera*, according to my instructions. That is why I went to those towns. I negotiated with the chiefs in the matter of quotas, that is quite true, since it was my task to recruit workers and to check the quotas, but during my visits to these cities I inspected the offices personally to satisfy myself that they were functioning properly.

GEN. ALEXANDROV: And also to insure the speedy deportation of compulsory labor to Germany? Is that correct?

SAUCKEL: To employ the best possible methods for the purpose in view. That is indisputably stated in my orders, and the manifesto which has been submitted to the Tribunal was written on this very journey which you have just mentioned.

GEN. ALEXANDROV: You specially visited these cities in order to improve the methods of compulsory recruitment? Have I understood you correctly?

SAUCKEL: I went to these towns to see for myself whether the methods were correct or not, and to discuss them with the departments. That is true, for it was not necessary for me to visit Kharkov, Kiev, or any other town to discuss my task in terms of figures. For that I would only have to talk to the reporter for the East, whose office was in Berlin, or with the Reich Commissioner—whom I did not contact as he was sometimes in Rovno.

GEN. ALEXANDROV: In your statements to your defense counsel you declared that no cases of criminal or illegal methods of

compulsory recruitment had ever come to your knowledge. Then what was the reason for such extensive trips to the occupied territories? Does it mean that some indication had already reached you that large-scale, illegal practices were taking place in the process of labor recruitment? Was that the reason for your journeys? You visited over 10 cities.

SAUCKEL: May I inform you, Mr. Prosecutor, while we are on this subject, that my defense counsel has already asked me that question and that I answered it with "yes," and that, generally speaking, whenever complaints reached me I discussed them with Rosenberg, and that wherever a wrong could be righted it was righted. Please hear my defense counsel and my witnesses in this connection . . .

GEN. ALEXANDROV: The witnesses will be called on the decision of the Tribunal. I should now like to ascertain that you took those trips in order to improve methods of recruitment. I have come to the logical conclusion that in all these towns, prior to your arrival, a certain lawlessness had prevailed and crimes had been committed during the recruiting of manpower. That is what I am speaking about. And now will you give me a definite answer as to why you visited these places?

SAUCKEL: I have already answered that question in every respect. However, I would add that I assume that you, Mr. Prosecutor, have yourself had sufficient administrative experience to realize that in every department, anywhere in every country of the world, it is a matter of course that administrative orders should be checked. One does not need to know that mistakes are made in human life and in every human organization; a control must be exercised all the same.

GEN. ALEXANDROV: If you deny that you went there in order to improve conditions and to suppress the crimes perpetrated in the course of labor recruitment, then you must have gone there to accelerate the deportation of manpower into Germany. It is one thing or the other. Choose for yourself.

SAUCKEL: No, I must emphatically deny that. I undertook these journeys in order to satisfy myself, within the scope of my duties, how this task was being carried out, and to stop defects which were reported to me, as for instance—as I once told my defense counsel during my interrogation—I had also been asked to do so by Field Marshal Kluge. But I also wanted to look into matters carefully and myself give appropriate admonitions and instructions to the departments. My best evidence of this is the manifesto produced during this journey.

THE PRESIDENT: General Alexandrov, can you tell the Tribunal how much longer you will be?

GEN. ALEXANDROV: I am afraid to make an exact statement, but I should imagine about 2 more hours.

THE PRESIDENT: You are not losing sight of the fact, are you, that we have already had a thorough cross-examination by the French Prosecutor?

GEN. ALEXANDROV: Mr. President...

THE PRESIDENT: The Tribunal hopes that you will try to make your cross-examination as short as possible, and the Tribunal will adjourn now.

[A recess was taken.]

GEN. ALEXANDROV: Defendant Sauckel, tell us what attitude you, as Plenipotentiary General, adopted toward the employment of Soviet prisoners of war in the German industries?

SAUCKEL: I must reply to your question by saying that I had no collaborators in the employment of prisoners of war, for I did not employ prisoners of war.

GEN. ALEXANDROV: And you never saw to their mobilization; you never registered them?

SAUCKEL: As the authorized mediating agency I had to have the administrative measures carried out through the labor offices, or the Gau labor offices, which served as intermediaries between the factories and the Stalags or the generals in charge of prisoner-of-war affairs, who in their turn supplied prisoners of war for the industries.

GEN. ALEXANDROV: And what were these organizations? What kind of organizations were they?

SAUCKEL: They were either the generals in charge of prisoner-of-war establishments in the military administrative districts, or the organizations of the industries, or the factories themselves. These worked through the respective ministries, such as the Reich Ministry of Food and Agriculture, in which case the majority of the prisoners were billeted with farmers for work on the land or in war industries.

GEN. ALEXANDROV: In other words, you had nothing to do with it? I would remind you...

SAUCKEL: I had to include the labor offices and the Gau labor offices to the extent that they had undertaken to act officially as intermediaries, but only if they did not act directly between the factories and the Stalags.

GEN. ALEXANDROV: I shall now quote an excerpt from your report to Hitler on 27 July 1942. It is Document Number 1296-PS. In this report, Part III, there is a particular section. It is entitled . . .

SAUCKEL: II or III, please?

GEN. ALEXANDROV: III. It is entitled: "Employment of Soviet Russian Prisoners of War." You write there:

"In addition to the employment of civilian manpower, I have increased the employment of Soviet prisoners of war, according to plan, in co-operation with the Prisoners of War Organization of the OKW."

And further on.

"I particularly stress the importance of a further increased and expedited deportation of the maximum number of prisoners of war possible from the front to work within the Reich."

Is this correct?

SAUCKEL: That is correct, and it corresponds exactly to what I have stated before.

GEN. ALEXANDROV: It does not altogether correspond.

SAUCKEL: But it does.

GEN. ALEXANDROV: You mentioned that you did not have anything to do with the employment of prisoners of war in the German industries and now, in your report, you give perfectly different data. So I am asking you, in connection with what I have read into the record: Did you not plan in advance the employment of Soviet prisoners of war as workers in the industries? That was provided for in your plans and your report covers that. Was that so, or was it not?

SAUCKEL: I must point out one fundamental error on your part. Labor procurement, the whole world over, whether operated by the state or by private individuals, is not an organization or institution which exploits workers, but rather which procures workers. I must establish this fundamental error. It was my duty to provide the necessary connection, so that prisoners of war in Stalags in the occupied territories—let us say in the Government General—could be registered by local generals in charge of prisoner-of-war establishments, for work contemplated in Germany in certain agricultural or other sectors, and then allotted accordingly. Employment of labor in factories was not under my supervision and had nothing to do with me.

GEN. ALEXANDROV: In other words, you participated in supplying Soviet prisoners of war for utilization in German industry. Is that correct?

SAUCKEL: That is not correct, according to my use of the German language, as I understand you. Rather, to act as agent is quite a different thing from utilization; concerning this, other gentlemen would have to comment. I can only speak as far as agency is concerned. In Germany this was managed by the State. In other countries it is managed privately. That is the difference, but I have never exploited anybody. As Plenipotentiary General for the Allocation of Labor I did not employ a single worker.

GEN. ALEXANDROV: Did you know that the Soviet prisoners of war were being employed in the armament industries in Germany?

SAUCKEL: It was known to me that Soviet prisoners of war were being employed in the German war industry for this industry was vast and widespread, and covered the most varied branches.

GEN. ALEXANDROV: Were you acquainted, in particular, with the directive of Defendant Keitel regarding the employment of Soviet prisoners of war in the mining industry? This directive is dated 8 January 1943. Do you know anything at all about this directive?

SAUCKEL: I cannot recollect it in detail. I have not got it. Will you be good enough to put it before me?

[The document was handed to the defendant.]

GEN. ALEXANDROV: Have you read it?

SAUCKEL: I have read it.

GEN. ALEXANDROV: It clearly mentions the employment of Soviet prisoners of war in the mining industry for military purposes. Is that correct?

SAUCKEL: It refers to the employment of prisoners of war in the mining industry in Germany.

GEN. ALEXANDROV: For what purpose? It is clearly stated in this document.

SAUCKEL: For employment in the mining industry.

GEN. ALEXANDROV: But for what purpose? What purpose was it to serve? It is clearly stated here.

SAUCKEL: For work, I presume.

GEN. ALEXANDROV: In the interest of the war?

SAUCKEL: Well, as a matter of fact, the German mining industry did not only work in the interest of the war; Germany also supplied quite a lot of coal to neutral countries. It varied according to circumstances.

GEN. ALEXANDROV: Follow this document; read it with me:

"For the execution of the expanded iron and steel program the Führer ordered on 7 July the absolute guarantee..."

SAUCKEL: I have not been given the part you are reading.

GEN. ALEXANDROV: "For the execution of the expanded iron and steel program the Führer ordered on 7 July the absolute guarantee of the coal and means of production needed. For this purpose he has also ordered that the necessary manpower be supplied by prisoners of war."

Now, have you found the place?

SAUCKEL: Yes, I have read it.

GEN. ALEXANDROV: Thus the Soviet prisoners of war were to be employed in the mining industry for the purposes of the war. Is that right? The fact is definitely established by this document.

SAUCKEL: Yes; it says so—I might remark that this document is not addressed to me.

GEN. ALEXANDROV: I asked you whether you knew of this document. You said "yes," did you not?

SAUCKEL: I am not acquainted with it—no; I do not know it now. I did not know it previously as it was not addressed to me.

GEN. ALEXANDROV: You said that, broadly speaking, you did know about this directive and you asked me to allow you to acquaint yourself with it in detail. This is how it was translated to me.

SAUCKEL: No; I told you—and I should like to emphasize this—that I did not remember; I only asked that this document might perhaps be placed before me. The document is not addressed to me. The office to which it is addressed is clearly indicated and according to that it never came into my hands nor reached my office.

GEN. ALEXANDROV: In order that you may fully understand this question, I shall give you Exhibit USA-206. That is your directive of the 22 August 1942 with regard to supplying manpower by means of importation from the occupied territories. Do you know about this directive?

THE PRESIDENT: What is the PS number?

GEN. ALEXANDROV: One minute, please. Unfortunately I have no information about the PS number. All I have is the USA Exhibit Number, which is 206. Defendant Sauckel...

THE PRESIDENT: Have the United States prosecutors got the corresponding number to USA-206?

MR. DODD: I could have it in a few minutes, Mr. President. I do not have it right at my fingertips, but I will obtain it.

THE PRESIDENT: Right; thank you.

GEN. ALEXANDROV: Defendant Sauckel, Subparagraph 8 of this order states: "This order applies also to prisoners of war." Does it contain a reference of this description?

SAUCKEL: Yes.

GEN. ALEXANDROV: Therefore, you yourself did not differentiate between prisoners of war and the civilian population as far as their utilization in the German war industries was concerned. Do you admit that?

SAUCKEL: Yes, and I have already replied to my defense counsel, I think it was yesterday, that a catalog was given to me and the Ministry of Labor in general showing how prisoners of war might be employed. But this Paragraph 8 has nothing to do with this document, for that was an agreement or an order which did not come to me and was also not addressed to me.

GEN. ALEXANDROV: Mr. President, Exhibit USA-206 bears the following number: 3044-PS.

[Turning to the defendant.] In addition to those statements to your defense counsel which you have just mentioned, you also declared that, although employing prisoners of war in the German war industries, the requirements of the Geneva and Hague Conventions were nevertheless observed. Do you remember saying that?

SAUCKEL: Yes, and it is also proved by documentary evidence that in the Reich Ministry of Labor, and in my offices, the directive was issued and circulated that the Geneva Convention was also to be observed with regard to Soviet prisoners of war.

GEN. ALEXANDROV: You did not differentiate at all between Soviet prisoners of war and civilian workers? Does that result from the foregoing?

SAUCKEL: No, that is not so at all.

GEN. ALEXANDROV: In other words, a violation of these conventions occurred in the utilization of manpower, inasmuch as they, the prisoners of war, were treated by you in the same way as the civilians, and were utilized in industries for the purpose of waging war.

SAUCKEL: In that case, I must have misunderstood you, or you may have misunderstood me. I particularly declared that I did attach importance to it, and that it was printed and that during the time I was in office a special copy was published for the factories and the interested parties in which it was stipulated that the Geneva Convention was to be observed. I could do no more than that.

GEN. ALEXANDROV: Your defense counsel questioned you in connection with the operation known under the code name of "Hay."

You answered his question as follows and I quote from the transcript: "Sauckel: No, I had nothing to do with these particular measures."

I shall now hand you a letter from Alfred Meyer dated 11 July 1944. This is Document Number 199-PS. It is a letter addressed to you. Will you please study Subparagraph 1; it reads:

"Army recruiting staff 'Mitte,' hitherto stationed in Minsk, must continue its activities with regard to the recruitment of young White Ruthenian and Russian workers for military employment within the Reich. The staff has the additional task of bringing into the Reich young folk from 10 to 14 years of age."

Have you found this passage?

SAUCKEL: I have read the passage and my reply is that the letter, to be sure, is addressed to me, but only for my information, and I had nothing to do with those proceedings either in my office or personally. I have—that was—it has been mentioned already in the case of the Defendant Schirach—that was carried out within those offices, and the Allocation of Labor, as an office was not involved in it. I personally do not remember it.

GEN. ALEXANDROV: What were your relations with the army recruiting staff Mitte? Was that your staff?

SAUCKEL: I do not understand your question. What staff do you mean?

GEN. ALEXANDROV: The staff referred to in Alfred Meyer's letter, staff Mitte, dealing with the employment of labor.

SAUCKEL: I cannot find the word "staff."

GEN. ALEXANDROV: Right in the beginning of the sentence: "It is imperative that the army recruiting staff..."

SAUCKEL: The army recruiting staff Mitte is a term completely unknown to me. I do not know what it was, or whether it was a military or a civil office. It had nothing to do with me. I do not know it.

GEN. ALEXANDROV: You have testified here that the Reich Security Office had introduced special identification badges for people brought in from the occupied territories. For the Soviet citizens the badge was—can you not hear me?

SAUCKEL: I cannot understand the translation.

GEN. ALEXANDROV: You have testified before the Tribunal that for people brought in from the occupied territories special identification badges were introduced. For the Soviet citizens the marking was "Ost," for Polish citizens it was the letter "P." You

testified that you were not in agreement with the marking. What did you do to stop this insult?

SAUCKEL: I persistently tried to avoid the identification markings altogether. But the Reichsführer SS categorically demanded—to the best of my knowledge there is a letter from him to that effect—that these foreign workers who, at my request, were free to move about Germany, should bear a distinguishing mark when they went out of their camps. It was no insult. I should like to emphasize expressly that I did not look on this as an insult.

GEN. ALEXANDROV: That is your point of view. Did you discuss the matter at all with your immediate superior, the Defendant Göring?

SAUCKEL: I can no longer remember today whether I spoke directly to Göring or not. I can only declare that I made repeated efforts to stop the practice, and that in the spring of 1944, in March I believe, my efforts were actually crowned with success and the small badge "Ost" was changed to a national badge on the sleeve, as had been suggested by liaison officers for the various peoples in the East.

GEN. ALEXANDROV: I asked you whether you discussed the matter with Göring?

SAUCKEL: I cannot remember. Perhaps I did; perhaps not. It was frequently discussed.

THE PRESIDENT: General Alexandrov, I think you might pass on from this.

GEN. ALEXANDROV: In reply to questions by your defense counsel and by my French colleague in regard to Speer's attitude to your appointment as Plenipotentiary General, you mentioned that you did not know anything at all about it. You will now be handed an article from the newspaper, *Völkischer Beobachter*. This is Exhibit Number USSR-467 and I am submitting it to the Tribunal. This article was published on 28 March 1942 in connection with your appointment as Plenipotentiary General. It has even got your photograph, as you can see for yourself. Have you found the passage with the following statement:

"The appointment, at the wish of Reich Minister Speer, of Gauleiter Sauckel was also due to the extraordinary importance of labor allocation in the armament industry."

We assume that you must have read the article. Did you read the article?

SAUCKEL: I really cannot say so positively at this moment. It is however possible or probable. I did not have much time to read the papers then. But I should like to tell you very definitely,

Mr. Prosecutor, that during my term of office I transferred over 5 million German workers from the most widely different branches of German industry to the armament industry. Therefore, it was a task which dealt principally with German workers and their transfer.

GEN. ALEXANDROV: I was interested in something else: Why was Defendant Speer interested in your personal appointment as Plenipotentiary General for the Allocation of Labor? That is what I wanted to ascertain. Can you tell me anything in this respect?

SAUCKEL: I cannot tell you why Reich Minister Speer was interested in my appointment. I have already told my defense counsel that I myself was surprised at the time.

GEN. ALEXANDROV: Your defense counsel acquainted you with Document EC-68 during the session of May 29. This document deals with the treatment of foreign workers of Polish nationality. I shall not dwell upon the subject, since your defense counsel has already quoted the document in detail, and I will limit myself to your reply intended for your defense counsel, as it appears in the transcript of that session.

I read from the transcript:

"Sauckel: First of all, I should like to point out that this document is dated 6 March 1941—that is more than one year before I assumed office. . . . Since this document, Number 4, has been submitted to the Tribunal, I must add supplementary documents to my case which confirm that I automatically destroyed all such unnecessary directives. . . . In such a case I could not have issued orders of this description to any government office in the Reich."

Do you remember these depositions given at the session of the 29th of May the current year?

SAUCKEL: Yes.

THE PRESIDENT: General, I am told that this is an incorrect translation. It was "revoked" and not "destroyed." You said "destroyed," did you not?

GEN. ALEXANDROV: I am reading from the Russian transcript and perhaps there are certain inaccuracies in it, but I do not object to replacing "destroy" by "revoke." The meaning remains the same.

SAUCKEL: May I ask for the context to be repeated? It is not quite clear.

GEN. ALEXANDROV: No, I do not want to revert to Document EC-68. All I want is to establish what you said in reply to your

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defense counsel in connection with this document. You do not contradict your testimony which I have just read into the record? Does it correspond to the statement you made here on the 29th of May?

SAUCKEL: No. But I do not understand what the term "destroyed" has to do with it.

GEN. ALEXANDROV: We should not read "destroy," but should use the word "revoke."

SAUCKEL: That is possible.

GEN. ALEXANDROV: So you confirm the testimony which I have just read into the record from the transcript.

Now, tell us, do you remember the living conditions you imposed on the Ukrainian women and girls from the occupied territories, on those who had been mobilized for work in German agriculture?

I shall now hand you Document Number USSR-383.

[The document was handed to the defendant.]

THE PRESIDENT: Do you have the PS number?

GEN. ALEXANDROV: No, Sir; that is a USSR document.

[Turning to the defendant.] There is an addendum, Number 2, to your directive dated 8 September 1942. This addendum is entitled, "Memorandum for housewives concerning the employment of domestic workers from the East in urban and rural households." Do you know this document? This memorandum?

SAUCKEL: Yes.

GEN. ALEXANDROV: I shall now quote a few excerpts in order to describe the conditions which you imposed on those Ukrainian women and girls who had been sent to work on agricultural tasks in Germany. Please find Section B, "Registration with the Police, Identification, Supervision." Have you found that section?

SAUCKEL: No, not quite.

GEN. ALEXANDROV: Section B. Have you found it?

SAUCKEL: Page 4?

GEN. ALEXANDROV: Section B, "Registration with the Police, Identification, Supervision," contains the following instructions:

"The Eastern female worker is obliged to wear the identification badge 'Ost' on the right breast of each of her outer garments."

SAUCKEL: I cannot find it. I have not found it.

GEN. ALEXANDROV: You will find it later. That order is included there.

SAUCKEL: Yes; but, please, I must be able to follow you.

GEN. ALEXANDROV: Have you found it?

SAUCKEL: Yes.

GEN. ALEXANDROV: Now Paragraph 4. It is entitled "Labor Conditions." It is written there:

"Women domestic workers from the East employed in the Reich are under special working conditions."

We shall see later on what these special conditions were. Please find Paragraph 9, Sentence 1, "Free Time." The opening sentence states:

"No claim to free time exists."

SAUCKEL: Yes, but I must ask you to read on. It says exactly the same as in the case of the German household staff, who also . . .

GEN. ALEXANDROV: I shall now read the whole of Paragraph 9 into the record.

THE PRESIDENT: General, I do not think you should interrupt him when he is making a legitimate explanation. You should wait until he has made his explanation, and then draw attention to anything in the rest of the document that you wish to. Now, what did you wish to say, Defendant?

SAUCKEL: I asked for a further part to be read. There is a sentence in which it is stated a weekly outing can nevertheless be granted. May I read the sentence once more:

"Women domestic workers from the East may, as a matter of principle, only go outside the confines of the household when attending to household matters. However, on a probationary basis, as a reward, the opportunity may be given them once a week to remain outside the household for 3 hours without having work to do."

The same also held good for German domestic workers at that time. Free time amounts to the same thing.

GEN. ALEXANDROV: It is written differently here. No free time was allowed them. It says:

"... as a reward, the opportunity may be given them to remain outside the household once a week 3 hours without having work to do. This outing must end before darkness falls, but by 2000 hours at the latest."

So there is no mention here of a day off, but of 3 hours off. Now find Paragraph 10.

SAUCKEL: But I did not say that. Because of the blackout, this curfew applied also to German employees during the war.

GEN. ALEXANDROV: Now find Paragraph 10: "Leave and return home." That is the heading of this particular passage. Have you found it? It is written:

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"For the time being no leave shall be granted. Women domestic workers from the East are recruited for an indefinite time."

SAUCKEL: I should like to add, in this connection...

THE PRESIDENT: General, I think you can pass on from this. You know—this is not a matter of very great importance.

GEN. ALEXANDROV: Mr. President, I should like Defendant Sauckel to explain the discrepancies which have arisen in his testimony with regard to Document EC-68, and with regard to what was written in his directive concerning the employment of Ukrainian women for domestic service in Germany. I wish to receive this reply in order to eliminate the discrepancies which have arisen.

SAUCKEL: I am in a position to answer that question very precisely.

GEN. ALEXANDROV: Yes?

SAUCKEL: This directive was not composed by me alone. Quite a large number of paragraphs were introduced at that time by the Reichsführer SS. Already as far back as the spring of 1943 I succeeded in having these paragraphs altered and the indefinite time of employment for the Eastern Workers was limited to 2 years. Furthermore, in a document which I believe my defense counsel will also submit to the Tribunal, it is proved that the removal of the restrictions applied to the Eastern Workers was the result of my endeavors. I tried to remove these restrictions in the very beginning, as I correctly stated in my first answer, so that the Eastern Workers stood on equal footing to other foreign workers and to the German workers.

That was my aim and my conception of my duty as I performed it. I was particularly glad to do this for the Eastern Workers as they were the best workers we had in Germany.

GEN. ALEXANDROV: I now go on to the next question. On 18 August 1942 you had a meeting with Defendant Frank in Kraków. I shall read out what has been written about this meeting in Frank's diary. That is Document Number USSR-223. In the diary for 1942, Volume III, Page 918, is written:

"I am happy to be able to inform you officially that we have so far transported more than 800,000 workers into the Reich.

"A short time ago you applied for 140,000 more workers.

"Over and above this figure of 140,000, however, you can next year count on a further number of workers from the Government General, for we shall employ the Police for recruiting purposes."

Does that tally with the actual facts? Did such a conversation between you and Frank take place? Has it been correctly entered in his diary?

SAUCKEL: I cannot possibly confirm an entry which I have never seen before, and details of which I cannot possibly recollect. I therefore cannot say that all of it is correct. Those were future possibilities visualized by Herr Frank. I can, however, on the strength of the documents before me, say that the employment of Polish civilian workers...

THE PRESIDENT: If you do not remember, why can you not say so and stop?

GEN. ALEXANDROV: But did he speak to you about resorting to police methods in the recruitment of manpower, or did he not mention it? Do you remember this, or do you not?

SAUCKEL: I cannot possibly remember this communication which took place in 1942. Conditions at that time were so utterly different.

GEN. ALEXANDROV: In his activities, where the recruiting of manpower was concerned, did Defendant Funk resort to police measures or not? Do you know about it?

SAUCKEL: I cannot, from my own knowledge, tell you whether the Governor General solved this problem by the employment of police forces or not. Please ask him himself.

GEN. ALEXANDROV: I am submitting a document to the Tribunal, Document Number USSR-469, which describes the methods of labor recruitment as applied in the territory of Poland. This document is an official directive, printed by the Kreishauptmann of the Minsk and Warsaw district. It is dated 2 February 1943. This directive was handed to Kazimir Navak, who was born on the 6 May 1926, and resided in Dyzin in the Kolbey community. It reads:

"Pursuant to the compulsory service decree dated 13 May 1942 *Verordnungsblatt*, GG, Page 255, I direct you to labor service in the Reich."

The following stands at the bottom of this page:

"In case of insubordination..."

THE PRESIDENT: Is this a document you are putting in evidence now for the first time?

GEN. ALEXANDROV: This document is being presented for the first time.

THE PRESIDENT: Well, we have not got the document. Have you any copies of it?

GEN. ALEXANDROV: Yes, it should have been handed to you. The document, Mr. President, is not included in the document book.

THE PRESIDENT: Are you offering it now for the first time, or is it already in evidence?

Did you not hear that?

GEN. ALEXANDROV: Yes, I hear you, Mr. President. This document is being presented for the first time.

THE PRESIDENT: We do not seem to have it anyhow. I mean, I have not a copy of it.

GEN. ALEXANDROV: The original document has just been handed to the defendant, and he has got it. The copies in German were handed to the Tribunal.

THE PRESIDENT: I have it now in German.

GEN. ALEXANDROV: It is stated at the bottom of this decree:

"Should you disobey this compulsory service decree, the members of your family (parents, wife, brothers, sisters, and children) will be placed in a punitive camp and will be liberated only after you have presented yourself. Moreover, I reserve for myself the right to confiscate your personal and real property as well as the personal and real property of the members of your family. Moreover you, in accordance with Paragraph 5 of the above-mentioned decree, will be punished with confinement in prison, or with penal servitude, or with internment in a concentration camp.

"Kreishauptmann Dr. Bittrich."

Did you know anything about the application of such methods for the recruitment of manpower in the territory of Poland and of the existence of Defendant Frank's decrees?

SAUCKEL: I can openly and clearly answer that the threat of such penalties in this form was completely unknown to me and that I would never have mentioned it. If I had learned of it, I would have stopped it immediately. I must, however, beg permission to tell the Tribunal that this appendix at the end of the document, regarded as coming from my office, is incorrect, and was not sanctioned by me. The first paragraph of this document reads correctly and I request permission to quote it. It is in keeping with German labor legislation and runs:

"Pursuant to the compulsory service decree, *Verordnungsblatt*, GG, Page 255, dated 13 May 1942, I direct you to labor service in the Reich.

"Your employment in the Reich will be under properly regulated working conditions and your wages will be paid according to a regular scale. Wage savings can be transmitted

regularly by you to your home. Close relatives, to whose support you have hitherto been substantially contributing, may apply to the labor office for special allowances."

GEN. ALEXANDROV: Was that written at the bottom of the decree?

THE PRESIDENT: I do not think we need the details.

GEN. ALEXANDROV: I want to remind you now of certain directives which were issued with regard to the so-called recruitment of labor, directives which were issued by your government organizations in Germany, and personally by yourself in your own famous program. The document is Document Number USSR-365, and you wrote the following . . .

SAUCKEL: I have not got it here.

GEN. ALEXANDROV: You will be helped to find it.

Have you been shown the passage which I am now going to read into the record?

SAUCKEL: Yes.

GEN. ALEXANDROV: It is written there:

"It is therefore unavoidably necessary to exhaust completely the manpower reserves now available in the conquered Soviet territories. If it is not possible to obtain required workers on a voluntary basis then steps must be taken immediately to conscript them or bring in compulsion."

Did you issue these instructions?

SAUCKEL: I have not found these passages so far. They have not been pointed out to me properly.

GEN. ALEXANDROV: You will at once be shown the passage again.

Did you ever issue these instructions?

SAUCKEL: I myself was not able to issue orders for compulsory service in the occupied territories, that had to be done by the district authorities. But by compulsion I did not understand that penalties would be threatened to the extent as stated in that one document signed by Bittrich, but that they would be in keeping with German regulations. That is a very substantial difference.

GEN. ALEXANDROV: Was that which I have just read out to you included in your program or not?

SAUCKEL: It is in my program—but I have expressly stated that I was directed to do that by the Führer.

GEN. ALEXANDROV: Let us proceed. In the letter of 3 October 1942 addressed to Gauleiter Meyer you wrote—this document,

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Number 017-PS will be handed to you in a moment. Please follow me when I read:

"I do not underestimate the difficulties connected with the execution of the new task, but I am convinced that with the ruthless employment of all means"—I should like to underline that 'all means'—"and with the absolute devotion of all concerned, the new quota can be filled by the date fixed."

Did you write that?

SAUCKEL: I wrote that, yes. But I want you to let me give you an explicit explanation: In all my directives I invariably demanded the most considerate treatment for the workers; that has already been proved in the Trial. When I refer here to the ruthless use of all means, I only mean the ruthless use of all technical means and propaganda, because I had been told from different sources that such means were not available there to a sufficient degree. This is an explanation of what led up to this letter.

GEN. ALEXANDROV: On 31 March 1942 you addressed a letter to the Reich commissioners. This letter will be presented to you in a few minutes. It is Document Number USSR-137. Here you wrote as follows:

"I request that the recruitment, for which you together with the commissioners are responsible to me, be speeded up on your part by adequate measures, if necessary by the application of compulsory labor in the severest form, so that the recruitment figures may be trebled in the shortest possible time."

Did you issue this directive?

SAUCKEL: That is my directive and I issued it. By the severest use of compulsory labor I meant no wicked or criminal measures, but rather, if it was necessary that it should be used, it was with reference to the number, the number to be made up.

GEN. ALEXANDROV: I shall now quote a few excerpts from the documents of other people. I shall begin by reading an excerpt from a speech by Defendant Rosenberg, Document Number USSR-170, which was delivered at the conference of the German Labor Front in November 1942. I shall quote a brief excerpt from this speech:

"...millions of Russians, trembling with fright, react in the same way..."

SAUCKEL: I have not found it.

GEN. ALEXANDROV: You will be helped in one moment.

THE PRESIDENT: Perhaps we had better adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. NELTE: I should like to draw the Tribunal's attention to the following fact: General Alexandrov this morning referred to Document Number 744-PS. First of all a document was given me which was described as a German translation. That translation contains things which are obviously impossible.

THE PRESIDENT: Dr. Nelte, you said 744?

DR. NELTE: 744-PS.

THE PRESIDENT: I haven't got any note that he referred to that document. I don't know whether he—did you refer to 744-PS this morning, General Alexandrov?

GEN. ALEXANDROV: I referred this morning to the document in question. It was a directive of the Defendant Keitel, dated 8 July 1943, referring to the employment of prisoners of war in the mining industry.

DR. NELTE: Then the Russian Prosecution presented me with the original, that is the photostatic copy of a letter dated 8 July 1943, signed by Keitel. I now have two German versions before me. Not only do they differ greatly as far as the contents are concerned, but also the translation contains something additional which is not in the original, namely that to the heading of the letter, "Chief of the High Command of the Wehrmacht," is added "Army General Staff."

I do not want to delay you by reading the other incorrect translations, but I must assume that you have before you the texts in the foreign languages, which, as I see from the translation back into German, are incorrect. As this document, the original, is the evidence and is not being objected to, I should like to ask you to order that the translations in the foreign languages, which you have before you, be checked in order to find out to what extent they differ from the original document.

THE PRESIDENT: Had the document been put in evidence before? Had it been offered in evidence? Was it an exhibit?

GEN. ALEXANDROV: 744-PS.

THE PRESIDENT: Well, that does not mean that it has been put in evidence. That only means that it is identified in that way. Had it been offered in evidence before?

GEN. ALEXANDROV: I do not know the U.S.A. number of this document, but according to the data at my disposal I am able to state that it was submitted in evidence to the Tribunal. In the German copy, presented in the German language, it is written that the

German translation was made on 26 November 1945 by Second Lieutenant of the U. S. Infantry, Fred Niebergall. As Dr. Nelte has discovered certain inaccuracies in the translation, I consider that the Translation Division should be asked to check these divergencies.

DR. NELTE: I am convinced, Mr. President . . .

THE PRESIDENT: I think that is the best thing to do, to have it checked by the Translation Division. We will order that that shall be done at once.

GEN. ALEXANDROV: [*Turning to the defendant.*] The transcript of Defendant Rosenberg's speech will be handed over to you immediately. I shall limit myself to a very short excerpt from this transcript. Please read after me:

"Part of them imagine that the road to Germany is somewhat similar to the road to Siberia."

And further:

"I know that if 1½ million people are brought here, they cannot be given the best accommodations. The fact that thousands of people are badly housed or badly treated is obvious. It is not worth while worrying about that. However, this is a very reasonable question, and I believe that Gauleiter Sauckel has already discussed it, or will do so. These people from the East are being brought to Germany in order to work and to endeavor to reach as high a level of production as possible. This is quite a reasonable transaction. In order to reach this production capacity one should naturally not bring them over three-quarters frozen or let them stand for 10 hours. One must rather give them enough to eat that they will have reserve strength."

Does Defendant Rosenberg correctly describe the conditions in which the workers you brought from the occupied territories found themselves, or do you consider that Defendant Rosenberg has not described them correctly?

SAUCKEL: I cannot say and do not know when Rosenberg made this speech. I myself did not hear it or receive a copy of it. I can, however, definitely state that as soon as I came into office I made most extensive arrangements, so that the conditions which Rosenberg discusses here—and which can have nothing to do with my term of office—might be avoided under all circumstances. It was for that purpose that I issued those most comprehensive orders. To prevent such conditions I planned hundreds of valid and binding instructions of a legal nature, affecting every nationality working in Germany, which would make such conditions impossible. That is what I have to say to that. It cannot refer to conditions during my term of office.

GEN. ALEXANDROV: Mr. President, I shall limit myself to this one single excerpt from the speech of the Defendant Rosenberg, and I shall not avail myself of the numerous documents already presented to the Tribunal, documents which confirm beyond all manner of doubt the criminal methods applied—with the full cognizance of the Defendant Sauckel—for the mobilization of manpower in the occupied territories and for the exploitation of the workers as slaves in Germany.

I shall only submit to the Tribunal one single new document, listed as Document Number USSR-468. This document is a worker's identity card issued by the German authorities in Breslau to a Polish citizen, Maria Adler. This card is characterized by the fact that it is stamped on the reverse side with the image of a pig. Maria Adler has stated on oath that such worker's identity cards were issued to all foreign workers in 1944 by the German authorities in Breslau. Together with this original document I am submitting a certificate of the Polish State Commission which quotes the testimony of the witness Maria Adler.

[Turning to the defendant.] Defendant Sauckel, have you looked at that worker's identity card? Have you found the image of a pig on that card?

SAUCKEL: Yes.

GEN. ALEXANDROV: Did you know of the existence of such workers' cards, stamped with the image of a pig as an insult to human dignity?

SAUCKEL: I did not have cards like that, and I knew nothing about it. I cannot quite make out what this image is meant to be. I have nothing at all to do with this. I am not familiar with such an identification mark on a card and do not know what I am to say about it. I do not know whether it was possible for some labor administration office to use such identification marks or not. I should like permission to see the original.

GEN. ALEXANDROV: Did you know of the existence of such cards and of their utilization?

SAUCKEL: No, I had no idea of the existence of such cards with images like that. It was not to my advantage, and I had no reason at all to offend such people who were working in Germany. I had no idea of that, and I do not know what this was meant to be.

GEN. ALEXANDROV: I shall now quote a brief excerpt from Document Number USSR-170. This is a transcript of the minutes of a conference held with Reich Marshal Göring on 6 August 1942. I shall quote that part of the statement in which the Defendant Göring expresses his appreciation of your activities. I quote:

"To that I must say that I do not wish to praise Gauleiter Sauckel; he does not need it. But what he has done in this brief time to collect workers from all over Europe and bring them to our factories with such rapidity is a unique feat. I will say this to you all: If everybody in his own sphere would apply a tenth of the energy which Gauleiter Sauckel has applied, then indeed the tasks which have been assigned to you would be easily fulfilled. That is my inner conviction and not mere words."

Did you hear such an appreciation of your activities from the lips of Reich Marshal Göring?

SAUCKEL: It is possible that the Reich Marshal said that. I cannot remember the details of a meeting that took place so long ago. What is correct is that I, as a human being and as a member of my nation, was obliged to do my duty. My documents prove that I tried to do my duty decently and humanely. I did my utmost to do that.

GEN. ALEXANDROV: I now submit to the Tribunal a document listed as Document Number USSR-462. It is an article by Dr. Friedrich Didier, published in the *Reichsarbeitsblatt* of 1944. This is an official publication of the Reich Ministry of Labor and of the Plenipotentiary General for the Allocation of Labor. The article is entitled "Fritz Sauckel on his Fiftieth Birthday."

I do not intend to quote this article as it is written entirely in praise of Sauckel's activities, and there is no reason to dwell on it. I only wish to ask you, Defendant Sauckel, are you acquainted with this article?

SAUCKEL: I do not know this article. I cannot say what is in it. I was not always able to read through the *Reichsarbeitsblatt*—it wasn't published by me. It is an old institution of the Labor Ministry which contains all the decrees published by that Ministry and also my decrees. The decrees in the *Reichsarbeitsblatt* all testify to my concern for foreign and for German workers.

GEN. ALEXANDROV: Then you will have to acquaint yourself very rapidly with the contents of this article. It will be handed to you immediately.

THE PRESIDENT: What document is this he is reading?

GEN. ALEXANDROV: It is an article in the *Reichsarbeitsblatt* entitled "Fritz Sauckel on his Fiftieth Birthday." We are submitting this document for the first time as Document Number USSR-462.

[Turning to the defendant.] Are you now conversant with it? Tell us, does this article correctly characterize your political and governmental activity?

SAUCKEL: The author of this article is not an expert. I cannot make any further comments on the contents of a birthday article. It contains a very cursory description of my career and my sphere of work.

GEN. ALEXANDROV: And now, one last question. In your speech at the first meeting of the staffs for the Allocation of Labor, held in Weimar on 6 January 1943, you stated—and I quote from the third document book of your defense counsel, Document Number Sauckel-82:

“Now, where the foundations of our work are concerned . . .”—I skip the first paragraph and pass directly to the second—“We are true to our Führer and to our people. This loyalty justifies us in the execution of the harshest measures.”—And then, at the end—“In this respect I will assume ever-increasing responsibility.”

Tell us now, are you assuming responsibility for the enforced mass deportation into slavery of the population of the occupied territories, for the suffering and misery of the millions you drove into slavery, for the grim period of slaveholding which you revived in the twentieth century?

SAUCKEL: I am most grateful to you that you quoted this document at this very moment. Would you show me this document so that I can give the correct explanation of my views as contained therein?

GEN. ALEXANDROV: If necessary, your defense counsel will acquaint you with this document.

Mr. President, I have finished my cross-examination.

THE PRESIDENT: Dr. Thoma, do you want to re-examine?

DR. THOMA: Witness, what was Rosenberg's role, as Minister for the Occupied Eastern Territories, in the execution of the Allocation of Labor?

SAUCKEL: The Minister for the Occupied Eastern Territories, in carrying out the Allocation of Labor, had to pass on my wishes and demands to the offices under him in that Ministry insofar as they related to my tasks. I cannot, of course, comment on the other departments in the Ministry for the Occupied Eastern Territories, which I do not know.

DR. THOMA: Did not Rosenberg tell you repeatedly that he would give Reich Commissioner Koch directions to make use of his authority?

SAUCKEL: That is correct. It was one of Rosenberg's tasks to give orders to Reich Commissioner Koch, who was under him, in every field of administration there.

DR. THOMA: So that the way you understood it was that he was to give him instructions. In what way?

SAUCKEL: Rosenberg did and should—as we had expressly agreed—give instructions to Koch to put a stop to any wild and objectionable methods which were contrary to my instructions; and that Rosenberg did, as far as I know.

DR. THOMA: Rosenberg, by referring to the authority of the Reich Commissioner, meant that he was to prohibit your recruiting methods and no longer permit your recruiting units to bring away Eastern Workers?

SAUCKEL: Rosenberg never said that to me, rather he denied it; for these commissions, while they were in the Ukraine, were subordinate to and part of the labor allocation department of Reich Commissioner Koch. Koch was the supervising authority and the administrative authority for such matters. Those are the undeniable facts.

DR. THOMA: May I point out to the Tribunal that a Document, Rosenberg-10, shows that Sauckel did not understand this statement of Rosenberg's.

THE PRESIDENT: Did you refer to some document there, Dr. Thoma?

DR. THOMA: Rosenberg-10.

DR. SERVATIUS: Mr. President, the re-examination of the witness by the defense counsel for the Defendant Rosenberg must limit itself to new matters which have been brought up and are the subject of argument. There was every opportunity, when his client was in the witness stand, to clarify these questions. At the time I wanted to clear up this question on my own initiative, but I was informed that I ought to ask Sauckel. He made a clear statement here, and in my opinion there is no cause once more to come back in this connection to documents which belong to a previous period of the defense. I object to such questioning.

THE PRESIDENT: Well, Dr. Thoma, I think you had better go on and ask your next question. I have not got the document before me yet that you are putting to the witness, or referring to. What is your next question?

DR. THOMA: Witness, did you not in your program assume full responsibility for the Allocation of Labor?

SAUCKEL: I assumed responsibility, and I acknowledge it, for what came within the limits of my power—I cannot do more than that—and for what I ordered and for what I caused to be done. This collection of decrees, Dr. Thoma, has been submitted and was shown to Herr Rosenberg...

THE PRESIDENT: Dr. Thoma, the defendant has been over this all before. He has been all through this before—about his responsibility.

DR. THOMA: Mr. President, may I point out that regarding the question of responsibility, there is a certain paragraph—the decisive paragraph—which has not yet been read. It is Document 016-PS concerning the labor allocation program, and it says on Page 21, Figure 1...

THE PRESIDENT: Just say what the document is again, will you Dr. Thoma?

DR. THOMA: 016-PS, Page 20 of the German document. It says: "All technical and administrative procedure of labor allocation is subject exclusively to the jurisdiction and responsibility of the Plenipotentiary General for the Allocation of Labor, the regional labor offices and the labor offices..."

SAUCKEL: Inside Germany, Doctor. Outside Germany I was, of course, subject to the competent chiefs of the areas in question. That is quite obvious.

DR. THOMA: In reply to that answer I draw the attention of the Tribunal to Page 15 of this labor program. This Figure 1, which I have just read, comes under the paragraph, "Prisoners of War and Foreign Workers."

SAUCKEL: To the extent that they were employed in Germany.

DR. THOMA: May I point out that it states clearly under Figure 1: "All technical and administrative procedure of labor allocation..."

SAUCKEL: And may I point out that it was not possible for me to interfere with Reich Commissioner Koch's authority. He had said expressly that he would not permit that.

DR. THOMA: Witness, the Delegate for the Four Year Plan gave you special powers concerning conscription in dealings with all authorities and, in my opinion, it is not right that you should now deny these methods of recruitment and pass responsibility for them on to the Minister for the Occupied Eastern Territories.

I have no further questions.

DR. SERVATIUS: Mr. President, the defense counsel for Defendant Rosenberg may engage in cross-questioning, but it does not appear to me to be the right moment for him to make a speech of accusation against my client.

MR. DODD: Mr. President, I am well aware of the facts that there have been two cross-examinations, and I have no desire to go on with another one. However, we do have one document that we think is of some importance and which was turned over to

General Alexandrov, but I think there must have been some language difficulty. The translation of it was not presented. I would like the permission of the Tribunal to ask one or two questions of this defendant about it and to present it. I think it is rather important that it be presented.

THE PRESIDENT: Mr. Dodd, the Tribunal does not think that this ought to create a precedent, but in view of your statement that the document was supplied to General Alexandrov and that, for some reason, he did not deal with it, we will allow you to cross-examine upon it.

MR. DODD: Very well, Sir.

Witness, do you remember an occasion in 1942, just after your appointment, when you met with some officials of the Ministry of Labor and you discussed with them the program which you were about to institute and for which you were about to take responsibility? Do you recall it?

SAUCKEL: I cannot, of course, remember details of that discussion. Various points of the program were discussed, and I might also say in connection with the comments made by the defense counsel for the Defendant Rosenberg since what he has been quoting is...

MR. DODD: Just a minute, just a minute. I simply asked you if you remembered this meeting, and you said you did not, and now there is the document.

SAUCKEL: Details of that conference I do not remember.

MR. DODD: And now take a look at the minutes of the meeting.

THE PRESIDENT: What is the document?

MR. DODD: This is EC-318.

THE PRESIDENT: What is the exhibit number? Has it been offered or not?

MR. DODD: I am now offering it. I was waiting to get the number from the secretary.

I will have to get the number a little later, Mr. President. I had not made preparations to submit this document, so I did not have the number in advance.

[Turning to the defendant.] Now, I want to call your attention particularly to a few passages. You start out by telling the officials who were gathered there that you want to co-operate closely with them; and then, moving along, you give some idea of the number of workers whom you intend to recruit. You say there is an estimated requirement of 1 million; and you also made perfectly clear that day that you were to get most of your people, most of these workers, from the East and particularly from Soviet Russia.

You told these officials that you had talked for several hours with the Führer and for 8 hours with the Reich Marshal, and that you all agreed that the most important problem was the exploitation of the manpower in the East.

You further stated—do you see that in there?

SAUCKEL: Where does it say exploitation? I cannot find that word.

MR. DODD: Well, do you find where you say you had discussed your task with the Führer in a conversation that had lasted for several hours? Do you find that?

SAUCKEL: I cannot find it.

MR. DODD: You have the German there before you, have you not?

SAUCKEL: Yes, but will you please be kind enough to tell me the page?

MR. DODD: In the middle of Page 2. Have you found it?

SAUCKEL: Mr. Prosecutor, I want particularly to point out to you the difference in German between the words "Ausnutzung" and "Ausbeutung." "Ausbeutung" (exploitation) is a word which, in the language of the workers, has a rather bad implication, but "Ausnutzung" (use of) is quite an ordinary concept; to use something means making it useful. That is a great difference in meaning in the German language.

MR. DODD: Well, we will stand by ours and you may stand by yours, and the Tribunal will ascertain between the two of us who has the correct translation.

In any event, whether you said "use of" or "exploit," you did say that the most important solution was either the use of or the exploitation...

SAUCKEL: But that is not the same thing, Mr. Prosecutor. In German there is a fundamental difference in meaning. I must point out that the word exploitation is a word which I did not use and did not want to use.

THE PRESIDENT: Defendant, would you speak a little bit lower. You quite drown the interpreter's voice.

SAUCKEL: I beg your pardon, My Lord.

MR. DODD: I am not concerned with whether or not you agree with the word "exploit." That is a very unimportant part of this document, as I think you probably already recognize.

SAUCKEL: I beg to contradict you. That word is most important from the humane point of view.

MR. DODD: I don't care to have any argument with you at all. We...

THE PRESIDENT: Defendant, the Tribunal is perfectly well able to understand the difference between the use of the words, and you have told us the translation you say is right.

MR. DODD: Now, if you move down a little bit, do you recall having said that 1 million Russians would have to be brought into Germany as rapidly as possible, to become available even prior to the offensive?

It is the next sentence or two there in your text. You won't see it by looking at me. Do you read the next sentence?

SAUCKEL: Yes, I should like permission to read the next sentence:

"The necessary condition for taking on the task would be the assurance that Russians would be given approximately the same rations as have been in force for the German civilian population."

MR. DODD: You have skipped the sentence that I want you to read. I know that one comes along, but I want you to read the one where you say you would have to bring 1 million Russians into the Reich as rapidly as possible, and that is the very next or almost the next sentence after the one you have been discussing, about the word "exploit" or "use of."

SAUCKEL: "...must be brought to the Reich as quickly as possible."

MR. DODD: That is all I want to know. Do you remember saying that?

SAUCKEL: Yes, I said that. I must say in connection with this that this is a record which I have never seen before or checked. Someone made it, but the record itself I was not familiar with, and it was never submitted to me.

MR. DODD: Well, I suppose it could be truthful even though you didn't make it.

Let us move on here to the next to the last paragraph, and you will find a sentence which says or suggests:

"They"—referring to the Russians—"will have to be handled so roughly by the German administration in the East that they will prefer to go to Germany rather than stay in Russia."

Do you find that?

SAUCKEL: Will you tell me where that sentence is?

MR. DODD: Well, it is right after the sentence where you talk about your negotiations with Himmler. Maybe that will help you.

Do you find where you say you had negotiations with the Reichsführer SS? You succeeded in getting him to remove the barbed wire. Surely you have read that.

Now you find the sentence, do you?

"They would have to be handled so roughly by the German administration in the East that they would prefer to go to Germany rather than stay in Russia."

Do you remember saying that?

SAUCKEL: I cannot say that I used these specific words in speaking to him, for, as I have already stated, it is a record of statements of a problematical nature which I myself did not check, and I cannot be sure how a third person came to write this record from memory. These are not shorthand minutes; it is merely a record which is not signed by anyone and in which...

MR. DODD: I don't think you need to give us any long dissertation on the fact that it is somebody else's minutes. It is not offered to you as being your own.

SAUCKEL: Yes, but I have the right and am obliged to say that.

MR. DODD: I wish you would wait a minute and let me put a question to you once in a while. I have not suggested that these are your minutes. I have merely put it to you for the purpose of determining whether or not on seeing it you remember it. And do you, or do you not remember it?

SAUCKEL: I certainly do not remember that passage. I can merely read here something written by a third person, and I do not know who it was. This person may quite well have misunderstood me; that is possible...

MR. DODD: Well, you also find you did have some conversations with the Reichsführer SS. Do you remember having said that, in the course of this conversation or speech or whatever it was that you were making?

SAUCKEL: The Reichsführer SS put me off on several occasions, and I had to insist to get the Reichsführer SS to remove the barbed wire fences. I did that. From the very beginning of my term of office I moderated the orders of the Reichsführer SS; and that, of course, caused vigorous arguments between us.

MR. DODD: Then that part of the minutes of this meeting is correct, isn't it? The reporter, or whoever it was that took this down, correctly reported what you said about your negotiations with the Reichsführer SS, did he? You find no fault with that?

SAUCKEL: What he wrote down in detail about what I am supposed to have said I have not yet read.

MR. DODD: Now, listen. You read back and look at that paper at which you have just been looking. You find fault with the sentence that reports that you said they were to be handled roughly in the East, but you do not find any fault with the sentence ahead of it which says you had the barbed wire taken down, isn't that so?

You seem to be complaining about the fact that this was somebody else's report and not yours. Have you read it?

SAUCKEL: No.

MR. DODD: Well, it is the sentence just before the one we have just been talking about.

Do you really mean you cannot find it? Do you want help?

SAUCKEL: Two pages appear in duplicate here.

MR. DODD: All I have asked you, Witness, is whether or not the sentence about your meeting with Himmler is a fairly accurate report of what you said. Is it?

SAUCKEL: That I cannot tell you from memory. I very seldom spoke to Himmler and then only cursorily. It may have been negotiations carried out by my office on my order. That I cannot tell you.

MR. DODD: Well, your answer to all of this is, then, that you don't remember what you said there; this doesn't help you any to remember.

SAUCKEL: You cannot possibly expect me to remember exactly events which lasted very briefly and took place so long ago.

MR. DODD: I am perfectly willing to let it rest there. There is the written record against your failure of memory, and I will leave that with the Tribunal...

THE PRESIDENT: Mr. Dodd, I think you should put to him...

SAUCKEL: With which, however, I was not familiar before this.

THE PRESIDENT: I think you should put to him the next paragraph, "Thirdly..." which follows after the sentence about handling them so roughly.

MR. DODD: Yes, Sir.

[Turning to the defendant.] Now, if you will keep your finger on that place that you have there, you won't lose it, and you will find the next sentence is—begins:

"Thirdly, he termed intolerable the wage rates previously decreed by the Reich Marshal, and has persuaded the Reich Marshal that Russians should have the possibility of earning up to one half of the wages of German workers."

With reference to that statement, what had the Reich Marshal suggested, by the way?

SAUCKEL: Before I took up my office—and I have talked about that at length with my defense counsel—there existed decrees of the Ministerial Council regarding wage regulations, and I continually improved those wages—four times, in fact, as far as I could manage it, during my term in office.

THE PRESIDENT: That is not an answer to the question. The question you were asked was: What had the Reich Marshal suggested as wages for these workers? You can answer that.

SAUCKEL: The Reich Marshal did not make any suggestions to me. When I entered office I found regulations in existence which I considered insufficient.

MR. DODD: Well, tell us a little more about it. What do you mean insufficient? You used here the word intolerable. What was the situation when you came into the office with respect to wages?

SAUCKEL: I already explained that yesterday, during the examination by my defense counsel, and I gave as an example the fact that an Eastern Worker, when I came into office, drew wages of about 60 pfennigs per hour, which, after deductions for food and lodging, would leave him about 4½ marks in cash. I altered that after I came into office and doubled the cash payments. The purpose of the instructions which existed before my service was probably to prevent too great a circulation of money for reasons concerning currency. I do not know the details.

MR. DODD: This exhibit, Mr. President, becomes USA-881.

I have no further questions.

DR. WALTER BALLAS (Counsel for Defendant Raeder): I am replacing Dr. Horn for Defendant Von Ribbentrop.

I have a few questions to put to the witness.

Yesterday in cross-examination you spoke about a French diplomatic organization, formed under the French Ambassador Scapini, for Frenchmen in Germany. Is it true that it was at Defendant Ribbentrop's wish that this organization was formed?

SAUCKEL: At our mutual wish and agreement. We both had the same interests. That is correct.

DR. BALLAS: Can you tell me the reasons which caused Von Ribbentrop to create this organization?

SAUCKEL: The reason for this was, in my opinion, to bring about an understanding between the French and German populations by giving assurance that particular care would be taken of Frenchmen working in Germany.

DR. BALLAS: This diplomatic organization was also responsible for the treatment of French prisoners of war? Can you tell me for

what reasons the German Foreign Office decided on so unusual an arrangement at a time when a state of war still existed between France and Germany?

SAUCKEL: There were conferences between the French Government of Marshal Pétain and the German Government, and both nations tried conscientiously to bring about an understanding.

DR. BALLAS: And because of that came these unusual measures concerning prisoners of war?

SAUCKEL: Not only because of that; I considered it a particular necessity, and I might mention in this connection that this organization was later divided or supplemented. In addition to M. Scapini, who took care of French prisoners of war in particular, a M. Broehne took special charge of French civilian workers.

DR. BALLAS: Is it true that Defendant Von Ribbentrop in the Foreign Office created an organization to bring into Germany from occupied countries artists, lecturers, newspapers, books, *et cetera*, for foreign workers so that these workers would return home well inclined toward an understanding with Germany?

SAUCKEL: It was the purpose of an agreement established by the Reich Foreign Minister in collaboration with the Reich Ministry of Propaganda, the German Labor Front, and my office, to improve the leisure time of the foreign workers by means of foreign artists and lecturers. Many Russian artists were in Germany for this purpose. It also had the purpose of bringing libraries and periodicals to these people from their home countries.

DR. BALLAS: Thank you. I have no further questions.

DR. SERVATIUS: Mr. President, in order to rectify an error in a chart in Document Sauckel-1, I just want to have the witness' confirmation.

[The document was handed to the defendant.]

Witness, among the employers of labor you mentioned the departments of Minister Funk, did you not?

SAUCKEL: Yes.

DR. SERVATIUS: And going down you find written in the third square "armament inspectorate," and under that, "Reichsautobahn." These two squares have been incorrectly put in. They do not belong there. Is it true that these two squares should be crossed out?

SAUCKEL: Yes, that is correct.

DR. SERVATIUS: I therefore ask that the chart be rectified by having these two squares crossed out. They belong to Speer's Ministry, but I have not given any close attention to that side, and I do not wish to discuss it here.

Then, from the Buchenwald photograph album there were a number of pictures submitted which show the defendant together with Himmler.

Witness, can you tell from the picture the approximate time of that meeting? There are certain indications which you discussed with me yesterday. Will you briefly describe these?

SAUCKEL: Yes. The left-hand top picture shows that construction is still going on; I can see unfinished roadbeds and the like. This may therefore be during the construction period.

DR. SERVATIUS: And what can you say about the time from the dress of the various people?

SAUCKEL: The dress shows quite clearly that this is at a time before the war, for Himmler is wearing a black uniform which he never wore during the war. Apart from that he is wearing a sword, which was forbidden during the war. It is quite clear that this meeting took place before the war.

DR. SERVATIUS: Are these people wearing decorations?

SAUCKEL: I cannot see whether they are wearing decorations; no.

DR. SERVATIUS: And so I can conclude that this picture was taken sometime before the war?

SAUCKEL: Quite definitely sometime before the war, because I myself did not wear an SS uniform during the war.

DR. SERVATIUS: Document Number F-810 was submitted yesterday. That is a report about the meeting at the Wartburg. Beginning on Page 25 of the German text there is a report by Dr. Sturm, which was shown you and in which it is said among other things that there was collaboration between the Gestapo and the concentration camps and that that was the right road to take. You were asked whether that was your view too, and whether such collaboration was correct.

What did you understand by that? Do you mean that you agreed to the methods used in concentration camps, as practiced by Himmler?

SAUCKEL: Under no circumstances, I wanted to indicate that it was correct, as the document shows, that workers' discipline should be enforced step by step, as provided for in cases of disobedience: First a reprimand, then small fines imposed by the factory, as laid down, in fact, in my Decree Number 13, which I want to submit as documentary evidence. Only then, after reprimands and small disciplinary penalties at the factory had proved inadequate, should there be further treatment of these cases, as is mentioned in the document, by having them brought to court by the public prosecutor. I called a proper penal procedure correct. By no means did

I want thereby to characterize methods in concentration camps as correct. I was not at all familiar with these methods at that time.

DR. SERVATIUS: Mr. President, I have a document, Number 1764-PS, before me. I have not been able to ascertain when and if it has already been submitted. I have just received it in the form of a photostatic copy. It is the so-called Hemmen report, a report which Envoy Hemmen made about a sector of the labor allocation in France. I want to read a short passage to the defendant which deals with the number of Frenchmen employed in Germany, and I want him to confirm it.

[Turning to the defendant.] Witness, I shall read you a passage and ask you to . . .

THE PRESIDENT: Dr. Servatius, it is not usual to allow documents to be put in re-examination. Why was this not used in examination-in-chief?

DR. SERVATIUS: The figures were questioned during the cross-examination, not before. I attach no great importance to finding out in detail how many hundred thousands came or went. I can omit this question and come back to it in the final pleadings.

THE PRESIDENT: The Tribunal was not saying you could not use it now. As it arose out of the cross-examination, I think you may be able to use it.

DR. SERVATIUS: Witness, I should like briefly to read to you the relevant passage; and I want you to tell me whether the views presented there are correct.

Envoy Hemmen reports here, in a letter received at the Foreign Office on 6 February 1944, under Paragraph III as follows:

“Allocation of Labor in Germany:

“It started with the voluntary recruitment of workers which, up to the end of 1942, produced 400,000 men. During the first half of 1943 two further voluntary recruitments of 250,000 men each were effected. The first, by granting the privileges of the *relève*—which allowed leave for prisoners of war at a ratio of 1 prisoner to 3 recruits—or the granting of worker status, produced some 200,000; whereas the second could be carried out only by using the new compulsory service law, that is to say, coercion, and produced only 122,000 men.”

I skip the end of the page and read from Page 8:

“As the total result of the Sauckel Action 818,000 persons all told, mostly men, went to Germany; 168,000 of them owing to the compulsory service law. Of all these there were only 420,000 still there at the end of January 1944.”

As far as you can recollect, are these statements generally correct?

SAUCKEL: May I remark in this connection that the Envoy Hemmen at the Embassy in Paris dealt with these questions there, and they are given correctly. Finally, you meant to say 420,000 and not 420, did you not?

DR. SERVATIUS: Thousand.

SAUCKEL: The decisive point is that because of the short term of the contracts, the French workers were changed every 6 months, thus only one half could be here at a time.

DR. SERVATIUS: Yes, you have already said that.

SAUCKEL: As an explanation I should like permission to tell the Tribunal that while there was a ratio of 1 to 3—meaning that Germany gave back 1 prisoner of war in return for 3 workers—both the prisoner of war and the French civilian workers who had replaced him for the most part had returned to their own country after 1½ years, as each stayed for only 6 months.

It was very hard to win the Führer over to this regulation.

DR. SERVATIUS: I have no further questions.

THE PRESIDENT: We will adjourn now.

[A recess was taken.]

THE PRESIDENT: The Tribunal will hear some supplementary applications for witnesses and documents at 2 o'clock on Monday.

M. HERZOG: Mr. President, I should like to come back briefly to Document D-565, that is to say, to the photographs showing the Defendant Sauckel at the Concentration Camp of Buchenwald.

The Prosecution has never claimed, and does not claim now, that these photographs date from a period during the war. Quite the contrary, the original, which has been shown to you, has the date of these photographs and the year is 1938.

The defendant, when he was examined by his counsel, told us that he visited Buchenwald in the company of Italian officers. I do not see a single Italian officer in these photographs; I simply see the Reichsführer SS Himmler.

However, I do not dispute, and I never claimed that these photographs dated from a year other than 1938.

DR. SERVATIUS: Mr. President, I have one last question in connection with Exhibit Sauckel-82 from Document Book Sauckel 3, Page 206 and following. On Page 207 we find a statement under Number 3 which I should like to put to the defendant again, because

the prosecutor for the Soviet Union has stated that Sauckel declared here that he gave no protection against crime. I should like to read the sentence to the defendant again and ask him for an explanation. I myself have already quoted it once before; apparently there is a misunderstanding. It is a very short sentence; it reads: "You can demand of me every protection in your labor area, but no protection for crimes."

Does that mean, Witness, that you did not grant protection against crimes?

SAUCKEL: On the contrary, it can be seen very clearly from that document that I did not tolerate any crime. I would not protect these people, who were not subordinate to me, if they committed crimes there. They were not to do that; that was what I prohibited...

DR. SERVATIUS: I believe that the German shows very clearly that this explanation, as the defendant has just given it, is correct.

I have no further questions to put to the witness.

THE TRIBUNAL (Mr. Biddle): Defendant Sauckel, I want to ask you a number of questions. And will you try to speak a little more quietly, and will you listen carefully to the questions and try to make your answers responsive to the questions?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Now, first, I am going to ask you a little bit about your personnel. You had one large central office, I take it, did you not—one large central office?

SAUCKEL: I had a small central office, Your Honor.

THE TRIBUNAL (Mr. Biddle): A small central office. And how many people...

SAUCKEL: An office of my own.

THE TRIBUNAL (Mr. Biddle): How many employees were in that office?

SAUCKEL: In this personnel office, Your Honor, there were two personnel experts; a Ministerialrat, Dr. Stothfang; a Landrat Dr....

THE TRIBUNAL (Mr. Biddle): Just a moment; how many, just how many?

SAUCKEL: Two higher officials and about eight middle and lower officials as assistants and registrars.

THE TRIBUNAL (Mr. Biddle): Did your inspectors work out of that office?

SAUCKEL: The inspectors belonged to Department 9 of the Reich Ministry of Labor which had been installed there. That was a

special department which was established in the Reich Ministry of Labor at my request, with higher officials who...

THE TRIBUNAL (Mr. Biddle): Now the inspectors worked, I suppose, under your instructions and reported to you, did they?

SAUCKEL: The inspectors reported first to Department 5 in the Reich Ministry of Labor. I was informed in important cases. The inspectors had the right and the duty to correct bad conditions on the spot when they were confirmed in the labor administration.

THE TRIBUNAL (Mr. Biddle): How many inspectors were there?

SAUCKEL: There were in Department 9, I believe...

THE TRIBUNAL (Mr. Biddle): No, no—in all, how many in all?

SAUCKEL: There were various inspection offices, Your Honor. This inspection...

THE TRIBUNAL (Mr. Biddle): One moment, Defendant. Just listen to the question. I said how many inspectors in all the inspection offices were there?

SAUCKEL: From my own knowledge I cannot say how many there were in the Labor Front. The extent of inspection offices in the Labor Front would have been a matter for Dr. Ley to explain. That I do not know in detail.

THE TRIBUNAL (Mr. Biddle): Well, do you know about how many inspectors were working to inspect the labor work. You must know about how many were there, don't you?

SAUCKEL: I cannot give you accurate figures, but it may have been approximately 60 or 70, if you take all of them together including those of the German Labor Front.

THE TRIBUNAL (Mr. Biddle): Now, did they go outside of Germany, or did they work only in Germany?

SAUCKEL: These inspectors worked for the most part only in Germany.

THE TRIBUNAL (Mr. Biddle): And they would inspect such matters as food and travel and conditions of the camps, and so on, would they not?

SAUCKEL: That was their task.

THE TRIBUNAL (Mr. Biddle): Yes. And the important reports would come to you?

SAUCKEL: No. According to an agreement the reports had to be sent to the highest competent Reich authorities for bad conditions to be corrected. For bad conditions in industry and in camps the competent authority was the Industrial Inspectorate under Reich Minister of Labor Seldte. That was the highest...

THE TRIBUNAL (Mr. Biddle): Well, did not any of them come to you?

SAUCKEL: Complaints were also brought to me, but I could do nothing but send them back to the competent offices and ask that everything be done to remedy the conditions; and that is what I did.

THE TRIBUNAL (Mr. Biddle): Did the inspectors' reports come to you, any of the inspectors' reports?

SAUCKEL: The reports did not come to me directly; they went through channels to those offices which were concerned with correcting such abuses.

THE TRIBUNAL (Mr. Biddle): Defendant, I am asking you not whether they came directly, but did they come to you eventually? Did you get them? Did you see them?

SAUCKEL: Such reports came very seldom to me.

THE TRIBUNAL (Mr. Biddle): So you do not know what the conditions were then, since you did not get the inspectors' reports, is that right?

SAUCKEL: Four times or twice a year I also sent my assistants and these inspectors in person to the Gauleiter in the German Gaue, and I received reports on what they discussed during these private conferences with the regional offices and on what they inspected and observed. There was nothing of a catastrophic nature, merely shortcomings in the execution of the directives which I had issued. I was informed about things of that sort...

THE TRIBUNAL (Mr. Biddle): So you are telling us that you never got any reports or complaints of a catastrophic nature; is that right?

SAUCKEL: I did not quite understand that question.

THE TRIBUNAL (Mr. Biddle): You never got any reports or complaints of what you call a catastrophic nature; is that right?

SAUCKEL: Within Germany—I received reports and complaints such as I described to my counsel from Field Marshal Kluge, or else they were made known to me in discussions with Rosenberg. Immediately I took the necessary measures. But that was not frequently the case...

THE TRIBUNAL (Mr. Biddle): Defendant, if you would listen to the question and try to answer it, I think we would get along much faster. You used the expression "catastrophic nature;" those were your words. Did you get any reports of a catastrophic nature?

SAUCKEL: I learned through Field Marshal Kluge, and through reports, which have been mentioned here, from Rosenberg, about a few cases which I considered catastrophic and tried to correct.

THE TRIBUNAL (Mr. Biddle): These were what you call catastrophic cases?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): What were they?

SAUCKEL: There was the case in the East which Field Marshal Kluge reported to me, where motion picture houses were surrounded by recruiting agents. I considered that catastrophic. The second case was the case of the returning transport, where according to the report—it is called the later report, but I do not remember the number of the document—children are said to have died on the way and been placed outside the train. I considered that catastrophic. But there could...

THE TRIBUNAL (Mr. Biddle): You have answered.

SAUCKEL: But...

THE TRIBUNAL (Mr. Biddle): You have answered that now.

Did you get any complaints about Koch?

SAUCKEL: I received complaints about Koch at times from the Minister for the Occupied Eastern Territories, Rosenberg, and also from another source. Koch, of course, always defended himself very vehemently.

THE TRIBUNAL (Mr. Biddle): Then you had complaints from several people about Koch?

SAUCKEL: Yes. I could...

THE TRIBUNAL (Mr. Biddle): And the complaints said what Koch was doing, did they?

SAUCKEL: I did not receive complaints from many sides about Koch, but rather from one side...

THE TRIBUNAL (Mr. Biddle): Now, wait...

SAUCKEL: But from several people...

THE TRIBUNAL (Mr. Biddle): Wait. Won't you answer the question? I did not ask you if you have received many complaints. I said, "The complaints said what Koch was doing." Is that right?

SAUCKEL: Yes, in some cases.

THE TRIBUNAL (Mr. Biddle): And what did you do with those complaints?

SAUCKEL: As far as my field of work was concerned, when I received complaints such as have been discussed here, I called a conference in my office. That was the case immediately after the complaints from Rosenberg, and on that occasion I adopted the attitude which my defense counsel cited and pointed out with respect to the conference of 6 January 1943.

THE TRIBUNAL (Mr. Biddle): And the Koch matter ended after the conference, I take it? That was all you did?

[There was no response.]

That was the end of it as far as you were concerned?

SAUCKEL: As far as I was concerned, I personally pointed out to the Führer on several occasions that I considered it quite out of the question to treat the Eastern Workers and the people in the East badly; and by means of the decrees which I issued continually, and which are contained in my documents, I did whatever I could to protect them. I ask...

THE TRIBUNAL (Mr. Biddle): I have asked you about your central office. Did you have any branch offices?

SAUCKEL: No, I had no branch offices. Two departments of the Ministry of Labor, 5 and 6, were put at my disposal for the carrying out of my tasks of an administrative and technical nature.

THE TRIBUNAL (Mr. Biddle): All right. That is enough.

SAUCKEL: There business matters of an administrative nature were carried on. I ask...

THE TRIBUNAL (Mr. Biddle): Wait a minute. Now, were the recruitment offices in the Ministry of Labor?

SAUCKEL: No. In the Ministry of Labor there were...

THE TRIBUNAL (Mr. Biddle): Never mind. That is all you have to say.

Where were they, where were the recruitment offices?

SAUCKEL: The recruitment offices were in the occupied territories.

THE TRIBUNAL (Mr. Biddle): I understand that. But under what office? What administration? What department?

SAUCKEL: The departments for labor were themselves incorporated in the administration of these territories. That can be seen very clearly from my Decree 4, for that had been done in the same manner before I came into office. They were integral parts of the local administration.

THE TRIBUNAL (Mr. Biddle): Of the local administration? When you mentioned the 1,500 district offices, were those the recruitment offices?

SAUCKEL: Those were the offices in all the various territories which represented these various administrations on the lowest level, as I have just mentioned.

THE TRIBUNAL (Mr. Biddle): You do not answer the question. I asked you whether they were recruiting offices. Were they recruiting offices?

SAUCKEL: They were not only recruiting offices, they were the offices of the territorial labor administration on the lowest level.

THE TRIBUNAL (Mr. Biddle): So they did administration and recruiting?

[There was no response.]

They did recruiting, did they not?

SAUCKEL: I understand that that was one and the same thing. The recruitment was carried on according to German principles as part of the administration. Outside the administration recruitment could not be carried on.

THE TRIBUNAL (Mr. Biddle): They were recruiting offices, then? The answer is "yes," is it not? They were recruiting offices?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Right. You should have said that in the beginning. That is what I wanted to know. Now, I want to know the relation of your offices to the Party offices. The Gaue and the Gauleiter worked in co-operation with you as plenipotentiaries, working with you, did they not?

SAUCKEL: No, Your Honor, that is a mistake. The Gauleiter had nothing to do with recruiting, that was...

THE TRIBUNAL (Mr. Biddle): Now, wait. I said nothing about recruiting. I asked you the relation of your offices to the Gauleiter. The Gauleiter co-operated with you in the general program, did they not?

SAUCKEL: Not in the general program, Your Honor; only in the program of caring for German and foreign workers.

THE TRIBUNAL (Mr. Biddle): I see. The Gauleiter, then, had nothing to do with recruiting; is that right?

SAUCKEL: No; that is right.

THE TRIBUNAL (Mr. Biddle): That is right? They looked after the care and comfort of the men who were recruited, is that right?

SAUCKEL: If they were working in the Reich, yes.

THE TRIBUNAL (Mr. Biddle): In the Reich?

SAUCKEL: In the Reich.

THE TRIBUNAL (Mr. Biddle): Did the Gaue outside the Reich in the occupied territories also work for you, or do you consider that they were part of the Reich?

[There was no response.]

Let me ask the question again. I do not think it is very clear. Certain of the occupied territories had been incorporated into the Reich, had they not?

SAUCKEL: In the East only the territories Wartheland and West Prussia were incorporated into the Reich...

THE TRIBUNAL (Mr. Biddle): Now again I am not asking you the number that was incorporated; I just said certain of the occupied territories, certain parts of them, were incorporated into the Reich. Is that right?

SAUCKEL: Yes, that is correct.

THE TRIBUNAL (Mr. Biddle): Yes, and when you say the Gauleiter in the Reich, that includes, does it not, the Gauleiter in those territories which had been incorporated into the Reich; is that right?

SAUCKEL: Yes, but in this case they could not function in their capacity as Gauleiter, but only if they were Reichsstatthalter, that is, only if they had a state administration under them. These were two entirely separate institutions with different personnel.

THE TRIBUNAL (Mr. Biddle): Did each Gauleiter have a labor office connected with his Gau, in his Gau?

SAUCKEL: May I ask if you mean all German Gaue, or only those Gaue of which we have just spoken, Your Honor?

THE TRIBUNAL (Mr. Biddle): I mean only the Gaue of which we have spoken. They each had a labor office, had they not?

SAUCKEL: They had a labor administration at the head of which there was a Gau labor president.

THE TRIBUNAL (Mr. Biddle): That's right. That is enough. Now, do you know the organization of the Gau in the labor administration? Did they also have a Kreisleiter who attended to the labor work?

SAUCKEL: No, they did not have that.

THE TRIBUNAL (Mr. Biddle): And I take it there were no Ortsgruppenleiter that worked on the labor program, then?

SAUCKEL: No, that was not the case; rather that was a strictly separate administrative concept...

THE TRIBUNAL (Mr. Biddle): That is all right.

SAUCKEL: But that was...

THE TRIBUNAL (Mr. Biddle): No, that is all right.

Now I would like to know a little bit about what you call this private recruitment. Who appointed the agents who were to do private recruiting? Who appointed them? Did the employers hire agents to get workmen for them?

[There was no response.]

Do you know what I mean by private recruiting?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): That was done by agents, was it not?

SAUCKEL: Only in one case: In the year 1944 in France and in part in Belgium, by way of exception, I permitted agents to act on the basis of agreements with these French organizations.

THE TRIBUNAL (Mr. Biddle): Again, Witness, I did not ask you that at all. You do not listen. I said: Who appointed these agents that worked as private recruiting agents? Who appointed them?

SAUCKEL: In those countries, the commissioner for labor allocation appointed them—I myself could not appoint them—together with the French organizations. That was an understanding, not a set appointment...

THE TRIBUNAL (Mr. Biddle): I see. And they would be paid on, I think you said, a commission basis; is that right? They would be paid, in other words, so much per workman? Every workman they brought in, they would get a fee for that; is that right?

SAUCKEL: Yes. I do not know the details myself any more, but for the most part that is correct.

THE TRIBUNAL (Mr. Biddle): Now, I take it when you used the word shanghai, which you referred to and explained, that simply means private recruiting with force. That is all it means, is it not?

[There was no response.]

That is all it means, is it not? Private recruiting with force?

SAUCKEL: No...

THE TRIBUNAL (Mr. Biddle): Now, wait a minute. Can you shanghai a man without using force? You do not mean that you shanghai them by persuasion? Did you?

SAUCKEL: Yes, for I wanted to recruit these French associations in just this voluntary, friendly way, over a glass of beer or wine in a café, and not in the official offices. I don't mean shanghai in the bad sense as I recall its being used from my sailor days. This was a rather drastic expression, but not a concrete representation of the actual procedure. Never, Your Honor, in France or anywhere else, did I order men to be shanghai, but rather...

THE TRIBUNAL (Mr. Biddle): Oh, I know you did not order it. That was not my question. You mean that "shanghai" just meant that you had a friendly glass of wine with a workman and then he joined up? Was that what you meant?

SAUCKEL: I understood it in that way. I described it to the Central Planning Board in a somewhat drastic form in order to answer the demands made of me with some plausible counterarguments as to the efforts I was making.

THE TRIBUNAL (Mr. Biddle): Why did you object to this private recruitment? What was the objection to it?

SAUCKEL: In this case I did not object, but it was contrary to German ideas concerning the procurement of labor. According to German principles and . . .

THE TRIBUNAL (Mr. Biddle): Was it contrary to German law?

SAUCKEL: It was against my convictions and contrary to German laws.

THE TRIBUNAL (Mr. Biddle): I did not ask you that. I am not interested for the moment in your convictions. I said: Was it contrary to German law? It was, wasn't it, against law?

SAUCKEL: It was in general contrary to the German labor laws. As far as possible no private recruitment was to take place. But may I say as an explanation, Your Honor, that after the workman had been won over, he nevertheless entered into an obligation on the basis of a state contract. Thus it must not be understood to mean that the worker in question came into the Reich without a contract approved by the state; a contract was granted to him just as it was to all others.

THE TRIBUNAL (Mr. Biddle): You mean, a laborer that was shanghai'd by private agents had the same rights, once he was in the employment, as anyone else; is that what you mean?

SAUCKEL: The same rights and assurances that everyone else had.

THE TRIBUNAL (Mr. Biddle): That is right. Now I am going to come to another subject for a moment. I simply want to understand your defense and what your point of view is. Now see if this is correct. You did no recruiting yourself. The Police did no recruiting. Your main job was, in the first place, to see that everything was done lawfully and legally. Was not that right, that was your important function?

SAUCKEL: That was my endeavor.

THE TRIBUNAL (Mr. Biddle): In order to do that you had to arrange to have the proper laws passed so as to have the recruiting done under the law; that is right, isn't it? That was your job?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Yes. And very often those laws—by the way, those laws were simply decrees, of course. They were just orders that were signed by the Führer, or by you, or by some of the ministers. When you say laws, you mean, of course, decrees?

SAUCKEL: The laws in the occupied territories for the recruitment of manpower had to be decreed by the Führer and issued by the chiefs in the territories.

THE TRIBUNAL (Mr. Biddle): What I mean is, in order to make this use of foreign labor lawful, you simply had to get certain decrees signed; that was part of your duty, to get them signed? Now . . .

SAUCKEL: I did not sign these decrees . . .

THE TRIBUNAL (Mr. Biddle): I understand that. I did not say you signed them. I understand that. You have explained that in great detail. Now let us see where the Police came in. They had nothing to do with the recruiting. Once a decree was signed, it became law, did it not? When a decree was signed, it was law?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): And if any man resisted being brought in as a workman, or did not register, or did not live up to his contract, he became a criminal. That is right, isn't it?

SAUCKEL: In this case he violated the law. We did not call it a crime, but rather an offense.

THE TRIBUNAL (Mr. Biddle): But he broke the law?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): You mean he did not commit a crime? Did he or did he not commit a crime? Supposing a man failed to register when he was told to register for work, was that a crime?

SAUCKEL: No, that was not a crime. We called that an offense in Germany.

THE TRIBUNAL (Mr. Biddle): And then when he committed this, he was then turned over to the Police. Is that right?

SAUCKEL: Not immediately; in the preliminary proceedings he was told by the local labor office to appear and to report and . . .

THE TRIBUNAL (Mr. Biddle): Well, you explained all that. He got 3 or 4 days, and then if he did not finally register, for the offense he was turned over to the Police? Is that right?

SAUCKEL: How that was actually handled in the various territories I cannot say. It differed greatly, and was in part very lax.

THE TRIBUNAL (Mr. Biddle): You told us already in your cross-examination that if a man broke the law that was when the Police came in. The Police were there simply to see that the law was not broken. That is right, isn't it? That was their function?

SAUCKEL: No, that was not my task; that was the task of the service authorities.

THE TRIBUNAL (Mr. Biddle): Well, why do you always say, "it was not my task"? I did not ask you if it was your task. I am just

talking about the Police; I am not talking about you. Now when those labor decrees were violated, then it was, at a certain time, that the Police began to function. Isn't that right?

SAUCKEL: That would have been the normal way, the correct way.

THE TRIBUNAL (Mr. Biddle): Good. Or after the men—let us say in Paris—were rounded up, if they offered physical resistance; then the Police had to be called in, had they not? If there was physical resistance you had to call in the Police, had you not?

SAUCKEL: Yes, but I can say that that was hardly ever reported to me. In most cases the men were then released. It can be clearly seen from the lists of the workers' transports—for instance, in the year 1944—that of a large program not even 10 percent came to Germany. Then there was nothing else for us to do but to shanghai.

THE TRIBUNAL (Mr. Biddle): Please don't go on. You have given all that evidence before. I just want to get a picture of the whole system. Now the Army. I think you said the role the Army played was where there had been sabotage or resistance in the occupied territories the Army would have to clean that out, so that the labor administration could work. That would be right, wouldn't it?

SAUCKEL: In so-called resistance areas in which the administration was handicapped by resistance movements, not only in the field of labor allocation but also in other directions, and the public safety of German troops could no longer be guaranteed.

THE TRIBUNAL (Mr. Biddle): I am not interested in other functions. I am interested particularly in the field of manpower at this time. So that, for instance, in Poland or Russia, where it was impossible to recruit people on account of the resistance to the recruiting or the resistance to the Army, the Army would go in and help with the recruiting. It would not be unfair to say that, would it?

SAUCKEL: One can say that.

THE TRIBUNAL (Mr. Biddle): That is right. Now, by the way, did any of these workmen who resisted or who broke the law or who did not register after 3 days, were they ever tried by a court, or were they simply handled by the Police if necessary? They were never tried by court, were they?

SAUCKEL: That I cannot tell you in detail or in general. Probably there were various ways of handling that. I do not know the details.

THE TRIBUNAL (Mr. Biddle): Well, let us get that in particular. Did any of your decrees provide for trial by a court of such persons?

SAUCKEL: No, my decrees did not do that. I was not authorized to issue such decrees within the territories with regard to court proceedings, because I was not the competent regional authority.

THE TRIBUNAL (Mr. Biddle): All right. I am not very clear on this picture of camps. Let us look at that for a moment. There were what you called, I think, distribution or transition camps, were there not?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): How many?

SAUCKEL: That I cannot tell you from memory.

THE TRIBUNAL (Mr. Biddle): No, of course not; but do you think there were more than a hundred?

SAUCKEL: No, I do not think so.

THE TRIBUNAL (Mr. Biddle): Hardly. But perhaps nearly a hundred?

SAUCKEL: No, I do not think that is quite correct either.

THE TRIBUNAL (Mr. Biddle): You could give no figure on that?

SAUCKEL: I assume that perhaps in the Reich there were 30 or 40 transition camps.

THE TRIBUNAL (Mr. Biddle): In the Reich?

SAUCKEL: In the Reich.

THE TRIBUNAL (Mr. Biddle): And were those transition camps also in the occupied territories, or in France?

SAUCKEL: In the occupied territories? Whether there were any transition camps in France and, if so, how many, that I cannot say. In the West, along the border, there were reception stations; and in the East, along the border, there were transition camps which had as their purpose an additional physical examination, delousing of clothing, and...

THE TRIBUNAL (Mr. Biddle): I think that is enough. I think you have answered that enough. Now there were also what you called the labor training camps. Do you remember, you said there were also labor training camps?

SAUCKEL: These training camps...

THE TRIBUNAL (Mr. Biddle): Can't you say "yes" or "no"?

SAUCKEL: No.

THE TRIBUNAL (Mr. Biddle): How many?

SAUCKEL: Of that I have no idea...

THE TRIBUNAL (Mr. Biddle): So you have no idea of that? Maybe 50 or 100?

SAUCKEL: No. I cannot tell you even approximately how many because I have never received a list. They were not under me.

THE TRIBUNAL (Mr. Biddle): To whom were they subordinate?

SAUCKEL: They were subordinate exclusively to the Police, that is, as far as I know, to Gruppenführer Müller.

THE TRIBUNAL (Mr. Biddle): And I presume that they were staffed and officered by the SS, as were the other concentration camps?

SAUCKEL: I have to assume that also, but I cannot say definitely because I have never seen any such camps.

THE TRIBUNAL (Mr. Biddle): But that would not be improbable, would it?

SAUCKEL: No. These camps were subordinate exclusively to the Police.

THE TRIBUNAL (Mr. Biddle): To the Police. Now who went to the labor training camps? Who was sent to them?

SAUCKEL: As far as I know—I heard very little about that—people were sent there who in a number of cases had committed violations of the labor regulations, or of discipline in the factories, and so on.

THE TRIBUNAL (Mr. Biddle): That is right. That is fine. Thank you very much. That is all I want to know about that point. In other words, people who did not turn up for registration, or who broke their contracts, were sent for training. Now what was the training? What does that mean, "training"? How are you trained?

SAUCKEL: That I cannot tell you. I assume that they had to work. A period of time was provided of from about 8 days to 56 days, I believe; I cannot say exactly. I also heard about that in this courtroom for the first time.

THE TRIBUNAL (Mr. Biddle): Well, let us get a little more light on that subject. You see, you were after all, were you not, Plenipotentiary, so you must have known something about these matters. There were labor camps as well as labor training camps, were there not?

SAUCKEL: Yes, and I want to distinguish between them . . .

THE TRIBUNAL (Mr. Biddle): I will distinguish. Let me ask you the question. The labor camps were camps where workmen were sent and housed who were working in industry; isn't that right? They were simply camps where workmen were housed and lived. Is that right?

SAUCKEL: They were camps where workers were billeted; where they lived.

THE TRIBUNAL (Mr. Biddle): That is right; and labor training camps were different from the labor camps, weren't they?

SAUCKEL: They were basically different. The labor training camps were an institution of the Reichsführer SS; the labor camps, in which they lived, were set up by the factory or group of factories where the workers were employed.

THE TRIBUNAL (Mr. Biddle): So when a man was sent to a labor training camp, he was not sent simply to labor; he was being punished, wasn't he, for having broken the law? That must be right, is it not?

SAUCKEL: To my knowledge, he came to a labor training camp in order to be trained to be punctual at work, and at the same time it was a punishment for his offenses at the factory.

THE TRIBUNAL (Mr. Biddle): Were there any decrees with respect to the labor training camps, any regulations?

SAUCKEL: I know of no regulations. They had to be issued by the Reichsführer SS, by the Chief of Police. I issued no regulations.

THE TRIBUNAL (Mr. Biddle): So, although part of your duty was to look after the foreign laborers who were brought over here, that stopped after they were turned over to the Police, and you had no more jurisdiction; is that right?

SAUCKEL: That is right; but in one respect I have to correct that. I did not have the task of looking after the workers; I merely had the task of getting workers for the industries. The supervision of the camps and the care of the workers was in no way my task. I have...

THE TRIBUNAL (Mr. Biddle): Stop, Defendant, we clearly understand that. You had practically no executive functions, but you repeatedly said that you passed decrees—by the hundreds, you said—for improving the condition of the men. Now, we know that you didn't have the job to feed them or to house them; but you did have one of your main jobs—one of your main jobs was to try to keep them in as good condition as possible, and that was the reason you were interested in any complaints. We all understand that, don't we? That is correct? One of your functions was to do that, wasn't it?

SAUCKEL: I had taken over this task; it was not one of the duties with which I had been entrusted. The complaints with which I was confronted every day were to the effect that there were not enough workers available. My task was the direction and the acquisition of workers, but in my own interest I pointed out the necessity of caring for the workers and keeping them in good condition.

THE TRIBUNAL (Mr. Biddle): I see, that was a voluntary job on your part. It was not part of your duty, but nevertheless you did it. But, now, let me come a little bit to the workers themselves.

I think we are very clear, or comparatively so, as to the numbers that were brought in. I want to know how many were voluntary and how many were involuntary. Now, before you answer that, I mean those workers who were brought in, not under law, but simply who volunteered for work of their own accord. There were not very many of those, I suppose, were there?

SAUCKEL: Yes, there were a great many workers who volunteered without legal compulsion, as the result of propoganda and recruitment and because of the fact that in Germany wages and such things were comparatively high and regulated. There were a great many workers...

THE TRIBUNAL (Mr. Biddle): Now, let us take a look at that. There came a time when the laws applying to German workers were applied to workers for foreign countries; is that not true?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): I mean, every German had to work, had he not, under the law? Right?

SAUCKEL: Yes, that is right.

THE TRIBUNAL (Mr. Biddle): And that law was finally applied to foreign workers as well, as you just said. Right?

SAUCKEL: That law was also introduced into the occupied territories.

THE TRIBUNAL (Mr. Biddle): Right. For everyone alike. So that after that law was introduced, there was no such thing as voluntary work because after that law was introduced everyone had to work, had they not?

SAUCKEL: Yes, as far as demands were made for them in the occupied territories and elsewhere, according to need.

THE TRIBUNAL (Mr. Biddle): So when you were talking about involuntary work, that must have applied to the time before that law was passed? Right?

SAUCKEL: Yes, however...

THE TRIBUNAL (Mr. Biddle): When was the law passed?

SAUCKEL: That law was introduced at various dates in the late autumn of 1942. I cannot tell the exact dates in the various territories, but I should like to say that under this law, as well, voluntary workers still came voluntarily, to Germany. They...

THE TRIBUNAL (Mr. Biddle): You are right. If they had not, they would have gone involuntarily, wouldn't they?

SAUCKEL: No.

THE TRIBUNAL (Mr. Biddle): Why not?

SAUCKEL: Only certain quotas were raised but not all the workers were demanded for Germany.

THE TRIBUNAL (Mr. Biddle): Well, then those certain quotas that were requested would have to have gone involuntarily; right?

SAUCKEL: No. There was also voluntary recruitment carried out, and that means that among the workers...

THE TRIBUNAL (Mr. Biddle): Wait, wait, Defendant. Don't let us fool over this. It is quite simple. If there was a law which made it necessary for men to work when their quotas had been called up, they had to work, had they not? Right?

SAUCKEL: Yes, they had to work, in their own countries first of all, but they also could volunteer to work in Germany instead of working in their own country. And we attached great importance to this.

THE TRIBUNAL (Mr. Biddle): In other words, a man had a choice of forced labor in an industry in France or in Germany, so in that sense it was voluntary; is that right?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Now, just two or three more questions. You have answered clearly, I think. I just want to ask you about three documents. I think that is all. I am not going into detail. Do you remember the document known as R-124, which was the conference on March 1st of 1944? You remember that conference?

Would someone show him the German notes of that, please, if you have them?

[Turning to the defendant.] Do you remember the conference? Have you looked at the notes?

SAUCKEL: That was the conference about the Central Planning Board.

THE TRIBUNAL (Mr. Biddle): Yes, that is right. Did you look over those notes?

SAUCKEL: Now?

THE TRIBUNAL (Mr. Biddle): Yes.

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Do they about tell what took place in substance? In substance, there was an account of the conference, wasn't there?

SAUCKEL: Yes, at this moment—I beg to be excused—I cannot remember the concrete topic of discussion at that conference.

THE TRIBUNAL (Mr. Biddle): Well, did you find anything in the notes, as you read them over, which you thought in substance was a great mistake?

SAUCKEL: I cannot tell now what subject is meant.

THE TRIBUNAL (Mr. Biddle): Have you read the notes? Have you read them?

SAUCKEL: I did not read all the notes about the Central Planning Board. At that time the notes about the Central Planning Board were not available to me. Therefore I did not know that notes were taken about the Central Planning Board.

THE TRIBUNAL (Mr. Biddle): Don't go on with all this talk. I simply asked whether you read them and you said you had not read them all. That is all we need.

SAUCKEL: No, I have not read them all.

THE TRIBUNAL (Mr. Biddle): Of the portion that you read, did you find any mistakes?

SAUCKEL: I found inexact passages, yes.

THE TRIBUNAL (Mr. Biddle): Inexact passages?

SAUCKEL: Inaccuracies. For instance, the report of my interpolation "200,000 to 5,000,000"; that is an utterly impossible proportion.

THE TRIBUNAL (Mr. Biddle): Quite. Now, you used one expression in those notes which I did not understand; and I am going to ask you what you meant by it. You spoke of your special labor supply executives. Was that the committee for social peace that you spoke about yesterday—about a thousand people in it? Do you remember?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): That is the same thing? That was the committee that you said had to be specially trained by the SS, I think, and by the police in France, or wherever they were used?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): By the way, you spoke of them being armed. Why were they armed? Why did they carry arms?

SAUCKEL: For their own protection and for the protection of those whom they recruited; they had to have some means of defense against attacks.

THE TRIBUNAL (Mr. Biddle): You did not usually have anything to do with the Police, did you? Why did you organize this police corps? Why did you help organize this police corps, an armed police corps? Why did you do it?

SAUCKEL: That was not an armed police corps in the usual sense, rather it was...

THE TRIBUNAL (Mr. Biddle): Never mind describing it. We know what it was. Why did you organize it? I thought you kept away from police measures.

SAUCKEL: In order to have protection for these people and for these places which frequently were raided, demolished, or harassed by the resistance movement.

THE TRIBUNAL (Mr. Biddle): I see what you mean. This was an organization to protect the recruiting that was going on; is that right?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): I see. Now, I just want to ask one question about another manuscript, 016-PS, dated 20 April 1944, which was the labor mobilization program. That is the program which you issued and signed, is it not? You look at it. That is the program you signed?

SAUCKEL: No.

THE TRIBUNAL (Mr. Biddle): It is not? I do not know what you mean.

SAUCKEL: I have not understood you correctly, I believe. I understood 1944. It was...

THE TRIBUNAL (Mr. Biddle): No, no, on 20 April 1942. You issued the labor mobilization program. Is that the program signed by you, shown in the Document 016-PS? That is the program, is it not?

SAUCKEL: The program—may I say the following in this connection: It was a program which did not become effective immediately...

THE TRIBUNAL (Mr. Biddle): Defendant, please answer the question. All I want to know is, first, you did issue a mobilization program, did you not?

SAUCKEL: That I did, but...

THE TRIBUNAL (Mr. Biddle): Right. And that is the one shown in that exhibit, is it not? I am simply identifying it.

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): Right. I wanted to ask you a little bit about bringing the youths of the occupied territories into the Reich. Certain of the youths were brought in, were they not?

SAUCKEL: Youths were brought in, but against my...

THE TRIBUNAL (Mr. Biddle): Against your desire, you said. How many were brought in?

SAUCKEL: That I cannot possibly say from my own knowledge. I do not know. There were youths...

THE TRIBUNAL (Mr. Biddle): Well, what were the ages? How young were they?

SAUCKEL: That I cannot say either—what age the youths were—because they were with their families who came into the Reich as a result of refugee measures or the evacuation of other localities. Then another time, in connection with the so-called "Hay Action" in 1944, youths came to the Reich, but without my having anything to do with it.

THE TRIBUNAL (Mr. Biddle): You know there were young adolescents, of course, young adolescent children, do you not? You know that, do you not?

SAUCKEL: Yes.

THE TRIBUNAL (Mr. Biddle): What was the purpose of bringing them in? Were they recruited for labor, or were they to be trained in the Reich and educated?

SAUCKEL: There are various explanations for the fact that youths were brought into the Reich. Some of these youths were not recruited or brought in by agents; rather they came with their families, at the latter's wish, when refugee and evacuation measures were carried out. Others came...

THE TRIBUNAL (Mr. Biddle): Wait a minute. We will leave out the ones that came with the families. Some were recruited for labor, were they not? Some for work, were they not?

SAUCKEL: Youths under the legal age of 14 years could not be brought in for work. By agreements, such as can be found in the documents, other offices brought youths in to train and care for them.

THE TRIBUNAL (Mr. Biddle): You just do not answer the questions. I asked you whether some were brought in for work. Children over 14, who were still under 20, were brought in for work, were they not—recruited for work?

SAUCKEL: But only volunteers were brought in.

THE TRIBUNAL (Mr. Biddle): Only volunteers were brought in?

SAUCKEL: Youths were supposed to be brought in only as volunteers.

THE TRIBUNAL (Mr. Biddle): You did not recruit any youth involuntarily; you mean that?

SAUCKEL: I did not.

THE TRIBUNAL (Mr. Biddle): I do not mean you personally; I mean the administration.

SAUCKEL: No, the labor administration was not supposed to bring in any youths, especially girls, by compulsion; only voluntarily. Domestic servants were only volunteers.

THE TRIBUNAL (Mr. Biddle): Some were brought in to be educated in Germany and to become German citizens, were they not?

SAUCKEL: That I found out from the documents; but I was not responsible for that.

THE TRIBUNAL (Mr. Biddle): You did not know about that before? Did anyone advise you that it was in accordance with international law to force people in occupied countries to come to Germany to work?

SAUCKEL: I was expressly urged by the Führer to take that measure, and it was described to me as admissible. No office raised any objections to or had any misgivings about this measure; rather it met with the requirements of all offices.

THE TRIBUNAL (Mr. Biddle): I did not ask you that. I asked you whether anybody advised you that it was in accordance with international law.

SAUCKEL: No.

THE TRIBUNAL (Mr. Biddle): You knew, did you not, that the Foreign Office had to consider such matters?

SAUCKEL: I spoke with the Foreign Office on various occasions and this was found to be in order, because we were convinced that in these territories, on the basis of the terms of surrender, the introduction of German regulations was permissible and possible under the conditions prevailing and in view of existing agreements. That was my belief.

THE TRIBUNAL (Mr. Biddle): Do you say that you were advised by the Foreign Office that you were entitled under international law to force people to come from Russia to work in Germany?

SAUCKEL: The Foreign Office never told me anything to the contrary; but the Foreign Office, I believe, was not competent for questions concerning the East. I do not know.

THE TRIBUNAL (Mr. Biddle): Whom did you ask for advice on the subject?

SAUCKEL: I found these regulations in existence before I took office. These regulations had already been issued. The Führer expressly charged me to carry them out.

THE TRIBUNAL (Mr. Biddle): Then, the answer is that you asked nobody? Is that right?

SAUCKEL: I did not ask anybody. I could not ask anybody, because all offices wanted these measures and accepted them. There was never any discussion to the contrary.

THE TRIBUNAL (Mr. Biddle): And did you say that it was not the task of the Police to enforce recruiting for labor?

SAUCKEL: It was not the task of the Police to carry out recruitment.

THE TRIBUNAL (Mr. Biddle): Well, why did you say at the conference on 4 January 1944, which is reported in the Document 1292-PS, that you would do everything in your power to furnish the requested manpower in 1944; but whether it would succeed depended primarily on what German enforcement agents would be made available, and that your project could not be carried out with domestic enforcement agents? Does that not mean that the Police would have to enforce your recruitment programs?

SAUCKEL: No, it means—the reproduction of these minutes is not very exact—I explained to the Führer that I probably would not be able to carry out his program because there were very large partisan areas; and as long as these partisan areas were not cleared up, so that a regular administration could be established there, no recruitment could take place there either. First of all, therefore, normal administrative conditions would have to be established again. That could be done only by those organs whose task it was.

THE TRIBUNAL (Mr. Biddle): What did you mean by German enforcement agents?

SAUCKEL: By German enforcement agencies I meant the normal administration as such, but in some territories that was too weak.

THE TRIBUNAL (Mr. Biddle): Well, then, why was it that the Reichsführer SS explained that the enforcement agents put at his disposal were extremely few, if those enforcement agents were not police agents?

SAUCKEL: I did not understand the question correctly in the first place. The Reichsführer, I believe, said—according to my recollection—that for the pacification of these areas he did not have troops enough because they were all at the front. That did not refer to the recruitment and management of compulsory labor, but to the re-establishment of normal conditions in these areas.

THE TRIBUNAL (Mr. Biddle): Well then, are you saying that it was not the task of the Police to help you in recruitment, but that it was the task of the military?

SAUCKEL: That differed greatly depending on the various regulations in the territories. There were areas in which the military commanders had the sole executive power, and there were areas in which civilian authorities had the executive power on the German side. There was a third kind of area, military operational zones with rear areas, in which the commanders of the armies had the executive power.

THE TRIBUNAL (Mr. Biddle): Well, then, either it was the Police, or it was the military, or it was some other force which was going to carry out your forcible recruiting; is that right?

SAUCKEL: Yes, but in these areas as well, the machinery of the civilian administration was available, which was not identical with the military or with the Police, but represented within these Wehrmacht organizations separate branches of the administration under a special administrative chief.

THE TRIBUNAL (Mr. Biddle): Well, I don't understand then what you meant by saying that your project could not be carried out with domestic enforcement agents.

That is all I have to ask. Then the defendant can return to the dock.

DR. SERVATIUS: Mr. President, I am asking the Tribunal to look at Document Sauckel-3, which is a list of Sauckel's offices, to see the position of the witness whom I am about to call.

Under Sauckel in the Reich Ministry of Labor there were various departments, one of which, the department of the witness Timm, was the so-called Europe Office, which had three subdepartments—one for the West, one for the East, and the third for the South and Southwest.

With the permission of the Court, I call the witness Timm.

[The witness Timm took the stand.]

THE PRESIDENT: Will you state your full name.

MAX TIMM (Witness): Max Timm.

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

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SERVATIUS: Witness, you worked in the Reich Labor Ministry in the Allocation of Labor department?

TIMM: Yes, that is correct.

DR. SERVATIUS: Were you already there when Sauckel took office?

TIMM: Yes, and I had been in the labor administration for some years before that.

DR. SERVATIUS: What was the impression you had of your new superior when Sauckel took over the office?

TIMM: When Sauckel assumed office, I had the impression of a very energetic, hard-working man, who was inclined to get excited at times, even angry no doubt, and who demanded much of his co-workers, but also made great demands on himself.

DR. SERVATIUS: How was he in carrying out his measures?

TIMM: When he assumed office there was a good deal of confusion in the field of labor allocation. Everybody had something to do with labor allocation.

DR. SERVATIUS: Was that the reason why that office was created?

TIMM: The previous chiefs had not had enough force to push their program through against the opposition of various offices; and Sauckel was the strong man, and particularly the strong political figure, who was to put things in order.

DR. SERVATIUS: How did Sauckel approach this new task? Did he adhere to the administrative regulations, or did he do it in his own way, in—as one says—an unrestrained new manner?

TIMM: He considered his task very much a political task, but he always did his best to handle administrative matters in an orderly way. He was known generally as a Gauleiter who was friendly to the civil servants. Also, in order to instruct all the offices under his administration, he held so-called staff meetings at regular intervals in which the most important things were discussed.

DR. SERVATIUS: What was your position in that office?

TIMM: In the Allocation of Labor department I had first a subdepartment and later a department.

DR. SERVATIUS: What did that department deal with?

TIMM: That department had to deal with all questions concerning the assignment of labor, particularly the classification of skilled workers, training of workers, vocational advice, and employment agencies for apprentices.

DR. SERVATIUS: Was your office called the Europe Office?

TIMM: Yes.

DR. SERVATIUS: Did you have an over-all view of what went on in the office?

TIMM: Not completely, owing to the fact that Gauleiter Sauckel at the same time remained Gauleiter in Thuringia and he worked

in Berlin in Thuringia House, whereas the special departments put at his disposal remained in the Ministry of Labor.

DR. SERVATIUS: No, you did not understand my question. The question was whether you, from your office, had an over-all view of what went on in the field of labor allocation without regard to Sauckel's activity.

TIMM: Yes, but not entirely, because we were not informed about all events, due to the separation of the offices.

DR. SERVATIUS: What were the staff meetings? Who took part in them and of what kind of people were they composed?

TIMM: For the most part the liaison men of the various branches were called to staff conferences.

DR. SERVATIUS: What kind of people were they?

TIMM: There were various kinds of people, civil servants but also economists, and the like.

DR. SERVATIUS: But you should tell us from what offices these people came, or were they people who were in Sauckel's office?

TIMM: They were mostly people from other branches, as, for instance, a representative of the Delegate for the Four Year Plan, the representatives of the Ministry for Armament and War Production, of the Ministry for the Occupied Eastern Territories, and of other departments.

DR. SERVATIUS: Was that the so-called specialist labor staff?

TIMM: That was the specialist labor staff.

DR. SERVATIUS: About how many people were in it?

TIMM: In my estimation there were probably about 15 to 20 people.

DR. SERVATIUS: Besides that, Sauckel had a personal labor staff. What kind of people were in that?

TIMM: The personal labor staff consisted mostly of men whom Sauckel had brought with him from Weimar, men of his own immediate circle.

DR. SERVATIUS: Did he also have consultants? Who were these?

TIMM: He had two personal consultants, Landrat Berch and Ministerialrat Dr. Stothfang.

DR. SERVATIUS: And what position did Dr. Didier hold?

TIMM: Dr. Didier, as far as I remember, was the press expert.

DR. SERVATIUS: How were these staff meetings carried on? What was discussed?

TIMM: At those staff meetings all matters of labor allocation, that is the entire German labor allocation program, were discussed; and the sessions were generally opened with a complete report by Herr Sauckel, in which he explained his plans for the future.

DR. SERVATIUS: Were questions of recruitment in occupied territories also discussed; and what is of importance here, the difficulties which existed then, and the methods of which we have heard? What was said about that?

TIMM: Questions of recruitment were generally not discussed there so much but rather questions concerning the Reich.

DR. SERVATIUS: I asked you first about the occupied territories. Was, for instance, that case discussed which has been brought up here, the surrounding of a motion picture house and the seizing of people there, and similar cases?

TIMM: Yes, the case of the motion picture house is known to me.

DR. SERVATIUS: That was discussed?

TIMM: Yes, that was discussed.

DR. SERVATIUS: And what was done about it?

TIMM: Sauckel at once instructed several gentlemen—I don't remember whom—to make all possible investigations in order to clarify the case.

DR. SERVATIUS: Were other cases reported?

TIMM: There were no other cases which could be compared in seriousness with that case which has just been described.

DR. SERVATIUS: Was there also discussion about the question of labor conditions in Germany for foreign workers?

TIMM: There were discussions at the staff conferences about labor conditions.

DR. SERVATIUS: And was it not reported there that conditions existed in individual camps or industries which were objectionable?

TIMM: Cases of that kind were discussed. In general they concerned clothing, nutrition, and similar things.

DR. SERVATIUS: How did these reports come to the staff conferences? Who reported them? From what source did one find out about them?

TIMM: Herr Sauckel always attached importance to having these things examined on the spot, and he maintained an extensive system of inspection in order to get an accurate picture of these questions; and these inspection reports were then discussed in detail at the staff conferences.

THE PRESIDENT: I have an announcement to make.

Upon consideration of the motion of the Prosecution, dated the 21st of May, and the memorandum of the Defense Counsel in reply thereto, dated the 29th of May, the Tribunal makes the following order:

The motion of the Prosecution that arguments as to the guilt or innocence of the individual defendants be heard at the conclusion of the evidence relating to the individual defendants and before the introduction of evidence relating to the accused organizations is granted. The Tribunal, however, will not decide the question of the guilt or innocence of any defendant until after all the evidence has been heard; and, if any of the evidence relating to the accused organizations is thought by counsel for any defendant to support his defense, he may ask to be heard further with regard thereto. The Tribunal, at the conclusion of the evidence relating to the individual defendants, will accordingly hear first the argument in their behalf, and then the summing up of the Prosecution. The statements of each of the defendants in his own behalf will be heard at the conclusion of the Trial before judgment.

The Tribunal is of opinion that the argument relating to the guilt or innocence of the individual defendants will be more helpful if heard immediately at the conclusion of the evidence bearing thereon, and before the Tribunal has departed from this and goes into the branch of the case relating to the organizations. This arrangement, furthermore, will give the commissioners, who are taking the evidence as to the organizations, further time in which to complete their work. The defendants will not be prejudiced in any way by this arrangement; for, apart from the fact that their cases are essentially different from the cases of the organizations, they will be allowed to call to the attention of the Tribunal any circumstance developed on the hearing of the organizations which is thought to be helpful to their defense. The Tribunal finds nothing in the Charter which forbids this procedure, and Article 9 leaves to the discretion of the Tribunal the manner of hearing evidence on behalf of the accused organizations.

Counsel for the individual defendants will not be permitted to cross-examine the witnesses called by counsel on behalf of the organizations, or to take part in such proceedings save when specially authorized to do so by the Tribunal.

That is all.

The Tribunal will sit tomorrow at 10 o'clock in open session until 1 o'clock.

[The Tribunal adjourned until 1 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-FOURTH DAY

Saturday, 1 June 1946

Morning Session

DR. KUBUSCHOK: May I ask permission for the Defendant Von Papen to be absent on Monday and Tuesday to prepare his case. He will be represented by my colleague Dr. Nelte.

[The witness Timm resumed the stand.]

DR. SERVATIUS: Witness, yesterday we were speaking, at the end, of the staff conferences. I should like to leave this question now, but we will come back to it later when we talk about controls. First, I should like you to explain the relationship of Sauckel's office to the higher authorities. Whom did Sauckel come under?

TIMM: The Plenipotentiary General for the Allocation of Labor was under the Delegate for the Four Year Plan.

DR. SERVATIUS: And what did he have to do with Hitler?

TIMM: The Plenipotentiary General kept in the closest touch with Hitler, and as far as possible he presented his plans to Hitler at personal discussions.

DR. SERVATIUS: Was there a constant connection with the Four Year Plan through a liaison man, or how was that done?

TIMM: There were various ways of keeping the contact active. There were liaison men on both sides. The Plenipotentiary General sent men from his select staff to the office of the Four Year Plan for a preliminary co-ordination of his plans, and on the other hand, as far as I can recall, there were almost constantly delegates from the office of the Four Year Plan who took part in the staff conferences.

In addition, the Plenipotentiary General frequently had personal talks with the Delegate for the Four Year Plan.

DR. SERVATIUS: How was the co-operation with the other ministries conducted? With Goebbels, to begin with?

TIMM: The Plenipotentiary General felt in principle that it was important to keep as close a contact as possible with the other departments and to have his plans and intentions co-ordinated beforehand. Co-operation with the Ministry of Propaganda was

no longer so good, especially at the time when the Minister, Dr. Goebbels, was Delegate for Total War Effort.

DR. SERVATIUS: After the proclamation of total war was Sauckel subordinate to Goebbels?

TIMM: The relationship was never quite clear. In my opinion it had to be looked at this way: The Delegate for Total War Effort received comprehensive powers for all tasks, and was therefore in fact superior to the GBA (Plenipotentiary General for the Allocation of Labor).

DR. SERVATIUS: What was the relation with the other authorities, for instance with the Reich Ministry for Food?

TIMM: The co-operation with the Reich Ministry for Food was very good. The relations with State Secretary Backe especially were always very good as far as I could judge. There were also continual conferences between the experts of both offices on questions of feeding in general.

THE PRESIDENT: Dr. Servatius, what was the date of the proclamation of total war?

DR. SERVATIUS: Does the witness know when total war was declared?

TIMM: I do not remember the date.

DR. SERVATIUS: It was after the fall of Stalingrad. I cannot give you the exact date.

THE PRESIDENT: Go on, please.

DR. SERVATIUS: As to relations with Himmler, what co-operation was there with that office?

TIMM: I know nothing of any close personal relations between the GBA and Himmler. On Sauckel's labor staff there was a liaison man from the Reichsführer SS, especially for any general police questions that might arise concerning the allocation of labor.

DR. SERVATIUS: What kind of questions were there?

TIMM: All kinds of questions; especially the question of badges in connection with the employment of foreigners.

DR. SERVATIUS: And probably also questions concerning barbed wire?

TIMM: Yes; questions concerning barbed wire, and all the questions which arose in police spheres.

DR. SERVATIUS: And also the question of labor training camps?

TIMM: As I was not an expert on those questions I cannot remember very well, and I do not know whether there were any detailed conferences about them.

DR. SERVATIUS: Now, I should like to pass on to the connection of the authorities with the occupied territories.

With whom were negotiations carried on and to whom did one apply when making demands on the occupied territories?

TIMM: One had to apply to the respective district governments at the time—military commanders, Reich commissioners or something similar.

DR. SERVATIUS: What kind of position did Sauckel's deputies have?

TIMM: The deputies were organized and intended to be men who were to exert a direct and vigorous influence on the execution of Sauckel's plans, instructions and orders.

This goal, however, was not reached as they were not able to succeed. I remember that the Plenipotentiary General therefore intended to ask Hitler for more comprehensive instructions and more comprehensive powers.

I seem to recall that the Plenipotentiary General once announced that he had learned from Hitler himself, or from his entourage, that Hitler was not inclined to extend these powers as he could not release the local governments, especially the military commanders, from their comprehensive responsibility and powers; so the Plenipotentiary General had only one recourse, that of putting forward his wishes through the channel of direct negotiations.

DR. SERVATIUS: Why were the deputies not able to succeed?

TIMM: The deputies could only try to consult with the existing regional governments, but the opposition was so strong that they could not carry any weight.

DR. SERVATIUS: Did these deputies not hold another position at the same time?

TIMM: As they could not attain an independent position, the deputies were generally incorporated into the existing local administration by way of negotiations. With few exceptions they were entrusted with the management of the labor section, or were incorporated into the section for economy and labor.

Generally they were placed within the staffs of the military commanders as administrative officials and that was the position which they held ostensibly.

DR. SERVATIUS: So it was a combination of two or more positions held by one person?

TIMM: It was, to a certain extent, a combination of different positions held by one person, of which, without doubt, the most

important was the position of section chief in the existing regional government.

DR. SERVATIUS: With whom did this arrangement of a dual position originate?

Was it Sauckel who insisted on it, or the responsible regional authorities?

TIMM: As far as I know, it resulted from talks with the regional governments on the question of the position of the deputies. The regional governments wanted on no account to have any men in their districts who were independent of their administration and had special powers.

DR. SERVATIUS: So that curbed the initiative of the deputies?

TIMM: Their initiative as originally planned was no doubt checked.

DR. SERVATIUS: How did Sauckel exercise his authority to issue instructions?

TIMM: The authority to issue instructions to the offices abroad was generally exercised by means of sending instructions, directives, and decrees through normal administrative channels via the central offices.

DR. SERVATIUS: Could he issue instructions to cover everything that happened there, or were there other offices which dealt with the recruitment of labor?

TIMM: At that time, unfortunately, the situation was such that even after the appointment of the Plenipotentiary General for the Allocation of Labor other agencies there repeatedly interfered in labor matters or carried on recruiting too—that is, agencies which had neither the power nor the authority to do so.

THE PRESIDENT: What time is he talking about; he says "at that time"?

DR. SERVATIUS: I did not quite understand.

THE PRESIDENT: I say what time. He said "at that time." At what time? What time is he speaking about?

DR. SERVATIUS: *[Turning to the witness.]* What time are you speaking about?

TIMM: It was at the time when the Plenipotentiary General for the Allocation of Labor was appointed.

DR. SERVATIUS: When was he appointed?

TIMM: He was appointed in March 1942.

DR. SERVATIUS: How was the recruiting carried out? Was it voluntary? How would you differentiate between the types?

TIMM: In principle, recruiting was carried out on a voluntary basis because from the technical point of view—that is, from the point of view of the utilization of the labor recruited—only voluntary recruiting could lead to success. That is to say only voluntary recruiting could bring people who were happy and willing to work, and who could achieve the output necessary for production.

DR. SERVATIUS: Was that the point of view which Sauckel emphasized?

TIMM: During the whole time that I worked with Sauckel in the Ministry of Labor I never heard of any events which indicated any other point of view. He repeatedly emphasized that the basis of recruiting must be voluntary.

DR. SERVATIUS: Yes. He issued many directives and held many speeches. But did he not within the select circle...

THE PRESIDENT: Dr. Servatius, and Witness, will you try and pause between the sentences, and between the questions and the answers? The witness' sentences seem to me to be running on, whereas if he would pause it would give the interpreter some chance.

DR. SERVATIUS: Yes.

[Turning to the witness.] Sauckel issued a number of directives and made speeches to that effect. Did he not give you more precise instructions for the guidance of the department?

TIMM: The instructions which we received always agreed in principle with the instructions which he issued to larger circles at presidential or similar conferences.

DR. SERVATIUS: What was the result of voluntary recruiting? Did the workers come solely on the basis of that recruiting, that is on the basis of the conditions as described to them?

TIMM: Yes.

DR. SERVATIUS: About how many were there?

TIMM: It is, of course, not possible for me to give exact figures. Thinking it over I believe I can say that about 2 to 3 million workers might be considered voluntary workers.

DR. SERVATIUS: Other workers came by virtue of the compulsory service laws which were introduced in those countries?

TIMM: Yes.

DR. SERVATIUS: What do you estimate the number of those people to be?

TIMM: I can hardly give an estimate. As about 2 to 3 million may be considered volunteers, the rest must reach this figure too.

DR. SERVATIUS: People were deported too. Do you understand what is meant by deportation?

TIMM: If I may ask, does that mean the people who were transported for military or similar reasons? I am not quite clear as to what you mean by that.

DR. SERVATIUS: You do not know what deportations are?

TIMM: You mean forcible deportations, do you not? I cannot remember and do not know anything about such measures in connection with the activity of the Plenipotentiary General for the Allocation of Labor.

DR. SERVATIUS: In connection with the obtaining, recruiting, and conscription of labor, there are quite a number of serious charges concerning abuses which occurred. To what extent did you learn of them?

TIMM: I understand your question to mean abuses in the recruiting itself?

DR. SERVATIUS: Yes.

TIMM: I have no practical knowledge of the recruiting itself. As far as I had a general view of the situation, serious abuses, such as you mention in your question, were not reported to the GBA. Yesterday in an answer I pointed out that I knew of the case of the surrounded cinema, and that I could recall no events surpassing that case in gravity.

DR. SERVATIUS: Now I come to conditions in Germany. Did you hear anything about conditions of the worst kind there? You probably read the papers and know what these charges mean. You were one of the people most closely involved there, so what did you learn?

TIMM: Complaints about the treatment of foreigners came through various channels to the GBA too. They referred in general to questions of clothing and food, and that of barbed wire which came up repeatedly, and the question of badges, the marking of foreign workers.

DR. SERVATIUS: Witness, the Prosecution is speaking here of Crimes against Humanity.

TIMM: Yes.

DR. SERVATIUS: Are those only things which happened daily in a normal administration, or are they, so to say, things which were reported?

TIMM: Such things as you call catastrophic, Doctor, did not come to my knowledge, because if they had, I should still remember them now.

DR. SERVATIUS: Who supervised the execution of the orders, and how did that come to your knowledge, or how should that have come to your knowledge?

TIMM: Various authorities were concerned with supervising the work of foreign workers. These were five or six different offices. There was in particular the German Labor Front, which, on the basis of a so-called Führer decision, claimed for itself the question of the treatment and care of foreign workers. And I may mention in this connection that it repeatedly said this assignment went beyond the order given by the Plenipotentiary General for the Allocation of Labor to the German Labor Front, and that to a certain extent it was bound by a higher authority to carry out this task of welfare and control of treatment, *et cetera*. On this fundamental question there were repeated conferences between the office of the GBA and the German Labor Front, and these later led to an agreement according to which the GBA also transferred this question to the German Labor Front. To settle these matters, the German Labor Front established a central inspectorate whose mission it was to look after foreign workers throughout the whole Reich. In addition to this central inspectorate, the Office for the Allocation of Labor within the German Labor Front was still functioning.

DR. SERVATIUS: We will come to that in a minute.

TIMM: Yes.

DR. SERVATIUS: What connection was there between Sauckel's office and this inspectorate of the Labor Front? How were contacts maintained?

TIMM: In the first place, a man from the German Labor Front worked as liaison man on Sauckel's technical staff...

DR. SERVATIUS: Who was that?

TIMM: That was Herr Hoffmann. And secondly, the central inspectorate of the German Labor Front constantly had conferences on their inspection activities to which an official of the GBA was invited.

DR. SERVATIUS: This liaison man, Hoffmann, presumably reported on what he heard from the Labor Front?

TIMM: Yes.

DR. SERVATIUS: What did he report?

TIMM: The things which he reported covered the same ground as I have already told you about.

DR. SERVATIUS: The German Labor Front already had this task before Sauckel's office was set up?

TIMM: The German Labor Front was of the opinion, as I, for several...

DR. SERVATIUS: Witness, you must answer me. The German Labor Front had this task before Sauckel came?

TIMM: Yes.

DR. SERVATIUS: Did it consider that its authority was restricted by the fact that Sauckel was appointed?

TIMM: I was just about to explain that it considered its task a general, comprehensive one; and when the newly appointed Plenipotentiary General for the Allocation of Labor occupied himself so intensively with these matters, it did see in this a certain encroachment on its task.

DR. SERVATIUS: And was this agreed upon between Ley and Sauckel?

TIMM: Yes.

DR. SERVATIUS: At whose instigation was this agreement reached?

TIMM: As far as I can recall the suggestion was the outcome of a wish of the German Labor Front.

DR. SERVATIUS: And what was the aim?

TIMM: Of course, I can give only my personal opinion. I believe that the aim was in any case to express the fact that the German Labor Front was generally competent for these questions.

DR. SERVATIUS: Who presented the agreement, Sauckel...?

THE PRESIDENT: Have we not got the agreement between Sauckel and Ley?

DR. SERVATIUS: It was submitted by the Prosecution.

THE PRESIDENT: If we have it, we do not want to have his personal recollection of it, do we?

DR. SERVATIUS: The witness goes back too far. I would like to know who suggested it and drew it up, and when it was signed. There are two dates at the foot of this document as far as I remember today.

M. HERZOG: Mr. President, the document which is being mentioned now was submitted to the Tribunal. It is Document Number 1913-PS.

DR. SERVATIUS: It is in my document book, in the first document book, Page 79. In the English book it is Page 74. Here in the first text may be found...

THE PRESIDENT: What are you after? There is no use in getting the evidence of a witness, who said he does not remember in detail about it, about a document which we have got before us. It does not seem to me to be in the least bit useful to know who suggested that the agreement should be entered into.

DR. SERVATIUS: [*Turning to the witness.*] There were still other inspectorates. For example, the Gauleiter was an authorized agent for the Allocation of Labor Department. To what extent did the Gauleiter report things which occurred in their Gau during the allocation of labor?

TIMM: The Gauleiter were appointed by the Plenipotentiary General for the Allocation of Labor by virtue of his Decree Number 1, to be his authorized agents, with the task of applying themselves precisely to this question.

DR. SERVATIUS: What did they report?

TIMM: I do not know of any written reports from the Gauleiter on this question; at least, not to any extent worth mentioning. Hardly any written reports from the Gauleiter came in on this question; at least, not to our office.

DR. SERVATIUS: At this opportunity I should like to clear up the question of the position held by the Gauleiter as authorized agents for the Allocation of Labor in relation to the Gau labor offices. Was the Gauleiter president of the Gau labor offices, or in what relation did they stand to each other?

TIMM: In administration and matters of personnel, the president of the Gau labor offices was undoubtedly subordinate to the Plenipotentiary General for the Allocation of Labor, or to the Reich Minister for Labor. But the Plenipotentiary General had made it the duty of these presidents to keep in closest contact with the Gauleiter and to make constant reports on the things which occurred in their sphere of work. In particular, if there were any tension or difficulties in the Gau, they were to apply to the Gauleiter for aid.

DR. SERVATIUS: If I understand you correctly, the Party as such had nothing to do with the actual utilization of labor itself?

TIMM: I believe that is so. If the question is to be considered in that way, I would say that the institution of a Plenipotentiary General emphasized the political aspect of the Allocation of Labor, and that the Gauleiter, according to their varying personal opinions, concerned themselves to a greater or lesser extent with the Allocation of Labor.

DR. SERVATIUS: As an organ for care and control?

TIMM: Yes; for all questions concerning labor allocation.

DR. SERVATIUS: Witness, you will understand that your testimony concerning your knowledge of the events submitted by the Prosecution is received with great skepticism. Did you not unofficially hear and see things which, if they did not come to your attention officially, certainly should have given you cause to investigate them more thoroughly?

TIMM: Of course, one heard here and there of cases where foreign workers were allegedly ill-treated in some way. As far as such things came to my attention I always considered them official matters, and made out a report accordingly or had them attended to. In such cases, the necessary investigations were made immediately and everything necessary was done to clear up the matter.

DR. SERVATIUS: Were these individual cases not symptoms of conditions as a whole?

TIMM: I do not believe so. At any rate, events which one might call catastrophic never came to my attention. As I have already said, they were nearly always only things which were connected with the question of treatment—that is to say, questions of accommodations in camps, clothing, and so forth.

DR. SERVATIUS: What was the output and the morale of the workers?

TIMM: The output achieved by foreign workers varied. The output of the Eastern Workers was especially good. In general, because of this output, the demand for Eastern Workers was great. The output was also very good in particular of the skilled French workers...

DR. SERVATIUS: That is enough. Now, I must come back again to your connections with the occupied territories. Did you take part in negotiations with authorities in the occupied territories?

TIMM: Not in the East. A few times I went on journeys in the West with the Plenipotentiary General and took part in negotiations.

DR. SERVATIUS: Were you with him once when he visited General Falkenhausen?

TIMM: Yes, I was present at the negotiations.

DR. SERVATIUS: Of what nature were these negotiations, as far as the atmosphere was concerned? Were they tense, were they friendly, or what were they like?

TIMM: The conferences with General Falkenhausen at which I was present were generally comparatively short. I had the feeling that the two gentlemen did not care for each other...

THE PRESIDENT: What does it matter whether they were tense or friendly or short?

DR. SERVATIUS: General Falkenhausen made an affidavit, which was submitted here, in which he said that Sauckel gave him orders and negotiated with him in a manner which caused him to offer the strongest opposition.

THE PRESIDENT: If you want to contradict Falkenhausen's affidavit you can put it to the witness, if that's what you are trying to do.

DR. SERVATIUS: I do not have it here at the moment. I will forego that question.

[Turning to the witness.] You were in France?

TIMM: Yes.

DR. SERVATIUS: Were you present at negotiations with the French authorities?

TIMM: I was present at negotiations with Laval, who was Premier at that time.

DR. SERVATIUS: Of what nature were these negotiations?

TIMM: One can certainly say that the negotiations were carried on in a very friendly manner.

DR. SERVATIUS: Did the French not bring any complaints?

TIMM: Individual complaints were made. I remember that the complaints were especially about the question of the transfer of wages.

DR. SERVATIUS: I should like to ask you whether complaints about treatment, the methods of recruitment, coercive measures, and so on—whether complaints were made about those things?

TIMM: No, I do not remember any complaints of that sort. I should certainly remember them if there had been any.

DR. SERVATIUS: I have a few more questions concerning Sauckel's relations with the Central Planning Board and with Speer. You yourself repeatedly represented Sauckel at the Central Planning Board. Is that correct?

TIMM: Yes, a few times.

DR. SERVATIUS: What was the position of the Central Planning Board as far as Sauckel was concerned?

TIMM: The Central Planning Board was a branch of the Four Year Plan. Its task, as far as the GBA was concerned, was to collect the demands for workers made by the big employers, and to adjust these demands at regular sessions. As the Plenipotentiary General for the Allocation of Labor could not judge himself the importance of the use made of workers by the various industries, this question was decided in the Central Planning Board. An attempt was made,

for certain periods of time, for as long a time as possible, to work out a balance of workers, I might say, and in connection . . .

THE PRESIDENT: Defendant Sauckel told us all about this already, didn't he?

DR. SERVATIUS: Yes.

THE PRESIDENT: Then there is no need to go into it with another witness.

DR. SERVATIUS: Yes, Mr. President.

[Turning to the witness.] Do you know Speer's position?

TIMM: Yes.

DR. SERVATIUS: What was Speer's position in relation to Sauckel and vice versa? Could Speer give orders to Sauckel in particular?

TIMM: Speer was Plenipotentiary General for Armament while Sauckel was Plenipotentiary General for the Allocation of Labor, and Speer held the point of view that he, as Armament Minister, should have decisive authority in all matters pertaining to the production of armaments, that is raw materials, coal and consequently also the allocation of labor.

DR. SERVATIUS: Could Speer give Sauckel orders and instructions, or did he actually give them?

TIMM: Yes, as a matter of form. As I have just said, the question was not quite clear, and the two conceptions were opposed. In reality there was always a certain tension between the two men because the Armament Ministry wanted more or less to claim the power to issue instructions. This tension was generally cleared up through talks, or the exchange of letters between the two men. Sometimes it led to what one might call "agreement conferences," headed by Reichsminister Lammers, as he was at that time.

DR. SERVATIUS: What was the result of these conferences, these agreement conferences?

TIMM: These conferences led to agreements which, as far as I remember, were several times taken down in writing, and in my opinion they led to an increasingly strong influence by the Armament Ministry on questions concerning the allocation of labor.

DR. SERVATIUS: I have no more questions to put to this witness.

THE PRESIDENT: Does any other counsel want to ask any more questions?

DR. HANS FLÄCHSNER (Counsel for Defendant Speer): Witness, in connection with your last statement, I should like to ask one question. You have testified to tension between the Defendants

Sauckel and Speer because Speer claimed the right to give instructions. Do I understand you correctly if I assume that the tension arose from the fact that Sauckel energetically disputed this right to issue instructions?

TIMM: As I wanted to express in my last answer, the difficulties consisted in the fact that Speer, as Plenipotentiary General for Armaments said: "I must have control of all the things which belong to actual manufacture. So it is essential for me as regards the direction of labor allocation..."

DR. FLÄCHSNER: I understood that, Witness; my question is only, did this tension arise from the fact that Sauckel emphatically refused to recognize this right to issue instructions which you say was assumed by Speer?

TIMM: As Plenipotentiary General for the Allocation of Labor Sauckel felt himself competent and responsible for all questions concerning it.

DR. FLÄCHSNER: With regard to the demands of the Armament Ministry which he did not feel he could consider justified, did Sauckel not hold the point of view that he was responsible only to the Führer?

TIMM: I do not remember anything so definite. He was Plenipotentiary General for...

THE PRESIDENT: Surely this is very far removed from anything we have got to deal with. He says that the tension was cleared up by conferences. What more is there to discuss?

DR. FLÄCHSNER: That was the last question I wanted to ask the witness.

Witness, you spoke of conferences which are supposed to have taken place with Minister Lammers. In the minutes of the session of 11 July 1944 and of 4 January 1944, which have been previously submitted here, there is no mention at all of such differences. I would be grateful to you, if you could tell me what session with Lammers you have in mind?

TIMM: Unfortunately, I cannot give the dates of the sessions exactly. I know only that the Plenipotentiary General for the Allocation of Labor several times wished to report these circumstances to the Führer, and that the two men, as far as I can remember, agreed that these questions should be discussed with the Führer. Then, however, in order to avoid always taking things to the Führer they agreed to have matters talked over with Reichsminister Lammers.

DR. FLÄCHSNER: You cannot give any details about that?

TIMM: Only if—I remember, for example, that the question of the blocked industries in France was discussed.

DR. FLÄCHSNER: Very well.

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

M. HERZOG: Witness, were you a member of the National Socialist Party?

TIMM: Yes.

M. HERZOG: From what date?

TIMM: In 1933 I applied for admission. My application was at first refused, and as far as I remember it was approved in 1934 or 1935.

M. HERZOG: Were you a member of the SA?

TIMM: I was a member of the SA for a short time. I left the SA when proceedings for my expulsion were instituted against me in the SA, and I resigned.

M. HERZOG: Were you a member of the SS?

TIMM: No.

M. HERZOG: What were your functions up to the time you entered Sauckel's office?

TIMM: I was employed in that branch of the Reich Ministry of Labor which had the employment agency, the office for vocational guidance, and the training agency.

M. HERZOG: When did you first meet Sauckel?

TIMM: As far as I can remember, I saw Sauckel for the first time when he visited State Secretary Syrup in the Reich Ministry of Labor, and the individual officials were invited to meet him.

M. HERZOG: At what time did this take place?

TIMM: I cannot give the date exactly. I believe it was about a few weeks after the appointment of Sauckel as Plenipotentiary General for the Allocation of Labor.

M. HERZOG: What was your position at the time when Sauckel was appointed Plenipotentiary General for the Allocation of Labor?

TIMM: I was in the department for employment and unemployment relief—the employment department...

M. HERZOG: And at the end, what was your position?

TIMM: At that time I was a Ministerialrat in the Reich Ministry of Labor.

M. HERZOG: Will you tell me where Sauckel's offices were in Berlin?

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TIMM: I did not understand the question.

M. HERZOG: Will you tell me where Sauckel's offices were in Berlin?

TIMM: In Berlin, Sauckel himself worked in Thuringia House, while the special sections made available by the Reich Ministry of Labor were in the building of the Reich Ministry of Labor at Saarlandstrasse 96, and some, after a part of the building had been destroyed, were in alternative quarters near Berlin.

M. HERZOG: Thank you. The offices at Saarlandstrasse 96 therefore came under Sauckel's administration? Is that right?

TIMM: The office at Saarlandstrasse 96 was not a new office; it was the Reich Ministry of Labor. The two sections had been made available by a Führer decree to carry out the tasks of the GBA.

M. HERZOG: A document headed "Delegate for the Four Year Plan, Plenipotentiary General for the Allocation of Labor, Berlin SW 11, Saarlandstrasse 96" therefore comes from Sauckel's office?

TIMM: I did not quite understand.

M. HERZOG: A document which has the following heading: "Delegate for the Four Year Plan, Plenipotentiary General for the Allocation of Labor..."

THE PRESIDENT: Why not show him the document?

M. HERZOG: I show you Document Number L-61, which was submitted to the Tribunal in the course of the last few sessions. This document bears, as you see, the following heading at the top on the left: "The Delegate for the Four Year Plan, the Plenipotentiary General for the Allocation of Labor." On the top in the right-hand corner, "Berlin SW 11, Saarlandstrasse 96." It is dated 26 November 1942, and comes, therefore, from Sauckel's offices. Is that right?

TIMM: This document comes from the GBA, therefore from Sauckel's office.

M. HERZOG: Thank you. Did you represent Sauckel at the conferences of the Central Planning Board for the Four Year Plan?

TIMM: I either represented him, or I went with the GBA to take part in the sessions. Not always, but frequently.

M. HERZOG: When you represented him there, you received instructions before going there, did you not?

TIMM: When we had to go to larger and more important conferences, we were informed by Thuringia House that there were to be sessions, and we received our instructions as to how we were to represent the GBA at these sessions.

M. HERZOG: And when you came back from these meetings, you gave Sauckel a report on them, did you not?

TIMM: After the sessions we either reported the results of the conference to him personally, or through his personal advisers.

M. HERZOG: Sauckel then had to take the responsibility for the declarations you made at the various meetings? Is that right?

TIMM: As an official, it was always my duty to make sure when I made reports in a session and to ascertain...

M. HERZOG: That is not what I asked. Will you answer my question? You received instructions before the conferences began. You reported to Sauckel afterwards what was discussed at these conferences. Consequently Sauckel was responsible for what was discussed there, was he not?

TIMM: If I might be allowed to explain about this...

THE PRESIDENT: Is not that really a matter of law, not a matter of evidence?

M. HERZOG: Yes, of course, Mr. President.

[Turning to the witness.] You declared a short while ago that the conversations at which you had been present in Paris were of a friendly nature. Do you remember taking part in the conference of 12 January 1943?

TIMM: At the moment I cannot remember just from the date whether I took part, but I could tell from the subject of the discussion whether I was present or not.

M. HERZOG: I have already submitted Document Number F-809 to the Tribunal. It contains the minutes of this conference. In the course of the conference, Laval, among other things, said to Sauckel:

"It is no longer a matter of a policy of collaboration; it is rather, on the French side, a policy of sacrifice, and on the German side a policy of coercion..."

"We cannot take any political measure without everywhere coming up against some German authority which has substituted itself in our place.

"I cannot guarantee measures which I do not take myself..."

"It is not possible for me to be a mere agent for German measures of coercion."

Do you think that those are friendly remarks?

TIMM: I did not understand one word. "Do you believe that those...?"

M. HERZOG: "...friendly remarks." You said that these conversations were friendly. I have given you an extract from the

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contents of these conversations. Do you still say that they were friendly?

TIMM: I can only confirm the spirit of the negotiations in which I took part. I do not recognize these statements in the form you give them to me.

M. HERZOG: If you had known them, would you still have said that they were friendly conversations?

THE PRESIDENT: He was not there. He just said that he did not know about it. We can judge for ourselves whether the tone of it is friendly.

M. HERZOG: Witness, you stated earlier that you had no knowledge of forced deportations.

TIMM: I said that I knew of no forced deportations under the authority of the GBA; and I do not know of any deportations.

M. HERZOG: Do you remember a conference held on 15 and 16 July 1944 at Wartburg, which you attended, and at which Sauckel, a number of chiefs of Gau labor offices, and people who worked with Sauckel were also gathered?

TIMM: At Wartburg there was a conference of the presidents of the Gau labor offices. I was there for that conference.

M. HERZOG: Do you remember having spoken there?

TIMM: Yes.

M. HERZOG: Do you remember the statements you made about recruiting methods?

TIMM: I do not recall that so well; no.

M. HERZOG: I will now show you Document Number F-810, which I submitted to the Tribunal under the Exhibit Number RF-1507. The Tribunal will find the extract I want to submit to the witness on Page 10.

You were speaking of the conferences which the Plenipotentiary General for Allocation of Labor was having with the Wehrmacht about its co-operation in compulsory recruiting, and you said: "The Führer has approved the use of measures of coercion to the fullest extent."

Do you deny that you knew that workers were being recruited for forced deportations?

TIMM: I ask for a moment's time. I have not yet found the place. It was not shown me before.

These are notes made by some one present, presumably the Military Commander in Paris. I have not my statements on this

question at hand, but I should imagine that the GBA, in view of the difficult . . .

M. HERZOG: Will you please look at Page 8, Paragraph IV?

TIMM: Page 8, yes.

M. HERZOG: Under Paragraph IV, on Page 8:

“As regards the employment of European labor and the problems, methods, and means for the same, Timm made the following remarks: 1) Northern Europe; 2) Southeast; 3) Italy; 4) France.”

Then we come to the passage about which I am asking you for an explanation, because you made this statement. Will you answer that? Do you still deny your knowledge of the fact that these deportations were forced?

TIMM: I have no intention of denying anything. I can only say that Sauckel probably had powers from the Führer to use all reasonable means to speed up the procurement of workers.

Measures were introduced and carried out in France which, even if they were approved by Laval, the Premier at the time, might nevertheless be termed compulsory.

M. HERZOG: Thank you. I have one last question to ask you. In this quotation you say, “The Führer has approved. . . .” If the Führer approved something, it means, that something was suggested to him. Is that not a fact?

TIMM: As far as I can remember, Gauleiter Sauckel always reported the results of his talks in Paris to the Führer. It is possible that he reported to the Führer the question of recruiting methods which he had discussed with Laval; and it was customary for him, as I have already said in my testimony, always to make sure of the Führer's approval, so that he did not work against the Führer's ideas.

M. HERZOG: Thank you. I have no more questions.

DR. SERVATIUS: Witness, the document which was last submitted to you, L-61, from Saarlandstrasse, is not in the original, but it contains the words: “Signed, Sauckel.” The Defendant Sauckel has informed me that it is possible he did not sign it himself, but that he may have been informed, in a general way only, that there were letters about one thing and another—routine office correspondence—and he might have given authority for them, to be signed. Is that possible?

TIMM: It was like this; the departments in Saarlandstrasse . . .

THE PRESIDENT: Dr. Servatius, did Sauckel state that in evidence, or are you telling us simply what he said to you? Do you remember?

DR. SERVATIUS: I cannot say exactly whether he stated that here.

THE PRESIDENT: Go on then.

DR. SERVATIUS: [*Turning to the witness.*] Answer the question.

TIMM: Yes. As Sauckel continued to exercise his functions as Gauleiter in Weimar, it sometimes happened that things did not reach him. The sections in Saarlandstrasse submitted their drafts to the personal adviser in Thuringia House, and it is quite possible—as I know from my own knowledge of conditions—that the contents of the drafts were transmitted by telephone, and that the personal advisers were authorized to sign the name of the Plenipotentiary General.

DR. SERVATIUS: Was the mail so extensive that he did not take exact cognizance of individual letters?

TIMM: That is hard for me to judge.

DR. SERVATIUS: That is enough. One more question: Führer—Sauckel—Speer. Is it true that the Defendant Sauckel told you that the Führer had ordered him to fulfill all Speer's demands?

TIMM: I do not know whether exactly such a statement was made.

DR. SERVATIUS: We have shown you the document in which Laval complains about the conduct of the German authorities. Did this complaint refer to Sauckel's activities, or was it not that he had told Sauckel of these complaints and was thanking him personally for his attitude?

TIMM: I recall from the talks with Laval, that Laval repeatedly expressed his gratitude to Sauckel for having put into effect measures and means for facilitating matters which he had suggested. Laval attached special importance—to use his own expression—to putting the climate and the atmosphere in order, and to having talks with Hitler himself as soon as possible; and he asked Sauckel to pave the way for him. As far as I know, Sauckel did actually arrange for talks of this kind and Laval thanked him for doing so.

DR. SERVATIUS: I have no more questions for this witness.

THE TRIBUNAL (Mr. Biddle): The job of the GBA was to get workmen to replace the men who had been taken into the Army out of industry. That was largely your work, was it not?

TIMM: The task of the GBA was much more comprehensive, as previously all the tasks...

THE TRIBUNAL (Mr. Biddle): Well, I understand, but that was part of your work, was it not?

TIMM: Yes.

THE TRIBUNAL (Mr. Biddle): All right. Now, you were therefore told beforehand the number of people that the Army was taking out of industry, weren't you, so you could make up your estimates?

TIMM: The numbers were adjusted in the Central Planning Board. It was precisely the task of the Central Planning Board, that the plans made in the OKW...

THE TRIBUNAL (Mr. Biddle): Wait a minute. I don't care who examined the figures, but your organization certainly had knowledge of the needs of the Army, of the number of people the Army was taking out of industry. You had to have that information, had you not?

TIMM: The number of men to be drafted was reported to the Central Planning Board.

THE TRIBUNAL (Mr. Biddle): All right, reported to the Central Planning Board. Now then, they were taking people out of industry also who were not needed for the Army, weren't they? I mean Jews. They were taking Jewish people out of industry, were they not? Sauckel said yesterday that Jewish people were being taken out of industry. You admit that, don't you?

TIMM: Yes. Jews were eliminated from industry.

THE TRIBUNAL (Mr. Biddle): All right; and I suppose the Central Planning Board was given the number of Jewish people that were taken out of industry, were they not?

TIMM: I do not know that. In the conferences at which I was present...

THE TRIBUNAL (Mr. Biddle): Do you not assume that that must have been the case, if they had to find the number of replacements. It must have been so, mustn't it?

TIMM: I cannot judge as to that because I learned only the total number of men to be drafted, independently of the Jewish question. I will not venture an opinion; I do not know.

THE TRIBUNAL (Mr. Biddle): Do you not know that Himmler and the SS told the Central Planning Board the number of Jews that were being taken out of industry for whom replacements were needed? You know that as a fact, don't you?

TIMM: No.

THE TRIBUNAL (Mr. Biddle): You do not?

TIMM: No. I know only that we received certain statements from the Reichsführer SS that people were being taken out of industry, and owing to the objections of the Plenipotentiary General, who had to supply the replacements—I remember that this measure was partly withdrawn.

THE TRIBUNAL (Mr. Biddle): And you do know that one of the duties of the Reichsführer SS was to withdraw Jews from industry? You know that?

TIMM: I know from statements in reports that Jews were to be withdrawn from industry.

THE TRIBUNAL (Mr. Biddle): That is all.

THE PRESIDENT: The witness may retire and the Tribunal will adjourn.

[A recess was taken.]

[The witness Hildebrandt took the stand.]

THE PRESIDENT: Will you state your full name.

HUBERT HILDEBRANDT (Witness): Hubert Hildebrandt.

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

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SERVATIUS: Witness, you were working in the office of Sauckel, is that correct?

HILDEBRANDT: Yes.

DR. SERVATIUS: You were subordinate to Timm. What was your special field?

HILDEBRANDT: In the Reich Ministry of Labor from 1930 I dealt with questions concerning labor for the iron and metal industry, the chemical industry, and the textile industry. After 1940 I also dealt with questions concerning workers in the West.

DR. SERVATIUS: Regional questions in the West?

HILDEBRANDT: Yes; in France, Belgium, and Holland; some of those questions.

DR. SERVATIUS: You must remember to pause before you answer. Did you have any general idea about what happened in Sauckel's office?

HILDEBRANDT: No; I did not.

DR. SERVATIUS: But you participated in the staff conferences?

HILDEBRANDT: Yes; I was present at most of those.

DR. SERVATIUS: And in that way you found out, to a certain extent, about what happened in other offices?

HILDEBRANDT: Yes.

DR. SERVATIUS: I want to ask you especially about conditions in France. What was the position of the Plenipotentiary General for the Allocation of Labor in France?

HILDEBRANDT: The Plenipotentiary General for the Allocation of Labor in France, just as in other occupied countries, had appointed special deputies who transmitted his wishes, and helped to carry out these wishes and these tasks. The organization of the entire labor strength from the occupied western territories remained in the hands of the German military or civil administrative offices there.

DR. SERVATIUS: So he did not have an organization of his own?

HILDEBRANDT: The first deputy in France tried to establish an organization of his own, but after a short time he met with the opposition of the German administrative offices, and the offices which he had established in the meantime were taken over by the military commander.

DR. SERVATIUS: What was the position of the military commander?

HILDEBRANDT: The military commander was and remained responsible for the entire allocation of the labor in his district, and also for the labor sent from his district to Germany.

DR. SERVATIUS: What was the position of the German Embassy?

HILDEBRANDT: The German Embassy took the leading part in all negotiations which were to be carried out by the Plenipotentiary General or his deputies, with French Government offices.

DR. SERVATIUS: What was the position of the French Government as regards the allocation of labor?

HILDEBRANDT: The French Government made agreements with the Plenipotentiary General concerning the carrying out of his programs, and ordered its own offices to carry out certain tasks, especially when compulsory labor was introduced in France. It published the necessary decrees and gave the necessary directives to the subordinate offices.

DR. SERVATIUS: And who had the executive power to recruit labor? Was that done by the French or the Germans?

HILDEBRANDT: One must distinguish between two periods. When it was still a question of recruiting volunteers, until the fall of 1942 these volunteers could report to German offices as well as to French offices; and also to recruiting offices which had been established by German firms, and some by branches of the Wehrmacht. After the introduction of compulsory labor, the administrative executive for the carrying out of the decrees rested solely with the French authorities.

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DR. SERVATIUS: And what happened when somebody did not report?

HILDEBRANDT: Then a first summons to appear was received from the French authorities, and then repeated summonses, and if these proved to be unsuccessful the French authorities called in the French police.

DR. SERVATIUS: Were those who did not come brought before the courts?

HILDEBRANDT: I assume that that may have happened sometimes. I do not know for certain.

DR. SERVATIUS: German or French courts?

HILDEBRANDT: French courts, according to French regulations.

DR. SERVATIUS: What would be your estimate of the number of voluntary workers who came from France to Germany?

HILDEBRANDT: The number of voluntary workers from France, until the middle of 1942—but I can only give approximate figures from memory . . .

DR. SERVATIUS: Please, just the approximate figure.

HILDEBRANDT: Something over 200,000. After the compulsory labor decree had been introduced in the course of 1942, there were still voluntary recruitments as well on a fairly large scale. The number of volunteers was, at times, considerably larger than the number of conscripts, so that altogether more than half of all the labor recruited in France consisted of volunteers. It is noticeable that women were only recruited if they volunteered. There was no compulsory service for them. With regard to the compulsory labor assignments moreover, it must be pointed out that a number of them were only formal. In reality these people had come voluntarily, but for economic reasons, or out of consideration for their relatives and friends in their home towns, they attached importance to being conscripted. We had compulsory labor assignments which were only put on an official basis afterwards. Such requests reached the German labor offices especially during the last months before the end of the war; and the Foreign Office requested the Plenipotentiary General to approve such demands, and that was done.

DR. SERVATIUS: Did you hear anything in your department about recruiting measures such as the surrounding of churches, cinemas, and similar places in France?

HILDEBRANDT: No; I do not know of any such recruiting measure. I know that in France, as well as in Belgium, identity papers were controlled among members of the age groups which had been called up to register.

DR. SERVATIUS: You were also probably in Paris, and you spoke to the German authorities there; is that right?

HILDEBRANDT: Yes. Every time I was in Paris I took the opportunity to talk to members of the offices about current events.

DR. SERVATIUS: Did they not tell you about things which must have surprised you?

HILDEBRANDT: With each major task we carried out we had some difficulties, of course, and certain excesses. Once it was reported to me, among other things, that there were impossible conditions in the "Pépinière"—a camp, a kind of transit camp for people who had to leave. These conditions were reported immediately to the Town Major of Paris who remedied matters. Then there were irregularities in the recruiting in Marseille, where recruiting agents used blackmail. This was also stopped immediately.

Beyond that, a fairly large number of individual cases were brought to me. These were minor difficulties about vacations, salaries, and so forth, which I transmitted each time to the competent offices for further action.

DR. SERVATIUS: Was it part of your official duties to follow these things up?

HILDEBRANDT: As far as they came within my sphere, I took the necessary steps immediately. As far as it was the business of other departments I immediately transferred them to those departments for further attention.

DR. SERVATIUS: Witness, I did not ask what you did, but whether it was your official duty to look after these things.

HILDEBRANDT: The general problems of recruiting and statistical checking of programs came within my field of duty. Questions of housing, pay, and transport were dealt with by other departments. Of course, when I found out about bad conditions it was my duty to investigate them at once, if only in the interests of further recruiting.

We considered it of the greatest importance that every abuse should be stopped immediately, because it was only in this way that further recruiting of volunteers could be guaranteed. Labor conscription was therefore looked on as a last resort.

DR. SERVATIUS: Witness, I would like to know whether it was your official duty, or your moral duty to look after these things?

HILDEBRANDT: In this case it was my moral duty as well as my official duty.

DR. SERVATIUS: As regards the way transports were effected, I have one question. Mention has been made of irregularities on transports. That is why I would like you to tell us what steps you

took to have the transports that came from France supervised and directed. Can you describe that briefly?

HILDEBRANDT: A special department was created in the office of the military commander in France for the carrying out of transports. For each man who went to Germany, it was already settled to what firm he was to be sent. The recruiting was effected on the basis of planned contracts and definite working conditions, so that it was known what route could be chosen for the journey. Transports were assembled to include as many as possible, so that a definite number of workers would go in the same direction and to the same firm.

DR. SERVATIUS: Witness, these details are of less interest to me than the question of how you conducted these transports and kept a check on them when something irregular happened on the way.

HILDEBRANDT: In giving a few details, I only wanted to indicate that there was a detailed check made of every person intended for Germany. For each transport there was an exact list of the persons and of the firms to which they were sent. The transports were given guides who brought them to their destination, and there they were turned over to the presidents of the regional labor offices whose duty it was to take further care of them.

DR. SERVATIUS: I should like to put a concrete case to you. A case has been reported here of a transport train which was left in the Saar district, and when it was opened, after a few days, most of the people had been frozen to death. Did you have control of such trains? Should that have been reported to you? Could that train have been sent upon your orders? How do you explain that?

HILDEBRANDT: Such an incident would have become known to us immediately. As the coming of transports was reported beforehand to the presidents of the regional labor offices, we were informed immediately when they did not arrive. That happened frequently, namely, when difficulties arose because of some emergency on the way, and a transport was held up—for instance, in the last days of the war, when traffic obstructions caused by bomb damage had to be cleared away, and so on. We could then immediately have inquiries made concerning the transports, which was always done. I know nothing of the case which you have just mentioned.

DR. SERVATIUS: Witness, you must speak more slowly. The interpreters cannot possibly follow.

Will you state your opinion as to the incident, which I have described, of the train with the people who froze to death in the Saar district.

HILDEBRANDT: The incident could not possibly have occurred on transports of labor recruits. The transports were well prepared.

DR. SERVATIUS: You have said that before.

HILDEBRANDT: Yes.

DR. SERVATIUS: How do you explain then, the case of that transport?

HILDEBRANDT: I learned for the first time through the press during the last few months that the SS also conducted transports to Germany, and that conditions such as you have just described are said to have been present.

DR. SERVATIUS: Witness, were you present during the negotiations between Sauckel and Laval?

HILDEBRANDT: Yes, I was frequently present.

DR. SERVATIUS: In what kind of atmosphere were these negotiations conducted?

HILDEBRANDT: These negotiations were conducted in a friendly manner; but occasionally, especially when promises on the part of the French Government had not been kept, quite violent disputes occurred. Any real difficulties, however, did not as a rule arise during these negotiations. Arrangements were made concerning the number of people who were to be sent to Germany. As a matter of principle, Laval was always willing to put manpower at the disposal of Germany.

DR. SERVATIUS: And what, in particular, were the relations between Laval and Sauckel? Did Laval speak well of Sauckel or not?

HILDEBRANDT: M. Laval expressed his gratitude from time to time for the way in which things had been made easier for France, too. For instance, as regards the status of French prisoners of war, the permission given to the wives of French workmen to visit their husbands, and the taking over of welfare work for the relatives of the French workmen in Germany. All these things, as I have said, took the form of agreements whereby one party put labor at the disposal of the other party, and that party in return gave back manpower or granted other advantages. Laval certainly expressed repeatedly his urgent wish to do more for Germany if he could only be given political advantages for it. Therefore, he asked the Plenipotentiary General repeatedly to make it possible for him to have discussions with the Führer in order to create a favorable atmosphere in France for further efforts.

DR. SERVATIUS: Did these friendly relations prevail until the end?

HILDEBRANDT: Until the last negotiation, which I think took place at the end of 1944.

DR. SERVATIUS: Mr. President, I believe the question of *relève* and "transformation" has been clarified sufficiently, so that I need not question the witness about it again.

[Turning to the witness.] Witness, in what manner did the negotiations with the German military commander take place? Did Sauckel give orders there? Was he the highest authority, or was it the military commander?

HILDEBRANDT: The negotiations were never carried out in the form of a transmission of orders. The Plenipotentiary General described the situation in Germany and what needs...

DR. SERVATIUS: Witness, you can be very brief.

HILDEBRANDT: I only want to say the following: Of course, the military commander, as was the case with the civil administration in Holland, was more interested in receiving orders to be filled than in sending manpower to Germany, and that led to conflict. The authorities, however, had to be convinced in each instance that manpower must be sent to Germany—for agricultural work, for example, which could not be done in Holland, and also for a number of branches of the German armaments industry.

DR. SERVATIUS: Witness, a few questions now concerning Belgium and Northern France: Was the position of Sauckel as regards the chief authorities there the same as in France on the whole; and was everything conducted similarly, or were there any differences?

HILDEBRANDT: No, the conditions were the same as in France, only that the deputies of the Plenipotentiary General were, from the very beginning, incorporated into the military administration.

DR. SERVATIUS: Did you receive any reports or discover anything yourself about irregularities in that territory?

HILDEBRANDT: Yes. There were isolated cases of irregularities. For instance, I was informed one day that reprisals were to be taken against relatives of members of age groups who had not appeared when they were called up. We stopped that immediately by discussing the matter with the representatives of the military commander.

DR. SERVATIUS: And how did Sauckel negotiate with the military commander there?

HILDEBRANDT: He also told him what he wanted. Von Falkenhäusen was, of course, also interested in the first place in having orders for the German armaments industry carried out in Belgium;

but it was also agreed that manpower should be sent to Germany. He certainly made frequent efforts to protect students, school children, and members of younger age groups.

DR. SERVATIUS: Witness, I will show you the minutes of an interrogation of General Von Falkenhausen on 27 November 1945. I want you to look at a few sentences. If you take Page 2, you will find there in the middle of the page, in answer to the question: "Is the witness in a position..."

THE PRESIDENT: What is the number of the document?

DR. SERVATIUS: It is Document Number RF-15.

[Turning to the witness.] It is the following question:

"Is the witness in a position to define to us the limitations of his powers and the competence of the administration for the Allocation of Labor?"

Answer by General Von Falkenhausen:

"Up to a certain time there was a labor office in my territory which was concerned with the recruiting of voluntary workers. I cannot remember the exact date any longer—it may have been in the fall of 1942—when the labor office was put under Sauckel; and from then on I had only to carry out the orders I received from him."

Is this position of the military commander in relation to Sauckel correct?

HILDEBRANDT: It is not quite correct in several points. In Belgium there was not just one labor office, but a number of labor offices which dealt with the recruiting of volunteers, and also a number of recruiting offices which worked with them. But from the very beginning these labor organizations worked under the supervision of the Feldkommandanturen in Belgium. These Feldkommandanturen were offices of the military commander. There was no question of the Plenipotentiary General taking over the work. Before he appointed his deputies he could only send his requests directly to the military administration, to General Von Falkenhausen, but not directly to a labor office.

DR. SERVATIUS: What were the conditions in Holland? Who was the competent district head there?

HILDEBRANDT: It was the Reich Commissioner.

DR. SERVATIUS: And was there a deputy of Sauckel's with him?

HILDEBRANDT: Yes, a deputy was appointed there too, who was a member of the administration of the Reich Commissioner.

DR. SERVATIUS: Who issued the labor service decrees there?

HILDEBRANDT: The Reich Commissioner.

DR. SERVATIUS: And who carried out the recruiting? German or Dutch offices?

HILDEBRANDT: As far as I remember there were Dutch labor offices. The heads of these labor offices were Germans; the rest of the personnel was mainly Dutch. These offices took the necessary steps for the allocation of labor.

DR. SERVATIUS: Now, I have one more question concerning Germany. The metal industries came into your field, did they not?

HILDEBRANDT: Yes.

DR. SERVATIUS: Krupp, for instance.

HILDEBRANDT: Yes.

DR. SERVATIUS: What kind of reports did you receive about conditions in the Krupp works as far as the welfare of the workmen was concerned?

HILDEBRANDT: I had no unfavorable reports about Krupp. The personal adviser of the Plenipotentiary General, Landrat Berk, visited the Krupp works frequently and informed me of the requests made by the firm and of the impressions he had received, but he never said that proper care was not taken of foreign workmen. I myself never visited the Krupp firm during the war.

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

THE PRESIDENT: Do any of the German counsel want to ask questions? Prosecution?

M. HERZOG: Mr. President, we have the same problems here. The Tribunal has already heard explanations on these points. The Tribunal is in possession of the documents which I have submitted, and I have, therefore, no questions to put to the witness.

THE PRESIDENT: The witness can retire.

[The witness left the stand.]

DR. SERVATIUS: Then with the permission of the Tribunal, I will call the witness Stothfang.

[The witness Stothfang took the stand.]

THE PRESIDENT: Would you state your full name?

WALTER STOTHFANG (Witness): Walter Stothfang.

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

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SERVATIUS: Witness, what was your position with Sauckel?

STOTHFANG: I was personal adviser to the Plenipotentiary General for the Allocation of Labor.

DR. SERVATIUS: When did you assume that position?

STOTHFANG: One year after the Plenipotentiary General for the Allocation of Labor had assumed office; that was on 19 April 1943.

DR. SERVATIUS: Was the witness Timm there when you came?

STOTHFANG: Yes.

DR. SERVATIUS: And the witness Hildebrandt?

STOTHFANG: Yes.

DR. SERVATIUS: What orders did you receive when you came?

STOTHFANG: The Plenipotentiary General for the Allocation of Labor did not give any special personal directives because his general principles could be clearly seen in his decrees and in his program, and I only started work 1 year later.

DR. SERVATIUS: Before that, had you already been in the Ministry of Labor?

STOTHFANG: Yes, I had been connected with that type of work since 1926; and for the last 8 years I was the personal assistant of State Secretary Dr. Syrup in the Ministry of Labor.

DR. SERVATIUS: Was it a considerable change when you came to Sauckel?

STOTHFANG: No.

DR. SERVATIUS: What did your colleagues in the office tell you about the whole work, and Sauckel's attitude to the work?

STOTHFANG: The work, as such, was carried out according to principles and decrees which were not essentially different to previous ones. In practice of course, they were much more far reaching than anything hitherto.

DR. SERVATIUS: Did you work very closely with Sauckel in your sphere? You were his personal assistant.

STOTHFANG: As far as that was necessary for carrying out the task of the Plenipotentiary General for the war effort. Sauckel was not only Plenipotentiary General for the Allocation of Labor, but at the same time he had remained Reichsstatthalter and Gauleiter in Thuringia. Besides that, during the last 1½ years of his activities, he was very much occupied with the construction of an underground factory in Kahle, in Thuringia; so that he...

DR. SERVATIUS: We will come back to that later.

STOTHFANG: ... could only be in Berlin from time to time; at the most 1 day a week, and often only half a day.

DR. SERVATIUS: And what was your task as his personal adviser?

STOTHFANG: We had to receive incoming mail, sort out what had to be reported, and pass on the rest to the competent departments. We also had to submit newly arrived drafts to the Plenipotentiary General.

DR. SERVATIUS: Who called staff conferences? Do you know that?

STOTHFANG: That was generally done by the office.

DR. SERVATIUS: You always attended these conferences?

STOTHFANG: Yes, from the time I first came into the office.

DR. SERVATIUS: Did you participate in conferences to which individual members returned from so-called inspection trips and made their reports?

STOTHFANG: Later that no longer happened or only very seldom. It was only in the beginning.

DR. SERVATIUS: That you were present, or that inspection trips took place?

STOTHFANG: No; that reports were made.

DR. SERVATIUS: There were fewer reports later?

STOTHFANG: Yes.

DR. SERVATIUS: What was the reason for that?

STOTHFANG: I do not know the reason.

DR. SERVATIUS: During the period when you were present, did you learn of anything particularly shocking as regards irregularities in Germany? We will include transports to Germany, transit camps, the workshops themselves, the camps, and the factories.

STOTHFANG: I myself found out about some irregularities on the occasion of inspection trips which I made on orders, but these were at once discussed with the competent offices and steps were taken to put a stop to them.

DR. SERVATIUS: Sauckel had to work with a number of offices. Was there any special opposition to overcome here?

STOTHFANG: With the exception of two cases, no.

DR. SERVATIUS: What cases were these?

STOTHFANG: One was the Party Chancellery; and the other was the Reichsführer SS and Chief of the Secret State Police.

DR. SERVATIUS: Do you know of specific instances in the case of the Reichsführer SS?

STOTHFANG: The general treatment of foreign workers—particularly of those coming from the East—as far as it was determined by the Reichsführer SS or the principles laid down by the Reichsführer SS, was contrary to the ideas of the Plenipotentiary General for the Allocation of Labor. The Reichsführer SS was not inclined to meet the far-reaching, definite demands of the Plenipotentiary General for the Allocation of Labor. The same thing happened, in other directions, in the case of the head of the Party Chancellery.

DR. SERVATIUS: In what directions?

STOTHFANG: For example, where social insurance was concerned. In this case the Party Chancellery was of the opinion that equality with German workers was not justified on either practical or political grounds; nor was as high a rate of pay.

DR. SERVATIUS: And what did Sauckel say to that?

STOTHFANG: He tried, again and again, to regulate all these matters according to his principles. In some things he was definitely unsuccessful, and in others he was successful only after great efforts. I would remind you of the equal status given to the Eastern Workers which was actually only put into effect in March 1945 through a decree.

DR. SERVATIUS: Did you receive any special reports from the Gauleiter who were appointed deputies for the Allocation of Labor, or did you speak to the Gauleiter?

STOTHFANG: There were instructions that on inspection trips the competent Gauleiter of the district visited had to be seen, so that any relevant questions could be discussed with him.

DR. SERVATIUS: Did you take part in meetings of the Central Planning Board?

STOTHFANG: I went to one single meeting of the Central Planning Board with the Plenipotentiary General for the Allocation of Labor.

DR. SERVATIUS: Witness, you have just mentioned March 1945 as the date when the Eastern Workers were given equality with the rest of the workers. Are you not mistaken in the year—1944? I will show you the decree.

STOTHFANG: As far as I remember, it was March 1945.

DR. SERVATIUS: Mr. President, I will have it shown to the witness in a moment; we are looking for it.

[Turning to the witness.] What was the relationship between Speer and Sauckel?

STOTHFANG: Apparently the appointment of the Plenipotentiary General for the Allocation of Labor was due to a suggestion which Minister Speer had made to the Führer.

DR. SERVATIUS: I refer to Document 58, in Document Book Number 2, Page 167 of the German text, and Page 156 of the English text. That is the decree concerning the conditions of employment of Eastern Workers, of 25. March 1944, and I read Paragraph 2:

"Wages.

"For Eastern Workers the same conditions apply for wages and salary as for other foreign workers. Eastern Workers are paid wages only for work they actually do."

THE PRESIDENT: How did the wages compare with the wages of the German workers?

STOTHFANG: It was a fundamental rule that they must be based on the German wages for the same type of work, in order to avoid additional profits for the industries which employed Eastern Workers.

DR. SERVATIUS: Do you remember a conference at which Goebbels stated his opinion to Sauckel as regards the latter's policy concerning social questions and questions of wages?

STOTHFANG: Yes.

DR. SERVATIUS: Can you describe it to us?

STOTHFANG: I myself did not take part in that conference. I only knew about it from the description given by my colleague Dr. Hildebrandt, who was present at the meeting with Gauleiter Sauckel.

It was the first discussion between the two gentlemen after Reich Minister Goebbels had become Reich Plenipotentiary for Total War Effort. At this conference Minister Speer was also present, and in the course of the conference Reich Minister Dr. Goebbels reproached the Plenipotentiary General for the Allocation of Labor with the fact his previous measures...

THE PRESIDENT: He is now telling us, is he not, what Hildebrandt told him?

DR. SERVATIUS: Yes.

THE PRESIDENT: Well, Hildebrandt has been in the witness box and he has not been asked about it.

DR. SERVATIUS: There has been confusion of the two witnesses. They arrived only a short time ago. I ask permission for this witness to say what Hildebrandt told him. It can be explained by the fact that the witness was here for only a very short time.

THE PRESIDENT: Dr. Servatius, the Tribunal does not think that you ought to be allowed to ask him that question.

DR. SERVATIUS: Were there any difficulties with Speer?

STOTHFANG: Not at the beginning. In the course of years difficulties arose because of the fundamentally different ideas of the two men.

THE PRESIDENT: We have had the relationships between Sauckel and Speer gone into elaborately.

DR. SERVATIUS: Yes. I will withdraw that question.

[Turning to the witness.] What did the offices have to do with the employment of concentration camp prisoners? Did they deal with that?

STOTHFANG: No.

DR. SERVATIUS: Did you not receive reports that manpower was disappearing from other industries, and in this way became concentration camp workers?

STOTHFANG: No reports were received about that.

DR. SERVATIUS: Are you aware that concentration camp workers were employed in large numbers for work?

STOTHFANG: It was the general practice of the Police to put prisoners to work.

DR. SERVATIUS: You did not receive any reports about that, did you?

STOTHFANG: No. An effort was made to gain influence to the extent of having reports sent to the offices of the labor administration concerning the employment of concentration camp prisoners, so that they could be considered in the general planning of labor allocation. But these reports were not received by the labor offices.

DR. SERVATIUS: Now I have only a few more questions concerning the control offices, and other control agencies, which had been established in order to investigate conditions among the workers in Germany. Do you know how far foreign workers themselves were included in that control system? I am thinking first of all of the office of Ambassador Scapini. How did this office work? Did you hear anything about it?

STOTHFANG: I do not know many details about the office of Scapini. I know of its existence, but to the best of my knowledge Scapini's office was chiefly occupied with the welfare of French prisoners of war rather than with the welfare of French civilian workers, because for the latter a special office existed under M. Bruneton. But generally the foreign workers were represented by the German Labor Front. So-called Reich liaison offices were set up

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everywhere, from the central office via the Gaue to the small districts, and each employed several people who visited the camps, listened to complaints and negotiated with the offices of the German Labor Front, or with other offices of the labor administration.

DR. SERVATIUS: Those were German employees that you mentioned?

STOTHFANG: No; they were foreign employees from countries abroad, in fact from almost every country.

DR. SERVATIUS: In the factories themselves, did the workmen have any representatives who had contact, as liaison men, with the supervisory offices of the German Labor Front?

STOTHFANG: Not to my knowledge.

DR. SERVATIUS: For the Eastern Workers there was also a control office. Do you know that office?

STOTHFANG: In Rosenberg's department there was a special one for that purpose.

DR. SERVATIUS: How did that office work? Did you hear anything about it?

STOTHFANG: Yes. It had regular contact with the technically competent offices of the labor administration.

DR. SERVATIUS: And whom had this office to contact if it received complaints? The Labor Front, Sauckel's office, or the Minister of Labor? To whom did they have to go?

STOTHFANG: That depended on the nature of the irregularities, or the complaints which were made.

DR. SERVATIUS: I will give you an example—complaints about labor conditions.

STOTHFANG: In that case one had to go first to the competent local labor office in order to have detailed inquiries made into the case, and to see about the general conditions, or the actual conditions.

DR. SERVATIUS: And if it was a matter of housing and nutrition, to whom did one go?

STOTHFANG: First to the offices of the German Labor Front, which, by a decree of the Plenipotentiary General for the Allocation of Labor—I believe it was Decree Number 4—was given the general task of looking after the foreign workers.

DR. SERVATIUS: And did the Labor Front report to you further?

STOTHFANG: Within the scope of their capacity they tried to put matters right.

DR. SERVATIUS: Then the Labor Front itself, in fact, was the highest authority for questions of complaints about the welfare of workers?

STOTHFANG: If you put it like that, yes.

DR. SERVATIUS: Who supervised the treatment of prisoners of war? Did the complaints come to Sauckel?

STOTHFANG: No.

DR. SERVATIUS: Who had charge of that?

STOTHFANG: The High Command of the Armed Forces.

DR. SERVATIUS: The Reich Inspection Board was also a control office. What did Sauckel have to do with the Reich Inspection Board?

STOTHFANG: That must be an incorrect designation. I do not know what you mean by the Reich Inspection Board.

DR. SERVATIUS: I mean the Trade Inspection Board, the Reich Trade Inspection Board.

STOTHFANG: In Germany the trade inspection boards in principle were competent for labor protection in factories. As far as labor protection in factories was concerned, they had to see that the decrees which had been issued, and were in force, were carried out and obeyed. Therefore in case of complaints they were the competent authorities.

DR. SERVATIUS: Was Sauckel accused by other offices of looking after the workmen too well? And was there not, in some cases, even envy of the situation of certain foreign workers?

STOTHFANG: Yes. Such accusations came from three places. First, from the two offices I mentioned before, which offered general objections and resistance to the far-reaching demands of the Plenipotentiary General for the Allocation of Labor. Then Bormann's office, and Himmler's office. It went so far that the Plenipotentiary General for the Allocation of Labor was even suspected of being pro-Bolshevik.

DR. SERVATIUS: I have no further questions to put to the witness.

THE PRESIDENT: Do any other defense counsel wish to ask any questions?

[There was no response.]

Does the Prosecution wish to?

[There was no response.]

The witness can retire.

[The witness left the stand.]

DR. SERVATIUS: Mr. President, I do not know whether the witness Jäger has arrived yet.

THE PRESIDENT: I am told not.

DR. SERVATIUS: I assume that he will be here by Monday, and I would suggest that I be permitted to submit some documents now, or perhaps an interrogation of the witness Goetz, which is in the document book. Perhaps I may refer to several passages. It is a very long affidavit, and it throws some light on the matter in this connection and will make it easier to understand.

THE PRESIDENT: You probably have some remarks to make about your documents, have you not, which will take you up until 1 o'clock?

DR. SERVATIUS: Mr. President, the document books contain primarily the decrees which Sauckel issued, and they cover what has been said here by the witnesses and by the defendant himself as a witness. As far as possible, the book is divided up into sections dealing with special subjects, but as the decrees which were issued frequently applied to several subjects at the same time, the separate divisions overlap in this book.

I refer principally to Volume I, to all the decrees included there, which I do not want to read individually. I should like only to call special attention to the decrees about police matters. That is Document 6, which is on Page 16; Document 10, on Page 20; and Document 15, on Page 25. These documents . . .

THE PRESIDENT: You understand that you must offer in evidence each document or number of documents that you want to put in evidence? It is not sufficient to put it in your document book. So please state the document which you wish to put in evidence.

DR. SERVATIUS: These documents are included in a collection of laws which has already been submitted.

THE PRESIDENT: The whole thing you mean? The whole thing has been submitted?

DR. SERVATIUS: It has, as far as I know. That is Document Number 3044-PS: "Enactments, Decrees, Announcements."

THE PRESIDENT: Well, probably only a small part of 3044-PS has been read and, therefore, unless it is translated into the four languages, it does not form part of the record. Dr. Servatius, if you will go into the matter and offer what you want to offer in evidence on Monday morning, that will be quite satisfactory.

DR. SERVATIUS: But may I refer to them now, and then submit the documents on Monday?

THE PRESIDENT: Yes.

DR. SERVATIUS: These three decrees and enactments of the Reichsführer SS I have submitted in order to show how efforts were made at improvement even in this difficult field. Decree Number 6 was issued shortly before Sauckel came into office, and one must assume that this was done in order to produce a *fait accompli*.

The next decree, Document Number 10, already shows an improvement. It deals with the barbed wire and the workers' outings, and this is even more relaxed in the next document. Document Number 15, that is Decree Number 4, which has already been submitted, is probably the most important first decree, which describes the fundamental authority and directives, as well as recruiting methods, transportation, and treatment in Germany.

Decree Number 16 deals with the employment of Eastern Workers and gives the first basic regulations, because until then there was no definite legal regulation of a uniform type.

Then I come to Document Number 19, which is on Page 54 in the English text. This is a decree and a letter from Sauckel to the Gau labor offices and the Gauleiter, of 14 October 1942, concerning good treatment for foreign workers. This letter is an intervention on the part of Sauckel to remove poor conditions and to correct certain abuses of which he had been informed. I quote here in the German text on Page 59 the following . . .

THE PRESIDENT: Well, that document has been quoted already I think, hasn't it?

DR. SERVATIUS: A part of the document has already been mentioned.

THE PRESIDENT: Which part has not been quoted?

DR. SERVATIUS: It is Page 59 in my book; in the English text, Page 54.

THE PRESIDENT: Page 54 is only the heading.

DR. SERVATIUS: Heading: "Decree and letter of Sauckel dated 14 October 1942," and on the next page the text begins. The first page contains only the title of the decree.

THE PRESIDENT: But Page 55 in the English text, the beginning of the document has already been read.

DR. SERVATIUS: The beginning has already been read.

THE PRESIDENT: Then what did you want to read?

DR. SERVATIUS: I should like to read the whole thing in order to show how far Sauckel . . .

THE PRESIDENT: Well, you see, beginning with the words, "If in a Gau district the statement was recently still made," that has been read already, down to the bottom of that paragraph.

DR. SERVATIUS: I have here only a short note. If it has already been read, then I need not read it again. I will dispense with the reading.

Document Number 20 on Page 56 in the English document book deals with compulsory labor service for foreign female domestic help and shows the regulations in force at that time...

THE PRESIDENT: Which document?

DR. SERVATIUS: Document Number 20.

THE PRESIDENT: Continue.

DR. SERVATIUS: ... whereby it is pointed out particularly that a forced transfer of foreign women for domestic help would not be carried out; and the statement made by Sauckel emphasizes that only voluntary workers should be taken for domestic employment.

Decree Number 21 introduces the labor book. That is in the English text on Page 57. The purpose of the labor book was, as Sauckel has stated here, to facilitate a registration of manpower, so that one could review it and not lose control. Above all, in connection with this, there was to be an allocation of land to the Eastern Workers, as the Defendant Sauckel has explained. A central file was to be compiled, and with the help of this the regular transportation of the workers home again was to be arranged at a later date. That was the preparatory measure of the labor book.

Then we come to Document Number 22, of 23 July 1943, which deals with the limitation of the duration of employment of Eastern Workers. It is said in this connection that the duration of employment should be for 2 years, with certain modifications, and that there should be facilities for leave, and premiums should be given for the work done. There was to be leave in Germany, and, under certain conditions, home leave. For vacations in Germany, as can be seen here, special leave camps were set up for Eastern Workers. The reason was that, on account of transport conditions and other circumstances, these workers could not go home, especially if they came from territories which in the meantime were no longer occupied by Germans.

Then there follows Decree Number 13. That is Document Number 23, Page 62 in the English document book. This decree deals with the keeping of order in factories and works. It is the decree on the basis of which measures could be taken for the maintenance of discipline. I have submitted it in order to show that it was valid both for German and for foreign workers, and is not a decree which discriminates against Eastern Workers.

Now I will refer to Document Number 26. That is Page 66 in the English document book. This is a decree of 25 July 1944 according to which the position of female domestic workers from the East was

in principle to be equal to that of the German domestic help. Working hours are regulated and also time off. It reads: "Every week the female Eastern Worker is to have an adequate amount of free time."

The question of vacations is regulated in Paragraph 7, to the effect that they will be granted leave after 12 months' work in Reich territory.

THE PRESIDENT: Are those figures right in Document 26, Page 67 in the English document book? Working hours to fall between 6 o'clock in the morning and 9 o'clock at night?

DR. SERVATIUS: It says there: "The regular working hours, including rest periods and preparation for work, are to fall between 0600 and 2100 hours, unless special conditions call for other arrangements." That does not mean that the work is to be done from 6 o'clock in the morning until 9 o'clock at night. It means that between these two time limits these people have to work. They cannot work before 6 o'clock in the morning, and these girls cannot work after 9 o'clock at night. It cannot...

THE PRESIDENT: I am only asking if the figures are correct.

DR. SERVATIUS: The figures are correct.

Document 27 deals with the position of foreign workers in factories. It is a decree of the German Labor Front and there are one or two basic statements made in it. Here for example:

"The pleasure they take in their work and the willingness of German workers must in no circumstances be endangered by preferential treatment for foreign workers.

"As regards the treatment of foreign workers, it must be taken into consideration that they came to Germany voluntarily and are giving us their services for the carrying out of tasks of military importance. In order to maintain their pleasure in their work, the conditions of their contracts must be respected, and absolutely fair treatment and comprehensive care and attention must be given them."

Document 28 is the agreement between Ley and Sauckel instituting the supervision by the Central Inspectorate. It has already been submitted by the Prosecution.

Document 30 deals with the tasks in detail and it states:

"The Reich Inspectorate, with regard to allocation of labor, affairs of the Reich Trustee, and administration, is entrusted with the following tasks:

"The supervision of the execution of my regulations and decrees. On the basis of the practical knowledge gained, the

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Reich Inspectorate is to make suggestions, propose improvements and foster mutual exchange of experiences."

The last document in this book deals with the establishment of French offices. It is in the English document book on Page 79, and is entitled, "French agencies for the care of the French workers employed in the Reich."

I believe I have already read the document here. With that, I have finished Document Book 1.

THE PRESIDENT: Very well; we will adjourn.

[The Tribunal adjourned until 3 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-FIFTH DAY

Monday, 3 June 1946

Morning Session

THE PRESIDENT: Dr. Servatius.

DR. SERVATIUS: Mr. President, the witness Jäger is to appear in about half an hour. I shall read some other documents from my document book, if it please the Tribunal.

In the last session I had read all the documents from the first document book with the exception of Document Sauckel-16, which I left out by mistake. It is a leaflet for Eastern Workers. I need not read it, but I shall refer to it.

I have submitted as Exhibit Sauckel-1 the *Handbuch für die Dienststellen . . . (Manual for Labor Employment)*, and in this exhibit we find the following documents which I have read in part, and shall read some now: Documents Sauckel-12, 13, 15, 22, 28, 58(a), 67(a), 82, 83, 85, 86, and 88.

Then, I have submitted Exhibit Sauckel-2, *Sonderveröffentlichung des Reichsarbeitsblattes (Special Publication of the Reichsarbeitsblatt)*—namely, *Einsatzbedingungen der Ostarbeiter, sowie der sowjetrussischen Kriegsgefangenen (Conditions for the Employment of Eastern Workers and Soviet Russian Prisoners of War)*, which contains the following documents: Documents Sauckel-6, 32, 36, 39, 47, and 52.

Then, as Exhibit Sauckel-3, I have submitted the *Manifest des Generalbevollmächtigten für den Arbeitseinsatz (Manifesto of the Plenipotentiary General for the Allocation of Labor)*, Document Sauckel-84.

Then, as Exhibit Sauckel-4, *Arbeitsgesetze: Textsammlung des Deutschen Arbeitsrechtes (Labor Laws: Collection of German Laws)*, which contains Documents Sauckel-16, 31, and 49.

As Exhibit Sauckel-5, I have submitted a book, *Fritz Sauckels Kampfreden (Fritz Sauckel's Battle Speeches)*. That is Document Sauckel-95.

As Exhibit Sauckel-6, *Nationalsozialistische Regierungstätigkeit in Thüringen, 1932-33 (National Socialist Governmental Activity in Thuringia, 1932-33)*, has been submitted. It is contained in Document Sauckel-96.

Exhibit Sauckel-7, *Nationalsozialistische Regierungstätigkeit in Thüringen, 1933-34* (*National Socialist Governmental Activity in Thuringia, 1933-34*), is contained in Document Sauckel-97.

I have once more submitted as Exhibit Sauckel-8 the publication entitled *Europa arbeitet in Deutschland* (*Europe Works in Germany*), which has already been submitted as Document RF-5.

Then I shall submit an affidavit of Sauckel's son, Dieter Sauckel, which is very short. It refers to the evacuation of the Buchenwald Camp which Sauckel is said to have ordered. I shall read the eight lines of the affidavit:

"Between 4 and 7 April 1945, approximately, I was present when my father, Gauleiter Fritz Sauckel, had a conference in his study. On this occasion the question of the Buchenwald Camp was discussed, and the following was decided: A certain number of guards should remain in the camp until the arrival of the enemy in order to hand the camp prisoners over to them."—This is Sauckel Document Book 3, Document Sauckel-94, Page 247.

"I swear to the truth of the preceding statement for the purpose of having it submitted to the International Military Tribunal in Nuremberg.

"I am ready to swear upon oath to the truth of my statement. Schönau, 22 March 1946. Dieter Sauckel."

I submit this as Exhibit Sauckel-9.

In Exhibit USA-206, Document 3044-PS, which has been submitted already, the following documents of Volume II are contained, which I shall read later: Sauckel-7, 10, 14, 18, 19, 27, and 41.

The documents which have not been read yet are in the official collections of laws. I have had the individual laws laid aside in the library. I do not know whether it is necessary to submit them individually, or whether it is sufficient for me to state here in what volume of the *Reichsgesetzblatt* they can be found.

THE PRESIDENT: Are they in your document book?

DR. SERVATIUS: Yes. They are short excerpts from the official legal gazettes. In each case the relevant passages have been extracted.

THE PRESIDENT: Dr. Servatius, I think it would be convenient if you gave their exhibit numbers, if they are in your book; but I do not quite understand how you are arranging these. You told us that Number 1 contained a great number of other numbers. Now is Number 1 the exhibit number?

DR. SERVATIUS: Number 1 is the exhibit number, and this exhibit contains these documents with the numbers they have in the document book.

THE PRESIDENT: In the books?

DR. SERVATIUS: Yes.

THE PRESIDENT: Well, I understand. So that you are only submitting—up to the present you have only got as far as nine exhibits.

DR. SERVATIUS: Yes.

THE PRESIDENT: And then you are going to give these various laws which you have in your books additional exhibit numbers. They will be 10 to...

DR. SERVATIUS: I did not know whether it was necessary to submit these Reich legal gazettes as exhibits. As far as I know they have already been submitted because they are an official collection of laws from the *Reichsgesetzblatt* of 1942 and 1940. Of course, I can take out these individual issues and submit them here.

THE PRESIDENT: Would it not be best if you submitted them as, say, Exhibit 10, and then told us the numbers in your books which are contained in Number 10?

DR. SERVATIUS: Then it would be necessary to submit the original text of the collection of laws. I wanted to avoid that.

THE PRESIDENT: We can take judicial notice of them.

DR. SERVATIUS: Then I ask the Tribunal to take judicial notice of them. I shall point out in what volumes these documents can be found. That will be *Reichsgesetzblatt* 1942 in which Documents Sauckel-8, 11, and 17 are contained; *Reichsgesetzblatt* 1940 which contains Document Sauckel-45; *Reichsgesetzblatt* 1943, which contains Document Sauckel-21...

THE PRESIDENT: Wait a minute. Which was the first *Reichsgesetzblatt*? The one which contained 8, 11, and 17?

DR. SERVATIUS: 1942.

THE PRESIDENT: Oh yes.

DR. SERVATIUS: The second was *Reichsgesetzblatt* 1940, with Document Sauckel-45. The third was *Reichsgesetzblatt* 1943, with Document Sauckel-21. The fourth is *Reichsarbeitsblatt* 1940, Document Sauckel-33...

THE PRESIDENT: What year, though?

DR. SERVATIUS: 1940. *Reichsarbeitsblatt*, Document Sauckel-33. The fifth is *Reichsarbeitsblatt* 1942, which contains Documents Sauckel-9, 35, 40, 46, 50, 51, 64(a). The sixth, *Reichsarbeitsblatt* 1943, contains Documents Sauckel-20, 23, 37, 42, 43, 44, 48, 54, 55, 57, 60, 60(a), 61, 62, 64, and 68.

And the last, *Reichsarbeitsblatt 1944*, has Documents Sauckel-26, 30, 38, 58, 59, 65, 67, and 89.

I shall now go briefly through the document book. I begin with Sauckel Document Book 2, Document Sauckel-32, "Orders and Decrees Concerning the Employment of Prisoners of War." That is the agreement of 27 July 1939. This is an excerpt concerning the work of prisoners of war, and in Article 31 prohibited labor is listed.

In the next document, Sauckel-33, there is a decree of the Reich Minister of Labor, "Use of Prisoners of War in Places of Work." There the types of work for which these prisoners of war are being used are listed in detail. Among the types of work not included is the manufacture of arms; but included is work in factories, agriculture, forestry, work on roads, canals, and dams of importance to the war, work in brickyards, and so forth, as can be read in detail.

In Document Sauckel-35 we can see how the employment of prisoners of war took place, namely by co-operation between the prisoner-of-war camp and the contractors, and how a contract regulated in detail the conditions under which the employment of prisoners of war took place. It can be seen from this that Sauckel's labor recruitment had nothing to do with that.

In Document Sauckel-36 we find a circular decree concerning the treatment of prisoners of war—a memorandum concerning the treatment of prisoners of war—which was drawn up jointly by the OKW and the Ministry for Public Enlightenment and Propaganda:

"Treatment of prisoners of war: Prisoners of war must be treated in such a way that their full production capacity may benefit industry and food economy. To insure this, sufficient nourishment is necessary."

This I wanted to underline.

Document Sauckel-37 deals with the question of an improved status, namely the conversion of prisoners of war into civilian workers for work of importance to the war in Germany. It shows that in this case they get special allowances, such as an allowance of money for maintaining a separate household—a so-called compassionate pay. It shows that these workers were treated like civilian workers.

The next document, Sauckel-38, is along the same lines and deals with the visits of relatives to French, Belgian, and Dutch prisoners of war and to Italian military internees in the Reich. It says there:

"Visits to French, Belgian, and Dutch prisoners of war as well as to Italian military internees are permitted only for wives, parents, children, and brothers and sisters, who work in Germany or have their homes in Alsace or Lorraine, and then only on Sundays and holidays."

This shows that actually the prisoner-of-war status had ceased.

Document Sauckel-39 is a memorandum with respect to general conditions valid for the employment of prisoners of war. It deals with the working hours: "The daily working hours, including the time of marching to and from work, should not be excessive." And in another passage it says, "The prisoners of war have a right to a continuous rest period of 24 hours, to be granted on Sundays when possible..."

Under Paragraph 7 it is stated that neither the employer, nor his relatives, nor his employees are entitled to carry out any punitive measures against prisoners of war.

Then there follows an excerpt about housing and other accommodation in camps. It is Document Sauckel-40, which decrees—on the basis of Sauckel's Order Number 9—the inspection of housing, food, heating, and upkeep of the camps by workmen employed at the camps. It is dated 14 July 1942. It says:

"By 10 August 1942 an inspection of all industrial establishments employing foreign labor must be made by all labor offices in their respective districts to determine whether they have duly carried out regulations and decrees governing housing, feeding, and treatment of all foreign male and female workers and prisoners of war. It is my desire that the offices of the NSDAP and the DAF should participate in this inspection to a proportionate extent. Where shortcomings are discovered, the manager of the works is to be given a time limit within which such shortcomings are to be remedied."

Further on, under 2(a) it is stated that provision should be made for feeding in winter. And finally: "All factories are to make provision for camps and billets to be heated when cold weather sets in and to see that the necessary fuel is ordered in time." The decree states at the end that workmen, paid by the factories, are to be employed in the camps to see to the upkeep of the camps.

Then there is Document Sauckel-18, a memorandum for works managers and Eastern Workers, which contains camp rules. The introduction says:

"In response to a wish of the Plenipotentiary General for Allocation of Labor, Gauleiter Sauckel, I recommend that the officials satisfy themselves from time to time that the regulations issued with respect to the employment of Eastern Workers are being adhered to within the establishments."

That shows that control was emphasized here once again.

The camp rules then go on to say:

"Eastern Workers, you are finding in Germany wages and bread, and by your work you are safeguarding the maintenance of your families...."

THE TRIBUNAL (Mr. Biddle): Could you not summarize these documents more shortly?

DR. SERVATIUS: Document Sauckel-41 shows that caring for the Eastern Workers was especially the task of the German Labor Front, which is explained here in detail.

Document Sauckel-42 deals with the same subject. It stresses above all the importance of trade inspection and says that all necessary measures for the welfare of foreign workers must be taken immediately and all shortcomings remedied at once. The inspection officials and the local authorities have to arrange matters together with the Labor Front. It is issued by Reich Minister of Labor Seldte, not by Sauckel, which makes it evident that Sauckel had not become the Reich Minister of Labor.

In Document Sauckel-43 there are explanations of the camp regulations to which I shall refer in detail later. But in Document Sauckel-43 I should like to stress again the position of the Trade Inspection Board. Here the question of responsibility for hygienic conditions and for the extermination of vermin is regulated; and it says at the end: "The supervisory authority in accordance with the new regulations is the Trade Inspection Board..."

Document Sauckel-44 contains specifications about sleeping quarters: Their size, the number of beds, and the administration of medical care. This again is signed by the Reich Minister of Labor, Franz Seldte, and not by Sauckel.

The next group of documents deals with food. Document Sauckel-45 is the meat inspection law which deals with the question of how far meat of inferior quality is fit for consumption. That law too has a certain importance with regard to the witness.

THE PRESIDENT: Dr. Servatius, about the inspection of meat, we do not require any further information about it.

DR. SERVATIUS: Document Sauckel-46 shows merely that the foreign workers received their food ration cards when away from the camp.

Document Sauckel-47 is a decree by the Reich Minister for Food and Agriculture, and shows that he was responsible for determining the food quotas. The document also gives the rations. I mention only a few: For the ordinary workers, 2,600 grams of bread per week. That increases, and it may be read here, if questions of importance...

THE PRESIDENT: Page 128 shows that prisoners of war are employed in the armament industry, does it not? Page 128.

DR. SERVATIUS: It says there: "Food rations of Soviet prisoners of war working in the armament industry or in trade industries, if

they are accommodated in camps..." and then follows a list of rations. I cannot see how far that shows...

THE PRESIDENT: 128 in English, Page 128, Lines 4 to 12: "Treatment of the sick. All prisoners of war and Eastern Workers, male and female, who are employed in the armament industry..."

DR. SERVATIUS: It says there, "All prisoners of war or Eastern Workers... who are employed in the armament industry..." Armament industry is not the manufacture of weapons.

Document Sauckel-48 only refers to a law—I see the translation department has left out a short paragraph, but I can do without that. The heading indicates the subject. It refers to taking food for the journey home. It thus concerns supplies for the return journey.

Document Sauckel-49 shows a regulation whereby additional food could also be given; and special diets in the hospitals were also provided.

In the next group, questions of wages are dealt with. The first decree is Document Sauckel-50.

THE PRESIDENT: How far you go—it seems to me sufficient if you give us a group, and then tell us what it deals with.

DR. SERVATIUS: Yes. That is from Documents Sauckel-50 to 59, omitting Document Sauckel-56. The questions of wages and scales of wages are included here. One will have to look at these more carefully if these questions become crucial. Therefore, I shall not make any further specific statements about that now.

Sauckel Document Book Number 3 is a group of documents containing legal orders. Documents Sauckel-60 to 68 refer to medical care. I believe here also I need not go through the individual documents, because they become of interest only when the subject is dealt with.

THE PRESIDENT: Give us a group and tell us what it is about, and then we can look at it.

DR. SERVATIUS: Yes. It deals with medical care; and as I said, the details become of interest only when the question becomes important. There is no point in speaking of them now.

The next group is speeches made by Sauckel on the subject of labor allocation, and they are contained in the manual. I should like to refer to one in particular—a speech of 6 January 1943 which was made after the conference between Sauckel and Rosenberg. It says there at the beginning: "The Plenipotentiary General for Allocation of Labor on 5 and 6 January..."

THE PRESIDENT: Which page?

DR. SERVATIUS: It is 204 in my book, and in the English text it should also be Page 204.

THE PRESIDENT: Probably that 8,000 should be 800.

DR. SERVATIUS: Yes, it should be 800. I have also mentioned that document already, and read the main parts.

Documents Sauckel-82 and 83 have also been mentioned already in their essential parts.

Document Sauckel-84 is a manifesto which has already been presented in detail.

Document Sauckel-85 shows the generally valid and binding principles followed by Sauckel, all of them well-known principles. The main fact is that after 1943 they showed the same tendency as they had before.

Document Sauckel-86 is a later speech—a speech of 24 August 1943—to the presidents of the Gau labor offices. Here again in his speech to the responsible Gau labor presidents Sauckel stresses his basic attitude, as he has often stated it here. He adheres to the same attitude on 17 January 1944—that is, Document Sauckel-88—when he again emphasizes to these presidents, that:

“The foreign workers must be treated better. The reception camps are not to be primitive; rather they must be a recommendation for us.”

And at the end:

“The more I do for the foreign laborers working in Germany, the better I treat them, the more I influence them—the greater the extent of their available production capacity.”

And that was shortly—2 months—before he succeeded in putting the other foreign workers on an equal footing with the German workers.

THE PRESIDENT: We have heard the Defendant Sauckel explain . . .

DR. SERVATIUS: I beg your pardon?

THE PRESIDENT: . . . that the work was carried on. And will you tell us where the group of speeches—how far does the group go?

DR. SERVATIUS: It is Document Sauckel-89.

Document Sauckel-94 I have read already. Documents Sauckel-95, 96, 97 I have already read to the extent necessary. And that brings me to the end of the presentation of documents.

Now, comes an affidavit of the witness Karl Goetz, which is included in the document book. I submit it as Exhibit Number 10, the affidavit by Karl Goetz. This is an interrogatory which was submitted very early and was therefore considered in a very abridged form, as the details had not become apparent at that time. Consequently, the witness answered very shortly and could say nothing

specific to a number of questions. Where he did answer the questions, he refers to an introduction which he wrote, and in answering the questions raised by the Prosecution he also refers to that introduction. Therefore, I believe that I might also read this introduction as far as is necessary.

The affidavit is of 20 March 1946. In this introduction, on the second page, I should like to call attention to a conference in Paris. This witness Goetz was a bank expert in Weimar. He had known Sauckel before and had worked on his staff of experts. He had been with him in Paris and had taken part in the negotiations with Laval. He says here:

"The negotiations led to an extensive talk, which was conducted in a proper and polite manner as far as I could judge. Laval took note of Sauckel's proposals and agreed to accede to his request. But he made counterproposals..."

I do not think I need go into detail, because what was then negotiated is of minor significance. He says on the third page:

"During a later conference in Paris the proceedings were similar. Laval assumed a stiffer attitude, and he pointed out the great difficulties which would impede the recruitment of additional workers. He emphasized in particular the necessity of not stripping the French labor market of its best forces."

I think I can go on to Page 4. The witness says there under 5:

"My last mission, at Sauckel's request, was to ascertain whether it was possible by means of using our banking connections to purchase an additional amount of grain in Romania and Hungary—about 50,000 to 100,000 tons was the figure given. This grain was to be used as additional food for foreign laborers in the form of a light afternoon meal."

Then he says that that project failed due to circumstances. He gives a general impression of Sauckel, and says briefly:

"Sauckel approached that task with the energy and vigor peculiar to him. He pointed out repeatedly what conditions were necessary for the success of the task and repeatedly emphasized that it was the major duty of all authorities to see that correct treatment was given to workers at their places of employment."

Then he describes the details:

"Above all, he demanded that foreign workers should not be given the feeling of being imprisoned in their camps. He demanded the removal of all barbed wire fences."

He continues by saying:

"... Sauckel said that the workers must return to their native countries as propaganda agents."

Then the witness gives an important statement concerning information as to atrocities and bad conditions. I should like to read something from Page 6 to show what kind of person this witness Goetz is. He says . . .

THE PRESIDENT: What page is your excerpt from?

DR. SERVATIUS: Page 6, or Page 266 of the document book, at the top of the page.

THE PRESIDENT: Yes. Go on.

DR. SERVATIUS: He says:

"I feel also that I should mention that following my arrest by the Gestapo, after the affair of 20 July 1944, Sauckel spoke on my behalf to the RSHA (Kaltenbrunner). I cannot say to what extent my release from the Ravensbrück Concentration Camp was brought about by this.

"I wish to state further that I did not receive from Sauckel any material remuneration, awards, or decorations.

"I found it expedient to conceal from him my own inner political convictions and my connections with Goerdeler and Popitz. In his blind obedience to Hitler—and in spite of our old friendship—he would otherwise no doubt have handed me over to that Gestapo from which he endeavored to free me in November 1944."

I have read this in advance and I return now to Page 265, because the witness, who was then working on Sauckel's staff, states his attitude to that question which is of great interest to all of us. He says:

"Now that the extent of atrocities in concentration camps has become known to me from publications, I ponder and rack my brains as to how the picture drawn above can be made to tally with the events now brought to light. Although I have thought it over for weeks, I can find no explanation for this."

THE PRESIDENT: What page is this? Page 265?

DR. SERVATIUS: Page 265. It is near the top of the page. Where it is in the English text, I cannot say; but it should be Page 265.

THE PRESIDENT: Yes.

DR. SERVATIUS: "On one side I see the foreign workers, men and women who move freely about in great numbers and associate with the German population. Frenchmen and Belgians, with whom I spoke out of personal interest, were usually happy to hear their native tongue, conversed freely, hoped the war would soon end, and criticized their work, but rarely sharply. On the other side appears the totally unbearable sight of the recently revealed mass atrocities. One had

heard that foreign workers were tried and sentenced—they were certainly subject to the same arbitrariness and the same methods of punishment as were the natives—but not that mass sentences were passed. But that really had nothing to do with the Allocation of Labor. I find it impossible to reconcile what I heard and what I saw in those days with the present revelations. Either this was a development which took place in the last year and a half, when I was not able to observe the situation because of my arrest and my retirement to the country, or else there existed, besides the regular Allocation of Labor, an employment of concentration camp inmates on a vast scale. It is also possible that Sauckel was not able to supervise things and was not informed or that he deceived himself with his general orders and oral statements, which I could not comprehend.”

I considered these statements of particular importance, because the witness stood on the side of the men of 20 July 1944 and certainly observed carefully, and great importance has to be attached to his judgment.

As to the questions themselves, Question Number 1 and its answer I consider irrelevant; also, 2, 3, 4, 5, and 6. All of these are answers which are of minor importance.

To Question Number 10, Page 276:

“Who was responsible for the billeting, treatment, and feeding of foreign workers after they had arrived at the place of work?”

The answer is:

“The only thing I heard was that from the moment work was started responsibility for that rested with the factory managers, and in most cases with special employees under them.”

Question 11 is:

“What kind of orders did Sauckel issue for the treatment of workers in the factories?”

The witness in his answer refers to the introduction which I have read.

The next questions—13, 14, 15, 16, and 17—are irrelevant.

Question 18 is:

“Did Sauckel receive reports about irregular conditions? What measures did he take? Do you know of any individual cases?”

The answer is:

“I remember only one case. Sauckel was informed that the workers of a certain factory were still housed in a camp

surrounded by barbed wire. I cannot recollect the name of the place or the factory concerned. I heard that he ordered the immediate removal of the fence."

Then we come to the questions which are put by the Prosecution. I consider that Question Number 1 is not relevant because it deals with personal, unofficial relations with Sauckel, and how he became acquainted with him. He made his acquaintance when a prisoner of war.

THE PRESIDENT: Dr. Servatius, Mr. Biddle thinks that the Prosecution ought to be asked to read anything they wish to out of those interrogatories.

M. HERZOG: The Prosecution, Mr. President, does not wish to read any excerpts from this interrogatory.

THE PRESIDENT: Dr. Servatius, you know that the witness Jäger is present, do you not?

DR. SERVATIUS: Yes, he is present.

THE PRESIDENT: You know he is present.

DR. SERVATIUS: Then, with the permission of the Tribunal, I will call the witness Jäger.

[The witness Jäger took the stand.]

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

DR. WILHELM JÄGER (Witness): Dr. Wilhelm Jäger.

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

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. SERVATIUS: Witness, during the war you worked as a doctor with the firm of Krupp, in Essen, and were entrusted with the medical care of the camps of foreign workers? Is that true?

JÄGER: Yes.

DR. SERVATIUS: Who put you in charge there?

JÄGER: I was appointed by the firm of Krupp which employed me when a change in the care of foreign workers was brought about through the public health administration having to take it over.

DR. SERVATIUS: Were you not also appointed to this post by the German Labor Front?

JÄGER: No. The contract which the firm of Krupp made with me was made through the German Labor Front.

DR. SERVATIUS: If I understand you correctly, you did not conclude the contract directly with the Labor Front; but you were under obligations to the German Labor Front, were you not?

JÄGER: I have never felt that I had anything to do with the Labor Front in that respect.

DR. SERVATIUS: Witness, did you not continuously send reports to the German Labor Front about the conditions in the camps?

JÄGER: That happened only in a few cases, as far as I can remember. I generally sent these reports to the public health authorities and to the firm of Krupp.

DR. SERVATIUS: Did you not also report to the Trade Inspection Board?

JÄGER: Not always. I reported just a few cases to the health office of the city of Essen, but only in individual cases when it appeared important to me that the health office should be informed.

DR. SERVATIUS: Do you know the office for public health and medical care?

JÄGER: Yes.

DR. SERVATIUS: With what office was that connected?

JÄGER: That was in Essen.

DR. SERVATIUS: I do not mean the locality, but with what office was it connected? Was it not with the German Labor Front?

JÄGER: I cannot say that precisely. I know only that it was a subdepartment of the public health administration in Essen.

DR. SERVATIUS: Is it known to you that the foreign workers were under the care and control of the German Labor Front?

JÄGER: Yes.

DR. SERVATIUS: Also with respect to their health?

JÄGER: On only one occasion did I meet a commission from the Labor Front in my camp.

DR. SERVATIUS: Do you know the institution of Gau camp doctors?

JÄGER: An institution of that kind was to have been created in Essen, but it did not happen. At that time, when we had just had a typhus epidemic, I suggested to the health officer—who was then Dr. Heinz Bühler of Mühlheim—that something of the sort should be instituted. Then also at a meeting I spoke about my idea, but I did not hear anything more about this Gau office for camp doctors.

DR. SERVATIUS: That will do. How many camps did you supervise?

JÄGER: That varied. First, there may have been 5 or 6, then later maybe 17 or 18, and later again it fell to a lower figure. But I am not able at this moment to give you the exact figure.

DR. SERVATIUS: What was the nature of your task?

JÄGER: Above all, I was supposed to assure the medical care of foreign workers.

DR. SERVATIUS: Did you have anything to do with the treatment of the sick?

JÄGER: Only when they were brought to me and when I was in the camps. I always concerned myself personally with individual cases in the camps whenever I inspected them.

DR. SERVATIUS: You had not only a supervisory capacity, but you also gave treatment yourself?

JÄGER: Whenever I was in a camp I would be consulted by the camp doctors and I would advise them.

DR. SERVATIUS: What was the job of the camp doctors?

JÄGER: The camp doctors had their daily duty in the infirmary and the care of the patients in general.

DR. SERVATIUS: So your work was supervisory?

JÄGER: Yes; supervisory.

DR. SERVATIUS: Witness, the Prosecution has repeatedly interrogated you outside this courtroom?

JÄGER: Yes.

DR. SERVATIUS: You have been in Nuremberg before—in this building here?

JÄGER: Yes.

DR. SERVATIUS: Did you make an affidavit about the conditions in the Krupp camps?

JÄGER: Yes.

DR. SERVATIUS: I will put this affidavit to you. This is an affidavit of 15 October 1945. Did you give that affidavit as a witness for the Prosecution?

JÄGER: As far as I can remember, yes.

DR. SERVATIUS: Now I ask you to state whether you still stand by the statements which you made at that time?

JÄGER: Yes.

DR. SERVATIUS: I shall read the statements to you: "My name is Dr. Wilhelm Jäger. I am a physician in Essen..."

THE PRESIDENT: Dr. Servatius, we cannot have the whole document read to him. You can put to him anything you want to challenge him upon.

DR. SERVATIUS: Very well.

[Turning to the witness.] You say, at about the middle of the first page:

"I began my work with a thorough inspection of the camps. At that time, in October 1942, I found the following conditions..."—and you go on to say—"The Eastern Workers were housed in the following camps: Seumannstrasse, Griepnerstrasse, Spendlerstrasse, Hoegstrasse, Germaniastrasse, Dechenschule..."

THE PRESIDENT: Are you challenging that?

DR. SERVATIUS: Yes.

THE PRESIDENT: Where were these camps?

DR. SERVATIUS: Yes, that is what I want to ask him.

[Turning to the witness.] Did these camps exist at the time, and were they occupied?

JÄGER: As far as I can remember. One has to take into consideration that until I started my work I did not know at all what camps existed. At a meeting which had been called, where there were doctors of the various nationalities, I asked first of all what camps there were. They did not know; and then a list was procured in which the camps were given. Then...

DR. SERVATIUS: Witness, you have mentioned the camps here by name, and yet you are not certain that these camps existed at that time, in October 1942?

JÄGER: I have given the camps which existed at the beginning of my activities, as far as I could remember. I had to go to each one of these camps personally, and I had to depend entirely upon myself.

DR. SERVATIUS: Further, concerning the food of the Eastern Workers—if you will look at the second page of the document—you state the following:

"The food for the Eastern Workers was completely inadequate. They received 1,000 calories less per day than the minimum for Germans..."

THE PRESIDENT: Dr. Servatius, below the names of the camps he says: "...all surrounded by barbed wire and were closely guarded." I understand you are challenging that?

DR. SERVATIUS: Were the camps surrounded by barbed wire and closely guarded, as it says here?

JÄGER: In the beginning, yes.

DR. SERVATIUS: But you do not know whether that was the same case in all camps, do you?

JÄGER: The camps which I visited, where I was as yet unknown, for instance, Krämerplatz and Dechenschule, were closely guarded, and I had to show my credentials in order to get in.

DR. SERVATIUS: I repeat the question concerning the food. You said the Eastern Workers received 1,000 calories less per day than the minimum for Germans. Whereas German workers who did hard work received 5,000 calories per day, the Eastern Workers who performed the same kind of work received only 2,000 calories per day. Is that true?

JÄGER: That was true at the beginning of my activities. The food for Eastern Workers—as could be seen from the posted lists—had been determined as to quantity, and there was a difference between that for Eastern Workers and that for German workers. The 5,000 calories mentioned here were given to specific categories of German workers who did the hardest type of work. That was not given to everybody.

DR. SERVATIUS: Witness, I shall put to you a chart of the calories.

I submit to the Tribunal a copy of this chart. That is an exact table of the calories to which the individual categories of workers were entitled. It begins with 9 February 1942 and shows the individual quotas for the various types of workers; and on the last page there is a summary of the average quotas of calories which were allotted.

It is shown there in the summary, Group 1. Eastern Workers and Soviet prisoners of war: Average workers, 2,156 calories; heavy workers, 2,615; very heavy workers, 2,909; for long hours and night workers, 2,244. Are you familiar with these figures?

JÄGER: Approximately.

DR. SERVATIUS: Will you compare that with what the German workers received: The normal consumer, 2,846 calories; heavy workers, 3,159; very heavy workers, 3,839; for long hours and night workers, 2,846 calories. Is that in accordance with your statement, according to which you said that German workers doing the heaviest work received 5,000 calories, whereas the Eastern Workers received only 2,000 calories?

THE PRESIDENT: It is very hard to follow these figures unless you give us the exact page. Are you on the last page?

DR. SERVATIUS: This is a summary.

THE PRESIDENT: Well, on which page are you?

DR. SERVATIUS: On the last page, the last sheet on the right side. First, there are the food groups 1, 2, 3 on different pages; and then on the last page, on the right side next to Group 3, which concerns the Poles, there is a summary of calories for Eastern Workers, for Germans, and for Poles. If you compare the amounts of calories here in the columns, that should tally with what the witness has stated. He singled out the very heavy workers and said that the Germans received 5,000 calories; the table shows that they received only 3,839. He also says the Eastern Workers received 2,000 calories; whereas, according to the table, they received 2,900—that is, instead of a proportion of 5,000 to 2,000, it is from 2,900 to 3,800—in round figures about 1,000 calories and not, as the witness has said here, 3,000 calories. Is that correct? Do you stand on your statement? A distinction has to be made...

THE PRESIDENT: I did not hear the witness' answer.

MR. DODD: I think it would be more helpful to the Tribunal, and certainly to the Prosecution, if it were established who made up this chart, and whether or not the figures given here cover the camps where this witness had jurisdiction. From looking it over I cannot tell where it was made up, except on the front page it says:

“According to the food table by Dr. Hermann Schall, Medical Superintendent of the ‘Westend’ Sanatorium. Calculations of controlled foodstuffs for the camps of the firm of Krupp...”

And so on.

But these things can be made up by the bale and presented to witnesses. Unless there is some foundation laid, I think it is an improper way to cross-examine.

DR. SERVATIUS: I have an affidavit which can prove where that chart comes from.

THE PRESIDENT: Have you ever seen this chart before?

DR. SERVATIUS: It is the affidavit of the witness Hahn.

JÄGER: Was a question put to me, please?

DR. SERVATIUS: The witness has the original. It is attached. May I ask the witness to return the document to me?

JÄGER: I wanted to make a statement on this subject.

At the beginning of my activity the Eastern Workers' food definitely differed from that of the German people, and also from that of the so-called western workers—the French, the Belgians, and so on. It can be seen from the figures that, even though it may not be stated exactly, at least there is a difference of 700 to 800 calories. In the beginning until, I believe, February or March 1943, the Eastern Workers received no additional rations for long hours, heavy

work, or very heavy work. These additional quotas were given only after Sauckel had ordered it; and that was, if I remember correctly, at the beginning of 1943. At that time, as far as I remember, the Eastern Workers were put on an equal footing with the German workers as far as food was concerned; and they received additional rations for long hours, heavy work, and very heavy work, which they had not received at all before.

DR. SERVATIUS: Witness, if I understand you correctly, you want to say that this chart may be right but that in reality the workers did not receive what is listed on the chart. Did I understand you correctly?

JÄGER: Even from this chart you can see the difference.

DR. SERVATIUS: It was a difference of 3,000 calories which you mentioned, whereas the table shows a difference of about 1,000 calories.

JÄGER: I said before that there were individual categories of workers doing the heaviest type of work—such as stokers and miners—and that they received up to 5,200 calories. That, however, was not the rule. Only very special workers received up to 5,200 calories.

DR. SERVATIUS: Then what you say here is not correct, because you did not mention that. You say generally that, whereas the German worker who did the heaviest type of work received 5,000 calories, the Eastern Workers who did the same type of work received only 2,000 calories per day. That is, however, a general statement; and it does not show that you are referring to exceptional cases of individual groups of workers. Is that correct?

JÄGER: That is the way I saw it, and I believe that you understand it as it appears here.

THE PRESIDENT: Now, where does this chart come from, and are you putting it in? Will you put it in?

DR. SERVATIUS: In the affidavit this assertion is made, and the witness said clearly at that time that the workers doing the heaviest type of work received 5,000 calories if they were German, and if they were Eastern Workers, they received only 2,000. That is a very clear statement in the affidavit, which is not in accordance with the chart.

THE PRESIDENT: Are you offering it in evidence?

DR. SERVATIUS: Yes.

THE PRESIDENT: What will it be? What number will it be?

DR. SERVATIUS: That will be Exhibit Sauckel-11.

THE PRESIDENT: Does the affidavit refer to the chart?

DR. SERVATIUS: I asked because I questioned the correctness of the affidavit.

THE PRESIDENT: No, I asked whether the affidavit refers to and identifies the chart, the chart which the witness has just had in his hand.

DR. SERVATIUS: Yes.

THE PRESIDENT: Dr. Servatius, you have put in an affidavit by Walter Hahn. Does that affidavit mention the chart and say where the chart comes from and by whom it was made up and to what it refers?

DR. SERVATIUS: The affidavit which is here as Document Number D-288 does not mention the chart, but only the affidavit which I have submitted. Now I understand it is the affidavit by the witness Hahn, and the chart is attached; and it is covered by the affidavit made by the witness. That document I submit in evidence.

THE PRESIDENT: I said the affidavit by Walter Hahn—does it identify and is it attached to the chart? What page? There are seven pages, you know. We cannot find it unless you tell us.

DR. SERVATIUS: In the German text on Page 4.

THE PRESIDENT: Well, do you mean where it says, "The amount of calories contained in this food can be seen from the calorie table made by me which covers the whole period of the war"? Is that what you mean? That is on Page 4 of our copy. It is under the heading "C": "Food Supply of French Prisoners of War and Italian Military Internees."

DR. SERVATIUS: It is there, as I have said before, on Page 4 of the German text, where it says that the rations were based on calories; and that the caloric content of the food can be seen from the calculations made which cover the entire duration of the war. That is the document attached.

THE PRESIDENT: But it is all right to say that the document is attached, but it does not refer to it by any name.

DR. SERVATIUS: But the document is attached, so that it is obvious that it must belong to it.

THE PRESIDENT: Very well.

MR. DODD: Mr. President, I do not want to be contentious about this, but—maybe I do not understand—I think we ought to know when this schedule was made; by whom. This affidavit says it is an appendix. Maybe it was made by the man Hahn, but we do not know it yet; and this witness has not testified to it, and counsel has not told us.

THE PRESIDENT: Mr. Dodd, the position is this, is it not: The man named Walter Hahn made an affidavit annexed to this chart. That affidavit is dated, I imagine . . .

MR. DODD: Yes, 1946.

THE PRESIDENT: ... after the affidavit had been made by this witness, and replies in detail to the evidence given by this witness.

MR. DODD: Yes. What I wanted to understand fully was that this schedule, concerning which this witness is being cross-examined, was apparently not made up at the time when he had responsibility for these camps; and so far it does not appear from the examination that that is so, and I think it would have great bearing on the weight of the evidence adduced through the cross-examination.

I would like to point out that it was the defense of Sauckel that he had nothing to do with the feeding and care of these workers after they came into Germany, but that it was the responsibility of the DAF. I think it might be more helpful if counsel cleared that up, so that we would know whether he does admit responsibility after they came in and whether that is the purpose of this cross-examination.

THE PRESIDENT: Go on.

DR. SERVATIUS: Mr. President...

THE PRESIDENT: Wait a minute. The Tribunal does not think that you need interrupt your cross-examination. You can go on.

DR. SERVATIUS: The Prosecution has just made that assertion as an accusation against Sauckel. If the Prosecution today is of the opinion that Sauckel was not responsible for the happenings in the factories but rather the works manager was responsible and that he was not responsible for prisoners of war but that the Armed Forces were responsible for them, then I do not need this witness

THE PRESIDENT: Go on with your cross-examination, please.

DR. SERVATIUS: Witness, you have made some statements concerning the clothing of Eastern Workers. You said that they slept in the same clothes in which they had come from the East and that almost all of them had no overcoats and were therefore forced to use their blankets—even in cold and rainy weather—to carry their blankets in the place of coats.

Was it always like that, or only for a time? Was that a general occurrence or only an individual case?

JÄGER: In order to avoid another misunderstanding I have to state again: At the beginning of my activity I depended entirely on myself. There was no camp command. There was nobody else to work with me. The calorie tables as well as the clothing charts were not made until later.

The camp management which existed, according to Hahn—if I remember correctly—was only until February or April 1943. The phase which I intended to describe, and have described here, refers

strictly to the time when I started my work. At that time the conditions were actually as I have described them, and I had to go by that. That also included clothing, as I have confirmed. These people remained in the same condition as on arrival, as far as clothing was concerned, for quite a while; and as far as I know they did not receive anything at that time.

DR. SERVATIUS: What was done about that?

JÄGER: I reported these conditions as soon as possible. I do not remember when. As far as I could see, the intention was to establish tailor shops, shoe repair shops, and other work shops in the camps; and some of them were actually established.

DR. SERVATIUS: One question. Did things generally get much better in the course of your activities, or did they become worse?

JÄGER: They did not become worse after 1943. After the first heavy air raids, of course, the confusion was always very great. A great deal was destroyed by fire. I recall that during one night 19,000 persons became homeless; and, of course, clothes and underwear were destroyed also. It naturally took quite some time to make up these losses.

DR. SERVATIUS: Were these conditions caused by the firm of Krupp, or by lack of supervision on the part of the Labor Front?

JÄGER: As I have said, I saw members of the Labor Front only once in a camp. Then that commission did actually criticize conditions. It was in the camp at Krämerplatz, and the firm of Krupp was fined at that time, because of the conditions. But that was the only time that I got in touch at all with the Labor Front.

DR. SERVATIUS: Did the firm of Krupp object in any way to the improvements, so that the Labor Front had to intervene?

JÄGER: That I cannot say. I had no influence in that respect and did not know anything about it, because I had to deal only with medical affairs, and did not participate in meetings of the firm of Krupp or the Labor Front. I could only make reports.

DR. SERVATIUS: Witness, you also made statements concerning the conditions of health; and you said that the supply of medical instruments, bandages, medicines, and other medical equipment was completely inadequate in these camps. Is that true, or were those exceptional cases; or was it a condition which existed all the time?

JÄGER: That was how I found the camps in October 1942, and slowly I had to clear up these conditions. Later, of course, there was an improvement.

DR. SERVATIUS: You say here that the number of Eastern Workers who fell sick was twice as high as the number of German

workers; that tuberculosis was especially prevalent; and that the percentage was four times as high among the Eastern Workers as among the Germans. Is that correct?

JÄGER: That was the case at the beginning when we received workers who had not had any medical examination at all. When I went through the camps, I heard from the camp doctors—and saw for myself on the occasion of inspections—that very many people were sick. The figure was considerably higher than among the Germans, as far as I could see at that time.

DR. SERVATIUS: And what was done about that by the Krupp firm?

JÄGER: After we had found out that it was tuberculosis we had to deal with, we made examinations in large numbers, even X-ray examinations. Then those affected with tuberculosis were separated from the others and put into the Krupp hospital for medical treatment.

DR. SERVATIUS: Then you mentioned typhus, and said that that was also widespread among the workers.

JÄGER: I busied myself with that in particular, as we had about 150 cases.

DR. SERVATIUS: At what time?

JÄGER: During the entire period from 1942 to 1945.

DR. SERVATIUS: How many workers did you have during that time?

JÄGER: Oh, that varied.

DR. SERVATIUS: Give us some approximate figure.

JÄGER: Well, if I remember correctly, there may have been 23,000 or 24,000; there may have been more. Later, there were about 9,000. But these figures varied.

DR. SERVATIUS: Do you consider it correct, if 150 people out of such a large number are affected by typhus over such a long period of time, to say that it was very widespread among the workers?

JÄGER: Yes, for we had no typhus at all among the German population. So that statement may be justified. If among a population of 400,000 or 500,000—such as there was in Essen at that time—there was no typhus at all, and if one then takes an average of 20,000, with 150 cases among the 20,000, then that statement can quite well be made.

DR. SERVATIUS: In other words, you maintain your statement, that it is a correct statement that typhus was widespread. You say,

furthermore, that carriers of these diseases were fleas, lice, bedbugs, and other vermin which tortured the inhabitants of those camps. Was that true of all the camps?

JÄGER: It was the case in almost all the camps when I began my work. Then a disinfection station was set up by the firm of Krupp, which was hit in an air attack immediately. It was then rebuilt, and then destroyed a second time.

DR. SERVATIUS: You say that in cases of illness the workers had to go to work until a camp doctor certified that they were unfit for work. In the camps at Seumannstrasse, Grieperstrasse, Germaniastrasse, and Kapitän-Lehmannstrasse there were no daily consultation hours, and that at these camps the camp doctors appeared only every second or third day. Consequently workers were forced to go to work despite illness, until a doctor appeared. Is that correct?

JÄGER: Naturally a worker had to work unless a camp doctor certified he was unfit. It was the same with the German population. I am a panel doctor myself and I know that in many cases a man had to go to work if he did not report himself sick; there was no difference in that respect.

DR. SERVATIUS: And you say that that was the case in the camps mentioned; that there was no real consultation hour, which meant that a man could not possibly report sick?

JÄGER: But he could go to a doctor. Because there were no doctors there, I purposely arranged that whenever possible people should come to me during my consultation—to me personally.

DR. SERVATIUS: But you have said here . . .

THE PRESIDENT: I think we had better adjourn now.

[A recess was taken.]

DR. SERVATIUS: Witness, you just said that the workers could report ill even when there was no doctor present, that there was some other provision for them. Here you say that these camps were visited only every second or third day by the competent camp doctors; that as a consequence the workers, despite illness, had to report for work until a doctor was actually there. Is that correct?

JÄGER: That is wrongly expressed. If anyone reported ill he had to be taken to a doctor, or the doctor was notified.

DR. SERVATIUS: Witness, I should like to return once more to the subject of the spreading of typhus. How many deaths resulted?

JÄGER: Only about three or four cases of death resulted, and they occurred only because the case was diagnosed too late. I always

took personal charge of the typhus cases and had them brought to the hospital immediately, for I was responsible for this.

DR. SERVATIUS: Then you say in another place, on Page 2: "The plan of supplies prescribed a little meat each week. Only Freibankfleisch could be used for this purpose, which was horse meat, meat infected with tuberculosis, or meat condemned by the veterinary."

Does that mean that the foreign workers received bad meat?

JÄGER: One must define the expression "Freibankfleisch." That was meat which was not released for general consumption by the veterinary but which, after being treated in a certain way, was quite fit for human food. Even in times of peace and afterwards, the German population bought this meat. During the war the German population received in return for their coupons a double quantity of Freibankfleisch.

DR. SERVATIUS: Then the veterinary allowed it for consumption?

JÄGER: Meat which had been condemned at first was released for human consumption after it had been treated in a certain manner and was then not harmful.

DR. SERVATIUS: Then the expression "condemned by the veterinary" means that it was first condemned and then allowed?

JÄGER: Yes, then allowed.

DR. SERVATIUS: Witness, regarding the French prisoner-of-war camp in Nöggerathstrasse you said the following:

"This camp was destroyed in a bombing attack; and the inmates for almost half a year were housed in dog kennels, latrines, and old baking ovens."

Is that correct?

JÄGER: That is how I found this camp.

DR. SERVATIUS: And you saw that yourself for a half year?

JÄGER: I was there only on three occasions. It was described to me in that way, and I found the camp in that condition. As far as I could determine at the time, it had been in that condition for about 4 months; then it was rebuilt.

DR. SERVATIUS: Witness, I am interested in the dog kennels. How many dog kennels were there? Were they really dog kennels, or was that only a derogatory remark about some other kind of billets?

JÄGER: It was an expression of mine, because the inmates built and hammered these huts together themselves.

DR. SERVATIUS: Is the same true of the latrines, or what does that mean?

JÄGER: That was the place where the doctor had his consultations.

DR. SERVATIUS: Was that a former latrine, or was it a latrine that was being used as such?

JÄGER: A former latrine.

DR. SERVATIUS: Then it was a former latrine which had been rebuilt?

JÄGER: It had not been rebuilt; it was just as it had been.

DR. SERVATIUS: Was this latrine then still being used?

JÄGER: It was not being used.

DR. SERVATIUS: Then you say that there were no tables, chairs, or cupboards in this camp.

JÄGER: That was also not the case.

DR. SERVATIUS: Witness, did you swear to this testimony which you have seen?

JÄGER: Yes, to the one I saw before.

DR. SERVATIUS: Are you sure it is that testimony which you have just had in your hands?

JÄGER: In my home in Chemnitz I crossed out various things in the record of the interrogatory which was submitted to me, and initialed these corrections...

DR. SERVATIUS: This very sentence, did you not...

THE PRESIDENT: Please do not interrupt him.

DR. SERVATIUS: Please continue.

JÄGER: I must assume that this is that corrected record.

DR. SERVATIUS: But you have it before you?

JÄGER: Yes, I have a record before me.

DR. SERVATIUS: Can you not determine which passages you crossed out? Were there many passages like that, or was it just single words?

JÄGER: No, sometimes entire sentences.

DR. SERVATIUS: And you swore to that?

JÄGER: Yes. After I had made these changes, I swore to this record.

DR. SERVATIUS: Mr. President, I should like to call the attention of the Tribunal to the fact that this statement was in the Krupp files at the beginning of the proceedings, and that it was considerably

shorter, and that a number of sentences which the witness has sworn to here were lacking in that statement. I would suggest, therefore, that the Prosecution should submit the original, which the witness states he has altered, so that it can be seen just what he did write. As far as I know, he struck out at the time a few of those very statements which he has just repeated here.

As an example, I mention that he stated that in this camp there were no chairs, tables, or cupboards. That is a sentence which was struck out. The witness thus had doubts at the time, and did not swear to these facts.

THE PRESIDENT: I do not know what you are talking about. We have before us what is called a sworn statement, which was put in evidence and which is signed by the witness. The witness is now saying that that statement is correct, subject to any alterations which you have extracted from him in cross-examination.

DR. SERVATIUS: He said it might be entire sentences. I should like to ask the Prosecution to produce the original document with the passages crossed out, because I have seen two statements: a brief one in which these passages are apparently left out, and a complete one, such as we have before us, and which the witness says had been cut short.

THE PRESIDENT: All that the witness is saying, is it not, is that it was originally submitted to him in a certain form? He made certain alterations in it. Then, when those alterations had been made—I do not know whether it was fair-copied or not—he then signed it and swore to it, and that is the document that we have.

DR. SERVATIUS: Mr. President, my contention is this: The document which we have before us does not show these crossings out. The words which were struck out are still contained in the document.

THE PRESIDENT: You may ask the witness any question you like about it.

DR. SERVATIUS: How did you mark your alterations?

JÄGER: I crossed the passages out with ink and put my name next to the alterations. It is difficult, of course, and today I am not able to say what I did strike out at that time, as I did not retain a copy.

DR. SERVATIUS: Mr. President, if this document which we have before us were reproduced correctly these crossed-out passages would have to be shown, especially as the witness says that he put his initials in the margin.

THE PRESIDENT: Did you sign the document after it had been fair-copied? Witness, did you sign the document after it had been fair-copied? You know what a fair copy is, do you not?

JÄGER: Yes. I must try to remember exactly.

The document was submitted to me. I made the alterations, and then I signed three or four of these statements. Then these records were taken away; and on the same day or the following day, I was in Essen and swore to this record. Then I received a record which I read before the court.

DR. SERVATIUS: Was that a fair copy without any alterations?

JÄGER: That was a fair copy. I do not remember exactly; I really cannot.

DR. SERVATIUS: And why did you make these alterations?

JÄGER: The record came about in this way. Captain Harris came to me and interrogated me on these matters. Notes were taken; and then Captain Harris, I think, compiled this record and asked me to sign it.

DR. SERVATIUS: And why did you make these alterations?

JÄGER: Because I could not swear to those things—the things that I struck out I could not swear to.

DR. SERVATIUS: Was it incorrect, or did it go too far?

JÄGER: In part it went too far, I think I can put it that way; and in part it was incorrect—unintentionally, of course. But I had to make those changes, and I did make them.

DR. SERVATIUS: Witness, if I show you a document in which I mark in red the passages that you struck out, would you recognize those passages?

JÄGER: That is very difficult, for I cannot remember that.

DR. SERVATIUS: Then I have no further questions.

MR. DODD: I am not clear on this. I do not know whether counsel is claiming that we have another document, one which we have not submitted. I do not know of any such. We submitted the only one that came into our possession...

THE PRESIDENT: Have you got that original, or is it with...

MR. DODD: There were a number of these made up, and they were all signed as originals. The first was the copy made with the typewriter, the others carbon copies. It was a joint British-American team that interrogated the witness, and this one copy was turned over to us, and we submitted it. That is the only one we have ever seen.

THE PRESIDENT: I see in the certificate of translation it refers to a certificate dated 14 October 1945, signed by Captain N. Webb...

MR. DODD: Yes.

THE PRESIDENT: You will find that at the end of the document, I think.

DR. BALLAS: As former counsel for Herr Krupp Von Bohlen, I wish to make a statement about this.

In the Krupp file which the counsel for Krupp...

THE PRESIDENT: Wait a minute. What have you got to do with it? We are now considering the suggestion made by Dr. Servatius that this document, which we are now considering...

DR. BALLAS: I am sorry. I did not quite follow you, Your Honor.

THE PRESIDENT: We are now considering the Document Number D-288. You haven't anything to do with that document.

DR. BALLAS: Yes, this document does concern me. The Krupp portfolio...

THE PRESIDENT: Wait a minute. What right have you to speak about it? You are only a former counsel to Krupp.

DR. BALLAS: I want to help explain the matter. At present I am appearing for Dr. Siemers, counsel for Admiral Raeder.

THE PRESIDENT: But how can you help us about the framing of the affidavit of this witness by the Prosecution? You cannot do anything about that.

DR. BALLAS: I just wanted to refer to the different versions of the document.

In the Krupp file there is a Document D-288 which is considerably shorter than this Document D-288 which has been submitted by the Prosecution in the case of Sauckel. At the time I called Dr. Servatius' attention to this difference, and we checked point by point just how far the deviations went. There are thus two documents—the one original Document D-288 and the one in the Krupp file which differs from the document presented in the case of Sauckel.

THE PRESIDENT: But this document was signed by this witness. There may have been some other document signed which was put in the Krupp file, but this witness has said that he signed this document. Therefore, it does not seem to me that it is material.

DR. BALLAS: I just wanted to call your attention to the fact that there are two different documents.

THE PRESIDENT: Yes; thank you. Is there any other member of the Defense that wants to ask questions of this witness?

[There was no response.]

Then, Mr. Dodd, do you want to re-examine him?

MR. DODD: No, Sir—except that I would like to say, with respect to the Tribunal's question concerning this certificate of translation

where the name Captain N. Webb appears, that I am informed that refers to a certificate which is attached to all British documents and that is a certificate which goes along for the purpose of the translators. Undoubtedly, that is what it is. However, I will have a search made in the document room and clear it up. It is better that way. But my British friends say that is so—they do send a certificate; and the only possible explanation is that it is the certificate with a mistake in the date. But in any event, I will look into it.

THE PRESIDENT: Has the witness had the original of that affidavit put to him?

MR. DODD: I believe he has. I understood he had the one which is before the Tribunal.

THE PRESIDENT: Has he acknowledged the signature?

MR. DODD: Well, I understood so. I can inquire.

[Turning to the witness.]

Witness, you saw the signature? Is it your signature?

JÄGER: Yes.

MR. DODD: As a matter of fact, I talked to you personally on this matter; and you told me that this was a statement you gave. Do you remember that? Do you recall when you and I talked, and you told me this was your statement? You looked it over and read it.

JÄGER: Yes.

MR. DODD: You read English as well as German, do you not? You have some knowledge of English.

JÄGER: Some knowledge, yes.

THE PRESIDENT: Witness, the document is being handed to you. It is in German, is it not?

JÄGER: It is in German.

THE PRESIDENT: And it is signed by you, is it?

JÄGER: Yes.

THE PRESIDENT: Is there any passage in it which you want to strike out of it?

JÄGER: May I read the document first?

THE PRESIDENT: Yes; you may read it as quickly as you can.

MR. DODD: While the witness is reading the document, I should like to inform the Tribunal that we made a call to the document room and have been told by the officer there that there is only one Document D-288, and this is it; there is no duplicate signed, as counsel for Krupp stated.

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JÄGER: Yes, here there is an alteration which is written in pencil, on Page 2. I crossed that out, but that was not written by me.

DR. SERVATIUS: Mr. President, may I submit the document which I received from the counsel for Krupp at the beginning? I also have here an English document, Document Number 288 and the passages which allegedly were crossed out at the time have been marked by me in red. I should like to submit this document for the information of the Court; I believe it will help in clarifying this matter. There are many passages struck out.

THE PRESIDENT: No, Dr. Servatius, that is a different document, as I understand it.

DR. SERVATIUS: Yes.

THE PRESIDENT: We do not need that. We have this document before us, signed by the witness; and we have asked him whether he has anything in it which he thinks did not form part of the original document which he signed.

JÄGER: On Page 1 it says, "Conditions in all these camps were extremely bad." I would have probably limited this statement, because I...

THE PRESIDENT: Wait a minute, Witness, we do not want to know whether you think you expressed yourself too strongly. We only want to know whether the document represents the document which you signed—accurately represents the document which you signed. If there is anything which you want to change now, you can say what it is.

JÄGER: The record, as it is before me, I would not change in any way.

THE PRESIDENT: Just one or two questions I want to ask you. Were prisoners of war employed at Krupp's during the time you were supervising these camps?

JÄGER: I did not supervise the prisoner-of-war camps. That is a wrong expression. I received the permission to visit the prisoner-of-war camps which were under the sole jurisdiction of the Wehrmacht, and I was told that these prisoners of war were all working for Krupp.

THE PRESIDENT: Were any of the people who were working at the camps, which you mentioned in this, prisoners of war?

JÄGER: In Hoegstrasse.

THE PRESIDENT: Prisoners of war were working there, were they?

JÄGER: Yes.

THE PRESIDENT: Krupp's?

JÄGER: For the Krupp Works, yes.

THE PRESIDENT: What sort of work was it?

JÄGER: These things were not under my jurisdiction. It depended on their trade—locksmiths probably worked in the locksmith shop. But there were also many unskilled laborers. But I am naturally not able to give you all the details; these matters were not under my jurisdiction. I was concerned with these people only in my capacity as a physician.

THE PRESIDENT: Very well.

[The witness left the stand.]

MR. DODD: Mr. President, I have found that certificate; and it is as I described it for the Tribunal. It is a certificate by Captain Weber of the British Army service that he received a copy of this document from the American team; and it is signed by him, Captain H. Weber, IMT Corps, British Army, European Sector.

THE PRESIDENT: Is that your case then, Dr. Servatius?

DR. SERVATIUS: Yes. There are two more witnesses, Biedermann and Mitschke. I can dispense with both of these witnesses.

Then we still do not have the sworn affidavits, the interrogatories from Dr. Voss, Dr. Scharmann, a witness by the name of Marenbach, and the witness Letsch, who was an expert in Sauckel's office. We have received interrogatories from the witnesses Darré and Seldte, but these have not been translated as yet. I shall submit them as soon as they have been translated.

THE PRESIDENT: Very well.

DR. SERVATIUS: Then I have concluded my case.

THE PRESIDENT: Now, counsel for the Defendant Jodl.

DR. EXNER: Your Honors, with your kind permission I shall present my case in the following manner. First of all, I shall call the Defendant Jodl to the stand and use all documents, with a single exception, during his examination, and submit them to the Court.

I do not need to bore the Tribunal with lengthy readings. I have three document books which are numerically arranged, Jodl 1, Jodl 2, and so forth—and I shall in each case quote the page which is found in the upper left-hand corner on every page of the translation. The numbering is the same as in the original; they correspond. I am sorry to say that the documents are not exactly in the order in which I shall read them, and this is due partly to the fact that they were received too late and partly to other factors. I still do not have several interrogatories, particularly one which is very important to me. I hope that I shall be able to submit them

later. I was granted five witnesses, but I can dispense with one of them. The four remaining witnesses will take up little time.

Now, with the kind permission of the Tribunal, I should like to call the Defendant Jodl to the witness box.

[The Defendant Jodl took the stand.]

THE PRESIDENT: Will you state your full name?

ALFRED JODL (Defendant): Alfred Jodl.

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

[The defendant repeated the oath.]

THE PRESIDENT: You may sit down.

DR. EXNER: Generaloberst Jodl, in the English-American trial brief it says that you are 60 years old. That is a mistake. You became 56 recently. You were born when?

JODL: I was born in 1890 on 10 May.

DR. EXNER: You were born in Bavaria, and both of your parents are descended from old Bavarian families. You chose the military profession; what was the chief reason for your choice?

JODL: A great-grandfather of mine was an officer; my father was an officer; an uncle was an officer; my brother became an officer; my father-in-law was an officer—I can well say that the military profession was in my blood.

DR. EXNER: And now I should like to hear something about your political attitude. To which of the political parties which existed in Germany before 1933 were you closest in spirit?

JODL: As an officer all party politics were entirely remote to me; and especially the offshoots of the post-war period. If I look at the background from which I come, the attitude of my parents, I must say that I would have been closest to the National Liberal Party and its ideas. In any event, my parents never voted anything but National Liberal.

DR. EXNER: Tell us in a few words what your attitude was to the Weimar Republic.

JODL: True to my oath I served the Weimar Republic honestly and without reserve. If I could not have done that, I would have resigned. Moreover, a democratic system and a democratic constitution was not at all a foreign idea to us southern Germans, for our monarchy was also democratic.

DR. EXNER: And what were your relations to Von Hindenburg?

JODL: I knew Hindenburg. I was assigned to him after his first election to the Reich Presidency when he spent his first vacation in Dietramszell. Then I spent a day with the Hindenburg family at their Neudeck estate together with Field Marshal Von Manstein. I can only say that I admired him; and when he was elected Reich President for the first time, I considered that the first symptom of the German people's return to self-respect.

DR. EXNER: What was your attitude toward the National Socialist Party?

JODL: The National Socialist Party I hardly knew and hardly noticed before the Munich Putsch. It was this Putsch which dragged the Reichswehr into this internal political development. At that time, with few exceptions, it met this test of obedience. But after this Putsch there was a certain cleavage in the views of the officers' corps. Opinions varied as to Hitler's worth or worthlessness. I was still extremely skeptical and unconvinced. I was not impressed until Hitler, during the Leipzig trial, gave the assurance that he was opposed to any undermining of the Reichswehr.

DR. EXNER: Did you attend meetings at which Hitler spoke?

JODL: No, never.

DR. EXNER: Tell us which leaders of the Party you knew before 1933.

JODL: I knew only those who had previously been officers: for example, Epp, Hühnlein, and Röhm. But I no longer had any connection or contact with them after they had left the Reichswehr.

DR. EXNER: Before the seizure of power had you read the book *Mein Kampf*?

JODL: No.

DR. EXNER: Did you read it later?

JODL: I read parts of it later.

DR. EXNER: What was your opinion on the Jewish question?

JODL: I was not anti-Semitic. I am of the opinion that no party, no state, no people, and no race—not even cannibals—are good or bad in themselves, but only the single individual. Of course I knew that Jewry, after the war and in the moral disintegration that appeared after the first World War, came to the fore in Germany in a most provocative fashion. That was not anti-Semitic propaganda; those were facts, which were regretted very much by Jews themselves. Nevertheless, I was most sharply opposed to any outlawing by the state, any generalization, and any excesses.

DR. EXNER: The Prosecution asserts that all the defendants cried, "Germany awake; death to the Jew."

JODL: As far as I am concerned, that assertion is wrong. At every period of my life I associated with individual Jews. I have been a guest of Jews, and certain Jews have visited my home. But those were Jews who recognized their fatherland. They were Jews whose human worth was undisputed.

DR. EXNER: Did you on occasion use your influence on behalf of Jews?

JODL: Yes, that too.

DR. EXNER: Did you know that the Reich Government in the year 1932 counted on the possibility of attempts to overthrow it and sought to save itself in this direction?

JODL: I certainly knew that, for when I came to Berlin at that time I did not find in the later operational division any preparations for war; but I found preparations for the use of the Reichswehr in the interior of the country, against the extreme leftists as well as the extreme rightists. There were plans for maneuvers of some sort in that connection in which I myself participated.

DR. EXNER: What was your attitude to the appointment of Hitler as Reich Chancellor in the year 1933?

JODL: The appointment of Hitler as Reich Chancellor was a complete surprise to me. That evening when I was returning home with a comrade, through the excited crowds, I said to him, "This is more than a change of government; it is a revolution. Just how far it will lead us we do not know." But the name of Hindenburg, who had legalized this revolution, and the names of such men as Von Papen, Von Neurath, Schwerin-Krosigk exerted a reassuring influence on me and gave me a certain guarantee that there would be no revolutionary excesses.

DR. EXNER: At this point I should like to read a part of General Vormann's interrogatory. This is Page 208 of the third volume of my document book. I should like to call the attention of the Tribunal to the fact that Page 208 in the upper left hand corner—I submit the original—refers to the period from 1933 on. Jodl was then at the group headquarters (Gruppenamt), and Vormann was in his group. I read under Figure 2:

"Jodl, who at that time was a major on the General Staff, was my group (Gruppe) leader in 1933. He shared completely the view of the Chief of the Army Command at that time, General Von Hammerstein, and was thoroughly opposed to Hitler and the Party."

I shall now skip a few lines; they are not so important. Then in the center of the page, I continue:

"When on 30 January 1933 Hitler was appointed Reich Chancellor, Jodl was dismayed and astonished. I clearly recall that on 30 or 31 of January, at his request, I had to call together the officers of his group for a conference. At this conference he explained that Hitler had been called to be the head of the Reich according to the existing constitution and the laws in force. It was not for us to criticize this, particularly the behavior of Reich President and Field Marshal Von Hindenburg. We must obey and do our duty as soldiers. The kind of criticisms made hitherto, of the new measures initiated by the new chancellor, were not to be made in future for they were inconsistent with his and our own position.

"His entire speech showed great worry and apprehension with regard to the coming development of the situation..." and so forth.

THE PRESIDENT: Dr. Exner, this would be a convenient time to break off.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

THE PRESIDENT: Now, Sir David, you were going to show these applications.

SIR DAVID MAXWELL-FYFE: Yes, My Lord.

I wonder if I might leave, for the moment, Number 1, which my friend General Rudenko will deal with, because he will deal with another one; and if I might deal with the ones which I have?

THE PRESIDENT: Yes.

SIR DAVID MAXWELL-FYFE: The second one is on behalf of Defendant Kaltenbrunner and is an application to cross-examine three witnesses whose affidavits were used by the Prosecution. The first is Tiefenbacher, and he dealt with conditions at Mauthausen; the second, Kanduth, who dealt with the same subject; the third, Stroop, dealt with the reception of orders from the Defendant Kaltenbrunner by Stroop as SS and Polizeiführer in Warsaw. The Prosecution submits that in these cases cross-examination by way of interrogatories would be sufficient. Next, I do not know if...

THE PRESIDENT: Interrogatories are all they asked for, certainly in the case of—in all three.

SIR DAVID MAXWELL-FYFE: We will have no objection to cross-interrogatories as long as they are not brought here as witnesses.

My Lord, the next application is on behalf of the Defendant Von Neurath to use M. François-Poncet as witness. The Prosecution will be grateful if the Tribunal would allow that to stand over for a day or two, as my French colleagues are awaiting instructions from Paris at the moment and they have not got a reply yet. I do not think it will prejudice the Defendant Von Neurath's case. It will be time for a reply before there is any difficulty as to time.

Then, My Lord, the next is an application on behalf of the Defendant Von Schirach. I think that all that is now wanted is to use an affidavit from Dr. Otto Wilhelm von Vacano. The affidavit is 12 pages long and is a highly academic statement on the educational philosophy underlying the Adolf Hitler Schools. The Prosecution feel that the matter has been thoroughly covered by the Defendant Von Schirach himself and also by his witnesses Hoepken and Lauterbacher, and they feel that the affidavit would be cumulative and repetitive. But, of course, it is an affidavit; it is not a question of an oral witness, and if the Tribunal feel that they ought to have it, the Prosecution do not wish to press their objection unreasonably.

THE PRESIDENT: Has the affidavit been translated yet?

SIR DAVID MAXWELL-FYFE: Well, I have certainly got an English—I have read the English translation of it, My Lord, so I assume that it has been translated into the other languages.

The next, applications from the Defendants Hess and Frank to put an interrogatory to General Donovan. If I may put the objection quite shortly, that raises the same point as the application on 2 May 1946 for Mr. Patterson of the United States War Department. The objection of the Prosecution is the same as I made on that occasion, that when you are cross-examining a witness as to credibility you are bound by his answer, and should not, in the opinion of the Prosecution, be allowed to call evidence to contradict him. So it is on exactly the same point, the relationship between the witness Gisevius and the United States Office of Strategic Services.

The next application is on behalf of the Defendant Speer for the approval of certain documents which are in his possession. The Prosecution have no objection to the application. They reserve the right to make any individual objection when the documents are produced at the Trial.

My Lord, the next is a purely formal application on behalf of the Defendant Jodl, whose case is now before the Tribunal, to use an affidavit of Dr. Lehmann. There is no objection to that.

Next is the application on behalf of the Defendant Hess...

THE PRESIDENT: Sir David, that application we have already heard. We have heard the arguments for that in full and the Tribunal will consider that.

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

Then I think that only leaves an application of the Defendant Keitel for the use of a decree of Hitler of 20 July 1944, and the Prosecution has no objection to that.

My Lord, I think I have dealt with every one except the first one, which my friend General Rudenko will deal with—the application of the Defendant Göring.

GENERAL R. A. RUDENKO (Chief Prosecutor for the U.S.S.R.): Members of the Tribunal, the Soviet Prosecution have several times expressed their view respecting the application of Defense Counsel to call witnesses with regard to the mass shooting of Polish officers by the Fascist criminals in Katyn Forest. Our position is that this episode of criminal activity on the part of the Hitlerites has been fully established by the evidence presented by the Soviet Prosecution, which was a communication of the special Extraordinary State Commission investigating the circumstances of the mass shooting of Polish officer prisoners of war by the German Fascist aggressors in Katyn Forest. This document was presented by the Soviet Prosecution under the Document Number USSR-54 on 14 February

1946, and was admitted by the Tribunal; and, as provided by Article 21 of the Charter, it is not subject to argument.

Now the Defense once again are putting in an application for the calling of three supplementary witnesses—a psychiatrist, Stockert; a former adjutant of the Engineer Corps, Böhmert; and a special expert of the staff of the Army Group Center, Eichborn.

We object to the calling of these three witnesses for the following reasons:

The calling of the psychiatrist Stockert as a witness must be considered completely pointless as the Tribunal cannot be interested in the question of how the commission drew its conclusion—a conclusion which was published in a Hitlerite *White Book*. No matter how this conclusion was drawn, the fact of the mass shooting of Poles by Germans in Katyn Forest has been unequivocally established by the Soviet Extraordinary State Commission.

Stockert himself is not a doctor of forensic medicine but a psychiatrist—at that time a member of the Hitlerite commission, not on the basis of his competence in the field of forensic medicine, but as a representative of the German Fascist military command.

The former adjutant, Captain Böhmert, is himself a participant in the crimes of Katyn Forest, having been a member of the Engineer Corps which carried out the executions. As he is an interested party, he cannot give any useful testimony for clarifying the circumstances of this matter.

Third, the expert of the staff of the Army Group Center also cannot be admitted as a witness because he, in general, knew nothing at all about the camp of the Polish prisoners of war, and could not have known all that pertained to the matter. The same reasons apply to his potential testimony to the fact that the Germans never perpetrated any mass shooting of Poles in the district of Katyn. Moreover, Eichborn cannot be considered an unprejudiced witness.

Regardless of these objections which express the opinion of all the prosecutors, the Soviet Prosecution especially emphasize the fact that these bestial crimes of the Germans in Katyn were investigated by the special authoritative State Investigating Committee, which went with great precision into all the details. The result of this investigation has established the fact that the crimes in Katyn were perpetrated by Germans, and are but a link in the chain of many bestial crimes perpetrated by the Hitlerites, a great many proofs of which have previously been submitted to the Tribunal.

For these reasons the Soviet Prosecution categorically insists on the rejection of the application of the Defense Counsel.

I have finished my statement.

THE PRESIDENT: Counsel for Kaltenbrunner, Sir David was right, was he not, in saying that you were only asking for cross-interrogatories, which the Prosecution do not object to?

DR. KURT KAUFFMANN (Counsel for Defendant Kaltenbrunner): Mr. President, I have no objection to questionnaires, but I would then ask that these witnesses be heard in my presence outside this courtroom; and then, on the basis of this interrogation, questionnaires can later be submitted to the Tribunal.

THE PRESIDENT: But are the witnesses here?

DR. KAUFFMANN: Mr. President, I do not know.

THE PRESIDENT: We granted interrogatories, and you now ask for cross-interrogatories; that is all you ask for, and that does not involve bringing the witnesses here at all. The cross-interrogatories will be sent to them; they will answer them. If, for any reason, on the cross-interrogatories being answered, you want to make further application, you can always do so.

DR. KAUFFMANN: The rule of the Court so far was, as I understood it, that I have the right to cross-examine in this courtroom if the Prosecution submits affidavits of these witnesses here. That has, so far, been the ruling of the Court.

THE PRESIDENT: I think it depends on what the substance of the affidavit is. If it is a matter of importance, no doubt we—we have never made any general rule, but we have generally allowed the witness to be brought here for cross-examination if the matter is of importance; but if the matter is of less importance, then we have very frequently directed that there should be cross-interrogatories.

DR. KAUFFMANN: May I add to this last sentence? I consider this testimony extremely important. The Court will probably know the contents.

THE PRESIDENT: Again in your application you say that three interrogatories were used by the Prosecution on the understanding that the deponents would be subject to cross-interrogation. That means, I suppose, cross-interrogatories. It does not say cross-examination; it says cross-interrogation. Do you want to have them brought here for cross-examination?

DR. KAUFFMANN: That is what I had intended, unless my first suggestion is accepted. My first suggestion is simpler, in my opinion, and it would save time. It proposes that I be allowed to be present at the questioning of the witnesses outside this courtroom.

THE PRESIDENT: Well, we understand your point of view, Dr. Kauffmann, and we will consider it.

DR. KAUFFMANN: Thank you.

DR. OTTO STAHLER (Counsel for Defendant Göring): May I make a brief statement with reference to General Rudenko's motion?

General Rudenko wishes to reject my application for evidence, referring to Article 21, I believe, of the Charter. I do not believe that this regulation opposes my application. It is true of course, that government reports are evidence . . .

THE PRESIDENT: Dr. Stahl, I think the Tribunal has already ruled that that article does not prevent the calling of witnesses; but General Rudenko, in addition to an argument based upon Article 21, also gave particular reasons why he said that these particular witnesses were not witnesses who ought to be called. He said that one of them was a psychiatrist, and the other one could not give any evidence of any value. We should like to hear you upon that.

DR. STAHLER: In the report submitted by the Soviet Union, the charge is made that members of the engineer staff which was stationed near Katyn carried out the execution of these Polish officers. They are mentioned by name, and I am bringing counter-evidence—namely members of the same staff—to prove that during the whole time that this staff was stationed there no killings of Polish officers occurred. I consider this is a pertinent assertion and a presentation of relevant evidence. One cannot eliminate a witness by saying that he was involved in the act. With reference to these people, that is not yet settled, and it is not mentioned at all in the record. Neither are these people, whom I have now named, listed in the Russian record as having taken part in the deed. Apart from that, I consider it out of the question to eliminate a witness by saying that he committed the deed. That is what has to be proved by hearing him.

THE PRESIDENT: About the psychiatrist, was he a member of the German commission?

DR. STAHLER: Yes.

THE PRESIDENT: He was a member of it?

DR. STAHLER: Yes. He was present at the unloading, and he ascertained from the condition of the corpses that the executions must have been carried out at some time before the occupation by the German Army.

THE PRESIDENT: But he does not actually say in the application that he was a member. He said he was present during the visit of the military commission; he knows how the resolution of the commission was produced.

DR. STAHLER: I do not think he was an appointed member, but he took part in this inspection and in the duties connected with it.

As far as I know, he was a regimental doctor in some regiment near—he was a regimental doctor of a regimental staff in the vicinity.

THE PRESIDENT: Very well, we will consider your argument.

Then, is the counsel for Von Neurath agreeable that that matter should stand over? Is counsel for Von Neurath here? He is not here? Very well then, we will consider that.

Then, Counsel for the Defendant Schirach, do you wish to say anything in answer to what Sir David said?

DR. NELTE: My colleague Dr. Sauter asked me, if necessary, to represent the interests of the Defendant Von Schirach.

As to the statement of Sir David, I have only to say that, according to the opinion of the Defendant Von Schirach, the witness Von Vacano, who made and signed this affidavit, makes statements on a number of points on which Herr Von Schirach did not speak when he was examined as a witness. I therefore ask the Court to examine this affidavit to determine whether it does not contain individual points which would be important in connection with the charges against Von Schirach, and then to decide whether to admit it.

THE PRESIDENT: Then does counsel for the Defendants Hess and Frank want to say anything about the application for an interrogatory to General Donovan? Dr. Seidl, we have already heard the argument about it.

DR. ALFRED SEIDL (Counsel for Defendants Hess and Frank): I have nothing to add to the arguments which I have already offered on the application to obtain official information from the War Department. I have also withdrawn my request for a decision on my first application, which was to obtain information from the War Department. It has not yet been decided, however, whether a questionnaire is to be submitted to Secretary of War Patterson.

THE PRESIDENT: Very well, the matter will be considered. There was no objection to the other three applications, so it is unnecessary to hear argument. Then the Tribunal will consider all these matters.

Now, Dr. Exner. Dr. Exner, if it is convenient to you personally, the Tribunal thinks that you might go a little bit faster in your speech through the earphones.

DR. EXNER: Before the recess, we heard what you told your officers when Adolf Hitler entered the government. Now I should like to hear what you felt about the appointment of Hitler as head of the State in 1934.

JODL: The union of the two offices in one person gave me much concern. When we lost Hindenburg, we lost the Field Marshal loved

by the Wehrmacht and by the whole German people. What we should get with Hitler, we did not know. It is true, the result of the plebiscite was so overwhelming that one could say that a higher law than this popular will could not possibly exist. Thus we soldiers were quite justified in taking the oath to Adolf Hitler.

DR. EXNER: The Prosecution speak of your close relationship with Hitler. When did you learn to know Adolf Hitler personally?

JODL: I was presented to the Führer by Field Marshal Keitel in the command train on 3 September 1939 when we were going to the Polish Eastern Front. At any rate that was the day I first exchanged words with him.

DR. EXNER: Two days after the outbreak of war?

JODL: Two days after the beginning of the war.

DR. EXNER: Did the Führer have confidence in you?

JODL: That came about very gradually. The Führer had a certain distrust of all General Staff officers, especially of the Army, as at that time he was still very skeptical toward the Wehrmacht as a whole.

I may, perhaps, quote a statement of his which was often heard: "I have a reactionary Army, a Christian"—sometimes he said too—"an imperial Navy, and a National Socialist Air Force."

The relations between us varied a great deal. At first, until about the end of the campaign in the West, there was considerable reserve. Then his confidence in me increased more and more until August 1942. Then the great crisis arose, and his attitude to me was severely caustic and unfriendly. That lasted until 30 January 1943. Then relations improved and were particularly good, sincere, after the Italian betrayal in 1943 had been warded off. The last year was characterized by numerous sharp altercations.

DR. EXNER: To what extent did the Führer confide in you regarding his political intentions?

JODL: Only as far as we needed to know them for our military work. Of course, for the Chief of the Armed Forces Operations Staff political plans are somewhat more necessary than for a battalion commander, for politics is part of strategy.

DR. EXNER: Did he permit discussions of political questions between himself and you?

JODL: Discussion of political questions was generally not admissible for us soldiers. One example is especially characteristic. When I reported to the Führer in September 1943 that Fascism was dead in Italy, for party emblems were scattered all over, this is what he

said: "Such nonsense could only be reported by an officer. Once again it is obvious that generals do not understand politics."

It can be easily understood that after such remarks the desire for any political discussions was slight.

DR. EXNER: Were political and military questions therefore kept strictly separate?

JODL: Yes, they were strictly separated.

DR. EXNER: Was it possible for you to consult him on military matters or not?

JODL: Consultation on military questions depended entirely on the circumstances of the moment. At a time when he himself was filled with doubts, he often discussed military problems for weeks or months, but if things were clear in his own mind, or if he had formed a spontaneous decision, all discussion came to an end.

DR. EXNER: The system of maintaining secrecy has often been discussed here. Were you also subject to this secrecy?

JODL: Yes, and to an extent which I really first realized during this Trial. The Führer informed us of events and occurrences at the beginning of the war—that is, the efforts of other countries to prevent this war, and even to put an end to it after it had already begun—only to the extent that these events were published in the press. He spoke to the politicians and to the Party quite otherwise than to the Wehrmacht; and to the SS differently again.

The secrecy concerning the annihilation of the Jews, and the events in the concentration camps, was a masterpiece of secrecy. It was also a masterpiece of deception by Himmler, who showed us soldiers faked photographs about these things in particular, and told us stories about the gardens and plantations in Dachau, about the ghettos in Warsaw and Theresienstadt, which gave us the impression that they were highly humane establishments.

DR. EXNER: Did not news reach the Führer's headquarters from the outside?

JODL: The Führer's headquarters was a cross between a cloister and a concentration camp. There were numerous wire fences and much barbed wire surrounding it. There were outposts on the roads leading to it to safeguard it. In the middle was the so-called Security Ring Number 1.

Permanent passes to enter this security ring were not given even to my staff, only to General Warlimont. Every guard had to check on each officer whom he did not know. Apart from reports on the situation, only very little news from the outer world penetrated into this holy of holies.

DR. EXNER: But what about foreign papers and radio reports?

JODL: Among foreign papers we studied very carefully the illustrated American and English papers, for they gave us very good information on new weapons. The foreign news itself was received and censored by the headquarters civilian press section. I was given only what was of military interest. Reports concerning internal politics, police, or the present situation were forbidden.

DR. EXNER: How did your collaboration with the Führer take place?

JODL: It took place as follows: Every day I made at least two reports on the situation. Some time ago it was asserted, rather indignantly, that I took part in 119 conferences. I took part in far more than 5,000 conferences. This discussion of the situation and reporting on the military position was at the same time an issuing of orders. On the basis of the reports on events, the Führer decided immediately what orders were to be given for the next few days.

I worked in this way: When my report was finished, I went into an adjoining room. There I immediately drew up the teletype messages and orders for the next few days, and while the reports on the situation were still going on, I read these drafts to the Führer for his approval. Warlimont then took them along to my staff where they were sent off.

DR. EXNER: Were you also present at political talks?

JODL: May I add—to complete the picture it should be said that I did not hear many things which were discussed during these reports on the situation. The same is true of Field Marshal Keitel, who worked in a similar manner.

DR. EXNER: Were political matters also brought up at the discussions of the situation, and to what extent were you present at discussions of a political nature?

JODL: As I have already said at the beginning, political problems were discussed only to the extent that was necessary for our military measures. Also on occasions when political and military leaders came together, when the Reich Foreign Minister was present, problems were discussed which lay on the borderline between politics and the conduct of the war. I did not take part in the exclusively political talks with foreign politicians, neutral or allied, or with the Reich Foreign Minister. I did not even take part in the discussions on the organization, armament, and administration of the occupied territories, for the purely military discussions of the situation in which I had to take part often lasted or required as much as 6 or 8 hours a day. I really needed the time I then had left for my own work.

DR. EXNER: It has often been stated here that it was impossible to contradict the Führer. Did you have any success with remonstrances?

JODL: One cannot say it was really impossible to contradict the Führer. Very many times I contradicted him most emphatically, but there were moments when one actually could not answer a word. Also by my objections I induced the Führer to desist from many things.

DR. EXNER: Can you give an example?

JODL: There were a great number of operational questions which do not interest the Court; but in the sphere of interest to the Court, there was, for example, Hitler's intention to renounce the Geneva Convention. I prevented that because I objected.

DR. EXNER: Were there other possibilities of influencing Hitler?

JODL: If it was not possible by open contradiction to prevent something which according to my innermost convictions I should prevent, there was still the means I often employed of using delaying tactics, a kind of passive resistance. I delayed work on the matter and waited for a psychologically favorable moment to bring the question up again.

This procedure, too, was occasionally successful, for example, in the case of the intention to turn certain low-level fliers over to lynch justice. It had no success in the case of the Commando Order.

DR. EXNER: We will speak about that later. The Führer therefore ordered that himself.

The witness Gisevius in answer to questions by the Prosecution, said that "Jodl had a key position with Hitler."

Did you know this witness by sight, or by hearing about him, or in any other way?

JODL: I did not have that honor. I heard the name of this witness for the first time here, and I saw him for the first time here in Court.

DR. EXNER: What, if anything, could you influence Hitler not to do?

JODL: Obviously, I could give the Führer only an extract of events. In view of his inclination to make emotional decisions I naturally was particularly cautious in presenting unverified reports made by agents. If the witness meant this by his general term of "key position," he was not wrong. But if he intended it to mean that I kept from the Führer atrocities committed by our own Wehrmacht, or atrocities committed by the SS, then that is absolutely untrue. Besides, how was that witness to know about it?

On the contrary, I immediately reported any news of that kind to the Führer, and no one could have stopped me from doing so. I will give examples: An affidavit by Rittmeister Scheidt was read here. He testified that Obergruppenführer Fegelein told the Chief of the General Staff, Colonel Guderian, and Generaloberst Jodl of atrocities committed by the SS Brigade Keminski in Warsaw. That is absolutely true. Ten minutes later I reported this fact to the Führer and he immediately ordered the dissolution of this brigade. When I heard through the American radio, through my press chief, of the shooting of 120 American prisoners near Malmédy, I immediately, on my own initiative, had an investigation started through the Commander, West so as to report the result to the Führer. When unimaginable horrors committed by an Ustashi company in Croatia came to my knowledge, I reported this to the Führer immediately.

DR. EXNER: I should like to interrupt you a moment. In your diary Document Number 1807-PS, you write, on 12 June 1942—Page 119, second document book:

“The German field police disarmed and arrested a Ustashi company because of atrocities committed against the civilian population in Eastern Bosnia.”

I should like to add here that this is noteworthy because this Ustashi company was something like an SS troop in Croatia and was fighting on the German side. Because of the atrocities, the German field police arrested this Ustashi company.

“The Führer did not approve of this measure, which was carried out by order of the commander of the 708th Division, as it undermined the authority of the Ustashi on which the whole Croatian State rests. This is bound to have a more harmful effect on peace and order in Croatia than the unrest of the population caused by the atrocities.”

Was this the incident of which you were thinking just now?

JODL: Yes.

DR. EXNER: Have you another example?

JODL: After the issuing of the Commando Order, I reported enemy violations of international law to the Führer only when he would be certain to have heard of them through other channels. I reported cases of Commando undertakings and capture of Commandos only when I could be quite sure that he would hear of them through other channels. In this respect I did try to hold back any new spontaneous emotional decisions.

DR. EXNER: Was it possible to hold Hitler back?

JODL: Unfortunately not.

DR. EXNER: I do not understand.

JODL: I can only say, unfortunately not. There were endless ways through which the Führer was informed about military matters. Every individual and every office could hand in reports direct to the adjutant's department. The photographer sent out by the Führer to take pictures at the front, found it expedient to use this opportunity to report to the Führer on military matters also. When I objected to this, the Führer answered, "I do not care from whom I hear the truth; the main thing is that I hear it." These reports, however, were not reports of atrocities, but just the opposite. Unfortunately, through many channels hostile to the Wehrmacht, inciting reports against the correct and chivalrous attitude of the Wehrmacht reached the Führer. It was these reports which brought about these decisions which led to brutal proceedings. A tremendous amount of damage would have been avoided if we soldiers had been in a position to hold the Führer back.

DR. EXNER: What role did Canaris play in this connection?

JODL: Canaris saw the Führer dozens of times. Canaris could report to him what he wanted and whatever he knew. It seems to me that he knew far more than I, for I was concerned exclusively with the operational conduct of the war. But he never said a word. He never said one word to me, and it is quite clear why; this witness was on the best of terms—this man, who is now dead, was on the very best of terms with Himmler and with Heydrich. It was necessary that he should be so that they would not become suspicious of this nest of conspirators.

DR. EXNER: The witness Gisevius said a great deal about revolts and intentions to carry out a Putsch. Did you personally ever learn anything about such plans?

JODL: I never heard a single word or intimation about any revolt or about any intentions to carry out a Putsch.

DR. EXNER: At any time, before or during the war, would you have considered a revolt possible or promising?

JODL: The witness spoke of revolts as casually as of washing his hands. That alone proves to me that he never thought about it seriously. The results of the Kapp Putsch in 1921, of the Hitler Putsch of 1923, are well known. If more proof is necessary, there is the result of 20 July 1944. At that time no one any longer hoped for victory in the true sense of the word. Nevertheless, in this revolt, in this attempt, not one soldier, not a single arm of the Wehrmacht, not one worker, rose up. All the perpetrators and all the members of the Putsch were alone. To overthrow this system a revolution would have been necessary, a mightier, a more powerful revolution

than the National Socialist one had been. And behind such a revolution there would have had to be the mass of the workers and the majority of the Wehrmacht as a whole, and not simply the commander of the Potsdam garrison of whom the witness spoke.

But how one could wage a war for life or death with other countries and at the same time carry on a revolution and expect to gain anything positive for the German people, I do not know. Only geniuses who lived in Switzerland can judge that. The German Wehrmacht and the German officers were not trained for revolution. Once the Prussian officers struck the ground with their swords—that was the only revolutionary deed of the German Armed Forces that I know of. That was in the year 1848. If today people who co-operated actively to bring Hitler to power, who had a part in the laws which we soldiers with our oath of allegiance to Adolf Hitler were bound to support, if these people demanded revolution and mutiny of the Wehrmacht when they no longer liked the man, or when reverses occurred, then I can only call that wicked.

DR. EXNER: Did tension and crises arise in your relations with Hitler? You have already intimated something in that connection.

JODL: I could write a book about that more easily than give a brief answer. I should like to say only that, apart from many exalting moments, our life in the Führer's headquarters was in the long run a martyrdom for us soldiers; for it was not a military headquarters, it was a civilian one, and we soldiers were guests there. It is not easy to be a guest anywhere for 5½ years. I should like to add just one thing. Among the few officers who dared to look the Führer squarely in the face, and to speak in a tone and manner that made listeners hold their breath because they feared a catastrophe—among these few officers, I myself belonged.

DR. EXNER: Give us an example of such a crisis in your relations with Hitler.

JODL: The worst crisis was in August 1942, in Vinnitza, when I defended Generaloberst Halder against unjustified criticism. It was my operational problem, the details of which will not interest the Court. Never in my life did I experience such an outbreak of rage from any human being. From that day on he never came to dinner.

DR. EXNER: To your mess?

JODL: No, he never came to the mess during the remainder of the war. The report on the situation was no longer given in my map room but in the Führer's quarters. At every report on the situation from that day on an SS officer took part. Eight stenographers were ordered to be there, and from then on they took down every word. The Führer refused to shake hands with me any more.

He did not greet me any more, or rarely. This situation lasted until 30 January 1943. He told me, through Field Marshal Keitel, that he could no longer work with me and that I would be replaced by General Paulus as soon as Paulus had taken Stalingrad.

DR. EXNER: Did you yourself not try during this time to be released from the OKW?

JODL: During all this time, every other day I asked General Schmundt to see to it that I should be sent at last to a position at the front with the mountain troops in Finland. I wanted to go there. But nothing happened.

DR. EXNER: The Prosecution has asserted that you enjoyed the good graces of the Führer and that the Führer lavished his favor on you. How much of that is true?

JODL: I need not waste many words on that. What I said is the actual truth. I am afraid that what the Prosecution said is imagination.

DR. EXNER: It was also said that you were ambitious in your military career. How about that?

JODL: If the Prosecution mean that as a so-called political soldier I was promoted especially quickly, they are mistaken. I became a general in my fiftieth year. That is quite normal. In July 1940, when I was appointed general of Artillery it is true I skipped the grade of lieutenant general, but that was only an accident. A much younger general in the Air Force, Jeschonnek, Chief of the General Staff of the Luftwaffe, was to be promoted to Air Chief Marshal. Then Schmundt said to the Führer: "Jodl could perhaps do that too." Thereupon, shortly before the Reichstag session, the Führer decided to promote me also—to general of Artillery. This Jeschonnek, who is much younger than I am, became Generaloberst much sooner than I. Zeitler, who was formerly my subordinate, became Generaloberst at the same time as I did.

THE PRESIDENT: I think we will break off.

[A recess was taken.]

THE PRESIDENT: We will adjourn this afternoon at 4:30.

DR. EXNER: We were discussing to what extent you enjoyed the favor of the Führer, that is with regard to—

Did you not receive exceptional decorations from Hitler?

JODL: To my surprise, when the Vinnitza crisis was over, on 30 January 1943, I received from the Führer the Golden Party Badge. That was the only decoration I received from the Führer.

DR. EXNER: In the entire 5½ years of war?

JODL: Yes.

DR. EXNER: Did you receive a gift or donation from Hitler, or from the Party?

JODL: Not a single cent. If I am to conceal nothing I must mention the fact that at headquarters we received a package of coffee from the Führer each Christmas.

DR. EXNER: Did you acquire any property in the territories occupied by us, or receive any as a gift or as a token of remembrance?

JODL: Nothing at all. When in the Indictment the sentence is found to the effect that the defendants enriched themselves from the occupied territories, as far as I am concerned I have only one word for that, and I must be frank—it is a libel against a decent German officer.

DR. EXNER: During the war you saved some of your pay as a Generaloberst. How did you invest this money?

JODL: My entire savings of this war are at the moment in Reich bonds . . .

THE PRESIDENT: He said that he could not save a penny. He has not yet been cross-examined about it.

DR. EXNER: During the entire period of the war you were with Hitler and therefore you must really know him best. So I should like to ask you in detail about the personality of the Führer, but the Court is not very fond of repetition. Therefore tell us quite briefly what particularly influenced you in Hitler's behavior, what impressed you particularly? What were the things you disliked?

JODL: Hitler was a leader to an exceptional degree. His knowledge and his intellect, his rhetoric, and his will power triumphed in the end in every spiritual conflict over everyone. He combined to an unusual extent logic and clarity of thought, skepticism and excess of imagination, which very frequently foresaw what would happen, but also very often went astray. I really marveled at him when in the winter of 1941-42, by his faith and his energy, he established the wavering Eastern Front; for at that time, as in 1812, a catastrophe was imminent. His life in the Führer headquarters was nothing but duty and work. The modesty in his mode of life was impressive. There was not one day during this war . . .

THE PRESIDENT: One moment. As you said, Dr. Exner, the Tribunal has had to listen to this sort of thing over and over again already. We are not interested in that.

DR. EXNER: Perhaps you can tell the Tribunal something which they have heard less frequently, namely what you disliked in the personality of Hitler.

THE PRESIDENT: I do not think that, put in that general way, it is of any interest to the Tribunal, what he disliked in Hitler. I mean, can he not get on with his own case?

DR. EXNER: Did you feel that you were close to the Führer personally?

JODL: No; in no way at all.

DR. EXNER: All your relations were essentially official?

JODL: Yes, purely official. I did not belong to his private circle, and he did not know any more about me than that my name was Jodl, and that therefore, presumably, I came from Bavaria.

DR. EXNER: Who belonged to the private circle?

JODL: Chiefly all the old guard from the time when the Party was in its developing stage: Bormann first of all, the original women secretaries, his personal physician, and the political or SS adjutants.

DR. EXNER: Your Gauleiter speech was used by the Prosecution to prove that you were an unconditional follower of the Führer and his enthusiastic adherent. Tell us, how did you come to make that speech?

JODL: Bormann proposed this speech to the Führer, and the Führer ordered it, though I undertook this speech very reluctantly, chiefly because of lack of time. But it was generally the wish in this period of crisis...

DR. EXNER: When was this speech?

JODL: In November 1943. The Italian defection had preceded it. It was the time of the heavy air attacks. At that moment it was naturally necessary to give the political leaders at home a completely unembroidered picture of the whole military situation, but at the same time to fill them with a certain amount of confidence in the supreme leadership. This speech, which had the title, "The strategic situation of Germany at the beginning of the fifth year of the war," could obviously not be made by a Blockleiter, it could only be made by an officer of the Armed Forces Operations Staff, and so I came to deliver this speech.

DR. EXNER: What were the contents of this speech?

JODL: The contents, as I have already said, were an over-all picture of the strategic situation. Here, before the Tribunal naturally only the introduction was read. This introduction painted a picture of what lay behind us, but not from the political point of view, rather from the strategic angle. I described the operational necessity for all the operations of the so-called wars of aggression. In no way did I identify myself with the National Socialist Party, but, as is only natural for a General Staff officer, with my Supreme

Commander; for at that time it was no longer a question of National Socialism or democracy. The question was the "to be or not to be" of the German people. And there were patriots in Germany too, not only in the neighboring states; and I shall count myself among these patriots while I have breath. Moreover, it is not important to whom one speaks, but it is important what one says and what one speaks about. Besides, I may also state that I delivered that same speech to the military district commanders and to the senior officers of the reserve army.

DR. EXNER: The beginning and the end of the speech contain a eulogy of the Party and the Führer that is incontestable. Why did you include that in a purely objective military speech?

JODL: It was impossible for me to begin a speech of that kind with a critical controversy about the Party or about my Supreme Commander. It was necessary to create confidence between the officer and the Party leader; for this confidence was not only necessary in order that the speech would serve its purpose; this confidence was the prerequisite for victory. Moreover, I should like to make an important point; that which the Prosecution submitted as Document Number L-172...

DR. EXNER: Is that the Gauleiter speech?

JODL: That is not the Gauleiter speech at all; it is not the speech which I delivered. That is nothing else but the "wastepaper basket" version of this speech. It is the first rough draft which was completely revised and altered because it contained many things which were not important. The entire nucleus of the speech, namely the section about the situation at the time, the part dealing with the enemy and the means at his disposal and his intentions, all that is missing. The things contained in this document are many hundreds of notes for the speech which were sent to me by my staff. I compiled my speech from these notes, and then I returned all this material to my staff.

DR. EXNER: Then it is not the manuscript of your speech?

JODL: It is in no way the manuscript; that looks entirely different.

DR. EXNER: Now we shall turn to a different point. Which leaders of the Party did you get to know from the time of the seizure of power until the outbreak of the war?

JODL: Not mentioning the soldiers, Reich Minister Frick alone. I was with him twice when the questions of Reich reform were to be discussed.

DR. EXNER: And which of the defendants here present did you know before 1939, or before the beginning of the war?

JODL: Of the defendants here, I knew only the Reich Marshal, Grossadmiral Raeder, Field Marshal Keitel, and Minister Frick; no one else.

DR. EXNER: In the meantime, had you concerned yourself at all with the literature of National Socialism?

JODL: No.

DR. EXNER: Did you participate in Reich Party rallies?

JODL: In the year 1937, in my official capacity, I participated the last 3 days in Nuremberg, when the Labor Service, the SA, and the Wehrmacht were reviewed.

DR. EXNER: Did you participate in the commemorations at Munich, that is, every year on 9 November?

JODL: No. I really did not belong there.

DR. EXNER: Can you tell us what your position was with respect to the semimilitary units of the Party?

JODL: These semimilitary organizations sprang up like mushrooms after the seizure of power; but only the SA under Röhm tried to seize complete power. The witness Gisevius said here that there was no Röhm Putsch. That is correct, but it was just about to happen. At that time in the Reich War Ministry we were armed to the teeth, and Röhm was a real revolutionary, not a frock coat insurgent. When the Führer intervened in June 1934, from that moment there were no more conflicts between the Wehrmacht and the SA. The Wehrmacht became all the more suspicious of the units of the SS, which from that moment multiplied in an extraordinary fashion. The Army, one can very well say, was never reconciled to this dualism of two armed organizations within the country.

DR. EXNER: Now I should like to quote various excerpts from your diary—Document Number 1780-PS, Page 2 of the first volume of the document book—in order to show that Jodl again and again concerned himself with this infiltration of the SS into the Army. On 19 April—that is the second paragraph—or before that, on 22 March, there is an entry to this effect. Then on the 19th of April: "H. visits chief of the Armed Forces Department; tells him his misgivings concerning development of the SS."

In the French translation this "H" is replaced by "Heydrich." That, of course, has no sense, for Heydrich certainly had no misgivings concerning the development of the SS; but the "H" quite obviously stands for "Halder," who was Quartermaster General. I do not know whether this correction was made in the French document book. I am sorry to say that I noted quite a few mistakes in translation in the English and French document books and have

applied to the General Secretary in this connection to have corrections made. I must certainly say that this large number of errors in translation makes a doubtful impression, especially if for an "H" the word "Heydrich" is substituted, and the chief of the Armed Forces is connected with one of the most unpleasant figures in the SS. I must say that I am filled with misgivings—I must emphasize this—because in the course of the last few months hundreds of documents have been submitted to the Tribunal, the translation of which we could not check. When we did make a check on one occasion we found quite a few defects, as did Dr. Siemers recently.

THE PRESIDENT: Dr. Exner, you are supposed to be asking the questions. You are making some long statements now.

DR. EXNER: I should like to refer to the next to the last point of 3 February, on the same page...

THE PRESIDENT: Professor Exner, we cannot have counsel making long statements which are not in evidence. You cannot make statements of that sort. If there is any mistranslation you can draw our attention to it; but that is not the way to do it, making general statements about the translation of the documents.

DR. EXNER: Mr. President, I do not wish to give any more explanations now, but I should like to quote passages from my document book referring to 3 February...

THE PRESIDENT: You have corrected one apparent mistranslation or misinterpretation of the letter "H." Well, you can do so again, if necessary, in other places. You cannot make general statements about it.

DR. EXNER: I will only read what is permissible. I will read extracts from the document book without making any criticism. I have nothing further to say about that.

THE PRESIDENT: Very well.

DR. EXNER: It says, on 3 February:

"General Thomas reports that the liaison officer to the Ministry of Economy...Lieutenant Colonel Drews, visited him by order of Schacht. He was of the opinion that the SS would employ all means to cast suspicion on the Wehrmacht and to force it to the wall in its present weak state."

Then it says under the date of 10 February:

"Himmler is said to be distressed that senior officers of the Wehrmacht had made unheard of accusations against him."

Then perhaps one other passage; from the next document, on Page 4 of the document book, again the same diary, Document Number 1809-PS, the entry of 25 May 1940:

"The plan for the unlimited expansion of the SS sounds generally suspicious."

Did you, even at that time, have misgivings about the dangers of this dualism that you just mentioned?

JODL: As a man very well versed in history, I had many misgivings about this. Not only did I have misgivings, but even during the war I quite openly expressed these misgivings to Himmler and Bormann.

DR. EXNER: How did it come about that Himmler acquired more and more influence in military spheres?

JODL: That can be explained by the fact that the Führer had the feeling—which perhaps on the whole was right—that a large section of the officer corps opposed his ideas. He saw in this attitude not only an inner political danger but also saw in it a danger to victory, which he believed was to be attained only through ruthless methods.

DR. EXNER: And what practical results came about through this?

JODL: The practical results were these: The SS units were multiplied tremendously; the Police received authority which extended even into the operational sphere of the Army, and later, the Higher SS and Police Leaders were created; the intelligence service was transferred to the SS—where, by the way, it was organized by Kaltenbrunner far better than before—the reserve army was put under the jurisdiction of Himmler, and, in the end, also the entire Prisoners of War Organization.

DR. EXNER: In your diary you express satisfaction at the appointment by the Führer of General Von Brauchitsch as the Commander-in-Chief of the Army. At that time there was a choice between him and General Reichenau. Why were you glad that Brauchitsch was chosen?

JODL: General Von Reichenau was known as a truly political general, and I was afraid that he might perhaps have no scruples in sacrificing all the good old tradition of the Army to the new regime.

DR. EXNER: I should like to refer in this connection to Jodl's diary, Document Number 1780-PS, Page 6, first volume, with the entry of 2 February 1938, second paragraph, and again to the entry of 3 February 1938 to be found on Page 7, where he appears particularly happy:

"The chief of the Armed Forces Department informs me that the battle has been won. The Führer has decided that General Von Brauchitsch should be appointed Commander-in-Chief of the Army."

THE PRESIDENT: I do not think you need read this. It simply says that he is in favor of Von Brauchitsch.

DR. EXNER: You thought about the particular consequences for the generals concerned in case Von Reichenau were appointed?

JODL: Yes. There was no doubt that the senior generals, such as Rundstedt, Bock, Adam, List, Halder, and so on, would never have subordinated themselves to Von Reichenau.

DR. EXNER: After this introduction, let us turn to the crimes against the laws of war and humanity which have been charged against you. There is very little time left. Therefore, I should like to clarify your participation in the Commissar Decree. A draft by the High Command of the Army on the treatment of Soviet commissars was submitted to you, and you put a notation in the margin of this draft on the grounds of which the Prosecution has accused you . . .

THE PRESIDENT: What is the number of the document?

DR. EXNER: The number of the document is 884-PS, Exhibit Number USSR-351, Page 152, second volume of my document book. The whole is a set of notes on a report.

[Turning to the defendant.] Perhaps you can tell us this first of all: What connection did you have with this matter, that is, with the treatment of commissars?

JODL: I did not participate in preparing this draft. I was not concerned with prisoners of war nor with questions of martial law at that time. But the draft was submitted to me before it was transmitted to Field Marshal Keitel.

DR. EXNER: All right. Now you added: "We must count on retaliation against German fliers. It is best, therefore, to brand the entire action as retaliation."

What do you mean by this statement?

JODL: The intention of the Führer which was set forth in this draft was rejected unanimously by all soldiers. Very heated discussions took place about this also with the Commander-in-Chief of the Army. This resistance ended with the characteristic sentence by the Führer: "I cannot demand that my generals should understand my orders, but I do demand that they follow them." Now, in this case, by my notation I wanted to indicate to Field Marshal Keitel a new way by which one might possibly still circumvent this order which had been demanded.

DR. EXNER: The Prosecution, as you probably remember, have made this order the subject of such a serious charge against the German military authorities because it was drafted before the beginning of the war. These notes are dated 12 May 1941, and there

you say: "It is best to brand the entire action as retaliation." What did you mean by that?

JODL: It is correct that, because of his ideological opposition to Bolshevism, the Führer counted on the possible authorization of the commissars (decree) as a certainty. He was confirmed in this belief, and gave his reasons by saying: "I have carried on the war against Communism for 20 years. I know Communism, but you do not know it." I must add that we as well were, of course, to a certain extent under the influence of what had been written in the literature of the entire world about Bolshevism since 1917. We also had had some experiences, for example, the Räte Republic in Munich. Despite that, I was of the opinion that first of all we should wait and see whether the commissars would actually act as the Führer expected them to act; and if his suspicions were confirmed, we could then make use of reprisals. That was what I meant by my notation in the margin.

DR. EXNER: That is to say, you wanted to wait until the beginning of the war; then you wanted to wait until you had had experiences in this war; and then you wanted to propose measures which, if necessary, could be considered as reprisals against the methods of fighting used by the enemy. Was that what you meant when you said: "It is best, therefore, to brand the entire action as retaliation"? What do you mean by "Man zieht auf"? These words were translated by the Prosecution as . . .

MR. G. D. ROBERTS (Leading Counsel for the United Kingdom): My Lord, in the examination of my learned friend, Dr. Exner, he has for several minutes now been asking the defendant very long leading questions as to what was the meaning of the passage in that letter. In my submission, that is not evidence at all by the witness; it is a speech by Dr. Exner, and I would ask him not to make another one now.

DR. EXNER: I still think that it is necessary in the presentation of evidence to determine what the defendant thought when he wrote those words.

THE PRESIDENT: You have heard me say on several occasions that when counsel ask leading questions, which put the answer into the mouth of the witness, it carries very little weight with the Tribunal. It is perfectly obvious that if you wanted to ask what the witness meant by his note he could have answered; and that is the proper way to put the question, and not to suggest the answer to him.

DR. EXNER: First of all I put the question, and then I believe I was summarizing the main points of what the witness said.

There is also a difficulty here with translation which I should like to overcome; that is, I am not sure about it. "Es wird aufgezogen" or "man zieht es am besten auf als Repressalie" is translated as, "It is best therefore to brand" in English, and in French as *stigmatiser*. It seems to me as though this were not quite correct, and as though one should say, "It is best to handle it as a reprisal," and in French to say *traiter*.

[Turning to the defendant.] Then what happened?

JODL: I believe one should further explain the expression "aufziehen." The German word "aufziehen" also has something doubtful about it. It has been said that that was a typical military expression used by the Defendant Jodl at that time. That does not mean, as is assumed by the Prosecution, "to camouflage." Rather, I would say literally: "I believe we must handle this operation quite differently," that is, tackle it in a different way. We would say that we would handle the demonstration to the Führer of new weapons in a different way; that means, for instance, "in a different sequence; in a different manner." Among us soldiers "aufziehen," to handle, meant exactly the same as "to tackle" or "to arrange" something. But it did not mean "to deceive."

DR. EXNER: You mean that the word "aufziehen" has no secondary meaning indicating deception?

JODL: No.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 4 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-SIXTH DAY

Tuesday, 4 June 1946

Morning Session

[The Defendant Jodl resumed the stand.]

DR. EXNER: General, yesterday afternoon we started dealing with war crimes, but today I should like first of all to put a few preliminary questions to you. What position and what tasks were yours during the period of the war?

JODL: I had to deal with the entire general staff work concerning the strategic operational conduct of the war. Then, subordinate to me was the military propaganda department, whose duty it was to co-operate with the press; and thirdly, I was head of an office which, speaking broadly, had to distribute means of communication to the various branches of the Wehrmacht. The whole of this sphere of work took up my time to such an extent that as a rule I worked night after night, until 3 o'clock in the morning. I had no time at all to concern myself with other things. I already had to delegate to my personal adjutant almost all my work with the press, which had to receive daily information.

DR. EXNER: These tasks, which you have just named, were all tasks connected with your office, and that was the Armed Forces Operations Staff, of which you were chief, is that not so?

JODL: Yes, of which I was chief.

DR. EXNER: And one department of the Operations Staff, the main and most important one, was the operations department?

JODL: Yes, operations.

DR. EXNER: And most of your tasks were concerned with this department. The Prosecution say you were Chief of Staff to Field Marshal Keitel. Do you agree?

JODL: That is not correct as has already been shown by the organization which was explained here during Field Marshal Keitel's case. There is a great difference. As Chief of Staff, I would have been Field Marshal Keitel's assistant, concerned with all of his duties. I was, however, only the chief of one of the many departments subordinate to Field Marshal Keitel.

Beginning with the year 1941 it became the practice for me and my operational branch to report to the Führer direct on all matters concerned with strategics, while Field Marshal Keitel, using my quartermaster department as a sort of personal working staff, took over all other tasks.

DR. EXNER: Did you, as Chief of the Armed Forces Operations Staff, have authority to issue orders?

JODL: No—or rather only through my working staff. I was subordinate to Field Marshal Keitel, and even Keitel himself was not a commander but only the chief of a staff. But in the course of this war I naturally decided many operational details myself and signed them myself. There was no disagreement of any sort in these matters with the commanders-in-chief for I had their confidence, and I worked on the best possible terms with them.

DR. EXNER: For someone on the outside it is not quite easy to understand that even though you had no authority to issue orders, so many orders have been submitted here which were, in fact, signed by you, and signed in different ways—sometimes with your full name, sometimes with a “J,” the first letter of your name. Please explain these differences.

JODL: One must differentiate as follows: The decrees which the Führer himself signed, if they were of an operational nature, bear my initial at the end, on the lower right; and that means that I at least assisted in the formulation of that order. Then there were orders which also came from the Führer, though they were not signed by him personally, but were signed “by order, Jodl”; but they always had at the beginning the sentence, “The Führer has decreed,” or that sentence was found somewhere in the course of the order. There would be a preamble, usually giving reasons for the order, and then, it would read: “The Führer has therefore decreed.”

DR. EXNER: And what was the difference between these two groups of orders? Why was one group of orders signed by the Führer, and the other only by you?

JODL: The difference was merely that the orders signed by me were of less importance.

DR. EXNER: Now, there were other orders which did not begin with “The Führer has decreed,” but were signed by you nevertheless. What about these?

JODL: These orders were as a rule signed: “The Chief of the High Command of the Armed Forces, by order, Jodl.” These were orders which emanated from me, that is, I or my staff formulated them. The Führer himself and Field Marshal Keitel had perhaps been informed of these orders, but not in every case.

Then there were other orders, which bear my initial on the first page, in the upper right-hand corner. Those were orders issued by other departments. My initial "J" on the first page was merely an office notation to show that the order had been submitted to me. But it did not mean that I had read it for if, on perusing the first page, I saw that the decree dealt with a matter not connected with my sphere of work, then I initialed it and put it aside, because I had to save time.

DR. EXNER: Now, there is another large volume of documents, of which some are being used as very incriminating evidence against you; they are not orders but summarized notes. Can you comment on these?

JODL: These summarized notes were an arrangement used on higher staff levels for the convenience of people who had not time to study enormous files. The summarized notes contained, in a short condensed form, a description of some matter or other, frequently the views taken by other departments and sometimes even a proposal. The important point, however, is that it was not an order; it was not a draft of an order, but it formed the basis for an order.

DR. EXNER: Perhaps the situation will best be clarified if you can explain this to the Tribunal in connection with the draft notes concerning the commissars, which were touched on yesterday. It is 884-PS, Exhibit USSR-351; Volume II of my document book, Page 152.

Before you start I should like to call the attention of the Tribunal to an error in the translation. On Page 152, under Figure I, it says:

"The OKH has presented a draft for instructions regarding political officials *et cetera* . . . regarding commissars . . ."

The English translation says: "The Army High Command presents a statement . . ."; but it is a draft. And I cannot quite follow the French; it says: *Confirmation des instructions*. It should obviously be *projet*.

In any case the German original says:

"The OKH has presented a draft for instructions regarding treatment of political officials *et cetera*, for the uniform application of the order issued on 31 March 1941."

And these are the commissars. The whole of this is a condensed draft. Will you please explain what it means?

JODL: This document is a typical example. First of all it contains the draft by another department of the Army High Command, not verbatim, but in a brief, condensed form. Then, secondly, under Figure II, on Page 153, the views of another department—that of

Reichsleiter Rosenberg's—are set forth. Then, under Figure III, it contains a proposal of my own staff.

The whole matter, therefore, is far from being an order; it is to become one. And on a summarized draft like that, I naturally made very many, I might say, cursory marginal notes to serve as a guide for the further treatment and discussion or disposal of the whole question. Therefore one cannot apply to this the same criteria as would be applied to the well-considered words contained in an actual order.

DR. EXNER: All right. So much for the summarized draft and your notes.

Now we turn to the very delicate topic of the Commando Order. This matter has been dealt with here on various occasions; and indeed, it goes beyond this Court in its importance and its repercussions, as we know from the newspapers.

I should like to hear from you something about the factors that led to this order. This order is Document 498-PS, Exhibit Number USA-501. I do not have it in my document book, but I asked the General Secretary to have it put at the disposal of the Tribunal in the various languages. I hope this has been done.

Then there is an explanatory decree in addition to the main order; both are signed by the Führer. That is Document 503-PS, Exhibit Number USA-542.

MR. ROBERTS: It is 498-PS. It is in the Keitel and Jodl Document Book, Number 7, Page 64.

DR. EXNER: The first order is addressed to the troops; the second is an explanatory order addressed to the commanders-in-chief. The first order threatens enemy soldiers with death if they engage in bandit-like warfare; and it refers to the Wehrmacht communiqué in this connection.

Can you first explain the connection between the Commando Order and the Wehrmacht communiqué of 7 October '42?

JODL: May I ask the Tribunal to permit me, as an exception, to go into greater detail. Very much depends on this order; not my person, my own person does not matter in this Trial, but the honor of German soldiers and German officers whom I represent here is in question.

The Commando Order is inseparably linked with the announcement in the Wehrmacht communiqué of 7 October 1942, for this announcement in the Wehrmacht communiqué heralded the actual Commando Order.

DR. EXNER: And who was responsible for this announcement in the Wehrmacht communiqué? Who wrote it?

JODL: This Wehrmacht communiqué of 7 October 1942—it was really a supplement to the communiqué—emanated in the main from me. It deals with the denial of a report by the British Ministry of War, a matter which I will not discuss further, for it is a very delicate point. The Prosecution especially does not wish it to be brought up.

DR. EXNER: But this supplement . . .

THE PRESIDENT: Dr. Exner, we do not know—at least I have not seen the document of 7 October 1942, and the Prosecution has made no objection to any answer to any English documents as far as we know.

DR. EXNER: I wished to submit this document but objections were raised.

THE PRESIDENT: What does the defendant mean by saying that the Prosecution does not wish him to present it or to answer it?

DR. EXNER: He probably refers to the fact that we were not allowed to present this Wehrmacht communiqué; but he can give us the contents of it briefly.

THE PRESIDENT: Well, it may be a question of translation, but if he means simply that no evidence has been given by the Prosecution on the subject, of course, there is no objection to his saying that; but when he says that the Prosecution does not want him to put forward or does not want him to answer the document, that is a most improper statement to make.

DR. EXNER: Yes, I understand.

[Turning to the defendant.] Perhaps you can tell us briefly the contents of this Wehrmacht communiqué of 7 October 1942. I believe you have it in your own document book.

THE PRESIDENT: No, but, Dr. Exner, that is not quite what I mean. What the defendant has said was that the Prosecution does not want him to deal with this subject.

DR. EXNER: Yes.

THE PRESIDENT: Now, if that is the remark that is made, that is an improper remark to make. The Prosecution have no communication with the Defense upon this subject, presumably, except that they have put it forward in the evidence in this case.

DR. EXNER: [Turning to the defendant.] Did you understand? You must not say that you are not allowed to touch upon this subject. Perhaps you will give us an explanation of what you meant?

JODL: This communiqué is in direct connection with the Commando Order. Only the last paragraph of this Wehrmacht communiqué is important. It was written by the Führer himself, as Field Marshal Keitel has already stated, and Professor Jahrreiss read it here before the Tribunal. It is the sentence which reads:

"...in future all terror and sabotage troops of the British and their accomplices who do not act like soldiers but like bandits will be treated as such by the German troops and will be ruthlessly eliminated in battle wherever they appear."

This sentence was written, word for word, by the Führer himself.

DR. EXNER: And then you were instructed to issue a detailed order to that effect...

THE PRESIDENT: Wait a minute. Wait a minute.

Defendant, what the Tribunal wants to know is this: You said that the Commando Order appeared originally in a Wehrmacht report of the 7th of October 1942 which, in the main, emanated from you, and that that report refuted an English statement by the Ministry of War which the Prosecution did not want you to deal with. What do you mean by that?

JODL: By that I meant that my defense counsel intended to submit the entire Wehrmacht communiqué of 7 October 1942 as a document in evidence. But he refrained from doing so when the Prosecution objected to the document.

SIR DAVID MAXWELL-FYFE: My Lord, I have certainly never objected to this document. I have asked Mr. Roberts and he tells me that he has never objected to it; and, as far as we know, no one on behalf of the Prosecution has ever objected to it. I certainly have no objection to it at all myself; as a member of the English Government at the time when this matter was issued, I have never heard anything about it before; but I have no objection to it at all.

DR. EXNER: May I say something?

THE PRESIDENT: Yes.

DR. EXNER: If there has been a misunderstanding here, we shall be all the more pleased, and we shall submit this Wehrmacht communiqué either this afternoon or tomorrow.

I should like to clarify one point regarding the question which Mr. President put to the defendant. The defendant said that the Wehrmacht communiqué, in the main, emanated from him, but that the Führer wrote the supplementary sentence...

THE PRESIDENT: Dr. Exner, if you want to correct anything that I have said you must do it through the witness and not through yourself. You are not entitled to give evidence. You only give evidence through the witness.

DR. EXNER: Yes.

[Turning to the defendant.] Please, state once more which part of the Wehrmacht communiqué you wrote and which part was added by the Führer.

JODL: The entire first part of this Wehrmacht communiqué has nothing whatever to do with Commando troops, but is concerned with the well-known affair of the shackling of German prisoners of war on the beach of Dieppe. I shall refer to that again later.

THE PRESIDENT: You mean that I was correct in saying that in the main it emanated from you?

JODL: Yes, absolutely. The first part of this Wehrmacht communiqué was formulated by me and contains an authentic refutation of a statement of the British Ministry of War broadcast by the British radio.

This statement of the British Ministry of War was false, and I established the reasons why it was false on the basis of records, photographs, and affidavits which we possessed. Initially this affair had nothing to do with Commandos and reprisals. That was only introduced into the Wehrmacht communiqué through the supplement by the Führer, which begins with the sentence: "The High Command of the Wehrmacht is therefore compelled to decree the following."

DR. EXNER: And it was considered necessary to make this announcement known in the Wehrmacht communiqué in an executive order. Did the Führer demand from you drafts for an executive order?

JODL: When the Führer had written this last supplementary sentence, he turned to Field Marshal Keitel and to me and demanded an executive order to follow this general announcement in the Wehrmacht communiqué. And he added: "But I do not want any military courts."

DR. EXNER: Did you make a draft?

JODL: I had very many doubts which a careful study of the Hague rules of warfare could not dispel. Neither Field Marshal Keitel nor I prepared such a draft; but members of my staff, on their own initiative, asked for drafts and for the views of various departments. Thus Document 1263-PS came into being, to which I shall return later.

THE PRESIDENT: That is Document 1263-PS?

DR. EXNER: 1263. It is Page 104, Volume II of my document book, 1263-PS, RF-365; but we shall deal with that later.

THE PRESIDENT: Did you say Page 204?

DR. EXNER: No, Page 104, Volume II.

[Turning to the defendant.] Please continue.

JODL: My wish was an entirely different one. It was my intention to avoid an order altogether, and I rather expected that as a result of the announcement in the Wehrmacht communiqué—an announcement which was certainly not kept secret but which was broadcast over the air to the entire world—the British Ministry of War would approach us again, either directly or via Geneva, as it had done on several previous occasions. And I hoped that in this way the whole matter would be shifted to the sphere of the Foreign Office. However, that did not happen. The British War Ministry remained silent.

In the meantime 10 days had passed and nothing had been done. Then on 17 October General Schmundt, the Chief Adjutant of the Führer, came to me and said that the Führer was demanding an executive order. I gave him the following answer, word for word:

“Please give him my best regards, but I will not issue an order like that.” Schmundt laughed and said, “Well, I cannot tell him that,” and my reply was, “Very well, then, tell the Führer that I do not see how a decree like that could be justified under international law.”

And with that he left. I hoped now that I would be asked to come to the Führer, so that at last, after many months, I should again be able to speak to him personally.

DR. EXNER: And this coincided with the Vinnitza crisis?

JODL: Yes. I wanted an opportunity either of telling him my misgivings or else being thrown out altogether. Either eventuality would have helped me but neither occurred. A few minutes later Schmundt called me on the telephone and informed me that the Führer was going to draw up the orders himself. On 18 October Schmundt again came in person and brought with him these two orders of the Führer—the order to the troops, and an explanation for the commanders.

THE PRESIDENT: Are you referring to two documents which are before us?

JODL: These are the two documents, 498-PS and 503-PS. The papers submitted to the Tribunal as documents are not the originals of the Führer; I personally handed over the originals at Flensburg. The documents which are in the hands of the Tribunal are copies of the originals, or mimeographed copies of my staff.

DR. EXNER: Now, I should like to interpolate a question. You mentioned that your staff worked out something in detail, and you referred to 1263-PS, which has been submitted to the Tribunal—Page 104 of Volume II. In this document you wrote two remarks on Page 106. The first remark on that page is “No.” In the French translation this *non* is missing, and should be added. On the same page a little further down, it says in your own handwriting, “That will not do either,” and your initial “J” for Jodl.

Can you explain in general what this means?

JODL: As I have already said, the members of my staff—as may be seen under the first figure on Page 104—on their own initiative asked for proposals, firstly, from the foreign intelligence department, Canaris, because he had a group of experts on international law and, secondly, from the Wehrmacht legal department, since, after all, we were concerned with a legal problem.

On Page 106, under paragraph “a,” there is the proposal which the foreign division of the intelligence department made:

“Members of terrorist and sabotage troops who are found... without uniform, or in German uniform, will be treated as bandits... or if they fall into German hands outside battle operations, they are to be taken at once to an officer for interrogation. Thereafter they are to be dealt with by summary court martial.”

That was quite impossible, for if one came across a soldier in civilian clothing, without uniform, no one could know just who he was. He might be a spy or an escaped prisoner of war or an enemy airman who had saved his life by jumping from his plane and now hoped to escape in civilian clothing. That had to be determined by an experienced interrogating officer and not by a summary court martial consisting of a lieutenant, two non-commissioned officers, and two soldiers. In paragraph “b”...

DR. EXNER: And for that reason you wrote “No”?

JODL: For that reason I wrote “No.”

In paragraph “b” it was suggested that if such sabotage groups were captured wearing uniforms, a report should be made to the Armed Forces Operations Staff, which should then decide what should be done. But in that case the Armed Forces Operations Staff would have assumed the function of a military court, and that it could never be.

I really must claim for myself that, thanks to my wider experience, I saw these problems a little more clearly than some of my subordinates.

DR. EXNER: And so you rejected this proposal. You said that you also had grave misgivings about the Führer Order. Will you tell the Court now what misgivings you had?

JODL: First of all I had a number of doubts as to its legality. Secondly, the order was ambiguous, and also it was not sufficiently clear for practical application. Particularly in this case I considered military courts absolutely necessary. I know well that even judges may on occasion, consciously or not, be under coercion and may pass judgment not strictly in accordance with the law; but at least they provide some safeguard against a miscarriage of justice.

DR. EXNER: Therefore, if I understand you rightly, you wanted to install some legal procedure. What did you mean by unclear and ambiguous?

JODL: The theory was that soldiers, who by their actions put themselves outside the laws of war, cannot claim to be treated in accordance with the laws of war. This is a basic principle definitely recognized in international law, for instance in the case of a spy or a *franc-tireur*.

The aim of this order was to intimidate British Commando troops who were using such methods of warfare. But the order of the Führer went further and said that all Commando troops were to be massacred. This was the point on which I had grave misgivings.

DR. EXNER: What legal doubts did you have?

JODL: Just this doubt—that on the basis of this order, soldiers also would be massacred...

THE PRESIDENT: Defendant, it is not necessary to speak so slowly, if you can speak a little bit more fast.

JODL: I was afraid that not only enemy soldiers who, to use the Führer's expression, really behaved like bandits, but also decent enemy soldiers, would be wiped out. In addition—and this was especially repugnant to me—at the very end of Document 503-PS it was ordered that soldiers were to be shot after they had been captured and had been interrogated. What was totally unclear to me was the general legal position, namely, whether a soldier who had acted like a bandit would upon capture enjoy the legal status of a prisoner of war, or whether on account of his earlier behavior he had already placed himself outside this legal status.

DR. EXNER: By that you mean the Geneva Convention?

JODL: Yes, I mean the Geneva Convention.

DR. EXNER: Could you understand the idea that enemy soldiers who had acted in an unsoldierly manner should not be treated as soldiers?

JODL: Yes, I could quite understand that, and so could others, for the Führer had received very bitter reports. We had captured all the orders of the Canadian brigade which had landed at Dieppe, and these orders were put before me in the original. These orders said that, wherever possible, German prisoners were to have their hands shackled. But after some time, through the Commander, West, I received authentic reports and testimony of witnesses, with photographs, which definitely convinced me that numerous men of the Todt Organization, fathers of families, unarmed, old people, who were wearing an arm band with a swastika—that was their badge—had been shackled with a loop around their necks and the end of the rope fastened around their bent-back legs in such a way that they had strangled themselves.

I may add that I kept these photographs from the Führer, and I did not tell him of these aggravating incidents which to me had been proved. I concealed them from the German people and from the Propaganda Ministry. Then came the English radio report denying emphatically that any German soldier had been shackled at Dieppe.

Some time later, a Commando troop made an attack on the island of Saerq. Again we received official reports that German prisoners had been shackled.

Finally we captured the so-called British order for close combat. That was the last straw for the Führer; I also studied it very carefully. These close combat instructions showed by pictures how men could be shackled in such a way that they would strangle themselves through the shackling, and it was stated exactly within what time death would occur.

DR. EXNER: Therefore, the reasons which Hitler gave for his Order 498 were actually based on reliably reported facts. I remark that Hitler referred to prisoners who had been shackled, prisoners who had been killed, and that criminals, as Commandos...

THE PRESIDENT: You are paraphrasing the evidence in a way that is inaccurate, because the defendant has just said that he kept these things from Hitler. You are now saying that Hitler knew about them. That is not what the witness said.

DR. EXNER: Then, I must ask you whether the facts upon which this order is based were reported to you.

JODL: I believe the Tribunal has Document 498-PS. In it the Führer first makes the general statement that for some time our opponents in their conduct of the war have been using methods

which violate the international Geneva Convention. I must support this statement as true on the basis of reports which, regrettably, we had been receiving since the summer of 1941. I do not wish to go into individual cases. There was an outrageous incident with a British U-boat in the Aegean Sea. There was the order in North Africa that German prisoners of war should not be given water before they were interrogated. There were a large number of such reports.

THE PRESIDENT: Defendant, the Tribunal thinks that it is very difficult to go into individual incidents which occurred long before this order was drafted, and you have told us what you said the order was drafted in respect of, namely the shackling; and you are now referring to other things which you allege happened long before that. It does not seem that it is possible for the Tribunal to investigate all those matters which happened long before.

JODL: And I do not want to speak about these matters any longer. I only want to point out, as I think I must, that generally speaking the reasons given by the Führer for this order did not spring from a diseased imagination but were based on actual proof in his and in our possession. For it is certainly very different whether I, in my own mind, had to admit there was some justification for this order or whether I considered the whole order an open scandal. That is a vital point for my own conduct. But I shall try to be very brief. The fact that many previously convicted persons and criminals were included in the Commandos, who were of course reckless people, was proved by the testimony of prisoners; and the fact that prisoners were shackled was obvious from captured orders and the testimony of witnesses.

THE PRESIDENT: You have told us that already. We have heard that more than once—that you had evidence before you that prisoners were shackled and that you had the Canadian orders before you.

DR. EXNER: Perhaps you can just say a few words on the subject of killing prisoners.

JODL: In conclusion, I want to say that I did not see any order, any captured order, which decreed death for German prisoners of war, though this was also contained as a reason in the Führer Order. But I must explain that the British Ministry of War advised us—I cannot recall exactly whether it was via Geneva or through the radio—that situations might very well arise in which prisoners of war would have to be killed—no, rather, in which prisoners of war would have to be shackled because otherwise one would be forced to kill them. And so, if

at the end here the Führer says orders have been found according to which the Commandos were on principle to kill prisoners, then I think he is referring to the British close-combat instructions which described a method of shackling which would cause death.

DR. EXNER: And that was your own part in this Commando Order?

JODL: My part consisted only in distributing this order, or having it distributed, in accordance with express instructions.

DR. EXNER: The Prosecution said once that you also signed this order—one of these two orders, I do not know which one. That is not correct?

JODL: No, I signed only a general decree to have one of the orders kept secret.

DR. EXNER: Yes, we will deal with that in a moment. Could you have refused to transmit this order?

JODL: No, if I had refused to transmit an order of the Führer, I would have been arrested immediately; and I must say, with justification. But as I said, I was not at all sure whether this decree, either in its entirety or in part, actually violated the law; and I still do not know that today. I am convinced that if one were to convene here a conference of experts on international law, each one of them would probably have a different opinion on the subject.

DR. EXNER: General, you can speak a little faster.

Could you have made counterproposals?

JODL: At any other time, probably yes. At that time, however—a time of conflict with the Führer—it was not possible for me to speak to him personally at all. To broach the subject during the general conference on the situation was quite out of the question. Therefore I intended in the execution of this order to adopt a very magnanimous attitude, and I was certain that the commanders-in-chief would do the same.

DR. EXNER: And what do you mean by magnanimous? Could this order have been interpreted in different ways?

JODL: Yes. The order offered two ways of avoiding the treatment of really decent soldiers like criminals. If a Commando troop, mostly encountered in fights at night, was not wiped out but captured, as was the rule in almost all cases, that was already certain proof that our troops did not consider these men as bandits. It was then the task of the commanders-in-chief to make an investigation. If it was purely a reconnaissance operation, the entire action did not fall within the sphere of the Commando Order at all and would not be reported as a Commando raid. However,

if the operation was really carried out by a sabotage and demolition unit, its equipment had to be examined. It had to be investigated whether the men were wearing civilian clothing under their uniforms; whether they were carrying the famous armpit guns, which go off automatically when the arms are lifted in the act of surrender; or whether they used other despicable methods during the fighting. The commanders-in-chief could then act in accordance with the outcome of such an investigation. I believe that in that way it was quite possible—and in fact it happened many times, I might almost say in the bulk of cases—that the shooting of brave, decent soldiers was avoided.

DR. EXNER: Could you yourself exert any influence on the practices followed by the troops?

JODL: I tried to exert my influence on various occasions. When it was reported to me that a Commando unit had been captured—which according to the Führer decree was not allowed—then I raised no questions or objections. I made no report at all to the Führer on Commando operations which met with only minor success. And finally, I often dissuaded him from taking too drastic views, as in the Pescara case, which Field Marshal Kesselring has already described here, when I succeeded in convincing the Führer that only a reconnaissance unit was involved.

DR. EXNER: Were many units actually wiped out?

JODL: Commando operations decreased considerably as a result of the public announcements in the Wehrmacht communiqué. I believe that not more than 8 or 10 cases occurred in all.

For a time, during the months of July and August 1944, increasingly large numbers of terrorists were reported killed in the Wehrmacht communiqué; these, however, were not Commando troops, but insurgents who were killed in the fighting in France. That may be proved if the Tribunal will read Document 551-PS, Figure 4. There the order is given—it is USA-551, on Page 117.

MR. ROBERTS: My Lord, it is Page 70 of Book 7.

JODL: Or Page 117 of our Volume II. There it is ordered...

DR. EXNER: What is ordered? I should like to deal now with another document, Document 532-PS.

THE PRESIDENT: It is time to break off.

[A recess was taken.]

DR. EXNER: With reference to the Commando Order, I want to mention Document 532-PS, Exhibit Number RF-368, which is in our Document Book 2, Page 113.

This document was offered on a previous occasion, and I objected to it because it was not signed, or rather because it was crossed out.

Will you explain why you crossed out the draft order which is contained in this document?

JODL: Immediately before this draft order was written, the Commander, West requested that now, after the invasion, the Commando Order should be rescinded altogether. I approved that proposal. A draft was submitted to me here which rescinded the order only partially, namely in regard to the immediate area of the beachhead and that part of Brittany, a little further from the beachhead, where landings by parachutists were taking place daily at that time.

THE PRESIDENT: At the time of your objection was this document not rejected? You told us that you objected to the document. What I am asking you is, what did the Tribunal do upon your objection? Did they maintain it, or did they deny it?

DR. EXNER: The objection was allowed, and I think the document was struck off. I do not think that I am mistaken.

THE PRESIDENT: Well, why are you putting it in now?

DR. EXNER: I did not ask at the time to have the document struck off. I merely raised the objection that no mention was made of the facts that the draft order in the document was crossed out, and that it clearly bore a handwritten marginal note by Jodl rejecting it.

THE PRESIDENT: Just a minute. Either the document was offered in evidence or it was not; and either it has got an exhibit number or it has not; and, as I understand, your objection was rejected.

MR. ROBERTS: It was in fact objected to by Dr. Exner, after having been given the French Exhibit Number RF-368; and after discussing it, it was then stricken from the record, the English shorthand note reference being Page 3631 (Volume VI, Page 360). My Lord, I think in fact both the Prosecution and the Defense agreed it has Jodl's writing upon it; and, therefore, I feel certain that there can be no question as to its admissibility, either on behalf of the Prosecution or the Defense. My Lord, I certainly intend, with the permission of the Tribunal, to cross-examine him about it; and I have not the slightest objection to my friend Dr. Exner putting it in.

THE PRESIDENT: Very well. It may, therefore, be left in as RF-368.

DR. EXNER: Will you continue?

JODL: At that time it was my intention to get rid of the Commando Order entirely. For that reason I wrote, next to the sentence

under Figure 4: "That is just what they should not"—the entire first page. That was of no use, however, because on that very day the Führer made a different decision with regard to the request of the Commander, West, and his decision is contained in Document 551-PS.

DR. EXNER: 551-PS, Exhibit Number USA-551. That is contained in the second volume on Page 115; it is an order on the treatment of men belonging to Commandos. This order contains the following handwritten remark of yours: "Similar action should be taken in the Italian theater of war." This is on Page 117.

Will you briefly explain the contents of that order and the reason for your remark.

JODL: That can be quickly explained. In that order territorial limits were set restricting the use of the Commando Order, which henceforth was to apply only to enemy operations behind the corps command posts but not to the battle area of the beachhead. These were territorial limitations which had not so far been fixed or ordered; and I immediately accepted this order for the Italian theater of war, because in Italy also there existed a fighting front on land. If this order were put into practice in Italy, it would mean that no Commando operation which began with a landing on the coast need be regarded as a Commando operation, because all these landings took place in front of the lines of the corps command posts. Therefore I was very anxious to have the same lighter conditions applied to the whole Italian theater of war.

DR. EXNER: I just want to read one paragraph on Page 116. It is the second paragraph under Number 1. In the first paragraph it says: "... the order remains in force..." But the second paragraph reads:

"Excepted are enemy soldiers in uniform in the immediate battle area of the beachhead—that is in the area of the divisions fighting in the front line—as well as reserve troops up to and including corps commands, in accordance with Figure 5 of the basic order..."

The word "Generalkommando" means "corps command," and it has not been quite correctly translated into English and French. This limitation of the order to certain areas was, on the basis of Jodl's comment, also to apply to the Italian theater.

Now finally—but before that I have another important question...

THE PRESIDENT: What is it you are saying about this translation?

DR. EXNER: Yes; the word "Generalkommando" has been translated into the French, *Région Militaire*. *Région Militaire* is not quite clear.

THE PRESIDENT: Is that in the English?

DR. EXNER: And in the English it says, "corps command." That is correct. The English is correct: "corps command." That is the same as "Generalkommando."

THE PRESIDENT: Dr. Exner, the Tribunal would prefer that you should draw the attention of the Tribunal to anything which you say is a mistranslation, rather than stating that it is a mistranslation. I call it a question of opinion whether it is a mistranslation or not. It is not for you to tell us that it is a mistranslation. You may draw our attention to it and say that you submit it as a mistranslation. But now, will you tell us this also: In one copy of this Document 551-PS, it appears to be signed by, or initialed by Warlimont. In the other, in your version of the translation, it appears to be signed by the Defendant Keitel. What is the explanation of that?

MR. ROBERTS: My Lord, might I make a suggestion? I think the Court should get the original from the Exhibit Room. 551-PS in fact consists of three documents. The first is a draft altered in pencil; and the second is a draft initialed "W"—that is Warlimont, with Jodl's penciled note at the end extending it to Italy; and the third is the final order in which the penciled note of Jodl and the alteration of distribution to Italy is incorporated. So, there are really three documents, and the last is a mimeographed document with the mimeographed signature of Keitel. That appears from the original draft.

THE PRESIDENT: Go on, Dr. Exner.

DR. EXNER: [*Turning to the defendant.*] The Prosecution has been emphasizing that you gave strict instructions to have this order kept secret, and that you ordered its distribution only down to the level of commanding officers to avoid its falling into enemy hands at all costs. You gave these instructions for the second order, the explanatory order, 503-PS. Will you explain why you ordered such strict secrecy?

JODL: These instructions for secrecy refer actually only to Document 503-PS.

DR. EXNER: That, I may add, is in the second volume of my document book, on Page 102. That is the order for secrecy, signed by Jodl.

[*Turning to the defendant.*] Will you continue?

JODL: Particular secrecy for this order was quite inevitable. First of all, it was directed only to the commanders. Secondly, the order contained in great detail information on the considerable damage which the German Wehrmacht had already suffered through these Commando operations, and the damage which might still be caused under certain circumstances. If the order were to fall into enemy hands, it would certainly be an incentive for the enemy to continue that particular type of warfare in increased measure. Thirdly, the order, 498-PS, could be considered as a reprisal. But the last sentence in Document 503-PS, a sentence which can easily be recognized as a later addition—as the order seems to end before it—that sentence, I must say, made me indignant and was one of the reasons why I insisted on such particularly strict secrecy for this order.

THE PRESIDENT: Which sentence are you referring to?

JODL: I refer to the last sentence of document 503-PS, which says:

“If it should serve some useful purpose to save one or two men temporarily to interrogate them, they are to be shot immediately after interrogation.”

I cannot prove it . . .

THE PRESIDENT: That is not in 503, is it?

DR. EXNER: 503-PS.

THE PRESIDENT: You have not printed the whole of 503 in your document book. Is that it?

DR. EXNER: Unfortunately, 503-PS is not in it, but only the secrecy order, Page 102. I expressly requested, however, that it should be submitted to the Tribunal.

JODL: May I add that this sentence became the source of all trouble. The troops made use of that sentence and on principle, or as a rule, did not kill Commandos but took them prisoner.

DR. EXNER: You said this last sentence made you indignant. Were you also convinced that it was against international law?

JODL: One might have doubts in that respect too. But I found it distasteful from a human point of view, for if one does shoot a man, I think it is base to extort all information out of him first.

DR. EXNER: I want to ask one more question concerning what you mentioned before the recess. You said that you did not report everything to the Führer; you did not report all Commando raids to him. That is quite clear. But you said you also did not report information which you obtained from the enemy—killings, and so on. What did you mean by that?

JODL: I reported the results of Dieppe and, should we say, the violations of international law which we considered had been committed there—the shackling of German prisoners, and so on. There was only one thing which I did not report, namely, the shackling of some men belonging to the Todt Organization in such a manner that they strangled themselves. I did not report that, and it did not appear in any order or Wehrmacht communiqué.

THE PRESIDENT: The defendant has already told us about this, so why you should ask him again I don't know.

DR. EXNER: I thought it was not quite clear.

[Turning to the defendant.] We now pass to another subject, the order regarding Leningrad and Moscow. How did Hitler's order about the fate of Leningrad and Moscow come into being? It is C-123, second volume, Page 145 of my document book; it was submitted under the number USSR-114. This is the order stating that surrender was not to be accepted. How did this order come into being?

JODL: At the beginning of the second paragraph appears the sentence: "The moral justification for this measure is clear to the whole world." I shall now explain that. The first reason was a report from Field Marshal Von Leeb, the Commander of Army Group North at Leningrad. He reported that the population of Leningrad had already begun to flock out toward his lines in the south and west. He pointed out that it would be absolutely impossible for him to keep these millions of Leningrad people fed and supplied if they were to fall into his hands, because the supply situation of the army group was deplorable at that time. That was the first reason. But shortly beforehand Kiev had been abandoned by the Russian armies, and hardly had we occupied the city when tremendous explosions occurred one after another. The major part of the inner city was destroyed by fire; 50,000 people were made homeless; German soldiers were used to fight the flames and suffered considerable losses, because further large masses of explosives went off during the fire. At first the local commander at Kiev thought that it was sabotage on the part of the population, until we found a demolition chart, listing 50 or 60 objectives in Kiev which had already been prepared for destruction some time before; and this chart was in fact correct, as investigation by engineers proved at once. At least 40 more objectives were ready to be blown up, and for most of them a remote-control was to set off the explosion by means of wireless waves. I myself had the original of this demolition chart in my hands. That proved...

THE PRESIDENT: I don't think we need go into the details of Kiev. This deals with Leningrad. The defendant might briefly

state in substance what he says happened at Kiev; but we cannot investigate details of it.

DR. EXNER: Mr. President, the defendant wanted to show that it was feared these happenings in Kiev might repeat themselves in Leningrad.

THE PRESIDENT: I quite understand that; but if he said that he had plans of the blowing up of Leningrad, it would be a different matter, and he could give that in more detail. But what I am saying is we cannot go into the details about Kiev.

DR. EXNER: No. I only want to refer without quoting to my Exhibit AJ-15 (Document Jodl-50), on Page 149 of my second volume. That is a report on these explosions in Kiev. We will not delay over this matter any more now. I just wanted to bring it to the notice of the Tribunal.

[Turning to the defendant.] Please continue.

JODL: Then I only need to say in conclusion that the Führer always expected that what had happened in Kiev, in Kharkov, and in Odessa would happen also in Leningrad, and possibly in Moscow. That was the decisive reason why this order, which already had been put into writing, was given by him orally to the High Command of the Army. And the order was given added weight because the Russian radio reported that Leningrad had been undermined and would be defended to the last man.

The purpose of the order was exclusively that of protecting German troops against such catastrophes as had already occurred; for entire staffs had been blown into the air in Kharkov and Kiev. For this reason the Führer issued this order, which I in turn, at his express request, put into writing. Therefore the order began with the words, "The Führer has again decided"—that means "once more," "for the second time."

DR. EXNER: What was the reason for the order to leave openings to the east in the encirclement of Leningrad and Moscow?

JODL: We did not want these masses of the population. We had had our experiences in Paris. There it had even been necessary to use the transport space of four divisions and the whole relief train "Bavaria," which could supply tens of thousands of people, to save the population from starvation. In Leningrad that would have been quite impossible, because in the first place the railways had been destroyed; the rails had not yet been adjusted to our gauge, and the supply situation was very difficult. It would have been impossible to help these millions of people in any way; there would have been a real catastrophe. Hence the idea of pressing them back to the east, into the Russian areas; an idea, incidentally,

not in conformity with the assertion which has been made here that we wanted to exterminate the Slavs.

DR. EXNER: I now come to another subject. The French prosecutor has accused you of ordering in Document UK-56—which is Exhibit RF-335 in my document book, the second volume, Page 153—of ordering the deportation of Jews, thereby giving, as chief of a military staff, a political order.

Will you explain how this order came into being?

THE PRESIDENT: I think the translation must have come through wrong. You said—at least, I took it down—Page 153.

DR. EXNER: Page 155. I beg your pardon, it is on Page 155 of the second volume of my document book. The actual order is on Page 156.

[Turning to the defendant.] Please reply.

JODL: I must explain in connection with this document that the deportation of Jews from Denmark was discussed during a conference at which I did not participate. Himmler suggested it to the Führer; and the Führer approved or ordered it. I was informed of it either through General Schmundt or Ambassador Hewel.

Then on instructions conveyed to me by Schmundt, I transmitted to the military commander in Denmark the details of this order. The heading, or rather, the address of this teleprint message shows that it was directed to two offices, namely to the Foreign Office and to the commander of the German troops in Denmark. These are the two principal offices for which it was destined. The Reichsführer SS received the letter only for information purposes, as is noted on it in accordance with our office practice. He did not have to act upon it; it was not an order for him, but it was merely for information. He already knew the Führer's decision.

I did not in any way order the deportation of the Jews, but I wrote, "The deportation of Jews will be carried out by the Reichsführer SS..."

DR. EXNER: That is under Figure 2?

JODL: Figure 2. Had this been an order, it would have had to be addressed to the Reichsführer SS; and it would have had to be worded like this: "Reichsführer SS is to deport Jews from Denmark." But it is exactly the other way about. This Figure 2 informs General Von Hannecken in Denmark that he has nothing to do with this affair, but that it is being handled by the Reichsführer SS. But General Von Hannecken had to be told of this, because at that time a state of military emergency existed. He had executive power in Denmark, and if anything like that had been done without his

knowledge he might immediately have objected to it and forbidden it.

The matter appeared to me so urgent that, in order to avoid incidents, I informed the military commander in Denmark about it over the telephone, quite openly and without regard to its secrecy. The French Prosecution mentioned an indiscretion which enabled most Jews to escape from Denmark into Sweden; presumably it was this telephone call which made that possible.

Finally, therefore, I repeat that I was far from ordering the deportation of Jews; I merely informed the military commander in question that he was to have nothing to do with the matter. Besides, as I heard afterwards on making inquiries, these Jews were taken to Theresienstadt, where they were cared for and visited by the Red Cross; and even the Danish minister declared himself satisfied with their treatment.

DR. EXNER: May I draw the attention of the Tribunal to what I consider is an inadequate translation into English and French. Under Figure 1 on Page 156 of the second volume the word "volunteers" does not appear in the translation. It says here, "The Reichsführer SS has permission to recruit volunteers from the former members of the Danish forces who are to be released..." The word "volunteers" is missing in the English translation; the French merely says *hommes*—"men."

[Turning to the defendant.] You actually had no dealings with matters in occupied territories; they were outside your jurisdiction. How then did you come to sign this order?

JODL: Actually this affair did not concern me at all. I signed the order because Field Marshal Keitel was away on that day.

DR. EXNER: As we are just talking of the Jews, will you tell the Court what you knew about the extermination of Jews? I remind you that you are under oath.

JODL: I know just how improbable these explanations sound, but very often the improbable is true and the probable untrue. I can only say, fully conscious of my responsibility, that I never heard, either by hint or by written or spoken word, of an extermination of Jews. On one single occasion I had doubts, and that was when Himmler spoke about the revolt in the Jewish Ghetto. I did not quite believe in this heroic fight; but Himmler immediately supplied photographs showing the concrete dugouts which had been built there, and he said, "Not only the Jews but also Polish Nationalists have taken refuge there and they are offering bitter resistance." And with that he removed my suspicions.

THE PRESIDENT: Are you speaking of Warsaw?

JODL: I am speaking of the uprising in the Warsaw Ghetto of which I heard through a personal report from Himmler given in our presence, in the presence of soldiers at the Führer's headquarters. Himmler spoke only of an uprising and of bitter fighting. As far as the activities of the Police are concerned, of the so-called action groups, Einsatzgruppen and Einsatzkommandos—a conception, incidentally, of which I first heard here in detail—there was never any explanation through the Führer himself other than that these police units were necessary to quell uprisings, rebellions, and partisan actions before they grew into a menace. This was not a task for the Armed Forces, but for the Police, and for that reason the Police had to enter the operational areas of the Army. I have never had any private information on the extermination of the Jews; and on my word, as sure as I am sitting here, I heard all these things for the first time after the end of the war.

DR. EXNER: What did you know about concentration camps . . .

THE PRESIDENT: I don't think it is necessary to point out to you that you cannot speak about there having been no explanation to the Führer; you can only speak about there having been no explanation to yourself. The translation I heard was, as to these Einsatzgruppen, that there had been no explanation to the Führer.

THE INTERPRETER: From the Führer.

THE PRESIDENT: From the Führer?

THE INTERPRETER: Yes, My Lord.

JODL: I said that the Führer had never given us any other reason for the presence of police forces than his statement that police measures were necessary.

THE PRESIDENT: I misheard the translation.

DR. EXNER: Did you know anything about concentration camps, or what did you know about them? Please be brief.

JODL: I can briefly say that I knew there were concentration camps at Dachau and Oranienburg. Some divisional officers visited Oranienburg once in 1937 and gave me very enthusiastic accounts of it. I heard the name of Buchenwald for the first time in the spring of 1945. When the name was mentioned, I thought it was a new troop training camp; and I made inquiries. The inmates were always described as German habitual criminals and certain inveterate political opponents, who however, like Schuschnigg or Niemöller, were held there in a kind of honorable detention. I never heard a single word about tortures, deported persons, or prisoners of war, crematoriums or gas vans, torments reminiscent of the Inquisition, and medical experiments. I can only say that, even if

I had heard of these things, I would not have believed them until I had seen them with my own eyes.

DR. EXNER: The French prosecutor read a statement by the German Police General Panke, according to which you were present at a conference with Hitler on 30 December 1942, when terror and counterterror and so on, and reprisal murders in Denmark were said to have been discussed. What do you say to that? 7993

JODL: I think it was on 30 December 1943.

DR. EXNER: Was it?

JODL: In some points that statement is correct; in others it is incorrect. During that conference, at least as long as I was present, the word "murder" was never mentioned. The Führer said:

"I want to fight the terror of sabotage and attacks, now beginning in Norway, with exactly the same weapons. That is to say, if a Danish factory working for Germany is blown up, which has happened, then a factory working solely for the Danes will be blown up also. If some of our strong points are attacked by terrorists, which has also happened, these terrorists will be hunted, surrounded, and wiped out in fighting; and I do not want courts martial, which only create martyrs."

He did not say or suggest, however, that innocent Danes should now be murdered as a reprisal. I can only say that, in my presence and in the presence of Field Marshal Keitel, that and nothing else was said. Again, it is a very debatable question from the point of view of international law whether an army is not entitled to adopt the fighting methods of its opponents in its countermeasures, particularly in such *franc-tireur* warfare and in rebellions like these. It seems to me a very moot point.

DR. EXNER: You just said, "as long as I was present." Were you not present during the entire conference? Can you remember?

JODL: I do not think that even in my absence any other statements were made. Once during the conference I went out to telephone and was away for a short time, perhaps 15 minutes.

DR. EXNER: We now come to the partisan fighting. Partisan fighting and partisans have been mentioned frequently here. Can you say briefly what these partisans were?

JODL: It is not easy to define that clearly, considering all the types of fighting adopted in this world war; but there are five characteristics:

1) A partisan group is a fighting unit formed behind one's own front; 2) it is not or is only partly in uniform; 3) it is not an organic part of the Armed Forces even though it receives its orders

from them; 4) it must be in a position, or it generally is in a position to . . .

THE PRESIDENT: We don't require a lecture about this matter.

DR. EXNER: Well, then we know approximately what partisans are. I now want to ask you about the fighting against partisan groups. First of all I must read what we have heard here about partisans, Document L-180, USA-276, which is contained in the second volume of my document book, Page 121. That is a complete report of an Einsatzgruppe in action against partisans; it is Appendix Number 9. What is found on Page 122 is, I think, of importance. First of all under Roman Numeral I, Figure 5, I quote:

"In the larger cities, especially those with industrial works, so-called *istreibitelni* battalions (i. e. destruction battalions) were formed by the Soviets before the entry of the German troops. . . ."

Then, under Roman Numeral III:

"... the tasks and fighting methods of the various partisan groups have become known . . . partly from the captured combat directives of the partisans themselves. This statement of a captured partisan . . . is significant: 'A partisan must destroy everything that he can reach. . . .'"

And then, in one of the "Combat Directives for Partisan Groups" received by us from the commander of the army, rear area North, we find stated:

"Unbearable conditions are to be created for the enemy and his allies in territories occupied by him. All the measures of the enemy are to be opposed."

And then instructions are given to blow up bridges, to destroy roads, *et cetera*. I shall not read it all. In the last paragraph, which I have on Page 123, it expressly states that partisans are to disguise themselves cleverly; that they will sometimes appear as farmers or will work in the fields as soon as German forces appear in the vicinity. The witness Von dem Bach-Zelewski stated here that the fight against partisans was carried out in a chaotic manner. He meant by that that it was not directed from higher quarters. You must be informed about that. Is that correct?

JODL: No, that is not correct. This expert on partisan fighting obviously has a bad memory. I draw attention to Document F-665, in Document Book 2, Page 126. Here the first page is given of a directive for partisan warfare. It is called "Instructions for Partisan Warfare," and was signed by me personally on 6 May 1944. The Tribunal will see that in the second sentence it says that . . .

DR. EXNER: Page 126.

JODL: . . . the instructional pamphlet number so-and-so, "Instructions for Partisan Warfare in the East," issued by the OKW, Armed Forces Operations Staff, dated 11 November 1942, is canceled. That proves that at least since 11 November 1942, the troops had in their possession instructions issued by the Armed Forces Operations Staff as to how the battle against partisans should be conducted.

DR. EXNER: May I now draw attention to my Document AJ-1, Page 133. It is an affidavit of a Pastor Wettberg; I do not want to read it. Pastor Wettberg contacted me because he himself had been engaged in the warfare against partisans, and he confirmed that the fighting was perfectly well directed even before the new instructions were issued, that is, from 1942 onwards. In 1944 you issued this new directive without Hitler's permission; is that correct?

JODL: Yes.

DR. EXNER: What made you do that? Was it not an unusual step?

JODL: I want to state that I did not submit this directive either to Field Marshal Keitel or to the Führer, because it was a contradiction of all existing orders. I shall prove in detail later that it gives instructions for all so-called partisans in France and Yugoslavia—partisan areas in Russia were now in front of our lines—to be treated immediately as regular fighting troops, and thus as prisoners of war.

I took this unusual step because I became convinced, after the shooting of the English Air Force officers at Sagan, that the Führer no longer concerned himself with the idea of human rights; and also because after 1 May 1944 I myself felt responsible for questions of international law, as the "Canaris" department had been dissolved on that day and the foreign section, together with the international law department, had come under my command. I was resolved not to tolerate and not to participate in any such violations of international law on our part, and I acted accordingly from that day up to the end of the war.

In this order I declared all partisans and those supporting them, and even those wearing civilian clothes, to be regular troops and prisoners of war, long before Eisenhower—on 7 July 1944 only—demanded that terrorists in France should be given that status.

DR. EXNER: The Prosecution asserts that the fight against partisans was only a code name under which Jews and Slavs were killed; is that true?

JODL: The fight against partisans was a horrible reality. In July 1943, to quote some figures, 1,560 instances of railway

sabotage occurred in Russia. There were 2,600 in September; that is 90 per day. A book by Ponomarenko was published from which an American paper quoted 500,000 Germans as having been killed by the partisans. If a nought is crossed off from that figure, it is still quite a considerable achievement for a peaceful Soviet population. But the book is also said to have stated that the population became increasingly hostile; that murder and terror became more frequent; and that the peaceful Quisling mayors were being killed. At any rate it was a tremendous fight which was taking place in the East.

DR. EXNER: In this connection, I would like to draw the Tribunal's attention to an entry in Jodl's Diary, Document 1807-PS. It is on Page 119 of the second volume of my document book. Under 25 May it says, "Colonel General Halder draws the attention of the Führer to increasing partisan activity..."

THE PRESIDENT: Wait a minute. The defendant stated, I think, that in this directive of his on the 6th of May 1944 there was an order that guerrillas should be treated as prisoners of war. Will you refer us to the passage?

DR. EXNER: Will you name the passage, Defendant?

JODL: It is under Figure 163, on Page 131.

DR. EXNER: Page 131 of the second volume.

JODL: May I read it?

DR. EXNER: Yes..

JODL: "All partisans captured in enemy uniform or civilian clothing or surrendering during combat are to be treated in principle as prisoners of war. The same applies to all persons encountered in the immediate fighting area who may be considered as supporting the partisans, even when no combat action can be proved against them. Partisans in German uniform, or in the uniform of an allied army, are to be shot after careful interrogation if captured in combat. Deserters, no matter how they are dressed"—and, may I add, even if dressed in German uniform—"are, on principle, to be well treated. The partisans must hear of this."

THE PRESIDENT: Just a minute. Well, perhaps—it is 1 o'clock—we might break off now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. EXNER: I have one further question concerning the partisan regulations. The Prosecution brings the charge that you, through Number 161 of the partisan regulations—that, Your Honors, is in the document we used last, F-665, Page 130 of Volume II—were responsible for the destruction of whole villages, and even of the total population of villages in France. Will you please comment on this?

JODL: I believe the opposite is true. Through Number 161, I reduced the collective measures and collective punishments that the Führer had decreed without restraint, to what was permitted by Article 50 of the Hague Rules of Land Warfare. In this article collective punishment is prohibited unless the entire population is equally guilty in terror activities of any kind. Therefore, with this Number 161 I did not order the burning down of villages, not even in exceptional cases, but on the contrary I said that such collective measures might be used only in very exceptional cases, and then only with the approval of a divisional commander, for he would have a tribunal and could make a judicial investigation.

I do not wish to trouble the Tribunal with any other merits of mine, which may be read in this document. I discussed the good treatment of the population; the necessity of leaving them the necessities of life, *et cetera*. I believe, at any rate, that this document actually serves as a model of how this sort of war may be brought within the scope of international law. I did this as I was convinced that at that time the French Maquis movement, and also the Tito revolt had gradually begun to develop into a regular war.

Now the case of the 2d SS Panzer Division is cited as an example of things that I caused through this Number 161. I can say only that the behavior of the SS Panzer Division is the responsibility of its commander. I learned about it only months afterwards. I am grateful to the French Prosecution for having submitted this document, and I am grateful also for the statement that the Maquis movement in the beginning was nothing else than *franc-tireur* warfare, the heroism of which I do not dispute.

DR. EXNER: Now we shall turn to a different problem, the low-level fliers. From Document 731-PS, Page 139 of the second document book, and Page 144 of Volume II of my document book—from these documents it can be seen that from various sources proposals had been made as to the treatment of enemy airmen who had made emergency landings. Can you tell us, first of all, the reason for this, and what your attitude was toward these proposals?

JODL: I shall try to be as brief as possible. The reason was that numerous reports had been received of people being attacked by individual enemy aircraft contrary to international law. The Führer demanded countermeasures, and that is the origin of the memorandum 731-PS, Exhibit RF-1407. It is not a draft for an order, still less an order. It is a note containing proposals made by the Luftwaffe in that connection. There was no talk as yet about lynching. The fact that I concerned myself with this problem at all may find its explanation in the responsibility which, as I have previously mentioned, I believed had rested with me since 1 May with regard to questions of international law. The note which I wrote on the document has already been read. I objected to one paragraph—a case which I nevertheless considered entirely admissible according to international law. This was later crossed out and replaced by a statement that it was to be considered murder if one of our soldiers landing by parachute was shot. I wrote this objection on Document 735-PS. The concept of lynching . . .

DR. EXNER: I should like to state, for the assistance of the Tribunal, where this passage is. The remark made by Jodl in his handwriting is found on Page 144 of the document book. Various proposals are made in this memorandum, and then Jodl adds "To Number 3 . . ."; and then there is a notation.

[Turning to the defendant.] Please comment on this.

JODL: My notation was: "Is the Foreign Office in agreement with Number 3b?"—namely, that the shooting of our own airmen who have been shot down and are parachuting to earth is to be considered a mean terrorist act.

DR. EXNER: This Number 3b is on the same page, at the top.

JODL: I just wanted to add that lynching was suggested in an article by Goebbels, published in the *Völkischer Beobachter*. The more I concerned myself with this problem, the more it was obvious that nothing at all could be achieved with measures of this kind, for one could never capture a guilty low-flying airman, for he would either escape or he would be dashed to pieces on the ground. This would only lead to a general murder of airmen. Therefore, I decided—and I was in complete agreement with Field Marshal Keitel on this point—to cause this entire action to fail. The Court can see that between Document 731-PS, which was compiled on 21 May, and Document 735-PS, 16 days had elapsed wherein nothing had been done. When on 6 June I received a rather lengthy report, I noted on it, "This is not sufficient; we have to start all over again; how can we be certain that other enemy airmen will not be treated in the same way? Should some

legal procedure be arranged or not?" If I wrote that, then, Your Honors, it is absolute proof, if you consider my general method of work, that I had no other intention than to delay and drag things out until the matter had solved itself. And I succeeded in this case. No military authority issued an order. We did not even go so far as to make a draft of an order. The only thing we had were these scraps of paper. It has been proved, and it will be proved further, that many months afterwards the Führer brought the gravest charges against us, and against the Luftwaffe in particular, of having torpedoed his order.

DR. EXNER: Now we shall turn to something entirely different. The Chief of the OKW, in a letter written in 1941, called you and Warlimont his representatives for collaborating with Rosenberg's Ministry for the Occupied Eastern Territories. That is Document 865-PS, Exhibit USA-143. How did that work out in practice?

JODL: Not at all. Apart from one conference in 1943 dealing with an appeal to the peoples of the East, I had no connection with Rosenberg's Ministry whatsoever. The only collaboration which took place constantly was carried on by my propaganda division, for all pamphlets which it compiled and which were dropped over Russia were discussed first with the Ministry of the Occupied Eastern Territories.

DR. EXNER: Then why were you appointed at all? Why was that necessary?

JODL: That was purely a matter of form, because Minister Dr. Lammers wrote to each of the higher Reich authorities in general asking that a deputy be designated; and so Field Marshal Keitel also designated a deputy.

DR. EXNER: We shall now turn to something new. You have been shown the rather strange Document C-2, Exhibit USA-90. It is not contained in my document book, but the Court will remember it at once. It is a compilation in tabular form in which certain incidents of significance in international law are cited in the first column. In the second column there are examples; in the third and fourth...

MR. ROBERTS: It is Page 163 in the big document book.

DR. EXNER: This is a diagramatic compilation which sets down on one side a certain incident, and on the other enumerates the consequences of this incident: its appraisal in the light of international law, its use for propaganda, and so forth.

Will you explain how this came about? It is really a very strange document. Twelve infringements of international law by our side are set down, and, I believe, 13 infringements by the enemy.

JODL: I do not think this document is so remarkable after all. It was compiled at the end of September 1938, shortly before the Munich Conference. As I, in my department, did not know for certain whether we would have an armed conflict or not, and as at that time the stipulations of international law were not clear to us, I wanted, by taking various examples, to find out from the experts on international law what the present attitude was towards such infractions. Every officer in my division then racked his brain to find an example, and we tried to cover every branch of international law through some specific instance. I consider it worthy of note that even then we concerned ourselves with the conception of international law. There can be no doubt whatsoever that I alone carry responsibility for having thought out these examples. But if one were to take exception to the reply to these examples, that is to the judgment on the lines of international law or to justification according to the rules of warfare, I can only say that this did not come from me; it emanated from the office of Canaris. Apart from that, it shows a very careful and noteworthy attitude toward international law, especially concerning air warfare. At any rate, it was on a much higher level than what took place in actual practice.

DR. EXNER: Therefore, was it the intention to commit these infractions of international law?

JODL: Not at all, but as one conversant with the history of warfare, I knew that there has never yet been in this world a war in which infractions of international law did not occur.

If, perhaps, objection should be raised that quite at the end of the paragraph there appears: "Explanation by the Propaganda Ministry," I should like to say that that comes at the end, after the justification according to the laws of war and the judgment from the standpoint of international law, and that Admiral Bürckner, who gave the reply, himself referred to it—that propaganda could be put into practice only after the aspects of international law had been clarified. Moreover the whole answer was only a preliminary one, as first the Foreign Office and the various branch chiefs of the Wehrmacht would have had to be heard on the subject.

DR. EXNER: I asked for Admiral Bürckner as a witness on this question, but it really seems to be too unimportant a matter, and I shall therefore forego the calling of this witness.

[Turning to the defendant.] I want to ask you the following question in this connection: What was your attitude in general as to the limitations placed on the conduct of war by international law?

JODL: I recognized and valued international law with which I was well acquainted, as a prerequisite for the decent and humane

conduct of war. Copies of the Hague Rules of Land Warfare and the Geneva Convention were always lying on my desk. I believe that by my attitude toward the Commissar Order, toward lynching, and toward the intention to repudiate the Geneva Convention—bluntly rejected by all Commanders-in-Chief and all branches of the Wehrmacht, and by the Foreign Office—I have proved that I tried, as far as it was possible for me, to observe international law.

Of course, there is a wealth of positive proof available. The pertinent documents will probably be submitted by my defense counsel. I will refer only to the behavior of the German Wehrmacht in Norway, a matter in which I collaborated. I refer to the partisan regulations...

DR. EXNER: I submit Document AJ-14, Pages 99 and 100 in my document book, Volume I. These are special directives for conduct during the occupation of Norway and Denmark, directives which, therefore, were issued when those countries were occupied. There are some very characteristic sentences contained in this document, sentences which I should like to read. You will find on Page 98, Figure 1:

"The military occupation of Denmark and Norway is taking place for the purpose of ensuring the neutrality of these countries. The aim must be to carry this out in a peaceful way."

Then on Page 99, at the top it says:

"Directives for conduct in personal intercourse with the Norwegian population.

"Every member of the Armed Forces must remember that he is not entering enemy country, but that the troops are moving into Norway for the protection of the country and for the safety of its inhabitants.

"Therefore, the following is to be observed:

"I. The Norwegian has a strongly developed national consciousness. Moreover the Norwegian people feel themselves closely related to other Nordic peoples.

"Therefore avoid anything that might wound national honor."

Figure 2 is also very characteristic. Then I shall turn to Figure 4:

"The home of the Norwegian is sacred according to the old Germanic conception. Hospitality is offered generously. Property is inviolable. The house remains..."

THE PRESIDENT: It is not necessary to read all of this. One paragraph is enough to show the nature of the document, isn't it?

DR. EXNER: Then I will make mention of the remainder of the document which I shall not read, and ask that the Tribunal take official notice of this document.

Then there is a directive here, Document AJ-16 . . .

THE PRESIDENT: But, Dr. Exner, that last document does not appear to have been signed by the defendant, does it?

DR. EXNER: [*Turning to the defendant.*] What had you to do with this document? Did you . . .

JODL: It is signed by Von Falkenhorst, but it is well known that we—the Armed Forces Operations Staff and the staff of Von Falkenhorst—comprised one unit for the Norwegian enterprise. I participated in the drawing up of this document, and I submitted it to the Führer and the Führer approved of it. There is even an entry to that effect in my diary.

DR. EXNER: Then comes Document AJ-16, which I submit herewith.

“Special directives for the administration and pacification of the occupied areas of Holland, Belgium, and Luxembourg.” This is Page 161, Volume II of my document book. I will quote only from Page 162 in order to save time. I will read perhaps the last sentence: “International law must be strictly observed in every case.” But I request the Tribunal to take judicial notice of the other regulations.

In this connection I should like to mention Document 440-PS, Exhibit GB-107, in my Document Book 2, Page 164—Directive Number 8 regarding the conduct of war, dated 20 November 1939. It says in respect to the tasks of the Air Force—I will read the last paragraph:

“Localities, especially large open cities, and industries are not to be attacked without a compelling military reason, neither in the Dutch nor in the Belgian-Luxembourg areas.—Signed Keitel.”

Did you also draft that?

JODL: I drafted that order.

DR. EXNER: Then we might refer to the regulations for fighting partisans, a matter which has been discussed here also.

JODL: And I should like to refer to something I believe I have stated already, that I ordered an immediate investigation of the Malmédy incident.

DR. EXNER: Did you constantly bear in mind the aspects of international law where your orders were concerned?

JODL: I believe I have already stated that. I studied international law very carefully in its bearing on my orders. I do not

wish to detain the Court with the knowledge I gathered from these regulations, for it is only incomplete, but I should like to conclude by saying that owing to the fact that there were no regulations governing air warfare, deplorable confusion in definition arose—for instance between rebellion and legal war force; between *franc-tireur*, bandit, and scout; between spy and scout; demolition crews and saboteurs. Any time with the help of aircraft a rebellion might be converted into a legal war; and a legal war, on the other hand, might become a state of rebellion. That is the effect that parachute troops and the furnishing of supplies by air have had on international law.

DR. EXNER: In this connection, I should like to submit the affidavit of Lehmann, Exhibit AJ-10 (Document Number Jodl-63). This document has not been submitted to the Court because it was only yesterday that the Prosecution declared itself in agreement with the use of this affidavit. I believe it is the affidavit of the Judge Advocate General, Dr. Lehmann. If the Tribunal will declare this affidavit admissible, I can perhaps merely refer to it...

THE PRESIDENT: Where is it?

DR. EXNER: I submit it herewith but it has not been translated yet, as we received permission for it only yesterday in Court.

MR. ROBERTS: As Sir David said yesterday there is no objection to the affidavit, although there was no actual order granting the affidavit of Lehmann. My Lord, it is very short, especially the copy I had, and I think there is no reason to object to it.

DR. EXNER: Then, in order to save time, I shall just refer to it; and I beg the Tribunal to read these statements of Dr. Lehmann. They seem to me to be significant, as after all it is the highest jurist in the German Wehrmacht, Judge Advocate General Lehmann, who is giving information here.

THE PRESIDENT: You had better give it an exhibit number.

DR. EXNER: Yes, AJ-10 was the exhibit number I gave it, Your Honor.

THE PRESIDENT: Yes.

DR. EXNER: This gentleman mentions legal discussions, which he had occasion to carry on with Jodl, and he gives us Jodl's attitude toward legal questions.

And now, General, in connection with crimes against the laws of war there is one last question which comes to our attention. Numerous entries in the war diary, orders, *et cetera*, are the subject of serious charges against you. Did you have the possibility, before you were captured, of destroying all this material?

JODL: Yes, between 3 May and 23 May I had time and leisure to burn every piece of paper, but I gave instructions to my staff not to destroy a single file, for I felt I had nothing to conceal. I handed the complete files, and above all the especially important ones, all the original Führer directives since 1940, to the American officer when I was captured.

DR. EXNER: And now I shall turn to the alleged Crimes against Peace. First of all we have to make it clear what posts you held during this critical period. Tell us, please, what posts you held from 1933.

JODL: From 1932 to 1935 I was in the division which was later called the Operations Division of the Army. From the middle of 1935 until October 1938 I was Chief of the Department for National Defense in the Wehrmachtsamt, which was later called the OKW.

DR. EXNER: That means the Wehrmachtsamt was actually the OKW?

JODL: Yes, later on. From October 1938 until shortly before the Polish campaign I was artillery commander at Vienna and at Brünn, in Moravia; and from 27 October 1939 . . .

DR. EXNER: Just a moment please. 27 September?

JODL: No—August, rather. On 27 August 1939 I took over the office and the tasks of Chief of the General Staff.

DR. EXNER: Now, let us take that period. Did you concern yourself with war plans in the years 1932-35 when you were in the so-called Truppenamt?

JODL: At that time there were no preparations in the Operations Division, except for combat directives for the improvised Grenzschutz Ost (frontier guard East). This was a militia-like organization, and preparations were made to evacuate the whole German border in case of enemy occupation. That was all.

DR. EXNER: Had you anything to do with the proclamation of general conscription?

JODL: No, I had nothing to do with that. I believe I heard about it the day before.

DR. EXNER: What were your duties as chief of the Department for National Defense from June 1935 to October 1938?

JODL: In this position I had to work out the operational strategic directives according to the instructions of my chiefs, Keitel and Blomberg. I had to study and to clarify the problem of the leadership of the Wehrmacht; to prepare studies and exercises for the big Wehrmacht maneuvers in 1937. I had to supervise the Wehrmacht Academy; I had to work out drafts for laws in connection

with the general conscription order and with the unified preparation for mobilization in the civilian sector, that is, of state and people. The so-called Secretariat of the Reich Defense Committee came under me.

DR. EXNER: Tell us, please, what were you at that time? What was your military rank?

JODL: I acquired that position while I was lieutenant colonel; and in 1936—I believe—I became a colonel.

DR. EXNER: Did you take any part in the Reich Defense Law?

JODL: No, that law originated before I entered my office in the Wehrmachtsamt.

DR. EXNER: But the Prosecution is accusing you of participation in it on the grounds of a supplement which you made to the Document 2261-PS, Exhibit USA-24, which is to be found in Volume I, Page 9. In this document it says, "Attached a copy of the Reich Defense Law of 21 May 1935 . . ." The signature is Blomberg's and it is dated 24 June. Then comes a supplementary paragraph: "Berlin, 3 September 1935. To the Defense Economic Group 1a, copy transmitted, Signed Jodl." What can you tell us about that?

JODL: Indisputably that is a valid Reich law of which I had to transmit a copy to one of the other offices. I need not say more than that.

DR. EXNER: You yourself did not participate in the drawing up of the law itself?

JODL: No.

DR. EXNER: Were you a member of the Reich Defense Council?

JODL: No.

DR. EXNER: Were you a member of the Reich Defense Committee?

JODL: I was that automatically from the moment I took over the direction of the National Defense Department. At the tenth session of this meeting of experts, on 26 June 1935, General Von Reichenau designated me as his deputy.

DR. EXNER: What was the purpose of this committee? This has already been discussed, I believe, so please be as brief as possible.

JODL: In a few words: With this committee a unified mobilization, not of the Army, but the mobilization of the State and people, corresponding to military mobilization, was prepared. These plans were laid down in the mobilization books giving final figures and various stages of tension.

DR. EXNER: What were these various stages of tension?

JODL: We had learned about this from France and had adopted it. The French had a system by which mobilization was carried out in five stages according to the degree of tension existing.

THE PRESIDENT: Do we need the detail about this? Is it not sufficient to say it was copied from France?

DR. EXNER: Very well.

[Turning to the defendant.] Perhaps you can tell us what this meant; why we adopted this system of stages of tension? What was the reason?

JODL: The purpose was to have some means at our disposal—as was customary all over Europe at that time—that would achieve an intensified readiness for war before the public order for mobilization was issued.

DR. EXNER: Did the Reich Defense Committee concern itself with armament?

JODL: No. It did not concern itself with armament at all.

DR. EXNER: Did the Reich Defense Committee concern itself with political plans or intentions?

JODL: It had nothing to do in any way with political problems.

DR. EXNER: But how about war?

JODL: It was concerned only with mobilization.

DR. EXNER: That means, a certain particular war...

JODL: Mobilization is a necessity for every possible war.

DR. EXNER: In this committee you concerned yourself with mobilization books. Is that correct?

JODL: Yes. I believe I have already explained that. In these books the details of all the chief Reich authorities were set down and indexed according to degrees of tension.

DR. EXNER: What do you mean by chief Reich authorities?

JODL: I mean all the ministries.

DR. EXNER: You mean the civil authorities?

JODL: Yes, the civil authorities. And the preparations made by them had to be brought into line with the preparations by the military.

DR. EXNER: What were the preparations in the demilitarized zone?

JODL: The preparations in the demilitarized zones were connected solely with evacuation, that is the surrendering of the areas west of the Rhine in case of a French occupation.

DR. EXNER: I believe we have discussed that at length already, and in this connection I should like to refer to Document EC-405, Exhibit GB-160, Page 11 of my document book, the first volume, where the tenth session is mentioned. You are accused of having decreed the utmost secrecy concerning all these preparations, which, according to your description, were of a purely defensive nature. Why all this secrecy?

JODL: Keeping measures of this kind secret is taken for granted all over the world. For us in Germany it was especially important, as for years the civil authorities had no longer been accustomed to concern themselves with military matters, and it seemed to me of particular importance that in foreign countries no misunderstanding should arise by, let us say, the capture of an order of this nature—a very characteristic misunderstanding such as occurred in these proceedings in connection with the "Freimachung" of the Rhine.

DR. EXNER: And why did you decree secrecy? So that foreign countries would not be disquieted?

JODL: At that time we were even weaker than during the period when we had an army of only 100,000 men. This army of 100,000 men had been broken up into hundreds of small groups. It was the time of our very greatest impotence, and at that period we had to be extremely careful to avoid any and all tension with foreign countries.

DR. EXNER: What were the military plans of those days?

JODL: I have already said that there were the combat directives for the Grenzschutz Ost. I had also worked out instructions for the commander in East Prussia in case he were cut off from the Reich through a sudden attack by Poland.

DR. EXNER: Did you know of any German intentions of attack at that time?

JODL: There was no thought or talk of that whatsoever.

DR. EXNER: Well, I should like to quote one sentence from the twelfth session of the Reich Defense Council. It is on Page 14 of Volume I of my document book, Document EC-407, Exhibit GB-247. At that meeting Lieutenant Colonel Wagner of the OKH said—who was he, by the way?

JODL: He later became Quartermaster General.

DR. EXNER: Lieutenant Colonel Wagner said:

"The outcome of the war"—that is, the last war—"has resulted in a completely changed military and political situation in the case of a future war, namely the necessity for waging it in one's own country."

He said that on 14 May 1936. What would you gather from this sentence?

JODL: Of course, one can perhaps say...

THE PRESIDENT: Dr. Exner, surely it is a statement by somebody else, and this statement speaks for itself. It is not a matter that this witness can interpret to us.

DR. EXNER: Very well.

[Turning to the defendant.] Now, were you concerned with armament in the Truppenamt, and later in the Department for National Defense?

JODL: I personally had nothing at all to do with armament in the real sense. That was a matter for the various branches of the Wehrmacht—the Army, the Navy, the Air Force—and it was dealt with and handled by their organizational staffs. The Commanders-in-Chief discussed these matters with the Führer direct. But I hope, and I will not deny, that my work in the General Staff contributed to the reconstruction of the German Wehrmacht.

DR. EXNER: Your diary, 1780-PS, does not contain a word about armament, and it seems obvious that at that time you did not concern yourself with this problem. What were your thoughts and ideas on the question of armament? Were you in favor of it?

JODL: At that time I was of the same opinion as my superiors; and it was characteristic that on the day before the statement was made that 36 divisions were to be formed, Blomberg as well as Fritsch suggested to the Führer that only 24 divisions should be formed. They feared a thinning down of the entire army. Perhaps they also feared too stormy a foreign policy, based on forces existing only on paper.

DR. EXNER: Please answer a question which appears to be important to me: What were the deadlines in connection with the armament in 1935?

JODL: Various stages were provided for. The first deadline set was 1942-43. Most of the West Wall was to be completed by 1945. The Navy's plan of construction ran on to 1944-45.

DR. EXNER: At that time what did you consider the objective of the armament?

JODL: Since it was not possible to achieve general disarmament, the objective was to establish military parity between Germany and the neighboring countries.

DR. EXNER: In this connection I should like to refer to a document which has already been submitted—the 2-year report of General George Marshall. This has already been submitted as

Raeder-19. I have a part of it here before me, a part which I submitted under Exhibit AJ-3, (Document Jodl-56) Page 168. Regarding the problem of rearmament, some sentences seem to hit the nail right on the head.

In the second paragraph on Page 6, or rather the last sentence there, we see:

"The world does not seriously consider the wishes of the weak. Weakness is too great a temptation to the strong, particularly to the brutal who scheme for wealth and power."

Then on the next page there is another sentence:

"Above all we must, I think, correct the tragic misunderstanding that a security policy is a war policy..."

Can you tell us, please, what the ratio of our military strength to that of foreign countries was at that time?

JODL: In 1935, when we set up 36 divisions, France, Poland, and Czechoslovakia possessed 90 divisions for times of peace, and 190 divisions for war. We had hardly any heavy artillery, and tank construction was in its earliest stages. The conception of defensive and offensive armament has been discussed here on various occasions. It would lead us too far afield to go into that in detail. But I should like to say only that as far as Germany was concerned, with her geographical position this conception did not apply. The disarmament conference too, after months of discussion, failed because a proper definition for this conception could not be formed.

DR. EXNER: I should like to quote from an expert, George Marshall again, on Page 168 of my document book, from which I have just quoted; and again just one sentence. It is in the first paragraph: "The only effective defense a nation can now maintain is the power of attack..."

Now, however, the Prosecution asserts that you should have known that such a tremendous rearmament as the German rearmament could serve only for an aggressive war. Will you comment on this, please?

JODL: I believe this can only be explained as an expression of military ignorance. Up to the year 1939 we were, of course, in a position to destroy Poland alone. But we were never, either in 1938 or 1939, actually in a position to withstand a concentrated attack by these states together. And if we did not collapse already in the year 1939 that was due only to the fact that during the Polish campaign, the approximately 110 French and British divisions in the West were held completely inactive against the 23 German divisions.

DR. EXNER: But tell us, when did intensive rearmament actually begin?

JODL: Real rearmament was only begun after the war had already started. We entered into this world war with some 75 divisions. Sixty percent of our total able-bodied population had not been trained. The peacetime army amounted to perhaps 400,000 men, as against 800,000 men in 1914. Our supplies of ammunition and bombs, as the witness Milch has already testified, were ridiculously low.

DR. EXNER: In that connection I should like to read a diary entry of yours, Page 16 of Volume I of my document book, which is 1780-PS, USA-72. On 13 December you said:

"After completion of project for L"—that is the Landesverteidigung, National Defense—"Field Marshal reports on state of war potential of Wehrmacht, indicating chief bottleneck is inadequate stocks of ammunition for Army—10 to 15 days of combat equals 6 weeks' supply."

JODL: That is right, we had ammunition for 10 to 15 days of combat.

DR. EXNER: Now I shall turn to the question of the occupation of the Rhineland.

THE PRESIDENT: Let us break off now.

[A recess was taken.]

DR. EXNER: General, when did you first hear of the plans to occupy the Rhineland?

JODL: On 1 or 2 March 1936; that is to say about 6 days before the actual occupation. I could not have heard of them any earlier because before that the Führer had not yet made the decision himself.

DR. EXNER: Did you and the generals have military objections to that occupation?

JODL: I must confess that we had the uneasy feeling of a gambler whose entire fortune is at stake.

DR. EXNER: Did you have legal objections?

JODL: No; I was neither an expert on international law nor a politician. Politically speaking it had been stated that the agreement between Czechoslovakia, Russia, and France had made the Locarno Pact void, which I accepted as a fact at the time.

DR. EXNER: How strong were our forces in the Rhineland after the occupation?

JODL: We occupied the Rhineland with approximately one division, but only three battalions of that went into the territory west of the Rhine; one battalion went to Aachen, one to Trier, and one to Saarbrücken.

DR. EXNER: Three battalions. That is really only a symbolic occupation, is it not?

JODL: Yes, and they acted only symbolically.

DR. EXNER: Did you do anything to avoid a military conflict because of that occupation?

JODL: There were serious reports which came from our military attachés in Paris and London at the time. I could not fail to be impressed by them. We suggested to Field Marshal Von Blomberg then that perhaps he ought to discuss withdrawing these three battalions west of the Rhine on condition that the French would withdraw four to five times as many men from their borders.

DR. EXNER: Was that suggestion ever made?

JODL: Yes, it was made to the Führer, but he turned it down. He rejected very bluntly General Beck's suggestion that we should declare that we would not fortify the area west of the Rhine. That was a suggestion of General Beck's, which the Führer turned down very bluntly.

DR. EXNER: Did you think at the time that that action was connected with any aggressive intention?

JODL: No, there could not be any question of aggressive intentions.

DR. EXNER: Why not?

JODL: I can only say that, considering the situation we were in, the French covering army alone could have blown us to pieces.

DR. EXNER: Do you think that the leading men had aggressive intentions then?

JODL: No, nobody had aggressive intentions; but it is of course possible that in the brain of the Führer there was already an idea that the occupation was a prerequisite for actions to be taken later in the East. That is possible; but I do not know, because I could not see into the Führer's brain.

DR. EXNER: But you did not see any outward signs of it?

JODL: No, none whatsoever.

DR. EXNER: Did you know of the so-called testament of Hitler dated 5 November 1937 which has been presented here?

JODL: The first time I heard it read was here in Court.

DR. EXNER: What did you learn about it at the time?

JODL: Field Marshal Von Blomberg informed Keitel and Keitel informed me that there had been a discussion with the Führer. When I asked for the minutes I was told that no minutes had been taken. I refer to my diary, Document 1780-PS, as proof of this. What I was told was not at all sensational and hardly different in any way from anything contained in general directives for the preparation of a war. I can only assume that Field Marshal Von Blomberg at that time kept these things to himself because he may not have believed that they would ever be carried out.

DR. EXNER: Was there an operational plan against Austria?

JODL: There was no operational plan against Austria. I state that most emphatically.

DR. EXNER: Now we come to Document C-175, a directive which has the Exhibit Number USA-69. It is in Volume I; Page 18 and the following pages. It is a directive for the unified preparation of the armed forces for war of the year 1937. The Prosecution quoted Case Otto only from this directive, so that the impression was bound to be created that the whole was a plan for a campaign against Austria. Please explain what this directive means.

JODL: It was one of those typical standard preparations for war, for every conceivable eventuality. Such directives had come out every year in Germany ever since there was a General Staff and general conscription. These theoretical military studies made a distinction between two cases, namely cases of war which because of their nature were politically probable or might be probable, and cases which were improbable. As far as the former were concerned, a plan of operations was to be drafted by the Army and the Air Force. For the latter appropriate suggestions only were to be brought forward. If the Tribunal would turn to Page 21 of the document, there appears at the end of the page, Part 3, a sentence as follows: "The following 'special cases' are to be considered by the High Command in general without participation by regional authorities..." and among such cases, on Page 22, is the special "Case Otto."

DR. EXNER: On Page 18 of this document is a directive valid from 1 July 1937 until, probably, 30 September 1938, that is a little more than a year. That, in turn, replaces another similar directive which is referred to in the first paragraph, which had been drawn up for the same problems previously. Did you participate in discussions on the Austrian case?

JODL: No, I did not participate in any discussions.

DR. EXNER: It is said in the trial brief that on 12 February 1938 you had been at Obersalzberg. Keitel has already rectified that. Your entry in the diary under 12 March 1938 is, therefore,

based only on an account which you received through Keitel; is that right?

JODL: Yes. It is merely a note on a brief account given to me by General Keitel about that day, probably related a bit colorfully.

DR. EXNER: But then it says, evening of 11 February: "General Keitel with Generals Von Reichenau and Sperrle at Obersalzberg. Schuschnigg and G. Schmidt are being subjected to very great political and military pressure." In the English and French translations it says that Schuschnigg and Schmidt are "again subjected to very great political and military pressure." This word "again" does not appear in my German original.

Now, did you suggest deceptive maneuvers against Austria? That is being held against you.

JODL: I did not suggest any deceptive maneuvers. The Führer ordered them; and I do not think that they are illegal, because I believe that in the gambling of world history, in politics and in war, false cards have always been played. But the Führer ordered it and that is stated in the entry in my diary. I supplied military information and documents to Canaris as to where our garrisons were situated, what maneuvers were taking place. Canaris elaborated them and then released them in Munich.

DR. EXNER: What did you think was the purpose of...

JODL: I had been told that the purpose was to exert a certain amount of pressure so that Schuschnigg, when he had returned home, would adhere to the agreement made at Obersalzberg.

DR. EXNER: How long before the actual entry into Austria did you know of such intentions?

JODL: On 10 March in the morning just before 11 o'clock I heard of it for the first time.

DR. EXNER: And the entry took place when?

JODL: On the 12th. It was when General Keitel and General Viehbahn, who was then temporarily Chief of Armed Forces Operations Staff, were suddenly ordered to the Reich Chancellery that I heard of the intention for the first time.

DR. EXNER: Then did you have a plan made, or what?

JODL: The Führer surprised them by stating that the question involved was the Austrian problem; and then they remembered, that there was a General Staff plan called "Otto." They sent for me and for the directive, and learned from me that such a directive actually did exist, but that in practice nothing at all had been prepared. As it had only been a theoretical plan and

drafted solely in the event of an Austrian restoration, and as such a restoration was not expected for the moment, the High Command of the Army had virtually done nothing about it.

DR. EXNER: How did you yourself understand the entire Austrian action?

JODL: It appeared to me to be a family squabble which Austria herself would solve through her domestic politics in a very short time.

DR. EXNER: And what made you think that?

JODL: My own extensive knowledge of Austria. Through relatives and acquaintances, through the German-Austrian Alpine Club to which I belonged, as one who knew the Austrian mountains, I had been in closer contact with Austria than with northern Germany, and I knew that in that country there had been a government against the will of the people for a long time. The peasant uprising in Styria was a characteristic example.

DR. EXNER: Was the march into Austria the carrying out of the suggestion, C-175?

JODL: No, it was completely improvised within a few hours with the corresponding result. Seventy percent of all the armored vehicles and lorries were stranded on the road from Salzburg and Passau to Vienna, because the drivers had been taken from their recruitment training to be given this task.

THE PRESIDENT: Defendant, you said just now, didn't you, that the Führer told them it was the problem of Austria? You said that, didn't you?

JODL: I said that the Führer had informed General Keitel and General Viehbahn about that on 10 March, in the morning. He did not talk to me, and until that day I had not talked to the Führer either.

THE PRESIDENT: I only wanted to know the date. You said it was 10 March?

JODL: Yes, on 10 March, in the morning.

DR. EXNER: Is it correct that only peacetime formations marched into the frontier districts, into Austrian territory?

JODL: Yes; it is a fact that only peacetime units which were intended for the parade in Vienna actually marched in. All units which might have been necessary for a military conflict, say, with Czechoslovakia or Italy, were stopped at the last moment and did not cross the border.

DR. EXNER: Ammunition columns, for instance?

JODL: No, everything remained behind.

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DR. EXNER: Was there any hesitation among the political leaders at the last moment?

JODL: On 11 March, in the afternoon, I had news from the Reich Chancellery that the Wehrmacht was not to move in, but that the Police would pass through the Wehrmacht and move in alone. In the evening, however, on 11 March, at 2030 hours, the final decision reached me, which was that the Wehrmacht was to move in after all. I was unable to find out the reason for that hesitation.

DR. EXNER: So that altogether there was not really an invasion by force?

JODL: No, it was a purely peaceful occupation. It was characterized by my suggestion to the chief of the operations department of the Army that he should have bands marching at the head of the columns and that all drivers should be sure to wear goggles, otherwise they might be blinded by the flowers thrown at them.

DR. EXNER: What was the significance of the order you signed regarding the march into Austria? It has been put before you under Document Number C-182, Exhibit USA-77. You remember it, do you not?

JODL: Yes, I remember. That is nothing other than the written record of something which had previously been ordered orally and which was already being carried out. That written order, you see, would have come much too late.

DR. EXNER: And what is the significance of Document C-103, Exhibit USA-75, referring to a possible clash with Czech troops or Italian troops on Austrian territory? How did you come to that?

JODL: That was based on an inquiry from the General Staff of the Army. They wanted to know, even in the case of the remotest eventuality, how the troops were to comport themselves. I clarified the matter over the telephone, through General Schmundt, with the Führer, and I then put his decision down in writing, by his order.

DR. EXNER: And how did the operation come off?

JODL: It came off exactly as expected. There was jubilation and a triumphal march, such as the world probably has seldom seen—even though no one likes to acknowledge it today. The population came to meet us during the night already; the custom barriers were removed, and all the German troops called that march just a battle of flowers.

DR. EXNER: We now turn to the question of Czechoslovakia. Did you participate in the conferences on 21 April 1938, and 28 May 1938, which the Prosecution have described as conspirators' conferences?

JODL: I did not participate in any of these conferences.

DR. EXNER: What type of General Staff work were you carrying out for "Case Green"—which is, of course, the Czechoslovakia operation?

JODL: I must refer again to Document C-175, which is on Page 17 of the first volume of my document book. In that general directive for the unified preparation for war two important cases were dealt with, or were to be dealt with: A defensive deployment against France if she opened hostilities—"Case Red" and an offensive deployment—Case Green—against Czechoslovakia. That would have been worked out in just the same way, even if we had not had an acute conflict with Czechoslovakia, because a war on two fronts—which was the problem we always faced—could never be conducted or won in any other way than by means of an attack against the weaker. This directive, as far as the Case Green is concerned, had to be drawn up afresh the very moment that Austria automatically became a new assembly zone. Thus, on 20 May 1938, a new draft was made by me for Case Green which began with the customary words: "I do not intend to attack Czechoslovakia by military action in the near future without provocation..."

DR. EXNER: Just wait a minute. That quotation is Document 388-PS, Exhibit USA-26. It is the document dated 20 May 1938. "I do not intend to attack Czechoslovakia by military action in the near future without provocation..." Now, please continue.

JODL: That was 20 May. On the 21st, the day after, a monstrous incident occurred. Czechoslovakia not only mobilized but even marched up to our borders. The Czechoslovakian Chief of General Staff explained this to Toussaint by saying that 12 German divisions had been assembled in Saxony. I can only state—and my diary entries prove it—that not a single German soldier had been moved. Nothing, absolutely nothing had happened.

DR. EXNER: In this connection I think I ought to draw the attention of the Tribunal to a questionnaire—Exhibit AJ-9 (Document Jodl-62). It is a questionnaire submitted to General Toussaint who at that time was the German military attaché in Prague. He confirms the mobilization of that time. Third volume, 199—Page 201 of the document, at the bottom, there is the following question: "What was the reason for the Czechoslovakian mobilization in May 1938?"

And he answered:

"It is my personal opinion that the Czechoslovakian Government wished to force her political allies to take up a definite position. Krejci, the Czechoslovak Chief of General Staff, informed me, as the reason for the mobilization, that he

had exact information that 10 to 12 German divisions had assembled in the Dresden area, and that he could no longer bear the responsibility of not taking countermeasures."

On the other hand a diary note from Jodl, Volume I, Page 26 should be mentioned:

"The Führer's intention not to touch on the Czech problem yet is altered by the Czech deployment on 21 May, which took place without any German threat and without even any apparent cause. Germany's silence thereto would lead to a loss of prestige for the Führer, to which he is not willing to submit again. Hence the issuing on 30 May of the new directive for Case Green."

[Turning to the defendant.] That is from Jodl's diary, Page 26, first volume. Now continue, please.

JODL: That was the information which I received, partly through General Keitel and partly through the then Major Schmudt, regarding the impression made on the Führer. The result was that he personally changed my draft of 20 May and put at the beginning the following words:

"It is my unalterable decision that Czechoslovakia must be destroyed within a reasonable period of time by military action. To decide upon the militarily and politically opportune moment is a matter for the political leadership."

DR. EXNER: These words appear in the Document 388-PS, which I have already referred to, which is Exhibit USA-26. It is the order of 30 May 1939.

[Turning to the defendant.] Please tell us briefly what the contents of these directives were.

JODL: In that order of 30 May three possibilities were mentioned by the Führer as to how a conflict with Czechoslovakia might arise: 1) Without particular cause—politically impossible and out of the question; 2) after a prolonged period of tension—most undesirable, because of the lack of the element of surprise; 3) the best solution, after an incident, such as were happening nearly daily at that time, and which would justify us morally before the world if we decided to intervene.

Furthermore, there was the command that on the first day the Army should break through the fortifications in order to clear the way for the free operation of the mobile forces, the armored divisions, so that after 4 days such a situation would be created that the military position of Czechoslovakia would become untenable.

DR. EXNER: Why was the entire directive redrafted in June?

JODL: The entire directive C-175 was thoroughly revised in June. This was done because on 1 October a new mobilization year

began, and because this directive C-175 was in any case planned to be valid only until 30 September 1938. The old directive was, of course, still in force until 1 October, but became invalid on 1 October through that directive which had been drafted by me on 24 June, or 18 June. In that directive the Case Green was mentioned in the sense of the Führer's intention—namely, that it was the immediate aim of his policy that from 1 October 1938—not on, but from 1 October 1938—every favorable opportunity was to be utilized to solve the problem of Czechoslovakia, but only if France did not interfere or march, or Great Britain either.

I confirm that no date existed in any of the orders for the starting of a war against Czechoslovakia. In the directive of 30 May the date was left open altogether; and the new instructions, C-175, of 18 June stated only from 1 October, on the first favorable occasion.

DR. EXNER: That is on Page 29 of our document book, second paragraph: "I have decided, from 1 October..."

JODL: May I perhaps conclude this whole question by saying, in order to be explicit, that actually before 14 September, as far as the military forces were concerned, nothing happened.

DR. EXNER: I once again refer to an entry in Jodl's Diary Volume I, Page 32. It is an extract from Document 1780-PS, Exhibit USA-72, and is the entry under 14 September 1938:

"At noon it was announced that the general order for mobilization had been posted in Czechoslovakia... This, however, did not take place, although approximately eight age groups were called up at short notice. As the Sudeten Germans are crossing the border en masse, we request at about 1730 hours, at the suggestion of the OKH, Department 2, the calling up of the strengthened frontier guard (GAD) along the Czech border in military districts VIII, IV, XIII, and XVII. The Führer gives his authorization from Munich."

THE PRESIDENT: What was it that you were reading from then?

DR. EXNER: I have read from Page 32 of my document book; Volume I, Page 32, and it is an excerpt from Jodl's diary of 14 September, therefore an entry made in the midst of that critical period.

[Turning to the defendant.] Just what were these military measures which were being introduced?

JODL: On 13 or 14 September the eight age groups were called up in Czechoslovakia. We used the strengthened frontier guard so that the many escaping Sudeten Germans could be taken over.

On 17 September the Führer formed the Freikorps Henlein, contrary to the previous agreement and without telling us

beforehand. Previously it had been agreed that these Sudeten Germans of military age were to join the Reserve Army.

Around that time the political discussions started. The first one at the Berghof had already taken place. Beneš ordered mobilization in Czechoslovakia on 23 September and only now, and in accordance with the political discussions, did the military deployment against Czechoslovakia commence.

I had no doubt that it was going to be used in the event of Czechoslovakia not submitting to any agreement we had made with the Western Powers; for the Führer had clearly stated that he would negotiate only if France and England did not intervene politically or militarily.

DR. EXNER: You made two more entries in your diary, on 22 and 26 September, which prove that you were worried at the time. Statement made by Captain Bürckner, in the first volume of my document book, on Page 34; again an excerpt from 1780-PS, dated 22 September:

"Captain Bürckner, chief of the foreign section, reports that according to an intercepted long-distance telephone conversation between Prague and the local Czech Legation Counsellor, the German Embassy in Prague has just been stormed. I am immediately having connection made by telephone and wireless with Prague through Colonel Juppe.

"1050 hours: Bürckner reports that the incident has not been confirmed. The Foreign Office has spoken with our Embassy.

"1055 hours: I establish liaison with Prague and with Tous-saint. To my question as to how he is getting along, he replies, 'Thanks, excellently.' The Commander-in-Chief of the Air Forces, who had been informed of the first report, with the suggestion that he should think over what measures would have to be taken if the Führer should wish for an immediate bombardment of Prague, is informed through Ic about the false report which may have had the purpose of provoking us to a military action."

Then, on 26 September, it says:

"It is important that false reports do not induce us to military actions before Prague replies."

The Prosecution have stated that 1 October had long before been decided on as the date for aggression. Will you tell me what significance that date, 1 October 1938, had for Case Green?

JODL: I have already said that, I believe. I explained that the new mobilization year had started, and that no order contained a fixed date for the beginning of the campaign against Czechoslovakia.

DR. EXNER: Did you believe that the conflict might be localized?

JODL: I was certainly convinced of that, because I could not imagine that the Führer, in the position we were in, would start a conflict with France and Britain which had to lead to our immediate collapse.

DR. EXNER: And the entries in your diary probably show your concern about incidents?

JODL: Yes. In my diary on 8 September there is reference to a conversation with General Stülpnagel. According to that, Stülpnagel was at the moment very worried lest the Führer should depart from his oft-defined attitude and allow himself to be dragged into military action, in spite of the danger of France's intervention.

According to the entry in my diary I replied that actually at the moment I shared his worries to some extent.

DR. EXNER: This is an entry which the Tribunal will find on Page 26 of the first volume of my document book. Once again it is an extract from Document 1780-PS, and it is the entry of 8 September 1938.

[Turning to the defendant.] You have already said, have you not, what your worries were? Our weakness?

JODL: It was out of the question with five fighting divisions and seven reserve divisions in the western fortifications, which were nothing but a large construction site, to hold out against 100 French divisions. That was militarily impossible.

DR. EXNER: On 24 August, in a letter addressed to Schmundt, you referred to the importance of an incident for the tasks of the Wehrmacht in this case. You have been gravely accused of that, and I want you to tell me what the significance of that statement is.

Your Honor, it is 388-PS, and it is on Page 35 of the first volume. It is an extract from the often quoted Document 388-PS: It is a report made at the time of the "X" Order and the preliminary measures.

[Turning to the defendant.] Please, will you state what you intended in this work of the General Staff?

JODL: The Führer's order of 30 May which I have already explained, assuming that it ever came to this action, left no other choice than to attack on a previously decided date. This could only follow as the result of an incident, because without provocation the operation was out of the question; and it was not to be attempted if too long a time had passed.

The Army, in order to be ready for such a surprise break-through of the Czech fortifications, required 4 days of preparation. If nothing happened after those 4 days, the military preparations could no

longer be kept secret and the surprise element would disappear. Therefore, nothing else remained but either a spontaneous incident in Czechoslovakia, which would then 4 days later have resulted in military action, or a date which had to be decided on previously. In that case an incident had to happen during those 4 days which the Army required for deployment.

The Führer's demands could, in fact, not be solved in any other way from the point of view of the General Staff. My letter to Major Schmudt was meant to explain that difficult situation to the Führer.

At that time incidents occurred every day. May I remind you that since the first partial mobilization in Czechoslovakia the Sudeten Germans liable to be called for military service had mostly evaded the order. They escaped over the border into Germany, and the Czechoslovakian border police shot at them. Bullets were shot over daily into Germany. All together, more than 200,000 Sudeten Germans crossed the border in that manner.

From that point of view the conception of an incident was not so mean and criminal as it might have been, for instance, if peaceful Switzerland had been involved. If I said, therefore, how keenly interested we would be in such an incident, that was meant to express that if one resorted to military action at all—all this is, of course, purely theoretical—one might use just such an incident as a *casus belli*.

DR. EXNER: And how do you explain this remark of yours: "... unless the intelligence department is ordered to organize this incident in any case"?

That is at the end of Page 38 in the second paragraph. It is an extract from 388-PS.

JODL: Yes, I had too much knowledge of European military history not to know that the question of the first shot—the apparent cause of war, not the inner cause of war—has played an important part in each war and on each side.

The responsibility for the outbreak of war is always attributed, to the enemy; it is not characteristic of Germany alone, but of all European nations who have ever been at war with one another. In the case of Czechoslovakia the deeper cause of the war was quite apparent. I need not describe the condition in which 3½ million Germans found themselves who were supposed to fight against their own people. I myself was able to watch that tragedy in my own house. In this case, the deeper cause of the war was firmly established, and Lord Runciman, who came on that mission from London, left no doubt about it whatsoever. In such a situation I certainly had no moral scruples about exaggerating one of these incidents, and, by means of a counteraction in vigorous reply to the

Czech doings and activities, extending and enlarging such an incident in order that if the political situation allowed it, and England and France did not interfere—as the Führer believed—we might find a really obvious reason for taking action.

DR. EXNER: Gentlemen of the Tribunal, there is one point to which I wish to draw your attention. In my opinion it is once more a mistake in translation. I refer to the second paragraph from the bottom on Page 36. It is the report about the incident. The second but last paragraph on Page 36 states: "... that Case Green may be set in motion as a result of an incident in Czechoslovakia which will give Germany provocation (Anlass) for military intervention." The translation in English of these last words is a "provocation"; "Anlass" is translated as "provocation."

THE PRESIDENT: What are you saying? What is the alteration?

DR. EXNER: I believe that the translation is not correct. I am not absolutely certain but I would like to call the Tribunal's attention to it. "Anlass" means "*prétexte*" in French—which as far as we know is "pretext."

THE PRESIDENT: But, Dr. Exner, there is no difference in the meaning of the words, whether it is "provocation," or whether it is "cause."

DR. EXNER: "Provocation" sounds a bit more aggressive, does it not? I just want to call your attention to it. In the German it is "cause" and not "provocation."

[Turning to the defendant.] Now the Prosecution calls these considerations, which we have just talked about, criminal ideas and connects them with the supposedly planned murder of the German Ambassador in Prague. We are said to have planned that murder so as to have a cause for marching into Czechoslovakia. What do you have to say to that?

JODL: This, of course, is grotesque. The example that the Führer allegedly mentioned in his talks with Field Marshal Keitel, that the German Ambassador had been murdered by the people of Prague, was not even known to me. General Keitel did not tell me; I only heard of it here. Apart from that, I think it is useless to go on discussing it as we did exactly the opposite. We gave the order to General Toussaint to protect the German Embassy in Prague and to protect the lives of the people in it, because, in fact, at one stage it had been seriously threatened.

DR. EXNER: This is proved by Exhibit AJ-9, Document Jodl-62, third volume of the document book, Page 200. That again is the interrogatory of General Toussaint, who was a military attaché in Prague at that time. The third question is as follows:

"Is it true or not that in the summer of 1938 you received the order to defend the German Embassy at Prague and to protect the lives of all the Germans in the Embassy?"

And his answer is:

"Yes, it is true. I remember this order was given to me by telephone probably in September 1938..."—and so on and so forth.

Then in Question 4...

"It is true that the German Embassy..."

THE PRESIDENT: The witness has already said once it was so.

DR. EXNER: [*Turning to the defendant.*] Then I shall only refer to the testimony of Toussaint. In addition it has been said that the incident had been staged by us. We need not go into that in detail. Did the incident really happen?

JODL: No, there was neither a preparation for the incident, nor was it necessary. Incidents kept multiplying day after day, and the solution was a political one and entirely different.

DR. EXNER: So that this note, which we have often read, remained purely theoretical, did it?

JODL: It was merely work on paper, an idea, which was not really necessary at all.

But it has already been made clear that as soon as the political discussions started I made continuous efforts to prevent the provocations, apparently desired on the part of the Czechs, from leading to any military measures on our part.

DR. EXNER: Did the signatory powers in Munich at the end of September know of Germany's military preparations? Did the statesmen there know that we were militarily prepared?

JODL: The Prosecution gave me the distinct impression that that had become known only today, and that it was unknown in the autumn of 1938 at Munich. But that is quite impossible. All the world knew of the calling up of the eight age groups in Czechoslovakia in September. The whole world knew of the total mobilization on 23 September. A political correspondent of *The Times* wrote an article on 28 September against this Czechoslovakian mobilization. Nobody was surprised that immediately after the signing of the Munich Pact, on 1 October, we marched into...

THE PRESIDENT: Dr. Exner...

DR. EXNER: Well, that ends this subject.

Is it true that in August 1938 you prepared a new operational plan of which you had already spoken on 7 July? A new plan based on the previous one?

JODL: Yes. Already before the solution brought about by the Munich Pact, I, on my own initiative, drew up a secret operational plan for the protection of all the German borders. It was so arranged that the borders only were to be protected while the bulk of the Army was to be kept in reserve in the center of Germany. That complete plan was available here during my interrogation. It is now no longer contained in Document 388-PS, but there is a reference made to it.

DR. EXNER: On Page 40, Volume I of our document book, I again read an extract from 388-PS. At the very end the following is stated:

"...after the conclusion of Green, it must be made possible to put a provisional deployment into action soon."

And then:

"...first the Wehrmacht will guarantee the protection of the German frontiers, including those of the newly acquired lands, while the bulk of the Army and of the Air Force will remain at our disposal. Such a future 'frontier protection' deployment should be executed separately on the various fronts."

Why did you prepare this "frontier protection" deployment? What was the cause of it?

JODL: The reason was that once the necessity for an operation against Czechoslovakia had become superfluous, through the problem being solved in some way, we would no longer have had any deployment plan at all. And as no other intention of the Führer was known to me, I on my own initiative drew up a plan for this operation which would be suitable for any eventuality.

DR. EXNER: Did you know anything about the intentions of the Führer, after the Munich Agreement, to go even further and occupy Bohemia and Moravia?

JODL: No, I had no idea of that. I knew of his speech of 26 September where he said: "Now we are facing the last problem to be solved."

I believed in that assurance, and this is proved by the fact that during those days—it was about 10 or 11 September—I suggested to Field Marshal Keitel, then General Keitel, that he should ask the British Delegation, whose arrival had been announced, to come to Iglau in Moravia, because many Germans who were living there had been threatened by armed Czechoslovakian Communists. This of course was a suggestion which I would never have made if I had had any idea that the Führer nourished any further intentions concerning Bohemia and Moravia.

DR. EXNER: These further intentions of the Führer were recorded on 21 October 1938 in a directive. Did you know about that in the OKW, or what was the position?

JODL: No, I did not know about it. I did not see it. I only saw it here in this courtroom during my preliminary interrogation.

DR. EXNER: Then were you transferred to . . .

JODL: I was transferred to Vienna as Artillery Commander of the 44th Division stationed there.

DR. EXNER: That was the end of October, was it not?

JODL: The end of October.

DR. EXNER: How did you imagine further military developments would be? But, of course, you have already answered that.

JODL: Actually, I expected an easing of the political tension and a period of peace. I can certainly say that.

DR. EXNER: And what happened to you then?

JODL: As I knew of no other plans, I transferred my home to Vienna taking all my furniture with me. Naturally I would never have done that if I had had the faintest idea that war was pending, because I knew that in the event of war I was to become the Chief of the Armed Forces Operations Staff and so would have to return to Berlin. I asked General Keitel to help me to become the Commander of the 4th Mountain Division in Reichenhall, from 1 October 1939, a request which again it would never have entered my mind to make if I had any idea of what was going to come.

DR. EXNER: Did you as Artillery Commander in Vienna remain in contact with the OKW?

JODL: No, hardly at all. I had no connections with the OKW. I received no military documents from the OKW during all that period.

DR. EXNER: And who informed you then about the situation during that time?

JODL: Nobody. During that time I knew no more about what was going on or what was intended than any lieutenant in my artillery.

DR. EXNER: Did you have private correspondence with Keitel?

JODL: I received one letter from General Keitel. It was, I think, at the end of July 1939. He personally gave me the good news that quite probably I would become Commander of the 4th Mountain Division in Reichenhall on 1 October, and that General Von Sodenstern would become Chief of the Armed Forces Operations Staff, now on peacetime footing, on 1 October.

DR. EXNER: Did you help to draw up the plan for the occupation of the remaining parts of Czechoslovakia?

JODL: No, I did not. During this occupation I remained in Vienna for the time being and temporarily became Chief of Staff of the 18th Army Corps at Vienna. Then, later on, I was transferred to Brünn in Czechoslovakia together with the entire 44th Division.

DR. EXNER: When did you hear about the whole thing?

JODL: It was through the orders of my divisional staff that I heard of that operation in March of 1939, some 2 or 3 days beforehand.

DR. EXNER: Was this move into Czechoslovakia the carrying out of Case Green which you had originally drafted?

JODL: No; it had no longer anything to do with that. There were completely different troop units, and not even half of the troops provided for in 1938 were actually used for the march into Czechoslovakia in 1939.

DR. EXNER: Now, during that period when you were in Vienna there was a conference with the Führer on 23 May 1939, which has often been mentioned here, concerning the disregarding of neutrality, *et cetera*. It has often been stated that Warlimont was present there as your representative. What was the position? Was he your representative?

JODL: With great persistence it has been said again and again that General Warlimont took part in the conference as the representative of Jodl, or even, it was once said, as his assistant. There is no question of that. He was my successor but not my representative. And even if it is repeated again and again, it still does not make it true. He was my successor.

DR. EXNER: You had left the OKW, had you not?

JODL: Yes, I had completely left the OKW. The fact that quite accidentally Warlimont became my deputy later on has nothing whatsoever to do with the events of May 1939.

DR. EXNER: When did you hear for the first time of this meeting in May 1939?

JODL: Here in Nuremberg in 1946.

DR. EXNER: Did you have any contact with Party leaders meanwhile, or with Austrian National Socialists?

JODL: No, not at all; with nobody.

DR. EXNER: Or with these defendants here?

JODL: No, not with them either.

DR. EXNER: Once during that time the Führer went to Vienna with Keitel. I think they were there 2 days or so. Did you have to report to him on that occasion?

JODL: Yes, coming from Prague he visited Vienna quite unobtrusively, and on that occasion I spoke a few words to General Keitel, but I did not talk to the Führer.

DR. EXNER: You were not presented to him?

JODL: No.

DR. EXNER: What was your war appointment to be?

JODL: As I have already said, in the event of a war I was to become Chief of the Armed Forces Operations Staff.

DR. EXNER: What about your private personal plans for that summer?

JODL: For that summer I already had tickets for a cruise in the eastern Mediterranean on 23 September 1939.

DR. EXNER: On 23 September 1939 the voyage...

JODL: The voyage was to start at Hamburg; I had already paid for the tickets.

DR. EXNER: When did you buy the tickets? Do you remember?

JODL: I bought them about the second half of July.

DR. EXNER: When did you return to Berlin?

JODL: I am not absolutely certain about the exact date, but I imagine that it was on 23 or 24 August—according to a telegram which reached me unexpectedly in Brunn.

DR. EXNER: If you had not received that telegram, when would you have had to go to Berlin?

JODL: In case of a general mobilization I would have had to go to Berlin anyway.

DR. EXNER: And did you now have to report to the Führer in Berlin?

JODL: No, I did not report to him, either. I only reported, of course, to General Keitel and to the Chief of the General Staff of the Army and the Air Force and to the Commander-in-Chief of the Navy.

DR. EXNER: Mr. President, I have now completed that subject, and I thought that this would be a convenient time to adjourn.

THE PRESIDENT: Can you tell us how long you are likely to be?

DR. EXNER: I very much hope—certainly it will be in the course of tomorrow morning; but shall we say until noon?

DR. GUSTAV STEINBAUER (Counsel for Defendant Seyss-Inquart): Mr. President, as Counsel for Dr. Seyss-Inquart, I have to ask on behalf of my client that he may be permitted to be absent from the session for 2 days, to prepare his defense.

THE PRESIDENT: Certainly.

[The Tribunal adjourned until 5 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-SEVENTH DAY

Wednesday, 5 June 1946

Morning Session

[The Defendant Jodl resumed the stand.]

THE MARSHAL: If it please the Tribunal, the report is made that Defendant Seyss-Inquart is absent.

PROFESSOR DR. HERBERT KRAUS (Counsel for Defendant Schacht): Mr. President, in agreement with the Prosecution I ask permission to submit a memorandum by Hitler, concerning the Four Year Plan of 1936. It is a certified copy, certified by a British officer in Dustbin Camp. I have numbered it Exhibit Schacht-48. In the afternoon session of 1 May my friend Dr. Dix referred to this memorandum, which could not at that time be incorporated into the record. Dr. Schacht then quoted a few passages from this memorandum. The President stated that we could submit the memorandum at a later date on condition, of course, that the Prosecution agreed. The Prosecution has acquiesced and I therefore trust that I may now be permitted to submit it.

Furthermore I am handing in a number of English translations. I regret I have not yet been able to have translations made in the other languages, and I ask permission to supply those translations later on.

THE PRESIDENT: Dr. Kraus, until the other translations are actually made, the documents will not become part of the record.

DR. KRAUS: No. The English translations are available, and the others are not yet ready. May I submit them later?

THE PRESIDENT: Yes, certainly. And they will then become part of the record.

DR. KRAUS: Yes, as a supplement to the document book.

DR. EXNER: Generaloberst, you told us yesterday that you were the Chief of the Armed Forces Operations Staff during the war and that your main task consisted in the preparation of military operational plans. That is correct, is it not?

JODL: That is correct.

DR. EXNER: Then, where did you get the plans? Who decided what plans you had to make?

JODL: It was the same as in any other military staff. The Commander-in-Chief—in this case the Führer personally—received data for the decisions to be made: maps, strength returns of both our own and enemy forces, and information about the enemy. He then made his own decisions, and thereupon I would set my general staff to work, giving these decisions the military form necessary for the entire machinery of the Wehrmacht.

DR. EXNER: Now, in the course of these tasks and studies you also had to work on operations which were never actually carried out?

JODL: I have prepared a great number of such operations. Of the total number of operations for which I prepared orders and instructions there was only one which I definitely knew would be carried out; that was the operation against Yugoslavia. In the case of all the other operational plans, the decision as to whether it would be carried out or not remained undecided for a long time.

As an example of operational plans which had been drafted in every detail but which were never carried out, I mention the invasion of England, the march into Spain, the seizure of Gibraltar, the seizure of Malta, the capture of the Fischer Peninsula near Petsamo, and a winter attack on Kandalakscha on the Murmansk Railway.

DR. EXNER: Then, did these tasks of yours cover all the theaters of the war?

JODL: At the beginning of the war the work of my general staff did not apply to theaters of war at all, but the Führer's instructions went only to the branches of the Wehrmacht—that is to the Army, the Navy and the Air Force; and it was only in the Norwegian campaign that circumstances developed for the first time so that the Armed Forces Operations Staff was made responsible for a theater of war. And this condition changed completely when in the beginning of 1942 the Führer himself assumed supreme command in the Army. Kesselring has already been asked about this, but did not answer. However, it stands to reason that the Führer, as Supreme Commander of the Armed Forces, could not issue orders through Jodl to himself in his capacity of Commander-in-Chief of the Army and then have them carried out through Generaloberst Zeitzler. Consequently a separation came about. From that moment on he, with the General Staff of the Army, directed the entire Eastern Front, while the Armed Forces Operations Staff became responsible for the general staff work of all the other theaters of war.

DR. EXNER: Now, the witness Field Marshal Paulus stated before the Tribunal that the OKW was responsible for the order

to hold Stalingrad; and, as a matter of fact, both Keitel and Jodl have been repeatedly accused by the foreign press of having given that disastrous order. Is that true?

JODL: No, that is not true. The witness, for whom I feel the deepest sympathy and with whom I have worked in the most comradely fashion possible, could not have known anything at all about it. The facts are as follows: The moment danger threatened, the decision that Stalingrad must be held was made by the Führer during a private conversation with Generaloberst Zeitzler and contrary to the latter's advice. Zeitzler told me so himself on his return from this interview. At a later stage, when blizzards were already raging across the steppes of the Don, the question of a break-through by the Stalingrad garrison was discussed again. Field Marshal Keitel, Generaloberst Zeitzler, and I were present on this occasion.

THE PRESIDENT: Dr. Exner, I do not quite see how that is relevant, although Field Marshal Paulus may have said something about it. I mean, he may have given some evidence on the fighting at Stalingrad, and he undoubtedly did; but I do not see how it bears upon the case before us, or how it bears upon the case for Jodl.

DR. EXNER: Mr. President, this has already settled the matter. It was necessary to clear up Field Marshal Paulus' error. But this has already settled the matter.

[Turning to the defendant.] We now come to the time when you were recalled from Vienna to Berlin in 1939. What state of affairs did you find in Berlin on your arrival?

JODL: I found a completely incomprehensible state of affairs in Berlin—at least it was incomprehensible to me. Nobody knew what was really true or what was bluff. The pact with Russia sustained all our hopes for the preservation of peace, hopes which were immensely increased and strengthened by the surprise cancellation of the attack ordered for 26 August. None of the soldiers to whom I spoke expected a war with the Western Powers at that time. Nothing had been prepared except the operations for the attack on Poland.

There was only a defensive deployment of troops on the West Wall. The forces stationed there were so weak that we could not even man all the pillboxes. The actual efforts for the preservation of peace, however, efforts I have heard about here from the Reich Marshal, the name of Dahlerus—all these negotiations remained unknown to me insofar as they were not published in the press. But there is one thing I can say in conclusion. When the declaration of war was received from England and France it was like a blow from a cudgel for us soldiers who had fought in the first World

War. And I heard in confidence from General Staff—today the matter is no longer confidential—that the Reich Marshal reacted in exactly the same way.

DR. EXNER: Do you know when Poland mobilized?

JODL: That I cannot say. I only know that at the moment when I arrived in Berlin and was being informed by General Von Stülpnagel for the very first time about the situation and our own strength, a Polish deployment was already in progress along the frontier, as well as the German one.

DR. EXNER: That in itself already answers the accusation brought against you in the trial brief, namely "planning against Poland."

Had you prepared a plan against Poland?

JODL: No. Not by a single stroke of the pen did I participate in the preparations for the Polish war.

DR. EXNER: Then I am right in saying, to sum up, that when you left Berlin there was not yet a plan of operations against Poland?

JODL: No.

DR. EXNER: And when you returned to Berlin the plan was ready?

JODL: Yes. The plan of attack was completely worked out.

DR. EXNER: Did you hear the Führer's speech of 22 August 1939 which has been so often quoted here?

JODL: No; on that day I was still in Vienna.

DR. EXNER: When did you hear of that speech?

JODL: For the first time here in Nuremberg.

DR. EXNER: Do you remember the meeting in the Führer's special train on 9 September 1939, described here by General Lahousen? Can you remember that?

JODL: Yes, I remember that meeting perfectly.

DR. EXNER: What was the subject of conversation during that meeting while you were on the Führer's train?

JODL: I met the Führer in the so-called command car, in the chartroom, where Field Marshal Keitel, Canaris, and Lahousen were; and then Canaris made a brief report on the information he had received from the West and expressed the opinion that a French attack in the Saarbrücken sector was imminent. The Führer contradicted this, and so did I. Apart from that nothing else was discussed.

DR. EXNER: Then Lahousen's statement is correct that you were only present during that particular part of the discussion?

JODL: As far as I am concerned I have not a word of objection to raise against Lahousen's statement. Absolutely correct.

DR. EXNER: Frequent mention has been made during this Trial of the artillery and air bombardment of Warsaw. Did you participate in the giving of the orders for this?

JODL: Yes, I participated insofar as the Commander-in-Chief of the Army had applied to the Führer for permission for the artillery to bombard Warsaw as soon as the deployment of artillery units had been completed. The Führer refused this. He said, "What is happening here because of the Poles is madness." He ordered me to draft new leaflets—which I did personally and immediately—and have them dropped again over the city of Warsaw. It was only when this renewed demand to cease the hopeless resistance had proved absolutely unsuccessful that he sanctioned artillery bombardment and air attacks on the fortress of Warsaw—and I emphasize the word "fortress."

DR. EXNER: When issuing orders, did you have anything to do with the co-ordination of German and Soviet Russian operations?

JODL: Yes. When we were still 3 days' march away from the Vistula, I was informed to my great surprise—by, I believe, the representative of the Foreign Office—while I was entering the Führer's headquarters, that Soviet Russia would occupy the Polish territories...

THE PRESIDENT: Defendant, if it is convenient to you, I think you might speak a little faster.

JODL: ... that the Polish territories east of an agreed demarcation line would be occupied by Soviet Russian troops at the appointed time. When we were approaching this agreed demarcation line, which was shown to me on a map—the line was the East Prussian Lithuanian border, Narew, Vistula, San—I telephoned to our military attaché in Moscow and informed him that we could probably reach individual points of this demarcation line in the course of the following day. Shortly afterwards I was informed over the telephone that the Russian divisions were not yet ready.

When, the day after the next, we reached the demarcation line and had to cross it in pursuit of the Poles, I once again received news from Moscow, at 0200 hours, that the Soviet Russian divisions would take up their position along the entire front at 0400 hours. This maneuver was punctually carried out, and I then drafted an order to our German troops that wherever they had contacted the troops of the Soviet Union, and in agreement with them, they were to withdraw behind the demarcation line.

DR. EXNER: Do you know on what day all this happened?

JODL: I cannot tell you exactly when the troops reached the line, but I would say it was about 14 or 15 September.

DR. EXNER: We shall now deal with aggressive wars against the neutral countries...

THE PRESIDENT: Dr. Exner, now all that the defendant has just been telling us seems to be to me a simple waste of our time, with absolutely no relevance to this case at all; and why you let him do it, I do not know.

DR. EXNER: You have been accused of having used your personal influence and your close relations with the Führer to attack a whole series of neutral countries. Tell me, is that true?

JODL: No, it is untrue. I remember that a witness here spoke of a sinister influence, of a key position of a sinister kind—at any rate, something sinister. But my influence on the Führer was unfortunately not in the least as great as it might, or perhaps even ought to have been in view of the position I held. The reason lay in the powerful personality of this despot who never suffered advisers gladly.

DR. EXNER: When did you first hear of a plan for a possible occupation of Norway?

JODL: The Führer first spoke to me—I think it was in mid-November 1939—at any rate, a fairly long time after Grossadmiral Raeder had first spoken to him. At that first conference, which I believe took place on 10 October, I had not yet heard of anything nor did the Führer give me any information. But in the middle of November he spoke to me about it. I first learned the details during the oral report made by the Commander-in-Chief of the Navy, which took place on 12 November and at which I was present.

DR. EXNER: In this connection I would draw your attention to Document C-64, Exhibit GB-86, Page 46 of the document book. But I do not need to read it aloud. Volume I, Page 46.

What was the Führer's point of view?

JODL: The general attitude of the Führer at that time was—it is also established in writing: "I am not at all interested in extending the theaters of war, but if the danger of an occupation of Norway by England really exists and if that is true, then the situation would be quite different."

DR. EXNER: Was anything ordered at that time?

JODL: Nothing was ordered at that time, but he merely instructed me to think this problem over generally. The preliminary work, as has been proved by documents, began on 27 January 1940.

DR. EXNER: That may be seen from Document C-63, Exhibit GB-87.

Were you at that time of the opinion that the assurance given by Hitler in December and October 1939 that Norwegian neutrality would be respected—were you of the opinion that this assurance was given for the purpose of lulling Norway into a state of security, as has been alleged by the Prosecution?

JODL: That allegation can be definitely refuted, and by means of a few dates which I shall now enumerate. These assurances, these political assurances, were given by the Führer—or by the Reich Government, I do not know which—on 2 September and 6 October. On 9 October the Führer read and signed the famous memorandum known as Document L-52. I do not know whether the Tribunal is aware of the fact that it is a personal memorandum by the Führer.

DR. EXNER: That is Document L-52, Exhibit USA-540. It is printed on Page 48, Volume I, of my document book.

In this memorandum—for whom was the memorandum prepared?

JODL: This memorandum, as I think is obvious from the document, went out to the three Commanders-in-Chief and to the Chief of the High Command of the Armed Forces. It was dictated word for word by the Führer himself and was completed in 2 nights.

DR. EXNER: I shall read Paragraph 2, printed on Page 48 of my document book:

“The Nordic States.

“Their neutrality, provided no completely unforeseen circumstances arise, may be assumed also for the future. The continuation of German trade with these countries appears possible, even if the war is of long duration.”

JODL: It is quite out of the question that the Führer, in this extremely secret memorandum, could have mentioned anything but his true purpose at that particular time. That, however, is all the more comprehensible since it was not until 1 day later, namely 10 October, that Grossadmiral Raeder first mentioned these fears to the Führer.

DR. EXNER: Was the occupation of Norway a very weighty decision for the leadership?

JODL: It was a terribly weighty decision. To put it shortly—it meant gambling with the entire German fleet. The result of it was that we had to defend a coastline of over 3,000 kilometers, and that meant that nearly 300,000 men were lying idle there. The decision, therefore, depended on really reliable information that Norway was threatened by actual danger. That is the reason why no definite

date was fixed for this operation "Weserübung," and the reason why I at a later date suggested that the forces for the Norway operation, in case it became necessary, and for an attack in the West, should be completely separate from each other.

DR. EXNER: What were the reasons why the occupation had to be prepared in every detail?

JODL: The reasons are quite openly and definitely stated in the order of 1 March 1940 which is Document C-174...

DR. EXNER: That is Exhibit GB-89.

JODL: Yes; we had to be prepared in any case.

THE PRESIDENT: Is that Document 174-PS, or what?

DR. EXNER: It is not printed in my document book. It refers to a document which the British Prosecution has submitted under Exhibit GB-89.

THE PRESIDENT: But 174 must mean something, must it not? The document said Document 174.

DR. EXNER: Document C-174.

MR. ROBERTS: My Lord, it is C-174.

THE PRESIDENT: C-174. Very well.

MR. ROBERTS: And it was put in by Mr. Elwyn Jones, in Document Book 3.

THE PRESIDENT: Yes.

DR. EXNER: Now, you say in your diary that the Führer was searching for a justification. The meaning has already been explained here; but you yourself should know best what the meaning is, since you wrote it yourself. What does it mean?

JODL: The Führer said in those days, when I wrote it—not in a diary, but in my notebook, my memorandum book—he said: "To carry out a decision of this kind I need absolutely reliable information with which I can really justify this decision before the world and prove that it was necessary. I cannot tell, I only heard the following from Herr Quisling..." And for this reason he kept the Intelligence Service in particular very busy at this time, in order to get even more precise information for the Führer about these many reports which we received...

DR. EXNER: Now, Grossadmiral Raeder has explained the facts from which England's plans could be deduced. Have you anything to add to that, or is the question settled?

JODL: On the whole, Grossadmiral Raeder has already submitted all the information. There is one thing which remains in my memory and which is also written in my notebook. That is the

special insistence, quite openly advocated in the French press, that under all circumstances Germany must be cut off from the Swedish ore supplies. Then came the mine-laying in Norwegian territorial waters; and then came the *Altmark* case which, according to my study of international law, was a flagrant breach of the agreement ruling the rights and duties of neutral states in naval warfare, and Articles 1 and 2...

DR. EXNER: Regarding the first two points which the witness has mentioned, I should like to draw attention to Document 1809-PS—that is, his diary, Exhibit GB-88, Page 53 of Volume I of my collection. There is an entry on 10 March:

“The news about the Finnish-Russian negotiations is very gratifying from a political point of view. The French press is furious about it, because it considers it necessary to cut Germany off from Swedish ore.”

And then the entry of 25 March:

“The English have begun to molest or to fire on our merchantmen in Danish and Norwegian territorial waters.”

Now, please tell us what gave rise to the decision to attack?

JODL: The Führer's final decision was made on 2 April and was made on the basis of two pieces of information. First, the reports from the Navy regarding repeated firing on German merchant ships both in Norwegian and Danish territorial waters. Second, a report from Canaris that British troops and transports were lying in a state of readiness in the northern part of the English east coast.

DR. EXNER: What would have been the consequences for us if England had got there first?

JODL: As to that I can refer to Grossadmiral Raeder's testimony, and can only say that once Norway was in British hands the war would have been half lost for us. We would have been strategically encircled on the northern flank and because of the weakness of our fleet we would have been incapable of ever rectifying this again.

DR. EXNER: Was indisputable proof found later that the British plan really existed?

JODL: We captured the entire records of the British brigade which landed in Namsos and in other places. We surprised and captured the British war correspondent Romilly in Narvik, where he expected anything rather than the arrival of German ships, otherwise he could have escaped capture. To the question what he wanted to report about the war in peaceful Narvik he could not give us any information at all.

Later on we captured all the records of the French General Staff, a part of which have already been presented by Admiral Raeder's counsel. Particularly instructive, and of great interest to me, were the diaries carried by the English officers and some of the noncommissioned officers whom we captured in Norway. At least they proved one thing, namely, that all these troops had already been embarked and had been put ashore again the moment our German fleet advanced towards Norway.

DR. EXNER: I should like to refer again to two entries in the diary, Page 54, Volume I of my document book, the entry of 24 April and the entry of 26 April. There it says:

"Major Soltmann reports on the interrogation of the Englishmen and submits additional important documents, among them the secret Army list. At noon the first prisoners arrived in Berlin. They are being interrogated in the Alexander Barracks and confirm the authenticity of the orders. All the material is being handed over to the Foreign Office."

In conclusion, I also draw your attention again to Soltmann's interrogatory. It is Document AJ, Number 4, Exhibit Jodl-57, which I now present; Page 173 of Volume II. I need not read it aloud; I merely draw your attention to Soltmann's answers to questions 4 and 5.

Now, one last question about this Norwegian affair. The English representative of the Prosecution has said that this shows how honorable the soldiers were who attacked Norway and then made use of lies and excuses. What do you say about this?

JODL: The Prosecution has thereby placed a purely operational problem on the level of soldierly or human honor. Until now that has never been the custom in this world. I can only say that I neither attacked Norwegians, nor did I resort to lies or excuses. But I did use all my strength to contribute to the success of an operation which I considered absolutely necessary in order to forestall a similar action on the part of the English. If the seals of the archives are ever broken, the rightness of my attitude will then be clearly shown. But even if it were wrong, the honesty of my own subjective opinion at that time cannot for that reason be changed in any way.

DR. EXNER: We will now talk about the war in the West. After the end of the Polish campaign, was there already an operational plan for attacks in the West?

JODL: No. To begin with, there was no plan of attack in the West; but, on the contrary, there was, particularly in the Army, a widespread opinion that the war would die a natural death

if only we kept quiet in the West. That went so far that the Commander-in-Chief of the Army transformed even mobile infantry divisions into fortress divisions, and took away all their mobile equipment from them.

DR. EXNER: Did you already know during the Polish campaign what the Führer's intentions were concerning the West?

JODL: The Führer himself had his doubts during the Polish campaign. He too could find no plausible explanation for the complete inactivity of the French and English forces in France, who only staged a kind of a sham war with the help of their war communiqués. In reality not a single shot was fired at the front. But by the end of September, if I remember rightly, the Führer did realize that once England enters a war she fights it out to the bitter end.

DR. EXNER: As an officer of the General Staff you should be able to answer the following questions better than anybody else. Could we, from a purely strategical viewpoint, have remained purely on the defensive as far as the West was concerned?

JODL: I shall be very brief since such problems are not directly connected with the Trial. I will only say that it would have been the greatest possible error of strategy, because the superiority we possessed at that time would necessarily have diminished in proportion to our delay in making aggressive use of it; for England was continually bringing further divisions over to France, just as the French were from their colonial empire.

I believe I need say no more about that.

DR. EXNER: I draw your attention to Document C-62, Exhibit GB-106, Volume I of my document book, Page 56. I need not, however, read it aloud. It is a directive for the conduct of the war, and contains the basic ideas which we have already heard expressed.

JODL: One thing more is perhaps important. The Führer took such a serious view of this danger, that we might not maintain our superiority in the long run, that he actually wanted to attack in the winter, although all soldiers without exception advised him against it.

DR. EXNER: Here attention might be drawn to our document, Volume I, Pages 48 and 49. It is a memorandum of the Führer on the conduct of the war in the West, from which Jodl has already quoted Document L-52, Exhibit USA-540. A detailed justification of this is on Page 49 of my document book.

Why then was France not attacked without violating the neutrality of Holland, Luxembourg, and Belgium?

JODL: It was no trifle for the Führer to create new enemies possessing a strength of 500,000 men, which the Dutch and Belgian forces represented. It resulted in our having to make the attack in the West with actually inferior forces, namely, with 110 divisions against approximately 135 of the enemy. No military commander would do that except in an emergency.

DR. EXNER: Now, what were the reasons?

JODL: We were not in a position to break through the Maginot Line at its strongest points, which would then have remained uncaptured—namely, between the Rhine and the Luxembourg border, or the Upper Rhine where the Vosges mountains were an additional obstacle in breaking through this West Wall at these points, this Maginot Line. For this purpose heavy artillery was lacking. But that was not a moral reason; it was, in fact, rather an unmoral one.

The great danger lay in the fact that so protracted an attack on the fortifications exposed us to an attack in the rear by the combined English and French mobile forces thrusting through Belgium and Holland; and they were north of Lille with their engines already running, one might say, for this very task. And the decisive factor was that owing to the many reports which reached us, the Führer and we ourselves, the soldiers, were definitely under the impression that the neutrality of Belgium and Holland was really only pretended and deceptive.

DR. EXNER: How did you arrive at that conclusion?

JODL: Individually the reports are not of great interest. There was, however, an endless number of reports from Canaris. They were supplemented and confirmed by letters from the Duce, Mussolini. But what was absolutely proved and completely certain, which I could see for myself on the maps every day, were the nightly flights to and fro of the Royal Air Force, completely unconcerned about neutral Dutch and Belgian territory. This necessarily strengthened the conviction in us that even if the two countries wished to—and perhaps in the beginning they did so wish—they could not possibly remain neutral in the long run.

DR. EXNER: What danger would the occupation of Belgium and Holland by the English and French have meant to us?

JODL: Those dangers were quite clearly indicated by the Führer, first, in his memorandum, Document L-52, which has been repeatedly quoted. There, on Page 48 of the document book, in the last paragraph of the page, is a reference to the enormous importance of the Ruhr—of which, incidentally, there seems to be quite sufficient evidence even today.

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In his address of 23 November 1939 to the Commanders-in-Chief—Document 789-PS, or Exhibit USA-23—he describes once more, on Page 59, Volume I of the document book, precisely how that danger would be for the Ruhr district if one day British and French forces were to appear by surprise in that region. He referred to it there as the "Achilles' heel," and that is just what it was for German war strategy.

DR. EXNER: And he said there, on Page 59 of our document book:

"We have an Achilles' heel: the Ruhr district. The strategy of the war depends on the possession of the Ruhr district. If England and France thrust through Belgium and Holland into the Ruhr, we shall be in the very greatest danger."

JODL: I cannot, of course, or could not at the time, swear to the absolute accuracy of the numerous reports from Canaris, but the material we captured afterwards—and in this connection I would draw your attention to the conference of the Supreme War Council in London of 17 November 1939—confirmed on the whole the accuracy of the intelligence reports.

DR. EXNER: Presumably you had no reason at that time to doubt Canaris' honesty, had you?

JODL: No. At that time there was not the slightest reason for doubt.

DR. EXNER: Yes. But now some doubt has arisen as to his honesty.

Now, the German attack was originally planned for November 1939. Why did the Führer postpone it over and over again? We have before us no less than 17 orders postponing the attack time and again.

JODL: It is not quite correct to say that the Führer had ordered the attack for mid-November, but rather he wanted to order the attack for a time when the meteorologists could predict about 6 or 7 days of clear, frosty weather. But the meteorologists failed completely in this. At times they thought they could predict such a state of the weather, and then all preparations would be made for the attack. Then they would cancel their weather forecasts again, and the final preparations for attack would be discontinued once more. That is why we so often prepared for the attack and then refrained from carrying it out.

On such an occasion I received a report from Canaris to the effect that one unit of the French Army had already crossed one part of the Belgian frontier. I do not know if that is true.

DR. EXNER: You have been accused by the Prosecution of first deceiving these countries and then invading them. Please tell us what you have to say on that subject.

JODL: The same applies here as I said before. I was neither a politician, nor was I the military Commander-in-Chief of the Wehrmacht. I was under the impression—and, indeed, an impression which could be proved—that in actual fact the neutrality of these two countries was no longer being respected. And as for the ethical code of my action, I must say that it was obedience—for obedience is really the ethical basis of the military profession. That I was far from extending this code of obedience to the blind code of obedience imposed on the slave has, I consider, been proved beyond all manner of doubt by my previous testimony. Nevertheless, you cannot get around the fact that, especially in operational matters of this particular kind, there can be no other course for the soldier but obedience.

And if the Prosecution today is in a position to indict German officers here at all, it owes this only to the ethical concept of obedience of its own brave soldiers.

DR. EXNER: We now come to the Balkans. In your diary, Document 1809-PS, on 19 March you made the following entry: "The Balkans should and must remain quiet." That is on Page 61 of Volume I of my book, Exhibit GB-88, Document 1809-PS, the entry of 19 March. It says first:

"The Führer has returned beaming with joy and highly satisfied from the conference with the Duce. Complete agreement. . . . The Balkans should and must remain quiet."

What does that mean?

JODL: Herr Professor, I must correct you. This is not my diary.

DR. EXNER: Yes. Well then I must put in another question here. Your diary and your diaries are always being talked about. Explain just what this is—what we are dealing with here. Is one a real diary and the other not?

JODL: There is only one diary, and that is Document 1780-PS, which is from the year 1937 to 1938, and I used to make entries in it every evening.

DR. EXNER: And now this diary, Document 1809-PS, what was that?

JODL: I kept no diary at all during the war, but, of course, I filled up dozens of small notebooks. When one of these notebooks was full I marked important passages in red on the margin, and my secretary copied them out later, as they might be important for writing the history of the war and for the official diary of the

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Armed Forces Operations Staff. An example would be Document 1809-PS.

DR. EXNER: Did you check what your secretary had compiled?

JODL: No, I did not check it, and never saw it again. It fell then into the hands of the Prosecution.

DR. EXNER: Now, there is still a third one which is always quoted here as a diary. That is the Diary of the Armed Forces Operations Staff.

THE PRESIDENT: You said it fell into the hands of the Prosecution. Do you mean it was not one of the documents that you handed over to the Prosecution?

JODL: No. I did not know at all where those extracts from my notebook had gone. The Prosecution captured it somewhere or other. The remainder are extracts, and partial extracts, from the official Diary of the Armed Forces Operations Staff.

DR. EXNER: And who kept this, the official Diary of the Armed Forces Operations Staff? Not you?

JODL: No. It was always kept by a highly qualified expert of my own selection.

DR. EXNER: Did you check it?

JODL: The final check was made by Dr. Schramm, a professor at the Göttingen University.

DR. EXNER: We shall hear him as a witness.

Did you check the entries made in that official diary, or did you not?

JODL: I usually did not have the time; but if General Scherff read through it and discovered anything in particular he would draw my attention to it.

DR. EXNER: Well, so much for clearing that up.

We now come back to the Balkan question again. It says in your so-called diary, "The Balkans should and must remain quiet." What was meant by that?

JODL: That was a brief note on the statement by the Führer—namely, that he was in perfect agreement with Mussolini that the Balkans must be kept quiet.

DR. EXNER: And did we not actually try to keep the Balkan states as quiet as possible?

JODL: Yes. We made unremitting endeavors for that. Our attitude toward Yugoslavia was as considerate as if we were dealing with a prima donna. Matters went so far that when we had to prepare the Greek campaign the Führer even refused a proposal

from the Quartermaster General of the Army that sealed trains—the supply trains—should be sent through Yugoslavia, which would have been permissible according to international law. Moreover, we brought pressure to bear on Bulgaria so that she should not participate in the impending campaign against Greece, above all so as not to alarm Turkey. And even after the Greco-Italian campaign, the Führer still hoped that a conflict, an actual war, between Germany and Greece could be avoided.

DR. EXNER: I refer here to Directive Number 18, printed on Page 66 of Volume I of our document book, which contains an extract from Document 444-PS, Exhibit GB-116, and here we find the following statement in the paragraph before the last:

“The preparatory measures of the High Command for the conduct of the war in the near future are to be made in accordance with the following guiding principles...”

And it is then stated in the last but one paragraph of that page:

“The utilization of the railway through Yugoslavia may not be counted on for the deployment of these forces...”

Well, what forced us to give up this program?

JODL: That program was completely wrecked by Italy's arbitrary act, about which the Reich Marshal and the Grossadmiral have already made statements. I have only a brief addition to make. Italy was beaten, as usual, and sent the Chief of the Operational Staff of the Supreme Command to me crying for help. But in spite of this calamity the Führer did not intervene in the war in Albania. He did not send a single German soldier there, although the matter had been under consideration. He ordered only an operation against Greece, starting from Bulgaria, to be prepared for the following spring. Even that was for the primary purpose of occupying the Salonika Basin, thereby giving direct relief to the Italians and only in the event, which to be sure was feared, of English divisions now landing in the Balkans as the result of Italy's madness. In that case it was decided to consider the whole of Greece as an operational area, since we could not possibly tolerate a Royal Air Force base in the immediate vicinity of the Romanian oil fields. And this contingency is shown very clearly in the order which has been submitted to the Tribunal as Document 1541-PS, Exhibit GB-117, Pages 63 and 64 of the document book. I should like to quote two passages, two very brief passages from it. In Paragraph 2, Sub-paragraph b of Page 63, it says:

“‘Operation Marita.’ My plan therefore is”—I am quoting—
“... to send these forces straight through Bulgaria, for the occupation of the north Aegean coast and, if necessary, the entire mainland of Greece.”

I then quote from Page 64, Paragraph 4, Subparagraph a:

"The primary objective of the operation is the occupation of the Aegean coast and the Salonika Basin. The continuation of the attack by way of Larissa and the Isthmus of Corinth may prove necessary."

It is quite obvious from these conditional orders that the occupation of the whole of Greece was intended only if we should be forced to take this measure by the landing of English troops, which at that time was not yet the case.

THE PRESIDENT: The Tribunal will adjourn now.

[A recess was taken.]

DR. EXNER: You said we had planned to leave Yugoslavia neutral. Now this plan was apparently changed by the Simovic Putsch. Why did this event alter our policy toward Yugoslavia?

JODL: This Putsch against a legal government, by officers meddling in politics, immediately after Yugoslavia had joined the Tripartite Pact had necessarily an anti-German tendency. We stood directly on the verge of the campaign against Greece, against the whole of Greece, for in the meantime English divisions had landed there, and this campaign could only be waged with a safely neutral Yugoslavia behind us.

THE PRESIDENT: Dr. Exner, various other members of the defendants—Defendants Göring and Keitel—have dealt with the political aspects of the entry of Germany into Yugoslavia. Unless there is anything new for this defendant to give evidence about it seems to be entirely cumulative.

DR. EXNER: Then kindly just tell us, if you have anything new to add—some documents, *et cetera*.

JODL: I have something to add which concerns myself personally.

THE PRESIDENT: Nothing is coming through—the English was not coming through. Please, try it again. Repeat what you said.

JODL: I have something else to add which concerns me personally with regard to the Yugoslav problem...

THE PRESIDENT: No. There is nothing coming through to us. Go on then, Defendant. You were asked if there is anything new to say.

JODL: Yes, I have something personal to add.

DR. EXNER: Yes, do so.

JODL: On this morning when the Führer spontaneously ordered the immediate preparation of an attack on Yugoslavia, I proposed to him, or at least I mentioned to him, that after concentrating our troops we ought first to clarify the real situation, the political situation, by an ultimatum. He refused to do so. He said, "That will not be of any use." Field Marshal Keitel has already confirmed this.

DR. EXNER: Tell me, was that on 27 March?

JODL: Yes, that was on the 27th. May I give proof of this. On the evening of the 27th the order was issued...

THE PRESIDENT: I do not think it is necessary if the Defendant Keitel said it, and you say it, and there is no cross-examination about it.

DR. EXNER: But I feel that there is something important.

JODL: A document was submitted, Document 1746-PS, Exhibit GB-120, on Page 70 of the document book.

DR. EXNER: Page 71.

JODL: Yes, the text is on Page 71. If the Court will compare this sentence on Page 71, Paragraph 1, with the sentence on Page 69 of the document book a difference will be noticed. Page 69 contains the order signed by the Führer, and it begins with this sentence which I shall quote:

"The military Putsch in Yugoslavia has altered the political situation in the Balkans. Even if she makes a declaration of loyalty, Yugoslavia must be considered as an enemy and therefore beaten as quickly as possible."

This, as appears from the date, was issued on 27 March. I worked that whole night at the Reich Chancellery, which is another proof of the sudden nature of the whole case. At 4 o'clock on the morning of the 28th, as stated on Page 71, I put the following *aide-mémoire*, this operational *aide-mémoire*, into the hand of General Von Rintelen, our liaison officer with the Italian High Command. In it I had written—I quote:

"Should political developments call for armed intervention against Yugoslavia, it is the German intention..." *et cetera*.

I must admit that, in this instance, I ventured a little into the political field, but in so doing I thought that if Germany did not clarify the political situation beyond any doubt, Italy perhaps might do it.

DR. EXNER: The next document is also evidence of the suddenness of this decision, and I have had it printed on Page 73, Volume 1. That is the order issued by the High Command of the Army on the basis of these directives—the order for deployment of troops for

the operation. That is Document R-95, Exhibit GB-127, Page 73, of Volume I, as I have already stated, and it says there:

"As a result of the change in the political situation..." *et cetera*—and then—"there will be concentrated..."—and then the last paragraph states—"The operation will be given the code name 'Project 25.'"

I ask you, Generaloberst, can anything be gathered from this?

JODL: The order issued was not until 3 April...

DR. EXNER: No, 30 March.

JODL: ... 30 March.

DR. EXNER: Did the operation receive the code name "Project 25"?

JODL: A code name for this operation was ordered for the first time 3 days after the Putsch, which proves that it had not been planned in 1937 as was once stated here.

DR. EXNER: And now, just one last question on this Balkan matter. Was Greek neutrality still being maintained on 24 March 1941 when we gave permission for the Luftwaffe attack on her territory of Crete? In this connection I refer to Document C-60, Exhibit AJ-13. It is an order of 24 March 1941 which, as I have just stated, sanctioned air attacks on Crete and also on Greek shipping. Now, what about Greek neutrality on 24 March 1941?

JODL: From the point of view of international law it no longer existed at that date. The English had in the meantime landed on Crete and at Piraeus, and we had already learned about this on 5 or 6 March. The order, therefore, was in accordance with all the principles of international law. But to conclude the Yugoslav problem I may add that the allegation made by the Prosecution, that the plan to attack Yugoslavia emanated from Jodl's office, is a statement which has not been and cannot be substantiated by anything.

THE PRESIDENT: What was that document that you were referring to? 24 March 1941? You said 360, which did not indicate anything to us.

DR. EXNER: 24 March, which is Document C-60, Exhibit AJ-13.

THE PRESIDENT: Thank you. What page?

DR. EXNER: Page 76, Volume I.

[Turning to the defendant.] We now come to the question of the Soviet Union. How many troops did we have in the East during the Western campaign?

JODL: At first it was 10 divisions, which in the course of the Western campaign were reduced to 6 or 5 divisions.

DR. EXNER: What prompted us to send troops to the East after the Western campaign?

JODL: The notification from the commander in the East that with such weak forces he could neither keep Poland quiet nor guard the demarcation line.

DR. EXNER: In your diary—the so-called diary—Document 1809-PS, Volume I of my document book, Page 83, you write on 24 May: "Situation in the East becomes precarious due to the Russian menace against Bessarabia." That is on 24 May 1940. That is what you wrote in your diary. How did you come to this conclusion?

JODL: The reason was a dispatch from Canaris reporting the concentration of 30 Russian divisions against Bessarabia. Whether the note expressing anxiety originated with me, or whether it was an idea of the Führer's which I jotted down, I can no longer say today.

DR. EXNER: Well, on 6 September 1940 you signed an order stating that the regrouping should not give the impression of an offensive preparation. How should that be understood?

JODL: This order signed by me was interpreted as the first attempt to conceal the impending attack on Russia.

DR. EXNER: One moment. I want to point out the order in question to the Tribunal. It is Page 78, Volume I, Document 1229-PS, Exhibit USA-130. It is an order by Jodl, addressed to the Foreign Intelligence Service, and it says there:

"The Eastern area will be manned by stronger forces in the coming weeks. By the end of October, the status indicated on the enclosed map ought to have been reached."

And now, Your Honors, I am sorry to have to point out an omission in the English and French translations. The next paragraph is missing, and this is very important for the understanding of the entire document. It says, namely, "For the work of our own Intelligence Service, as well as for answering questions asked by the Russian Intelligence Service..."

THE PRESIDENT: It does not appear to be in our document. What paragraph are you reading?

DR. EXNER: It is Paragraph 2 in my document book, Page 78.

THE PRESIDENT: It has not been translated.

DR. EXNER: That is just what I said. That is the error. Therefore I will dictate it now, or read it slowly.

THE PRESIDENT: You want it to be translated?

DR. EXNER: Yes.

THE PRESIDENT: You see, Paragraph 2 is not translated at all. There is nothing here.

DR. EXNER: These three lines were not translated at all, but they are very important.

THE PRESIDENT: Just read it through the earphones, then. Read the passage.

MR. ROBERTS: My Lord, the full document is in the British Document Book 7, Page 102.

THE PRESIDENT: Thank you very much. Go on.

DR. EXNER: "For the work of our own Intelligence Service, as well as for answering questions asked by the Russian Intelligence Service, the following guiding principles apply..."

And now explain the subject further.

JODL: Instructions such as these to Canaris' office were issued by me every 6 weeks. They formed the basis for the so-called counterespionage work, which I do not wish to discuss in detail here. In this case what matters to me was that the weak forces which we kept in the East at this time should be made to appear actually stronger. That, for instance, can be clearly seen from Paragraph 3 which says, and I quote:

"In statements on the equipment situation of the forces, especially of the armored divisions, it is advisable to exaggerate if necessary."

I also pointed out in the next paragraph that antiaircraft defenses should be exaggerated. All this was done because at that time anxiety had already arisen that possibly a Russian operation against Rumania might develop. The purpose of this order was to deter them from that, and it was intended for the intelligence only. If on 6 September, I had already known of any aggressive intention against Russia I would have said exactly the contrary; for with this order, as I had issued it, I would have been working in the interests of Gisevius and his friends—namely, I would have been informing the Russians that we were beginning to deploy our troops.

DR. EXNER: Now, when did you first hear of the Führer's fears that Russia might prove hostile to us?

JODL: For the first time, on 29 July 1940, at the Berghof near Berchtesgaden.

DR. EXNER: In what connection?

JODL: The Führer kept me back alone after a discussion on the situation and said to me, most unexpectedly, that he was worried that Russia might occupy still more territory in Rumania before

the winter and that the Romanian oil region, which was the *conditio sine qua non* for our war strategy, would thus be taken from us. He asked me whether we could not deploy our troops immediately, so that we would be ready by autumn to oppose with strong forces any such Russian intention. These are almost the exact words which he used, and all other versions are false.

DR. EXNER: You have just mentioned Hitler's concern about the seizure of the Romanian oil fields. Did the Führer do anything on account of this apprehension?

JODL: It was precisely on the basis of this conversation—when I protested that it was quite impossible to carry out a troop deployment at that time for it would take 4 months—that the Führer ordered that these deployment arrangements were to be improved. Two orders were then issued immediately. One, I believe, is of 9 August. It was called "Reconstruction East" and included all measures to improve the deployment arrangements in the eastern area. The second order was issued on 27 August. We do not have it here, but it has been recorded in the War Diary of the Naval Operations Staff.

DR. EXNER: Yes, that is Page 85, Volume I of my document book. There is an entry, right at the end of the page, in the Diary of the Naval Operations Staff:

"Transfer of 10 divisions and 2 armored divisions to the Government General, in case prompt intervention should prove necessary for the protection of the Romanian oil fields."

That is an excerpt from Document C-170, Exhibit USA-136.

THE PRESIDENT: Dr. Exner, you seem to be reading from Page 85. Were you?

DR. EXNER: Yes, from Page 85. It is Page 85 of the German version. Perhaps the numbering of the pages does not quite tally with the numbering of the English version. It is the entry: "Transfer of 10 divisions and 2 armored divisions to the Government General."

THE PRESIDENT: Yes, I see.

JODL: This entry is a proof of the Führer's intentions at that time with regard to this reinforcement in the East.

DR. EXNER: Well, when was the Führer's order issued to prepare for attack?

JODL: The first order for deliberation concerning an attack, or for the discussion of any aggressive operation at all, was issued in writing by the Armed Forces Operations Staff and submitted to the Führer on 12 November. It is Document 444-PS...

DR. EXNER: It is on Page 66, Volume I of my document book.

JODL: ...and it is already known to the Tribunal. But this first order, which is known to me, had to be preceded by oral instructions from the Führer to the Commander-in-Chief of the Army.

DR. EXNER: That can be gathered from the document itself, namely from Page 67 which reads:

"Irrespective of the result of these discussions, all preparations for the East which have already been verbally ordered are to be carried out."

This is proof, therefore, that oral orders and preparation had preceded.

JODL: I am not in a position to say, however, when these oral instructions had been given to the Army.

DR. EXNER: Tell me, in these statements, which Hitler made to you, was there ever any mention made of such things as the extension of the "Lebensraum," and of the food basis as a reason for a war of conquest, and so on?

JODL: In my presence the Führer never even hinted at any other reason than a purely strategic and operational one. For months on end, one might say, he incessantly repeated:

"No further doubt is possible. England is hoping for this final sword-thrust against us on the continent, else she would have stopped the war after Dunkirk. Private or secret agreements have certainly already been made. The Russian deployment is unmistakable. One day we shall suddenly become the victim of cold-blooded political extortion, or we shall be attacked."

But otherwise, though one might talk about it for weeks on end, no word was mentioned to me of any other than purely strategical reasons of this kind.

DR. EXNER: According to the reports received, how did the military situation develop in the East after the Polish campaign?

JODL: When we first contacted the Russians in the Polish campaign, relations were rather cool. We were carefully prevented from gaining any information about their troops or equipment. There were constantly unpleasant incidents on the San. The Russians shot at everything, at fleeing Poles or at German soldiers, and there were wounded and dead; and the demarcation line was flown over in numerous cases. The unusually strong forces employed by Russia for the occupation of the Baltic states, of Poland and Bessarabia struck us from the very beginning.

DR. EXNER: Did the reports which you received contain indications of military reinforcements for the Red Army?

JODL: From maps which were submitted every few days, which were based on intelligence reports and information from the radio interception section, the following picture was formed: In the summer of 1940 there were about 100 Russian divisions along the border. In January 1941, there were already 150 divisions; and these were indicated by number, consequently the reports were reliable. In comparison with this strength, I may add that the English-American-French forces operating from France against Germany never, to my knowledge, amounted to 100 divisions.

DR. EXNER: Did Hitler attempt to clear up the political situation by diplomatic means?

JODL: He attempted to do so by the well-known conference with Molotov; and I must say that I placed great hopes on this conference, for the military situation for us soldiers was as follows: With a definitely neutral Russia in our rear—a Russia which in addition sent us supplies—we could not lose the war. An invasion, such as took place on 6 June 1944, would have been entirely out of the question if we had had at our disposal all the forces we had used and lost in this immense struggle in Russia. And it never for a single moment entered my mind that a statesman, who after all was also a strategist, would needlessly let such an opportunity go. And it is a fact that he struggled for months with himself about this decision, being certainly influenced by the many contrary ideas suggested to him by the Reich Marshal, the Commander-in-Chief of the Navy, as well as the Minister for Foreign Affairs.

DR. EXNER: On the basis of the reports which you received, what did the further military situation on both sides look like?

JODL: The Intelligence Service was put to work as from January 1941. The divisions on our borders and also along the Romanian frontier grew rapidly. On 3 February 1941 the Chief of the General Staff of the Army informed the Führer of the operations which he himself intended to carry out. At the same time he presented a map showing the Russian troop deployment. This map indicated—and this has been proved by documents—that there were 100 infantry divisions, 25 cavalry divisions...

THE PRESIDENT: Dr. Exner, do we need all these strategic details of plans which were drawn up by the German General Staff?

DR. EXNER: It is of very great importance to establish the picture facing the General Staff at that time. If an overwhelming concentration of Russian troops had not...

THE PRESIDENT: But that is not what he tells about. He is telling us about February 1941. The OKW had produced plans to show the deployment of German troops.

DR. EXNER: That is a plan which was developed by...

THE PRESIDENT: I do not think it is necessary to go into such details as to tell us how many cavalry regiments they had there.

DR. EXNER: [*Turning to the defendant.*] Please tell us on general lines how Halder pictured the situation to you after the February 1941 reports. One figure only: how many divisions were deployed?

JODL: I have already said that 150 Russian divisions were deployed against us in February.

THE PRESIDENT: He said that already.

DR. EXNER: And how many were there on our side?

JODL: I should like to say in reply that at this same time our deployment, as reported by General Halder, had only just begun. And furthermore, I should like to point out that according to Document C-39, Exhibit USA-138, Page 92 of the first document book, it is clear from a study of this document book—it is the timetable for the deployment—that it was not until 1 June that the actual attack formations, consisting of 14 armored divisions and 12 motorized infantry divisions, were brought up. In fact they were not actually moved until 10 June. I mention this so that it cannot be said that the German intention to attack was already obvious in February 1941. Such was not the case.

DR. EXNER: The Prosecution has especially emphasized that this plan for the attack on Soviet Russia had been drawn up long before then. Can you perhaps say anything more about that?

JODL: I will explain the matter in a few words. We had to use 10,000 trains for this deployment. If one could have run 100 a day it would have taken 100 days; but we never reached that figure. So for purely technical reasons this deployment had already taken 4 months.

DR. EXNER: Did events in Yugoslavia have any influence on the Führer's decision?

JODL: They gave it the final impetus. Until that time the Führer still had doubts. On 1 April, not earlier, he decided to attack; and on 1 April he ordered the attack to be made ready for about 22 June. The order for the attack itself—that is, the real opening of the campaign—was issued only on 17 June, which is likewise proved by documents.

DR. EXNER: Then, in your opinion, the Führer waged a preventive war. Did later experiences prove that this was a military necessity?

JODL: It was undeniably a purely preventive war. What we found out later on was the certainty of enormous Russian military

preparations opposite our frontiers. I will dispense with details, but I can only say that although we succeeded in a tactical surprise as to the day and the hour, it was no strategic surprise. Russia was fully prepared for war.

DR. EXNER: As an example, could you perhaps tell the Tribunal the number of new airfields which were discovered in the Russian-Polish area?

JODL: I recall approximately that there had been about 20 airfields in eastern Poland, and that in the meantime these had been increased to more than a hundred.

DR. EXNER: Quite briefly, under these conditions what would have been the result of Russia's having forestalled us?

JODL: I do not want to go into the strategic principles, into the operations behind the front; but I can state briefly that we were never strong enough to defend ourselves in the East, as has been proved by the events since 1942. That may sound grotesque, but in order to occupy this front of over 2,000 kilometers we needed 300 divisions at least; and we never had them. If we had waited until the invasion, and a Russian attack had caught us in a pincer movement, simultaneously, we certainly would have been lost. If, therefore, the political premise was correct, namely that we were threatened by this attack, then from a military point of view also the preventive attack was justified. The political situation was presented to us soldiers in this light, consequently we based our military work accordingly.

DR. EXNER: Now, a few questions concerning Japan. What significance did Directive 24 of 5 March 1941 have for co-operation with Japan? It has already been mentioned, but the matter is not quite clear. That is Page 94, Volume I of our document book, which is Document C-75, Exhibit USA-151. Grossadmiral Raeder, in the witness stand, has already said something about this directive. Can you tell me anything new?

JODL: The document is very important. First, I must make a confession. So far I have been accused of merely having received this document. But it emanated from me; I authorized it. It was worked out by my staff in the Navy group. Consequently, I knew this document better than anybody else. It is not an operational order, it is a guide for German officers.

DR. EXNER: What does that mean?

JODL: All German officers who officially or unofficially came into contact with Japanese officers were to be told exactly what the aims of German policy were, namely, to attack England even in the Far East and precisely thereby to keep America out of the war.

DR. EXNER: In Paragraph 3, Subparagraph a, of this directive we read:

"It must be emphasized that the common aim in this war is to crush England as soon as possible and thereby keep the United States out of the war."

JODL: Such a directive was necessary in order that careless statements on the part of German officers should not be used by officers of the Japanese Army and Navy for their own political purposes. For this reason the Foreign Office also received a copy, as is shown in the distribution list on the bottom of Page 96. This would never have happened in the case of an operational order. Also that is why the Führer did not sign it.

DR. EXNER: The objectives of the German Navy are also stated on the top of Page 96. They read as follows:

"Moreover, attacks on other British bases—on American naval forces only if the entry of the United States into the war cannot be prevented—are capable of shattering enemy forces in those places."

And so we again find the endeavor to prevent the entry of the United States into the war and to attack them only if nothing else should prove possible.

JODL: I should like to add that the purpose of this document was not to exert influence on Japan, as that would have been a political action; it was merely a directive for all officers telling them what to say in such a case.

DR. EXNER: Grossadmiral Raeder has already told us by what naval orders he had endeavored to keep the United States out of the war. Have you anything to add to that?

JODL: Only one point, which the Grossadmiral did not mention. It comes from Document C-119 and Exhibit Jodl-37. It can be read on Page 98 of Document Book Number 1.

DR. EXNER: Page 98 of Volume I, Exhibit Jodl-37, which we submit. There we find: "Special regulations on department during the occupation of Denmark and Norway." And then...

JODL: Only the last sentence need be read.

DR. EXNER: Please read it.

JODL: "All warships and merchant vessels under the U.S.A. flag, as well as aircraft, are excepted from the prohibition to sail or take off."

DR. EXNER: And that is the last sentence at the bottom of Page 98. The paragraph speaks of prohibiting warships, merchant vessels, aircraft, *et cetera*, from leaving port, with the exception of the Americans.

JODL: And so, in all the war measures of the Naval Operations Staff, America was granted an exceptional position for a long time.

DR. EXNER: Before Japan's attack on America, did you have any official dealings with Japanese officers?

JODL: No, not before.

DR. EXNER: None at all?

JODL: No.

DR. EXNER: Did you expect the attack on Pearl Harbor?

JODL: The attack came as a complete surprise. It was a complete surprise to me, and I had the feeling it was also a surprise for the Führer; for he came, in the middle of the night, to my map room in order to give the news to Field Marshal Keitel and myself. He was completely surprised.

DR. EXNER: Now, I should like you to clear up an erroneous interpretation of this letter of Falkenstein's. It is Page 81, Volume I, of our document book. A letter, Document 376-PS, Exhibit USA-161, can be found there. There is a letter from Falkenstein to yourself, I believe?

JODL: No, no.

DR. EXNER: No?

JODL: No, to General Von Waldau, of the Air Force Operations Staff.

DR. EXNER: It states.

"With a view to a future war against America, the Führer is considering the question of the occupation of the Atlantic islands."

That can be interpreted to mean that he intended to attack America: "With a view to a future war against America, the Führer is considering..." What is meant by that, and how did you interpret it?

JODL: That is perfectly obvious. At that time consideration was actually being given to the occupation of the Atlantic islands, a thing the Führer had always wanted to do.

DR. EXNER: For what purpose?

JODL: As a certain security base, thus an outpost in case of American intervention; and so we had to take this idea into consideration. Although the Navy as well as the Armed Forces Operations Staff and the Chief of the High Command of the Armed Forces definitely rejected it, we had to consider these matters in theory at least; and this is what he tells General Von Waldau in this letter.

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Furthermore, the same thing was then written in a document, later in an order, Document 444-PS, exactly as written here.

DR. EXNER: Did we have any interest at all in extending the war?

JODL: I, personally, none. I can only say that the expanse from the North Cape to Tobruk, and from Brest to Rostov-on-the-Don was too great for my liking.

DR. EXNER: And were we interested in having Japan at war with America?

JODL: No, we would have much preferred a new and powerful ally without a new and powerful enemy.

DR. EXNER: Did we drag Italy into the war?

JODL: I do not know what was done politically; but after the collapse of France, when Italy also wished to take an active part in the war, we tried to prevent this, we soldiers in the OKW. But we only succeeded in delaying her intervention by 4 to 6 days; the Führer could not refuse altogether. But during the whole of the war Italy was of no help to us, rather only a burden; and this will be confirmed by subsequent histories of the war.

DR. EXNER: As to all the accusations concerning Crimes Against Peace, I should like to refer to the relevant documents which have been submitted by Göring, Ribbentrop, Raeder, and Dönitz. I do not know whether such a reference is at all necessary according to the rules of procedure.

Now one final question. The Prosecution has represented this whole series of campaigns as a long premeditated and concerted plan of conquest which you, as a conspirator, both instigated and carried out. What have you to say to this?

JODL: I believe I have already corrected this completely distorted picture by my testimony. The war against Poland broke out without my having taken any part in its preparation. It developed into a World War contrary to the hopes of all soldiers. Everything had to be improvised for this war. There was nothing ready except the plan of attack against Poland. There were neither enough bombs nor enough ammunition. At that time not a single soldier thought about Norway, Belgium, Holland, Yugoslavia, Greece, or even Russia. No military agreements had been reached with Italy or with Japan.

I acknowledge the statement of the American Chief of General Staff, General Marshall, to be absolutely correct in almost every point.

DR. EXNER: Mr. President, I have no further questions to ask.

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

DR. HANS LATERNSEER (Counsel for the General Staff and High Command of the German Armed Forces): General, as Chief of the Armed Forces Operations Staff, you were for many years the leading General Staff officer of the German Armed Forces?

JODL: Yes.

DR. LATERNSEER: In the course of your military activity you were also for a fairly long time a teacher at the War Academy?

JODL: Not exactly at the War Academy but at the General Staff courses which preceded the War Academy and which at that time were held at the individual district headquarters.

DR. LATERNSEER: As all our higher military leaders came from the professional class of General Staff officers, I ask you to tell us briefly how these officers were trained at the War Academy. Please confine yourself exclusively to the following points:

How was, or rather how much time was allotted to instruction on attack; then for propaganda for wars of aggression; and the attitude toward international law and politics?

THE PRESIDENT: The Tribunal think this question is completely irrelevant.

DR. LATERNSEER: If the Court considers these questions to be irrelevant, I will dispense with the answers to these questions.

Generaloberst, you know the standpoint of the Prosecution, that the military leaders are supposed to have formed a group with the aim of unleashing wars of aggression and, in the course of these wars, committing crimes against military law and the laws of humanity. Please explain to the Tribunal your attitude toward this point, particularly as to whether the higher military leaders ever actually formed such a group.

JODL: I never understood the idea of such a group, and I never shall understand it. It is just as if the passengers of a passenger ship were to meet on an ocean liner and there form a unit—or be obliged to form a unit—under the authority of the captain. This so-called group of high-ranking officers might possibly have existed in imperial times as an absolute entity, but not entirely even then. But here, after the National Socialist revolution, these groups broke up completely in all spheres of life, politically, philosophically, and ideologically. The goal that united them was the military profession and the necessary obedience.

THE PRESIDENT: Perhaps we had better adjourn at this time.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. LATERNSEER: Generaloberst, before the occupation of Czechoslovakia there was a meeting on 10 August 1938 at the Berghof between Hitler and the military leaders, at which you were also present. Up to now that conference has not yet been discussed here, and I want to ask you what was the subject of that conference.

JODL: During that conference, the Führer spoke to General Staff officers only, and gave them a talk that lasted for about two and a half hours on the whole military and political situation. In particular, he dealt with the Sudeten-German problem, and said that it would have to be solved no matter what happened. He described the various possibilities and, in particular, made it clear that he intended to solve the question without interference from France and England and was confident he would succeed.

DR. LATERNSEER: That was the subject of that conference?

JODL: Yes, that in the main was the subject.

DR. LATERNSEER: Do you know for what reason the Commanders-in-Chief of the three branches of the Armed Forces and their chiefs were not there?

JODL: I know the reason because the Chief Adjutant, Major Schmundt, informed me of it before the conference. He told me that it was the Führer's intention to speak directly to the senior General Staff officers at a time when they would not be under the influence of their too-critical Commanders-in-Chief and thus not inclined to balk or criticize.

DR. LATERNSEER: But then, during that conference there was, nevertheless, considerable criticism on the part of those officers, was there not?

JODL: I could not say that there was criticism; but one of the generals believed that he could or should draw the Führer's attention to the possibility that France and England might interfere after all, if he did something against Czechoslovakia. That was General Von Wietersheim.

DR. LATERNSEER: Did Hitler later on again follow the principle of excluding the highest military leaders from such conferences?

JODL: The Führer did that quite often. I would say that he did it on principle. For instance, after our unsuccessful attack on the bridgehead at Nettuno, southwest of Rome, he ordered the junior officers, who were taking part in these battles, from the regimental commanders down to the company commanders, to come to the Führer's headquarters. For days he personally interrogated each one of them alone without their superiors being present. He

did the same thing very, very often with Air Force officers, whom he interrogated without the Commander-in-Chief of the Air Force present.

DR. LATERNSEER: Generaloberst, you were present during most of the Hitler conferences on the situation. Could the commanding generals present at the Führer's headquarters at the time take part in such conferences without difficulties?

JODL: As long as during these orientation conferences on the situation only things which had already happened were discussed, the Führer was very generous about who took part in them; but as soon as something was discussed which dealt with future operations—for instance, the attack on Russia in 1942—commanding generals of an army group from the Western Front could not take part; nor was it possible the other way round, so that so far as his intentions were concerned, he would only initiate such officers as had to be informed for official reasons.

DR. LATERNSEER: In such cases then, the so-called "smallest circle" was summoned to a situation conference?

JODL: That is right. And so it was that the chief adjutant would announce, on behalf of the Führer, that a discussion among the smallest circle would now take place in which only such and such officers could take part.

DR. LATERNSEER: During such situation discussions, did you often hear energetic remonstrances on the part of the commanding generals of an army group? Who made these remonstrances, and on what occasion? Please limit yourself to the most important instances.

JODL: I can only give you a very short answer to that question; otherwise, I would have to speak about it for an hour. I can say that not a single conference took place without the old traditional conceptions, if I may call them so, regarding operations coming into conflict with the revolutionary conceptions of the Führer. Therefore, apart perhaps from single operations during the first part of the war, I can state that whenever such a report was made by a commanding general of an army group, there was a clash of opinions. I could mention the names of all the commanding generals of army groups who ever held a post. I know of none to whom this would not apply.

DR. LATERNSEER: Of course, you knew all the commanding generals of army groups, did you not?

JODL: During the first half of the war I knew all the commanding generals down to, and including, commanding generals of army groups. During the second half of the war, there were commanding generals of army groups in the East whom I did not

know. For the most part they did not come from the General Staff, but were line officers, so that I did not know some of them.

DR. LATERNSEER: Generaloberst, could, for instance, a commanding general of an army group report for a discussion with Hitler without difficulties?

JODL: The commanding general of an army group could not do that. The commanding general of an army group would, first of all, have to ask the Commander-in-Chief of the Army as long as there was one. When the Commander-in-Chief of the Army no longer existed, the commanding generals of army groups then applied to the military adjutant's office, or they applied to the Chief of the General Staff of the Army for permission to make a report, which the commanding generals could not do themselves.

DR. LATERNSEER: So that, if a commanding general of an army group intended to protest against some measure which he did not consider right, then he had to go to the commander-in-chief of his army group, who in turn would have to go to the commander-in-chief of the particular branch of the Armed Forces; so that this was practically the only channel through which objections could be made to Hitler in the normal official way?

JODL: That is perfectly correct. All military departments did that, and it had been done for a number of years.

DR. LATERNSEER: What do you know about Himmler's attempt to set Hitler against the generals? When I say "generals" I mean the ones who are of the "group."

JODL: I have perhaps already answered that in part when I complained that we were not in a position to prevent military reports and news of irresponsible sources from reaching the Führer. It was a standing rule that police circles particularly continually used the opportunity through Himmler to criticize the traditional, or—as they called it—the reactionary, humanitarian, chivalrous attitude of the higher military leaders, so that the severe orders of the Führer for brutal action—as he called it—might be stayed. This was a constant state of affairs. All of them were by no means involved and it was not directed against all the commanding generals, but it was against quite a few.

DR. LATERNSEER: Generaloberst, you still have not quite answered my question. I asked you whether you knew anything about Himmler's attempt to make Hitler hostile, for reasons which I hope you will tell me.

JODL: Well, the outcome of what I have just described was that Himmler went to the Führer and reported to him, privately of course. He complained about certain commanding generals, all

of them of the Army; and we knew about it, because the following day the Führer suddenly began to raise some objections to some commanding general without our knowing why, and would cause bad feeling.

DR. LATERNSEER: How were the relations between the OKW and the OKH?

JODL: Before the war and during the first part of the war the relationship between the High Command of the Armed Forces and the High Command of the Army was made difficult by considerable tension. The reason, however, was exclusively an internal military one. Because in the creation of the High Command of the Armed Forces a general staff group had come into being which was outside the jurisdiction of the Chief of the General Staff of the Army, and which was, I should say, even above the General Staff of the Army and gave orders to them. This constellation was, of course, regarded with a great deal of distrust by the General Staff of the Army. I might add, however, that Field Marshal Keitel and I, and many reasonable officers, succeeded in completely overcoming this tension as the war went on.

DR. LATERNSEER: I think, Generaloberst, that that is enough on that point.

The military leaders are accused of having delayed the end of a hopeless war unnecessarily. What do you know about the efforts of Field Marshal Von Rundstedt and Rommel after the invasion had succeeded?

JODL: I remember a conference with these two commanding generals when the Führer and I flew to the headquarters which had been prepared north of Reims. That was about July 1944. During that conference, both Field Marshal Von Rundstedt and particularly Rommel described in an unmistakable manner the seriousness of the entire situation in France, characterized by the tremendous superiority of the Anglo-Saxon Air Force, against which ground operations were powerless. I remember quite clearly that Field Marshal Rommel asked the Führer at the end, "My Führer, what do you really think about the further development of the war?" The Führer was rather angry at this remark, and he answered curtly, "That is a question which is no part of your duty. You will have to leave that to me."

DR. LATERNSEER: Did you read the letter which Field Marshal Von Kluge wrote to Hitler shortly before he died?

JODL: I stood next to the Führer when he received this letter. He opened the envelope, read the letter, and then gave it to me to read. It said exactly the opposite of what I had expected. Field Marshal Von Kluge began his letter with fulsome praise for the

Führer's personality and steadfastness in the conduct of the war. He said that he was much more in sympathy with his ideals than the Führer assumed. He had begun his task in the West full of confidence. But as the promised support of our own Air Force had not been given he was now convinced that the situation was hopeless, and his dying counsel was to make peace now. That briefly, was what the letter contained.

DR. LATERNSEER: Generaloberst, can you give further examples regarding the efforts of the commanding generals to end the hopeless war?

JODL: No commanding general could touch upon the political question, because the ending of a war is not a military but a political decision. But indirectly I must say that there was not one officer in a responsible position who did not tell the Führer soberly, honestly, and openly what the military situation was and describe it as hopeless—as indeed it turned out to be at the end. I, myself, too, expressed this view in writing in a memorandum to the Führer.

DR. LATERNSEER: I have a few questions regarding the various campaigns.

What was the attitude of the High Command of the Army, particularly Field Marshal Von Brauchitsch, regarding the Austrian campaign?

JODL: The evening before the march into Austria, at about 2 o'clock in the morning, I was with Field Marshal Von Brauchitsch. I found him in a dejected mood. I saw no reason for it; but apparently he was convinced that this march into Austria might possibly lead to a military conflict either with Italy or with Czechoslovakia. Or perhaps from a political point of view he was not quite pleased about this impending increase of the south German element in the Reich. I do not know. But at any rate he was most dejected.

DR. LATERNSEER: What were the reasons for the tension which existed between Hitler on the one hand and the military leaders on the other after the Polish campaign?

JODL: The conflict was particularly serious at that time because the Commander-in-Chief of the Army and many of the higher generals held the view I described this morning—namely, that we should remain quiet in the West to end the war. As this again was a political argument, which they could not use, the Commander-in-Chief of the Army presented a military argument to the Führer at that time. This argument was that considering the conditions in which our Army was at the time, it would not be in a position to defeat the French Army, strengthened by the British Army, in

an offensive. That made the Führer extremely bitter, and this bitterness expressed itself repeatedly in every speech to the commanding generals. The entire speech of 23 November, the entire memorandum which he wrote on 10 October can only be explained in the light of that conflict.

DR. LATERNSEER: The Prosecution, as a basis for the Indictment of the group, have presented a number of affidavits. I should like to ask you to state your views in connection with Affidavit Number 12, Document 3710-PS, Exhibit USA-557, which was made by Walter Schellenberg. There on Page 1 Schellenberg testifies that in the front zone the SD special task groups were entirely under the command of the armies—that is to say, tactically, technically, and from the point of view of troop service, as he says in his affidavit. Is that true, Generaloberst?

JODL: It is only true to a very limited extent. I must start my answer by saying I was not familiar with the idea of the Einsatzgruppe and Einsatzkommando until I came here to Nuremberg. I must say that quite openly, even at the risk of being called a "Parsifal," but it is a fact. I only knew about the Police. The operational territory of the Army was divided into three sectors. The front line was called the fighting zone, and that went back approximately as far as the enemy artillery could fire. In that sector everything, that was anything at all, was in all respects subordinate to the Army. But in that sector there was no Police—except the Secret Field Police, who were in any case completely under the jurisdiction of the Army.

DR. LATERNSEER: The Secret Field Police were actually a part of the division, were they not?

JODL: Yes, they were divisional troops which carried out police work among the troops. Then came the rear area of the armies which was under the commanding generals of the armies, and behind that were the lines of communication of the Army which comprised all the supply units and services of the Quartermaster General of the Army. In this main sector—which was by far the largest sector as it comprised 97 percent of the entire operational area—the entire Police and everything which did not belong to the Army organically was not under the command of the Army, as far as tasks were concerned, but under the Police, under the Reichsführer SS Himmler. Only from the standpoint of servicing the troops—that is, with regard to their supplies or movements during advance or retreat—did the Army, of course, have the right to give orders to the troops regarding their movements and their accommodation.

DR. LATERNSEER: Schellenberg states that in the rear operational areas and in the rear areas of the Army these special task

groups came under the Army only as far as supplies were concerned; and as far as orders and tasks were concerned, under the Reich Security Main Office. Is that correct?

JODL: That is correct. The entire Police received orders about what they were to do from Himmler only.

DR. LATERNSEER: Schellenberg also states further in his Affidavit Number 12, Document 3710-PS, Exhibit USA-557, that this subordination as regards troop servicing also included the question of discipline. Is that true?

JODL: That is wrong. An officer of the Army could never punish a member of the Police or the SS.

DR. LATERNSEER: As has been established, the chief task of these special task groups was to carry out mass extermination of Jews and Communists. Schellenberg states in his Affidavit Number 12 that he was convinced that the commanding generals of the army groups and armies had been clearly informed of these tasks through official channels. Since Schellenberg has stated his conviction in this affidavit I ask you to give us yours, because I think I am right in assuming that you were with the best informed officers of the Armed Forces.

JODL: I cannot, of course, judge exactly what the commanding generals actually experienced while they were together at the front; but I can say with absolute certainty that I have never seen an order which revealed that these police units had been sent into the operational zone for any other purpose than that of maintaining quiet and order, from the police point of view, and uncovering revolts and partisan activities. I have never seen a report or an order which contained anything other than that.

DR. LATERNSEER: Do you believe, Generaloberst, that the commanding generals of the armies or army groups would have tolerated those conditions without protest?

JODL: I consider that out of the question, because even in the case of much smaller incidents they raised the most violent protests. Hundreds of documents which have been offered by the Prosecution here show how the troops at the front had objected to measures which they considered inadmissible from a humane point of view or dangerous to peace and order in the occupied territories. I have only to remind you of Blaskowitz' memorandum, which was one of the first.

DR. LATERNSEER: Did you read that memorandum?

JODL: No, I did not read it. I only heard about it.

DR. LATERNSEER: Furthermore, the Prosecution have submitted Affidavit Number 13 from Rittmeister Wilhelm Scheidt. It is Document 3711-PS, Exhibit USA-558. Scheidt says in this affidavit, and I quote from Page 2: "It was a generally known fact that the partisan fights were conducted with cruelty on both sides."

I skip a sentence. He goes on to say:

"There is no question but that these facts must have been known to the leading officers in the Armed Forces Operations Staff and in the General Staff of the Army. It was also known that it was Hitler's view that in the fight against partisans only the use of cruel, intimidating punishment could be successful."

Is Rittmeister Scheidt's statement correct, namely, that the leading officers of the Armed Forces Operations Staff and the General Staff of the Army knew of the cruelty employed by both sides in the partisan fighting?

JODL: What we knew about the conduct of partisan warfare has already been submitted to this Tribunal. I refer to the instructions which I signed regarding the combating of partisans in Document F-665, Exhibit RF-411. It begins with a lengthy discourse on how the partisans conducted this war. Of course, we did not invent this. This was extracted from hundreds of reports. That troops in such a fight, seeing the methods employed by the enemy, would on their part not be exactly mild can readily be imagined. In spite of that the directives which we issued never contained a word to the effect that no prisoners were to be taken in these partisan fights. On the contrary, all reports showed that the number taken prisoner was larger by far than the number killed. That it was the Führer's view that in their fight against the partisans the troops should in no way be restricted is authentically proved by the many arguments which I, as well as the General Staff of the Army, had with the Führer on this subject.

DR. LATERNSEER: What if the commanding generals received reports about cruelties committed by their own soldiers?

JODL: Then they would be court-martialed. That again is established in the documents. I remind you of an order, issued by the Führer, which begins with the sentence, "It has been reported to me that individual soldiers of the Armed Forces have been dealt with by court martial because of their behavior when fighting partisans."

DR. LATERNSEER: And that was the only thing the commanding general could do in a case like that?

JODL: There was no other way open. And even on these orders, he always acted in accordance with his own legal judgment. Who could stop him from doing that?

DR. LATERNER: The Prosecution have also submitted Affidavit Number 15, by General Röttiger, Document 5713-PS which is numbered Exhibit USA-559. In this affidavit General Röttiger states, in the middle of Page 1:

"Only now, on the strength of documents put before me, do I realize that in issuing the order to employ the severest measures to combat partisans, the highest levels might possibly have had in mind the final aim of using this combating of partisans by the Army to achieve the relentless extermination of Jewry and other undesirable elements."

Did the military leadership at the highest level hold any such point of view, and was that their final aim?

JODL: No. Of course, one is wise after the event. I too have learned many things today which I did not know before. However, this knowledge does not apply at all here, because there were next to no Jews among the partisans. In the main, these partisans were fanatical Russian fighters—mostly White Russians—and were as hard as steel. And, to a question put by my counsel, even the witness Bach-Zelewski had to admit that there were just about no Jews among these partisans.

As regards the extermination of Slavs, I can only say that the Slavs who were killed in the partisan fighting amounted to no more than one-twentieth or one-thirtieth of the numbers which in the normal, large-scale battles with the Soviet Russian armies the Russians lost in dead or wounded. As far as figures are concerned, that carries no weight at all. Therefore that is a completely erroneous view.

DR. LATERNER: A further Affidavit, Number 16, by the same General Röttiger, was submitted by the Prosecution under Document 5714-PS, Exhibit Number USA-560. In the last sentence General Röttiger states the following, and I quote:

"Although generally speaking one knew what the special tasks of the SD units were, and although this apparently happened with the knowledge of the highest leaders of the Armed Forces, we opposed these methods as far as possible since it meant endangering our own troops."

In other words, General Röttiger, in his affidavit, maintains that the special tasks of the SD units were apparently carried out with the knowledge of the highest military leaders. If that is correct, then, you, Generaloberst, must have known about the tasks and these questions you have already...

JODL: Yes, I have already answered. I have never spoken to a single officer who had knowledge of these matters and told me about them.

DR. LATERNSEER: Also, in the case against the General Staff and the OKW, the Prosecution have submitted Affidavit 17, Document 3715-PS, Exhibit Number USA-562. This affidavit comes from SS Leader Rode. Rode states, at the top of Page 2:

"As proof, one can quote the OKW and OKH order which stated that all members of partisan groups who had been captured, such as Jews, agents, and political commissars, were to be handed over by the troops to the SD for 'special treatment' without delay. Apart from that, this order contained instructions that in guerrilla fighting no prisoners, apart from the above-mentioned, were to be taken."

Generaloberst, was there such an order that in guerrilla fighting no prisoners were to be taken?

JODL: Such an order never existed. I have never seen such an order. It was not contained in the instructions regarding guerrilla fighting. Apart from that, practically every word in that statement is untrue. There never was an order from the OKW-OKH—that is, an order which came from both departments. Jews among the guerrillas. I have already dealt with that. Agents among the guerrillas. Agents—that is a chapter by itself. Political commissars. That is quite another point. They were never handed over to the SD for special treatment—if they were handed over at all—because the task of the SD was an entirely different one. They may have been handed over to the Security Police. In other words, every word is untrue.

DR. LATERNSEER: There is an Affidavit Number 18, by the same SS Leader Rode, which the Prosecution have submitted under Document 3716-PS, Exhibit Number USA-563. Rode states as follows in this affidavit:

"As far as is known to me, the SD special task groups, attached to the various army groups, were under the jurisdiction of the latter in every way—that is to say, tactically, as well as in every other way. For that reason, the tasks and methods of these units were fully known to the commanding generals. They approved of the tasks and methods, since apparently, they never raised any decisive objections to them."

Do you know SS Leader Rode?

JODL: No, I do not know him. I do not think it is necessary to say much about this, because the General of the Police Schellenberg, who led such a special task group himself, and who really

must know, has stated quite clearly on this witness stand what jurisdiction he was under and from whom he received his orders.

DR. LATERNSEER: That was not the witness Schellenberg; that was Ohlendorf.

JODL: Ohlendorf? Yes.

DR. LATERNSEER: Now, I have a few questions about the Commissar Order. Were you present at the conference when Hitler gave the Commissar Order orally to the commanding generals?

JODL: As far as I remember, right at the beginning he spoke only to the Commander-in-Chief of the Army, or the Chief of the General Staff and a few officers of the OKW, about this Commissar Order. As far as I recollect he referred to that order of his at a later date when addressing the commanding generals. I believe that it was during that second conference that he used the words, "I cannot expect that my generals understand my orders, but I must demand that they obey them."

DR. LATERNSEER: Do you know any commanding generals who resisted that order?

JODL: Later on someone told me—I do not know whether it is true—that Field Marshal Rommel had burned this order. But...

DR. LATERNSEER: Does not that recollection of yours refer to the Commando Order? General Field Marshal Rommel was...

JODL: Oh, yes, that was the Commando Order. You are talking about the Commissar Order, are you not?

DR. LATERNSEER: Yes, that is right.

JODL: I remember that there were constant objections from the High Command of the Army which, unfortunately, had to carry out this order, and these went on for a long time. Officers of the General Staff told me confidentially that for the most part it was not being carried out. I know of one official application made to the Führer to have this order officially withdrawn. That was done, although I cannot remember when.

DR. LATERNSEER: Who made that application?

JODL: The High Command of the Army. Whether it was the Chief of the General Staff or the Commander-in-Chief, I cannot say.

DR. LATERNSEER: When was this application made?

JODL: I believe it was in the spring of 1942.

DR. LATERNSEER: The spring of 1942? And to that application...

JODL: I know for certain, the order was withdrawn.

DR. LATERNSEER: Did you talk to any commanding general who approved of that order?

JODL: No. All the officers to whom I spoke considered, first, that the order should be turned down from the humane point of view and, secondly, that it was wrong from the practical point of view.

DR. LATERNSEER: When Hitler gave his reasons for this order orally—and you have already told us some of them—he is supposed to have mentioned additional reasons for making it. I should like you to tell us what they were so that we may get this matter quite clear.

JODL: He gave a lengthy explanation—as he always did when he felt it necessary to convince somebody.

DR. LATERNSEER: Did he state...

THE PRESIDENT: Have not these reasons already been given?

DR. LATERNSEER: As far as I am informed, Mr. President, they have not yet all been given.

[Turning to the defendant.] During that conference did Hitler state...

THE PRESIDENT: One moment. Haven't you already given the reasons which, you say, Hitler gave for this order?

JODL: I have not given some very important reasons, which the Führer also pointed out. They were...

THE PRESIDENT: Wait a minute.

Dr. Laternser, I have already had to ask you to be more brief on many occasions in which you have examined witnesses, and really you have spent over an hour already on this High Command Staff. Every witness who comes to the box you take a very long time over, and the Tribunal think that a great deal of their time has been wasted by you. Now, this witness can give any further reasons, but I do not want any argument about it. He can give his explanation now.

JODL: I have only to add that the Führer said on that occasion: "If you do not believe what I am telling you, then read the reports from Counterintelligence which we have received regarding the behavior of the Russian commissars in the occupied Baltic states. Then you will get a picture of what can be expected from these commissars."

He also stated that.

DR. LATERNSEER: I should like to put a question to you about the report in Document 884-PS, submitted under Exhibit USSR-351.

THE PRESIDENT: Repeat the number please.

DR. LATERNSEER: Number 884-PS, it is a document submitted by the Russian Prosecution on 13 February, and it is on Page 151

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of the second document book for General Jodl. Under Number II of this report, Page 153, there is the following statement. I quote, "To this, Reichsleiter Rosenberg in Memorandum 3 suggests..." I do not want to read further. The next is a suggestion.

I would like to ask you for what reason this Number II was brought out in this report.

JODL: I can only guess because I did not write it. But I have no doubt...

THE PRESIDENT: We do not want his guesses, you know. If he can only guess, then he had better not guess. We want evidence, not guesses.

DR. LATERNSEER: Yes, I will dispense with this question. I assumed that the witness would have personal knowledge about that.

Witness, you said yesterday that the Commando Order of 18 October 1942 had been changed—that is, partially revoked by application of the Commander, West. Who was that Commander, West who had applied for that change?

JODL: General Field Marshal Von Rundstedt, and he applied to have the entire order withdrawn.

DR. LATERNSEER: You know the order by General Von Reichenau which the Russian Prosecution submitted on 13 February as Document USSR-12? It is dated 10 October 1941. Do you know the reasons this order was issued?

JODL: Yes. Reichenau, at that time, was commanding general of the 6th Army, and in his army sector was the town of Kiev. This morning I already started to describe events that took place in Kiev at the end of September, and that was the reason for this order.

DR. LATERNSEER: How did the commanding generals exercise their jurisdiction—strictly, or not so strictly?

JODL: I know this because Dr. Lehmann...

THE PRESIDENT: That has nothing to do with the charge against the High Command. There is no charge against the High Command for having arranged courts martial or administering their courts martial improperly.

DR. LATERNSEER: Mr. President, I believe I am of a different opinion on this point. If the commanding generals heard of any breaches of discipline or atrocities...

THE PRESIDENT: Do you know of anything in the Indictment, or anything in the evidence, which charges the High Command, or

any member of the High Command, with improper behavior at a court martial, or in connection with a court martial?

DR. LATERNSEER: No. I merely want to discover the typical attitude of the High Command.

[Turning to the defendant.] What do you know about the reasons for the mass deaths which occurred among Russian prisoners of war during the winter of 1941?

JODL: I am informed on this subject because several adjutants of the Führer were sent there personally, and they reported to the Führer in my presence. We were mostly concerned with the mass deaths after the last great battle for the Viazma pocket. The reason for the mass deaths was described by the Führer's adjutants as follows: The half-famished encircled Russian armies had put up fanatical resistance during the last 8 or 10 days. They literally lived on the bark of trees and roots because they had retreated to impenetrable wooded country, and when they fell into our hands they were in such a condition that they could hardly move. It was impossible to transport them. The situation as regards supplies was critical, because the railway system had been destroyed, so that it was impossible to take them all away. There were no accommodations nearby. Only immediate careful hospital treatment could have saved the majority of them. Soon afterwards the rain started, and then the cold set in, and that is the reason why such a large number of those prisoners—particularly these prisoners of Viazma—died.

That is the report of the Führer's adjutants who had been sent there to investigate. Similar reports came from the Quartermaster General of the Army.

DR. LATERNSEER: What do you know about the shelling of Leningrad by German artillery? You remember that a witness has been examined here on that point?

JODL: I was present during two conferences which the Führer himself had with the German artillery commander who was in charge of the artillery before Leningrad. He brought along the exact target chart, and it showed a very carefully worked-out system, according to which only key plants in Leningrad were marked as necessary targets, so as to cripple the power of resistance of the fortress. They were mostly factories which were still producing munitions. The ammunition for this heavy artillery, only a small portion of which could reach the center of Leningrad, was so scarce that one had to be extremely economical in its use. They were mostly captured guns from France, and we only had as much ammunition as we had captured.

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DR. LATERNSEER: You know that the witness has asserted that in his opinion the artillery deliberately destroyed the castles in Leningrad. You have seen the target chart for this artillery?

JODL: Yes; I myself had the artillery target chart in my brief case for many weeks. Only the armament industry was marked on it. It would have been insane to shoot at anything else. Of course, every artilleryman knows that through dispersion the shots can fall elsewhere.

DR. LATERNSEER: What do you know about the order from Hitler and the OKH to destroy dwellings and fireplaces during the retreat in the winter of 1941? What was the reason for that order?

JODL: The reasons are that...

DR. LATERNSEER: I refer to the Order USSR-130. Unfortunately, I have not been able to ascertain on what day the Prosecution presented this order. I shall ascertain it later and have the Tribunal informed.

JODL: During that frightful winter battle, with a temperature of 48 degrees of frost, the commanders at the front reported to the Führer in his headquarters that this battle was exclusively a battle for warm shelter. Those who did not have some sort of heating arrangement—that is to say, a village with serviceable stoves—could not hold out and would not be able to fight the following day. One could say it was really a fight for stoves. And when, because of this, we were forced to retreat, the Führer then ordered that those fireplaces must be destroyed—not only the houses but also the fireplaces were to be blown up—because in such a critical situation that alone would prevent the Russians from pursuing. Since, in accordance with the Hague Regulations for Land Warfare, every type of destruction is permissible which is absolutely necessary from the military point of view, I believe that for this type of winter warfare—and it happened only during the winter—that order can be justified.

DR. LATERNSEER: What do you know about the case of Katyn?

JODL: Regarding the finding of these mass graves, I received the first report through my propaganda department, which was informed through its propaganda company attached to the army group. I heard that the Reich Police Criminal Department had been given the task of investigating the whole affair, and I then sent an officer from my propaganda department to the exhumation to check the findings of the foreign experts. I received a report which, in general, tallies with the report which is contained in the *White Book* issued, I think, by the Foreign Office. I have never heard anyone raise any doubts as to the facts as they were presented.

DR. LATERNSEER: You have also seen the film which the Russian Prosecution have shown in this courtroom, and which showed atrocities committed in the Yugoslav theater of war. Can you explain any of the pictures which you perhaps still recollect?

JODL: I believe that every picture shown in this courtroom is, and was, perfectly truthful as a picture. These were captured photographs. But it has never been said what the photographs represented. It was not clear from the film whether the dog that was mauling a human being was not photographed in an army dog training center.

THE PRESIDENT: That is mere argument.

DR. LATERNSEER: I was about to stop him.

THE PRESIDENT: Yes.

DR. LATERNSEER: I was thinking of certain photographs which you might be able to clarify with a statement as: "I remember one photograph of a police dog jumping at a human being or a dummy." Can you say . . .

THE PRESIDENT: You asked him about these photographs, and he says that they were all true—in his opinion—true pictures; and he didn't take them. He doesn't know anything about them, and anything that he can say upon them appears to us to be argument.

DR. LATERNSEER: I will withdraw that question.

Generaloberst, was Louvain captured in the manner as testified by the witness Van der Essen? The witness Van der Essen said that Louvain was taken without fighting.

JODL: I have ascertained that the Armed Forces communiqué of, I think, 18 May contains the sentence, "Louvain taken after heavy fighting." But I do not believe . . .

THE PRESIDENT: What was the place that you are asking about?

DR. LATERNSEER: I asked the witness in what way Louvain was captured: whether it was only evacuated by the enemy, and then occupied, or whether the town had to be fought for. The witness has stated that there was no fighting for Louvain, and that therefore it was a particularly despicable act.

THE PRESIDENT: How did it affect the General Staff?

DR. LATERNSEER: Well, in that case, Mr. President, I do not know who should be blamed for this event. I cannot see any connection with any one of the defendants; and if nobody can be blamed for it, we must strike out the whole event.

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THE PRESIDENT: Is it one of the events which is charged in the Indictment?

DR. LATERNSEER: No, the Indictment does not refer to it.

THE PRESIDENT: And the evidence, did the evidence deal with it?

DR. LATERNSEER: There is no reference to it in the Indictment; but in the evidence, a witness was produced who stated that the University of Louvain was willfully destroyed by the German artillery although there was no reason to fire on the town.

THE PRESIDENT: I didn't catch the place—but go on.

JODL: I know that the Armed Forces communiqué of 18 May 1940 contained the sentence, "Louvain captured after heavy fighting." Even though the German Armed Forces communiqué was silent on some things, it certainly never stated deliberate untruths. I can say that because I edited it.

DR. LATERNSEER: You already spoke yesterday about the case of Oradour. I merely wanted to ask you what Field Marshal Von Rundstedt did about this event when it was reported to him.

JODL: Many weeks afterwards I learned that an investigation had been started by Field Marshal Von Rundstedt, and that there was correspondence about the case of Oradour between Field Marshal Keitel, the Armistice Commission, and Field Marshal Von Rundstedt.

DR. LATERNSEER: Did the Commander, West begin court-martial proceedings?

JODL: He must have done so, because I read a statement of an SS court in connection with this event.

DR. LATERNSEER: What was the outcome of those proceedings?

JODL: I cannot say.

DR. LATERNSEER: Then I come to the last points. How many conferences were there before the Ardennes Offensive in December 1944?

JODL: There were four conferences about the Ardennes Offensive.

DR. LATERNSEER: Did you attend all of them?

JODL: I took part in all of them.

DR. LATERNSEER: Was there ever any request for an order, or was an order ever issued at one of these conferences to shoot prisoners during this offensive?

JODL: No. And I can also add that not once during any one of those conferences was a single word mentioned which did not deal

with purely operational considerations. There was no talk at all about the conduct of the troops.

DR. LATERNSEER: Generaloberst, would you have known if such an order had been issued by—let us assume—Field Marshal Von Rundstedt?

JODL: There can be no question of such an order. It never could have been issued through the military channels. It could have been issued only through the Police—that is to say, Himmler or the SS.

DR. LATERNSEER: But then it would not have been binding on the units of the Armed Forces—that is, of the Army?

JODL: It is quite out of the question that any commanding general of the Army would even have accepted such an order; and I know of no order of the Führer which was directed against ordinary prisoners in this way.

DR. LATERNSEER: I merely put that question because the witness Van der Essen also stated in this courtroom that, judging by the way the prisoners were treated, he had to draw the conclusion that it was the result of an order from a higher level. That is why I asked that question.

Do you know the case—the Commando case?

THE PRESIDENT: I thought you had put your last question. You said that was your last question.

DR. LATERNSEER: The last questions. Mr. President, I shall be through in about 5 minutes. I ask you to take into consideration the fact that Generaloberst Jodl is a member of the indicted group, and that he is the officer who is best informed, and that an hour and a half for such an examination is not an excessive amount of time.

[Turning to the defendant.] Do you know the Commando case in which the son of the British Field Marshal Alexander was a participant?

JODL: Yes, I know the case.

DR. LATERNSEER: Please tell us about it.

JODL: I heard about this affair through a report—I cannot quite remember whom it came from. I discussed it with Field Marshal Keitel, and I expressed the view that it was not necessary to take court proceedings against a lieutenant just because he was wearing a German cap during an action of this kind. Court proceedings were in progress against him, and Field Marshal Keitel gave the order that these proceedings be discontinued.

DR. LATERNSEER: And the proceedings were discontinued?

JODL: Yes, they were.

DR. LATERNSEER: Well now, regarding the extent of the group, two more questions: What was the jurisdiction of the Deputy Chief of the Armed Forces Operations Staff?

JODL: The Deputy Chief of the Armed Forces Operations Staff—I would say—directed, in practice, the general staff work of my entire staff, from which, of course, I was separated to a certain extent because I was in the so-called Security Circle Number 1, and my staff was in Security Circle Number 2—that is to say, outside; and the whole of this general staff work within the inner staff was directed by him, and if necessary, he acted, of course, as my deputy.

DR. LATERNSEER: The Prosecution have stated that the Deputy Chief of the Armed Forces Operations Staff was responsible for strategic planning. Is that correct?

JODL: No. I was primarily responsible.

DR. LATERNSEER: Is the significance of the position of this Deputy Chief of the Armed Forces Operations Staff equal to the significance of the other positions which are comprised in the indicted group?

JODL: No, it is far below that. He did not have the position of a commanding general of an army, nor the position of a General Staff chief.

DR. LATERNSEER: Thank you very much; I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

[A recess was taken.]

THE PRESIDENT: Does any other defendant's counsel want to ask any questions.

DR. STAHLER: Were you present, Generaloberst, when toward the end of March 1944 Himmler reported to Hitler, during the situation conference, that about 80 Royal Air Force officers had escaped from the camp, Stalag III, at Sagan?

JODL: At the moment when Himmler reported this fact, I was not in the big hall of the Berghof. I was in the next room telephoning. Hearing a very loud discussion, I went over to the curtain to hear what was going on. I heard that they were talking about the escape of the English airmen from the Sagan Camp.

DR. STAHLER: Was Reich Marshal Göring present at this situation conference?

JODL: The Reich Marshal was not present at this situation conference. I am absolutely certain about that.

DR. STAHLER: In later talks with the Reich Marshal, did you find out what he thought of the shooting of some of the escaped officers?

JODL: From talks with the Chief of the General Staff of the Luftwaffe, I learned that the Reich Marshal was indignant at this shooting, and I knew that particularly in situations such as these the former officer in him who did not approve of such incredible acts came to the surface. One must give him his due. There were repeated arguments over this between him and the Führer, which I witnessed personally.

DR. STAHLER: I have no more questions.

HERR GEORG BÖHM (Counsel for SA): With the permission of the Court, I will ask the witness a few questions.

Witness, you were Chief of the Armed Forces Operations Staff, and the units at your disposal were known to you. The Prosecution assert that you expected to find in the SA a fighting unit in the first days of aggressive war on the basis of the so-called Commando unit (Kommandotruppe). Now I should like to ask you if the term Commando unit is known to you in connection with the use of the SA by the Wehrmacht.

JODL: No, that is not known to me. I heard the word Commando unit for the first time in connection with the undertakings of the English Ranger battalions. We never used this term.

HERR BÖHM: There can be no question then that the SA was used as a Commando unit behind the regular troops in the entry into Austria or in the occupation of the Sudetenland?

JODL: I know of no case where formations of the SA co-operated in the occupation of another country—with the exception of the Henlein Free Corps; but that, however, consisted primarily of Sudeten-German refugees. In the Henlein Free Corps there were, I believe, a few SA leaders who had formerly been officers.

HERR BÖHM: Was the Feldherrnhalle Regiment used as an SA unit or as a Wehrmacht regiment in the war?

JODL: The Feldherrnhalle Regiment was definitely a Wehrmacht regiment. I should like to say that it embodied the traditions of the SA, and it was recruited primarily from the SA, but it had nothing whatever to do with the Supreme SA Command. It was a Wehrmacht regiment in every sense of the word.

HERR BÖHM: Do you know anything about the fact that in 25 group schools, and in 3 Reich leader schools of the SA, 22,000

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to 25,000 leaders and assistant leaders were trained annually for the front, and that these 22,000 to 25,000 leaders and assistant leaders were used as such in the Wehrmacht?

JODL: I know nothing about this, and I consider it impossible that the Wehrmacht had its leaders and assistant leaders trained by anyone else than by its own personnel.

HERR BÖHM: Would not the position be that all the SA members were drafted into the Wehrmacht as ordinary soldiers, and had to rise from the ranks in the same way as any Wehrmacht soldier?

JODL: The SA were drafted into the Wehrmacht the same as any other German. I know of many cases where high SA leaders started their service in the Wehrmacht in the very lowest positions as soldiers or as noncommissioned officers.

HERR BÖHM: Then, the Prosecution also assert that after 1934 the SA trained not only 22,000 to 25,000 leaders and assistant leaders, but that 25,000 officers, commissioned and noncommissioned, were trained by the SA for the Wehrmacht. Do you know anything about this?

JODL: What I said before about assistant leaders is true to an even much greater extent among the officers. The officers were trained only in the military schools of the Army and nowhere else.

HERR BÖHM: The Prosecution assert further—and I ask whether you know anything about this—that in the course of extending the war effort, 86 percent of the professional leadership corps were made available.

JODL: I cannot give a binding answer to that. I do not know about that.

HERR BÖHM: And the Prosecution assert further that the SA sent 70 percent of its millions of members straight to the Wehrmacht. It may be that 70 percent of the SA members did their military service. I want to ask you whether these 70 percent were taken straight from the SA or whether they were called up in the ordinary groups which applied to the able-bodied male population?

JODL: No importance whatsoever was attached to the SA when men were drafted into the Army. The SA man was drafted like any other German who was called up for military service. Whether or not a man had been in the SA previously, did not matter in the slightest.

HERR BÖHM: Did the Wehrmacht ever take SA signal units (Stürme), engineer units, or cavalry units, or medical units, and use them in action inside or outside a division of the Wehrmacht?

JODL: I personally knew of no case where any SA unit appeared in action outside Germany during the war.

HERR BÖHM: Did the Chief of the Armed Forces Operations Staff have a liaison man with the SA?

JODL: No. From time to time an officer came to me from the Supreme SA Command, and he generally inquired as to the fate and well-being of the Feldherrnhalle Regiment, which had come primarily from the SA, or was composed mainly of members of the SA, and later, about a Panzer formation which also continued the tradition of the Feldherrnhalle of the SA.

HERR BÖHM: The Prosecution have submitted a newspaper which shows that on the occasion of the mustering of SA members, Field Marshal Brauchitsch was present. They want to show from this the close connection between the training of the SA and the Wehrmacht. Can you explain this photograph?

JODL: I believe it can be explained by the fact that Field Marshal Von Brauchitsch accompanied the Chief of Staff Lutze once when the latter inspected an ordinary SA unit, and he was accompanied by Field Marshal Von Brauchitsch because, as I have already said, after the Röhm Putsch we no longer had any cause for conflict with the SA. At the outbreak of war the SA placed all their equipment, including all tent squares, at the disposal of the Wehrmacht. I remember very clearly.

HERR BÖHM: Could this visit of Field Marshal Von Brauchitsch, when he inspected the SA members, be part of the official activity of the Field Marshal?

JODL: No, in my opinion that was an act of courtesy.

HERR BÖHM: From the point of view of conspiracy with which the SA is charged here, do you know that it was said to have always been the task of the SA, especially in the years 1933 to 1939, to prepare Germany, and especially the youth, for a difficult war of conquest by instilling, increasing, and maintaining a warlike spirit in Germany, especially among the youth? Do you know anything in this connection from personal observations?

JODL: I do not know anything about that. That the SA, as a branch of the Party, also endeavored to foster the patriotic spirit within its ranks, to carry on physical training, is a matter of course. As to preparing for wars of aggression, no one ever did that.

HERR BÖHM: But that was asserted here in regard to the SA. You are of the opinion that it is not true?

JODL: I have no reason to think that it is true.

HERR BÖHM: I have no more questions.

DR. MARTIN HORN (Counsel for Defendant Von Ribbentrop): Generaloberst, the 26th of August 1939 was fixed as X-Day for the attack on Poland. Is it true that on 25 August the order to attack was withdrawn upon the urgent request of Ribbentrop because, according to the communication which reached the Foreign Office, Great Britain had ratified the Treaty of Alliance concluded with Poland on 6 April 1939, and Ribbentrop told the Führer that the advance of German troops would therefore mean war with Great Britain?

JODL: I cannot answer the whole of your question, but I do know something about it. When, on the 25th, to our great surprise we received the order, "The attack fixed for the 26th will not take place," I telephoned to the then Major Schmudt—Field Marshal Keitel was not there—and asked him what was the matter. He told me that shortly before the Reich Foreign Minister had reported to the Führer that Britain had concluded a pact—a mutual assistance pact—with Poland; and for that reason he could expect British intervention in the war with Poland. For this reason the Führer had withdrawn the order for attack. That is what I learned at that time.

DR. HORN: In the spring of 1941, after the Simovic Putsch, the Führer held a conference with the Commanders-in-Chief of the branches of the Wehrmacht and the Defendant Von Ribbentrop was called in to this conference later. Is it true that at this conference Von Ribbentrop represented the point of view that before military action was taken, an attempt should be made to settle the differences with Yugoslavia by diplomatic means? How did Hitler react to this suggestion?

JODL: I recall this incident especially well because about 1 hour before I had said the same thing to the Führer, that we should clear up the situation with an ultimatum. An hour later, without knowing about this, the Reich Foreign Minister made the same remark, and he fared considerably worse than I did. The Führer said:

"Is that how you size up the situation? The Yugoslavs would swear black is white. Of course, they say they have no warlike intentions, and when we march into Greece they will stab us in the back."

I recall that statement very exactly.

DR. HORN: Generaloberst, is it true that the Foreign Office from the very outbreak of the Russian war was completely eliminated from Eastern questions, that Ribbentrop complained personally and through his liaison man, Ambassador Ritter, and that he had no success with his suggestions to the Führer?

JODL: I know that Ambassador Ritter, who came to see me very often, repeatedly complained in private talks about having such a large part of its field of activity taken away from the Foreign Office, and I must assume that that was not only the opinion of Ambassador Ritter but also the opinion of the whole Foreign Office as well as of the Foreign Minister.

DR. HORN: In your testimony you have already mentioned the fact that the Wehrmacht was against Hitler's intention to renounce the Geneva Convention. Do you know that Ribbentrop also energetically opposed Hitler's intention, and that after the objections of the Wehrmacht had been rejected at the beginning, Ribbentrop then succeeded in inducing Hitler to give up his intention?

JODL: Put that way, I cannot confirm it fully. One thing I know for certain: the Foreign Office informed me in writing of its unfavorable attitude toward this suggestion or idea of the Führer. For me that was conclusive proof that the Reich Foreign Minister held this point of view. I recorded this unfavorable attitude of the Foreign Office—together with the unfavorable attitude of the Army, Navy, and Luftwaffe—in a short memorandum, and submitted it to the Führer. To what extent the Reich Foreign Minister personally remonstrated with the Führer about the matter, I cannot say with certainty.

DR. HORN: Is it true that Von Ribbentrop spoke against the chaining of English prisoners of war as reprisal for the chaining of German prisoners of war, and in agreement with the OKW induced Hitler to discontinue this measure?

JODL: That is true. The Reich Foreign Minister, the Foreign Office, repeatedly remonstrated with the Führer to withdraw the order concerning the chaining of Canadian prisoners, and it must be assumed that these many objections, which were also supported by the OKW, finally succeeded in having the order withdrawn.

HERR BÖHM: In the Tuesday afternoon session you discussed the question of terror-fliers. In this connection you stated that by making inquiries and observations you wanted to prevent the cause for the decision regarding the intended treatment of this question. The Prosecution submitted two documents on this question. One was the record of an alleged talk between Ribbentrop, Göring, and Himmler at Klessheim, the other an opinion by Ambassador Ritter, who has already been mentioned. I would like to hear from you as to whether you know anything about Ribbentrop's attitude toward the handling of the question of terror-fliers, especially whether Ribbentrop advocated that this question be dealt with according to the Geneva Convention, and whether he thought that it was possible to deviate from this Convention only if decisive

military necessities demanded it, and even in that case only by expressly indicating beforehand to the protective powers that it intended to depart from the Geneva Convention?

THE PRESIDENT: Dr. Horn, can't you put that question more shortly; what does he know about it?

DR. HORN: Is it true, Generaloberst, with regard to the question of terror-fliers, that Von Ribbentrop, in the same way as the Wehrmacht, was against departing from the Geneva Convention, and he put this view to Hitler?

JODL: To this I can say—again from talks with Ambassador Ritter—that I knew that the Reich Foreign Minister advocated official procedure, that is, official notice that we could no longer consider certain acts of terror as belonging to regular warfare. That was the original point of view of the Foreign Office. To this I said at the time that the Führer would probably not be interested as I had concluded from his oral instructions. As it turned out, the suggestion, such as the Reich Foreign Minister intended to make, was never put forward, or at least I never saw it.

DR. HORN: Do you know anything of a peace feeler by English officers on behalf of General Alexander, backed up by the English Government, in 1943?

JODL: I know very well that at that time, in Athens, an Englishman—I believe it was an English captain—established contact with us. This captain said that he came from English headquarters in the southeastern area. I was present when the Reich Foreign Minister reported to the Führer about this matter, and I know he suggested that this contact be tried to see what results it might bring. That was done; the Führer agreed; but I heard nothing more about the matter, and apparently nothing came of it.

DR. HORN: Do you know anything about any further peace attempts of Ribbentrop, especially after the Polish campaign, after Dunkirk and 1943?

JODL: I only knew of the attempts and intentions after the Western campaign. At that time the Führer spoke quite openly and frankly with everyone. I myself, as well as the Reich Foreign Minister, heard the Führer agree that peace would be concluded with England at any time only if part of our former colonies were given back to us.

DR. HORN: Is it true that the Defendant Von Ribbentrop suggested to Hitler that Hungarian Jews, insofar as they wished to do so, be permitted to emigrate?

JODL: I recall that too. Shortly after the occupation of Hungary by our troops, at about the beginning of May 1944, there was a

conference at the Berghof, at which a decision was to be reached. The Führer wanted to hear our views as to whether the Hungarian Army should be dissolved, or whether it should be left as it was. At the end of this discussion, which was of a purely military nature, the Reich Foreign Minister said to the Führer, "Can we not send all the Hungarian Jews by ship to some neutral country?" The Führer answered, "That is easier said than done. Do you think that is possible? No one would take them. Besides, it is technically impossible." That is my recollection of this talk.

DR. HORN: You spoke yesterday of the expulsion of the Danish Jews, and you said that this expulsion took place on Himmler's orders. An affidavit by a Colonel Mildner has been submitted to me, in which it is asserted that this expulsion took place on the orders of the Reich Foreign Minister. Is that statement true?

JODL: Before this Himmler-Führer conference, which caused me to send my teletype message to the Wehrmacht Commander in Denmark, I never heard a word about the Jews being deported from Denmark, and I never heard that the Foreign Office had any part in it.

DR. HORN: Did you ever get to know anything about the basic attitude of the Defendant Von Ribbentrop toward the Jewish question?

JODL: Apart from this suggestion about the Hungarian Jews, I do not recall any talk by the Reich Foreign Minister, at which I was present, in which there was any mention of Jews.

DR. HORN: Thank you. I have no further questions.

DR. KRAUS: Did I understand you correctly, Generaloberst, when you testified yesterday that in 1935 it was decided to set up 36 divisions?

JODL: That is true, yes.

DR. KRAUS: I am interested to know how many divisions were ready by 1 April 1938? I am interested in this key date because on that day the financial aid of the Reichsbank stopped. Can you tell me how many divisions were ready on 1 April 1938?

JODL: At that time there were about 27 or 28 divisions actually ready—that is, as regards personnel and matériel.

DR. KRAUS: Can you tell me, Generaloberst, how they were made up?

JODL: I cannot say with certainty.

DR. KRAUS: Approximately?

JODL: I do know that only one Panzer division was ready at that time, one cavalry division, one mountain division, and the rest

were probably infantry divisions. The other Panzer divisions were not yet equipped, and they existed only as skeleton formations.

DR. KRAUS: I would like to know to what extent this armament was increased between that date and the outbreak of the war on 1 September 1939—that is, increased from 27 divisions?

JODL: From the autumn of 1938 on, the picture became much more favorable because the preparations in the armament industry were now producing results, and plenty of equipment was being delivered for the divisions; also, because from this time on, the trained age groups were beginning to come in. Therefore, in the late autumn of 1938, we were in a position to set up approximately 55 divisions—including reserve divisions—even though some of them may have been only poorly equipped. In 1939—as I said before, according to my recollection—there were between 73 and 75 divisions.

DR. KRAUS: Therefore, the number of divisions set up after March or April of 1938, after President Schacht left the Reichsbank, increased by 200 percent in 15 or 16 months, whereas it took more than 3 years to set up 27 divisions?

JODL: That is true, except that these 55 divisions, or rather these 75, were still very short of equipment in the same way as the small number in the spring of 1938, or in April 1938, which I mentioned. But the fact that from that time on armament went much faster was due—as I have said—to the very nature of things.

DR. KRAUS: Thank you, I have no further questions.

DR. KAUFFMANN: Witness, you testified yesterday that the Intelligence Service during Kaltenbrunner's time was better organized than before. Please tell me, what position did Kaltenbrunner hold during your time in the OKW?

JODL: I met Kaltenbrunner when . . .

THE PRESIDENT: Just a moment. Dr. Kauffmann, you have asked a general question. We have had all of Kaltenbrunner's positions given to us more than once. What is it you want to know?

DR. KAUFFMANN: Mr. President, Kaltenbrunner only testified quite generally to the fact that his intelligence service was connected with the military Intelligence Service. This witness can tell us what this connection of the military Intelligence Service with the other intelligence service amounted to, especially as regards its scope and its influence on policy as a whole.

THE PRESIDENT: I didn't understand you to ask him anything about the Intelligence Service. You asked him a quite general question about what relations he had had with the OKW during the time that the defendant was connected with the OKW, in

perfectly general terms. It might have involved an answer which would take about an hour.

DR. KAUFFMANN: May I restate the question which apparently did not come through properly?

Witness, you testified yesterday that in Kaltenbrunner's time the whole Intelligence Service was better organized than before that time—that is, under Canaris. Now, I ask you what position did Kaltenbrunner have within the Intelligence Service?

JODL: Kaltenbrunner...

THE PRESIDENT: What is the particular question that you want to ask? The Tribunal do not think that you ought to ask general questions of this nature. If you have got anything particular that you want to know about, you can ask it.

DR. KAUFFMANN: What did Kaltenbrunner do during the situation discussions which took place daily?

THE PRESIDENT: Dr. Kauffmann, it is scarcely possible to imagine any more general question than that with reference to Kaltenbrunner: What was his activity over a number of years?

DR. KAUFFMANN: Mr. President, I said, during the situation report, that is, the daily military conferences—how did Kaltenbrunner conduct himself? What did he do? What did he say? Did he report? What did his reports consist of? That, in my opinion, is a concrete question.

THE PRESIDENT: What time are you asking about?

DR. KAUFFMANN: I am asking about the time after his appointment as Chief of the Reich Security Main Office, the time from 1943 on. That is the only time which is in question.

THE PRESIDENT: You can ask him with reference to particular conferences, certainly. Why not ask him with reference to particular conferences, if you know any?

DR. KAUFFMANN: That was my intention.

Witness, do you understand what the question is? Will you please tell me?

JODL: As far as I recall, until the spring of 1945 when the headquarters were finally moved to the Reich Chancellery in Berlin, Kaltenbrunner did not take part in any situation discussions. I cannot recall ever seeing him at a discussion in the Führer's headquarters.

DR. KAUFFMANN: Excuse me, do you mean 1944 or 1945?

JODL: 1945. From the spring of 1945—that is, from the end of January, I frequently met Kaltenbrunner in the Reich Chancellery.

Before that time he came to the Führer's headquarters, from time to time, and talked to me there—especially about taking over the Canaris Intelligence Service—but he was not present at the situation conferences of the Führer.

DR. KAUFFMANN: Did he submit written military situation reports?

JODL: Before he took over the Intelligence Service from Canaris—he took it over on 1 May 1944—before he took over the Intelligence Service, he sent me from time to time very good reports from the southeastern area, and these reports first called my attention to his experience in the Intelligence Service. He then took over the Intelligence Service, and although I was against it at first, after I had expressed my views to him I even supported him, for I had the impression that the man knew his business. After that, of course, I constantly received reports from Kaltenbrunner as I previously had received them from Canaris. Not only did I receive the daily reports from agents, but from time to time he sent what I should call a political survey on the basis of the individual agent's reports. These comprehensive situation reports about the political situation everywhere abroad attracted my special attention because they summed up our whole military situation with a frankness, soberness, and seriousness which had not been at all noticeable in Canaris' reports.

DR. KAUFFMANN: Witness, you also testified yesterday that after the daily military situation conference was ended, Hitler gathered around him his trusted confidants and his political men. I ask you now: Was Kaltenbrunner in this circle of confidants?

JODL: I never heard of Kaltenbrunner being in this private circle of the Führer, and I never saw him there. What I saw was a purely official attitude.

DR. KAUFFMANN: Thank you, I have no more questions.

FLOTTENRICHTER OTTO KRANZBÜHLER (Counsel for Defendant Dönitz): Generaloberst, Grossadmiral Dönitz is accused of calling on the Navy to continue to fight in the spring of 1945. Did you yourself, as a responsible military adviser, advise the Führer at that time to capitulate?

JODL: I did not advise him to capitulate at that time. That was completely out of the question. No soldier would have done that. It would have been of no use.

FLOTTENRICHTER KRANZBÜHLER: Not even after the failure of the Ardennes Offensive in February 1945?

JODL: Not even after the failure of the Ardennes Offensive. The Führer realized the situation, as a whole, as well as we did,

and probably much sooner than we did. Therefore, we did not need to say anything to him in this connection.

FLOTTENRICHTER KRANZBÜHLER: What were the reasons for not doing this?

JODL: In the winter of 1944 there were many reasons for not doing this, apart from the fact that the question of capitulation or discontinuing resistance concerns only the Supreme Commander. The reasons against it were, primarily, that we had no doubt there could be only unconditional surrender, for the other countries left us in no doubt on that score; and even if we had had any doubt as to what faced us, it was completely removed by the fact that we captured the English "Eclipse"—the gentlemen of the British Delegation will know what that is. It was exact instructions about what the occupying power was to do in Germany after the capitulation. Now, unconditional surrender meant that the troops would cease to fight where they stood on all the fronts, and be captured by the enemy facing them. The same thing would happen as happened in the winter of 1941 at Viazma. Millions of prisoners would suddenly have to camp in the middle of winter in the open. Death would have taken an enormous toll.

Above all, the men still on the Eastern Front, who numbered about 3½ million, would have fallen into the hands of the enemy in the East. It was our endeavor to save as many people as possible by sending them into the western area. That could only be done by drawing the two fronts closer together. Those were the purely military opinions which we held in the last stages of the war. I believe that in years to come there will be more to say about this than I can say or wish to say today.

DR. NELTE: Generaloberst, how long have you known Field Marshal Keitel?

JODL: I believe I met him in 1932 when he was chief of the organizational department of the Army.

DR. NELTE: And from that time, except for the time you were in Vienna, you always worked with him?

JODL: There was a time when Field Marshal Keitel was not in the War Ministry but in the field. I believe that was in 1934-35. I then lost sight of him. Otherwise I was with him all the time.

DR. NELTE: Was your work with him only official, or did you have personal relations with him?

JODL: In the course of the years, as a result of all we went through together, these relations became very personal.

DR. NELTE: The Prosecution have characterized Field Marshal Keitel as one of the most powerful officers of the Wehrmacht. They

charge him with using this position to influence Hitler. Other circles represented here called Keitel weak, and accused him of not being able to achieve his purpose in his position.

I do not want to ask any questions which have previously been asked and answered; but there are questions which have been previously answered in various ways—as you have heard—and only a person like you can answer them, a person who worked with the Field Marshal for more than a decade. Therefore, please tell me briefly—making your sentences short—what the official relations were between Keitel and Hitler.

JODL: The official relations between the Führer and Field Marshal Keitel were exactly the same as between the Führer and me, but on a somewhat different level. They were purely official, especially in the beginning. They were interspersed, just as in the case of all other higher officers, by constant clashes between a revolutionary and a Prussian officer bound by tradition.

DR. NELTE: Then, these clashes, the result of differing opinions, were a daily occurrence?

JODL: They were a daily occurrence and in effect led to extremely unpleasant scenes, such scenes as made one ashamed, as a senior officer, to have to listen to such things in the presence of young adjutants. The entry in my diary proves that on 19 April 1940, for instance, Field Marshal Keitel threw his portfolio on the table and left the room. That is a fact.

DR. NELTE: May I ask what the reason was?

THE PRESIDENT: No, Dr. Nelte, if you want him to confirm the evidence which the Defendant Keitel has given, why don't you ask him whether he confirms it?

DR. NELTE: These are questions, Mr. President, which I have not submitted to Field Marshal Keitel. My line of questioning became necessary because between the questioning of the defendant...

THE PRESIDENT: The question you put to him was: What were his relations with the Führer? You could not have put it any wider than that, and you certainly covered that with the Defendant Keitel.

DR. NELTE: I discussed it with Keitel.

THE PRESIDENT: You have put the question to Keitel, and Keitel answered it at great length.

DR. NELTE: Mr. President, after Keitel was questioned, a witness appeared here who would discredit the statement of Field Marshal Keitel, if what he says is true. Therefore, in order to clarify, I must...

THE PRESIDENT: That is the very reason why I asked you whether you wanted this witness to confirm what the Defendant Keitel said, and—if you did—why you didn't ask him whether he did confirm the evidence of Keitel.

DR. NELTE: Generaloberst, you have heard that we can simplify the question on this matter. I submit to you that which the witness Gisevius said here, in this room, about Field Marshal Keitel. It was, for the main part, in contradiction to what Field Marshal Keitel, and the other witnesses questioned about Keitel, had said. I point out that Gisevius did not speak from his own knowledge, but that he was given information from the OKW. If you want to consider that, please answer the question now: According to your knowledge of these things, is it true what Field Marshal Keitel said under oath—and which was confirmed by others, with the exception of Gisevius—or is it true what Gisevius said?

JODL: Only that is true which Field Marshal Keitel said. I experienced it on thousands of days. What the witness Gisevius said in this connection are general figures of speech. Apart from Hitler, there was no powerful man; there was and could be no influential man next to him.

DR. NELTE: The witness Gisevius mentioned an example to prove that Keitel prevented certain reports from being presented to Hitler. Since you had a part in this document, I should like to have this one document presented to you, and ask you to comment on it. It is Document 790-PS. This document is not an actual set of minutes, but a note for the files, as you see. It is about the *White Book* which was prepared on the alleged Belgian and Dutch violations of neutrality. And in this connection, the witness Gisevius said:

"I believe that I should cite two more examples which I consider especially significant. First of all, every means was tried to incite Keitel to warn Hitler before the invasion of Belgium and Holland, and to tell him—that is, Hitler—that the information which had been submitted by Keitel regarding the alleged violation of neutrality by the Dutch and Belgians was wrong. Counterintelligence"—that is Canaris—"was to produce these reports which would incriminate the Dutch and Belgians. Admiral Canaris, at that time, refused to sign these reports. . . . He told Keitel repeatedly that these reports, which were supposedly produced by the OKW, were wrong.

"That is one instance when Keitel did not transmit to Hitler that which he should have."

Generaloberst, I ask you to confirm, after you have looked over this document, that these notes show that Field Marshal Keitel and you were expected to cover false reports, and that on the basis of the Canaris report—contained in Part A—the OKW refused to cover this *White Book*. Is that true?

[*There was no response.*]

THE PRESIDENT: Well, if you understand the question, will you answer it?

JODL: I understand the question, and I should like to establish the facts here briefly, and tell how it really was as far as I can without being choked with disgust.

I was present when Canaris came to the Reich Chancellery with this report to Field Marshal Keitel, and submitted to him the draft of the *White Book* of the Foreign Office. Field Marshal Keitel then looked through this book and listened carefully to the essential remarks which Canaris made, at the wish of the Foreign Office, to the effect that the intelligence needed perhaps some improvement, that he was to confirm that military action against Holland and Belgium was absolutely necessary, and that, as it says here, a final really flagrant violation of neutrality was still lacking. Before Canaris had said another word, Field Marshal Keitel threw the book on the table, and said, "I will not stand for that. How could I assume responsibility for a political decision? In this *White Book* are, word for word, the reports which you yourself—Canaris—gave me."

Whereupon Canaris said, "I am of exactly the same opinion. In my opinion, it is completely superfluous to have this document signed by the Wehrmacht, and the reports which we have here, as a whole, are quite sufficient to substantiate the breaches of neutrality which have taken place in Holland and in Belgium." And he advised Field Marshal Keitel against signing it.

That is what took place. The Field Marshal took the book with him, and I do not know what happened after that. But one thing is certain, that the imaginary reports of this Herr Gisevius turn everything upside down. All these reports about the violations of neutrality came from these people who now assert that we had signed them falsely. This is one of the most despicable incidents of world history.

DR. NELTE: Generaloberst, Admiral Canaris played a part in this case. Gisevius said, "It was not possible for Admiral Canaris to submit an urgent report to Hitler on his own initiative." He asserts that Canaris gave reports to Field Marshal Keitel who did not submit them. I ask you, is that true?

JODL: Of course, I did not follow up every document that came to Field Marshal Keitel; but Field Marshal Keitel submitted everything which was considered necessary for the Führer to know about. I have already said that if Canaris had not been satisfied in this connection, he could have gone to the Führer directly. He had only to go into the next office and inform the Führer's chief adjutant, or he had only to tell me.

THE PRESIDENT: If you don't know, why don't you say so? If you don't know whether he gave it to the Führer or not, say so.

DR. NELTE: I only asked whether the testimony is true, that Admiral Canaris could not go to Hitler. I wanted you to answer that question.

JODL: In fact, he went to the Führer dozens of times.

DR. NELTE: If he wanted it, he had access at any time?

JODL: Absolutely, at any time.

THE PRESIDENT: Now, will you tell me what page in the shorthand notes this evidence is of Gisevius?

DR. NELTE: The evidence about Keitel is in the transcript of the session of 26 April 1946 (Volume XII, Pages 265 to 271).

THE PRESIDENT: Very well.

DR. NELTE: I now want to show you two affidavits which you signed together with Field Marshal Keitel, which have also been submitted to the Tribunal. These are the Affidavit Number Keitel-9, High Command of the Wehrmacht and General Staff, and the Affidavit Number Keitel-13, Development of the Conditions in France, 1940 to 1945, and the military competencies.

You remember that you signed these affidavits?

JODL: I did so, yes.

DR. NELTE: And if you are sure of that, do you remember the contents?

JODL: Yes.

DR. NELTE: You confirm the accuracy of your affidavit?

JODL: I confirm this statement.

DR. NELTE: I will not read these affidavits or parts of them. On the subject of rearmament—that is, regarding General Thomas, who was also given here as a source of information—I should like to ask you a few questions.

You know that the Prosecution submitted a voluminous book here, Document 2353-PS, which is a description of the rearmament, written by General Thomas. As General Thomas was also given by the witness Gisevius here as a source of information, I must

question you about Thomas. In his affidavit, which is attached to Document 2353-PS, he said that on 1 February 1943 he was released from the OKW. Do you know whether that is true or not?

JODL: As far as I can recall, he was assigned to the group of officers for special employment by the High Command of the Wehrmacht. He was therefore at the disposal of Field Marshal Keitel.

DR. NELTE: Did he not have a special assignment when he was made available for special employment?

JODL: He took over several assignments after that, I believe.

DR. NELTE: I only wanted to ascertain that also after 1 February 1943, General Thomas was still given assignments by the OKW, especially that of writing this book which has been submitted here, is that true?

JODL: That is true, that he was engaged in writing what might be called the "History of Rearmament."

DR. NELTE: What was his relation to Field Marshal Keitel?

JODL: I know of that from the time when the two men worked together—that was only before the war and at the very beginning of the war, and the relations were good.

DR. NELTE: Do you know the reports of General Thomas concerning rearmament?

JODL: I have no exact recollection of any reports about our own rearmament. I can only recall reports about the war potential of our enemies. I remember those.

THE PRESIDENT: Dr. Nelte, are you going to be much longer, because it is 10 minutes past 5, and if you are not going to conclude tonight we had better adjourn.

DR. NELTE: I will need a quarter of an hour yet.

THE PRESIDENT: Then we will adjourn at this time.

[The Tribunal adjourned until 6 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-EIGHTH DAY

Thursday, 6 June 1946

Morning Session

[The Defendant Jodl resumed the stand.]

DR. NELTE: General, yesterday in answer to my last question about General Thomas you said that he regularly made reports on the war potential of enemy powers to you and Field Marshal Keitel. Were these important reports always submitted to Hitler?

JODL: These reports, with detailed graphic descriptions, sketches, and drawings, were regularly submitted to the Führer and often occasioned violent disputes, because the Führer considered this representation of the enemy potential as greatly exaggerated.

DR. NELTE: Did you and Field Marshal Keitel hold the point of view that the representations of General Thomas were well-founded?

JODL: Field Marshal Keitel and I were both of the opinion that, after a very careful study of enemy achievements in armament production, these statements of Thomas were doubtless on the whole completely accurate.

DR. NELTE: You heard the witness Gisevius say that Thomas was supposed to have been an opponent of Hitler's war leadership. In the course of years and in the reports made, did you ever realize this fact?

JODL: I did not observe this. The only thing that I observed was that he objected to this exaggerated optimism in which the Führer habitually indulged, and that perhaps in his basic attitude he was of a pessimistic rather than an optimistic nature.

DR. NELTE: Was General Thomas dismissed from his position as head of the Economic Armament Office of the OKW through Keitel's efforts?

JODL: No, at the time he retired from active service General Thomas was under Minister Speer, but Minister Speer no longer cared to work with him and requested the Führer that he be dismissed from the armament office which Minister Speer had taken

over. And that was done by the Field Marshal on the order of the Führer.

DR. NELTE: I can therefore establish . . .

THE PRESIDENT: Dr. Nelte, how is the evidence about General Thomas relevant to the case of Keitel—how is the question of whether General Thomas was acting against the supposed interests of Germany or not relevant to the cases of either Keitel or Jodl? The evidence of Gisevius was relevant to the case of the Defendant Schacht. It seems to me—and I think, to the Tribunal—to be entirely irrelevant to the case of either the defendant whom you represent or the case of the Defendant Jodl. What does it matter to us whether General Thomas was acting in order to try and overthrow Hitler or not?

DR. NELTE: The question which concerns the Defendant Keitel is whether Field Marshal Keitel submitted and supported the reports handed in by Thomas. The witness Gisevius said here, referring to Thomas as a source of information, that these reports of Thomas were kept from Hitler. Therefore this evidence . . .

THE PRESIDENT: We went into that yesterday and now the Defendant Jodl has said that the reports of Thomas were submitted to the Führer. But what I was pointing out to you was that the question whether Thomas was making his reports honestly or not is a matter which is entirely irrelevant.

DR. NELTE: Not as to the credibility of Gisevius' sources of information, in my opinion; but I will withdraw this question. However, in this connection I must ask one more question with regard to the other source of information, Canaris.

[Turning to the defendant.] Canaris was a regular and frequent guest in the Führer's headquarters and a guest of yours. What were the relations of Field Marshal Keitel to his oldest office chief?

JODL: The relations between Field Marshal Keitel and Canaris from the first day to the last were remarkably friendly, and unfortunately one of too much blind confidence.

DR. NELTE: May I ask what the relations were after the 20th of July?

JODL: I know that even after the 20th of July Field Marshal Keitel did not believe the charges against Canaris and that after the arrest of Canaris he supported his family with money.

DR. NELTE: How were the relations between Canaris and Heydrich?

JODL: I mentioned that once before. Canaris always tried to maintain especially good relations with Himmler and Heydrich so that they would not distrust him.

DR. NELTE: What can you say about the attitude of Field Marshal Keitel to Hitler's plan in October 1939, the plan to attack in the West?

JODL: I know that Field Marshal Keitel was apparently strongly impressed by the attitude of the Commander-in-Chief of the Army and the General Staff of the Army and also raised a warning voice against this attack in the West. I know it, although I did not experience it personally; but Schmudt told me about it later—I know that during this time he also had a controversy with the Führer which led to the first request to resign. This is what I can report according to what Schmudt told me; I did not witness it myself, nor did Field Marshal Keitel tell me about it personally then.

DR. NELTE: In Document 447-PS, which the Prosecution submitted—these are the guiding principles for special tasks issued with Directive Number 21—under I, 2b, is the now famous paragraph according to which, in the operational area of the Army, the Reichsführer SS is given special tasks on behalf of the Führer in connection with the preparation of a political administration, resulting from the inevitable conflict between two opposing political systems. So much for the brief citation. I will not hand the document to you since you are certainly well acquainted with it, and to make the matter brief I will only ask you to tell the Court how Field Marshal Keitel reacted to the issuing of this order.

JODL: The claim of the Führer to infringe upon the sovereignty of the Army in its operational area with Himmler and the Police led to days of bitter disputes with the Führer. The same disputes had already taken place when Terboven was appointed in Norway. One need only read my entries in my diary, 1780-PS. Of course I know today why the Führer insisted on this point of view under all circumstances and why he forced the Police, under Himmler, into the operational area. It was against all our rules. It was against all previous agreements with the Police and with Himmler, but in the end the Führer put this measure through in spite of resistance all along the line.

DR. NELTE: The Prosecution asserted here that in 1940 Field Marshal Keitel gave the order to kill General Weygand, at that time Chief of the General Staff of the French Army. This statement is based essentially on testimony of the witness General Lahousen. I have a few brief questions to put to you on this matter. Was Field Marshal Keitel competent to order the killing of a general?

JODL: No. Any death sentence at all had to be confirmed by the Führer.

DR. NELTE: Well, I naturally do not mean a death sentence—in this connection.

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JODL: Well. No one at all has the authority to order murder to be committed.

DR. NELTE: I ask this because Lahousen's testimony made it appear as if this order had been given by Field Marshal Keitel to Admiral Canaris. If we assume that such an order was issued by Hitler, this would have been a politically highly important act considering the importance of Weygand.

JODL: Undoubtedly.

DR. NELTE: Would it not also have been a foolish act in terms of policy?

JODL: It would first of all have been a crime...

THE PRESIDENT: Dr. Nelte, this is all argument, and you are putting your questions in an entirely leading form. The real objection to it is that it is argumentative. Go on.

DR. NELTE: If such an order had been given, could it have remained unknown to you?

JODL: I cannot imagine that Field Marshal Keitel, charged with the ordering of the murder, would not have spoken about it to me.

DR. NELTE: What exactly did you hear about the Weygand case?

JODL: I never heard a single word about the Weygand case. I heard only one thing when Himmler reported to the Führer in my presence: "I have given Weygand a very nice villa in Baden. He is completely provided for there in such a way that he can be satisfied." That is the only thing I ever heard in which the name of Weygand figured.

DR. NELTE: The witness Lahousen was also heard in the case of General Giraud. Did you also know anything of this case of Giraud which attracted much attention?

JODL: I heard a little more about the Giraud case. Shortly after the successful flight of Giraud, Field Marshal Keitel told me once in a conversation that he was having Giraud watched by Canaris so that he would not, as the Führer always feared, go to North Africa and there direct the formation of the Colonial Army against us or, so that he could be arrested in the event that he should rejoin his family in the territory actually occupied. That is what he told me. Several months later he said to me again, "I have now withdrawn this assignment to Canaris because the Führer has given it to Himmler. If two agencies are concerned with it there will only be difficulties and differences." The third time I heard about the Giraud case was when Field Marshal Keitel told me that a deputy of Giraud—I believe it was about the end of 1943 or in the spring of 1944—approached the counterintelligence service and said that Giraud, who could not agree with De Gaulle in North Africa, asked

whether he might not return to France. I told Field Marshal Keitel then that we absolutely must agree to that immediately because that was extremely favorable for us politically. That is the only thing I ever heard about the Giraud case. Nothing else.

DR. NELTE: The day before yesterday you spoke about the talks in the Führer's train in September 1939, at which General Lahousen was also present. In this connection you said, "I have no objections to Lahousen's statement." But to avoid misunderstandings, I should like you to say whether you mean by that that all the testimony of Lahousen, which also referred to Giraud and Weygand, is credible and correct, or only the part regarding your presence in the Führer's train?

JODL: Of course, I meant only those statements of Lahousen which he made about me. As for the other statements which were made here, I have my own opinion, but perhaps that is not appropriate here.

DR. NELTE: Yesterday, in answer to a question by Dr. Stahmer, you spoke about the dispute on the occasion of the 80 RAF officers who escaped. In order to clarify this question, which weighs heavily against Field Marshal Keitel, I should like to know the following: Did you hear that Keitel objected violently because the recaptured RAF officers were turned over to Himmler, that is, to the Gestapo?

JODL: When I stood at the curtain for those 1 or 2 minutes, I heard the Führer say first of all:

"That is unheard of. That is the tenth time that dozens of officer prisoners have escaped. These officers are an enormous danger. You don't realize"—meaning Keitel—"that in view of the 6 million foreign people who are prisoners and workers in Germany, they are the leaders who could organize an uprising. That is the result of this careless attitude of the commandants. These escaped Air Force officers are to be turned over to Himmler immediately."

And then I heard Field Marshal Keitel answer:

"My Führer, some of them have already been put back into the camp. They are prisoners of war again. I cannot turn them over."

And the Führer said, "Very well, then they can stay there." That is what I heard with my own ears at that moment, until a telephone conversation called me away again.

DR. NELTE: Afterwards did you speak again with Field Marshal Keitel about this incident?

JODL: We drove back to Berchtesgaden together from the Berghof. Field Marshal Keitel was beside himself, for on the way up

he had told me that he would not report the escape of these fliers to the Führer. He hoped that on the next day he would have them all back. He was furious with Himmler, who had immediately reported it to the Führer. I told him that if the Führer, in view of the total situation in Germany, saw such a great danger in the escape of foreign officers, then England should be notified so that the order might be rescinded—all officers who were prisoners had to make an attempt to escape.

I must say openly that at this moment neither of us had any thought that these recaptured fliers might be shot. For they had done nothing except escape from a camp, which German officers had also done dozens of times. I imagined that he wanted to remove them from the disciplinary action of the Army, which certainly, in his opinion, would be far too lenient, and wanted to have them work as punishment for some time in a concentration camp under Himmler. That is what I imagined.

DR. NELTE: In any case, in your presence and in your hearing, Hitler's orders to Himmler to shoot these officers were not issued?

JODL: I know that with absolute certainty for I know how I felt when I suddenly received the news that they had been shot.

DR. NELTE: Now I should like to ask you a few brief concluding questions.

The Tribunal asked the Defendant Keitel on the witness stand whether he had submitted written applications asking for his resignation. You were present. What can you tell the Court about Keitel's efforts to resign from his position?

JODL: The first case that I mentioned a while ago must have been in the spring of 1940, because of the Western campaign. Schmundt told me about it, but I did not see it myself. The second case about which I know exactly, was in 1941, November, when there was an enormous controversy between the Führer and Field Marshal Keitel; and the Führer chose to use the expression, "I am only dealing with blockheads."

THE PRESIDENT: We do not want the details. I mean, if he can tell us when Keitel attempted to resign . . .

JODL: This second case was in the fall of 1941. After the controversy, Field Marshal Keitel wrote his request for his resignation. When I entered the room his pistol lay before him on his desk, and I personally took it away from him.

THE PRESIDENT: Dr. Nelte, I have told you that the Tribunal does not want the details, and now we are being told about details about the resignation, about the way in which it was made.

DR. NELTE: Can it be of no importance to the Court to know how serious the matter was to the Defendant Keitel that he even wanted to use his pistol?

THE PRESIDENT: He is going into details about the particular desk on which the document was put, or something of that sort. He made his efforts to resign in writing. That is of importance.

DR. NELTE: You can testify about this case when Field Marshal Keitel handed in his resignation in writing?

JODL: I myself saw him writing it, and I read the introduction.

DR. NELTE: If things like this occurred frequently, as you have stated in the course of your testimony, and went as far as the pistol incident indicates, how did it happen that Keitel always remained?

JODL: Because the Führer would not separate from him under any circumstances. He absolutely refused to let him go. I believe that various attempts were made in this direction from other sources, too; but the Führer did not let him go. In the second place, of course our mutual attitude was that we were, after all, engaged in a war for existence in which an officer, in the long run, could not stay at home and knit stockings. Over and over again it was the sense of duty that won the upper hand and caused us to bear all the difficulties.

DR. NELTE: You will understand that one must hold up to the generals "loyalty unto loyalty" and that duty can only go to the point where it does not injure human dignity. Have you ever thought of that?

JODL: I have thought a lot about it.

THE PRESIDENT: Surely that is not a question for counsel to put. It is an argument, is it not? It is argument, not evidence. It is not a proper question to put.

DR. NELTE: I have finished.

DR. THOMA: Witness, is it true that Rosenberg, in the middle of January 1943, gave you and General Zeitzler the draft of a proclamation to the peoples of eastern Europe?

JODL: That is true. It was after the discussion on the situation. Rosenberg was present in headquarters. He asked me and Zeitzler to step into the next room for a moment and said that he wanted to report to the Führer a proclamation to the Eastern peoples and that he would like to submit it to us first. I recall that.

DR. THOMA: Do you still recall the contents?

JODL: It was a very extensive concession in regard to the sovereignty of these individual eastern states. It was an outspoken

attempt, through a policy of reconciliation, to combat unrest and antagonism to the German system.

DR. THOMA: Did you express to Rosenberg your pleasure at this proclamation?

JODL: We said then that this had always been our idea, but that we had doubts whether it was not already too late.

DR. THOMA: What was the success of this memorandum?

JODL: As Rosenberg told me after the conference, the Führer, as he often did, pigeonholed the matter; that is, he did not reject it, but he said, "Put it aside."

DR. THOMA: Did you have the impression that Rosenberg's suggestions arose from concern about the dangers caused by Koch's methods?

JODL: Undoubtedly it was an attempt to counteract these methods which were gradually used by Himmler and particularly by Koch.

DR. THOMA: Thank you, I have no more questions.

DR. CARL HAENSEL (Counsel for SS): Was the strategic assignment of the divisions of the Waffen-SS under you?

JODL: The divisions of the Waffen-SS, in regard to assignment, were generally treated like the divisions of the Army.

DR. HAENSEL: How many Waffen-SS divisions were there, according to your recollection? Please mention the number of Wehrmacht divisions also so that we have a means of comparison.

JODL: At the beginning of the war, I believe, we began with three SS divisions. The number increased until the end of the war to an estimated 35 to 37 divisions, as against a number of Army divisions which varied, but which one can give approximately as about 280, 290, 300.

DR. HAENSEL: What was the procedure in setting up new divisions? Who decided whether such a new division would be a Waffen-SS division or a Wehrmacht division?

JODL: As soon as the Führer had ordered the establishment of a new series of divisions he said, after consulting Himmler, that so-and-so many divisions were to be set up and so-and-so many Waffen-SS divisions. He determined the number.

DR. HAENSEL: Was there a certain standard, or was that done arbitrarily?

JODL: I had the impression that in setting up the SS divisions, the Führer wanted to go as far as he absolutely could.

DR. HAENSEL: And what do you consider—when you say “could,” what do you consider the limit?

JODL: The limit was in the fact that the soldiers of these Waffen-SS divisions were to be volunteers; and the time came very soon when Himmler had to report, “I do not get any more replacements for the divisions;” and from that time on the situation arose that, when the men came for military duty, the cream of the crop was taken by the SS, and these people, even if they were strict Catholic peasants’ sons, were drafted into the SS divisions. I myself received bitter letters from peasants’ wives about this.

DR. HAENSEL: In connection with this drafting into the Waffen-SS that you have just described, were political viewpoints taken into account? Was a recruit first questioned politically in some way before he was turned over to the Waffen-SS, or was no consideration taken of this?

JODL: No, the decisive thing was that the fellow was big, looked healthy, and promised to become a good soldier. That was the decisive thing.

DR. HAENSEL: You said yesterday that in the drafting of recruits no consideration was given to whether a man belonged to the SA or not. Is the same thing true of membership in the General SS? I mean in this sense, was no consideration given to whether the recruit belonged to the General SS, either in drafting, in training, or in promotion?

JODL: Not to such a pronounced extent as in the case of the SA. I believe that the majority of the men in the General SS came to the Waffen-SS and volunteered. But I also know that very many did not do that and were drafted in the normal way by the Army, so that they were treated in the Army just like any other German.

DR. HAENSEL: If I understand you correctly then, there were many members of the General SS on the one hand who served in the Army; and on the other hand, there were many who belonged neither to the Party nor to the SS but served in the Waffen-SS?

JODL: That is true; it does not apply to the very beginning of the war, but it is absolutely true for the second half of the war.

DR. HAENSEL: And this second half of the war contained the greater number?

JODL: Undoubtedly, that—the second half—I always call that part after the big losses in the first Russian campaign of 1941.

DR. HAENSEL: How strong was the total Waffen-SS at the end of the war, approximately?

JODL: About 480,000 men.

DR. HAENSEL: And the losses, that is the dead and captured, would be added to this number?

JODL: Yes, they would be added.

DR. HAENSEL: And do you have any figures in mind about that?

JODL: It is hard to give an estimate in regard to the SS.

MR. ROBERTS: Witness, you told the Tribunal 2 days ago that you had soldiering in the blood, is that right?

JODL: Yes, this is true.

MR. ROBERTS: Very good. And you said yesterday that you were here to represent the honor of the German soldier, is that right?

JODL: Yes, I do that to a high degree.

MR. ROBERTS: Very good, yes. And you put yourself forward as an honorable soldier.

JODL: With full consciousness, yes.

MR. ROBERTS: And you put yourself forward as a truthful man.

JODL: I represented myself as such a man, and I am.

MR. ROBERTS: Very good. Because of the things you say you have been made to do in the last 6 or 7 years, do you think your honor has become at all soiled?

JODL: My honor was certainly not soiled, for I guarded it personally.

MR. ROBERTS: Very good, you say your honor is not soiled.

Have you—during the last 6 or 7 years, when causing to be said the things which you say you had to circulate—has your truthfulness remained at the same high standard?

[There was no response.]

Can't you answer that question?

JODL: I believe I am too dull for that question.

MR. ROBERTS: Very good, then if you are too dull, I won't persist in it; I will go on. I will leave the question and I will go on.

In 1935 you were lieutenant colonel at the head of the Home Defense Department of the Wehrmacht, is that right?

JODL: Absolutely right.

MR. ROBERTS: That is Department L, Landesverteidigung, is that right?

JODL: Yes, that is correct.

MR. ROBERTS: And was Field Marshal Von Blomberg your superior?

JODL: Field Marshal Von Blomberg was not my direct superior, but one of my superiors.

MR. ROBERTS: Did you work a good deal with Field Marshal Von Blomberg?

JODL: On various occasions I reported to him personally, of course not nearly so much as the Chief of the Armed Forces Department.

MR. ROBERTS: Did you attend staff talks with him?

JODL: I did not attend large conferences with Blomberg. I believe that there were seldom more persons than General Keitel and I and perhaps one other chief of a department.

MR. ROBERTS: And would they be called staff talks?

JODL: No, those conferences took place in the Office of the Chief of the Armed Forces Department.

MR. ROBERTS: Did you go to staff talks?

JODL: Of course, since I belonged to the staff.

MR. ROBERTS: Very good; I thought that.

Now, will you please look at the Document C-139, Exhibit USA-53. First look at the signature, will you. That is signed by Blomberg, is it not?

JODL: That is signed by Blomberg, yes.

MR. ROBERTS: Now, that is dealing with "Operation Schulung." Do you remember what Operation Schulung was?

[There was no response.]

That is the reoccupation of the Rhineland, isn't it?

[There was no response.]

Can't you answer me?

JODL: I can answer you as soon as I have read that.

THE PRESIDENT: Defendant, the question was whether you remember what Operation Schulung was. It isn't necessary to read the document in order to answer that question.

JODL: According to my recollection—I do not know whether it comes from studying the documents here in Nuremberg—the term Schulung meant preparations for the occupation of the Rhineland after evacuation of the West Rhine territories in the case of French sanctions...

MR. ROBERTS: Very good, I agree.

JODL: But—there is more to be said in that connection.

MR. ROBERTS: Now, wait a moment. That is then dealing with the reoccupation of the Rhineland; do you agree with that?

JODL: No, that does not deal with the reoccupation of the Rhineland. That is absolutely false, but it . . .

MR. ROBERTS: Now, just let us look at this document together and see what it says. Now, first of all, it is dated the 2d of May 1935.

"For the operation . . ." I am reading it to you if you will follow it, and might I make this point first: It is apparently so secret that it couldn't be entrusted to a stenographer, isn't it? The whole document is written in manuscript, handwriting, isn't it?

[There was no response.]

MR. ROBERTS: You can answer that question surely. Can't you see whether it is in handwriting or not?

JODL: It is in handwriting, yes.

MR. ROBERTS: Well, why not say so?

Now then, let's just look at the document. It is from the Reich Minister of Defense; that is Von Blomberg, isn't it? It is the second copy, "By hand only." It is, to the Chief of the High Command, Chief of the Naval High Command, and the Reich Minister for Air.

"For the operation suggested in the last staff talks"—that is why I asked you whether you went to staff talks, you see—"of the Armed Forces, I lay down the code name, 'Schulung.'" Then, may I just refer briefly to the contents:

"This is a joint undertaking of the three branches of the Wehrmacht . . . The operation must be executed"—and this is a phrase we have become familiar with later—"by a surprise blow at lightning speed.

"Strictest secrecy is necessary . . . only peacetime strength . . ."

And Number 3:

"Every improvement of our armaments will make possible a greater measure of preparedness . . ."

And then:

"The High Command of the Army is asked: How many divisions ready for action?"

Not one token battalion as you said yesterday.

"Reinforcement of the necessarily inadequate forces there"—that is in the West—"by the East Prussian divisions which will be brought here at once by rail or sea transport . . . High Command of the Navy to look after the safe transport of the East Prussian troops by sea, in case the overland route is closed."

What could that refer to, that secret instruction—so secret it had to be in manuscript—if it wasn't the reoccupation of the Rhineland?

JODL: If you will permit me to make quite a brief explanation, then the Tribunal will be saved a tremendous lot of time.

MR. ROBERTS: Please, Witness, answer my question first and then make an explanation after, if it is brief. The question is, what could it refer to except the reoccupation of the Rhineland?

JODL: I am not here as a clairvoyant; I do not know the document; I have never read it; at this time I was not in the Armed Forces Department—that has entirely different signatures—I was in the operations section of the Army. I neither saw nor ever heard of this paper. If you look at the date, 2 May 1935, it is proven there in writing, for I entered the Armed Forces Department only in the middle of June 1935. Thus, only on the basis of my general staff training can I give you some assumptions; but the Court do not want assumptions.

MR. ROBERTS: Very good, if that is your answer. And are you saying that you, who heard General Field Marshal Von Blomberg's staff talk, cannot help the Court at all as to what that secret operation order is about?

JODL: It was before my time. I was not with Von Blomberg then.

MR. ROBERTS: Very good. Now, will you look, please at EC-405. Now—let him see the German book, Page 277.

My Lord, that is Page 26. Hasn't he a German book?

THE PRESIDENT: Defendant, you did say, did you not, that you remember that the Operation Schulung was the preparation for the occupation of the Rhineland?

JODL: No, I said the contrary. I said that I heard the word, Schulung, for the first time here in the Court; and then I wondered what that could have been.

THE PRESIDENT: Well, the Court will be able to judge as to what you said by the shorthand notes. You say, do you, that you did not say Schulung meant the preparation for the occupation of the Rhineland? Is that right?

JODL: I mean, that as General Staff officer of the operations section at that time I had to know what military preparations were made.

THE PRESIDENT: But, that is not what I asked you. What I want to know is what you said just now when you were asked if you remembered what Operation Schulung meant. What did you say? It is suggested that it may have come through wrongly to us in the translation. What did you say?

JODL: I said, "I believe I recall, but I am not certain whether this recollection did not result from studying the documents

here or earlier, that the word, Schulung, meant the preparations for the evacuation of the western Rhine territory and occupation of the Rhine boundary in case of French sanctions, for that was the only thing with which we were concerned at that time."

All the evacuation measures which I later mentioned anyway in Document EC-405 were part of that.

MR. ROBERTS: Well, you remember the date of that first document, 2d of May 1935. Now I refer to EC-405 which is in the big Document Book 7, Page 261, and it is on Page 277 of the German book, 277. Now this, Witness, is a meeting—I want you to look, please, at Pages 43 and 44 of the original which you have. Have you got 43 and 44?

JODL: 43 and 44, yes.

MR. ROBERTS: Very good. Well, now, you see there—it is a meeting of the working committee of the Reich Defense Council. It is dated the 26th of June 1935 and at letter "F:" "Lieutenant Colonel Jodl... about 'participation in Mobilization Preparations,'" and the first three paragraphs deal with general mobilization; and I do not want to read them, but the fourth paragraph reads:

"Demilitarized zone requires special treatment. In his speech of 21 May 1935 and other utterances the Führer has stated that the stipulations of the Treaty of Versailles and the Locarno Pact regarding the demilitarized zone are being observed. To the *aide-mémoire* of the French Chargé d'Affaires of 17 June 1935 on 'Recruiting Offices in the Demilitarized Zone,' the German Reich Government has replied that neither civilian recruiting authorities nor other offices in the demilitarized zone have been entrusted with mobilization tasks such as the raising, equipping, and arming of any kind of formations for the event of war or in preparation thereof."

Now, if Von Blomberg's handwritten letter of the 2d of May 1935 did refer to preparations for reoccupying the Rhineland by surprise, it was highly dishonest of the Führer, 19 days later on the 21st of May, to say that the Locarno and Versailles treaties were being observed, wasn't it?

JODL: No, it wasn't dishonest, for if it is true at all that the term, Schulung...

THE PRESIDENT: I think that is a matter of comment, if you please.

MR. ROBERTS: I shall, of course, My Lord, have to make certain comments on the witness as I proceed. No doubt Your Lordship will realize that I am not endeavoring to depart from this particular ruling which is only for this particular question, presumably.

THE PRESIDENT: I think—the Tribunal think that you ought not to make comments but you ought to confine yourself as far as possible to cross-examination about the facts.

MR. ROBERTS: Well, My Lord I—about your Lordship's ruling—I have had, of course, a very extensive experience in cross-examination in many courts, and I bow entirely to Your Lordship's ruling; but it is very difficult for a cross-examiner to confine himself entirely to the facts. But I shall do the very best I can.

[Turning to the defendant.] Then I shall read on:

"Since political entanglements abroad must be avoided at present under all circumstances, only those preparatory measures that are urgently necessary may be carried out in the demilitarized zone. The existence of such preparations or the intention of making them must be kept strictly secret in the zone itself as well as in the rest of the Reich....

"Weapons, equipment, insignia, field-gray uniforms, and other items stored for mobilization purposes must be kept from sight."

And now I want to refer to the last paragraph:

"Commitment to writing of directives for mobilization purposes is permissible only insofar as it is absolutely necessary to the smooth execution of the measures provided for the demilitarized zone. Without exception such material must be kept in safes."

You were collecting weapons and uniforms in the demilitarized zone, were you?

JODL: They were weapons and items of equipment of the Landespolizei, the Order Police, and the Gendarmerie. There were no troops there. Consequently, there were no weapons there for them,

MR. ROBERTS: Did the Police wear field-gray uniforms?

JODL: To my knowledge the Police wore a gray-green uniform or a green uniform.

MR. ROBERTS: Then what was the need of this great secrecy if this was only police equipment?

JODL: It was the equipment in addition for the reinforced border guards—the customs inspectors—about which I have already said that it was intended...

MR. ROBERTS: My question, Witness, was what was the need for secrecy? What was the need for secrecy if you were not breaking the Treaty of Versailles? Can't you answer that?

JODL: I have already testified to the reasons for keeping all these measures secret in detail during my direct examination, and I

confirm that in all these preparations it was a question—in case of an occupation of the western Rhenish territory by France—of setting up a blockade along the line with the aid of the Police, the Gendarmerie, and the reinforced border guards. That was the intention at that time, only for this eventuality. I have already testified under oath that I learned about the occupation of the Rhineland only 6 or 8 days beforehand.

MR. ROBERTS: I know you have, you see, and I am suggesting to you that your evidence was quite untrue on that point; and I am going to suggest it is quite untrue on many points. Now then, will you please go back to the first paragraph that I read. You say:

“To the *aide-mémoire* of the French Chargé d’Affaires . . . the German Reich Government has replied that neither civilian recruiting authorities nor other offices . . . have been entrusted with mobilization tasks such as the raising, equipping, and arming of any kind of formations for the event of war . . .”

Doesn’t that subsequent paragraph about the weapons, equipment, insignia, and field-gray uniforms show that the truth was not told to the French Chargé d’Affaires?

JODL: I only repeat the answer that was given to the French Chargé d’Affaires. I believe that that was essentially true: No mobilization tasks, such as disposition, equipment, and arming of formations for the event of war. There was no thought of war, no one mentioned it with even one word.

MR. ROBERTS: I will not repeat the point, I submitted—may I just remind you—and I think there are copies for the Tribunal too—of Article 43 of the Versailles Treaty.

Article 42 defines the area, the left bank of the Rhine and the right bank to the west of a line drawn 50 kilometers to the east. Article 43:

“In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind; as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.”

I suggest to you the step you were taking—mentioning at that meeting—was a clear breach of Versailles. Do you agree, or don’t you?

JODL: No, I do not agree to that. They were taken in the event that the enemy should not abide by the treaty and should attack us again, as that time in the Ruhr district.

MR. ROBERTS: Very good. Now I propose to refer to you a document which has been described as your speech, L-172, from

time to time—and I want to make it quite clear first as to what you say the document is, because you wouldn't say one thing one day and the opposite the next, would you, Witness? That document has your writing in places, has it not? I can refer you to the pages if you like. If you look at page...

JODL: That is unnecessary. It contains many handwritten corrections and notations by me. But I have...

MR. ROBERTS: Thank you, Witness, for saving me that trouble then. And is that a speech—the notes of a speech—which you delivered at Munich to the Gauleiter in 1943?

JODL: I have already clearly said that this was the rough draft, not the speech that I made but parts of the first draft and most of the contents consist of notes by my staff, which they sent me for the preparation of this speech. I crossed out whole pages and sent the whole rough draft back again and only then did I make my speech.

MR. ROBERTS: Well now, I want to examine that, because you said quite differently, did you not, when you were interrogated by one American officer on two separate occasions? You said quite differently, did you not?

[There was no response.]

Were you interrogated on this matter on the 8th of October last year by Colonel Thomas Hinkel? Do you remember that? Perhaps you would not remember the date.

JODL: No. Oh, we spoke about this matter a few times.

MR. ROBERTS: Yes, and you were sworn when you gave your answers to the interrogators?

JODL: Yes.

MR. ROBERTS: Well now, may I read, to refresh your memory, a copy from the shorthand notes of the interrogation?

"I show you a photostatic reproduction of a number of pages of a lecture, which was purported to have been given by you on the 7th of November 1943, and ask you if those pages represent the lecture that was delivered. For the record, that is identified as L-172."

Then you answer:

"Yes. A number of things are not contained therein, which I explained with the map.

"Question: 'You interpolated the remarks that do not appear in the written part; is that correct?'

"Answer: 'Yes, many particulars I set forth just with the map at hand.'

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"Question: 'Is that your handwriting appearing on the cover page?'"

"Answer: 'No, it is not mine.'"

"But the remaining sheets you identify as the written version of a lecture at Munich?"

"Answer: 'I cannot say whether it was actually my lecture as it was, because I see the signature of Buttler. It isn't the lecture itself. That is the materials of the brochures which had been furnished to me.'"

Then:

"Do you identify..."

Just follow this, will you, Witness?

"Do you identify the first 29 pages as constituting the lecture that you delivered?"

"Answer (after examining the document): 'Yes, that is my lecture.'"

Do you want to alter that sworn answer now? Do you?

JODL: I have not read the transcript of the notes which were taken here. I do not know the translation. I made several other statements in that regard. I observed in the second interrogation that that was not actually my speech, and that...

MR. ROBERTS: I will read the second one, Witness. I have that for you. This was on the 16th...

THE PRESIDENT: Defendant, had you finished what you wanted to say?

JODL: No, I had not finished. I was interrupted.

THE PRESIDENT: Then finish what you want to say.

JODL: I wanted to say that before I had looked over the whole document, at the first moment, of course, I had the impression that that was the copy from which I delivered my speech. However, when I looked at it more carefully in the course of the interrogations, I noticed that it was only the material collected for this speech, and I said clearly and distinctly:

"It contains the first draft, the outline and the conclusion by me. The whole middle part is only material furnished by my staff, and the whole thing is not at all the speech which I gave."

That is word for word what I told Colonel Hinkel.

MR. ROBERTS: Yes. Let me read now what I was going to read, the second interrogation. This is the 16th of November 1945, 4 days before the Trial:

"This document is identified for the record as L-172. I show you the photostatic reproduction in order to refresh your recollection concerning it.

"As I remember your previous testimony, it was to the effect that the first part of the document is the speech that you wrote for delivery to that meeting. The second part consists of various thoughts on the basis of which this speech was prepared; is that right?

"Answer: 'One moment, please. This is not my real lecture. This is a conglomeration of the pieces of writings which are partly drafts of my own, that is, the introduction; but all the appendices are the basis of my lecture furnished me by my staff.

"The photostats appended to the original lecture—it was a photographed copy—and also a number of maps which were drawn up were included.

"This is not my lecture as such; and the annotations made here, in this calligraphic manner, were not mine. I made them in my own handwriting.

"I do not know the origin of this copy. Most likely it was furnished me by the OKW for the purpose of my giving this lecture. It is altogether a conglomeration of various pieces of writing, and it is usable only with limitations. However..."

And just listen to this, will you?

"... as to the broad lines of it, this is what I have used as a lecture."

Then the next question was:

"I believe you stated before that the written speech that you had was not given as set forth in the text because you interpolated various remarks in the course of the speech, particularly whenever you referred to one of the maps that you placed before the audience, in order to follow the campaigns which you discussed. Isn't that correct?"

Now listen to this:

"What I have written down I have actually spoken and I followed this text written down by myself. But in regard to the momentary situation on the various fronts—and that is Part 3 and 4, where you will find a note "delivered extemporaneously"—"I had that so clearly in mind that I did not need to base my speech on any written statements. Also, I referred to the maps freely."

Then the last question on this point:

"Is it not true, however, that the document before you represents, in general, the speech that you gave at Munich in November 1943 to this meeting?"

The answer is:

"Yes; much, without doubt, is the same. All the appendices with regard to these various theaters of war and other appendices I had not used during my speech. I had returned them."

Do you agree with your answer to that interrogation?

JODL: On the whole, you have confirmed just what I said. However, I do not know why we have to talk so long about it. The case is completely clear. It is . . .

MR. ROBERTS: Well, please do not worry yourself. I know I am stopping you; but I apprehend that I am stopping you from saying something quite irrelevant, and in the interest of time I regard it as my duty to stop you. Please do not worry about why I should do something.

I want to know whether that document roughly represents what you said in the speech. It is quite a different thing to being in a wastepaper basket.

JODL: The introduction and the conclusion, as contained here in the first draft were, of course, basically retained in the speech in this form. However, the whole speech was only finally worked out on the basis of this first draft; it was shortened, changed, parts were crossed out, and mistakes were eliminated. And only then came the main part of the speech for which only the material is here. There is no proof, and I am not in a position to say whether I actually spoke even one sentence of those which are here in the form in which it is found in the first draft.

MR. ROBERTS: Very good; I will accept that.

JODL: If you give me a copy of my actual speech I will recognize it.

MR. ROBERTS: That is all we can give you, Witness, because that is all we found.

THE PRESIDENT: I think we might as well adjourn now.

MR. ROBERTS: If Your Lordship please.

[A recess was taken.]

DR. EXNER: Mr. President, I should like to call attention to the following: When my client was interrogated here, he was heard through an interpreter, since he does not understand the English

language. On the basis of this testimony the minutes were, as I have just heard, set down in the English language. These minutes he never saw and he did not sign them. And now these minutes, which were compiled in English, are submitted to him in a German translation. In my opinion it is quite impossible under such circumstances to tie the defendant down to specific words which are contained in the minutes. He abides by what he said, but he cannot recognize everything that is in those minutes when . . .

THE PRESIDENT: That is true. We will keep these facts in mind. The Tribunal will keep these facts in mind, if you will draw them to their attention.

MR. ROBERTS: If it please the Tribunal, I am passing from that point. The witness, I think, said the document was the basis of his speech; and I accept that answer and I pass to another point.

Would you please give the witness his diary, 1780-PS, German C-113. And it is Page 133 in the large document book, Page 133.

Witness, I think you have seen this entry. My Lord, it is the 5th of November 1937 I am dealing with:

“Führer develops his ideas about intentions for future course and conduct of policy. . . .”

Page 133 of the large book.

THE PRESIDENT: When you say, large book, you mean Number 7?

MR. ROBERTS: Yes, Number 7; I am sorry. I should have given it a number.

[Turning to the defendant.] 5th of November 1937:

“Führer develops his ideas about intentions for future course and conduct of policy to the Commanders-in-Chief of the Armed Forces. . . .”—*et cetera*.

There is a divergence in the recording of his ideas as made by the chief of Armed Forces and by the Commander-in-Chief of the Air Force.

“... the intention of L. . . .”—does that mean your department, Landesverteidigung—its intention to have these thoughts put on paper?

[There was no response.]

MR. ROBERTS: Please answer my question, Witness.

JODL: “Intention of L,” that means the intention of the Department of National Defense (Landesverteidigung) to have these thoughts put down on paper and transmitted to the branches of the Wehrmacht.

MR. ROBERTS: Very good. Now, the meeting that you were talking about was what we have called the Hossbach Conference,

was it not, which is 386-PS? The Tribunal is very familiar with it. You remember the conference, do you not? You have read it many times here?

JODL: Yes, but I was not present at this conference. I do recall the things that were read here.

MR. ROBERTS: I know you were not present. But presumably you, as head of the Home Defense Department, were told of what was said at the conference?

JODL: I have already stated with regard to that that the report which I received was in no way sensational. The directives for the preparations after this time are available to the Court in writing; what we prepared and worked out at the time is proved thereby. We have the orders of 20 May and of 14 June; they are available.

THE PRESIDENT: Defendant, you were only asked whether you were told what happened at the conference. It was not necessary to make a long statement about that.

MR. ROBERTS: You see, I try to put simple questions, and I am asking for simple answers. The last thing I want is to interrupt you.

Were you told that at that conference Hitler said that Germany's problem was a question of space?

JODL: No, not one word.

MR. ROBERTS: Were you told that Hitler said that the German question could only be solved by force?

JODL: No.

MR. ROBERTS: And were you told that Hitler said that German rearmament was practically complete?

JODL: No.

MR. ROBERTS: And the last question I will ask you: Were you told that Hitler said that the first aim in the event of war would be Austria and Czechoslovakia?

JODL: The report about the more active preparations for the march against Czechoslovakia was, I believe, contained in these statements. But I can only say that the details which I received from Field Marshal Keitel are not in my recollection at present. I recall only one thing, that it was no surprise or sensation for me, and only small corrections of the directives which had been given out up to that point were necessary.

MR. ROBERTS: Very good. Thank you. Now then, you were not present at Obersalzberg when Keitel was there with Schuschnigg the following February, were you?

JODL: No, I was not present.

MR. ROBERTS: But Keitel later told you what had happened?

JODL: He made a few brief remarks about that in narrative form, for after all, I had no further concern in this matter.

MR. ROBERTS: Did you make that entry in your diary; that is, the next entry to the one I was referring to, Page 133, Book 7, the same page, under 11th of February 1938:

"Evening 12 February General Keitel, with General Reichenau, and Sperrle at Obersalzberg. Schuschnigg and Schmidt were again put under severest political and military pressure."

Did Keitel tell you that?

JODL: Yes. You have only inserted the word "again." That is not in my diary. This entry I made personally, because Keitel told me that during lunch Reichenau and Sperrle had carried on warlike conversations, that they had talked about the new rearmament of Germany.

MR. ROBERTS: Very good. Now, in March—I think this is common ground—you signed or initialed one or two orders for the "Operation Otto."

JODL: Yes; but at that time it was not called Otto but "For the March into Austria."

MR. ROBERTS: Hitler, when he heard that Schuschnigg was going to obtain the opinion of the people by plebiscite, decided to invade at once, did he not?

JODL: Yes, I was told, when he heard that there was to be a grotesque violation of public opinion through the trick of a plebiscite, he said that he would certainly not tolerate this under any circumstances. This is what I was told.

MR. ROBERTS: He would not tolerate public opinion being ascertained?

JODL: No; he would not tolerate public opinion being abused through this trick. That is how it was told to me.

MR. ROBERTS: So the Armed Forces of Germany then marched into Austria? That is right?

JODL: That is right; the Wehrmacht marched in.

MR. ROBERTS: And Austria, from that day, received all the benefits of National Socialism, is that right?

JODL: That is a political question. At any rate it could perhaps have become the happiest country on earth.

MR. ROBERTS: I wasn't asking what it could have become, but what it received. It received the SS, the Gestapo, the concentration camps, the suppression of opponents, and the persecution of Jews, didn't it?

JODL: Those are questions with which I did not concern myself. Those questions you have to put to the competent authorities. In addition it received me as artillery commander; and they loved me; I only want to confirm that.

MR. ROBERTS: Very good. You say the people appeared pleased to see you?

JODL: The people who were under my jurisdiction were very happy about this officer; I can say that.

MR. ROBERTS: They had to appear to be, whether they were or not, didn't they?

JODL: No, they did not have to be. At any rate, after I had been away for a long time, they certainly did not have to write enthusiastic letters to me, letters which I received throughout the war from these Austrians to whom my heart belonged.

MR. ROBERTS: There was one man who was not pleased to see you, wasn't there?

JODL: I know no such person.

MR. ROBERTS: Don't you?

JODL: No.

MR. ROBERTS: What about Schuschnigg?

JODL: I never saw Schuschnigg. He doesn't know me and I do not know him. I don't know...

MR. ROBERTS: He wasn't pleased to see you come in, was he?

JODL: I cannot say that.

MR. ROBERTS: What happened to him?

THE PRESIDENT: We know that, Mr. Roberts.

MR. ROBERTS: I quite realize that. I can't imagine my question is not admissible, but if you don't want me to put it—it is one of a series of questions—I won't.

Schuschnigg was put in a concentration camp, wasn't he?

JODL: I was told that the Führer had decided: "I do not want a martyr, under any circumstances, but I cannot liberate him; I must put him in honorary custody." That was the impression I had during the entire war.

MR. ROBERTS: Honorary custody?

JODL: It was called honorary custody.

MR. ROBERTS: What? Was he an honorary member of Dachau?

JODL: That I do not know. Those are not questions that you can put to me, for I was a soldier and not the commandant of a concentration camp.

MR. ROBERTS: That is an honor that one would be glad to dispense with, isn't it?

JODL: I would gladly dispense with much that took place during these years.

DR. EXNER: Please, I must protest against questions like that, purely political and based purely on legal questions and on matters which the defendant cannot at all answer through his own knowledge. It is not a fact whether Schuschnigg was happy.

MR. ROBERTS: My Lord, in my respectful submission, these questions are perfectly proper; they are questions the like of which have been put by every counsel who has cross-examined both for the Prosecution and the Defense.

THE PRESIDENT: Mr. Roberts, the Tribunal thinks that the cross-examination is proper.

MR. ROBERTS: My Lord, I am passing from that point. I am grateful to you.

[Turning to the defendant.] The only question I ask in conclusion is that Schuschnigg was kept in prison or kept in confinement for several years without any charge and any trial. That is right, isn't it?

JODL: It may be, I do not know.

MR. ROBERTS: You knew, did you not, when you signed those orders for the march into Austria, that Germany had given an assurance in May 1935 to respect the territorial integrity of the state of Austria and that on the 11th of July 1936 there had been entered into by your Government and the Austrian Government an agreement by Germany to recognize the full sovereignty of the Federal State of Austria? Did you know of these things?

JODL: At that moment I did not know that; in my position as a colonel in the General Staff that did not concern me in the least. What would that have led to?

MR. ROBERTS: I am passing from Austria with this one last question: Is there an entry in your diary—it is a passage in L-172, the basis for the draft of your speech—that after the Anschluss Czechoslovakia was enclosed by pincers and was bound to fall a victim? My Lord, that is Page 290 of Book 7. Do you remember that passage?

JODL: In the first draft which I made for my Gauleiter speech it was put down exactly what strategic improvements had taken place through the various actions of the Führer, in retrospect, but only these strategic results. . . .

MR. ROBERTS: Well, but—again I do not want to stop you, but did you say that—something to this effect—and I will give you the

document if you like—that Czechoslovakia was enclosed by pincers and was bound to fall a victim?

JODL: In the first draft I set down that through the taking over—through the Anschluss of Austria—the strategic situation of Czechoslovakia had become so hopeless that at any time it must fall a victim to a pincers attack; a strategic retrospect about facts, indisputable facts.

MR. ROBERTS: I accept that, Witness. Now I go very shortly to the case of Czechoslovakia. I only want to deal really with a couple of documents. I want to deal with item 17, which the Tribunal will find on Page 29 of Book 7. And it is marked—if you'll hand it up—and I have flagged that for you, Witness, item 17.

JODL: Yes.

MR. ROBERTS: You are familiar with that?

JODL: Yes, I know that.

MR. ROBERTS: And I do not propose to read it again, because it was read very recently; but you agree, do you not, you said yesterday, the problem was this: First of all, you must have a surprise attack; if you were going to attack at all, you must have a surprise attack.

JODL: On the basis of the stipulations made by the Führer; yes.

MR. ROBERTS: You must have a surprise attack first, and your troops would take 4 days to get into their battle position.

JODL: Yes.

MR. ROBERTS: And therefore you must know the time, the incident which is going to be the cause of the attack; you must know the time when the incident is going to take place.

JODL: Yes, I said that one would either have to predetermine the time or one must know it in advance; otherwise the demands could not be carried out.

MR. ROBERTS: And, therefore, you must create the incident yourself.

JODL: I testified to that at length yesterday. Either one of the many had to be exploited or perhaps one would have to help the situation along a bit; but, as I said, those are General Staff considerations which, when we capture them from the French, you consider entirely irrelevant.

MR. ROBERTS: It is set down at the end of the document on Page 30 that either the Wehrmacht or the counterintelligence section would be charged with the manufacture of the incident in the last paragraph.

JODL: Yes, I therefore wrote: "In case the counterintelligence service is not charged with the organization of an incident *aside from that*"—"in case." These are all theoretical deliberations of the General Staff in a situation, which I depicted quite accurately yesterday, where such incidents already occurred every day.

MR. ROBERTS: I know. Then, if this had taken place, the world would have been told that because of that incident Germany had been compelled to go to war?

JODL: I do not believe that this would have been reported to the world. Rather, I believe the true reason would have been told the world, which, furthermore, was made known constantly through the press, that 3½ million Germans cannot be used as slaves by another people permanently. That was the issue.

MR. ROBERTS: If the world is going to be told the truth, what is the earthly good of manufacturing an incident?

JODL: I testified as to that yesterday—I can only repeat what I said yesterday at length: I knew the history of war too well not to know that in every war things like that happen—the question, as to who fired the first shot. And Czechoslovakia at that time had already fired thousands of shots which had fallen on this territory.

MR. ROBERTS: Now, I say, Witness, subject to correction, that you are not answering the question at all. The question was a very short one and you make a long speech about something quite different. The question is, if the truth was sufficient to justify your going to war, why should you want to manufacture an incident? If you can't answer it, say so.

JODL: Well, it isn't at all confirmed that I wanted to bring about an incident. I wrote, "in case... not." We never prepared one and that is surely the essential thing.

MR. ROBERTS: I won't argue any further with you. I have put my point and will leave it. But now I want, on quite another point, to refer to the last paragraph on Page 29, the same document:

"Even a warning of the diplomatic representatives in Prague is impossible before the first air attack, although the consequence could be very grave in the event of their becoming victims of such an attack."

Perhaps you would read this paragraph, known already to the Tribunal.

"... death of representatives of friendly or confirmed neutral powers."

That means an air raid before there has been any declaration of war or any warning to the civilian population, doesn't it?

JODL: That meant that I called the attention of the Führer, through this document, to the fact that on the basis of his decree that result could or would come about.

MR. ROBERTS: Would you call that a terror attack? A terror attack?

JODL: It cannot be said under what conditions such an action would be launched. These are all theoretical tasks for our General Staff. How and if that was translated into practice, that no one can say, whether with justice or injustice; that depended on the political decision.

MR. ROBERTS: I will show you later how those thoughts were carried into practice in the case of other countries. So we will leave that document altogether now and I will leave the case of Czechoslovakia. Now you were recalled to the OKW on the 23d of August 1939, from your artillery employment. We know that, don't we?

JODL: Yes.

MR. ROBERTS: That was a great compliment to the opinion that the Führer had of you, wasn't it?

JODL: The Führer was not responsible for my being called back. I do not know whether he knew about it at all. I do not believe so.

MR. ROBERTS: Very good. On a very small point, Witness, you told the Court yesterday or the day before that you never had a conference with the Führer, I think, until September 1939; but your diary, on the 10th of August 1938—it is Page 136 of Book 7—your diary said you attended a conference at the Berghof with the Army chiefs and the Air Force groups. Didn't you meet the Führer then?

JODL: That which you asserted in your first sentence, I did not say. What I said was, word for word:

"On 3 September I was introduced to the Führer by Field Marshal Keitel, and on this occasion, at any rate, I spoke with him for the first time."

That is what I testified to, word for word, yesterday. I had seen the Führer a dozen times before then and I had heard him when he delivered his big speeches, after he was Reich Chancellor and Supreme Commander.

MR. ROBERTS: Yes, I accept that. It is quite likely that I was wrong. Now, with regard to the Polish campaign, did I hear you right when you said that Warsaw was only bombed after leaflets had been dropped?

JODL: That applies to the period of the siege of Warsaw. The terror attack, I might say, which was to hit the entire city through artillery bombardment, that took place after two previous warnings.

MR. ROBERTS: It is a matter of history, is it not, that Warsaw was bombed, with many other Polish towns, in the early hours of the 1st of September 1939 before any declaration of war? Isn't that a matter of history?

JODL: As far as this historical fact is concerned, Field Marshal Kesselring, who is very well informed about this, testified to that here in detail. He said—and also Reich Marshal Göring—that on this date the militarily important objectives throughout Poland were attacked but not the population of Warsaw.

MR. ROBERTS: Very good. You are quite right, now Kesselring—If the Tribunal wants the reference, he gave evidence as to the bombing of Warsaw, the English transcript, Page 5731 (Volume IX, Page 175).

[Turning to the defendant.] Now, I suppose the result of the Polish campaign was naturally a source of satisfaction to all of you?

JODL: The military development of the Polish campaign, from the military point of view, was extremely satisfactory to us. Of course things happen in life that would give more satisfaction than a military action.

MR. ROBERTS: Well, now, I want you to look at a letter. This is—My Lord, this is a new exhibit, D-885, and it is GB-484.

That letter is in your writing, is it not? Is it in your writing?

JODL: Yes.

MR. ROBERTS: Very good. Now, it is written to Police President Dr. Karl Schwabe, Brünn, Moravia, Police Presidency, dated October 28, 1939:

"My dear Police President: For your enthusiastic letter of 22 September, I thank you heartily. I was quite particularly pleased about it. This wonderful campaign in Poland was a grand opening for this hard and decisive struggle and has brought about for us an unusually favorable point of departure politically as well as militarily. The difficult part for the people as well as the Armed Forces is still ahead."—I propose to read it without comments and comment afterward.

"But the Führer and his associates are full of the greatest confidence; for the sanctimonious British will not succeed in throttling our economy, and militarily we are without worry. Decisive is the will of the people to stick it out, and this the many strong-willed and devoted men who are today at the head of the districts and in other responsible posts will take care of. This time we will show that we have better nerves and greater unity. That you, Police President, will contribute

your weighty share to keeping the Czechs at it and not let them perk up, of this I am convinced."

Then he is very pleased about the high recognition granted to the troops:

"Thanking you heartily once more for your words of appreciation which exceed my modest contribution in the shadow of the powerful personality of our Führer. I am with a Heil Hitler."

Why did you call the British sanctimonious? Because they keep treaties and don't have concentration camps and don't persecute Jews? Is that why you thought we were sanctimonious, because we don't break treaties?

JODL: No, that was not the reason. The reason was that the political situation generally was represented that way, and that I was actually of that opinion at the time.

MR. ROBERTS: Very good. Now you deal with:

"Decisive is the will of the people to stick it out, and this the many strong-willed and devoted men who are at the head of the districts and in other responsible posts will take care of."

Who were these strong-willed and devoted men? Is that the SS and the Gestapo?

JODL: No, these are the Gauleiter.

MR. ROBERTS: The Gauleiter?

JODL: Yes.

MR. ROBERTS: Well, but I mean we have one or two Gauleiter here, Gauleiter Sauckel, for instance; in a large area like Thuringia, he couldn't do much by himself, could he? He would have to have some SS or Gestapo, wouldn't he?

JODL: We are not at all concerned with that here. The fact is that these Gauleiter actually directed the organization of the State and the administration in this war in a noteworthy way. Despite the catastrophe the people were much better taken care of than in the years 1914-18. That is uncontested and it is to the credit of these people.

MR. ROBERTS: They were better taken care of?

JODL: Even in the most terrible conditions at the end every man in Berlin received his normal rations. It was a model of organization, I can only say that.

MR. ROBERTS: And a model of organization because no opposition to the government or the Party was allowed, was it?

JODL: Certainly, it made it easier on one hand, and on the other hand, led to terrible catastrophes about which, of course, I only heard here for the first time.

MR. ROBERTS: Very good. Well, the letter speaks for itself, and I will go along. May I just ask you about this last sentence:

“That you, Police President, will contribute your weighty share to keeping the Czechs at it and to not let them perk up...”

What did you mean by that?

JODL: Since he was Police President in Brünn, it was his task to see that quiet and order were maintained in Brünn and not to tolerate a Czech uprising at our backs while we were at war. That is a matter of course. I did not say that he was to murder or germanize the Czechs at all, but he had to keep them in order.

MR. ROBERTS: Very good. I pass from that now and I want to go to the various campaigns in the West. Now, with regard to Norway, of course you knew that your country had given its solemn word repeatedly to respect the integrity of Norway and Denmark, did you not?

JODL: I said yesterday, with reference to the two declarations of ...

MR. ROBERTS: Please answer my question, it is such a simple one.

JODL: Yes, I believe, I recalled that at the time. I am quite sure.

MR. ROBERTS: Very good; and we know there was an assurance at the beginning of the war to reassure all these western neutrals, and there was another assurance on the 6th of October; and you say that in November Hitler decided to invade Denmark and Norway?

JODL: Yes. I testified as to that at length yesterday.

MR. ROBERTS: I know you did. Please don't always say that. I have got to ask you to go over the same ground from the other angle, you see. “Norway,” as your speech said—and I am quoting from Page 291 of Book 7—perhaps you had better give it to him—Page 11 of your notes ...

[Turning to the Tribunal.] It is in the middle, My Lord, under Paragraph 8:

“In the meantime we were confronted by a new and urgent problem: The occupation of Norway and Denmark. ...

“In the first place there was danger that England would seize Scandinavia and thereby, besides effecting a strategic encirclement from the north, would stop the import of iron and nickel which was of such importance to us for war purposes. Secondly, it was with the realization of our own maritime

necessities"—"Notwendigkeiten"—that is the word, isn't it—"Notwendigkeiten" . . .

My Lord, that ought to be "necessary" and not "imperative"—"erforderten."

" . . . which made it necessary for us to secure free access to the Atlantic by a number of air and naval bases."

[Turning to the defendant.] You wanted air bases and U-boat bases, didn't you?

JODL: Militarily they were tremendously important to us, there is no doubt about that; but the prerequisites to taking them, those were the reports which we had, the threat to Norway.

MR. ROBERTS: What I suggest to you, you see, is this: In this, like the case of the other three Low Countries—in this case, you simply made an excuse. You thought England might do something, although she had not done it for months, and you breached Norway's neutrality at your own chosen time. Is that right?

JODL: In order to answer that question "yes" or "no," one would have to undertake a very thorough study of all the historical documents on both our own and the other side. Then one can say if it is correct or not. Before that has been decided, only a subjective opinion exists. I have mine, and you have another.

MR. ROBERTS: Yes. And I point out to you that it was Germany on every occasion who violated the neutrality. The other countries, the Allies, did not.

JODL: In the case of Norway, the English did that first in the case of the *Altmark* by laying mines and by firing upon German ships in Norwegian territorial waters. That has been proved indisputably. There is no doubt about that.

MR. ROBERTS: The *Altmark*, as you very well know, Witness, was not an occupation at all; it was merely the act of the British Navy in taking British prisoners from a German prison ship, and I imagine your Navy would have done the same if they had had the chance. What is the good of talking about the *Altmark*? It was not an occupation at all.

JODL: But it was a violation of international law as far as Norwegian sovereignty was concerned. You could only request that Norway do that, but you yourselves could not carry out a combative action in Norwegian waters. I know the regulations in this connection exactly.

MR. ROBERTS: Why should you break your word to Norway and cause untold suffering and misery to the inhabitants of that country because the British went into the territorial waters and

took out a few hundred prisoners? What is the logic of it? Why should the Norwegians suffer for it?

JODL: You are just quoting one small example from the tremendously real picture of England's occupation, but there are hundreds of them.

MR. ROBERTS: It is the example you quoted, Witness, not I. I did not quote it.

JODL: I can only say that we were under the definite subjective impression that we carried through an enterprise, in the last second, for which British troops were already embarked. If you can prove to me that is not true, I shall be extremely grateful to you.

MR. ROBERTS: Well, now I am going to call your attention to the only outside evidence that you have produced about that, because it was read rather hurriedly—quite rightly, yesterday.

[*Turning to the Tribunal.*] My Lord, it is in Jodl's Document Book 2, and it is Page 174. Well, My Lord, it begins at Page 174. My Lord, that is on the left-hand top corner. Page 174 says that Albrecht Soltmann was an expert specialist, that he evaluated files from the British landing brigade, and that he examined diaries. That is on the second page, and the bottom of Page 175:

"The documents and statements by prisoners showed that a short time before our landing in Norway the British invasion troops had been embarked on destroyers. On the following day they were again disembarked and remained in the vicinity of the port of embarkation. They were then re-embarked after the German invasion of Norway for the second time and transported to Norway. What intention the English pursued in the embarkation of their troops before our landings could not be determined from the documents and from the statements of prisoners. Whether they intended to occupy Norway before our invasion could at that time only be conjectured, because the prisoners did not make any exact statements in this respect. The conjectures are based on the special equipment of these British troops. Insofar as I could evaluate the documents and statements furnished by prisoners they did not contain proof of the English plans with regard to Norway."

And this is the next question:

"Have not the results of all documents and statements furnished by prisoners been to the effect that in the invasion of Norway we arrived only just ahead of the English?"

"Answer: 'Yes, the information in the documents and the statements furnished by prisoners could be interpreted to

mean that in our invasion we were just ahead of the English. However, whether this was considered unmistakable evidence I cannot judge.' ”

And then they deal with French documents captured in a railway train. The witness does not know anything about them.

[Turning to the defendant.] That is pretty poor evidence, isn't it, on which Norway was to be invaded, contrary to all the treaties and all the assurances?

JODL: I quite agree with you on that; you are quite correct. But that is only because Soltmann was unfortunately not the expert in this field. He was not even an officer of the General Staff. I had forgotten that. We had further and quite different evidence which lay before me on my desk; namely, all the commands carried by the English landing brigade. They confirmed our assumptions absolutely and definitely.

MR. ROBERTS: An invasion without any warning or any declaration of war?

JODL: That is a political question.

MR. ROBERTS: You have told the Court yesterday what a stickler you were about international law, how keen you were to see that international law was observed. You knew that was against international law, didn't you?

JODL: These matters were not in our regulations, but only the provisions which applied to the Wehrmacht. The concept of an aggressive war was not found in any regulation. We went only by the Geneva Convention and the Hague Land Warfare Regulations.

MR. ROBERTS: I mean if an honorable German gives his word he keeps it, does he not? He does not break his word without saying that he is going to depart from it, does he, an honorable German?

JODL: That seems to be a practice which is generally observed all over the world when human beings work together, but not in the sphere of politics.

MR. ROBERTS: If that is your code of honor, why is it not grossly dishonorable for Germany to break her word over and over and over again? Or would you rather not answer that question?

JODL: No, you would do better to put that question to the people who were responsible for German politics.

MR. ROBERTS: Very well, I will leave that. Now I want to come to the invasion of Holland, Belgium, and the Netherlands. I beg your pardon, the Netherlands, Belgium, and Luxembourg.

You have no doubt at all, have you, on the documents that in the event of war in the West, it was always Hitler's intention to violate the neutrality of those three small countries?

JODL: From the beginning, in his orders for the attacks in the West, he had the intention to go through Belgium; but he had reservations with regard to Holland for a long time, which were only rescinded later—I believe in the middle of November. Regarding Holland his intentions were not specific. Regarding Belgium his intentions in that direction were known comparatively early, that is, about the middle or the early part of October.

MR. ROBERTS: You could not, of course—I mean Germany naturally wanted to wage an offensive war and an offensive war in somebody else's country. That is the ambition, naturally, isn't it?

JODL: The German objective in this war was to win, at that time.

MR. ROBERTS: Yes. You couldn't attack in the West unless you attacked through Belgium, could you?

JODL: In any event, any other attack was tremendously difficult and was highly doubtful. I have already said that.

MR. ROBERTS: Yes. That is why, of course, France built the Maginot Line, so that you couldn't attack her frontally.

Well, now, if you secured the coast of Belgium and Holland, you secured air bases from which you could annihilate England or Great Britain. That is what you hoped, wasn't it?

JODL: No doubt the strategic position of Germany in the battle against England improved through our having the coast; that is true.

MR. ROBERTS: Yes. May I just remind you of a few documents which the Tribunal know already. I do not intend to read them, but the first document in order of date is 375-PS, USA-84, dated 25 August 1938. It is during the Fall Grün time. That was the Air Force appreciation which, in the last paragraph of the document, Page 11, I think, it says:

"Belgium and the Netherlands in German hands would represent an extraordinary advantage in the air war against Great Britain. . . ."

And the Army is asked to say how long it would take.

That was at the time of the Czechoslovakian crisis, wasn't it?

JODL: Yes, but this document, I believe, has already been characterized as a ridiculous piece of paper, being the work of an insignificant captain.

MR. ROBERTS: He seems to have been a very good judge, at any rate, judging what happened afterwards.

Well now, the next document—I know you were in Austria, but no doubt you heard about it from Keitel—was the Chancellery meeting the 23d of May 1939. That is L-79, it is Book Number 7, Page 275. Do you remember there that the Führer said:

"The Dutch and Belgian air bases must be militarily occupied. Declarations of neutrality must be ignored...."

"In this matter, considerations of right and wrong or treaties have no significance...."

"The Army will have to take positions essential to the Navy and the Air Force. If Belgium and the Netherlands are successfully occupied and held, if France is also defeated, then fundamental conditions for a successful war against England will have been secured...."

"Daily attacks by the German Air Force and Navy will cut her life lines."

There wasn't any doubt as to the policy of the Führer in May 1939, was there?

JODL: It was in Court here that I first heard about this conference and about the things which were purportedly discussed at that time; and I am not able to judge whether it is correct, for I did not hear it, not even from Keitel, not even later.

MR. ROBERTS: Very good. Did you hear about the speech made by the Führer on the 22d of August 1939?

[Turning to the Tribunal.] I do not know if the Court has got this. It is not in the Document Book; 798-PS, in Document Book Number 4. There are some loose copies, My Lord.

[Turning to the defendant.]

"Those countries"—Holland, Belgium—"and Scandinavia will defend their neutrality by all available means. England and France will not violate their neutrality."

You always thought Hitler was a good prophet, didn't you? You thought Hitler was a good judge.

JODL: Very often, yes, very often.

MR. ROBERTS: And he was a good judge that England and France would keep their word, whereas Germany would break hers.

Now, then, that is August. Now then I want to...

JODL: But that I don't know.

MR. ROBERTS: Very good. Now, I want to come to the document which you put in yesterday.

THE PRESIDENT: Well, wait a minute. Defendant, what do you mean by saying you don't know that? Do you mean that you did not know the document? You said, "I don't know that."

JODL: I do not know what the Führer actually said in his conference on the 22d of August. I did not even know that a discussion had taken place, for I was in Vienna. I only know what is ostensibly in documents which have been submitted here.

MR. ROBERTS: Now I want to put the whole Document L-52. Dr. Exner, quite properly of course, read some extracts; but I want to read some more. Have you got copies for the Tribunal?

Now, L-52 was Hitler's memorandum on the 9th of October 1939. May I point out that the 9th of October 1939 was 3 days after his renewed assurances to the western neutrals.

I want to refer—certain passages you have read; I want to refer to others.

[Turning to the Tribunal.] My Lord, what I am now reading from, starting with the outside page, is the 5th page. It is Page 27 of the original, which appears in the bottom right-hand corner.

[Turning to the defendant.] I read the paragraph on Page 25 of your original, Witness.

“Germany's military means of waging a lengthy war are, as far as our main enemy is concerned, the Air Force and the U-boat arm.

“The U-boat can even today, if ruthlessly employed, become an extraordinary threat to England. The weaknesses of German U-boat warfare lie in the great distance of approach to the scene of their activity, in the extraordinary danger attached to these approaches, and in the continual threat to their home bases. That England has not, for the moment, laid the great mine fields as in World War I, between Norway and the Shetland Islands, is possibly connected—provided the will to wage war exists at all—with a shortage of necessary blockade materials. But if the war lasts long an increasing difficulty to our U-boats must be reckoned with in the use of these only remaining inward and outward routes. Every creation of U-boat bases outside these constricted home bases would lead to an enormous increase in the striking power of this arm.”

Is that a covert reference to the Norwegian bases, do you think, giving access to the Atlantic?

JODL: I do not believe so. I believe it is a general correct naval strategic consideration and can apply just as well to a base at Murmansk which, for instance, we already had at that time, or in Spain, or in some other state that was neutral at the time; but it is not a reference to Norway, for I have declared under oath that at the time, the Führer never gave a thought to Norway, not the slightest thought, before he received the report from Quisling.

MR. ROBERTS: I have your answer. Now, may I go on reading?

“The German Air Force: It can only succeed in effective operations against the industrial center of England and her south

and southwest ports, which are gaining in importance during the war, when it is no longer compelled to operate offensively from our present small North Sea coast by tremendously devious routes involving long flights. If the Dutch-Belgian area were to fall into the hands of the English and French, then the enemy air forces, in order to strike at the industrial heart of Germany, would need to cover barely a sixth of the distance required by the German bomber to reach really important targets. If we were in possession of Holland, Belgium, or even the Straits of Dover as jumping-off bases for German air attacks, then, without a doubt, Great Britain could be struck a mortal blow, even if the strongest reprisals were attempted.

"Such a shortening of the air approaches would be all the more important to Germany because of our greater difficulties in fuel supply. Every 1000 kilograms of fuel saved is not only an asset to our national economy, but means that 1000 kilograms more of explosive can be carried in the aircraft; that is, 1000 kilograms of fuel would become 1000 kilograms of bombs. This also leads to economy in aircraft, in mechanical wear and tear, and above all, in the precious blood of soldiers."

Then I ask you to turn to your Page 41.

My Lord, it is two pages on, and Your Lordship will see "41" nearly at the top of the page, with an asterisk, and the heading, "The German Attack." Has Your Lordship got it?

THE PRESIDENT: Yes.

MR. ROBERTS: "The German Attack. The German attack is to be launched with the fundamental object of destroying the French Army, but in any case it must create a favorable initial situation which is a prerequisite for a successful continuation of the war. Under these circumstances the only possible area of attack is the sector between Luxembourg in the south and Nijmegen in the north, excluding the fortress of Liège. The object... is to attempt to penetrate the area Luxembourg-Belgium, and Holland in the shortest possible time and to engage and defeat the opposing Belgian-French-English forces."

I suppose I can't ask you to say what is your opinion of the honesty of giving those western neutrals a guarantee on the 6th of October and saying that is the only possible means of attack in that memorandum of the 9th. I suppose that is a question of politics, is it?

JODL: That is a political question, but the declarations were always made only on the condition of the strictest neutrality of these countries. But this neutrality was not kept, for British fliers flew over this area by day and by night.

MR. ROBERTS: Why should the wretched people of the Netherlands and Belgium be destroyed and mutilated because British airmen fly over their territory—destroyed and mutilated by the German Army? What is the logic of your remark at all?

[Turning to the Tribunal.] My Lord, there was one more passage from that document I should like to read. If Your Lordship is thinking of adjourning, perhaps I might read it, and then I will have finished with the document. My Lord, it is the next page, and it is toward the end of the page. It is against the lettering—the number L-52. It is just above, “Time of Attack.”

[Turning to the defendant.] It is on your Page 52, Witness, at the very beginning, or just at the end of Page 51:

“All the leaders must keep firmly fixed in their minds the fact that the destruction of the Anglo-French Army is the main objective, the attainment of which will make possible the prerequisite conditions for later and successful employment of the German Air Force against other objectives. The brutal employment of the German Air Force against the heart of the British will to resist can and will follow at the given moment.”
Did that mean terror attacks against the civilian population?

JODL: You are asking me continually about a document which from the first to the last word was written by the Führer, as I have already told you. You are producing a rather interesting picture of the Führer as a strategist and as a military leader, and it is of interest to the world; but I cannot see how this concerns me. These are the thoughts which the Führer put down as military commander and are of great interest for all soldiers in the world. But what does it have to do with me? That I do not understand.

MR. ROBERTS: But may I point out, Witness, that your own counsel produced it and you relied on certain parts of it. That is how it concerns you; you relied on it.

JODL: Yes.

THE PRESIDENT: We will adjourn now.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

MR. ROBERTS: Witness, I only have two other questions on the alleged aggression against the Low Countries. Will you look at your diary, 1809-PS, for the 8th of May 1940. It is Page 141 in Document Book 7, and it is Page 115 in the German book. The actual quotation is Page 143 in the Document Book 7; at the top of the page: "8 May. Alarming news from Holland, canceling of furloughs, evacuations, road blocks, other mobilization measures."

Were you afraid that the Dutch might actually take some steps to defend themselves against your invasion?

JODL: I was sure that the Dutch would defend themselves against Germany.

MR. ROBERTS: Was it alarming you because you thought the Dutch might have suspected you were going to break your treaties and assurances?

JODL: I did not understand the question.

MR. ROBERTS: I will go on:

"According to the intelligence reports the British are said to have asked for permission to march in, but the Dutch refused. According to reports, measures of the Dutch partly directed against the coast and partly against us. Not possible to obtain a clear picture whether the Dutch do not work hand in hand with the English or whether they really want to defend their neutrality against the first attacker."

It is clear from that, is it not, that you had no information at all that Dutch neutrality was going to be broken?

JODL: That is not clear from the entry; it is only a brief argument on the basis of masses of reports which we received from Canaris on that day or on the previous day. If they were to be followed up accurately, the reports immediately preceding this entry would have to be at hand; the entry refers to the latest reports, and not to the many thousands which had come in before.

MR. ROBERTS: Now, on the 10th of May without any declaration of war these three countries, small countries, were invaded with all of the armed might of Germany, were they not?

JODL: The attack began on the 10th of May along the whole front.

MR. ROBERTS: What had those countries done at all to deserve the horrors of invasion and the misery of German occupation?

JODL: That, again, is a historical question. I have already said that according to my personal point of view England and France in

fact forced them to give up their strictly neutral attitude. That was my impression.

MR. ROBERTS: Their only fault, was it not, was that they stood in the way of your air bases and U-boat bases?

JODL: They were not only in the way, but by tolerating actions incompatible with neutrality, they helped England in the war against us. That was my subjective impression.

MR. ROBERTS: Now, I have only got—with the permission of the Tribunal, there was one question I should have asked on Norway; only one; and if I might go back to that, I want to ask you about your diary entry, 1809-PS, Page 143 in Document Book 7. I have not got a reference to the German but it is about at that place. I will read it slowly: "13 March: Führer does not give order yet for 'W' "—Weser—"He is still looking for an excuse"—or "justification"—to use your word. And the next day: "14 March: Führer has not yet decided what reason to give for Weser Exercise."

If you had a good reason for breaking Norwegian neutrality, why should the Führer be unable to find one?

JODL: Because for this operation the Führer considered it absolutely necessary to have some documentary proof. So far, there had only been very strong indications which came near to a proof, but we had as yet no documentary evidence.

MR. ROBERTS: Very good. I leave that part of the case, and I now go to Yugoslavia, and I have only two or three questions on Yugoslavia.

I want you to look at Document 1746-PS, Page 127 in Document Book 7; German book, 112.

Before we deal with the document, Witness, Yugoslavia had also received assurances from Hitler. That is so, is it not, or do you not know?

JODL: Yes. Not only did Yugoslavia receive assurances from Hitler, but we also received them from the Yugoslav Government, which had concluded a treaty with us on the previous day.

MR. ROBERTS: Now, you will find the document I am going to refer to—it has got a piece of paper headed with the German word for "discussion," "Besprechung." Have you found it? It should be a piece of paper with the word "Besprechung."

JODL: "Discussion on the Situation in Yugoslavia"; yes.

MR. ROBERTS: Yes, that is right.

JODL: Yes.

MR. ROBERTS: Dated 27 March 1941?

JODL: Yes.

MR. ROBERTS: Now if you turn to—I think it is Page 2: “The Führer is determined, without waiting for declarations of good faith from the new government, to make all preparations to destroy Yugoslavia militarily and as a national unit. No diplomatic inquiries will be made; no ultimatum presented. Assurances of the Yugoslav Government, which cannot be trusted for the future, will be taken note of. The attack will start as soon as the means and the troops suitable are ready. It is important that action be taken as fast as possible.”

Now I go to Page 3, Witness:

“Politically it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and military destruction is done in a lightning-like undertaking.”

Now I go to Page 5, Witness:

“The main task of the Air Force is to start as early as possible with the destruction of the Yugoslav Air Force ground installation, and to destroy its capital, Belgrade, in waves of attacks.”

The Führer was not going to give the civilian population even half an hour's warning, was he?

JODL: I do not know what preparations for warning the Yugoslav Government had been made, but at the moment of the Putsch it immediately made military preparations and deployed its forces along our border.

MR. ROBERTS: May I ask you this? Do you approve, as an honorable soldier, of attacking a city crowded with civilians without a declaration of war or even half an hour's warning?

JODL: I do not hold that view. I have already said that I, personally, and half an hour or an hour later the Reich Foreign Minister, suggested an ultimatum.

MR. ROBERTS: When you lost air superiority and people were able to hit back, you Germans made a great deal of fuss then about terror attacks, did you not?

JODL: This city was at the same time the center of a Putsch government which had annulled a treaty concluded with Germany, and which from that moment on had made preparations along the whole front for war with Germany.

MR. ROBERTS: Well, I am going to leave the incident. Do you remember how you referred to it in the notes for your lecture? It appears on Page 127—no, My Lord, it does—I beg your pardon, it appears on 292 of Book 7 and at 304 of the German. You refer

to it as "an interlude." Do you remember? The German word is "Zwischenspiel," "interlude." Is that your idea of an interlude?

JODL: To be juridically exact, you mean the first draft of my lecture and not my lecture which you do not know. However, even in this first draft I cannot recall mentioning an interlude.

MR. ROBERTS: How many civilians, how many thousands, do you think were killed in the first movement of that "interlude"—in the bombing of Belgrade without warning?

JODL: I cannot say, but surely only a tenth of the number killed in Dresden, for example, when you had already won the war.

MR. ROBERTS: Now I come to the alleged aggression against the Union of Soviet Socialist Republics. Hitler decided to attack the Soviet Republic in July of 1940, did he not?

JODL: In July of 1940 he had not yet reached that decision.

MR. ROBERTS: But at any rate—I do not want to waste time—we know that on the 22d of June 1941 Germany invaded the Soviet Union contrary to her nonaggression pact. That is history, is it not?

JODL: Yes. The surprise attack on 22 June 1941 is a historical fact which took place because the politicians were of the opinion that the Soviet Union had not kept the pact.

MR. ROBERTS: Now, Witness, I am going to pass from this part of the case altogether. I want to put one last question: Do you not think that this record of broken pledges will dishonor the name of Germany for centuries to come?

JODL: It might, if historical research after exact investigation of Russian documents delivers clear proof that Russia had no intention of strangling us politically or of attacking us. In that case, yes; otherwise, no.

MR. ROBERTS: I now want to ask—to come to quite a different part of the case under Count Three and Count Four. The documents have been put to you so often. I do not want to put them again.

But, you remember the "Barbarossa" order. That is C-50, in Document Book 7, Page 187; and German book, 146. That was circulated by your office, was it not, Wehrmachtführungsstab, L?

JODL: It was dealt with in the Quartermaster Section of the Wehrmachtführungsstab.

MR. ROBERTS: Well now, would you agree that that was a shameful order to have to issue?

JODL: I agree. I have already said that there was no soldier who was not opposed to this order; they all did so.

MR. ROBERTS: Very good. Now we know that on the 17th of July—and this is Document C-51, which is in Document Book 7, at Page 190, German Page 150—we know that from the same office, the WFSt, L, there was issued an order that the previous order was to be destroyed, but its validity was not to be affected, destroyed below corps level. What was the object of the destruction of that order?

JODL: Unfortunately I cannot tell you; I do not recall this order. I do not believe I ever saw it, at least not before this Trial.

MR. ROBERTS: Perhaps you would look at it, Witness, C-51, Page 190, Book 7; 150, German book. Now, that comes from WFSt—that is, Wehrmachtführungsstab—Department “L”; and then “Q” for “Quartermaster,” in brackets. That is your office, is it not?

JODL: That is a part of the Wehrmachtführungsstab.

MR. ROBERTS: It is signed Keitel.

JODL: Yes. But I do not know this order; it was shown to me for the first time here in Nuremberg; I had never seen it before. I do not know what it is about or what order is being rescinded. I have already said that these questions of military legal jurisdiction were dealt with by Field Marshal Keitel, and that he used my Quartermaster Section as a working staff without my having any part in these matters. I do not know this order.

MR. ROBERTS: And you cannot suggest any reason why it had to be destroyed?

JODL: No; I cannot give you any information about it.

MR. ROBERTS: Now then, I want C-52, which has not yet been put in. Your Lordships will find it on Page 191 of Book 7. I offer it as GB-485, and it is in the German book on Page 153.

[Turning to the defendant.] Now, this is another Keitel order. It comes from Wehrmachtführungsstab, L; then, in brackets, “I Op.” Is that your department?

JODL: That is the section which worked with me on all operational questions.

MR. ROBERTS: Do you remember that order?

JODL: Yes, I remember the order.

MR. ROBERTS: Now—I think you took part in drafting it; did you not?

JODL: Certainly, because it is an operational order which supplements a directive.

MR. ROBERTS: Yes, well, will you look at Paragraphs 6 and 7? Paragraph 6:

"In view of the vast size of the occupied areas in the East, forces available for establishing security will be sufficient only if all resistance is punished not by legal prosecution of the guilty, but by the occupation forces spreading such terror as is alone appropriate to eradicate every inclination to resist.

"The respective commanders, together with the troops at their disposal, are to be held responsible for maintaining peace in their respective areas. The commanders must find the means of keeping order within the regions where security is their responsibility, not by demanding more forces, but by applying suitable Draconian measures."

That is a terrible order, is it not?

JODL: No, it is not at all terrible for it is established by international law that the inhabitants of an occupied territory must follow the orders and instructions of the occupying power, and any uprising, any resistance against the army occupying the country is forbidden; it is, in fact, partisan warfare, and international law does not lay down means of combating partisans. The principle of such warfare is an eye for an eye and a tooth for a tooth, and this is not even a German principle.

MR. ROBERTS: Is it not the tooth and the eye of the innocent?

JODL: It is not a question of the innocent. It expressly states, "to eradicate every inclination to resist." It is a question of those who resist, that is, by partisan warfare.

MR. ROBERTS: I will not argue about it, Witness. I gather you approve of the order.

JODL: I approve it as a justified measure conforming to international law and directed against a widespread resistance movement which employed unscrupulous methods. Of that we had evidence.

MR. ROBERTS: Very good. Now I want to come to something quite different. I want to come to the Commando Order, and I desire to put in two documents which have not yet been put in, to trace the history of the making of this order, because I suggest it was drawn up in your office under your jurisdiction.

Will you give the witness, please, 1266-PS, which I offer, My Lord, as GB-486.

Now, this is the first document, dated the 8th of October. That is a memorandum from the "Q" branch of the Wehrmachtführungsstab; that is right, is it not?

JODL: Yes.

MR. ROBERTS: And it was—that is the wireless order that you mentioned?

JODL: Yes.

MR. ROBERTS: First it deals with the “tying up,” My Lord, which is not important. Secondly, the wireless announcement of the 7th of October 1942, which reads as follows:

“All terror and sabotage detachments of the British and their accomplices who do not behave like soldiers but like bandits will in future be treated as such by German troops and will be ruthlessly slain in battle wherever they make their appearance.”

[Turning to the defendant.] Well, of course, that order does not mean very much, does it? It assumes that the enemy are not behaving like soldiers, but like bandits, and says they may be slain in battle.

But then the second paragraph:

“The Deputy Chief of the Operations Staff...”

That was Warlimont, was it not, Witness?

JODL: Yes, that was Warlimont.

MR. ROBERTS: Yes.

“... has given the following urgent task to ‘Q’:

“1) Drafting of the order.”

Look at Number 2:

“Like the Barbarossa order issued at the time this order must also be drawn up—in conjunction with the Armed Forces Legal Department and Counterintelligence—with great thought and care. Distribution down to armies only, from there forward only orally. To be destroyed after having been taken cognizance of.”

What was the nature of that order that was drawn up with so much care by your staff and the Legal Department and Counterintelligence?

JODL: I believe that was Document C-50, which you mentioned earlier. The Barbarossa order is not a clear term.

MR. ROBERTS: “The following must be borne in mind regarding the contents of the order:

“In cases where captives are temporarily taken into custody for our own purposes, the persons concerned are to be handed over to the SD by Counterintelligence after a thorough examination in which the SD is also to take part.

“Not to be lodged in prisoner-of-war camps under any circumstances.

"This order is to take effect subsequently with regard to the people from Norway."

The people from Norway were some English Commandos who had blown up a power station in Norway; is not that so?

JODL: That is possible, but I do not know. I have never seen this.

MR. ROBERTS: I think I will be able to remind you later about it.

The next document I do not read. It is from somebody called "Dr. Hülle," whom I do not know, and I do not think it adds anything to it.

Then the next document—the third in Your Lordship's bundle—is dated 9 October and is signed "Warlimont." Is it dated 9 October, Witness?

JODL: Yes.

MR. ROBERTS: Signed Warlimont?

JODL: Signed by Warlimont.

MR. ROBERTS: It sets out the first facts in the first two paragraphs that we know:

"The Führer wishes an order to be issued laying down the proper behavior of the Armed Forces.

"At the instance of the Armed Forces Operations Staff, the Armed Forces Legal Department has drawn up the draft attached hereto.

"You are requested to co-operate in a thorough examination, if necessary, calling in the Reichsführer SS.

"We refer to the discussion between Chief of Counterintelligence and the Deputy Chief of the Armed Forces Operations Staff."

Then the next document is the draft order prepared by the Legal Department:

"Members of terror and sabotage detachments of the British Armed Forces who demonstrably break the rules of an honorable way of fighting will be treated as bandits: To be exterminated mercilessly in battle or in flight. If in case of military necessity they should be temporarily arrested, or if they fall into German hands outside combat actions, they are to be brought before an officer immediately for interrogation and are then to be handed over to the SD.

"Holding them in a prisoner-of-war camp is forbidden.

"This order may be distributed only down to armies. From there to the front it must be transmitted only verbally."

And did you—do you remember having a conversation on the telephone with the head of the Legal Department about this order?

JODL: No, I do not remember.

MR. ROBERTS: Well, will you look at the next document; it is dated 14 October. It is in the same bundle, the next page of it—I beg your pardon, it is a memorandum. Now you notice the heading, the original heading was: “Reprisal Actions—Prisoners of War.” Somebody struck that out and put instead: “Combating of Enemy Sabotage Detachments.”

“Memorandum. (Telephone discussion with the Chief of the Armed Forces Legal Department).

“The Chief of the Armed Forces Legal Department has spoken with the Chief of the Armed Forces Operations Staff by telephone.”

That is you, is it not?

JODL: Yes.

MR. ROBERTS: “The latter”—that is you—“said that the Führer’s aim in this action was to prevent this manner of waging war (dropping small detachments who do great damage by demolitions and then surrender).”

That was the object of the order, was it not?

JODL: Yes, but by using methods contrary to international law.

MR. ROBERTS: Well, that is a matter perhaps neither for you nor me to discuss. But if I might be allowed to ask you this question: Do you draw any distinction between a British airman who bombs a power station from the air and a British parachutist in uniform who is landed and blows it up with an explosive? Do you draw any distinction in international law?

JODL: No. As such, the destruction of an objective by a demolition troop I consider completely admissible under international law; but I do not consider it admissible during such an operation for civilian clothes to be worn under the uniform and armpit pistols to be carried which start firing as soon as the arms are raised in the act of surrender.

MR. ROBERTS: Well, there are two things there, you see, and one answer and I am not going to argue at all with you; but when you consider the case you will find many, many cases where these persons were executed and there is no suggestion they had anything but a uniform at all.

JODL: I believe that these cases were quite rare, that at least these people were mixed with those who wore civilian clothes.

MR. ROBERTS: Well, I am not going to argue with you because there are other documents and they will have to be, perhaps, summarized sometime. But would you agree that a parachutist in uniform, with no civilian clothes, acting like that, if he is killed, shot by the SD, would you agree that that would be murder? Or would you rather not answer that?

JODL: I have already said that if a soldier in full uniform only blows up or destroys an objective, I do not consider it an action contrary to international law; and for that reason I opposed the Commando Order in this form almost to the last moment...

MR. ROBERTS: I hear your answer and I will not pursue that matter. Then the document goes on—I do not want to read it all:

"The Chief of the Armed Forces Legal Department spoke to the effect that under these circumstances one should consider issuing an order fit for publication. Article 23c of the Hague Land Warfare Regulations, which forbids the killing or wounding of an enemy who lays down his arms or is unarmed, if he surrenders unconditionally, had to be explained; when the Land Warfare Regulations were concluded this manner of waging war was not yet known and the regulation therefore could not apply to this."

Well now, that was the first bundle. Now I want to put you a...

JODL: I should like to make a brief comment on this document. I have not seen any of these papers before; I am now seeing them for the first time; but they prove, word for word, what I said here the day before yesterday under oath, that on their own initiative, the members of my staff, as they heard that the Führer had demanded an executive order, began preparatory work for the draft of such an order with the Legal Department and with the Foreign Department, but that I did not accept and did not submit any order to the Führer.

MR. ROBERTS: Well now, I want to put to you another document, 1265-PS.

My Lord, I offer it as GB-487.

Now the first document in the bundle is a teletype dated 13 October and it is signed by Canaris. Is that right, Witness?

JODL: Yes, a teletype message from Canaris.

MR. ROBERTS: Yes, and it is a teletype to the OPS Staff. The subject is "Treatment of Prisoners of War."

"Regarding discussions and measures in pursuance of OKW's announcement of 17 October 1942 the following general attitude is taken:"

Number 1 does not matter; it is about chaining. Number 2 is the important one:

"Treatment of Sabotage Units: Sabotage units in uniform are soldiers and have the right to be treated as prisoners of war. Sabotage units in civilian clothes or German uniform have no claim to treatment as prisoners of war (*francs-tireurs*)."

You agree, of course, with the correctness of that, do you not? The rest of that document does not matter. You agree, do you not, with that opinion in Paragraph 2, as a man who knows international law?

JODL: Yes, I agree with Paragraph 2; it corresponds entirely with my opinion; it agrees completely with my point of view.

MR. ROBERTS: And now the next document.

267 If you go to the—if the Tribunal would kindly go to the last document of the three; and would you go to the document which is headed, "Telephone call; Reference: Letter Ausland Abwehr of 13. 10. 42." My Lord, that is the one I have just read.

"Opinion of the Armed Forces Legal Department"—Paragraph 2, that is referring to Canaris' opinion—"Fundamentally in agreement.

"It may, however, be possible to support the following train of thought with regard to special cases:

"Fighting methods such as exist now and such as it is intended to prevent came about long after the creation of the Hague Regulations for Land Warfare, in particular as a result of war in the air. Special attention is drawn to the mass use of parachutists for purposes of sabotage. Anyone who commits acts of sabotage as a soldier with the intention of surrendering after the act of sabotage without fighting does not act like an honest fighter. He misuses Article 23c of the Hague Regulations for Land Warfare during the formulation of which no such methods were contemplated. The misuse lies in the speculation on surrender without fighting after successful completion of the act of sabotage.

"This view regarding the inadmissibility of sabotage Commandos can be backed up without reservation provided we also apply it to ourselves."

That document has your initial on the top, Witness? Is that right?

JODL: I have read this document. It contains a statement on international law by the Armed Forces Legal Department, which on this point agrees with the Führer's opinion. It actually confirms the possibility that a misuse of international law may be committed

by surrendering immediately after an action and thus securing for oneself complete absence of danger in the conduct of a war operation. That interpretation is disputable; I do not fully approve of it, but it was the view of the highest legal authority at that time.

MR. ROBERTS: Many, many brave soldiers, when they are outnumbered, surrender, do they not? Many Germans surrendered at Bizerte and Tunis, thousands of them. How did that put them outside the pale of international law or the protection of it?

JODL: But they were soldiers captured in the normal manner of war, which the Führer always recognized. This is a disputable case and very doubtful under international law, but, as I said, it is not an idea of mine and has nothing to do with me; I only took note of it.

MR. ROBERTS: Very good. My Lord, the intermediate document is a letter signed "Lehmann," who was head of the Legal Department. It merely confirms the telephone conversation which I have read, and I do not think it is necessary to read it again. It is before the defendant.

[Turning to the defendant.] Well now, the last of these documents before the order was finally drawn up and issued, the Court has already seen, because it was put in.

It is 1263-PS, RF-365, My Lord, it was in Jodl's Document Book Number 2, Page 104.

Will you look at the original, please.

There is an unfortunate omission from Page 110 in Dr. Exner's book, which I am perfectly certain is quite inadvertent. Will you look at the document dated 15 October 1942?

My Lord, I think that is the first in your bundle. It is Page 110. It is first in the single documents. It is Page 110 of Dr. Exner's book, and I apologize to him because I have just seen the marginal writing. It was covered over before, and I had not seen it. I apologize.

My Lord, the...

It is a note, is it not, Witness, signed Warlimont, your deputy, 15 October. I think you will find it the second document in your file. I do not want to read it all again because it has been read, but you see: "The Proposal of the Amt Ausland Abwehr will be submitted as Appendix 1."

The Tribunal will find Appendix 1, in which he says—in which it is suggested, under letter "A," that sabotage troops who do not wear uniforms should be court-martialed. You have said "no." You have given your reasons. I will not worry you about that any more. And then "B"; members of sabotage units, who are in uniform but

are guilty of dishonorable activities are after capture to be put into special confinement. Do you say that that does not go either?

And then, if you will go back to 15 October, just the second paragraph down:

"The Chief of WR"—that is the Legal Department—"has made a statement to the effect that the order was to be drawn up in such a way that it will take into account our own interests..."

Is it "our own interests," Witness? "Take into account our own interests"?

JODL: Yes, "our own interests."

MR. ROBERTS: "...our own interests while considering the future conduct of the war. In this way he wanted to avoid repercussions which would run counter to our further intentions. Sabotage is an essential part of conducting war in time of total warfare; we ourselves have strongly developed this method of fighting."

And you write against that, do you, "But the English make much more use of it"?

JODL: Yes, it is an undeniable fact that at that time of the war the English made much more use of it than we.

MR. ROBERTS: Is that a reason for making a law, an order of this kind, to try and discourage the English from using sabotage detachments?

JODL: No, that is certainly not a reason. It is only a denial of the statement that we had strongly developed this method of fighting; hence my remark, "Yes, but the English to a much greater extent than we." That, of course, has nothing at all to do with the reason for the order.

MR. ROBERTS: Then I am not going to take more time on that particular document, except—have you got a document dated 14 October with 1, 2, 3, 4 at the end? I think it is on a separate page, the 1, 2, 3, 4.

JODL: Yes.

MR. ROBERTS: It says:

"With the view in mind—to prevent the enemy's fighting the war by using sabotage troops—following questions have to be clarified before formulating an order:

"1) Have we ourselves the intention of dropping sabotage units in the zone of rear echelons of the enemy, or also far back in the interior?

"2) Who will drop more sabotage troops, the enemy or we?"

"3) Can we establish the principle: Sabotage troops do not conduct legal war; they are to be exterminated in the fighting without mercy?

"4) Do we attach importance to first arresting the single members of this group for interrogation by Counterintelligence and not killing them immediately?"

These were the considerations which were discussed in your office before the orders were drawn up.

JODL: These were questions—not points of view—questions which were raised in the Armed Forces Operations Staff as a result of the Armed Forces communiqué. Fortunately, the submission of all these documents proves the complete correctness of everything I said here 2 days ago. The staff, the Legal Department, and the Ausland department racked their brains and pondered how they could draw up the executive order implementing the Führer's additions to the Wehrmacht communiqué. Neither they nor I came to any conclusion, and no proposal was made to the Führer; nothing was done. That is what I stated here the day before yesterday, and that is what, fortunately, you yourself have proved by submitting these documents.

MR. ROBERTS: You have said, I think, that part of the Führer's order disgusted you?

JODL: Yes.

MR. ROBERTS: And you have said in your interrogation that circulating this order was one of the things which went against your inner conscience—one of the few things. "Your inner convictions"—to use your actual words.

JODL: In the preliminary interrogation I said that it was one of the few—or the only—order I received from the Führer which I, in my own mind, completely rejected.

MR. ROBERTS: You rejected it, but these young men went on being shot, did they not?

JODL: I have already described exactly how the commanding generals at the front, vigorously supported by me, interpreted this order in the mildest imaginable way in practice; actually, only very few such incidents occurred, and I believe that most—at any rate, nearly all that came to my knowledge—were highly justified, because the fighting methods of those people were not methods of honest soldiers.

MR. ROBERTS: You see, you talk about your "inner convictions." I think Keitel spoke about his "inner conscience." But should we have heard anything about these convictions and this conscience if Germany had not lost the war?

JODL: No, but then we might have heard of the strangled at Dieppe in a similar trial.

MR. ROBERTS: It is very late and—now, I just want to deal with a few examples, very very quickly, of the order being carried out, as you said it was only carried out a few times. I just, first of all, want to refer to UK-57, which is Page 309 of Document Book 7, the German copy Page 33—German copy Page 344. I am sorry, I had given you the wrong number. I can read this out. It is a report which is initialed by Keitel.

✓ "On 16 September 1942"—mark the date, that is more than a month before the Commando Order came into force—"10 Englishmen and 2 Norwegians landed on the Norwegian coast, dressed in the uniform of the British Mountain Rifle Regiment, heavily armed and equipped with explosives of every description. After negotiating difficult mountain country, they blew up important installations in the power station Glomfjord on 21 September. A German sentry was shot during the incident. Norwegian workmen were threatened that they would be chloroformed if they resisted. For this purpose the Englishmen were equipped with morphium syringes. Seven of the participants have been arrested. The others escaped into Sweden."

Then follow seven names, which I read out to this Court, I think, in January. They were shot on 30 October 1942. That would be, shot as a result of the order which you circulated, although it was not in existence when those men blew up that power station. You told me some little time ago that that power station was a proper military target. These men were in uniform. Can you begin to justify that?

JODL: No, I cannot justify that, and I will not justify it. I consider it completely illegal, because this order could certainly not have been retroactive; but I did not learn of this affair at the time. Of UK-57 I read the first and second parts here for the first time; the third part I read in April 1944.

MR. ROBERTS: Well, now, there are other exhibits dealing with this matter which I am not going to put to you. They have been referred to before, and I do not want to be cumulative. I would like you—or perhaps I will ask you one question first.

I think it was laid down, was it not, that every action taken under this Führer Order was to be reported in the Wehrmacht report?

JODL: Yes, that was ordered.

MR. ROBERTS: Yes, I just want to give you an example of the Wehrmacht report.

526-PS, USA-502, My Lord, it is 7a, Page 15. It is dated 10 May 1943, German Page 21 of the small book.

[Turning to the defendant.] It is a notice from the "Q" branch of your staff.

"On 30 March 1943 in Toftefjord an enemy cutter was sighted. Cutter was blown up by enemy. Crew: 2 dead men, 10 prisoners.

"Cutter was sent from Scalloway (Shetlands) by the Norwegian Navy.

"Arms: Two Colt machine guns, two mounted machine guns, a small transmitter... 1,000 kilograms of explosives....

"Purpose: Forming an organization for sabotaging strong-points, battery positions, staff and troop billets, and bridges....

"Führer order executed by the SD.

"Wehrmacht report of 6 April announces the following:

"In northern Norway an enemy sabotage unit was engaged and destroyed on approaching the coast."

That was false, was it not?

JODL: I confirmed this communiqué of 6 April which included the contribution from the commander in Norway as I received it on 6 April; this brief formulation always originated with the commander at the front. But what actually happened is set down in this note of 10 May which, most unfortunately, I never saw, because on 10 May 1943 I traveled by train to Bad Gastein to begin a cure for a severe case of lumbago; and so, unfortunately, I saw this document for the first time here in Nuremberg. I am sorry, because this would have been one of the few cases in which I might have been able to intervene.

MR. ROBERTS: Yes, but, Witness—keep it in front of you—because you see the action was not taken on 10 May; it was taken before, or on 6 April. Look at the last paragraph:

"Wehrmacht report of 6 April announces the following:

"... enemy sabotage unit engaged and destroyed on approaching the coast."

Whereas, in fact, they had been taken prisoner and then shot like dogs by the SD.

JODL: Yes, I have just said that. Before this contribution of 6 April, I heard nothing about the whole matter, but only on the 10th of May did it come to our knowledge, and then the Armed Forces Operations Staff drew up this note. The whole investigation into these events was made by the Intelligence Service, the office of Canaris, together with its Security Police; it was not the SD; that is wrong; it was the Security Police.

Unfortunately I did not know of these details; the Intelligence Service knew them. I was concerned with the whole question only

because I had to edit the Armed Forces communiqué; otherwise I would never have dealt with the Commando Order; I was quite innocent of it.

MR. ROBERTS: Now I just want to show you one more instance. It is 2610-PS.

It is, My Lord, in small Document Book 7a, Page 23, the German small book Page 41.

Now, I want you to notice, Witness, this is the only document which I rely on, which is not one of your own captured contemporaneous German documents. This is a report from the Judge Advocate General's Department, United States Army. It concerns 15 United States personnel who were shot under this order. If you look at the second page:

"On the night of 22 March 1944, 2 officers and 13 enlisted men of the 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 United States Army and were in the military service of the United States. When they landed they were all properly dressed in the field uniform of the United States Army and they had 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."

That was a good military target, that tunnel, was it not?

JODL: Yes, a military target, absolutely.

MR. ROBERTS: And all 15 men were shot because of the order that you circulated . . .

JODL: I did not understand. The order which—which I circulated; yes.

MR. ROBERTS: Which you circulated on the 19th of October. You circulated a supplementary order to the Führer Order, the last paragraph of which, I think, disgusted you. That is 503-PS.

JODL: It would be more correct to say "which you had to circulate."

MR. ROBERTS: I will take that question up in a moment. I do not agree. I must not argue with you, but I must put some questions.

General Dostler, who ordered the shooting of those men, he himself, you see, was also shot by sentence of this court martial.

I am going to turn now from the Commando Order and . . .

JODL: May I say something else about this document?

MR. ROBERTS: Yes, anything you like.

JODL: This incident never came to my knowledge; at least, I have no recollection of it. As far as I know, it never appeared in the Armed Forces communiqué, because General Dostler did not report the incident to his commanding officer, Kesselring, who might have been able to take, and might have taken, a different course in this affair.

MR. ROBERTS: Why do you say that you had to circulate this order? No man can compel another to circulate an order for murder, unless he does it.

JODL: I have explained at length that this order could not simply be interpreted as an order to murder, but that very serious and justified doubts and considerations could arise with regard to international law and with regard to the justness of this order. In any case, you should have complete appreciation of such a delicate situation, because even now, in my position here, I cannot say or do as I like, and that exactly is what I experienced during these last 5¹/₂ years.

MR. ROBERTS: You could have refused. You could have said, and the other generals could have said, could you not: "We are all honorable soldiers. We will not publish and issue those orders"?

JODL: Certainly under other circumstances it might have been possible, first, if at the time I had not had that conflict with the Führer, and secondly, if the British Ministry of War had made my task a little easier. However, these events and the statement made by the British on the 2d of September put the Führer into a rage against which I was powerless. How much I tried to resist, for that the document itself is the best proof, because the threat of punishment and detailed justification for it were directed against me personally.

THE PRESIDENT: Mr. Roberts, would that be a convenient time to break off?

[A recess was taken.]

MR. ROBERTS: I want to ask you a few questions about the deportation of the Jews from Denmark. Will you look, please, at a new exhibit, D-547, which I offer as GB-488. Now, that is the OKW Operational Staff from the commander, Denmark, dated 20 September 1943. That is before the teletype which has been put in, 2 days before:

"The Führer has agreed in principle with Dr. Best's telegram that the Jewish question in Denmark be solved very soon by deportation.

"Execution of this measure should take place while the state of military emergency still exists. It is not certain if sufficient police forces can be provided for the arrest of the Jews and their families, about 6,000 persons, most of whom live in Copenhagen. The Army would be heavily burdened....

"I believe that the results of the deportation will be serious....

"The armament industry deliveries will be prejudiced. Considerable disturbances will have to be reckoned with."

And you made a note on the back of it:

"I know nothing of this. If a political measure is to be carried out by the commander of Denmark the OKW must be notified by the Foreign Office."

Is that right?

JODL: Yes. I would not have recalled this document, but I certainly wrote the note. It proves that I did not remember until now that obviously this question had been discussed in Denmark some days before and that the commander in Denmark had been making objections. Consequently I wrote, I know nothing of this. This is a political measure, and if a political measure is to be carried out in Denmark, then the Foreign Office should kindly notify us.

MR. ROBERTS: I omit one or two unimportant documents. Will you go to document dated 1 October 1943—the fifth or sixth document of Your Lordship's file, Number D-547, dated 1 October 1943. It is to the OKW from Denmark, and quotes as follows:

"The Reich Plenipotentiary in Denmark has given the following report to the Minister for Foreign Affairs:

"(1) The arrest of the Jews will take place on the night of 1-2 October. Transportation from Zealand will be carried out by ship....

"(2) Should I receive no contrary instruction, I do not intend allowing the Jewish action to be mentioned, either on the radio or in the press"—and then

"(3)... I intend leaving the possessions of the evacuated Jews undisturbed in order that the seizure of these possessions cannot be imputed to be the reason or one of the reasons for the action."

Then you deal with the disadvantages—the writer does—and there is a question: "Does the Reichsführer SS know?" The answer:

"The Reichsführer SS knows, is in agreement," and then a pencil note in Jodl's handwriting, "The Führer agrees." Is that in your writing?

JODL: Yes, that is my handwriting, but that refers only to the announcement of the release of the interned Danish soldiers.

MR. ROBERTS: I see:

JODL: Then it is important to note in this document that the commander in Denmark said that he did not intend having the property of the evacuated Jews disturbed. He said:

"...I intend leaving the possessions of the evacuated Jews undisturbed..."

He had the executive power at that time.

MR. ROBERTS: Have you got the next document in the same bundle, 2d of October 1943, to OKW Operations Staff, from Denmark? I quote:

"Jewish action carried out in the night of the 1-2 October by the German Police without incidents."

And then the last document, dated 3 October 1943, to the OKW Operations Staff:

"According to the statement of the Reich Plenipotentiary, the Reichsführer SS has ordered that the Reichsführer SS alone as the person ordering the Jewish action is to receive the exact figures on arrests.

"The Plenipotentiary has, therefore, given no figures to the commander of the German troops in Denmark. 232 Jews have been handed in by the Police via the collecting points set up by the Watch Battalion, Copenhagen."

What was the Watch Battalion?

JODL: I cannot say that at the moment; I do not know how it was composed. It might have been a unit of the Police; it might have been part of the Army; I cannot say with certainty. At any rate it was a unit which was used only for guard duties. But it is interesting that I wrote the remark: "Is a matter of complete indifference to us," which proves that I was not interested in the affair, and refused to have any part in it.

MR. ROBERTS: Yes, I wonder. First of all, you said that the Watch Battalion might have been a part of the Wehrmacht. Were you...

JODL: That is not certain. I do not wish to dispute it definitely. There were also watch battalions of the Army, but it might equally well have been a watch unit of the Police. I cannot say it with certainty, but General Von Hanneken should have information about it.

MR. ROBERTS: But were your "decent German soldiers," whom you mentioned yesterday, were they called upon to round up Jews who managed to get through the SS net?

JODL: No, it says here, "...it was carried through by the Police," and I do not believe that any unit of the Wehrmacht concerned itself with deportation of Jews. I do not believe it; the Wehrmacht rejected that.

MR. ROBERTS: Dirty work, was it not?

JODL: I do not believe that it happened; I do not believe it.

MR. ROBERTS: Then your note: "...is a matter of complete indifference to us"—it was a matter of complete indifference to you how many Jews were deported, you did not care?

JODL: The note does not imply that, but it does prove that the matter was a political one, and with political matters I was not concerned. My attitude to the Jewish question has, I believe, been made clear already.

MR. ROBERTS: Where did the Jews go to, Auschwitz?

JODL: No. The French Prosecution read it here; these Jews of whom we are speaking now were taken to Theresienstadt; a few of the older people died there, but all of them were treated well, and received clothing and food. I had the same information, and this document of the Danish Government confirms it.

MR. ROBERTS: You believe that, do you?

JODL: Yes, I believe that, because the Danish Government confirms it here; it was confirmed in this court by the Prosecution itself.

MR. ROBERTS: Now I want to deal with one other topic, the topic of forced labor. Did you say in your speech—will you look at your notes of your speech, Pages 38 and 39, and it is Page 298 of Document Book 7, the big one, the paragraph, which begins on Page 38 in the witness' copy. It has got a frame; I think it is a piece of paper headed "38." I wonder if you can find it for him.

"This dilemma of manpower shortage has led to the idea of making more thorough use of the manpower reserves in the territories dominated by us. Right thinking and wrong thinking are mixed up together. I believe that insofar as concerns labor, everything has been done that could be done. Where this has not yet been achieved, it appeared to be more favorable politically to refrain from measures of compulsion, and secure in turn order and economic aid. In my opinion, however, the time has now come to take steps with remorseless vigor and resolution in Denmark, Holland, France, and

Belgium to compel thousands of idlers to carry out the fortification work which is more important than any other work. The necessary orders for this have already been given." (Document Number L-172, Exhibit Number USA-34.)

Do you remember them?

JODL: There is no doubt that I drafted this once.

MR. ROBERTS: Yes?

JODL: But that does not prove that I said it.

MR. ROBERTS: But had the necessary orders been given for the civilians in the occupied territories to work on the German fortification?

JODL: A compulsory labor order was issued in most countries, but I—you may not know it—I state under my oath that in Denmark and Holland, and also in Belgium, local firms, which recruited their own labor under the labor order, worked on these fortifications and that the populations of these areas were particularly glad about this, because the stronger their coast was fortified, the more certain were they that the invasion would not take place in their neighborhood. And, of course, they were greatly interested in preventing an invasion, which they knew would destroy everything. Though it sounds incredible, the local inhabitants did work on these fortifications, some of them with the greatest enthusiasm. That is a fact.

MR. ROBERTS: No, I did not stop you. But had the necessary orders been given—that is in the last sentence—to compel these people who did not want to, to compel them to work on fortification? I am not talking about the people who did want it, but the people who did not.

JODL: I understand. I did not know details of the procedure, as I did not concern myself with it, but I did know that compulsory labor orders had been issued in the occupied countries.

MR. ROBERTS: Very good. I will leave that, if you have said all you want to say. Will you look now, please, at a new document, Number 1383-PS, which I offer as GB-489. This is a report of a discussion of the current military situation, 12 December 1942, Pages 65 and 66, Jodl speaking:

"The military commander of France reports: The number of French workers deported into the Reich since 1 June has now passed 220,000. There are in round figures 100,000 skilled laborers in Berlin."

How many of these 220,000 were volunteers, did you find out?

JODL: I cannot say that; I only quoted from a report which was appended to the situation report from France. That a large-scale exchange between prisoners of war and workers had been in progress has already been stated in detail by Sauckel.

MR. ROBERTS: I will leave that. I ask only two questions now on Sagan, Stalag Luft III.

You said yesterday that after the incident of the Sagan shooting, you thought Hitler was no longer "humane." Did you say that?

JODL: I said yesterday, I had the impression then that he was disavowing all humane conceptions of right.

MR. ROBERTS: Had you thought that he was humane up to March of 1944?

JODL: Before this time, I personally knew of no action of his which could not be justified legally, at least under international law. All his previous orders, so far as I knew, could still be justified in some way. They were reprisals. But this act was not a reprisal.

MR. ROBERTS: This was—would you agree with me—the word is not too strong—that this was sheer murder of these 50 airmen?

JODL: I completely agree with you: I consider it sheer murder.

MR. ROBERTS: How could you honorable generals go on serving a murderer with unabated loyalty?

JODL: I did not serve with unabated loyalty after this event, but I did everything in my power to avoid further injustice.

MR. ROBERTS: Now I come to something else, the question of destruction in Norway. The document is 754-PS. It has not yet been exhibited. I offer it as GB-490. This document is signed by you, is it not?

JODL: I have known this document for a long time; it is signed by me.

MR. ROBERTS: Yes. Perhaps I might just read parts of it to the Tribunal. Dated 28 October 1944. It is from your staff, and the distribution is to the Army supreme command; commander-in-chief, Norway; to the Reich Commissioner, Norway; and the Navy.

"Because of the unwillingness of the northern Norwegian population to evacuate voluntarily the Führer has agreed to the proposals of the Reich Commissioner and has ordered that the entire Norwegian population east of the Fjord of Lyngen be evacuated by force in the interest of their own security, and that all homes are to be burned to the ground or destroyed.

"The commander, Northern Finland, is responsible that the Führer's orders be carried out without consideration. Only by this method can the Russians with strong forces, aided by these homesteads and the population familiar with the terrain, be prevented from following our withdrawal operations during the winter and shortly appearing in front of our position in Lyngen. This is not the place for sympathy for the civilian population."

Lyngen is in the very north of Norway, is it not, on the west coast?

JODL: No, on the northern coast, where Finland is closest to the coast of the polar region and very near Norway.

MR. ROBERTS: Now, that order was carried out, according to the Norwegian report, UK-79, which the Tribunal will find as the last document in the small book, 7A, Page 26 of the Norwegian report, at the bottom of the page, Page 26:

"As a result of the advance of the Russian troops and the retreat of the German Army in Finnmark, October-November 1944, the Germans practiced the 'scorched earth' policy for the first time in Norway. Orders were issued that the civilian population was to evacuate, and that all houses, transport, and stores were to be destroyed. As a result of this, about 30,000 houses were damaged apart from 12,000 items of damage to chattels amounting to 176 million kroner."

And then, for photographs will the Tribunal turn to Pages 62 and 63; 62 is a copy of the German order, and 63 is a photograph of the ruins of a fishing village.

That was a cruel order, was it not, Witness?

JODL: No, not exactly. I should like to make a few explanatory remarks about it. Typically, as I have always said, this order was urged upon the Führer by the Reich Commissioner Terboven; not by the soldiers but much against their will.

Secondly, this order was not carried out, because otherwise the cities of Kirkenes, Hammerfest, and Alta would today no longer exist. All these cities are east of the Lyngen Fjord. In practice this order was moderated by our forces in agreement with me, and in conversations I had with my brother, who was the commanding general in that region—and whom I wanted to call as a witness since I expected this document to be produced—it was moderated to such an extent that, in fact, only what was necessary from a military point of view and could be justified under Article 23 of the Hague Regulations on Land Warfare was destroyed. Otherwise no city or house would be left today in

northern Norway; and if you were to travel there, you would see that these cities are still standing, not destroyed.

The Armed Forces commander in Norway strongly protested against this attitude of Terboven, and I repeated these objections to the Führer in similarly strong terms, but nevertheless he demanded that this order be issued. We who retained our humanitarian sentiments carried out the order only insofar as it was absolutely necessary for military reasons. These are the facts.

MR. ROBERTS: I think you said, when you were interrogated, that your brother complained of this order, did he not?

JODL: Yes, quite, he was enraged by this decree.

MR. ROBERTS: Very well. I am now going to turn to two documents with regard to the treatment of the Norwegian civilian population.

They are in your Document Book 1, Pages 99 and 100—well, it begins at Page 98. These are regulations on the conduct during the occupation of Denmark and Norway. And there are instructions to the troops to treat the inhabitants politely and well and to behave themselves with due decorum. That is right, is it not?

JODL: Yes, that is correct.

MR. ROBERTS: And they must be told that they are entering Norway for the protection of the country and the safety of its inhabitants. That appears on Page 99. That is rather a euphemistic description of a sudden invasion with no declaration of war, is it not?

JODL: Yes, but at first it was carried out in a fairly peaceful manner on the whole.

MR. ROBERTS: From your point of view?

JODL: No, from the point of view of the Norwegians as well. The most extraordinary things...

MR. ROBERTS: Well, you know, we have seen—we can see in the Norwegian Government's report photograph after photograph of these towns and villages bombed to ruins. Is that your idea of an orderly occupation?

JODL: What was bombed on the day of the landing is hardly worth mentioning; just a few coastal batteries and a few fortifications, but no cities. Villages were destroyed only later in the battle with the English brigade at Dombass and at Lillehammer, but nothing was destroyed when the country was first occupied. Then the Norwegians only stood at the quays, hands in their pockets, and looked on with great interest.

MR. ROBERTS: And naturally, Witness, if you could have landed without opposition and occupied the country without opposition, so much the better for you? That is obvious, is it not?

JODL: Yes, undoubtedly; that would have been even better; and the Norwegians would certainly have fared very well during the occupation if Terboven had not come.

MR. ROBERTS: Now, I want you to look at a part of that document which, quite properly, of course, was not read.

It is Appendix 5 which will be part, My Lord, I assume, of Exhibit AJ-14, the number which this document was given when it was put in in the examination-in-chief. But I am handing the Tribunal copies of Appendix 5, because it does not appear in the Jodl document book.

[Turning to the defendant.] Well, now, Appendix 5, I can describe as the sting in the tail of this document:

"Guiding Principles for the Attitude of Troops in Occupied Areas.

"Only"—I do not read the first few paragraphs—"Only in the event of the civil population's putting up a resistance or behaving rebelliously can the following decisions be carried out:

"1) If the civilian population offers resistance or if attacks are to be feared, the arrest of hostages should, on principle, be resorted to. Hostages should only be arrested on orders of the commander of a regiment or a commander of equivalent rank.

"When accommodating and feeding hostages it should be borne in mind that they are not imprisoned because of crimes. Hostages and population are to be informed that the hostages will be shot at any sign of hostile action. Previous sanction of the shooting by the divisional commander must be obtained...."

Then:

"Armed resistance by the civilian population is to be crushed by force of arms."

The last sentence on that page:

"The death penalty will be imposed for violence of any kind against the German Armed Forces. Immediate trials will be held by a field court martial. The regimental commander can appoint the summary court, composed of one captain, one sergeant, one corporal, hear witnesses, draw up the sentence in writing. The verdict will be the death penalty if

guilty, otherwise acquittal. The sentence will be executed immediately after confirmation by the regimental commander.

"The following are to be considered as acts of violence: Sabotage, destruction of our lines of communications, cutting of telephone wires, demolitions, *et cetera*." (Document Number Jodl-37, Exhibit Number AJ-14.)

A little drastic, that, was it not? Only the death penalty?

JODL: These instructions are, word for word, in complete accord with our directives which, in times of peace, were laid down by the group of experts on international law in co-operation with the Foreign Office and with German professors of international law. It would have been well, if only these, our military precepts, our military court procedure laid down before we went to war, had been followed consistently everywhere. Our official directives laid down the question of hostages from the point of view of international law, and there is no doubt that under international law as applicable in the year 1939, the taking of hostages was admissible.

MR. ROBERTS: I suggest to you, as you raise that point, that nowhere in international law will you find the shooting of hostages legalized at all.

JODL: Then it is not with certainty prohibited anywhere in international law. I believe it is an open question. In our directives, even in the *Handbook on Tactics*, the concept of taking hostages had been laid down for years.

MR. ROBERTS: That may be so, and I do not want to argue with you about it. I suggest to you that the Hague Regulations protect the lives of civilians in occupied countries, unless they commit crimes, of course, and also prohibit collective punishment of the innocent.

If you do not want to say any more on that—I do not want to stop you if you do.

JODL: I can only summarize and say that every word here is in accord with the directives applicable in the German Army, and these directives were not illegal. But one would have to argue this problem with experts on international law.

MR. ROBERTS: Very good. Now, will you look at one other document dealing with Norway? It is D-582.

My Lord, it is a new document, and I offer it as GB-491.

[Turning to the defendant.] Is that a document which comes from your office?

JODL: Yes. It originated with the Armed Forces Operations Staff, Quartermaster Section.

MR. ROBERTS: Do you know of it or not?

JODL: I cannot recall it, but there are some notes of mine on it, and so I undoubtedly saw the document.

MR. ROBERTS: Oh, yes. Where are the notes, Witness?

JODL: They are on the back page of the last teleprint message.

MR. ROBERTS: Oh, I see what you mean, yes. Well, will you take first of all—I had forgotten that you were getting more than one document. Will you take first of all the document dated the 2d of February 1945? I think it is the top one.

JODL: There are no remarks of mine on that document, so I cannot say with certainty whether I have seen it.

MR. ROBERTS: Just have a look at it and tell me whether you have seen it.

JODL: I do not think I have seen this. I do not—I have no recollection of having ever read it.

MR. ROBERTS: Well, then, I do not think it would be right to cross-examine you on that document.

My Lord, in that case, I would ask to withdraw it, and I will not put it in as an exhibit.

THE PRESIDENT: I think the defendant said that it was from his office.

MR. ROBERTS: Very well, then. I will—he did that.

[Turning to the defendant.] You see what the document says, Defendant. It is dated 2 April 1945; it deals with...

JODL: The 2d of February.

MR. ROBERTS: It is the 2d of February. It deals with Reich Commissioner Terboven's report to the Führer. It says:

"Those responsible for attempts to murder and to carry out sabotage are the illegal elements within Norway with a bourgeois-national majority and a communist minority, as well as individual groups which came direct from England or Sweden....

"The bourgeois-national majority was opposed to the communist minority in conception of sabotage and murder, and in particular with regard to their extent and nature. This resistance has... become progressively weaker during the course of the past year.

"Official departments of the exile government, as for instance the Crown Prince Olaf, as so-called Commander-in-Chief of the Norwegian Armed Forces, and various others, have called

upon the population in speeches and orders to carry out sabotage. As a result, there is a particularly good possibility here of stamping every supporter of the exile government as an intellectual instigator or accomplice.

"The aim of the coming measures must therefore be: a) to strengthen the power and will to turn once more against sabotage by threatening the very influential class of leaders in the bourgeois camp; b) thereby to exacerbate more and more antagonism between the bourgeois and Communists. . . ."

And then, "Suggestions." These are suggestions from your office, apparently:

"1. Particularly influential representatives of the explicitly anti-German and anti-National Socialist class of industrialists to be shot without trial on the accusation that they are intellectual instigators or accomplices and stating that they were convicted within the framework of police investigations.

"2. Similar men from the same circle to be sent to Germany to work on fortifications.

"3. In cases where the circumstances are particularly suitable, proceedings to be taken before the SS and Police Court, with the execution of the sentence of death and suitable publicity."

There are other suggestions which I need not read. And then the last paragraph but one:

"The Führer has agreed to these proposals only in part. Especially in connection with efforts at protection against acts of sabotage he has rejected taking hostages. He has rejected the shooting of influential Norwegian representatives without trial"—which is underlined in blue pencil.

Is that your blue pencil?

JODL: No, it is not mine.

MR. ROBERTS: You see, it is a remarkable document, Witness, because that is one instance where your department is suggesting a course of what I submit is brutal action, which for once the Führer rejects.

JODL: I believe, Mr. Roberts, you are somewhat mistaken. No proposal at all is being made here, but the Armed Forces Operations Staff is advising the military commander in Norway of what Reich Commissioner Terboven has told the Führer. He reported to the Führer first about the general situation and then he made the proposals mentioned here; and the Armed Forces Operations Staff which obviously had a representative at this meeting—I was not there—immediately advised the military commander of the handsome proposals of his friend Terboven.

That is what happened and these proposals went beyond—they were too much even for the Führer. But they were not our proposals.

MR. ROBERTS: Very good, Witness, I hear your answer, and the Court will consider it. It may be accepted. The document speaks for itself.

THE PRESIDENT: Will you read the first—the subject description “Orientation about Reich Commissioner Terboven’s Report to the Führer”?

MR. ROBERTS: Yes. That is the first—that is the subject, is it not, beginning, Witness, “Orientation about Reich Commissioner Terboven’s Report”? Whose orientation? Your department’s?

JODL: Orientation of the Mountain Army, that is, of General Böhm. General Böhm as commanding general of the Mountain Army, High Command 20, is advised of the report made to the Führer by Reich Commissioner Terboven, so that he would know what his friend Terboven was proposing. It is no more than information on what Terboven said to the Führer. I cannot tell you who was present; I was not there. The entire thing did not originate with me; I have never seen it.

MR. ROBERTS: Well, now, the second document, this is from Terboven to Bormann on the 28th of October 1944. That is with regard to the evacuation east of Lyngen. I do not think I need read that. Then, the next document, maybe the second document, it is a teletype of the 6th of April 1945, from Oberführer Fehlis, SS Oberführer to the Operations Staff, and it says:

“In accordance with the instructions of the OKW (WFSt) . . . dated 29 March 1945, members of the Norwegian resistance movement who appear in organized units and who are easily recognizable as combatants by arm bands or other insignia are to be treated as prisoners of war.”

And then the SS Oberführer says:

“I consider this order completely intolerable. I explained this clearly to Lieutenant Colonel Hass and Major Benze from the Armed Forces Operations Staff, who stayed here. There have been isolated appearances of uniformed groups in Norway, but there has been no fighting as yet. Inquiries were made at the defense headquarters in London as to whether armed resistance should be offered in case of German or Norwegian police action. As yet no partisan or other fighting in Norway. On one occasion, captured members of the military organization in uniform claimed the right to be treated as prisoners of war. If this demand were met at the present moment, the result would be that active fighting on the part

of the military organization would be set going. Please obtain cancellation of the order of the Armed Forces Operations Staff."

And you, you voted for the exemption being removed, did you not?

"The objection is justified. Norway has a government in its own country. Whoever fights against it in the country is a rebel. It is another question in the case of Norwegian troops who were taken to England and from there brought into the struggle under England's order."

That is your note?

JODL: Yes.

MR. ROBERTS: And you stick to that, do you? I mean you—that is your opinion today?

JODL: Yes, indeed. I am of the opinion, from the point of view of international law, that members of a resistance movement against their own Norwegian government are certainly not to be considered as normal troops but as constituting an uprising, a rebellion. But if Norwegian troops come to Norway from England, then they are regular soldiers. And that, today, is still my opinion on the basis of international law.

MR. ROBERTS: What do you call their own Norwegian government, the puppet government which was set up by the Germans?

JODL: In any event, there was the government of Quisling at the time; and in any event, speaking now from the point of view of international law, we were occupying the country, and therefore, according to international law, were justified in issuing laws and enforcing them. That is accepted under international law, and resistance against it has been considered all over the world as rebellion. The same applies to us in Germany today.

MR. ROBERTS: Now, I want to deal quite shortly with three other matters, and then I have finished. I want to deal first of all with what you have said with regard to Hitler's suggestion to revoke the Geneva Convention. You say you were instrumental in preventing him from renouncing that Convention?

JODL: Yes.

MR. ROBERTS: Would you look at a document which has already been put in, C-158, which is GB-209. I think you have loose copies for it; it is not in a document book. This was put in with regard to the case against Dönitz. It is headed, "Extracts from Minutes of the Hitler Conference on the 19th of February 1945...":

"The Commander-in-Chief of the Navy was present on 19 February 1945.

"The Führer is considering whether or not Germany should renounce the Geneva Convention. As not only the Russians but also the Western Powers are violating international law by their actions against the defenseless population and the residential districts, it appears expedient to adopt the same course in order to show the enemy that we are determined to fight with every means for our existence, and also to urge our people to resist to the utmost. The Führer orders the Commander-in-Chief of the Navy to consider the pros and cons and to state his own opinion."

Then, further down, My Lord—Commander-in-Chief of the Navy on the Hitler conference of the 20th of February:

"The Commander-in-Chief of the Navy informed General-oberst Jodl, Chief of the Armed Forces Operations Staff, and the representative of the Foreign Office at the Führer's headquarters, Ambassador Hewel, of his views with regard to Germany's possible renunciation of the Geneva Convention. From a military standpoint there are no grounds for this step as far as the conduct of the war at sea is concerned. On the contrary, the disadvantages outweigh the advantages; even from a general standpoint it appears to the Commander-in-Chief of the Navy that this measure would bring no advantages. It would be better to carry out the measures considered necessary without warning and at all costs to save face with the world. The Chief of the Armed Forces Operations Staff and Ambassador Hewel are in full agreement."

You were saying there, were you not, that you agreed with Raeder when he said, "Break the Geneva Convention, but do not tell the world that we are doing so."

JODL: Grossadmiral Dönitz.

MR. ROBERTS: Dönitz, right. I beg your pardon. That is what you were saying, is it not?

JODL: No. The whole thing, as I have said, is a notice of Admiral Wagner on a conference from which one can gather only that Grossadmiral Dönitz disapproved, and that he is supposed to have made this remark at the end. I can hardly account for that remark today, because the only reason given to us by the Führer at that time was that the tremendous number of German soldiers in the West must be prevented from deserting as a consequence of enemy propaganda about good treatment. I cannot explain this remark, and in my written draft which I submitted to the Führer and which contains the attitude of the Navy that sentence was not included, but only advantages and disadvantages were compared.

The disadvantages were overwhelming; the whole thing was completely impracticable and impossible, and so it was not carried out. More I cannot say. Witnesses will confirm my statement.

MR. ROBERTS: I am now going to put to you your own Document D-606.

My Lord, that has not yet been exhibited. I offer it as 492-GB. GB-492.

[Turning to the defendant.] Now that is signed by you, is it not? It deals with the subject of the breach of the Geneva Convention. If you would say first if it is signed by you? Is it signed by you? Please answer my question: Is it signed by you?

JODL: Yes; my signature is at the end.

MR. ROBERTS: Well, that is where one usually finds the signature. Now, it is dated 21 February 1945, and it is written on your letterhead notepaper. And then, "Notes on report submitted to the Führer on 23 February through the Chief of the Operations Staff. The following questions were to be examined."

My Lord, I do not propose to read it all, or anything like that. If the witness would follow me, I will read anything he wants. But it is a discussion as to the various advantages and disadvantages of repudiating the various international agreements, and I think I am not doing the witness an injustice if I say from a utilitarian rather than a moral point of view.

JODL: Yes, quite correct. For my only aim was to succeed with the Führer, and this document was worded accordingly.

MR. ROBERTS: Well, now, I want to read the last paragraph.

My Lord, it is the last page but one of Your Lordship's document, right at the bottom:

"C. Proposal of the OKW:

"At the present moment the disadvantages of repudiating the agreements which have been kept up to now in any case outweigh the advantages by far.

"Just as it was a mistake in 1914 that we ourselves solemnly declared war on all the states which had for a long time wanted to wage war on us, and through this took the whole guilt of the war on our shoulders before the outside world, and just as it was a mistake to admit that the necessary"—note the word "necessary"—"passage through Belgium in 1914 was our own fault, so it would be a mistake now to repudiate openly the obligations of international law which we accepted and thereby to stand again as the guilty party before the outside world.

"Adherence to the accepted obligations does not demand in any way that we should have to impose on ourselves any limitations which will interfere with the conduct of the war. For instance, if the British sink a hospital ship, this must be used for propaganda purposes, as has been done to date. That, of course, in no way prevents our sinking an English hospital ship at once as a reprisal and then expressing our regret that it was a mistake in the same manner as the British do."

That is not very honorable, is it?

JODL: I can only say in reply that this was the sole method which achieved success with the Führer, and by its use success was, in fact, achieved. If I had come to him with moral or purely legal arguments, he would have said, "Leave me alone with this foolish talk," and he would have proceeded with the renunciation of the Convention; but these things compelled him to reconsider the step and, in consequence, he did not carry it through.

You must after all grant me that at the end of 5½ years I knew best how to achieve good results with him and avoid bad ones. My aim was to achieve success, and I achieved it.

MR. ROBERTS: But, you see, you were deploring it there, the fact that you told the world the truth in 1914. In 1914 you said that you regarded treaties only as a scrap of paper. You are saying now, "What a pity we told the world the truth in 1914. We ought to have told them something untrue, and then we should have, possibly, had a better world reputation."

JODL: That was an argument which the Führer used frequently. If one repeated his arguments in that form again and again he was more inclined to read and accept one's suggestions. One had to prevent his flinging our proposals to the ground in a fit of rage and immediately decreeing renunciation. That was the approach one had to follow. If one cannot do good openly, it is better to do it in a roundabout way than not at all.

MR. ROBERTS: I am now coming to quite another point: Were you an admirer of the principles of the Nazi Party?

JODL: No.

MR. ROBERTS: Were you of the opinion that there was a successful fusion between the Nazi Party and the Wehrmacht, which brought about the rejuvenation, the resurrection of Germany after 1933?

JODL: It would have happened, and I hoped for a long time that it would happen; indeed, on the whole the relationship improved somewhat in the course of the years and especially during the war. At first, it was poor, very poor.

MR. ROBERTS: You wrote—please, I am reading now from your speech, L-172. It is Page 290 of Document Book 7, and it is Page 6 of your lecture notes, Page 290 of Document Book 7 and 203 of the German:

“The fact that the National Socialist movement in its struggle for internal power was the preparatory stage to the outer liberation from the shackles of the dictate of Versailles I need not enlarge upon in this circle. I should like, however, to mention how clearly all thoughtful regular soldiers realize what an important part has been played by the National Socialist movement in reawakening the will to fight, in nurturing fighting strength, and in rearming the German people. Despite all its inherent virtues this small Reichswehr could never have been able to cope with this task, if only because of its restricted radius of action. Indeed, what the Führer aimed at and has luckily been successful in bringing about was a fusion of these two forces.”

Did that represent your honest opinion or not?

JODL: Yes, that is historical truth, indisputable historical truth. The Movement did bring that about; that is certain.

MR. ROBERTS: Very good. Then, I now want to put to you the last document but one that I put in.

My Lord, it has not been exhibited. It is 1808-PS. I offer it as GB-493.

[Turning to the defendant.] You made a speech, did you not, after the attempt on Hitler's life, to your staff? And are these the notes of your speech on 24 July?

JODL: I have never seen this document before; I am seeing it for the first time now. I did not know that any notes were made about the speech.

MR. ROBERTS: Well, let us go by stages. Did you make a speech to your staff shortly after the attempt on Hitler's life—on 24 July 1944?

JODL: Yes, even while my head was still bandaged.

MR. ROBERTS: Secondly, is that document which you have in front of you, is that a document which comes from your files? Look at the cover, if necessary.

JODL: I assume so. It is headed: “Armed Forces Operations Staff War Diary.” Most likely these are notes of Major Schramm.

MR. ROBERTS: Let me begin at the beginning of those notes. Just see if you can remember what you said. Did you begin by saying: “The 20th of July was the blackest day which German history has seen as yet, and will probably remain so for all times”?

JODL: Yes, that is quite possible.

MR. ROBERTS: Why was it such a black day for Germany? Because somebody tried to assassinate a man whom you now admit was a murderer?

JODL: Should I—at a moment when I am to be blown up in a cowardly, insidious manner by one of my own comrades, together with many opponents of the regime—should I perhaps approve of it all? That was to me the worst thing that happened. If the man with a pistol in his hand had shot the Führer and had then given himself up, it would have been entirely different. But these tactics I considered most repulsive to any officer. I spoke under the impression of those events, which are actually among the worst I know, and I maintain today what I said then.

MR. ROBERTS: I do not want to argue with you, but do you think it is any more dastardly than shooting those 50 American soldiers who landed in the north of Italy to destroy a military target, shooting them like dogs?

JODL: That also was murder, undoubtedly. But it is not the task of a soldier to be the judge of his commander-in-chief. May history or the Almighty do that.

MR. ROBERTS: Very good. I have only about three more questions to ask you.

My Lord, I am going to read from Page 2 of that document, about 10 lines from the top. It begins, "The Führer . . ."

[Turning to the defendant.] If I read this slowly, perhaps see if you can recognize it.

"The Führer ignored this and other things, and now the would-be assassins wished to do away with him, as a 'despot'."

Do you remember saying that or something like that? Can you find the place?

"The Führer ignored this and other things, and now the would-be assassins wished to eliminate him as a 'despot'."

Do you remember that?

"And yet, they themselves experienced how the Führer did not come to power by force, but borne up by the love of the German people."

Do you remember saying that?

JODL: Yes, and that is true. He came to power, borne up by the love of the German people. I had tremendous experiences in that respect. He was almost overwhelmed by this love of the people and of the soldiers.

MR. ROBERTS: Borne up by—I beg your pardon, have you finished? I did not mean to interrupt you.

JODL: Yes, I have dealt with that point.

MR. ROBERTS: Borne up by the love of the German people. You have forgotten the SS, the Gestapo, and the concentration camps for political opponents, have you not?

JODL: I have told you how unfortunately little I knew of all these things, almost nothing. Of course, with a knowledge of these things, all this takes a different aspect.

MR. ROBERTS: I take your answer, and I put my last document to you.

My Lord, this is a new document, 1776-PS; I offer it as GB-494. [*Turning to the defendant.*] Just have a look; see if it is signed by you, will you?

JODL: Yes.

MR. ROBERTS: So it is signed by you. Now, you have told this Court that you were opposed to terror attacks. Just see what this document says. Now, note the date first, the 30th of June 1940. That is just after the temporary fall of France?

"Chief WFA.

"The Continuation of the War against England.

"If political means are without results, England's will to resist must be broken by force:

"a) by making war against the English mother country.

"b) by extending the war on the periphery.

"Regarding Point a) there are three possibilities:

"1) Siege. . . .

"2) Terror attacks against English centers of population.

"3) Landing of troops. . . ."

And now I read this as an example of historical prophesy:

"Germany's final victory also over England is only a question of time."

Then I go down several paragraphs:

"Together with propaganda and temporary terror attacks—declared to be reprisal actions—this increasing weakening of English food supply will paralyze the will of her people to resist and finally break and thus force its government to capitulate. . . ."—Signed—"Jodl."

"Terror attacks against English centers of population"—would you like to say anything to justify that sentence?

JODL: Yes, a few remarks. This proposal, which actually is only a compilation of notes, proves three things:

First of all, that on 30 June 1940 I did not know of any intention or of the possibility of entering into a war with Russia, otherwise I would not have written: "Germany's final victory over England is only a question of time."

Secondly, I admit having voiced a thought which was later carried into practice with such perfection by the Anglo-American Air Force.

Thirdly, this thought came to me only after the attack on the civilian population had been started and continued by the English Air Force, despite months of efforts and repeated warnings on the part of the Führer.

It is a historical fact, confirmed by many documents, that the Führer tried to the utmost to avoid this form of aerial war against the population. But it was already clear at that time, that he would not be able to succeed.

MR. ROBERTS: Well, now, I have finished, Witness. You will notice that of all the documents I have put, except for that one American report, they were all German documents, originating at the time of these events about which I have been cross-examining.

In the face of those documents, do you still say that you are an honorable soldier and a truthful man?

JODL: Not only do I still affirm that, but I also think that the submission of these documents has actually and quite specifically proved it.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 7 June 1946 at 1000 hours.]

ONE HUNDRED AND FORTY-NINTH DAY

Friday, 7 June 1946

Morning Session

[The Defendant Jodl resumed the stand.]

THE PRESIDENT: The Tribunal will adjourn this afternoon at 4 o'clock to sit in closed session. The Tribunal will sit tomorrow in open session from 1000 to 1300.

COLONEL Y. V. POKROVSKY (Deputy Chief Prosecutor for the U.S.S.R.): You have testified that you were the Chief of the Armed Forces Operations Staff. That was the chief department of the OKW, was it not?

JODL: I did not quite understand the last part of your question.

COL. POKROVSKY: Was the Armed Forces Operations Staff the chief department of the OKW?

JODL: Because of the significance of the activity, one can certainly say that the Armed Forces Operations Staff was one of the most important departments of the OKW.

COL. POKROVSKY: Is that the reason why you deputized for Keitel in his absence?

JODL: In the majority of cases I was the deputy only in operational matters. As for war ministerial questions, it was the senior chief, as a rule, Admiral Canaris, who deputized.

COL. POKROVSKY: Do you deny that you were Keitel's deputy?

JODL: When Keitel was not at headquarters, then, as a matter of course, whenever the Führer had anything to say to the OKW, he talked first with me, as I was the next officer by seniority.

COL. POKROVSKY: Do you remember the testimony of the witness Wagner to the effect that either you or Keitel usually represented the OKW at all important staff meetings at which this witness, Admiral Wagner, was also present? Do you remember that testimony?

JODL: I did not quite understand that question on account of translation difficulties.

COL. POKROVSKY: That is possible. I shall repeat it. On the 13th of May, appeared the witness Wagner here before the Tribunal. Do you remember, or not?

JODL: I remember the witness Wagner. He testified that Field Marshal Keitel and I were present at every situation report, and I do not dispute it.

COL. POKROVSKY: He said either Field Marshal Keitel or Generaloberst Jodl was present. Is that correct? Do you catch the difference in the way this question is phrased?

JODL: In 99 percent of all cases, both of us were present at the situation conferences.

COL. POKROVSKY: So that if we forget for one minute such formal considerations, such formal circumstances, would it be right to conclude that it was precisely you, Jodl, who actually was Keitel's acting deputy in the eyes of Hitler, of the whole cadre of officers, and of the entire military machinery of the German Reich? Would that be correct, or not?

JODL: In individual cases, when the Field Marshal was not there, and in unimportant things, yes; but when it came to important things I could reach him by telephone, at any time, and so it hardly ever happened that I deputized. He was never ill, and was never away on leave. When he was away he was in Berlin at headquarters.

COL. POKROVSKY: In that case I would like to remind you of one such fact, which you yourself confirmed here on the 6th of June, while testifying to the Tribunal about the motives which caused you to sign Document UK-56, Exhibit RF-1438. You said that the document had had no connection with your sphere of activity. It concerned the deportation of Jews from Denmark and, you signed the document even though it actually had no connection with the operations staff work. You signed it because Keitel was away at the time. Was it not so? Is it true?

JODL: That is absolutely correct. It was an urgent matter and had to be signed immediately.

COL. POKROVSKY: Good. We can find a great many documents of that type; but I do not consider it necessary to waste any more time on the further elucidation of this point. Tell me, would it be correct to say that you were well aware of the entire work carried out by the OKW—that you well knew what important problems were occupying the OKW at that time?

JODL: Only to a limited extent—in individual matters. I was not at all aware of everything that took place in the numerous offices in Berlin. That was quite impossible. It did not concern me. I have testified already that my time was so fully taken up that I had much more to do than I had time for.

COL. POKROVSKY: Very well, you force me to revert to a question which I really wanted to have done with. Will you please now look at our new Document USSR-476. This document consists of excerpts from Keitel's testimony of 9 November 1945. It is stated there:

"Question: 'Would it have been possible for General Jodl, without your knowledge to call such a meeting?'"

We are talking, My Lord, of the conference in Reichenhall.

Reply of Field Marshal Keitel:

"Yes, it was quite possible, as I was frequently on official journeys; and General Jodl had authority to call a meeting because he represented me in my absence."

Have you found the passage? Have you read it?

JODL: Colonel Pokrovsky, of course, it is very difficult for you to follow these military matters. It is ridiculous. Surely I may question my staff officers. I do not need to call a meeting for that. These were my General Staff officers with whom I worked in Reichenhall. Surely I could go to them. That was my office and my duty.

THE PRESIDENT: I do not think it is necessary for you to raise your voice in that way.

COL. POKROVSKY: It seems to me that you have still not answered two of my questions. First, have you read this document?

Please tell me: Have you, or have you not, read the passage which I have just read into the record on Page 1?

JODL: Yes. Here, Field Marshal Keitel says, "...since I was very often away on official journeys..."

COL. POKROVSKY: You do not have to read it a second time. I have read it already. I merely want you to tell me whether you have read that passage?

JODL: Yes, I read that, and it says here, "...to ask Generaloberst Jodl."

COL. POKROVSKY: No, you are reading beyond the passage which interests me at this moment. As for the words "...to ask Generaloberst Jodl."—rest assured, we shall get to that passage. But is it true that Keitel was often away, and that you deputized for him? I do not hear any answer.

[There was no response.]

I still hear no answer.

JODL: I have already said that, now and then, he went to the front for a day or so and that he was several times in Berlin for a few days; but he was at those offices which were subordinate to

him. I was alone with my operations staff, and I could do whatever I pleased with my staff. During the entire war I never called a conference of other offices as a deputy of Field Marshal Keitel. I did not understand anything about those matters.

COL. POKROVSKY: You have uttered a great many words, but have not given me a clear answer to my very short and simple question—namely, do you confirm, or do you not confirm, the truth of Keitel's statement? "Yes" or "no." That is very easy to answer, is it not?

JODL: That is what it amounts to, but the thing as written down is ridiculous.

COL. POKROVSKY: We shall gauge the truth of your statement later. It is important to me to establish the fact.

I am submitting our Document USSR-263 to the Tribunal. You will now have the pleasure of reading it yourself. It is an excerpt from the evidence of another officer who worked with you, General Warlimont. Please acquaint yourself with that passage which is marked on your copy while I read it aloud. That will be quicker.

The question put to Warlimont:

"When did the OKW first receive the order for preparing for the attack on the Soviet Union?"

Have you found this passage?

JODL: That which I have before me—the passage which is marked in red—contains a statement by Warlimont as to the organization of the offices of the OKW. On the next page something follows about the preparations for the attack on the Soviet Union.

COL. POKROVSKY: "When did the OKW first receive the order for preparing for the attack on the Soviet Union?" Warlimont replies:

"I personally first heard about the plan on 29 July 1940... On that day Generaloberst Jodl arrived by special train in Bad Reichenhall, where also Section 'L' of the Armed Forces Operations Staff was quartered."

Have you found the passage?

JODL: Yes.

COL. POKROVSKY: My Lord, I do not consider it necessary to read a greater part of Warlimont's testimony, because we are dealing with a well-known fact, that is, the convocation of the conference during which Jodl gave his colleagues the order to prepare the plan for the attack on the Soviet Union. This document has already been accepted in evidence by the Tribunal.

Warlimont then states, "Jodl stunned us by his announcement of the coming attack, for which we were not at all prepared." Have you found the passage? Please look at the document.

[There was no response.]

Jodl, will you please take the document in your hand and see whether it has been read into the record correctly.

THE PRESIDENT: Is it not coming through properly? Wait a minute.

DR. EXNER: I just wanted to call the attention of the Tribunal to the fact that the translation and the transmission is coming through to us so very badly that I have scarcely understood anything. I hear only half a question at a time, and I am surprised that the defendant could answer at all.

THE PRESIDENT: Is it coming through better now? Is the translation coming through better now?

DR. EXNER: I am of the opinion that the translation itself is poor, not only the technical transmission. It is often very difficult to understand the question—it makes no sense at all. And my colleague, Dr. Stahmer, confirms this. Therefore it is difficult for us.

THE PRESIDENT: Well, we had better go on and see, perhaps, if it will improve.

COL. POKROVSKY: I would like you to read one other sentence to yourself. It is the passage in which Warlimont states to whom the responsibility for elaborating the plans was entrusted and how the officers present had reacted. He testifies, "Jodl stunned us by this announcement..." It is on the first page at about the middle of the page. Have you found it?

JODL: I could not find the sentence which you have just read, "Jodl stunned us." I cannot find that sentence.

COL. POKROVSKY: In that case, I shall begin with the preceding sentence. Perhaps it will be easier for you.

"Besides myself, he also ordered three other senior officers... Colonel Von Lossberg, Lieutenant Colonel Freiherr von Falkenstein of the Luftwaffe, and Captain Junge of the Navy to attend."

Have you found it?

JODL: Yes.

COL. POKROVSKY: Thank you.

"Jodl stunned us by this announcement... for which we were not at all prepared."

And then a little further down:

"Jodl announced that the Führer had decided to prepare for war against Russia. The Führer based his decision on the fact that war with Russia must come sooner or later and that it would be better to carry this campaign through in the course of this war..."

Have you found the passage?

JODL: Yes, I have it.

COL. POKROVSKY: Very well. Now, I would like you to read one more paragraph from Document USSR-476, which has just been handed to you, on Page 1. It is, Jodl, the one which you began to read the first time, and I told you then that we should get back to it eventually. Keitel is asked whether he knows anything about that conference, and he answers:

"I know nothing whatever about a conference with regard to an attack on the Soviet Union. I heard about it for the first time after I was imprisoned here."

Have you found the place?

JODL: No. I have not found it, but I do recall it. I read it just a short while ago.

COL. POKROVSKY: I should like you to have it. We do not want any misunderstandings. A little lower down Keitel states that you did not inform him of this conference even later. Is that so? Do you confirm this statement, or do you not? Would you say that Keitel had testified correctly?

JODL: Actually there is no such thing as a conference in these military matters. You have conferences in civil and parliamentary life, but we do not have conferences. I talked to my General Staff officers as often as I pleased. Therefore, it is...

COL. POKROVSKY: Excuse me, I am going to interrupt you here. Later on you may add all you wish to say, but I merely want a direct answer to the question: Is Keitel's testimony correct, that you never reported this conference to him? Is that true or not?

JODL: I certainly did not report to him on this very discussion; but that is not in the least important. I am certain that I reported to him what the Führer told me, because that was an important matter; and later, because of this, he wrote a memorandum. Therefore, he must have heard about it—but that is only a supposition, a very likely supposition, which I am voicing here.

COL. POKROVSKY: Very well, I am perfectly satisfied with your reply. And to conclude my first group of questions, I want to ask just one more on this particular matter: Do you not agree

with me that only the Deputy Chief of the OKW, and not just any other responsible official, could quite independently—without Keitel's knowledge, without any instructions, and without even a *post-factum* report to him—decide questions, such as the preparation of a plan for attacking another country? Have you understood my question?

JODL: I understood your words, but not their meaning. First of all, you put a wrong assertion in your question. You asserted that I did not report the preparation for an attack on a neutral country to Field Marshal Keitel. That is an assertion on your part which I refuted yesterday under oath. We were not concerned with an attack on the Soviet Union at this meeting. We were concerned with the defense against a Soviet attack on the Romanian oil fields. That is established in Document C-170, the War Diary of the Navy.

COL. POKROVSKY: Is that all you wanted to say on that question?

JODL: I believe that suffices.

COL. POKROVSKY: I do not intend to argue with you, I merely wish to say that we have two proofs of this conference. First, your testimony, in which you deny the fact of the preparation of a plan for attacking the Soviet Union; and second, the testimony of another participant at this conference, Warlimont, who says straight out that the meeting was specifically concerned with elaborating the plan of attack on the Soviet Union and that this directive greatly astonished all of them. I do not intend to deal with this question any further, but I should like to ask . . .

JODL: If you are interested, I could explain that divergence to you.

COL. POKROVSKY: No, at the present moment it does not interest me.

Would it be correct to state that you were either the leading, or one of the leading, staff officers in Hitlerite Germany who were engaged in preparing measures for attacking the Soviet Union, as far back as the summer of 1940? It is precisely on this matter that I want to hear your reply. Is the question clear to you?

JODL: The question is clear, and my answer to it is that I was probably the first who learned of the Führer's concern about Russia's political attitude. However, I was not the first who made preparations for an attack on the Soviet Union. To my surprise I discovered here, through the witness Paulus, that long before we concerned ourselves with any orders of this kind, plans of attack were already worked out in the General Staff of the Army. I cannot tell you with absolute certainty why it was done. Perhaps

Generaloberst Halder can tell us about that. I can only express that as a supposition on my part.

COL. POKROVSKY: Suppositions are of no interest to us; we are only concerned with facts here. On the day before yesterday, the 5th of June, you stated that the attack on the Soviet Union, whereby Germany broke her nonaggression pact with the Soviet Union, was in the nature of a preventive war. That is what you then stated, is it not?

JODL: Yes, that is what I said, it was a preventive war.

COL. POKROVSKY: Very well. That is your opinion. Do you remember that from the testimonies of Milch and Raeder, from the testimony of Göring, from the testimonies of Paulus and Keitel, it seems that they were all opposed to the attack on the Soviet Union? I shall read into the record one sentence from Keitel's testimony here in court just to help you to remember.

While General Rudenko, Chief Prosecutor for the U.S.S.R. was cross-examining Keitel, he put this question:

"You stated that you especially went to Hitler with the request that he, Hitler, change his intentions with regard to the Soviet Union?"

Answer (Keitel): "Yes, I asked him not only to change this plan, but to do away with these plans altogether, that is, not to wage war against the Soviet Union."

Do you remember that testimony of Keitel?

JODL: Yes, I remember, and I know the memorandum as well.

COL. POKROVSKY: Very well. Do you not find it rather strange that a man—in this case yourself—who has in every way endeavored to disclaim the fact that he was Keitel's deputy, should emphasize before Hitler and here before the Tribunal, that he was better informed on current events than Keitel and could, therefore, find the courage to make a statement in direct opposition to the attitude of Keitel, Paulus, Raeder, Göring, and Milch?

JODL: I did not understand that.

COL. POKROVSKY: I shall be very pleased to make my meaning more explicit. Keitel did not appear to see any necessity for what you call a "preventive" war, and all the persons whose testimony I have just mentioned also saw no reason for waging a so-called "preventive" war. They did not believe that the Soviet Union intended to attack Germany, whereas you declared that the war was of a "preventive" nature. Now, do you understand my question?

JODL: Yes, now I understand you.

COL. POKROVSKY: Very well, would you like to answer the question?

JODL: Yes, I can give an explanation. First of all, it is not certain what stand Field Marshal Keitel took in the spring of 1941 with regard to this question. Secondly, the Commander-in-Chief of the Navy and the Commander-in-Chief of the Air Force—with due respect to both of these gentlemen—saw the problem as a whole only from the point of view of naval or air strategy, and they saw no danger whatsoever in the Russian Navy or the Russian Air Force. What was taking place on land, of course, was of less interest to them. That explains why the strongest opposition came from the Luftwaffe and the Navy; and only the Army, in this case, was much more inclined to see the tremendous danger with which it was confronted. But in spite of this, every one of us, I myself included, warned the Führer most urgently against this experiment, which should have been undertaken only if there really was no other way out. I will not take it upon myself to judge whether there might perhaps have been a political possibility which was not exhausted; I cannot judge that.

COL. POKROVSKY: Very well. I am satisfied with your reply, and particularly with the fact that you have condescended to define the breaking of this treaty and the attack on the Soviet Union by the word "experiment." I want you to look at the document...

THE PRESIDENT: I think you should not make comments of that sort. You must ask questions and not make comments.

COL. POKROVSKY: My remark, My Lord, is connected with my next question.

[Turning to the defendant.] Witness, please look at Document 865-PS. Have you got this document?

JODL: Yes, I have the document before me.

COL. POKROVSKY: Very well. In reply to the questions of your counsel, you stated that Lammers had, quite by accident, designated you as a collaborator of Rosenberg. There in your hands is a very brief document, which I shall now read aloud—a document signed by Keitel. It is a top-secret letter of 25 April 1941, addressed to Rosenberg personally. This letter states:

"The Chief of the Reich Chancellery has sent me a copy of the Führer's directive appointing you his plenipotentiary for dealing with questions relating to eastern European territories. I, on the part of the High Command of the Armed Forces, entrust the handling of these questions to the Chief of the Armed Forces Operations Staff, General of Artillery Jodl,

with Major General Warlimont as his deputy. I request that your department contact these two persons only.

"Heil Hitler! Yours truly"—signed—"Keitel."

With this document in mind what do you say now in reply to the question as to whether or not you remember, that you, with Warlimont as your deputy, were charged by the High Command of the Armed Forces, as far back as April 1941, to deal with the practical problems of the Hitlerite expansion to the east in accordance with the directives of the Staff Rosenberg.

Do you understand my question?

JODL: I already told the Court yesterday everything that can be said in connection with this formality. Minister Lammers sent the very same letter to all Reich Ministries. He asked every Ministry to designate a plenipotentiary and a deputy; and accordingly, Field Marshal Keitel naturally designated the two officers who were at headquarters. I never worked with Rosenberg, and it was not necessary to do so—except for one single talk with him, which I mentioned yesterday. Only my propaganda section conferred with the Ministry for the Eastern Occupied Territories about leaflets—quite simple matters which every soldier can understand.

COL. POKROVSKY: By the way, concerning the question of soldiers. You stubbornly affirm that you were only concerned with military questions of an operational nature and had nothing to do at all with political questions. Have I understood you correctly?

JODL: I gave that explanation yesterday as well, insofar as politics were not an integral part of the strategy. To a certain extent politics did come into it, for without politics there could be no strategy. It is an essential part of strategy. But since I was not a strategist, but only dealt with this matter as a General Staff officer, I was not concerned with this subject directly.

COL. POKROVSKY: You were not concerned with these matters? You will now look at Document C-26, Exhibit USSR-477, and I must ask you if you have found your own signature on the last page.

JODL: Yes, I see my signature.

COL. POKROVSKY: You have found it? It is a directive on the organization of propaganda in connection with "Case Barbarossa." Is that correct?

JODL: Yes.

COL. POKROVSKY: Are you going to deny that in that directive, issued by you, the question is clearly put that the U.S.S.R., as a sovereign state, should be destroyed and that you consider that a

purely military problem—you, an officer of the General Staff, did not deal with politics?

JODL: I cannot find the place where it says that Russia is to be destroyed.

COL. POKROVSKY: You are quite right if you want to draw attention to the wording. It is not stated there in just these words. I am thinking of the general sense of the directive, particularly of Subparagraph "d."

JODL: Yes, but—I know the document.

COL. POKROVSKY: I want to read out one sentence:

"Propaganda aiming at the dismemberment of the Soviet Union into separate states shall not be used for the time being."

Further on there are a couple of technical remarks, and then it says in the same paragraph:

"Nevertheless, we should avoid such terms as 'Russia,' 'Russians,' 'Russian Armed Forces,' *et cetera*, and substitute 'Soviet Union,' 'Peoples of the Soviet Union,' 'Red Army,' *et cetera*."

Have you found the place, Jodl?

JODL: Yes.

COL. POKROVSKY: Very well. What would you like to say if you want to say anything at all on the subject?

JODL: Why, certainly. I wish to answer the question.

COL. POKROVSKY: If you please.

JODL: As may be seen from the heading of this directive, it deals with the handling of propaganda. Compared with the British and the Soviet Union, we were mere schoolboys in propaganda. You are perhaps aware that propaganda is something quite justifiable and is not limited by any regulations of international law. At one time, in Geneva, there was a long debate about this; and the idea that propaganda should be restricted by international law was rejected. I have already stated that in my preliminary interrogation. In the field of propaganda, I can do whatever I wish. There is no law, either criminal or international, in regard to that. But perhaps you do not know that this propaganda had to be in line with the political directives of the Führer, and this was being done here. I am very well acquainted with propaganda, for I studied it for 5 years—yours, too. That is still quite another type of propaganda.

COL. POKROVSKY: You preferred not to give a direct answer to the question you were asked. I am perfectly satisfied with that, too, since I have understood your attitude toward this subject.

Now, I should be interested in receiving a reply to the following question: What connection did the Ministry of Propaganda have with the issue of this directive? Did this Ministry participate in the drafting of the directive, or were you and the OKW solely responsible? Did you understand me?

JODL: Yes, I understood you. My propaganda division worked in Berlin. I cannot tell you in detail how it worked with Minister Rosenberg or with the Ministry of Propaganda on such a document. But General Von Wedel, the chief of this division, could tell you. I only knew it was drawn up in agreement with the Ministry for the Occupied Eastern Territories, for I was always eager that we should not take separate lines but rather work in line with the competent civilian authorities. But it is only propaganda; it is not a directive to destroy Russia. Propaganda is a spiritual weapon.

COL. POKROVSKY: I do not propose to enter into a discussion with you on what constitutes propaganda and whether you were only responsible for propaganda. We shall have quite a number of other questions to ask.

Do you suggest that this directive was issued after a certain pattern decided upon with other departments? That is how I understood you. Is this correct? Partly by agreement with "Stab Rosenberg"?

JODL: Yes, I believe that.

COL. POKROVSKY: Very well. Now let us pass on to a second complex of questions. Do you dispute the fact that the document regarding the conference at Hitler's headquarters on 27 March 1941 dealt with the subject of Yugoslavia? You, of course, remember that conference?

JODL: Yes, I remember that.

COL. POKROVSKY: Would you argue the fact that the documents describing this conference and the directive for operations against Yugoslavia—both documents are dated 28 March 1941, in other words, they were issued on the following day—would you still argue that these documents did not emanate from the Armed Forces Operations Staff, that is, from you personally? You can, if you like, take a look at Document 1746-PS. It might help you to remember events.

THE PRESIDENT: Colonel Pokrovsky, you are not losing sight of the fact that this subject was fully gone into by Mr. Roberts in cross-examination of the defendant?

COL. POKROVSKY: My Lord, if you consider that the question has already been completely clarified, I shall refrain from asking it. But it seems to me that insofar as I understood him, he analyzed

this question in another sense. But if you think the matter is clear, I shall withdraw it.

THE PRESIDENT: I do not know yet. But I was only pointing out to you that it had been fully gone into by Mr. Roberts. I do not know what this document you are suggesting is.

COL. POKROVSKY: I offered for the attention of the defendant two documents, My Lord: the directive for operations against Yugoslavia, dated 28 March, and the minutes of the conference. Both documents were submitted to the Tribunal. If you think that the matter has been fully covered already, I will not ask the questions. However, it appears to me that there is some reason for asking the question.

THE PRESIDENT: All the Tribunal want to know is whether there is some really fresh point which is being brought out. You must have heard Mr. Roberts' cross-examination of the defendant upon the Yugoslavian attack. And I do not know what these documents of the 22d of March and the 28th of March are, or what you are asking to get out of them. If there is anything that is really fresh or new, of course, you may put it; but if it is not, then it is covered by what the Tribunal have already said, that cross-examination ought not to go over the same ground again.

COL. POKROVSKY: If you will permit me to say so, My Lord, I understood Jodl to mean that for him . . .

THE PRESIDENT: I am asking you, too.

COL. POKROVSKY: I understood in Jodl's testimony, in reply to Mr. Roberts' question, that it is still not quite clear as to who was in charge of the operations against Yugoslavia; and I only want to have this point elucidated. Now, if the Tribunal consider that this question has already been replied to, I shall, of course, withdraw it.

THE PRESIDENT: Well, Colonel Pokrovsky, the Tribunal are not able to see what there is fresh in this method of questioning that you are now raising; and unless you insist upon it yourself because you think it is of great importance, I think you should pass on to the next matter in your cross-examination.

COL. POKROVSKY: Very well. I shall continue, My Lord.

[Turning to the defendant.] Your counsel has submitted Document L-172, containing the following sentence made by you in your speech to the Gauleiter of 7 November 1943. I shall read out this sentence: "This dilemma of the shortage of men has brought us to the idea of utilizing more fully the reserves of manpower in the occupied territories."

Do you remember this document?

JODL: I did not understand the question.

COL. POKROVSKY: I can repeat it. Your counsel submitted to the Tribunal Document L-172, which is a speech made by you before the Gauleiter.

THE PRESIDENT: What is the matter now? You cannot hear without your earphones on.

[Turning to Dr. Exner.] Do you wish to say something?

DR. EXNER: If you please, Mr. President, the translation is such that we simply cannot understand anything. We receive half a sentence which makes no sense at all—at least, that is our opinion—and I believe the other gentlemen, including the defendant, have the same difficulty...

THE PRESIDENT: The defendant has not shown any sign that he was unable to understand the translation; he has never protested, and he has answered the questions.

DR. EXNER: Do you understand, Defendant?

JODL: I would say that I can guess what most of the questions mean. Since I am fully acquainted with the problem, it is easy for me; but I am not sure...

THE PRESIDENT: Colonel Pokrovsky, will you go a little slower. You heard, did you not, what Dr. Exner said?

COL. POKROVSKY: Yes, I heard him. I fear, however, My Lord, that the tempo of my speech may impede the interrogation, but I shall try to speak more slowly.

[Turning to the defendant.] In the speech with which you addressed the Gauleiter on the 7th of November 1943, you expressed, *inter alia*, the following idea: "The dilemma of the shortage of men has brought us to the idea of utilizing more fully..."

THE PRESIDENT: Colonel Pokrovsky, can you possibly indicate to us what page this is on. In our book we have not any single document in English, as yet. This document we have not had in English.

COL. POKROVSKY: It is Document L-172, My Lord.

THE PRESIDENT: Colonel Pokrovsky, this very passage that you have just read, or part of which you just read, was put by Mr. Roberts yesterday to the defendant. Surely that is contrary to our rules; we cannot have the same subject gone over twice. We already have it marked.

COL. POKROVSKY: I am quoting this sentence, My Lord, not as a question to the witness, but only as an introductory remark to the question which is to follow this sentence. I am reminding him of this sentence in order to receive an answer. The sentence as such is not to be considered as a question.

THE PRESIDENT: Will you repeat what you said?

COL. POKROVSKY: My Lord, he will now receive the document in order to save time, and I shall then ask him the question. I want...

THE PRESIDENT: Colonel Pokrovsky, we want to know what the question is, so we may see if it is not a question which has been gone into by Mr. Roberts. Colonel Pokrovsky, the Tribunal have indicated to you that they do not want you to go over the same ground which was gone over yesterday. If you have some new question, by all means put it.

COL. POKROVSKY: I do not intend, Mr. President, to repeat in my questions any question previously asked by Mr. Roberts. Therefore, with your permission, I shall now continue, and I should like you, Witness, to look at Document J-6, Exhibit Number USSR-130. It is stated in these documents that they were issued with the consent of the OKW. They deal with the introduction of general conscription in the occupied territories of Carinthia and Krain. Have you found it? Have you found the passage that I have just read, that is, the decree dealing with the introduction of conscription in the occupied territories of Carinthia and Krain?

JODL: Yes, that document begins with the following sentence...

COL. POKROVSKY: It begins with the following sentence, "In agreement with the OKW..." Is that correct?

JODL: Yes.

COL. POKROVSKY: As Chief of the Armed Forces Operations Staff, you could not but know of such facts as the conscription for service in the German Army of the population of the occupied Yugoslav territories. What do you have to say about this decree, which is a gross violation of international law? Do you understand my question?

JODL: Yes. I can only say that I see it here for the first time. This is the first I have heard of it. After all, I am not the OKW. I am Chief of the Armed Forces Operations Staff. I never read this document during the war.

COL. POKROVSKY: Will you read it, then, immediately. Do you not consider it a gross violation of international law?

JODL: In order to give my opinion, I would have to go into it more fully from a legal point of view, and I am not in a position to do that, and I believe it is not of interest to the Tribunal.

COL. POKROVSKY: Well, on 4 June you testified before the Tribunal that the decisions of the Hague and Geneva Conventions were your reference book. You will now be shown Document

638-PS, submitted to the Tribunal on 20 March as Exhibit USA-788. The authenticity of this document...

THE PRESIDENT: Well, 638 is the document which has been handed up.

COL. POKROVSKY: It is Document 638-PS, My Lord.

THE PRESIDENT: Colonel Pokrovsky, is the document that you just handed up to us J-6? Are you offering that in evidence? Are you offering that?

COL. POKROVSKY: No, I am not submitting a new document. It was already submitted as evidence.

THE PRESIDENT: Wait a minute. Are you referring to the Document 638-PS, or are you referring to Document J-6?

COL. POKROVSKY: I am referring to Document 638-PS, accepted by the Tribunal as U.S.A. evidence.

THE PRESIDENT: I was not. I was referring to the Document J-6. The document which is here before me, which is 638, is the Yugoslav document.

COL. POKROVSKY: The document to which you refer, My Lord, bears a double number, USSR-130 and J-6; and the second document also bears a double number, USSR-447.

THE PRESIDENT: I do not want to know about the second document. I only want to know whether you are offering the first document in evidence, or has it already been offered in evidence?

COL. POKROVSKY: It has already been submitted, My Lord, by the Delegation of the Soviet Union.

[Turning to the defendant.] You, Jodl, have probably had sufficient time to read the document. Is that right? Have you read it?

JODL: I know about this document from these proceedings.

COL. POKROVSKY: Quite correct. I only wish to remind you that Göring has twice confirmed the authenticity of this document and merely questioned the accuracy of certain entries in individual sentences. I should now like to ask you how you reconcile your concepts of international law with the formation of bands under German command, attired in German military uniforms, bands recruited from the dregs of the criminal classes, who were officially authorized to plunder, murder, burn, and violate—they could also do all this during military operations. Have you understood my question?

You, of course, well remember that these bands were actually created and entered the ranks of the Armed Forces of the German

Reich. You remember the testimony of the witness Von dem Bach-Zelewski, of 7 January 1946, concerning the special commands acting on these principles?

JODL: I do not know just how you come to know that the High Command gave its approval and that this actually took place; I do not know. These are merely the notes of alleged statements by the Reich Marshal, but I do not know how they concern me.

COL. POKROVSKY: I shall try to help you to understand this fact. Do you remember that at the end of 1941 and the beginning of 1942 a special command was formed to operate against the partisans? The first commanding officer of that unit was Dirlewanger, and Von dem Bach-Zelewski testified about him here on 7 January 1946. Do you remember that?

JODL: No, I do not remember that.

COL. POKROVSKY: You cannot remember? Very well. Then we shall prove it without your testimony. Do you remember the fact that units of the Yugoslav Army wore regulation uniforms, complete with insignia, numbers of regiments and divisions? Do you remember that? Do you understand my question, or do you not?

JODL: I understood. Do you mean the Brandenburg Regiment? I have some idea of that.

COL. POKROVSKY: No, I have something else in mind. I wish to remind you that despite the fact that parts of the Yugoslav Army did not come under these descriptions which you have enumerated here before the Tribunal in speaking of bands—that these parts of the Yugoslav Army were referred to in every official document of the German High Command as bands, in order to justify any atrocity perpetrated against them, and only in the top-secret correspondence between German officers and staffs was the correct, factual nomenclature of these divisions, regiments, and brigades indicated. Perhaps this fact, in your opinion, also testifies to the adherence of the German High Command to the standards of international law? Have you understood me?

JODL: I understand you very well, yes.

COL. POKROVSKY: Do you wish to say anything on the matter?

JODL: Yes. I can only say this assertion of yours is untrue. We . . .

COL. POKROVSKY: I would ask you to reply as briefly as possible.

JODL: Yes, I was going to answer very briefly. We always called these Yugoslav bandits "bands" for propaganda reasons, but in practice uniformed fighters always were treated as prisoners of war; and there is no order which would have prevented them from

receiving such treatment as prisoners of war. Otherwise, we would not have had so many prisoners.

COL. POKROVSKY: I am very much obliged to you for having raised the question of the prisoners of war. You have testified on oath before the Tribunal that there was no decree which forbade taking prisoners of war. You have not yet forgotten that testimony of yours?

JODL: No, there are no international law regulations which apply to a rebellion. There is no such thing.

COL. POKROVSKY: No, I asked you to confirm only if I have rendered your testimony correctly to the Tribunal. You stated, before the Tribunal, that there was no decree against taking prisoners of war. Did you give such testimony before the Tribunal, or did you not?

JODL: What you have stated here is not my verbatim testimony.

COL. POKROVSKY: Just a minute, just a minute. We shall discuss in detail the matter I have mentioned. First, I want you to tell me the following: You stated, before the Tribunal, on oath, that there was no decree in the German Armed Forces to the effect that prisoners of war were not to be taken. Did you give this testimony or not? Have you understood me?

JODL: I think I remember. I do not know of any such order that no prisoners of war were to be taken.

COL. POKROVSKY: Good. One moment more. I now want you to help me to elucidate another matter. A sentence of yours appears in this typed script to the effect that you considered it improper to question a prisoner of war if a decision had already been made that the prisoner of war was to be shot. Is that so? Is it correct?

JODL: Yes, I testified to the effect that I rejected that sentence from the moral and from the humane point of view.

COL. POKROVSKY: Excellent. Now I want you to tell me the following: Do you remember that there was a 4th Mountain Division in the German Army? It seems that you, at one time, were directly connected with it? Was there such a division or not?

JODL: That there were four mountain divisions, that I do not remember, there were many more.

COL. POKROVSKY: I am not talking about four divisions. You have been given an inaccurate translation. I am asking you whether you remember that there was a 4th Mountain Division?

JODL: I certainly knew about that. I wanted to be the commander of that division.

COL. POKROVSKY: Very well. In that case, you may also remember another responsible officer of the German Army, whose name was Kübler? He operated in Yugoslavia.

JODL: There were two men of the name of Kübler, an older man and a younger man.

COL. POKROVSKY: Major General Kübler is the one who interests me. I am not asking you who Keitel was. You know that better than I do.

THE PRESIDENT: Shall we adjourn now for a few minutes?

[A recess was taken.]

COL. POKROVSKY: Now, you and I, Defendant Jodl, will attend to these two documents. Please take Document J-67, Exhibit Number USSR-132. It is a directive to the 118th Infantry Division.

JODL: 118th Infantry Division.

COL. POKROVSKY: I will read to you the "Instructions for Conduct of Troops during Operations," Paragraph 2. "Prisoners: Any man who has obviously fought against the German Armed Forces, and has been captured, is to be shot after interrogation." Is that correct? It says so precisely in those words? Do you hear me?

JODL: That is approximately what it says in that one sentence, but I should like to have the whole document. Nothing can be gathered from one sentence. What is decisive is what comes before it, and that is not stated in the document.

COL. POKROVSKY: It is written above: "Instructions for the Conduct of Troops during Operations."

Now for the second document. It bears the stamp of the IV Mountain Regiment. It was issued on 6 October 1943 and contains Keitel's personal instructions, written in his own hand, on how to deal with prisoners of war. I will ask you to revert to Subparagraph 3. It says, in the second part of this subparagraph, "... commanders having at least the rank of divisional commanders are authorized to issue orders to take no prisoners, and the civilian population in the combat area may be shot."

THE PRESIDENT: Wait a minute. Apparently the translation was not coming through correctly. Perhaps you are going too fast. It was coming through correctly to me, but it apparently was not coming through correctly to the defendants. Would you put your question again?

COL. POKROVSKY: In Subparagraph 3 of the document issued by the IV Mountain Regiment it says...

THE PRESIDENT: Did you give us the number of it?

COL. POKROVSKY: Yes, My Lord. It is Exhibit USSR-470; and it bears a double number, Document J-127.

[Turning to the defendant.] Have you found Subparagraph 3, Defendant Jodl?

JODL: Yes, but this cannot possibly be described as a document. That is not a document.

COL. POKROVSKY: This document says how prisoners of war are to be treated.

I do not know how you feel about it, but it is quite clear to me.

JODL: But it is not an original. It is a fantastic translation. Any soldier would have thrown it straight into the wastepaper basket. It is a falsification. But I admit that it may be due to the foolish translation. In my opinion, all it contains is nonsense. The heading says "IV Mountain Regiment," and it is a Roman four. It should be an Arabic number. It is never called Mountain Regiment. It then goes on to say, the commander of the IV Mountain Division, Section Ic, delivers under number such and such the following—all that is nonsense, pure, unadulterated nonsense! This is not a document. It is a scrap of paper.

COL. POKROVSKY: I am not responsible for the translation.

THE PRESIDENT: The Tribunal would like to see the original of these documents. They were put in, apparently, as USSR-132 and USSR-470. Is USSR-470 a new document?

COL. POKROVSKY: No, My Lord, this document has already been submitted, and the original is in the records of the Tribunal. Now I am only submitting a copy of this document which is at our disposal. Both documents were previously submitted in the original. If it is necessary, we can obtain these original documents and submit them a second time.

THE PRESIDENT: One of the secretaries of the Tribunal says that it was not submitted before—not offered in evidence before—USSR-470. Are you sure?

COL. POKROVSKY: There may have been some technical error. I was informed that it had already been submitted. We shall now go into this matter thoroughly. I believe, My Lord, that the original of the second document is in your possession.

JODL: I can say something to clarify this.

THE PRESIDENT: Colonel Pokrovsky, the Tribunal are uncertain about the admission of this Document 470. Could you tell us exactly what the document is, and in what circumstances it is now being offered in evidence? What the document is, and where it came from?

COL. POKROVSKY: I can give quite a definite answer to the last question, My Lord, but perhaps I shall have to answer the first part of your question a few minutes later. The matter is being investigated.

On the second page of Exhibit USSR-470, at the bottom of the page, there is an affidavit:

"This is to certify that this is a correct and certified copy of the original document which was captured during military operations in June 1944, at Pakracu, by the Yugoslav National Army of Liberation. The original document is kept in the archives of the State Commission for the Investigation of Atrocities perpetrated by the occupants and their collaborators in Belgrade, dated 4 January 1946, Belgrade,"

signed by the President of the State Commission, University Professor Dr. D. Nedelkovitsch.

I am just having investigations made as to whether this document has already been submitted, by what member of the Soviet Delegation it was submitted, and on what date. If the document has not yet been submitted, then we can demand the original from the Belgrade archives—the German, the captured copy—or else a certified photostat, whichever is most acceptable to the Tribunal and have it presented in evidence.

My Lord, I have just been informed that this document was not presented. Therefore, it will be submitted for the first time, and we shall immediately ask for the original as additional evidence.

THE PRESIDENT: Colonel Pokrovsky, with reference, for the moment, to Document USSR-132, which I understand has already been put in evidence—offered in evidence—the Tribunal would like to see the original of that document because there are only two paragraphs put out in the copy that we have before us, and that was the point that was taken by the Defendant Jodl, that he wanted to see the whole document.

Colonel Pokrovsky, first of all, with reference to Document 132, which the Tribunal understand has already been offered in evidence, the Tribunal think that that document in full should be put before the defendant for him to make any comments. With reference to Document 470, which you are now offering in evidence, the Tribunal are of the opinion that you should go on cross-examining with reference to that document, subject to the production, as soon as possible, of the original or a photostatic copy of the original, and subject to the right of the defendant's counsel to apply to have that cross-examination struck out if there is any substantial difference between the translation in the Yugoslav language—which is now

being put to the defendant, or used for the purpose of cross-examination of the defendant—and the original document.

Is that clear to you and to Dr. Exner?

COL. POKROVSKY: It shall be done, My Lord.

DR. EXNER: Mr. President, I think that a discussion of this document ought not to be permitted at the moment. There are too many discrepancies in it. As it stands, it cannot be correct. Roman numeral IV, for instance, "the IV Mountain Regiment," is referred to. That Roman numeral IV is quite wrong. Then it says "the commander delivers..." which is not German. Then, on Line 4 there is mention...

THE PRESIDENT: Dr. Exner, the Tribunal want to know what you are talking about. Are you talking about 470?

DR. EXNER: Yes. I am merely trying to show that this cannot be a genuine document because it is not proper German at all.

For instance, in Line 4 it says, "Armed Forces Operations Staff, Ob.H." The Armed Forces Operations Staff is attached to the OKW, not to the Ob.H.

Then, there is no signature. It is signed "Keitel" on the first page; but he signs as a Generaloberst, whereas I am told he was already a Field Marshal at that time.

Furthermore, this signature is part of the quotation and it says, "The OKW supplies the following..." Then there is the quotation—and Keitel's signature is a part of that—whereas the document itself is supposed to originate from the 4th Mountain Regiment, and there is no signature of the 4th Mountain Regiment. I really do not think there would be any sense in talking about the document until the original has been supplied. For instance, on Page 2 of the document there is the statement that this goes to the commanders of 6, 7, *et cetera*. They are not commanders, these company commanders. No German military person could have written this document.

THE PRESIDENT: Dr. Exner, the Tribunal adhere to the decision that this document may be used now. All the points which you are now raising and any other points which you may wish to raise upon the document will be open to you if you wish to move to have the cross-examination struck out at a later stage when the original had been produced.

DR. EXNER: I understand.

THE PRESIDENT: For the purposes of not wasting time, it is, the Tribunal think, more convenient to have the cross-examination now upon this document. We will leave it to you to move hereafter to strike the whole cross-examination out.

DR. EXNER: Yes.

THE PRESIDENT: Now, Colonel Pokrovsky, here is the original Document USSR-132 which the defendant ought to have for the purpose of making any comments that he wishes to make.

COL. POKROVSKY: The instructions of the Tribunal will be carried out, My Lord. We shall submit the original document.

[Turning to the defendant.] Have you acquainted yourself with the contents of the document?

JODL: It is an order of the 118th Infantry Division.

COL. POKROVSKY: You have no doubts at all about the authenticity of the document?

JODL: No, there is no doubt that it is an order of the 118th Infantry Division, but the connection between the 118th Infantry Division and myself is puzzling. But the order is genuine.

COL. POKROVSKY: Perhaps you would like to admit now that this is not a question of stupidity but of villainy. Perhaps you would like to amplify your testimony in this sense?

JODL: I did not understand you.

THE PRESIDENT: Defendant, when you were asked about Paragraph 2 of Document USSR-132, you said that the whole document was not before you. Now you have the whole document.

JODL: I have it, yes. I have the entire document. The entire order from Kübler is perfectly in order in my opinion. Apparently the doubts which the Prosecutor has refer to Point 2, where it says, "Any man who has obviously fought against the German Armed Forces and has been captured is to be shot after interrogation."

That, of course, does not refer to normal troops. That refers to the population. At least, that is how I see it. Paragraph 8 says, "Attitude towards the Population."

That is also in order from the point of view of international law. It draws a distinction between the attitude towards a hostile population and the attitude towards a peaceful population.

COL. POKROVSKY: Is that all you wish to say?

JODL: Yes, but as I said, I do not understand the connection between Major General Kübler's order and myself. I do not understand it.

COL. POKROVSKY: You confirm that the question of the treatment of the civilian population has been isolated to form an independent paragraph, Number 8? Is that correct? You have just referred to that.

JODL: Yes, Paragraph 8 mentions the treatment to be meted out to the civilian population.

COL. POKROVSKY: I am satisfied with your answer. Let us pass on to another group of questions.

THE PRESIDENT: Wait a minute.

JODL: But I wished, with the permission of the Tribunal, to object...

THE PRESIDENT: One moment. Defendant, are you suggesting that there is anything in the order itself which indicated that the prisoners dealt with in Paragraph 2 are not, as you have put it, normal troops?

JODL: In that respect, the paragraph is not very clear; but the next document which the Prosecutor has submitted might give the proof regarding what other orders have been issued. However, I consider that it is out of the question that Kübler gave an order saying that Yugoslav troops captured in battle should be shot. That is quite impossible. And had he done so, then he would have done so against the orders of the High Command of the German Armed Forces. But how can I give my views on an order from Major General Kübler? It would be best to ask him, he is alive.

THE PRESIDENT: Well, your answer to my question, then, is in the negative, that there is nothing in the order itself which shows or indicates that the prisoners referred to in Paragraph 2 are not normal troops.

JODL: That cannot be concluded from the wording of that order.

THE PRESIDENT: Perhaps I ought to draw your attention to the words under "General Directives for the Conduct of Troops in Action."

At any rate, that is your answer upon the whole document.

JODL: May I please have permission to look at the original again? I have only a copy here before me.

[The document was submitted to the defendant.]

THE PRESIDENT: You now have the original document before you. Do you want to add anything to what you have said?

JODL: I just wanted to add—if you are dealing with this order of Major General Kübler—that it is not certain whether this order refers to any particular action, for example, the mopping up of guerrillas in a given territory who were not regarded as regular troops at that particular moment, but were regarded as a revolt of the population. That is feasible.

At any rate, I cannot answer these questions because I am not Major General Kübler.

THE PRESIDENT: Now you can pass on to 470.

JODL: May I ask the Tribunal for permission to make a correction in my objection to this document?

THE PRESIDENT: Which document are you speaking of?

JODL: Document USSR-470.

THE PRESIDENT: What do you want to say about it?

JODL: I previously described that document as nonsensical because, at the first moment, I regarded it as a German order. In the meantime I have ascertained that it is obviously a Croatian order, because it is addressed to three Ustashi battalions. In this Croatian order the Croatian commander of this mountain regiment tells his troops something which he had apparently received in the way of orders from the 4th German Mountain Division, regarding the treatment of prisoners. He, in turn, traces it back to an order from Keitel which, however, is misrepresented and which, if it were correct, would best be handed in to the counsel for Field Marshal Keitel, because it is the best example of the attitude toward the guerrillas in Yugoslavia in keeping with international law—that is, if it is correct. Therefore, it is not a German order; it is apparently a draft or a translation of a Croatian order of the 4th Mountain Regiment. But what the 4th Croatian Regiment has to do with the General or the Defendant Jodl is a puzzle to me. I do not understand it.

THE PRESIDENT: Go on, Colonel Pokrovsky.

COL. POKROVSKY: I ask you, Defendant Jodl, whether you knew of such a directive by Keitel to the effect that division commanders or officers of higher rank were entitled to issue orders that no prisoners should be taken. Do you know of such a directive?

JODL: No, it is not known to me; and it is not certain that the order was issued in that way. However, in certain cases it is permissible under international law.

COL. POKROVSKY: I have no further questions to ask in connection with this document. The defense counsel will obviously ask some questions when the original document is submitted to the Tribunal.

I shall now proceed to another group of questions. If I am not mistaken, you confirmed the authenticity of your so-called notes for "Plan Grün" where it dealt with the creation of an incident on the borders of Czechoslovakia. It is stated quite clearly there that the organization of this incident was to be entrusted to the counter-intelligence. Have I interpreted the idea of your notes correctly?

JODL: No. The translation as it came over to me is completely distorted. But there has been a full discussion about that, too.

COL. POKROVSKY: To facilitate the task of the interpreters, I shall simplify the question. You, I believe, confirmed the authenticity of this document dealing with the incident and the organization of the incident. This is Defense Document Jodl-14.

THE PRESIDENT: I do not think it has come through properly.

JODL: No. It did not make any sense to me at all.

COL. POKROVSKY: All right. I shall repeat it. Do I clearly understand that you do not contest the authenticity of Document Jodl-14?

JODL: If that is the letter from me to Major Schmundt, then that is an absolutely genuine document, which I wrote myself.

COL. POKROVSKY: In this connection I should like to ask you one precise question: Do you confirm that the provocation which you call the "organization of an incident" had two objectives: First, to give a pretext for an attack against Czechoslovakia; and secondly—to use your own terminology, which we heard here on 4 June—to shift the blame for the war on to somebody else's shoulders? Had you these two objectives when you proposed to organize an incident? Do you understand my question?

JODL: I understood roughly what you said.

COL. POKROVSKY: Can you give an answer?

JODL: Yes, I can repeat the answer I gave yesterday. I have . . .

COL. POKROVSKY: You confirm this?

JODL: My testimony of yesterday? Yes, of course. I still maintain today something which I said yesterday.

COL. POKROVSKY: Very well. I would like you to tell the Tribunal everything you know about the supplying of weapons to the Sudeten Germans organized into the Henlein Corps, which you mentioned to the Tribunal in passing. You stated that this corps contained a certain number of officers. Do you remember?

JODL: Yes, I remember.

COL. POKROVSKY: In order to help you, I will show you a document.

[The document was submitted to the defendant.]

It is the testimony of Karl Hermann Frank. He declares in this testimony that the Henlein Corps received a certain quantity of weapons. Do you know anything about this?

JODL: I only know of weapons supplied to the Henlein Free Corps at the time when it was being formed on German territory. Whether arms had been previously smuggled into Czechoslovakia for that Sudeten German group, or how they were brought in, is

something which I know nothing about. The Armed Forces were never in any way concerned with that, just as later on they were not concerned with the Henlein Free Corps.

COL. POKROVSKY: Do you know what kind of weapons were sent there? Were they of German origin or not?

JODL: The fact that arms were taken into Czechoslovakia is something I know absolutely nothing about. I was not a smuggler of arms; I was a General Staff officer.

COL. POKROVSKY: That is why I am asking you, since you have said that you received reports on the arming of the Henlein Free Corps when it arrived on German territory. That is why I asked you, an officer of the General Staff, were these weapons of German origin or not? You must know that.

JODL: Henlein's Free Corps—which was formed near Hof, and in the district to the North, on 17 September—received, in my opinion, former Austrian, or even German, arms. I think they were Austrian weapons, but I do not know that for certain.

COL. POKROVSKY: Then it is not necessary. We only need definite information and definite facts. You will now be handed a photostatic copy of the Case Green folder.

[The folder was submitted to the defendant.]

You will look at the passage which has been marked. The marked passage says, "For the success of the operation, the penetration into Sudeten Germany with parachute troops will be of great value." The Defendant Keitel, on 6 April 1946, when questioned regarding this part of the document, said that it is precisely you who could give the requisite explanations with regard to this document.

JODL: With reference to this paragraph I have to say that, in the preparation for a possible war, the Army had a notation inserted to the effect that fortifications would have to be penetrated quickly or would have to be opened up from the rear and that for the success of this joint action the co-operation of airborne troops, together with the border population and the Sudeten Germans who deserted to us, might be of value. For, of course, it was a fact that among the Germans who had been drawn into the ranks and who numbered about 100,000, not one would have turned his weapon upon us but would have deserted on the spot. They wrote that to me personally while in Czech uniform. These Germans would have deserted on the spot. That, of course, we expected and had taken into account in our military calculations.

COL. POKROVSKY: I fear that you have not understood me quite correctly or that you did not wish to understand the question which I put to you.

Defendant Jodl, I am interested in something else. Do you confirm the fact that prior to the attack on Czechoslovakia you had planned diversionary activity on the territory of Czechoslovakia proper. That is what I am interested in. Yes or no?

JODL: First, there was no attack upon Czechoslovakia at all; that is a historical untruth. Second, this was General Staff work, which was prepared for a possible war; and there is nothing else to be said about that.

THE PRESIDENT: That is not an answer to the question. The question was whether you planned before the war—or the possible war—diversionary activity in Czechoslovakia. Did you plan that? Can you answer that?

JODL: No, I did not. You will have to ask Admiral Canaris about that. Such matters were not in my jurisdiction.

COL. POKROVSKY: Keitel advised us to ask you, and you advise us to question Canaris. Very well; I have another question to ask you. Was the unification of all pro-Fascist forces and armed Fascist bands in Yugoslavia, which fought against the Allies, carried out with your knowledge? Or do you know nothing about that?

JODL: You mean the military organization under Marshal Tito. That is known to me, yes.

COL. POKROVSKY: No, I am referring to the organization under the direction of the German High Command, of a united front of all pro-Fascist bands—of Nedish, Michailovič, and others—financed by Germany, helped by Germany, and under the leadership of the German High Command. Do you know anything about that, or do you not?

JODL: I do not know whether you have in mind the Chetniks. They were under Italian command. Because of this there was always a big row between us and the Italians. Then there was the Ustashi, they were Croatians. But the other pro-Fascist organizations are not known to me.

COL. POKROVSKY: Very well. You will look at Document J-95, Exhibit USSR-288. It has already been submitted to the Tribunal. It is the testimony of Nedish. Two or three sentences from this document have a direct bearing on the questions that I have asked you. Nedish testified under oath, naming those who had helped him to form and to finance his bands. He named the representatives of the German High Command and the Gestapo who helped him to create his armed forces.

Have you found that?

JODL: That is right. Nedish formed a Serbian unit. I forgot that before. Nedish had a—what shall I say—a Serbian...

COL. POKROVSKY: Do you remember it?

JODL: Yes. Nedish had a small unit. That is right. There were perhaps 5,000 to 6,000 men. They were Serbs.

COL. POKROVSKY: Did you give financial support to this organization?

JODL: No. I had no money. I did not back these things.

COL. POKROVSKY: No, I am not speaking of your personal means, but the means of the German Reich.

JODL: I cannot tell you that. I did not concern myself with money in this war.

COL. POKROVSKY: Was the German High Command at the head of the work of controlling the organization of these bands, or was it not?

JODL: No. I did not organize it. The Commander, Southeast, probably discussed that with Nedish. But it was Nedish's own private affair if he wished to call on the Serbs to fight.

COL. POKROVSKY: I do not know whether it was his private business or not. But it is most important to me that you confirm the fact that these bands actually existed. How Nedish organized them does not interest me.

JODL: I can confirm that. There were about 5,000 to 6,000 men of the Serbian auxiliary police.

COL. POKROVSKY: Very well. You will be shown another report from this group of questions. It is an official report of the Polish Government sent to the Military Tribunal. You will find that it contains some very valuable information about the activities of the Fifth Column. Please turn to the sentence which is marked "B." It is said there:

"In addition to the agents selected from among the young people and appointed to co-operate with the German civilian population, there also existed a group of leaders and instructors made up of officers who had come to Poland, supplied with valid passports, weeks before the outbreak of hostilities."

Do you, as the direct leader of the counterintelligence—this section was subordinate to you—know anything about this Fifth Column organization in Poland?

JODL: There are two small errors you have made, Colonel Pokrovsky: first of all, counterintelligence was not under me but under the Chief of the High Command of the Armed Forces; and secondly, I stated at length yesterday that I know nothing about

any of the preparations for the Polish campaign, either from the point of view of operations or otherwise, because I was Artillery Commander in Vienna and Brünn. What Canaris did at that time with respect to Poland is something I know absolutely nothing about. I am afraid, therefore, that I cannot be of any help.

COL. POKROVSKY: Well, let us proceed to the next group of questions. You were examined on 8 November by the Soviet Prosecution, and you were asked whether Germany was pursuing a predatory policy when attacking the Soviet Union? Do you remember being asked this question?

JODL: I remember very well, yes.

COL. POKROVSKY: You will now be handed a copy of your answer. You replied:

"I admit that the question of the expansion of Germany's 'Lebensraum' and the utilization of Russian economy for Germany's needs did play a certain part, but it was not the basic reason for the attack on the Soviet Union."

Do you remember answering in this sense?

JODL: It is possible. I did not sign it. At any rate, I said it was not the chief cause.

COL. POKROVSKY: You also said in the same answer:

"It was never our intention to keep enlarging our 'Lebensraum' and thereby create new enemies."

It appears that you do remember that?

JODL: Yes, I do.

COL. POKROVSKY: Very well. Perhaps you will now recall that the witness Ohlendorf testified before the Tribunal that prior to the outbreak of hostilities against the Soviet Union, Himmler, in his speech, had outlined a program for the annihilation, in the East, of 10,000,000 Slavs and Jews? Do you remember this statement?

JODL: I recollect having heard that testimony in this courtroom, yes.

COL. POKROVSKY: In the light of this—in the light of Ohlendorf's testimony—would you not like to answer more precisely the question as to whether the war against the Soviet Union was waged with a predatory purpose, with the purpose of seizing territory, annihilating the population, and then of transforming the occupied territories, to quote Hitler's own words, "into a paradise for the Germans"? Do you not think that is exactly what did happen?

JODL: What the Führer might have wanted to create later on I do not know; but the military and strategic reasons, which he gave us and which were definitely confirmed by the many reports

received, I explained yesterday in great detail. The main reason was the feeling that we were under a dire threat of being attacked by Russia. That was the decisive point.

COL. POKROVSKY: Very well. You will now be handed Document C-57. It has already been submitted to the Tribunal, My Lord. On the evening of 5 April 1946 this document was put to Defendant Keitel as Exhibit USSR-336. I must ask you to turn to Subparagraph 4 of this document and to Subparagraph 7, for Defendant Keitel stated that you could give far more detailed explanations about these documents. Point 4 referred to the active participation of Spain in the seizure of Gibraltar as far back as 1941. Tell us, how was this active participation of Spain to be expressed? Have you found this passage in the document?

JODL: Yes, I already know the document. But nobody signed it. First of all, I have to give an explanation of what this document is, so that it is not mistaken for an order.

COL. POKROVSKY: But I do not believe I ever said that it was an order.

JODL: That is all right, because it is not an order. I cannot say what the people who drew up this document had in mind at the time. It was obviously a draft which the General Staff officers, presumably from my department, together with the operations expert of the Navy, prepared in my office and which they submitted to the Naval Operations Staff for their perusal, according to the principle that General Staff officers must think and plan a long time ahead. They had these personal ideas and put them down on paper without my ever having seen them.

THE PRESIDENT: What was your question, Colonel Pokrovsky? It was whether the draft did not...

COL. POKROVSKY: I asked a question to which I received no answer. My Lord, I asked him what he could say about the actual part which Spain was to play in the seizure of Gibraltar in 1941.

JODL: I cannot make a statement on what other people thought. I can only talk about serious intentions in connection with Spain in 1940. That I can talk about. But as far as this paper is concerned, I can say nothing about it. For at the time I had long ago dismissed the thing as impossible. I know of it only since I have been in Nuremberg; I never saw it before.

COL. POKROVSKY: Whether that plan could not be fulfilled is quite another question. Defendant Keitel said that you could give an explanation. You declare that you cannot say anything.

JODL: As I have just said, it is some preliminary work carried out by the younger General Staff officers, which I saw here in the

document room for the first time with great interest and some amusement. It was not shown to me at the time, because it could already be seen that in a week's time the situation would change.

COL. POKROVSKY: You know nothing about the proposed dispatch of an expeditionary corps to Egypt, Iran, and Iraq, through Trans-Caucasia in the direction of the Persian Gulf, if the Soviet Union had fallen, as is stated here; you did not know anything about that either?

JODL: It was never a really serious proposition. On the contrary, I had the biggest row of my life with the Führer because I refused to attack beyond the Caucasus in the direction of Baku. But the General Staff officers did entertain such ideas in the first flush of optimism because of the big victories in the summer. That is what they are there for—to have ideas. But the decisions are made by the older and more level-headed men.

COL. POKROVSKY: So you confirm that the success of the Red Army upset what you call "the bold and far-reaching plans" of Hitler to send an expeditionary corps to Syria and Egypt? Is that right?

JODL: If the Soviet Union had collapsed, then one might have entertained such ideas for continuing the war. But never the idea, for instance, of attacking Turkey. She would have come over to our side anyway voluntarily. That was the opinion of the Führer.

COL. POKROVSKY: How do you know that?

JODL: How do I know it? Even the document says so. And there are the entries in the Diaries of the Armed Forces Operations Staff, which are here in Court. It says:

"After big German victories, Turkey will come over to our side, anyway. I order that she be given preferential treatment in the supply of munitions and arms and tanks."

In fact, Turkey had expressed such a wish, and she was very grateful to receive from us tanks equipped with arms. The Führer would never have done that if he had expected Turkey to join our opponents.

COL. POKROVSKY: We shall proceed to another group of questions. On the eve of the campaign against Russia, a conference was held between the representatives of the OKW, the OKH, and the so-called RSHA. The participation of the subdepartment SIPO was being considered. Do you know anything about this conference, at which the witness Ohlendorf was present?

JODL: I know nothing about that. I was working on quite different matters, and I have never had any conferences or connections with the Reich Security Main Office at all.

COL. POKROVSKY: Are you acquainted with Wilhelm Scheidt, a colleague in the Prisoners of War Organization of the OKW?

JODL: Yes, I know him. He was an assistant to General Scherff.

COL. POKROVSKY: Are you acquainted with his testimony which was given before the Tribunal? It is, My Lord, on Page 2207 of the English transcript (Volume IV, Page 467). He testifies that the criminal practice of inflicting punitive measures on the peaceful civilian population was known to the leading officers of the Armed Forces Operations Staff and of the General Staff of the Army. Do you remember that?

JODL: I do not know the words that he used. Criminal actions were neither known to the Armed Forces Operations Staff nor to me. I rejected criminal actions and fought against them, and I made that abundantly clear here.

COL. POKROVSKY: Am I to understand that you deny all knowledge of the criminal punitive measures taken against the civilian population? Do you mean to say you knew nothing about them?

JODL: Of course, I know of the fight against your partisans. That is quite clear. I have shown two instructions which were issued by the Armed Forces Operations Staff in this connection.

COL. POKROVSKY: On 7 January 1946, the witness Von dem Bach-Zelewski testified that the real aim of this struggle against the partisans was the extermination of the Slavs and the Jews, and that the methods used in this struggle were known to the High Command. Do you wish to deny this, too?

JODL: It might have been the intention of Bach-Zelewski; it was not mine. My instructions were different. I already described the intention yesterday as completely senseless. The numbers of guerrillas made no difference at all in the gigantic struggle between the German and the Soviet Armies. It was a minute percentage.

COL. POKROVSKY: Could you perhaps recollect, Defendant Jodl, when and in what circumstances you yourself said, at one of Hitler's conferences, that the German troops were entitled to treat the partisans as they wished and to subject them to any kind of death by torture, by quartering, hanging them head downward, *et cetera*. Do you remember having said something of the kind at that time?

JODL: About this matter—which is more comical than serious—we talked for quite some time during the preliminary interrogation.

COL. POKROVSKY: Perhaps you can tell us about this matter at less length but with greater precision. Will you answer my question whether you spoke these words or anything like these words, and in what circumstances did you say them?

JODL: I want to explain it briefly. It was on 1 December 1942. As the Tribunal will remember, a directive in regard to combating the guerrillas was issued on 11 November by the Armed Forces Operations Staff, which we declared to be outdated by the new issue on 6 May 1944. In that directive, which was issued on 11 November, I had written the sentence: "The burning down of villages as a reprisal is forbidden, because it necessarily only creates new partisans." 272

The draft of that instruction remained in the Führer's hands for weeks. He always objected that this instruction would hamper the troops in ruthlessly combating the guerrillas. As at that time I had already issued that instruction and he still had not given his approval, I became rather rude; and when he once more came with lengthy explanations of his fighting experience, his experience of fighting the Communists in Chemnitz, I said, in order to break the ice at last, "My Führer, what people do in battle does not come into this instruction at all. As far as I am concerned, they can quarter them or they can hang them upside down."

If I had known that the Russian gentlemen have so little sense of irony, I would have added, "and roast them on the spit." That is what I said and I added, "But in this instruction we are concerned with reprisals after the battle, and they must be prohibited."

Then there were roars of laughter from all the officers present, and also from the Führer; and he gave me permission to issue that directive; and the testimony of a witness, General Buhle, who was present, will confirm that to you. That quartering people has not been the custom in Germany since the sixteenth century, any more than hanging people upside down, everybody in the world certainly knows. Therefore that remark could only be an ironical one.

COL. POKROVSKY: I ask the Tribunal to grant me one minute for one last question, literally one minute only.

[Turning to the defendant.] Do you know that the German troops, evidently understanding irony better than we do—and in the literal sense of the word—quartered, hanged upside down, and roasted Soviet captives over the fire? Did you know of that?

JODL: Not only I did not know it, but I do not even believe it.

COL. POKROVSKY: With the permission of the Tribunal I shall proceed to the last group of questions left to me after the recess.

THE PRESIDENT: How much longer will that take, Colonel Pokrovsky?

COL. POKROVSKY: I have only a very few questions to put, and I believe it will not take very long.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

COL. POKROVSKY: You have given very important testimony before the Tribunal. You have admitted that in 1941 the warriors of the Red Army at Vyazma were fanatically resisting the Fascist invaders. Many of them were taken prisoner only because they were too exhausted to move. You thereby explained the abnormally high mortality among the Soviet prisoners of war. Is that correct?

JODL: That is true with regard to the prisoners, particularly in the Vyazma pocket.

COL. POKROVSKY: Can you think of any other reasons you know which would account for this high mortality among the Soviet prisoners of war?

JODL: I did not hear of any other reasons.

COL. POKROVSKY: Then I will refresh your memory a little and draw your attention to a short excerpt from our Exhibit Number USSR-353. It is a letter from Rosenberg to the Commander-in-Chief of the Armed Forces, that is, it was sent directly to the OKW. The letter is dated 28 February 1942. I would draw your attention to a few short extracts from this document. On Page 1, I believe, the following sentences are underlined:

"The fate of the Soviet prisoners of war in Germany is a large-scale tragedy... A great part of them have died of hunger or from the inclement weather. Thousands have also died of typhus."

I will leave out a few sentences and proceed to the next page:

"Several intelligent camp commanders have taken this line with some success."

Before it had been a question of the population being willing to supply the prisoners of war with food of their own accord.

"In the majority of cases, however, the camp commanders have forbidden the civilian population to give any food to the prisoners of war and have preferred to let them die of starvation... Moreover, in many cases, when prisoners of war on the march could no longer keep up from sheer hunger and exhaustion, they were shot in full view of the horrified civilian population; and the corpses were left by the roadside."

And further on:

"Remarks have been heard like these: 'The more of these prisoners that die, the better it will be for us.'"

And again on Page 3:

"It would be too naive to imagine that what went on in the prisoner-of-war camps could be concealed from the Soviet

Government. It is obvious from Molotov's circular note that the Soviets are perfectly well aware of the conditions described above. . . ."

Have you found the passages in question?

JODL: Yes, I have found them.

COL. POKROVSKY: Now, did you really know nothing of the reasons for this high mortality?

JODL: No. I heard of the letter here in court for the first time.

COL. POKROVSKY: Defendant Jodl, I am not asking you about the letter. I am asking you about the reasons for these mass deaths among the Soviet prisoners. So you did not know of the reasons which led to these mass deaths?

THE PRESIDENT: Is the document signed?

COL. POKROVSKY: The document bears no signature. It is a captured document, Number 081-PS. It belongs to the documents captured by the United States and was handed to us so that we could submit it to the Tribunal.

[Turning to the defendant.] I did not hear your reply, Defendant.

JODL: I knew nothing about these reasons for the mass deaths. In any case they are completely wrong; that I do know, because I can give rough figures from memory as regards the number of Soviet prisoners of war and their whereabouts.

COL. POKROVSKY: Good. We will now deal with this question from a different angle. Are you familiar with the name of Von Graevenitz?

JODL: Von Graevenitz? Yes, the name is familiar to me.

COL. POKROVSKY: Did he not work in the OKW?

JODL: He was, if I am not mistaken, in the Armed Forces Department as a subordinate of General Reinecke.

COL. POKROVSKY: This time you are quite accurate; you are right. Do you know General Österreich?

JODL: No, I do not know that general.

COL. POKROVSKY: You have never even heard the name?

JODL: I do not recall it.

COL. POKROVSKY: This general was chief of the department in charge of prisoners of war in one of your military districts. Do you perhaps remember this general's testimony about the directive he had received from Von Graevenitz in the OKW with respect to the Soviet prisoners of war? You will now be shown Document Number USSR-151, Page 5 of the German text. You will find there the passage to which I should like to draw your attention.

"At the end of 1941 or the beginning of 1942 I was repeatedly called to Berlin to attend conferences held by the commanders in charge of prisoners of war in the military districts.

"The newly appointed commander of the Prisoners of War Organization in the headquarters of the OKW, Major General Von Graevenitz, presided over the conference.

"During the conference there was a discussion about the treatment of prisoners of war who, because of their wounds or from exhaustion and disease, were unfit to live and unfit to work. At the suggestion of General Von Graevenitz several of the officers present, among them several doctors, gave their opinions on it and declared that such prisoners of war should be concentrated in a camp or in a hospital and be poisoned. Following this discussion, Major General Von Graevenitz issued an order to the effect that all prisoners of war who were unfit to live and to work should be killed and that medical personnel should be employed for this purpose."

Did you know anything at all about that?

JODL: I knew nothing about that at all, and I cannot comment on this document. It has nothing to do with me and I do not know whether what has been said here is true, but General Von Graevenitz must certainly know about it. I had no connection whatsoever with prisoners of war. That was another office, General Reinecke.

COL. POKROVSKY: Von Graevenitz himself defends his statement. He was an executive; he put the directives of the OKW into effect and also issued the relevant instructions and yet you tell me you knew nothing about them?

JODL: I did not say that. General Von Graevenitz is no subordinate of mine. I had no interviews of any kind with him. I have seen him perhaps twice in all my life. I was not responsible for prisoners of war, and I was not competent to deal with them.

COL. POKROVSKY: Very well. We will now pass on to my last group of questions. There are very few of them.

When Defendant Keitel was cross-examined here before the Tribunal, as well as in the preliminary interrogations preceding the Trial—I believe these particular subjects arose during the preliminary interrogation—he said that you would give us more detailed information about directives for the destruction of Moscow and Leningrad. You stated here before the Tribunal that the directives were issued for two reasons: First, because General Von Leeb had reported on the gradual seeping through of the Leningrad populations to the west and south to the front lines; and secondly, they were issued as a reprisal for Kiev. Is that correct?

JODL: Not reprisals, but the justifiable fear that whatever could happen to us in Kiev could also happen to us in Leningrad; and the third reason was the announcement by the Soviet Russian radio that this would actually take place.

COL. POKROVSKY: Good. The only important thing for me is to establish the fact that you connected the issuing of this directive with the report from the Leningrad front and with the affair in Kiev; is that correct?

JODL: I did not connect them; but events, as they actually happened, necessarily influenced the decision of the Führer in this direction. These were the reasons which he gave himself.

COL. POKROVSKY: Very well. Perhaps you will remember when the High Command received this information from Leeb—in what month?

JODL: It was in the first days—as far as I remember in the first days of September.

COL. POKROVSKY: Very well. Perhaps you can also remember the date on which the Germans captured Kiev. Was it not towards the end of September 1941?

JODL: As far as I remember, Kiev was occupied at the end of August. I believe it was on 25 August or about that date. But I cannot...

COL. POKROVSKY: Was that not on 22 September?

JODL: That is entirely out of the question. We have a document here, a report about the incidents in Kiev; I do not know the date of it from memory, but it is Document 053-PS. We must be able to see the date from that document.

COL. POKROVSKY: It is precisely in that document that 23 and 24 September are mentioned. Well, let us, however, suppose that it really did happen in August. Would you not remember the date when Hitler first declared that Leningrad should be razed to the ground?

JODL: I beg your pardon. I have made a mistake all the time about the date. This document is—Document C-323, the Führer decree, is dated 7 October. So, your statement may be correct. I was a month off in my calculations, and the taking of Kiev was actually at the end of September. The reports which we received from Leeb came in the first days of October. I made a mistake. I am sorry.

COL. POKROVSKY: Please, do not mention it; it is of no importance. I only want you to remember when Hitler first stated categorically that he would raze Leningrad to the ground. That is important for me.

JODL: You are referring to the naval document, I assume, the document of the SKL, the Naval Operations Staff.

COL. POKROVSKY: You will now be handed Document L-221 and will be shown the passage where it is written that, on 16 July 1941, during a conference in the Führer's headquarters, the following statement was made:

"The Finns are claiming the district of Leningrad. The Führer wants to raze Leningrad to the ground and then hand it over to the Finns."

Have you found the passage?

JODL: Yes, I have found the place.

COL. POKROVSKY: This took place on 16 July 1941, did it not?

JODL: The document was written on 16 July 1941, yes.

COL. POKROVSKY: That was considerably earlier than the date you received the report from the Leningrad front?

JODL: Yes, it was 3 months before then.

COL. POKROVSKY: It was also long before the day when explosions and fires first occurred in Kiev. Is that correct?

JODL: Quite correct.

COL. POKROVSKY: It was clearly not by accident that in the directive you drew up yourself and in the statements you made before the Tribunal, you declared that the Führer had again decided to raze Leningrad to the ground. It was not the first time he had made this decision.

JODL: No, this decision, if it actually was a decision—and the statements made at this conference—I learned for the first time here in Court. I personally did not take part in the discussion, nor do I know whether the words were said in that way. My remark that the Führer had again taken a decision refers to the verbal order he had given to the Commander-in-Chief of the Army shortly before, perhaps 1 or 2 days earlier. It is quite clear that there was already talk of this and that in the order I am referring to—a letter of the High Command of the Army of 18 September—and in that way the word "again" is to be explained. I was quite unaware of the fact, and I heard of it for the first time here in Court. It was only here in Court that I heard of the conference taking place at all.

COL. POKROVSKY: Very well. The Tribunal will probably be able to judge precisely when Hitler made this statement for the first time.

You have declared that you knew nothing about reprisals against the Jews?

JODL: No.

COL. POKROVSKY: And yet you have just referred to Document Number 053-PS.

[The document was submitted to the defendant.]

It is a report from Koch, personally signed by him. Maybe you will confirm that it states quite clearly that Koch held the civilian population of the city responsible for the Kiev fires and exterminated the entire Jewish population of Kiev, numbering some 35,000 souls, over half of whom were women. That is what the report says. Is it correct?

JODL: I know that very well indeed, but I only found this document here in the document room; and I used it as a good piece of evidence for the incidents in Kiev. The existence of the document was unknown to me until I came to Nuremberg and it never went to the OKW either. At all events, it never came into my hands. I do not know whether it was ever sent.

COL. POKROVSKY: You also did not know whether the Jews were exterminated or not? Is that true?

JODL: I certainly believe it today. There can be no more doubt about that; it has been proved.

COL. POKROVSKY: Very well. In the document submitted by your defense counsel as Exhibit Number Jodl-3, Document Number 1780-PS, Page 6 of your document book, in the last entry made on that page, you will read the following: "A large proportion of senior generals will leave the Army."

This refers to the entry in your diary of 3 February 1938. Do you remember?

JODL: Yes, that is from my diary.

COL. POKROVSKY: Are we to understand that resignations from the Army could take place at any time, in other words, that any general could retire or resign from the Army whenever he wanted to? That is what you say here.

JODL: At that time, I believe it was quite possible. In the year 1938 I knew of no decree which prohibited it.

COL. POKROVSKY: Very well. In Document Number Jodl-64, Exhibit Number AJ-11, which was submitted by your defense counsel, we find a passage which, for some reason or other, was not read into the record; and I would like to quote it now. It is the testimony of General Von Vormann, who states under oath that you, together with General Von Hammerstein, often used such expressions as "criminal" and "charlatan," when referring to Hitler?

Do you confirm the accuracy of that testimony, or has Vormann expressed himself incorrectly?

JODL: To the best of my knowledge, and in all good conscience, I believe that he is confusing two things. In talking about the Führer, I very often said that I looked on him as a charlatan; but I had no cause or reason to consider him a criminal. I often used the expression "criminal"; but not in connection with Hitler, whom I did not even know at the time. I applied it to Röhm. I repeatedly spoke of him as a criminal, in my opinion; and I believe that Vormann is confusing these statements just a little. I often used the expression "charlatan"; that was my opinion at the time.

COL. POKROVSKY: That is to say, you considered Röhm a criminal and the Führer a charlatan? Is that correct?

JODL: Yes, that is right, because at that time it was my opinion. I knew Röhm, but I did not know Adolf Hitler.

COL. POKROVSKY: Then how are we to explain that you accepted leading posts in the military machine of the German Reich, after the man whom you yourself described as a charlatan had come to power?

JODL: Because in the course of the years I became convinced—at least during the years from 1933 to 1938—that he was not a charlatan but a man of gigantic personality who, however, in the end assumed infernal power. But at that time he definitely was an outstanding personality.

COL. POKROVSKY: Did you receive the Golden Party Badge of the Hitler Party?

JODL: Yes, I have already testified to that and confirmed it.

COL. POKROVSKY: In what year did you receive the badge?

JODL: On 30 January 1943.

COL. POKROVSKY: Was it after that when you came to the conclusion that Hitler was not a "charlatan"? Did you hear my question?

JODL: Yes. It became clear to me then that he was, as I said before, a gigantic personality, even if with certain reservations.

COL. POKROVSKY: And after you had reached that conclusion you promptly received the Golden Party Badge? I thank you.

I have no more questions, Your Honor.

DR. NELTE: I should like to call the attention of the Tribunal to the Document Number USSR-151, which was submitted by Colonel Pokrovsky. I should like to ask for this document to be admitted only if General Österreich can be produced as a witness for cross-examination. My reasons for this are the following:

1. The document as submitted contains the heading "Aussagen" or "statements," but we cannot make out before whom these statements were made.

2. The document contains no mention of the place where it was drawn up.

3. The document is not an affidavit, although according to the last paragraph General Österreich set it down in his own handwriting; and, therefore, it could have been certified as a statement under oath.

Because of the severity of the accusation which this document brings forward against the administration of the prisoner-of-war system, it is necessary in my opinion to order this general to appear here in person.

THE PRESIDENT: Yes; go on.

DR. NELTE: Those are the reasons for my request. In conclusion I should just like to point out that General Von Graevenitz is no longer alive. At all events, he cannot be located. I tried to find him as a witness on behalf of Defendant Keitel.

THE PRESIDENT: Is it a fact that this document was offered in evidence as long ago as February or March?

DR. NELTE: I do not remember that, nor—and I know this for certain—was it issued to us through the Document Division. I am seeing this document for the first time now. But perhaps Colonel Pokrovsky can give some information about it.

THE PRESIDENT: The Tribunal will consider your request.

DR. NELTE: May I also call the attention of the Tribunal to the fact that the document is dated 28 December 1945, and it is to be assumed that General Österreich can also be produced by the people who took his testimony at that time.

COL. POKROVSKY: Mr. President, I believe that I can give some information about this document. It was submitted by the Soviet Delegation on 12 February 1946, when it was accepted as evidence by the Tribunal.

THE PRESIDENT: Colonel Pokrovsky, just a moment. Was it translated into German then or was it read in Court?

COL. POKROVSKY: I have just received a memorandum from our document room. The document was submitted on 13 February, at the time when I was presenting documentary evidence with regard to the subject of prisoners of war. It is all I have on the matter.

I personally assume that the document was translated into German as a matter of course at that time. I have almost no doubt about it. However, we can easily make sure.

THE PRESIDENT: Do any other defendants' counsel wish to re-examine the defendant?

DR. EXNER: First of all, I should like to put one question which came up again during the interrogation by the Defense Counsel. It was a point which seems to me in need of clarification.

One of the Defense Counsel reminded you of the photographs which were shown us here depicting atrocities in the occupied countries, and you said that the pictures were genuine.

What do you mean by that?

JODL: I meant to say that it was not trick photography, at which the Russian propagandists were past masters, according to my experience. I meant that they were pictures of actual events. But I also meant to say that the pictures offered no proof of whether it was a matter of atrocities at all, nor did they show who committed them. The fact that they were found in the possession of Germans would even lead us to assume that they were pictures of things which had been perpetrated by the enemy, by the forces of Tito or perhaps the Ustashi. Generally one does not take a picture of one's own acts of cruelty if any were ever committed.

DR. EXNER: Very well. The English Prosecutor has submitted a new document, 754-PS, dealing with the destructions during the retreat in Norway. Why in this purely military Führer Decree did you write: "The Führer had agreed to the proposals of the Reich Commissioner for the occupied Norwegian territories, and has given his orders accordingly. . . ." and so on? Why did you deliberately put in "to the proposals," and so forth?

JODL: In issuing orders I had a kind of secret code for the commanders-in-chief. If an order was the result of an agreement between the OKW and the Führer, then I started with the words "The Führer has decreed. . . ."

If a decree originated from the Führer himself, I started the decree with a preamble which gave the Führer's reasons and the arguments in favor. Then, after the preamble, I wrote "The Führer, therefore, has decreed. . . ."

If the Führer was prompted by the proposal of a nonmilitary agency to issue a decree, then, as a matter of basic principle, I added, "The Führer, on the proposal of this or that civil authority, has decided. . . ." In this way the commanders-in-chief knew what it was all about.

DR. EXNER: Did you draft this decree—Document Number 754-PS—without objection or resistance?

JODL: This decree originated in much the same manner as the Commando Order. One of the Führer's civilian adjutants advised

me that Terboven wished to speak to the Führer. He had had trouble with the Wehrmacht in Norway because of the evacuation of the civilian population from northern Norway. The civilian adjutant said he wanted to advise me first before he established connections with Terboven by telephone. Thereupon I at once had inquiries made through my staff of the commander in Norway-Finland. I was told that the Wehrmacht—the commander of the Wehrmacht in Norway had rejected Terboven's proposals and did not consider them possible on such a large scale. In the meantime Terboven had spoken with the Führer. I then remonstrated with the Führer and told him that, in the first place, the decree and Terboven's intention were not practicable on such a scale, and secondly, that there was no necessity for it on such a large scale. I said that it would be better to leave it to the discretion of Generaloberst Rendulic to decide what he wanted or had to destroy for military reasons. The Führer however, incited by Terboven, insisted on the decree's being issued on the grounds of these arguments which I had to set down. But it was certainly not carried out to this extent. This is also shown by the report of the Norwegian Government, and it can also be seen from personal discussions between me and my brother.

DR. EXNER: Now let us turn to something else. When there were drafts and proposals to be submitted to the Führer, you often voiced objections and presented arguments. It seems remarkable that when matters contrary to international law were contemplated you raised no objections on the grounds of international law or on moral grounds, but you mostly voiced objections of a practical nature or from considerations of opportunity. Can you tell us briefly why you acted in this manner?

JODL: I already told you that when I gave my reasons for the formulation of the proposal not to renounce the Geneva Convention.

DR. EXNER: Namely?

JODL: This form had to be chosen to meet with any success with the Führer.

DR. EXNER: Yes, that is sufficient. Now, you said yesterday...

MR. ROBERTS: Your Lordship, I object to this merely in the interest of time, because it is exactly the same evidence which was given yesterday; and, in my submission, it is pure repetition.

DR. EXNER: This discussion at Reichenhall was mentioned today. Please tell us briefly how it came about that you made such statements in Reichenhall or how such directives as you described today were decided upon in Reichenhall?

JODL: I have already testified about the conversation with the Führer.

DR. EXNER: Yes, it was only a question of provisions . . .

THE PRESIDENT: Dr. Exner, the defendant has just told us that he has given evidence about this already.

DR. EXNER: Yes, about the conversation which preceded it, but you did not testify about the actual conversation at Reichenhall.

JODL: No, I have not yet spoken of the actual conversation at Reichenhall.

DR. EXNER: Please be brief.

JODL: In regard to this conversation at Reichenhall—that is, the orientation of the three officers of my staff—Warlimont's description is somewhat different from mine. He is confusing here the earlier events with the later ones, which is not surprising, because from 20 July until the time he was arrested, he was ill at home with severe concussion of the brain and complete loss of memory. Up to the time he was captured he was no longer fit for service. That my description is the right one may be readily seen from the notes in the War Diary of the Naval Operations Staff. It is stated there that these divisions would be transferred to the East only to prevent Russia from taking the Romanian oil fields.

DR. EXNER: I should like to correct one point which, it seems to me, was presented erroneously by the Russian prosecutor. He said that Göring and Keitel did not consider the war against Russia to be a preventive war. On Page 5956 of the record (Volume IX, Page 344) it states that Göring, too, considered the war to be a preventive one and that he only differed in opinion from the Führer insofar as he would have chosen a different period of time for this preventive war. Keitel was, in general, of the same opinion.

Furthermore, the Russian prosecutor submitted a document, Number 683-PS. I do not know what exhibit number he gave. I cannot quite see how this document is to be connected with Jodl; and I have the idea that may be a matter of signature, for the document is signed "Joel," who is not at all identical with the Defendant Jodl. I just wanted to draw attention to this point. Perhaps there is simply a mistake in the names.

Further, the Prosecution said that the defendant made a remark about partisans being hanged upside down, and so on.

THE PRESIDENT: Dr. Exner, you have simply made a statement, which you are not entitled to do, about this document. If you want to prove it by evidence you should ask the witness about it. You have told us that this document has nothing to do with Jodl, and that the signature on it is somebody else's. Why didn't you ask the witness?

I am told just now that it has already been proved that it isn't Jodl's document.

DR. EXNER: The translations this morning were bad; I do not remember having heard that. I do not know whether it is permissible for me now in this connection to read something from a questionnaire? It is only one question and an answer in connection with this remark about the hanging of prisoners, and so on. Is that permissible?

THE PRESIDENT: Yes, if it arises out of the cross-examination.

DR. EXNER: Yes; the Russian prosecutor brought up the question of whether the defendant made this remark during the discussions about the prisoners, in connection with the guerrilla directive—that members of guerrilla bands could also be quartered during combat.

There it says:

“Question: Is it true or not...?”

Oh yes, I must say that is my Document Number Jodl-60, Exhibit Number AJ-7. Page 189 of Volume III of my document book. It is an interrogatory of General Buhle, which was made in America.

Then it says:

“Question: ‘According to a stenographic transcript, you also took part in a report on the military situation on the evening of 1 December 1942, which resulted in a lengthy discussion between the Führer and Jodl as to combating partisans in the East. Is that correct?’

“Answer: ‘I took part in this discussion, but I no longer remember the exact date.’”

THE PRESIDENT: What page did you say, Dr. Exner?

MR. ROBERTS: My Lord, it is the third page of the third book—or the third document in the third book.

DR. EXNER: It is Page 189. I have just read Question 4. Now I come to Question 5:

“Question: ‘Is it or is it not correct that on this occasion Jodl asked the Führer to return the directive which had been drawn up in his office relative to the combating of partisans?’

“Answer: ‘That is correct.’

“Question 6: ‘Is it or is it not correct that in this draft the burning of villages was expressly prohibited?’

“Question 7: ‘Is it or is it not correct that the Führer wanted to have this prohibition rescinded?’

“Answer: ‘Since I never had the draft of the directive in my hands, I do not know for certain if the burning of villages was expressly prohibited. However this is to be assumed, because

I remember that the Führer protested against individual provisions of the directive and demanded the burning down of villages.'

"Question 8: 'Is it or is it not correct that the Führer also had misgivings about the draft because he did not want any restrictions to be placed on soldiers who were directly engaged in combating the partisans?'"

According to the minutes Jodl stated in reply:

"This is out of the question here. During the fighting they can do whatever they like, they can hang them, hang them upside down or quarter them; it says nothing about that. The only limitation applies to reprisals after the fighting in those areas in which the partisans were active...."

"Answer: 'It is correct that the Führer had fundamental misgivings about these restrictions. Jodl's remark is correct as far as its contents are concerned. I can no longer recall his exact words.'

"Question 9: 'Is it or is it not correct that following this remark all those present'—Führer, Keitel, Kranke, and you yourself—including the Führer, laughed and the Führer abandoned his standpoint?'"

"Answer: 'It is probable that all of us laughed on account of Jodl's remark. Whether after this the Führer really abandoned his standpoint I do not know for certain. However, it seems probable to me.'

"Question 10: 'Then how were the expressions "hang, hang upside down, quartered," interpreted?'"

"Answer: 'The expressions, "hang," "hang upside down," "quartered," could in this connection only be interpreted as an ironical remark and be understood to mean that in accordance with the directive no further restrictions were to be placed on the soldiers in combat.'

"Question 11: 'Could you perhaps say something about Jodl's fundamental attitude towards the obligation of the Wehrmacht to observe the provisions of international law in wartime?'"

"Answer: 'I do not know Jodl's fundamental attitude. I only know that Keitel, who was Jodl's and my own immediate superior, always endeavored to observe the provisions of international law...'

"Question 12: 'Did you ever have the experience yourself that Jodl influenced the Führer to issue an order which violated international law?'"

"Answer: 'No.'"

THE PRESIDENT: None of that last part arises out of the cross-examination.

DR. EXNER: Did you have anything to do with prisoners of war?

JODL: I had nothing at all to do with prisoners of war. It was the general Armed Forces Department which dealt with them.

DR. EXNER: Now, one last question.

It is alleged by the Prosecution, and during yesterday's examination it was reaffirmed, that there was or had been a conspiracy between political and military leaders for the waging of aggressive wars and that you were a member of that conspiracy. Can you say anything else about that before we finish?

JODL: There was no conspiracy . . .

THE PRESIDENT: Dr. Exner, the Tribunal does not think that that really arises out of the cross-examination. Anyhow, he said it already; he said that he was not a member of a conspiracy. There is no use repeating his evidence.

DR. EXNER: It was again said yesterday that there was a very close connection with the Party and the members of the Party and, of course, that is connected with the conspiracy. That is why I should have thought the question permissible.

THE PRESIDENT: He said already that he was not a member of the conspiracy.

DR. EXNER: In that case, I have no further questions.

DR. LATERNSEER: Mr. President, I merely wish to join in the objection which Dr. Nelte has raised to the written statement of Lieutenant General Von Österreich. I refer to the reasons which he has given. That is all.

THE TRIBUNAL (Mr. Biddle): Defendant Jodl, you spoke—I think it was the day before yesterday—about the number of SS divisions at the end of the war. Do you remember that?

JODL: Yes.

THE TRIBUNAL (Mr. Biddle): I think you said there were 35 at the end of the war. Is that right, 35 about?

JODL: If I remember rightly, I said between 35 and 38.

THE TRIBUNAL (Mr. Biddle): Right. Now, what I want to be clear about is this. You were referring only to Waffen-SS divisions, were you not? Only the Waffen-SS?

JODL: Yes, only the Waffen-SS. It is true they were . . .

THE TRIBUNAL (Mr. Biddle): Were they completely co-ordinated into the Army and under the command of the Army?

JODL: For tactical operations they came under the Wehrmacht commanders, but not for disciplinary matters. As regards the latter their superior was, and remained, Himmler, even when they were fighting.

THE TRIBUNAL (Mr. Biddle): Was discipline the only thing that brought them under Himmler's jurisdiction?

JODL: He was also looked upon as their commander for all practical purposes. That is seen from the fact that the condition of the divisions, their equipment, and their losses were frequently or almost exclusively reported to the Führer by Himmler himself.

THE TRIBUNAL (Mr. Biddle): When had they been co-ordinated into the Army? When? What year?

JODL: They were co-ordinated into the Wehrmacht at the beginning of the war, at the moment when the Polish campaign began.

THE TRIBUNAL (Mr. Biddle): Now, only one other question, about Russia; I want to see if I understood your point of view clearly. You feared an invasion of Germany by Russia; is that right?

JODL: I expected, at a certain moment, either political blackmail on the strength of the large troop concentration or an attack.

THE TRIBUNAL (Mr. Biddle): Now, please, Defendant, I asked you if you did not fear an attack by Russia. You did at one time, did you not?

JODL: Yes, I was afraid of that.

THE TRIBUNAL (Mr. Biddle): All right. When was that? When?

JODL: It began through...

THE TRIBUNAL (Mr. Biddle): When did you fear it? When did you first fear that attack?

JODL: I had that fear for the first time during the summer of 1940; it arose from the first talks with the Führer at the Berghof on 29 July.

THE TRIBUNAL (Mr. Biddle): Then from the military point of view, from that moment on, it was necessary for you to attack first, was it not?

JODL: After the political clarification, only then; up to then it had only been a conjecture.

THE TRIBUNAL (Mr. Biddle): How could you afford to wait for the political clarifying work if you were afraid of an immediate attack?

JODL: For that reason we increased our defensive measures to begin with, until the spring of 1941. Up to then we only took

measures for defense. It was not until February 1941 we began concentrating troops for an attack.

THE TRIBUNAL (Mr. Biddle): Now, then, just one other question. I am not at all clear on this. During that attack did you then advise that Germany attack first, or did you advise that Germany should not attack? What was your advice? You saw this danger; what did you do about it?

JODL: That problem, too, like most of the others, was the subject of a written statement I made to the Führer in which I drew his attention to the tremendous military effects of such a decision. One knew of course how the campaign would begin, but no human being could imagine how it would end...

THE TRIBUNAL (Mr. Biddle): We have heard all that. I did not want to go into that. What I wanted to get at is this: You were afraid that Russia was going to attack. If that was true, why didn't you advise Germany to attack at once? You were afraid Russia would attack, and yet you say you advised against moving into Russia. I do not understand.

JODL: That is not the case. I did not advise against marching into Russia; I merely said that if there were no other possibility and if there was really no political way of avoiding the danger, then I, too, could only see the possibility of a preventive attack.

THE TRIBUNAL (Mr. Biddle): That is all. Thank you.

THE PRESIDENT: The defendant can return to the dock.

[The defendant left the stand.]

THE PRESIDENT: Dr. Exner?

DR. EXNER: I have four witnesses to bring before the Tribunal, but I should like to begin by making a request. In consideration of my lame leg may I leave it to my colleague Jahrreis to question these four witnesses?

THE PRESIDENT: Yes, certainly, Dr. Exner.

Dr. Exner, the Tribunal wishes me to say that we allow another counsel to examine the witnesses as an exception to our general rule that only one counsel may appear in court and in the presentation of the case on behalf of the defendant. We will make this exception in your favor.

PROFESSOR DR. HERMANN JAHRREISS (Counsel for Defendant Jodl): In that case, with the permission of the Tribunal, I will call the first witness, General Horst Freiherr von Buttlar-Brandenfels.

[The witness Von Buttlar-Brandenfels took the stand.]

THE PRESIDENT: Will you state your name, please?

GENERAL HORST FREIHERR VON BUTTLAR-BRANDENFELS
(Witness): Horst Freiherr von Buttlar-Brandenfels.

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

[The witness repeated the oath.]

THE PRESIDENT: You may sit down.

DR. JAHRREISS: Witness, were you in the Wehrmacht Operations Staff during the war?

VON BUTTLAR-BRANDENFELS: Yes.

DR. JAHRREISS: During what period?

VON BUTTLAR-BRANDENFELS: I was a member of the Wehrmacht Operations Staff from 1 January 1942 until 15 November 1944.

DR. JAHRREISS: What was your position on the staff?

VON BUTTLAR-BRANDENFELS: I was first General Staff officer of the Army, and in my capacity as department chief I was in charge of the Operations Department of the Army.

DR. JAHRREISS: I am going to have a document shown you, Document Number 823-PS, Exhibit Number RF-359. It is in document book Jodl, second volume, Page 158. Will you please be good enough to have a look at it.

VON BUTTLAR-BRANDENFELS: Do you want me to read the whole document?

DR. JAHRREISS: I want you to glance through it. Who is the author of the document?

VON BUTTLAR-BRANDENFELS: It is written by the Wehrmacht Operations Staff, Department QU, Administration Group.

DR. JAHRREISS: By whom is it signed?

VON BUTTLAR-BRANDENFELS: It is signed by me.

DR. JAHRREISS: By you. To what extent is that document connected with the Defendant Jodl?

VON BUTTLAR-BRANDENFELS: The document has nothing at all to do with the Defendant Jodl.

DR. JAHRREISS: Then please will you look at the signatures at the upper right-hand corner on the first page; there is an initial which can be read as a "J."

VON BUTTLAR-BRANDENFELS: That must be a mistake. The initial is exactly the same as the one which appears below in the signature to the written note, and this initial is that of the Chief of the Quartermaster Department, Colonel Polleck.

DR. JAHRREISS: Colonel Polleck?

VON BUTTLAR-BRANDENFELS: If you will look at Page 2, you will see two signatures at the bottom. The first must be that of the expert. I cannot recognize it for certain. I take it for the signature of the Senior Administrative Counsellor Niehmments.

DR. JAHRREISS: You mean the initial behind which there are the Numbers 4 or 9 for the date?

VON BUTTLAR-BRANDENFELS: I mean the top one.

DR. JAHRREISS: The top one?

VON BUTTLAR-BRANDENFELS: The top one. The bottom initial is the signature, the initials of Colonel Polleck. When the document had been submitted to the Chief of the OKW it was returned to me. Then I initialed it again at the top, and marked it for the Quartermaster Department, that is the "QU" underlined at the top. Then it was again initialed by the "QU" chief, and after that it is marked "Administrative Group" and initialed again by the man who dealt with it. In addition I should like to point out that all this relates to prisoners of war, and that was a field of work with which Jodl actually had nothing to do. In the quartermaster and organizational branches of the Armed Forces Operations Staff we had several fields of work which, although they came from his staff...

DR. JAHRREISS: Just a minute, Witness. I do not mind your giving us a lecture, but I should like to get to the point. There are remarks in the margin of this document, do you see them?

VON BUTTLAR-BRANDENFELS: Yes.

DR. JAHRREISS: Is any one of them written by Jodl?

VON BUTTLAR-BRANDENFELS: No, they are initialed with a "K" for Field Marshal Keitel.

DR. JAHRREISS: But the French Prosecution assert that these are comments made by Jodl on the prisoner-of-war question; and if I understood you correctly, you mean to say that this was not possible at all for reasons of competency?

VON BUTTLAR-BRANDENFELS: Apart from the fact that there is not a mark on the document made by Jodl, it is unlikely that Jodl had any knowledge of the affair at all, because of the way in which it had to be dealt with.

DR. JAHRREISS: But is it not correct, Witness, that Department "QU" came under Jodl?

VON BUTTLAR-BRANDENFELS: Actually, it is correct, but in "QU" Department, just as in "Org." Department there were several fields of work which the Generaloberst had given up and which

were dealt with either directly by the head of the department, or through the deputy chief, with the Chief of the OKW.

DR. JAHRREISS: You say prisoner-of-war questions were among those, is that true?

VON BUTTLAR-BRANDENFELS: Among other things also the question of prisoners of war.

DR. JAHRREISS: What other work did this Department "QU" have?

VON BUTTLAR-BRANDENFELS: As its main task or in its first department, "QU-1," Department "QU" looked after nothing but supplies and also supervised the provisioning of the various theaters of war, which came directly under the OKW. The second department was occupied mainly with military administration, and the third department dealt with general questions, such as the prisoner-of-war system—for example, questions concerning international law and so on.

DR. JAHRREISS: Then I have just one more question about these organizational matters. Were all the departments of the Armed Forces Operations Staff in the Führer's headquarters?

VON BUTTLAR-BRANDENFELS: No; for example we had the "Org." Department, an organizational department, which was not located at headquarters but in the neighborhood of Berlin.

DR. JAHRREISS: If I have understood you correctly, the affairs of Department "QU" by-passed Jodl, so to speak, and were handled with the Chief of OKW?

VON BUTTLAR-BRANDENFELS: Not in every case, but in a certain number of cases.

DR. JAHRREISS: At all events the question of prisoners of war?

VON BUTTLAR-BRANDENFELS: Certainly, the question of prisoners of war.

DR. JAHRREISS: Thank you. Witness, what position did you have at the beginning of the war?

VON BUTTLAR-BRANDENFELS: At the beginning of the war I was the second General Staff officer in the Central Department of the General Staff of the Army.

DR. JAHRREISS: Would you speak a little more slowly. And what were your duties there?

VON BUTTLAR-BRANDENFELS: My department dealt with the filling of positions in the higher command offices for mobilization.

DR. JAHRREISS: Those of the General Staff officers of the OKW too?

VON BUTTLAR-BRANDENFELS: Yes, those, too.

DR. JAHRREISS: General, do you know who was meant to be Chief of the Armed Forces Operations Staff in the event of mobilization from 1 October 1939 on?

VON BUTTLAR-BRANDENFELS: Yes, General Von Sodenstern was meant to hold this position for the next mobilization year.

DR. JAHRREISS: Am I to understand that if the war had broken out after 1 October—let us say on 5 or 6—then Jodl would not have been Chief of the Armed Forces Operations Staff at all?

VON BUTTLAR-BRANDENFELS: I am not sure of the date on which the new mobilization year of 1939 to 1940 began. From that time on . . .

MR. ROBERTS: I submit this testimony is not relevant to any issue in this case at all, and it may be somewhat interesting to know the answers that are submitted have no relevancy at all.

THE PRESIDENT: I don't quite understand what the relevancy of the evidence at the moment is.

DR. JAHRREISS: Mr. President, if the Prosecution are right that the Defendant Jodl belonged to a group of conspirators aiming at world conquest and if, as the Prosecution say, that group of conspirators obtained use of the German state machine to achieve their aims, then it must be a somewhat peculiar state system when conspirators are changed periodically. To that extent I believe the case must be presented to the Tribunal for consideration.

THE PRESIDENT: Has he been given the dates of his exchanges, without any cross-examination? He went to Vienna at a certain date, he came back at another date, and we have no challenge of that.

DR. JAHRREISS: Mr. President, that is a different question. The Defendant Jodl has said that if mobilization was decreed before 1 October he was Chief of the Armed Forces Operations Staff and had to leave Vienna for Berlin. Now the witness says that this was only up to the new mobilization year and that then the other would have come along if the war had broken out 14 days later. I think . . .

THE PRESIDENT: Surely that is extraordinarily remote, Dr. Jahrreiss. You show us a matter of surmise about what would have happened if something else would have happened. That does not help us very much.

DR. JAHRREISS: Mr. President, the testimony of the witness is not a mere conjecture. He only said that the person who held this important position was disposed of in a routine manner according to date. That was the only thing to be shown.

May I continue, Mr. President?

THE PRESIDENT: No, in the interest of time and an expeditious trial, the Tribunal rules you may not go into that.

DR. JAHREISS: Witness, if I now ask you about a certain field of activity which you just mentioned, it is because I assume that you have particularly expert knowledge of it. Is it true that you were officially connected with the suppression of partisans?

VON BUTTLAR-BRANDENFELS: Yes. The chief authority for combating guerrillas was turned over to my department toward the end of the summer of 1942, and the tactical basis for combating guerrillas was dealt with by my department from that date on.

DR. JAHREISS: Are you familiar with the pamphlet on the suppression of partisans, issued in May 1944?

VON BUTTLAR-BRANDENFELS: Yes, the leaflet was drawn up in my department.

DR. JAHREISS: Was that the first one, or had there been a previous regulation concerning guerrilla warfare?

VON BUTTLAR-BRANDENFELS: Yes. In the autumn of 1942 a short and incomplete directive had been issued on the subject of combating guerrillas. At that time we were still comparatively inexperienced; and since guerrilla fighting had not been anticipated in peacetime, we first had to get further experience.

DR. JAHREISS: In this connection I am interested particularly in the guerrilla fighting in the East and Southeast, on the subject of which the Prosecution have shown that they have a very definite idea. Is it correct to speak of a "guerrilla war," as has been done here several times?

VON BUTTLAR-BRANDENFELS: It is correct according to the extent and danger which guerrilla fighting assumed, given its limitations in regard to time and space.

DR. JAHREISS: Does that mean that the characteristics of this fighting went beyond the general conception of the *franc-tireur* system?

VON BUTTLAR-BRANDENFELS: In extent, yes. In the methods, no.

DR. JAHREISS: What do you mean by "extent"?

VON BUTTLAR-BRANDENFELS: I mean by "extent" the dimensions of the area affected by guerrilla fighting.

DR. JAHREISS: Was it therefore unusual with regard to territory or with regard to people involved?

VON BUTTLAR-BRANDENFELS: The guerrilla fighting was certainly unusual both in regard to its territorial extent and the people who took part in it.

DR. JAHRREISS: Do you know, Witness, whether there were many Jews in these guerrilla groups in the East and Southeast?

VON BUTTLAR-BRANDENFELS: I do not remember that among the hundreds of reports I received on guerrilla fighting, there was ever any mention of Jews. If there were Jews in these groups it can only have been to a very limited extent.

DR. JAHRREISS: But it has been asserted here that this anti-guerrilla warfare was carried on for the purpose of exterminating the Jews; is that true?

VON BUTTLAR-BRANDENFELS: I never heard anything about that.

DR. JAHRREISS: Or the extermination of the Slavs?

VON BUTTLAR-BRANDENFELS: There again, I never heard so much as a hint of such a thing. Such an interpretation would have been quite contrary to the intentions of the military leaders.

DR. JAHRREISS: Why?

VON BUTTLAR-BRANDENFELS: The military command had a very definite interest in seeing a peaceful country and a productive population behind every front; and every measure which aimed at this was always welcomed by the military authorities. Every soldier we had to use in guerrilla fighting was urgently needed at the front.

DR. JAHRREISS: Was the policy in the East carried out as the Wehrmacht command wished for their purposes?

VON BUTTLAR-BRANDENFELS: Without any doubt that was not the case, because the Wehrmacht would have been glad to see a different policy in the East for the very sake of its volunteer units. We ourselves, with our own methods, made attempts to reach a bloodless pacification of the country even among the guerrillas. Big propaganda campaigns were undertaken there to induce the guerrillas to stop fighting. In certain cases there were special negotiations with individual groups; and, although they were limited to certain occasions and periods, these were most successful.

DR. JAHRREISS: Do you know General Von Pannewitz?

VON BUTTLAR-BRANDENFELS: Yes, General Von Pannewitz was the Commander of the 1st Cossack Division.

DR. JAHRREISS: When, please?

VON BUTTLAR-BRANDENFELS: It must have been during 1943.

DR. JAHRREISS: Is it correct that this General, as Commander of the 1st Cossack Division, this volunteer division, once complained to the OKW about the difficulties he was having in his division?

VON BUTTLAR-BRANDENFELS: Yes, General Von Pannewitz is a friend of mine from my old regiment. He came to see me at

headquarters and on that occasion—in the summer of 1943 or maybe during the autumn—talked to me in detail about the state of affairs in recruiting his troops and the difficulties he was experiencing with the morale of his unit, particularly because of the Government's policy in the East. At that time he complained particularly about the fact that the Government's policy held up no national aim for his division; and he made other complaints about the difficulties incurred by the members of his division at that time who were partly on the road and had to be settled.

DR. JAHRREISS: Did Jodl take care of the affair?

VON BUTTLAR-BRANDENFELS: Yes. After the visit I reported the subject of our conversation to the Generaloberst and asked him to use his influence in the interests of our volunteer units.

DR. JAHRREISS: Influence on whom do you mean?

VON BUTTLAR-BRANDENFELS: Influence on the Führer.

DR. JAHRREISS: But you told me that Jodl was not competent for this?

VON BUTTLAR-BRANDENFELS: Generaloberst Jodl...

THE PRESIDENT: Dr. Jahrreiss, what is the relevancy of this, about some general who commanded a Cossack Division and that he had difficulties with morale? What has that got to do with this case?

DR. JAHRREISS: Mr. President, that was a preparatory question. I am now coming to the real question. It is the question of the dividing up of competency and responsibility. I was just about to ask the witness the decisive question.

[Turning to the witness.] General...

THE PRESIDENT: What relevancy have the preparatory questions got to do with the decisive question? How can a visit of this general have anything to do with it? What is the decisive question?

DR. JAHRREISS: Mr. President, if I am to give the reason for that, then I will have to tell the witness what I want him to tell me. Then my question will become a leading one.

THE PRESIDENT: Well, that is not an unusual thing in this Court.

DR. JAHRREISS: Yes, but I did not want to make that mistake.

THE PRESIDENT: Well, go on, Dr. Jahrreiss. The Tribunal hopes that you won't take up too much time over these preliminary questions which are leading to decisive ones.

DR. JAHRREISS: I am sorry, but I did not understand.

THE PRESIDENT: I said, the Tribunal hopes that you will not take up too much time with these preparatory questions before the decisive one.

DR. LATERNSEER: Mr. President, I can abbreviate the examination of the witness a great deal because I am in possession of an affidavit by this witness.

THE PRESIDENT: Dr. Laternser, why are you at the microphone?

DR. LATERNSEER: I thought, My Lord, that Dr. Jahrreiss had finished with his interrogation, that he had no more questions to put to the witness.

DR. JAHRREISS: Mr. President, there is a misunderstanding. The witness has, in fact, already answered my question.

THE PRESIDENT: He has answered it, has he?

DR. JAHRREISS: Yes, he has answered it. I merely wanted to enlarge on it a little further but . . .

THE PRESIDENT: Then you have finished, have you, Dr. Jahrreiss?

DR. JAHRREISS: Yes. I now have no further questions to put to the witness.

DR. LATERNSEER: Mr. President, I can shorten the examination considerably because I have an affidavit from the witness which he made on 20 May 1946. If it is my turn, I propose to submit this affidavit to the Tribunal. But so that I may not be reproached for not having ascertained the facts when the witness was available in the courtroom, I will now ask the witness whether the contents of the affidavit of 20 May 1946, are correct.

[Turning to the witness.] Witness, are the contents of the affidavit which was given me, dated 20 May 1946, correct?

VON BUTTLAR-BRANDENFELS: They are correct.

DR. LATERNSEER: Witness, do you know General Heusinger?

VON BUTTLAR-BRANDENFELS: Yes, I know General Heusinger.

DR. LATERNSEER: The Prosecution in their case against the General Staff submitted Affidavit Number 20, Document Number 3717-PS, Exhibit Number USA-564; and on Page 2, Figure 4, this general makes the following statement. I quote:

"It has always been my personal view that the treatment of the civilian population in operational areas and the methods of guerrilla fighting in the operational zone offered a welcome opportunity for the supreme political and military leadership to carry out their aims, that is to say, to bring about the systematic reduction of Slavs and Jews."

I want to ask you now, can you explain how General Heusinger could have arrived at that view?

VON BUTTLAR-BRANDENFELS: I worked closely with General Heusinger and very often I talked to him about questions concerning anti-guerrilla warfare.

DR. LATERNSEER: Yes.

VON BUTTLAR-BRANDENFELS: He never said anything to me which might express this view and I cannot explain this statement of his, because it is entirely contrary to the basic views of the military leaders in regard to the conduct of anti-guerrilla warfare.

DR. LATERNSEER: Thank you. Why was the general command over anti-guerrilla fighting in the East in 1943, as well as in Italy at the end of 1943 and the beginning of 1944, transferred to Himmler by the Führer's order?

VON BUTTLAR-BRANDENFELS: The Führer always held the view that anti-guerrilla warfare was predominantly a task for the Police and that police forces were more suited to carrying it out than the partly over-aged security forces of the Army which we could detail for these tasks. Just how far Himmler wanted to obtain a new increase of power in this connection I do not know, nor how far he might have suggested it to the Führer.

DR. LATERNSEER: What was the attitude of the OKW and especially of the Armed Forces Operations Staff to this decree of Hitler's?

VON BUTTLAR-BRANDENFELS: It must be emphasized first of all in this connection that, so far as operational areas were concerned, there was no change. The operational area remained until the end, in the case of guerrilla warfare too, under the orders of the commanding generals. In the remaining areas the Armed Forces Operations Staff did not altogether disagree with this arrangement, because we hoped that in these zones the Reichsführer SS would be in a position to use some of his reserves, which were mostly unknown to us; and we should then have some forces released for the front.

DR. LATERNSEER: Do you remember, Witness, that the Commander, Southwest made an urgent request to be excepted from this measure, that is, from transferring his authority in anti-guerrilla warfare to Himmler?

VON BUTTLAR-BRANDENFELS: These cases were discussed with General Westphal several times over the telephone, and I consider it possible that he might have made such a suggestion at that time.

DR. LATERNSEER: You yourself did not discuss it with the Commander, Southwest?

VON BUTTLAR-BRANDENFELS: With the chief?

DR. LATERNSEER: With the chief, yes. As you have just said, before the war you were in the Central Department of the General Staff of the Army; and, as I know, the filling of the higher command positions was handled there, too. Now I want to ask you on what principles they based their selection of commanding generals of army groups and armies?

VON BUTTLAR-BRANDENFELS: These appointments were made according to ability and length of service, and the peacetime appointments formed the framework for filling positions at the time of mobilization.

DR. LATERNSEER: Were these appointments of the higher commanders carried out strictly from a military standpoint?

VON BUTTLAR-BRANDENFELS: These nominations took place entirely on the strength of military considerations; and retired officers, some of whom I am convinced left because of political pressure, were again placed in responsible positions in the event of mobilization. I should like to cite as examples General Von Leeb, General Von Kressenstein, General Von Kleist, Generaloberst Von Hammerstein.

DR. LATERNSEER: And these officers you have just mentioned had already retired before the outbreak of the war but were meant to take over higher positions of command in the event of a mobilization?

VON BUTTLAR-BRANDENFELS: Yes.

DR. LATERNSEER: Did the Central Department, which had to fill these positions, ever learn that the military leaders had formed a group with the aim of carrying out aggressive wars and of disregarding international law in these wars of aggression?

VON BUTTLAR-BRANDENFELS: In the Central Department we knew nothing of the formation of such a group. Perhaps I may state in this connection that during the years 1937 to 1939 quite a number of General Staff officers came to see Lieutenant Colonel Von Zielberg and me, as personnel administrators of the General Staff officers, and talked to us. The majority of these officers were chiefs of army corps, army, and army group general staffs; and they were, therefore, the confidential and responsible advisers of the commanding generals and commanders. These officers, just like their commanding generals, had fought in the first World War; and the opinion they always expressed to us was only that the German nation should be spared a second war. In spite of every positive attitude to the Führer's successes, there was a certain anxiety about his policy and particularly about the rapid rearmament of the forces, which made careful work difficult.

After the Munich negotiations confidence increased a great deal and it was the general opinion of the officers that the Führer would continue to be successful in maintaining peace.

DR. LATERNSEER: What was the attitude of the higher commanders towards Hitler after the Munich Agreement?

VON BUTTLAR-BRANDENFELS: After the Munich Agreement I concluded from my talks with General Staff officers that there was a general conviction among them that, thanks to his policy, the Führer would continue to preserve peace. I remember that as late as 25 or 26 August I saw the Führer, at headquarters in Zossen, having a conversation with Lieutenant Colonel Von Zielberg and several other officers. At that time these officers were still of the opinion that a war would not occur and that to render the Führer's political aims feasible it was only necessary to keep the troops firmly under control so that no political catastrophe should be produced by the laying down of arms.

DR. LATERNSEER: I think that is enough as far as this question is concerned. Now, regarding the Ardennes Offensive in December 1944, at what time were the preparations for that offensive begun?

VON BUTTLAR-BRANDENFELS: So far as I can remember . . .

THE PRESIDENT: How can that have any relevance after about 5 years of war?

DR. LATERNSEER: Mr. President, for my next question I should like to ask the witness who of the commanding generals were informed of this offensive and when. It is important to ascertain what co-operation there was among the group. I beg you to allow me to put this question. It is the last but one. The one I just mentioned is the last.

THE PRESIDENT: Very well, go on.

DR. LATERNSEER: When were the preparations for the Ardennes Offensive begun?

VON BUTTLAR-BRANDENFELS: As far as I can remember, the first preparations were begun in about September 1944.

DR. LATERNSEER: When were the commanding generals informed of these intentions and were commanding generals who did not take part in the offensive informed before it began?

VON BUTTLAR-BRANDENFELS: To the last question I can answer, "no." The first question I cannot answer as far as the date is concerned; but I do know that in the zone which was proposed for the offensive there had already been troop movements ordered by the supreme command before the Commander, West, who was responsible, was informed and that he therefore made frequent inquiries of us asking for an explanation of these movements.

DR. LATERNSEER: The Commander, West, who later on had to direct the offensive, was not previously informed about the movements and transfer of divisions for the offensive, all of which took place in his very territory?

VON BUTTLAR-BRANDENFELS: Yes. Later on, of course, he was informed.

DR. LATERNSEER: Thank you. I have no further questions.

THE PRESIDENT: The Tribunal will adjourn.

[The Tribunal adjourned until 8 June 1946 at 1000 hours.]

ONE HUNDRED AND FIFTIETH DAY

Saturday, 8 June 1946

Morning Session

[The witness Von Buttlar-Brandenfels resumed the stand.]

MARSHAL: May it please the Tribunal, the report is made that the Defendants Hess and Raeder are absent.

THE PRESIDENT: With reference to the applications for witnesses and documents that were made the other day in Court, I will take them in the order in which they were dealt with in Court.

The first application is the application of Kaltenbrunner, and the three witnesses which he asks for are allowed: Tiefenbacher, Kandruth, and Strupp.

The application of the Defendant Schirach is rejected.

The applications of the Defendants Hess and Frank for General Donovan are rejected.

The applications of the Defendants Speer and Keitel are granted, and the application of the Defendant Jodl for an affidavit I think was granted yesterday.

The application for the Defendant Göring for two witnesses, Stuckart and Burmath is granted, but on the condition that three witnesses only may be called upon the subject concerned.

With reference to the application of the Defendant Hess, the Tribunal order as follows:

The affidavit of the former Ambassador Gaus of the 17th of May 1946 is rejected on the ground that it is not in accordance with the permission given on May 14, 1946, but purports to incorporate not merely the substance but also the form of the secret treaties, and the form embraced in the affidavit is not identified as being correct either by a person who made the copies or by one who compared them with the originals. Such copies cannot be received in evidence, and the Tribunal have twice ruled to this effect. The matter of importance to the issues before the Tribunal is not the form of the treaties, but their contents, and evidence of their contents is already before the Tribunal by the testimony of three witnesses. The admission of this affidavit would add nothing to the proof before the Tribunal. The same is true of the proposal to call Gaus as a witness, who would only support evidence as to the contents of the treaties which has not been

contradicted. The motion of the 23d of May 1946 to reconsider the Tribunal's former decision and the motion of the 24th of May 1946 to call Gaus as a witness are accordingly denied.

There is one other matter with which the Tribunal propose to deal, and it is this: In the future, counsel for the organizations which the Prosecution have asked the Tribunal to declare to be criminal will not be permitted to examine or to cross-examine any witnesses other than the defendants in this Court. If they wish to examine or to cross-examine those witnesses, they must call them before the commissions which are now sitting for the taking of evidence on the questions with which the organizations are concerned.

That is all.

DR. KUBUSCHOK: I should like to voice a further request for the case of Von Papen. I already submitted a written request on 6 June. This was discussed with the Prosecution, and the General Secretary has instructed me to bring this matter to the attention of the Court.

Prince Erbach-Schönberg has filled out an interrogatory. His answers, however, are partially incomplete and sometimes misleading, and it is therefore necessary to supplement them. I suggest that Prince Erbach, who is in Gmunden in the American-occupied zone of Austria, be brought here and interrogated—outside of this Court but in the presence of the Prosecution—to supplement this interrogatory.

My associate received a letter some days ago from Count Pfeil, who is living in Bad Ischl, which is also in the American-occupied zone of Austria, not far from Gmunden, the residence of Prince Erbach. In this letter he has made detailed statements about the contacts which the Defendant Von Papen had with the circle of conspirators involved in the attempted assassination of 20 July. Since this question was raised by the witness Gisevius, the Defense feel themselves bound to discuss it in the presentation of evidence, although they attach no great importance to it. This evidence can probably be produced by means of an affidavit.

I ask that Count Pfeil be brought here with Prince Erbach at the same time so that he can depose an affidavit in the presence of the Prosecution. It is absolutely essential to bring both of these witnesses here, because the case of Von Papen is imminent, and we could not take care of these matters by correspondence.

THE PRESIDENT: Dr. Kubuschok, will you draw our attention to the particular points in which you say that the interrogatory of Prince Erbach-Schönberg is incomplete or misleading?

DR. KUBUSCHOK: In connection with one of the preceding questions of this interrogatory, Prince Erbach answered that the Defendant Von Papen had desired to achieve his assignment by peaceful means rather than by the use of force. The witness answered a later question as to whether the Defendant Von Papen acted in accordance with these political principles as follows:

"As long as I was there I had the impression that the Defendant Von Papen acted in accordance with these principles—that is, the establishment of relations by peaceful means rather than by the use of force."

This last statement contradicts the first half of the answer. Moreover, this latter phrasing scarcely corresponds to the facts.

THE PRESIDENT: Are you saying that that answer is incomplete or contradictory?

DR. KUBUSCHOK: There is a contradiction. "Rather than by force" contradicts the first half of his reply, that he acted according to these principles. These questions...

THE PRESIDENT: The answer that I have got is:

"As long as I was there I had the impression that the Defendant Von Papen acted according to this policy of establishing relations through peaceful means rather than force."

There is nothing contradictory in that, in English.

DR. KUBUSCHOK: In the German text it says, "rather than with force." The word "rather" disturbs me, and is a contradiction. It does not mean the same thing—namely, that he wanted to bring about connections in a peaceful manner only and not by force.

THE PRESIDENT: It means the same thing. It means that he wanted to establish the relations by peaceful means rather than with forceful means. "Not by force" he means.

DR. KUBUSCHOK: This version might lead to the assumption that the Defendant Von Papen may even have considered non-peaceful means. We want to prove, in accordance with the foregoing answer, that he rejected all means other than peaceful means from the beginning, and never introduced them into his discussions. However, if the High Tribunal interpret the interrogatory in the manner which has just been stated, then I have no further reason to supplement it.

THE PRESIDENT: It couldn't mean anything else in English. I don't know what it could mean in German.

DR. KUBUSCHOK: In the German version it is translated, "I would prefer peaceful means to force; as a last resort, other than peaceful means might have to be considered." That would be the interpretation placed on the German translation.

We want to establish clearly the fact that none other than peaceful methods were ever considered.

SIR DAVID MAXWELL-FYFE: To save any trouble, I should like to assure the Tribunal that the Prosecution accepted the answer in the sense which Your Lordship has just put. We shouldn't suggest for a moment that Prince Erbach would make any other answer than in the sense the Tribunal have accepted it.

THE PRESIDENT: Perhaps a way of meeting the difficulty would be if you would agree to read the words in the sense "and not by force."

SIR DAVID MAXWELL-FYFE: If Your Lordship pleases.

THE PRESIDENT: Yes.

DR. KUBUSCHOK: Then, of course, I quite agree. And I should like to have the Tribunal's decision as to whether Count Pfeil is to be brought here to depose an affidavit.

THE PRESIDENT: You mean the other witness?

DR. KUBUSCHOK: The second witness, Count Pfeil, who wrote the letter which we wish to submit to the High Tribunal in the form of an affidavit.

THE PRESIDENT: We will consider that when we have heard Sir David.

Are there any other inconsistencies or contradictions which you wish to draw our attention to in the Prince's interrogatory?

DR. KUBUSCHOK: No.

THE PRESIDENT: Has the letter of Count Pfeil been translated?

DR. KUBUSCHOK: No, it has not as yet been translated. But it is simply a letter, the identity of which we cannot prove, and that is why we wanted the affidavit in the proper form.

THE PRESIDENT: Would the letter itself be sufficient if the Prosecution were prepared to admit the letter?

DR. KUBUSCHOK: Yes, it would suffice, for we could certainly prove nothing more with the affidavit than what is contained in the letter.

SIR DAVID MAXWELL-FYFE: I have no objection to admitting the letter, My Lord.

THE PRESIDENT: Very well. Thank you, Sir David.

Then the interrogatories of Prince Erbach-Schönberg will be amended in the way that we have indicated, and the letter of Count Friedrich Karl von Pfeil will be admitted.

SIR DAVID MAXWELL-FYFE: I wonder if Your Lordship will allow me to mention one point that arose on Tuesday.

Your Lordship may remember that the Defendant Jodl said that he had not been permitted by the Prosecution to mention a document. My Lord, a misunderstanding arose in this way. Your Lordship may remember that at an early stage in dealing with witnesses and applications, I objected to general evidence of shackling because I said that the Prosecution had not made the evidence as to shackling by the Germans a part of their case, and therefore it did not seem to me an issue that need be pursued. I put that forward, and Mr. Roberts, who was dealing with the later stages, adopted the same line.

Apparently that was understood as including an objection to the Wehrmacht order which the Defendant Jodl mentioned, and which he wanted to use as an answer to a broadcast of the British War Office. This, I think, is a further remark which could be made. I certainly didn't wish to object to the Defendant Jodl clarifying a Wehrmacht order that was part of the preparations for the Commando Order, and I said so at the time.

I should not like the Tribunal to think that I was making any reflection on the learned professors who are conducting the Defendant Jodl's case, or putting forward that they had made a basic accusation against me. I thought, therefore, the Tribunal would allow me just a moment to explain that it was a misunderstanding, and that neither of us feels that we have been injured in any way by the other by what has been said.

THE PRESIDENT: Is there anything further that needs to be done with reference to the admission or introduction of this?

SIR DAVID MAXWELL-FYFE: Not at all, because I waived any objection to it, and the Defendant Jodl was permitted, in giving his evidence, to make a full explanation concerning it. I only wanted it understood how the misunderstanding had arisen, and that I did not feel that Professor Exner or Professor Jahrreiss had made any baseless charges against me in so doing.

THE PRESIDENT: All right.

SIR DAVID MAXWELL-FYFE: Thank you very much.

DR. NELTE: I should like to put one question to the witness.

Witness, the charge has been made against the Defendant Field Marshal Keitel that—and I quote—"rather than back up his subordinate officers and protect them, he threatened them; yes, he threatened to turn them over to the Gestapo."

Can you give us facts about this charge which prove that this was not the case?

VON BUTTLAR-BRANDENFELS: I can testify that Field Marshal Keitel, as superior, was always very well-disposed toward

the officers of the Armed Forces Operations Staff. For instance, the relations between himself and Colonel Moench, who was closely connected with him in his military capacity of Chief of the Organization Division, were almost that of father and son; and he deeply lamented his death in action on the Eastern Front.

I can also say that I myself, along with Lieutenant Colonel Ziehrvogel, the A-1 man on my staff, on the basis of factual disagreement with the staff of the Reichsführer SS, was in 1944 accused in a letter to Field Marshal Keitel of sabotaging the co-operation between OKW and Reichsführer SS and the conduct of the war. In his reply, which I saw myself, Field Marshal Keitel defended us in every way, and said that he would take entire responsibility for everything done by his subordinate officers.

DR. NELTE: Thank you very much. I have no further questions.

THE PRESIDENT: Is there any cross-examination?

MR. ROBERTS: My Lord, I do not propose to cross-examine. That, of course, will not be taken that the Prosecution is accepting the truth of this evidence at all. But the whole question of atrocities in the East has been so thoroughly covered by evidence and by document, My Lord, I think it would be wrong and repetitious if I cross-examine.

THE PRESIDENT: Yes, Mr. Roberts.

MR. ROBERTS: My Lord, there was one other point. Dr. Laternser, in the interests of saving time, produced an affidavit of this witness dated the 20th of May 1946.

My Lord, of course, we are most anxious to assist Dr. Laternser in any effort on his part to save time, and we do not put any objection to this affidavit. But I am not quite certain as to what the affidavit is, and as to whether it has been put in as an exhibit—in which case it should be given a number—or whether it should go to the commission.

THE PRESIDENT: I don't think it necessary for it to be given an exhibit number. It was put to the witness, and he says the evidence was correct. That enables Dr. Laternser to refer to it hereafter.

MR. ROBERTS: Yes, My Lord. Then I propose the Prosecution should get copies. Could that be conveniently arranged?

THE PRESIDENT: Of course.

MR. ROBERTS: My Lord, Mr. Dodd is pointing out that we have not seen this affidavit; we do not know what it contains. But we will get a copy, and if we have any further application to make, we can make it.

THE PRESIDENT: When an affidavit is used in this way and put to a witness who is in the witness box, of course the affidavit ought to be supplied to the Prosecution in order that they may see what is in it, and so be able to cross-examine if they wish to do so.

MR. ROBERTS: Yes.

THE PRESIDENT: That has not been done in this case. The best course would be for the affidavit to be supplied to the Prosecution, and they may, if they wish, apply to examine on it before the commission.

Do you think it is necessary? Perhaps you could see the affidavit soon and decide whether it is necessary to keep the witness here.

MR. ROBERTS: My Lord, I respectfully agree.

THE PRESIDENT: And we shall hold the witness in Nuremberg?

MR. ROBERTS: My Lord, we accept the invitation to examine the affidavit over the week end, and then, if necessary, we could make an application on Monday.

THE PRESIDENT: Yes; that is quite all right. Then, the witness can retire.

[The witness left the stand.]

Yes, Dr. Jahrreiss, will you call the next witness?

DR. JAHRREISS: Yes, if it is the Tribunal's wish. With the permission of the Tribunal, I wish to call Major Büchs as my next witness. Major Büchs.

[The witness Büchs took the stand.]

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

HERBERT BÜCHS (Witness): Herbert Büchs.

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

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. JAHRREISS: Witness, what position did you have in the last years of the war?

BÜCHS: From November 1943 I was a General Staff officer of the Air Force serving with the Chief of the Armed Forces Operations Staff; and in that capacity I was second adjutant to General Jodl.

DR. JAHRREISS: And were you in this position until the end of the war?

BÜCHS: I remained in this position until the end, until our arrest on 23 May 1945.

DR. JAHRREISS: Witness, during this time in which you were in the Führer's headquarters, were you in the various compounds of these headquarters?

BÜCHS: Yes. I was in the headquarters in East Prussia, and in addition to that I was in the headquarters in Berlin, and in 1944 also in Berchtesgaden.

DR. JAHRREISS: It has been said that there was a Party clique at the Führer's headquarters. Do you know anything about that?

BÜCHS: If I am to understand by that a circle of people, I would name Fegelein, Bormann, and Burgdorf.

DR. JAHRREISS: You would say that that was a clique?

BÜCHS: These were three gentlemen who were in very close personal and official contact, and who made that impression on outsiders.

DR. JAHRREISS: Was this very close official and personal relationship between themselves or with others?

BÜCHS: They not only had very close relations among themselves, but I also observed that these three gentlemen had very strong influence on Adolf Hitler himself.

THE PRESIDENT: Dr. Jahrreiss, would you ascertain the names of the three again? They did not come to us quite clearly.

DR. JAHRREISS: Yes.

[Turning to the witness.] Major, will you please pronounce slowly the names of these three gentlemen you just mentioned?

BÜCHS: There is Fegelein, Himmler's liaison officer to Adolf Hitler; then Bormann, the head of the Party Chancellery and the representative of the Party; and General Burgdorf, who had a dual position as Chief of the Army Personnel Office and at the same time Chief Adjutant of the Armed Forces with the Führer.

DR. JAHRREISS: Did General Jodl have official relations with each of these three gentlemen?

BÜCHS: If I may start with Fegelein: Fegelein as liaison officer to Himmler was, as far as the Führer was concerned, the man to whom he turned in all questions of material and personal equipment of the Waffen-SS divisions whenever these questions arose during the situation discussions in connection with putting these divisions into operation. In this connection, points which fell within Fegelein's sphere were frequently raised during situation reports. But the official connection between Jodl and Fegelein was otherwise very distant.

DR. JAHRREISS: And how about Bormann?

BÜCHS: In dealing with Bormann as Deputy of the Party, General Jodl always strictly defined his own sphere of military tasks. He always rejected complaints or unjustifiable accusations or possible attacks against the Armed Forces. I witnessed this especially while the war was fought on German soil and there was often friction with the Gauleiter who had been appointed Reich Defense Commissars. For instance, I saw that General Jodl on receiving complaints or letters from Bormann simply returned the originals with rather abrupt marginal notes of his views. If that had no effect, he did not hesitate to express his views to the Führer in every possible way in order to obtain his decision as to the dispute in question.

DR. JAHRREISS: And the third of these gentlemen, Burgdorf?

BÜCHS: To my recollection Generaloberst Jodl had very little official contact with General Burgdorf, although it was Burgdorf who discussed the important questions of the appointment of the commanders and higher officers with the Führer. It was in just such a case that I saw General Burgdorf first of all discuss these matters with the Führer alone, so that General Jodl had comparatively little influence in that direction.

DR. JAHRREISS: Now I should like to hear from you, Witness, what personal relations existed between Generaloberst Jodl and each of these three gentlemen.

BÜCHS: Jodl disliked Fegelein, because—I believe—he discerned the defects of his character at a very early stage. I have known him on several occasions to call Fegelein to account and reprimand him.

As for Bormann, I should say General Jodl had no connection with him at all. I also have never noticed any personal or informal relations between them. What I have said about Fegelein also applies to his relations with General Burgdorf, whom General Jodl probably also disliked personally.

DR. JAHRREISS: Now I turn to a different point. Witness, do you know anything about the fact that in the last phase of the war the possibility of exposing a certain category of captured enemy airmen to the popular rage was under consideration? Did you hear about that?

BÜCHS: Yes. I recall that in the spring of 1944, at Berchtesgaden, the Führer vehemently demanded that Allied flyers who made emergency landings in Germany no longer be protected by the Armed Forces against the enraged populace. This demand was based on reports alleging that a Kreisleiter of the Party and an officer of the Air Force had protected an Allied airman. At that time the Führer made this demand in a very sharp and pointed

manner. He demanded that the Armed Forces issue the appropriate orders to put a stop to this once and for all.

DR. JAHRREISS: Did Hitler also make this demand of General Jodl?

BÜCHS: This demand was made at a situation conference attended by these gentlemen and Jodl himself; but I do not think that General Jodl had any direct connection with the handling of the whole question, as it was not directly connected with military matters.

DR. JAHRREISS: Did the General make no comment at all on the matter?

BÜCHS: General Jodl, like all the other gentlemen, rejected this demand and, on his part, did everything he could to try to dissuade the Führer from this demand. He began immediately by adopting a critical attitude, which expressed itself later in details he gave of four cases of violation of international law on the part of Allied airmen.

DR. JAHRREISS: I really do not need to ask you about this, for we have documentary proof of it. If Hitler was so enraged and demanded a decree with the urgency you have described, was it possible to pursue a delaying action?

BÜCHS: In a case of this kind, in which the Führer in the heat of his rage made such demands, it was impossible for the gentlemen to whom the demand was put to oppose him at the moment, let alone flatly refuse to carry out the order. There was nothing else for them to do—General Jodl used these tactics frequently—but to try by obtaining data, arguments pro and con, and asking for comments and opinions from all the offices concerned—to collect the material and at a quiet opportune moment approach the Führer on the matter again and try to dissuade him from his extravagant demand. Outwardly, this resulted in a lengthy correspondence, in which the files of the various departments involved were sent back and forth, all with the intent of delaying the matter to the utmost and, if possible, shelving it completely. My impression, as far as the treatment of the terror-fliers was concerned, was that in this case we really succeeded even though the Führer's attention was repeatedly called to this question through new reports and statements and he demanded that a decree be put into execution.

DR. JAHRREISS: Then was no such order issued?

BÜCHS: I know of no such order.

DR. JAHRREISS: Can you cite an incident which shows clearly that no such decree was issued?

BÜCHS: On one occasion in August 1944 I personally was called to account by the Führer rather sharply. After an air raid on

Munich, Fegelein had described low-level attacks to Hitler rather crudely and reported the incident where a plane was shot down by antiaircraft artillery, and two Allied airmen had made an emergency parachute landing. When they were captured and brought off by a Wachtmeister of the antiaircraft artillery, he himself said that he had called this man to account, and had asked him why he had not shot the two fliers. The man replied, "because I had no orders to do so." At that moment I interpolated on my own account that no such order existed. And then the Führer reproached me in the most violent manner because the leading men of the Armed Forces had not issued a decree like that. Then, of course, he again demanded that the order be carried out.

DR. JAHREISS: Was it carried out then?

BÜCHS: No, for that was the period after 20 July, and the time of the campaign in the West when there were more urgent questions in the foreground. And because of all of these questions that of the treatment of terror-fliers was again put aside.

DR. JAHREISS: Witness, do you know about an incident in Berlin—I believe in March 1945—which is supposed to have taken place in the Reich Chancellery, where the Führer again complained that in spite of his demand this decree had not been issued?

BÜCHS: I recall that in March 1945 the Führer again expressed himself very heatedly on this problem to General Koller, who was then Chief of the General Staff of the Air Force. I myself was not present at the beginning of this conversation. I was called in, however, and heard the Führer say something to the effect that on the basis of the attitude taken by the Armed Forces, and especially by the Air Force, it had been impossible for him to counteract the terror of the Allied fliers over Germany by means of a corresponding counterterror . . .

DR. JAHREISS: Just a moment, Witness. You said that you had not been present at the entire discussion.

Mr. President, we have an interrogatory which we want to submit to the Tribunal. It is in our document book, Volume II, Page 178, and is the testimony of General of the Air Force, Koller. This testimony under Number 5, which is on Page 180 of the document book, contains all the details worth preserving of this extremely important conference in Berlin. Only part of this conversation took place in the Führer's room. Another part took place in the anterooms—as, for instance, that with Kaltenbrunner—while the conversation with Göring was carried on by telephone. In order to save time and to avoid splitting up the matter, I should like to have the Tribunal's permission to present it as a whole, even though the witness heard only a part.

With regard to Jodl, the last sentence says, as a whole—I believe, Mr. President, we can save time if I may present it now.

First of all, I must read the first question put to General Koller, which is to be found on Page 179. Here the witness was asked:

“How long have you been Chief of the General Staff of the Air Force?” The answer is on the next page and is:

“From 1 September 1943 to 3 September 1944 I was Chief of the Air Force Operations Staff; from 23 November 1944, Chief of the General Staff of the Air Force.”

Question 5—and that is the question which concerns us—is on Page 179:

“Do you recall that about March 1945, in the bunker of the Reich Chancellery, the Führer censured you and the Air Force because such an order was not given?”

Answer, Page 180:

“Yes, I remember exactly. A notice taken from the Allied press reporter survey between the beginning and the middle of March 1945 was laid before the Führer by Bormann during the situation discussion. In brief it read somewhat to this effect:

“‘An American combat air crew, shot down over Germany a short time previously, was overtaken by advancing American troops. They had declared that they were ill-treated by enraged members of the population, threatened with death, and probably would have been killed if German soldiers had not released them and taken them under their protection.’

“Bormann further pointed out to the Führer in a few words that this confirmed that soldiers in such cases intervene against the population.

“b) Hitler turned angrily to me and said excitedly:

“‘I have already issued one order that bomber crews which bail out are not to be protected against the population. These people only murder German women and children. It is unheard of that German soldiers should take measures to protect them against our own population, which is acting on motives of justifiable hate. Why are my orders not carried out?’

“Surprised by this attack I replied something like this:

“‘I know nothing about any such order; and it would in any case be a practical impossibility.’

“Hitler turned to me and said very loudly and sharply:

“‘The reason why my orders are not carried out is only the cowardice of the Air Force, because the gentlemen of the Air

Force are cowards, and are afraid that something might happen to them too. The whole thing is nothing more than a cowardly pact between the Air Force and the British and American airmen.'

"Hitler then turned also to Kaltenbrunner, who happened to be present in the background, and went on, addressing him but sometimes not looking at him:

"I hereby order that all bomber crews who bailed out in the last few months, as well as all bomber crews bailing out in future, are to be turned over immediately by the Air Force to the SD, and are to be liquidated by the SD. Anyone failing to carry out my orders, or taking action against the population, is liable to the death penalty and is to be shot.'

"Hitler then further expressed in general terms his indignation and his views on the matter. The assembled officers gave the impression of general surprise and disapproval.

"c) After the situation discussion with the Führer I requested an interview with Kaltenbrunner in the side passageway. Essential points:

"Koller: 'It is impossible to carry out those orders. The Air Force will have nothing more to do with them, nor I myself in any way whatsoever—and I can say as much for the Reich Marshal. It is entirely out of the question that the Air Force will agree to this in any way, shape, or form.'

"Kaltenbrunner: 'The Führer has completely mistaken ideas. The duties of the SD are also constantly misunderstood. Those things are no concern of the SD. Moreover, no German soldier does what the Führer demands. That is not in the German soldier's line. He does not kill prisoners. If individual fanatical Party followers of Herr Bormann try to do so, the German soldier intervenes. The Führer has a completely false idea of the views held by our soldiers. Moreover, I myself will do nothing in the matter either. I have no intention of doing anything. We must just take care that we get out of it again, otherwise we will be the first to get shot. We must gain time. I am again leaving Berlin at once for a fairly long time anyway.'

"Koller: 'Then we are agreed on the main point. Your leaving Berlin is favorable. But we must have another way out as far as the Führer is concerned, for it is possible that he may again refer to his order tomorrow. Later on if it becomes extreme, we will have to see how we can put a stop to the business, or what is going to happen to us?'

"The following was decided at my suggestion:

"No order along the lines decreed by the Führer will be issued by the Air Force or the SD.

"Surrenders to the SD—none.

"In case the Führer should refer to his order again, then, first of all, prevent further action through explanations of the following kind: All members of air crews previously captured, not in the hands of the Air Force but dispersed under the control of the Replacement Army Commander (BdE). Time of capture not known to a central office. Therefore a lengthy and difficult process to determine the number of air personnel captured during the last few months.

"Also, preparations must be made in detail for getting them out without attracting attention. The newly captured crews go automatically to interrogation centers. These are in process of transfer owing to operations. Communications are bad.

"Detailed discussions and agreements with the SD necessary. In order to preserve the appearance of discussion, the I-c officer of the High Command of the Air Force (I-c of OKL) should go to a delegate of Kaltenbrunner who, however, would first have to be appointed.

"d) After the situation discussion with the Führer, I spoke to Field Marshal Keitel at the entrance of the air-raid shelter, and said:

" 'The Führer's order is insane.'—Keitel affirmed, 'It certainly is'—'The Air Force must keep its escutcheon clean. The order cannot be carried out. I am convinced that the Reich Marshal is entirely of my opinion. To issue such an order—and verbally—and moreover with such threats of punishment. He must sign an order of this kind with his own name. It may or may not be carried out—but not by the Air Force. Nor by the SD, either; I have spoken to Kaltenbrunner.'

"Field Marshal Keitel: 'He will not sign such orders then, and everything is always placed on the shoulders of the OKW. But I'll be damned if I issue such an order.'

"Koller: 'The Air Force cannot join in this in any circumstances. We will not assume such a responsibility.'

"Field Marshal Keitel: 'You are right; neither can I. I must think over what I can do about it, and how I can do it.'

"The conversation was interrupted because Keitel was called to the telephone. Keitel was very indignant and annoyed about the Führer's order.

"e) After refreshments in a side room of the air-raid shelter, I had to cross the antechamber of the conference room again

to reach the cloakroom and exit. Hitler happened to come out of the room to give an order to an orderly, and he called me as I was passing. The door leading to the conference room was open, and Ley was sitting at the table. Hitler said to me:

"I must come back to my order once more. You must all help me, for matters cannot go on like this any longer. The Air Force—or at least defense of the Reich—has failed. What am I to do against the frightful bombing terror which is murdering German women and children?"

"Koller: 'The Air Defense and our crews do what they can and what is humanly possible. Our neglect of air armament and the enemy's present technical and numerical superiority cannot be eliminated or remedied overnight. When the search-light units get stronger, the air situation over Germany will be more in our favor.'

"Hitler: 'I cannot wait for that. I can no longer be responsible to the German people for the continuation of this situation in the air. If those fliers realize that they will be liquidated as terrorists, they will think twice about flying here.'

"Koller: 'That will certainly not improve the situation in the air. On the contrary, it will make it worse.'

"Hitler: 'No; the Japanese method is the best.'

"Hitler's manner was now calm again, in comparison with what it had been at the situation discussion. He appeared more approachable. Experience had shown that it was better to talk to him alone than in the presence of others. I thought it was a good opportunity to attack the whole problem and stated:

"If I may state my point of view, I think that this will not do. Measures of this kind are in such crass opposition to the education, feelings, and way of thinking of all soldiers, that they cannot be carried out. One cannot train soldiers on the regulations governing warfare and decent conduct, and then order actions which are repulsive to everyone. You must not forget, my Führer, that enemy airmen also carry out orders, and do their duty just as ours do. If they are shot down or make forced landings, they are defenseless and unarmed prisoners. What would the world think of us? And the first thing the enemy would do would be to treat our air crews in the same way. That is something for which we cannot answer to our men and their relatives. All their willingness to serve and their discipline would collapse at one blow.'

"Up to that point the Führer had not interrupted me. After his first glance at me he looked away again and seemed to be

lost in thought. He had been listening, however, and at that point he interrupted me and said quietly and earnestly:

"So the Air Force is afraid after all. That is all very well. But I am responsible for the protection of the German people and have no other means except this.'

"Hitler turned away, and went back into the conference room.

"f) After my arrival at the Air Force headquarters (Kurfürst) I told Colonel Von Brauchitsch what had happened, and ordered him to report it to the Reich Marshal as soon as possible. I myself could not contact the Reich Marshal at the moment. During our conversation Brauchitsch also expressed disapproval of the Führer's order.

"g) An hour or two later the Reich Marshal called me, and began with the following words, 'Tell me, has he gone quite mad now?'

"It was quite clear who was meant. I myself reported the principal happenings and the conversation with Kaltenbrunner to the Reich Marshal again, and added:

"I will not carry out this order or anything connected with it. I will endeavor to handle the situation so as to gain time now, in any case, and will do everything in my power to protect any of us from disastrous consequences. Perhaps after the last conference the Führer will not refer to his order again. If he does, however, a very difficult situation will arise, and you will have to go to the Führer yourself. What the Führer has ordered must in no case be allowed to happen.'

"The Reich Marshal expressed strong disapproval of Hitler's attitude and agreed with me in every point. He ordered me to act as I had suggested, to inform him immediately when necessary, and ended the interview with these words, 'This is all insane and cannot be done.'

"h) Measures against Allied airmen on the basis of the above-mentioned Führer's order were taken neither by the Air Force nor by the SD. This order did not become known, in my opinion, to the Replacement Army Command (BdE), or its offices, as the Replacement Army Command was not present at the Führer's meeting, and the order was not transmitted by the Armed Forces High Command (OKW).

"Hitler made no further reference to his order, either to the Reich Marshal or to myself or my representative or, I think, to Kaltenbrunner. To be sure, I never spoke to the latter again about this matter.

"I cannot judge whether Hitler deliberately let the matter drop or whether he forgot about it under the pressure of events.

"i) I know that about two or three weeks later an OKW directive was issued—I think a teletype—in which, as I recall, mention was made of the correspondent's report that occasioned it. It disclosed the fact that the Führer had expressed his displeasure that German soldiers had taken action against their own people.

"No mention was made of the main point of Hitler's order. If I remember correctly, the directive was signed by Keitel, and must be regarded as an attempt to cover himself as far as the Führer was concerned.

"In my opinion, General Jodl had nothing to do with the affair at all."

Witness, as far as you were present at this meeting, is the picture presented by General Koller correct?

BÜCHS: I remember personally something like the following formulation by the Führer, "This results from the fact that in the Air Force war is based on a mutual life insurance policy of, 'Don't hurt me; I won't hurt you.'" That was the sentence which impressed me most strongly, which emphasizes what was said . . .

DR. JAHRREISS: Thank you. Then I need not ask you any further questions on this point.

THE PRESIDENT: Dr. Jahrreiss, we will adjourn now.

[A recess was taken.]

DR. JAHRREISS: Witness, I assume that you can still recollect how the offices of the Führer's headquarters were furnished.

BÜCHS: Yes, I can still remember.

DR. JAHRREISS: In the offices occupied by the Führer, the Field Marshal, the General, and yourself, were there maps on the wall?

BÜCHS: Yes, and also in East Prussia—particularly the headquarters—the Führer had a topographic map of Germany, as well as a political map of Europe, and there were similar maps in the various other rooms.

DR. JAHRREISS: Were maps of Germany hanging there, too?

BÜCHS: Yes.

DR. JAHRREISS: And the neighboring territories on which concentration camps and penal institutions were indicated with a red or blue ring?

BÜCHS: No. Neither in the headquarters in East Prussia nor in the Reich Chancellery in Berlin, nor at the Berghof in Berchtesgaden, have I ever seen such a map.

DR. JAHRREISS: At 1230 hours on 11 May 1946, the Munich radio station broadcast a letter from a painter asserting that he had seen maps in the Führer's headquarters which could only be intended to show the location of concentration camps. Is that possible?

BÜCHS: That is quite out of the question.

DR. JAHRREISS: Was there any more detailed statement about...?

THE PRESIDENT: I don't think we need go into the broadcast from Munich. We have no evidence of a broadcast from Munich.

DR. JAHRREISS: I am afraid I was misunderstood. I did not ask him whether he heard it, but I wanted to illustrate how the public had come to believe that there were such maps. Thank you, I have no further questions.

THE PRESIDENT: What I was pointing out was that it ought not be referred to, as it is not in evidence. The fact which you alleged, that there was a broadcast, ought not to be referred to.

DR. STAHLER: Major Büchs, during the time you spent as commanding officer attached to Führer headquarters, were you regularly present at the daily discussions of the situation?

BÜCHS: Yes, I participated in the daily military situation discussions.

DR. STAHLER: Do you still remember whether you attended the situation discussion of 27 January 1945, at which the fate of the 10,000 air force officers imprisoned in the Sagan Camp was discussed?

BÜCHS: I can remember something like this: Fegelein must have raised the question of evacuating that camp on the approach of the Russian troops. These captured officers were asked whether they wished to remain in the camp and be handed over to the Russian Army, or whether they wanted to be taken away in the course of the evacuation of Silesia. As far as I remember, they definitely decided on the latter alternative—that is to say, to be taken away; and I believe that the only question still to be decided was how their transport was to be arranged.

DR. STAHLER: Can you still remember the suggestions that were made regarding that transport, and who made them?

BÜCHS: No. I believe, at that time, the Führer only said in general terms that these imprisoned officers could not receive better treatment than our own people. It was just at the time

of the evacuation of Silesia, and our traffic situation did not permit the transport of even our own people by means of railway trains or in large columns, and the population had to tramp along the roads even in winter. And I think I remember that, at the time, the Führer said, "If these officers wish to be taken along on a transport, they will have to march just like the German civilian population."

DR. STAHLER: May I, Mr. President, in connection with this statement, refer to an error, in the record. During the cross-examination of the Defendant Göring on 20 March 1946, Document 3786-PS, Exhibit USA-787 was presented. In the German record, Page 6249, after a discussion of how they should be transported, there is a statement that the Führer said, "They will have to go even if they march in 'Dreck' (mud)." The actual text is, "They will have to go even if they trek (Treck) on foot." That is quite a different thing. I do not know how the word is translated in the English text; but that, of course, would give it a very different and entirely wrong meaning. As the witness has just said, the Führer said, "They have got to go even if they have to trek"—that is to march in a column, on foot.

THE PRESIDENT: Yes. Now, the Tribunal think that the best way to deal with these questions of translation is to take it up with the General Secretary, and get it submitted to the Translation Division.

DR. STAHLER: I merely wanted to establish the fact.

[Turning to the witness.] A remark is supposed to have been made in the course of that conference, during the discussion on transport, "Take off their boots and trousers so that they cannot walk in the snow." Do you remember who made that remark?

BÜCHS: No, I cannot remember; and I think it is quite impossible.

DR. STAHLER: You do not remember any such remark, or by whom it was made?

BÜCHS: It is perfectly possible that Fegelein made such a suggestion in some connection or other; I do not know.

DR. STAHLER: According to the record, Reich Marshal Göring is supposed to have made such a remark.

BÜCHS: I think that is quite out of the question.

In this connection may I just mention that it was extremely difficult to take notes of the proceedings. Four to six people frequently spoke at once during these conferences—and much more rapidly than usual. The stenographers could only take down what they heard. They could neither look up nor make certain who

actually made such and such a remark at such and such a moment. There was a table around which there were often some 30 people standing; and that interfered with the work of the stenographers.

DR. STAHLER: I have no further questions.

DR. LATERNER: Mr. President, at this point of the Trial I feel obliged to make a statement. I wanted to ask this witness some important questions, but I am not in a position to do so because of the decision announced by the Tribunal today. I state that through that decision I...

THE PRESIDENT: Dr. Laterner, you will have full opportunity to put the questions to the witness before the Commission.

DR. LATERNER: Mr. President, may I please complete my statement.

I have explained that as a result of the decision announced today, I am not in a position to put my questions, and that I must submit to that decision. I wish to state, however, that I consider this decision...

THE PRESIDENT: But it is inaccurate to say you are not in a position to put your questions. You are not able to put your questions now to the witness, but it is not true to say that you are not in a position to put your questions without further qualification. You are in a position to put your questions to the witness before the Commission.

DR. LATERNER: Nevertheless, Mr. President, I feel there is an impediment for the defense, constituted by the fact that the defense of the organizations is thus not in a position to present its evidence directly.

THE PRESIDENT: The Tribunal has announced its decision.

DR. LATERNER: I only regret, Mr. President, that that decision was announced without the Defense having first been notified.

DR. MARTIN LÖFFLER (Counsel for the SA): I should like to add in connection with the statements of my colleague Laterner that I must emphasize them because...

THE PRESIDENT: On what point, Dr. Löffler?

DR. LÖFFLER: On the point that the witnesses called today cannot be questioned by defense counsel for the organizations, as has been the custom until now, and that is, therefore, a disadvantage to the defense because for all practical purposes we lose these witnesses altogether.

THE PRESIDENT: Dr. Löffler, you and Dr. Laterner seem not to have read Article 9 of the Charter, which provides that the Tribunal may direct in what manner the applicants shall be

represented and heard. That is with reference to the organizations. The Tribunal, after very great trouble, have brought to Nuremberg a very large number of witnesses and have set up commissions for the purpose of examining those witnesses, and they are going to hear some witnesses from among those witnesses at a future date in this Court.

The Tribunal have given the matter full consideration, and it doesn't desire to hear any further arguments from you or from any other of the counsel for the organizations.

DR. LÖFFLER: Mr. President, we appreciate the Tribunal's grounds, but we feel obliged to point out from the point of view of the defense that these reasons are justified in theory, but entail in practice the loss of that witness.

I ask permission, therefore, to give you a very brief explanation so that the Tribunal will understand why we lose those witnesses. You, Mr. President, have said that the witnesses can be heard before this Commission. These witnesses cannot be heard before the Commission because the number...

THE PRESIDENT: Dr. Löffler, the Tribunal, as I have told you, have already considered this matter, and it may be that they will consider it further, but they don't desire to hear any further argument about it. It is a matter entirely within their discretion, and they have been at very great pains to provide that the applicants who wish to be heard in respect to these organizations shall be fully and thoroughly heard.

The Tribunal will not hear you further at this stage.

DR. LÖFFLER: May I give one explanation...

THE PRESIDENT: Did you hear what I said? I said the Tribunal will not hear you further at this stage.

DR. LÖFFLER: Very well.

MR. ROBERTS: My Lord, I have only a few questions.

[Turning to the witness.] Your memory of that conference doesn't seem to be entirely clear.

BÜCHS: May I ask which conference?

MR. ROBERTS: The conference that you last mentioned, with regard to the evacuation of the prisoners of Sagan.

BÜCHS: I am not aware that it was incorrect in any point.

MR. ROBERTS: Well, but you say that you don't remember any mention being made of the prisoners having to walk through the snow without their boots on.

BÜCHS: Yes, that is what I said.

MR. ROBERTS: And you know that it is—I can't find the actual place; I had no idea this exhibit was going to be referred to—but you know that that is in the actual stenographer's notes, do you not?

BÜCHS: So it was said.

MR. ROBERTS: Yes. And you would agree with me that the stenographer could hardly put that remark down unless it was said?

BÜCHS: Yes.

MR. ROBERTS: But you didn't hear the remark; therefore, you don't know who said it?

BÜCHS: Yes.

MR. ROBERTS: That is all I ask on that.

I just ask on one other matter: In April of 1945 did Fegelein attain the status of Hitler's brother-in-law, when Hitler got married?

BÜCHS: Yes.

MR. ROBERTS: And two days afterwards, was Fegelein shot on the orders of his new-found brother-in-law?

BÜCHS: Yes.

MR. ROBERTS: That is all.

DR. JAHRREISS: I have no further question to put to the witness.

THE PRESIDENT: Then the witness can retire.

[The witness left the stand.]

DR. JAHRREISS: With the permission of the Tribunal, I now call the witness Professor Dr. Schramm.

[The witness Schramm took the stand.]

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

PERCY ERNST SCHRAMM (Witness): Percy Ernst Schramm.

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

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down.

DR. JAHRREISS: Witness, were you working in the Armed Forces Operations Staff during the war?

SCHRAMM: Yes. From March 1943 onwards, I was working in the Armed Forces Operations Staff.

DR. JAHRREISS: Until the end?

SCHRAMM: Until the end—that is to say, the beginning of May 1945.

DR. JAHRREISS: What functions did you have in the Armed Forces Operations Staff?

SCHRAMM: During my entire time in the Armed Forces Operations Staff I kept the War Diary of that staff.

DR. JAHRREISS: Was there a special reason why you received that task?

SCHRAMM: My appointment to the Armed Forces Operations Staff was due to the fact that my civilian profession is professor of history at the University of Göttingen. At that time an expert was sought whose name would constitute a guarantee for expert work. General Jodl appointed me to the position at the suggestion of the deputy chief.

DR. JAHRREISS: If you were to write a war diary in the way a historian would wish to do, you would require an insight into all the events connected with that staff, would you not?

SCHRAMM: Yes. I did not attend the Führer's situation discussions or the internal conferences; but I did participate every day in the situation discussions of the Armed Forces Operations Staff, and every important document passed through my office during those two years.

DR. JAHRREISS: Witness, considering that you had perhaps more insight into the activities of the Armed Forces Operations Staff than anyone else, I should like you to tell us here what you know of the range of General Jodl's activities.

SCHRAMM: It is impossible to overestimate the range of the General's activities. As proof of this, I may say that in 1944 alone, according to information which I received from a competent officer, 60,000 teleprint messages went through the teleprint department of the Armed Forces Operations Staff. There was also a large courier correspondence which, of course, was even larger. Then there was internal correspondence between individual departments. The bulk of that correspondence appeared on the General's desk at some time or other. To look at it from another angle, the General was responsible for four theaters of war: North Finland and Norway; West Holland, Belgium, France; then the Southwest, in the first place Africa and Italy; and then the Southeast.

DR. JAHRREISS: Please speak more slowly.

SCHRAMM: It was the General's task not only to have up-to-date information based on incoming reports, but also to act as operational adviser to the Führer.

DR. JAHRREISS: Did I understand you correctly as saying that the four theaters you have just mentioned were the so-called OKW main theaters of war?

SCHRAMM: Precisely. The East was under the General Staff of the Army, and the General was concerned only insofar as the main difficulty always lay in co-ordinating the interests of the other theaters of war with those of the Eastern Front.

DR. JAHRREISS: Did I understand you correctly as mentioning 60,000 teleprint messages in a year?

SCHRAMM: Yes, 60,000. I remember the exact figure. And I remember it exactly, because my clerk calculated that 120 volumes of files passed through the War Diary office, and that they were so [*demonstrating*] thick. Therefore, about 12 yards of material passed constantly through my office. That represents 10,000 sheets of paper, if not 100,000.

DR. JAHRREISS: Perhaps you may be able to help us with a question which has been repeatedly touched upon here, but to which no precise answer has ever been given. Do you know anything about an order from Hitler saying that generals must not resign?

SCHRAMM: Yes, I remember that very exactly from an order which appeared in the middle of 1944, repeating with great strictness an order already issued before my time—that must have been during 1940 or 1941. That order was about 1½ typewritten pages in length and most forcefully worded. Its contents are still clear in my mind, because I discussed it afterwards with several of my comrades. The order stated that every commanding officer—and the departments under him correspondingly—was entitled to mention any objections he might have to the measures of the Supreme Command, but that he would then have to obey unconditionally the order once it was given him by higher quarters—that is to say, he would have to do something which meant acting contrary to his intentions. It added that it was impossible for a commander to resign in consequence of this. The reason stated was that the sergeants in the trench could not tell their company commander that they wanted to resign when they were not in agreement with his orders.

I repeat, it was so emphatically worded that we talked about it a great deal. From that time on, the commanders had even less chance of evading an order from the Supreme Command.

DR. JAHRREISS: Professor Schramm, might I ask you to speak just a little more slowly?

This order—the contents of which you have just described to us, and by means of which you have established the date of the

final and most stringent formulation—did this order also apply to a man like General Jodl?

SCHRAMM: If it applied to the commanders, it naturally applied all the more to General Jodl.

DR. JAHRREISS: I now turn to another question.

General Jodl has been described as a political general. You are a civilian and a professor; and I assume, therefore, that you possess the detachment required to enable you to make up your mind on the matter and to supply the Tribunal with facts which will permit it to form its decision. Can you give us facts which would of necessity form a basis for judgment for or against?

SCHRAMM: If the question aims at establishing whether or not the General was a Party general, then I deny it most emphatically. It was utterly immaterial to the General whether the members of his staff were Party members or not. Although I was on that staff for 2 years, I personally could not tell you which of the officers were Party members. That was completely unimportant. As to whether the General tried to exercise political influence, I must again draw your attention to the tremendous amount of work for which he was responsible. He would not have had time for it; and with regard to my documents I can only tell you that I do not remember any papers from which such a conclusion might be drawn. What the General committed to paper—and these papers, as I have seen myself, run into thousands—was always strictly confined to military matters, and in no way encroached upon the sphere of politics. To be more exact, I do not remember in the course of those 2 years ever having seen in my files any document of a political nature inspired by the Chief of the Armed Forces Operations Staff or written by himself.

DR. JAHRREISS: Yes; but perhaps he was fond of the limelight and had great ambitions; and perhaps, and outside of the files...

SCHRAMM: I can answer that question with a definite "no," because I know from his associates, and from conversations with him, that all diplomatic procedure was repugnant to him and that he disliked it because it had nothing to do with soldiers. I did not notice any ambition, because if the General was ambitious he certainly had chosen the least suitable position for such a purpose, since he thus exposed himself to criticism from those below him—from people who did not know the underlying reasons. From that time on he was criticized a good deal, and he did not receive from higher quarters the recognition he deserved. I always thought it peculiar, and even grotesque, that the General, at the time of Adolf Hitler's death, had scarcely more German war decorations

than I had myself, as a mere major in the reserve. I did not see whether he had foreign decorations. I never saw him wearing a foreign order. At any rate, there were no indications of ambition or of political aspirations.

DR. JAHREISS: During this Trial there has been frequent mention of a speech made by the General during the winter of 1943-44 addressed to the Gauleiter. I do not know whether you know anything about that speech.

SCHRAMM: Yes, I remember it exactly.

DR. JAHREISS: What do you remember exactly?

SCHRAMM: First of all, let me tell you that the reason why I remember it exactly is because I received the material on which the speech was based. After it was no longer needed, it was given to me for my War Diary. It was like this:

That was a speech for which material was collected in the various departments. For this purpose an enormous map was needed, which was difficult to prepare because it was larger than the offices in which we were working. The speech was made at this annual meeting in Munich on 8 or 9 November. The particular reason for the General making a speech outside the usual military circle was the following: Italy's dropping out of the war in September 1943 had led to a break in the Southern Front extending from Marseilles to Athens, a distance of 4,000 km. We had succeeded in filling the gap again, but a good deal of uneasiness was felt by all those who understood the situation.

MR. ROBERTS: My Lord, I object to long reasons being given for the speech being made. The speech is in evidence and, in my submission, the reasons for the speech are entirely immaterial.

THE PRESIDENT: The Tribunal upholds the objection.

DR. JAHREISS: Witness, please go on telling us about the attack.

SCHRAMM: This was the one reason . . .

THE PRESIDENT: No, no, I said that the Tribunal upheld Mr. Roberts' objection as to what the witness must say. That's a mistranslation.

DR. JAHREISS: It was a misunderstanding. I am sorry. It was wrongly translated.

[Turning to the witness.] Witness, I want to show you a document which was submitted to the Tribunal by the Prosecution 2 days ago, Document 1808-PS. Perhaps you will just look through the whole of the document first.

[The document was submitted to the witness.]

THE PRESIDENT: Is it among the Jodl documents?

DR. JAHRREISS: No, it is a document which the Prosecution submitted in the course of the cross-examination 2 days ago.

MR. ROBERTS: My Lord, that document was handed up separately by me during the cross-examination, and I am afraid it is not in the book. It is one of those documents which received a new GB number, and was handed up loose towards the end of the cross-examination, Document 1808-PS.

DR. JAHRREISS: Thank you. May I go on?

THE PRESIDENT: Go on, Dr. Jahrreiss.

DR. JAHRREISS: Witness, does your signature appear at the foot of the second last page, on the right?

SCHRAMM: Yes. This is a file which I started after the attempt of 20 July 1944, in order to have a permanent record of what was being done in the Armed Forces Operations Staff. I want to add in this connection that the Armed Forces Operations Staff was in no way involved in that conspiracy. This copy presumably comes from the war archives. The signature and the corrections are partly mine, and partly those of my clerk.

DR. JAHRREISS: I want to draw your attention to Number 5 in this file of documents.

SCHRAMM: Yes.

DR. JAHRREISS: It is dated 25 July. Do you have it?

SCHRAMM: Yes.

DR. JAHRREISS: Did you draw it up?

SCHRAMM: Yes, I drew it up myself.

DR. JAHRREISS: Please, will you tell us what the basis for this work of yours was?

SCHRAMM: The officers of the staff were called to our mess hall at short notice. We were told that the General wanted to address his staff. As not all the officers were able to attend, I was ordered to take notes, so that the other officers could be informed of what the General had said. I remember clearly that I jotted down a few key words, still standing, so this is not a shorthand record. I cannot write shorthand. There was no time to find a stenographer.

DR. JAHRREISS: Well, did you base this on your notes?

SCHRAMM: Yes. Afterwards, probably on the following day, I reconstructed the General's speech as far as possible from my notes. I am not certain, of course, if all the details are quite accurate, because the notes which I had taken standing up were much too sketchy for that. And, of course, I am particularly doubtful about the accuracy of the actual words spoken. I now see that there are

4½ pages. The speech was, of course, very much longer than that. It is therefore a compressed account.

DR. JAHRREISS: A compressed account only...

SCHRAMM: Yes.

DR. JAHRREISS: Now, I should like to know more about the circumstances in which the General made that speech, the actual words of which we do not possess. That was...

MR. ROBERTS: My Lord, it is my respectful submission—again in the interests of saving time—to mention that these matters are all very irrelevant. We know that an attempt was made on Hitler's life, and that Jodl addressed his staff. It is my submission that the circumstances are not relevant at all.

DR. JAHRREISS: Mr. President...

THE PRESIDENT: The Tribunal hope you'll do it briefly.

DR. JAHRREISS: Yes; thank you.

[Turning to the witness.] Witness, will you please be very brief and quote the personal circumstances?

SCHRAMM: The General appeared on the scene with white bandages around his head. We were all most surprised that he should have recovered so quickly from the attempt considering that he had been standing right next to the explosion. I must say that, at that time, we were deeply impressed by the concentrated energy with which he reappeared before his staff and by his moral attitude to such an attempt.

DR. JAHRREISS: Thank you, Mr. President. I have no further questions.

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

[There was no response.]

Does the Prosecution want to?

MR. ROBERTS: My Lord, I have no questions.

THE PRESIDENT: The witness can retire.

DR. JAHRREISS: I have no further questions. May I now call the next witness, General Winter?

[The witness Winter took the stand.]

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

AUGUST WINTER (Witness): August Winter.

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

[The witness repeated the oath in German.]

THE PRESIDENT: Will you sit down.

DR. JAHRREISS: Witness, did you take part in the beginning of the Russian campaign?

WINTER: Yes, I took part as the first general staff officer of Field Marshal Von Rundstedt's army group.

DR. JAHRREISS: Witness, may I point out to you that I want you to allow a small pause after my question and to speak in general more slowly than you have just been doing.

WINTER: Yes.

DR. JAHRREISS: Can you tell me—since you had a very responsible position—what was officially said to be Hitler's reason, at that time, for the German attack on the Soviet Union?

WINTER: The official reason, given to me at the time by my commander and my chief, was that an attack from Soviet Russia was to be expected shortly, and that this was therefore a preventive measure.

DR. JAHRREISS: And then you experienced the first battles on the frontier, did you not?

WINTER: Yes, in this staff.

DR. JAHRREISS: That was toward the south?

WINTER: It was in the Ukraine, Army Group South.

DR. JAHRREISS: Even after those first battles, you had a certain amount of experiences and certain impressions of the opponent, did you not?

WINTER: Yes.

DR. JAHRREISS: Were they, General, such impressions as to confirm the official reason given, that of a preventive war?

WINTER: It was the uniform impression of the command of the army group—including the commander, the chief, and the operations department under my command—that the reason given for the campaign was the true one. Our own impression at the time was that we had hit on active preparations for an offensive campaign.

DR. JAHRREISS: But did you have the facts on which to base this impression?

WINTER: We had a number of facts which confirmed that impression, according to our ideas. I may state them briefly. First of all, there was the strength of the troops we encountered which, although I cannot give you figures now, was greater than the figures mentioned in our marching orders. Then there was the extraordinary deployment of troops, so near and like a front, which struck

us, with unusual large proportions of armored troops far exceeding anything we had expected, and the deployment of a comparatively strong group opposite the Hungarian border which we could not explain to ourselves as a defensive force. One point is particularly significant; the fact that during the first week we found that captured enemy staffs were equipped with maps which covered a large area of German or ex-Austrian territory which, again, did not seem in keeping with purely defensive considerations. In addition we observed a number of smaller things, not very important in themselves.

DR. JAHREISS: Witness, just now you spoke of evidence which, in your opinion, was particularly significant—namely, the finding of these maps which you described a few minutes ago. Why is that particularly significant—more significant than the other things you have mentioned?

WINTER: It is particularly noticeable that the units on the Russian Front were equipped with maps covering much more than the area which would normally be included in a defensive reconnaissance area—even allowing for the fact that at the beginning of a campaign such reconnaissance might go beyond the enemy's frontier.

DR. JAHREISS: There has been mentioned in this courtroom the fact that after marching into the Ukraine, our troops found themselves faced with exceptional circumstances and difficulties in certain Ukrainian cities. Have you any idea of what I mean?

WINTER: Yes, that is obvious. We encountered an enormous number of these difficulties when we approached the Dnieper. I imagine that you are referring to the matter of remote-controlled explosions, or delayed-action explosions, which were carried out, as it seemed, on a very large scale in our fighting zone in the Kiev-Kharkov-Poltava area. They caused us a great deal of trouble, and they forced us to adopt extensive countermeasures at the time.

DR. JAHREISS: Do you know whether that applies to Odessa?

WINTER: I heard that things were blown up in Odessa, but I cannot give you details.

DR. JAHREISS: Do you know the details about Kharkov?

WINTER: I know about Kharkov indeed, because something happened there which caused us to adopt certain security measures. In the battles along the west border of Kharkov which were rather long and serious, a divisional staff with all its main material—I cannot remember its number—was destroyed by a delayed-action explosion of this kind. This caused orders to be issued for the carrying out of special security searches in all buildings which had to be

used for accommodation of staffs and other authorities from that time on.

DR. JAHRREISS: Did you, Witness, actually handle a Russian map, or see one, which indicated plans for such blowing-up operations?

WINTER: No, I cannot remember seeing such a map.

DR. JAHRREISS: Now, another point. You said a few moments ago that Field Marshal Von Rundstedt was your commanding officer. Who was your chief?

WINTER: Infantry General Von Sodenstern.

DR. JAHRREISS: Now, another subject. If I remember correctly, Field Marshal Von Rundstedt retired at that time or was dismissed; is that right?

WINTER: When the attack on Rostock failed in November 1941 and permission to withdraw his leading units had been refused by the OKH, Field Marshal Von Rundstedt sent a report to the OKH, to the army to which we were subordinated, in which he said that if the necessary confidence was not felt in his leadership, he must ask the Führer to nominate a new commander for that army group. I have a painfully accurate recollection of this incident, because I myself drafted the telegram and the Field Marshal made that addition with his own hand.

The telegram was dispatched in the evening, and Hitler's answer, relieving him of his post, arrived in the course of the same night.

DR. JAHRREISS: So that his application was granted?

WINTER: The application was granted. But perhaps I may tell you that there were repercussions later with Hitler. A few days afterwards Hitler himself flew to Mariupol in order to obtain information about the actual situation on the spot. On his homeward flight, he visited Field Marshal Von Rundstedt's Poltava headquarters and had a discussion with him. In the course of this discussion, Hitler—I cannot tell you for certain whether I witnessed this scene myself, or whether the Chief Adjutant Oberst Schmundt told me about it immediately afterwards—I repeat, there was a personal discussion in the course of which Hitler again reproached the Field Marshal for having put that alternative question, and said to him:

"In the future I do not intend to tolerate any such applications to resign. When I have once made a decision, the responsibility is transferred to me. I myself am not in a position to go to my superior, for instance, God Almighty, and to say to him, 'I am not going on with it, because I don't want to take the responsibility.'"

We considered, at the time, that that scene was of basic importance, and I may add that, to judge from the orders later given on that point, our impression was correct.

DR. JAHRREISS: Do you know, Witness, whether Hitler, at some later date, altered his decision not to allow that in the future?

WINTER: No, he certainly did not alter his decision. Because, as I know, there were two occasions, I believe, on which orders to that effect were issued, forbidding resignations on the part of a commander, or an officer in a leading position, on grounds of unwillingness to assume responsibility.

DR. JAHRREISS: I now come to another point. If I am properly informed, you were in the Armed Forces Operations Staff during the later stages of the war, were you not?

WINTER: On 15 November 1944 I was called there to succeed General Warlimont who had fallen ill; and I took over his functions on 15 November 1944. My appointment was dated from 1 December 1944.

DR. JAHRREISS: Witness, did you regularly attend the situation discussions with the Führer?

WINTER: Yes, I was there on an average of 5 days out of 7 during the week.

DR. JAHRREISS: There has been a great deal of discussion about these situation conferences in this courtroom, and a great many events took place at them which are of importance for this Trial; but up to now, no real picture has yet been presented to us of what those situation discussions really were. Can you explain the procedure of such a situation discussion with reference to its length and the number of people present?

WINTER: The situation discussion was a permanent part of the afternoon's program, and was attended by a fairly large number of people, while there was a second situation discussion at 2 o'clock in the morning, of no importance to us here. In it, reports were made only by the junior General Staff officers of the OKH for the Eastern Front and of the Operations Staff of the OKW for the Western Front.

MR. ROBERTS: Mr. President, I have a submission again in the interest of time. The Defendant Jodl gave evidence as to these conferences, and no one put one word of cross-examination to suggest that his evidence was not accepted. Therefore, I would like to submit that this is pure repetition on a point which is not disputed.

THE PRESIDENT: The Tribunal do not wish to hear anything of a general or detailed nature about these conferences unless there is something in particular that you want to prove about them.

DR. JAHRREISS: Mr. President, so as to clarify matters, may I ask at this time whether the objection raised by Mr. Roberts means that in this case the rule applies that something which has not been touched upon in cross-examination can be considered proved? I am not sure whether I have made myself understood. The objection from the prosecutor apparently is based on the supposition that something has been heard...

THE PRESIDENT: I don't think you need lay down any hard and fast rules, but General Jodl gave general evidence about the nature of these "situation conferences," and he was not cross-examined on it. It doesn't seem at all necessary to go into the general nature of these conferences with any other witness.

DR. JAHRREISS: Thank you.

[Turning to the witness.] Witness, it is possible in military life for an officer to receive an order with which he does not agree, is it not?

WINTER: Yes.

DR. JAHRREISS: In that case, is it possible for him to put his divergent opinion on record?

WINTER: In the German Army, if I remember rightly, such a possibility existed from the time of Moltke. An order from Hitler which came out in 1938—I think, in winter 1938-39—removed such a possibility once and for all. An order was issued at the time prohibiting even chiefs of general staffs and command authorities from putting their divergent opinions on record.

DR. JAHRREISS: In order to avoid creating difficulties for the interpretation, will you please explain the word "Aktenkundig"?

WINTER: According to that it was not possible to include in the official files or in the war diaries of events kept by command staffs any comments to the effect that the chief was not in agreement with the decision or order of his superior.

DR. JAHRREISS: It was canceled?

WINTER: These possibilities existed previously, but since 1938 they no longer existed as they were done away with.

DR. JAHRREISS: Thank you, General, I am now going to have a document shown to you, Document D-606, a document which the Prosecution also submitted during cross-examination 3 days ago. I am afraid I do not know the exhibit number. Perhaps it is...

MR. ROBERTS: Well, that's the Number 3606. It's Exhibit GB-292. My Lord. I put it in separately in cross-examination, in their book...

THE PRESIDENT: Go on, Dr. Jahrreiss.

DR. JAHRREISS: Witness, do you know this document?

WINTER: I am acquainted with the document. It has my file reference number on it.

DR. JAHRREISS: Did you write it yourself?

WINTER: No, General Jodl wrote it personally. But I can see a blank space under Figure 11. I do not know whether it is complete. The document consists of a preliminary draft, which is not contained here; but now that I have looked at it, I can see that it is dealt with in the file copy from my quartermaster's department. The third copy must have been sealed and attached to the same records.

Immediately after the attacks on Dresden, when Hitler had raised the question of leaving the Geneva Convention, this preliminary draft was drawn up at my headquarters under the responsibility of General Jodl, and the order stated that all angles should be worked on which would prevent the Führer from coming to such a decision—that is, of leaving the Geneva Convention. This document was carefully worked out from the point of view of international law and from the point of view of the psychological effect on the enemy troops, as well as on our own at home. I myself did it. The following day, my chief, General Jodl, received me. He had this document, the contents of which I have not checked now, and he told me that he was completely in agreement with this negative treatment, but that he had felt obliged to work on the draft in more detail, and bring it into line with the information he had from the Navy and so formulate it tactically in such a way that would guarantee its success with Hitler under all circumstances—for his idea must not be allowed to be put into practice.

DR. JAHRREISS: Thank you, Mr. President. I have no further questions.

THE PRESIDENT: Any other defendant's counsel want to ask questions?

DR. LATERNSEER: Mr. President, may I ask whether the prohibition regarding interrogation applies to this witness? And I want to point out that this witness is a member of the indicted group of the General Staff and of the OKW.

THE PRESIDENT: I do not know whether he is or not, but it does not matter whether he is or not. You can question him before the Commission. I mean, you can call him yourself before the Commission.

DR. LATERNSEER: I merely wanted to clarify the matter by means of this question.

THE PRESIDENT: Yes, thanks. Dr. Laternser, if there is any witness who is not residing in Nuremberg, you can have him kept for the purpose of having him examined before the Commission if you want to do so.

MR. ROBERTS: My Lord, I only want to ask one question.

[Turning to the witness.] You have told us that Germany attacked the Soviet Union in breach of their Nonaggression Pact, because Germany feared an attack from the Soviet Union.

WINTER: May I be more precise by saying that we, as General Staff officers in the high command of an army group that was deployed in the Ukraine, were given that reason by our commanding officer. Whether politically...

MR. ROBERTS: Very good. We know now from the evidence in this Court that Hitler decided, in July 1940, to attack the Soviet Union; that on 18 December 1940—446-PS, it is Page 53 of Book 7—that on 18 December Hitler stated that the Armed Forces must be prepared to overthrow Soviet Russia in a single attack of lightning-like speed. We know that the attack was not until 22 June. It does not look as though the leaders of Germany were very much frightened, does it, of Russia, or should we say the Soviet Union, breaking the Nonaggression Pact.

THE TRIBUNAL (Mr. Biddle): Witness, you had to take retaliation measures in the Ukraine, did you not?

WINTER: We did not undertake any reprisals—as far as the troops were concerned—in the operational zone of the Ukraine; at least, I have no recollection now of any such instances.

THE TRIBUNAL (Mr. Biddle): What measures did you take against the resistance of the population?

WINTER: During the entire campaign in which Army Group South was involved, there was no resistance by the population in the operational zone in the Ukraine. Only in rear areas were there fights, at that time, with struggling Russian troop units. A resistance on the part of the population did not occur—as far as I know—until later when the operational zone had already been limited in the rear, and then there was resistance against political Reich commissioners.

THE TRIBUNAL (Mr. Biddle): Very well. You were not there at that time?

WINTER: The command to which I belonged was withdrawn from the front at the end of January, or in the early days of February 1943. The rear area lines were at the Dnieper at that time.

THE PRESIDENT: The witness can retire.

DR. EXNER: Mr. President, in conclusion I have only two interrogatories to submit to the Tribunal; and I want to read a few lines from one of them—something which was forgotten.

To begin with, the interrogatory, Exhibit AJ-8, Document Jodl-61, an interrogatory of Waizenegger, which I herewith submit and beg the Tribunal to take judicial notice of its contents. And then there is Exhibit AJ-6, Document Jodl-59, an interrogatory of Brudermüller, with reference to which I wish to make a similar request. Then, from the last to be submitted, Exhibit AJ-12, Document Jodl-65, General Greiffenberg's statement, I should like to quote the important parts. It is a question of the attack against Yugoslavia and the question of whether or not, after the Simovic Putsch, Yugoslavia had already taken up a position against us. This is in the third volume of my document book on Page 211. The Simovic Putsch was over, and the question was whether there was an immediate threat from Yugoslavia at the time.

"Question: Is it a fact that Yugoslavia, immediately after the *coup d'état* of the army, started to deploy her armies on all her borders?

"Answer: I know only the front which was opposite the German Twelfth Army, located at the Bulgarian border. Here the Yugoslavs had deployed their armies at the border.

"Question: Is it a fact that the Army 'List,' of which you were the commander at the time, had the order, before the *coup d'état* in Yugoslavia, to respect strictly the neutrality of Yugoslavia during the pending attacks on Greece, and that not even supply trains should be dispatched through Yugoslavian territory?

"Answer: I can testify that the strictest order had been given to respect Yugoslavia's neutrality.

"Question: Did you hear of any violations of this order?

"Answer: No."

Gentlemen of the Tribunal, a number of interrogatories have not yet come in. Whether we are going to get them or not, I do not know. At any rate, I shall have to reserve to myself the right to submit them later. Apart from that, I have completed my case.

THE PRESIDENT: On Monday the Tribunal will hear the case of the Defendant Seyss-Inquart, will it not?

Very well, the Tribunal may adjourn.

[The Tribunal adjourned until 10 June 1946 at 1000 hours.]

ONE HUNDRED AND FIFTY-FIRST DAY

Monday, 10 June 1946

Morning Session

THE PRESIDENT: I call on counsel for the Defendant Seyss-Inquart.

DR. STEINBAUER: Your Lordship, High Tribunal, I open the defense case with the last words spoken by Dr. Schuschnigg as he resigned from the Austrian Chancellorship on 11 March 1938: "God protect Austria."

It is a coincidence in history that at a time when the question of the Anschluss is being discussed here with reference to the person of Seyss-Inquart, the four Foreign Ministers are preparing the peace treaties on the basis of the same events. May I, therefore, draw the Tribunal's attention to my documents on this matter and ask that I be permitted to quote from them at somewhat greater length than I had originally intended?

Now, with the permission of the Tribunal, may I begin with the examination of the defendant as witness in his own defense.

[The defendant took the stand.]

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

ARTHUR SEYSS-INQUART (Defendant): Arthur Seyss-Inquart.

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

[The defendant repeated the oath in German.]

THE PRESIDENT: You may sit down.

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

SEYSS-INQUART: I was born in 1892 in Iglau, situated in what was up to now a German-speaking enclave in Moravia. Moravia, at that time, was a crown province of the Austro-Hungarian Monarchy. There and in the German-speaking enclave Olmütz, also in Moravia, I lived until the age of 15, when with my parents I moved into the vicinity of Vienna where I completed my studies at the Gymnasium and the legal faculty of the University of Vienna. In August 1914 I enlisted in the Army.

DR. STEINBAUER: Were you in the Army during the whole of the war?

SEYSS-INQUART: Yes. I served with the Tyrolean Kaiserjäger and saw fighting in Russia, Romania, and in Italy. On a furlough during the war I passed my final examinations, and in 1917 I received my doctor's degree. I was wounded once, decorated several times, three times for bravery in the face of the enemy.

DR. STEINBAUER: What impressions of importance for your later life did you retain from the time of your youth?

SEYSS-INQUART: Relevant to my case is, I think, only the experience of the struggle between the nationalities in Moravia, between the Germans and the Czechs. The Germans in those days were in favor of a unified Austrian state, while the Czechs pursued a predominantly nationalistic policy. It is, however, not without significance that a language compromise was agreed upon in Moravia.

DR. STEINBAUER: What lasting impressions did you retain from your service in the war?

SEYSS-INQUART: Apart from the experience of comradeship at the front, I remember especially the discussion toward the end of the war on the Fourteen Points of President Wilson.

DR. STEINBAUER: Their essential content being the people's right of self-determination?

SEYSS-INQUART: It was clear to us that the realization of those Fourteen Points would mean the dissolution of the Austro-Hungarian Monarchy. We Germans regarded it as at least a compensation that in pursuance of this right of self-determination the German Erblande (the domain of the Holy Roman Emperors) would be able to return to the Reich from which they had been separated just 50 years before, in 1866. Yes, these territories had been created by the German Reich and had been part of it for 950 out of the 1,000 years of their existence.

DR. STEINBAUER: What did you do after your return from the war?

SEYSS-INQUART: I devoted myself to my legal profession. In 1921 I set up my own practice, which in time grew into a very successful one.

DR. STEINBAUER: What of your political attitude? Were you a member of any political party?

SEYSS-INQUART: I was not a member of any political party, because I did not want to tie myself to partisan politics. I had good friends in all parties, including the Christian Social and Social

Democratic Parties; but the party programs seemed to me rather one-sided, too much designed for individual groups of the community.

DR. STEINBAUER: Were you a member of any political clubs, for instance, the Austro-German Volksbund?

SEYSS-INQUART: Yes, I was a member of the executive of the Austro-German Volksbund, because the only political idea to which I adhered after 1918 was Austria's Anschluss with the German Reich. I witnessed 12 November 1918, when the Provisional National Assembly, in fulfillment of the right of self-determination, decided that "Austria is a part of the German Republic." Furthermore, the Constitutional National Assembly repeated the decision 6 months later. But the Treaty of St. Germain forbade the Anschluss. Thereupon the various districts tried to hold plebiscites; in Salzburg and the Tyrol 98 percent of those entitled to the vote were in favor of the Anschluss. Dr. Schuschnigg describes these events in his book, *Three Times Austria*.

The answer was a serious attempt to divide Austria among its non-German neighbors; but they could not agree on the booty.

DR. STEINBAUER: Mr. President, may I at this point submit to the Tribunal and refer briefly to several documents of my document book? The first document, to which I have given the Document Number Seyss-Inquart-1, is on Page 2 of the document book and contains the proclamation of the German-Austrian deputies after the collapse of the Austro-Hungarian Monarchy on 21 October 1918. There the second sentence reads:

"The German-Austrian State claims the territorial jurisdiction over the entire territory of German settlement areas, especially in the Sudetenland. The German-Austrian State will fight any annexation by other nations of territories which are inhabited by German farmers, workers, and citizens."

Then, as Document Number Seyss-Inquart-2, I should like to submit—it is on Page 4 of the document book—the resolution which the witness has already mentioned, passed by the Provisional Austrian National Assembly on 12 November 1918, which says:

"German-Austria is a democratic republic. All public authorities are installed by the people. German-Austria is a part of the German Republic."

The leader of the biggest national party of the time, Dr. Karl Renner, explained the reasons for this law on 12 November and said the following, which appears on Page 6 as Document Number Seyss-Inquart-3:

"Our great people is in distress and misery, the people whose pride it has always been to be called the people of poets and thinkers, our German people of humanism, our German

people which loves all mankind is deeply bowed in misery. But it is just in this hour in which it would be so easy and convenient and perhaps also tempting to settle one's account separately and perhaps to snatch advantages from the enemy's ruse, in this hour our people in all provinces wish to proclaim: We are one family and one people living under a common fate."

Then I come to Document Number Seyss-Inquart-4, which is on Page 18...

THE PRESIDENT: Page 8, is it not?

DR. STEINBAUER: Page 18. I beg your pardon, yes, Page 8.

That refers to the plebiscite on 24 April 1921 in the Tyrol, when 145,302 voted for the Anschluss and 1,805 against it. On 18 May 1921, there were 98,546 votes for the Anschluss in the district of Salzburg, and 877 votes against it.

Your Honors, while submitting the document, I said that I maintain there were three component factors leading to the Anschluss: First, the economic emergency which runs as a recurring theme through the entire history of the period. Second, the disunity among the democratic parties, resulting therefrom. Third, the attitude of the rest of the world, particularly the big powers, toward our small country.

Those thoughts are laid down in my document book, and I should like now with reference to the economic emergency of that time to submit as my next exhibit the speech of Prelate Hauser, President of the Austrian Parliament. The speech, made on 6 September 1919, appears on Page 14 of my document book. As President of the Parliament he suggested the acceptance of the Peace Treaty of St. Germain, giving the following reason:

"The National Assembly has no choice. Country and people need lasting peace which will open the world to them again morally and economically and which can once again procure work for the masses of our people at home and abroad..."

Then in the second paragraph he says:

"It also has no other choice because our country depends on the big powers for its supply of food, coal, and industrial raw materials as well as in the re-establishment of its credit and its currency."

The same point of view was expressed by the two statesmen Seipel and Schober. In Document Number Seyss-Inquart-17, Seipel, regarded as the greatest Austrian statesman, said at that time:

"But we will never believe that the Central European question is solved as long as the great state which virtually

makes up Central Europe, the German Reich, is not a party to the solution."

I shall now continue with the examination of the witness.

I want to ask you, Witness, do you still remember the time and the conditions after 1927?

SEYSS-INQUART: On account of the economic situation which you have just described, the League powers again and again forced Austria to make so-called voluntary declarations renouncing the Anschluss. This had repercussions in Austrian domestic politics. The Austrians, who in 1918 had been resolved to have a democratic parliamentary form of government, turned to radical ideas of an authoritarian character.

DR. STEINBAUER: At that time a new party was formed. Which one was that?

SEYSS-INQUART: Then there occurred the so-called Palace of Justice fire, an uprising of the Marxists, which brought in its wake the creation of the anti-Marxists Home Guard, a militant organization. Thus uniforms were introduced into the political life of Austria. The controversy between the Marxists and the anti-Marxists became ever more marked. The only nonpartisan organization at that time was the German-Austrian Volksbund, and the Anschluss idea was the only political objective which still held all parties together. Around the year 1930—at least then it was first noticeable—the National Socialist German Workers Party made its appearance.

DR. STEINBAUER: What impression did that Party make on you, particularly with reference to the seizure of power in the Reich?

SEYSS-INQUART: I want to say quite openly that amidst Austrian conditions the Party appeared somewhat strange. Uniforms had, of course, already been introduced into politics by the Republican Guard of the Marxists and the Home Guard, but in the NSDAP even the actual political leaders wore uniforms and marched in close formation. And also the kind of political intransigence which they displayed was not in keeping with our customary political thinking.

DR. STEINBAUER: But what then were the reasons for that?

SEYSS-INQUART: Well, let me say that the NSDAP did not recognize any value in any other party and was never prepared to co-operate with any other.

DR. STEINBAUER: Then, what positive successes did you think the Party had gained in the Reich?

SEYSS-INQUART: I think that the influence of the Party in Austria—undoubtedly very great as time went on—was due to its

unqualified determination to attain the Anschluss. I am of the opinion that the radicalism is to be attributed, for instance, to the negation of the customs union by the Hague decision, to please the democratic party leaders.

DR. STEINBAUER: In addition, were there not economic reasons which brought success to the NSDAP?

SEYSS-INQUART: What was discussed in the Reich, and what we heard from the Reich...

THE PRESIDENT: Defendant, I suppose you are hearing the words spoken by Dr. Steinbauer direct, and you are answering them without any pause, which gives the interpreter no chance.

SEYSS-INQUART: We in Austria observed after 1933 the removal of the discriminations imposed by the Versailles Treaty and above all, the elimination of unemployment in the Reich. In Austria, too, about 10 percent of the population were unemployed at that time. Especially the Austrian workers, therefore, were hoping that the Anschluss would put an end to their unemployment; and Austrian farmers were greatly interested in the Reich Food Estate and in the German market control.

DR. STEINBAUER: If I understand you correctly, then, it was the Anschluss idea which brought you, too, in contact with the Party? I do not want to speak of the Party program, which has been discussed here again and again; but I just want to ask you briefly: When did you join the Party?

SEYSS-INQUART: Officially, I became a member of the Party on 13 May 1938, and my membership number is above 7 million.

DR. STEINBAUER: Did you have any contact with Dr. Dollfuss?

SEYSS-INQUART: I met Dr. Dollfuss in the period after the war. I knew that he wanted to take me into his Ministry in 1933; and a week before 25 July 1934, at his invitation, I had a discussion with him.

DR. STEINBAUER: Did you participate in any way in the murder of Federal Chancellor Dr. Dollfuss on 25 July 1934?

SEYSS-INQUART: No, in no way. Dr. Dollfuss planned to have another discussion with me. He was interested in my view regarding the calming of the very radical situation of that time. I told Dr. Dollfuss already at that time that there were no more nationalists in Austria but only National Socialists, and that the National Socialists were acting only on Hitler's orders.

DR. STEINBAUER: But, I must remind you, Doctor, that the Prosecution have submitted a photograph which shows the murder of Dollfuss being extolled.

SEYSS-INQUART: That is the so-called Annual Commemoration in the year 1938. During that celebration nobody thought of Dollfuss; it was a Commemoration by the Party in honor of the seven SS men who had been hanged in connection with the Putsch attempt at that time. None of us referred to that death as murder.

DR. STEINBAUER: Well, Dr. Schuschnigg succeeded Dollfuss as Federal Chancellor, and I want to ask you: What conclusions were drawn by the NSDAP from this event, as far as you could gather?

SEYSS-INQUART: The NSDAP itself was completely broken up and disorganized, and a small circle of men was formed at that time; I also found my way to those men, and we drew the following conclusions from the events of 25 July:

First, that they represented a considerable danger. I recall the meeting of statesmen in Stresa and their resolutions against Germany. And even though we were never worried about Italy, one had nevertheless to realize that in this very troubled atmosphere anything could easily lead to war. We all agreed that the main task of German policy must be to avoid war.

DR. STEINBAUER: We are now in the year . . .

SEYSS-INQUART: I should like to add that, with regard to domestic policy, the events on 25 July were the worst that could possibly have happened to the prospect of the Anschluss. We reflected on what might be done and came to the conclusion that the Party in the Reich should cease its interference in the Austrian National Socialist Party, the existence of which anticipated the Anschluss; but in return, the National Socialists in Austria should once more receive permission to be active, and especially, there should be elections to ascertain the proportional strength of the parties.

DR. STEINBAUER: What I am interested in is the question whether you had any connections with authorities in the Reich at that time, that is, in 1936?

SEYSS-INQUART: I had no connections with authorities in the Reich.

DR. STEINBAUER: Thank you. Did you . . .

SEYSS-INQUART: Only, as Reich Marshal Göring has already testified, when I became a State Councillor, did I, for the first time, meet a leading German politician.

DR. STEINBAUER: When was that?

SEYSS-INQUART: That was in June or July 1937.

DR. STEINBAUER: What was your attitude toward the NSDAP in Austria at that time, when you were State Councillor?

SEYSS-INQUART: When the agreement of 11 July 1936 was reached—without my having taken any part in it—Dr. Schuschnigg through Minister Klees asked me for my political co-operation. At that time I had particularly close connections with Zernatto, the General Secretary of the Fatherland Front. At the suggestion of Zernatto and his friends I became an Austrian State Councillor and Dr. Schuschnigg gave me the task, in writing, of examining the conditions under which the national opposition could be enlisted to collaborate politically. In order to fulfill that task I did, of course, have to contact the National Socialists, because the national opposition consisted only of National Socialists.

DR. STEINBAUER: Who was the head of the NSDAP in Austria?

SEYSS-INQUART: The Party in Austria had reorganized illegally; Captain Leopold was the head.

DR. STEINBAUER: Were you on friendly terms with him?

SEYSS-INQUART: I could not come to an agreement with Captain Leopold; he did not understand my policy, but thought that on the basis of the agreement of 11 July Dr. Schuschnigg had to allow the NSDAP again in its earlier form. I think I talked to Leopold only twice, or at most three times, throughout that time. He demanded that I be subordinate to him; that I refused.

DR. STEINBAUER: May I in this connection draw attention to the following documents without reading from them?

Exhibit Number Seyss-Inquart-44, on Page 103 of the document book, an excerpt from the Document Number 3471-PS, Exhibit Number USA-583, already submitted to the Court.

Exhibit Seyss-Inquart-45, on Page 105, Document Number 3473-PS, Exhibit Number USA-581.

And Document Number Seyss-Inquart-97, on Page 109, in which Zernatto expressly states that Seyss-Inquart did not fall in with Leopold's aims and efforts.

My client has been accused by the Prosecution of having played a double game. As counterevidence, I applied for permission to hear the former Gauleiter Siegfried Uiberreither. He was interrogated here, and I want to quote from the interrogatory, which is Document Number Seyss-Inquart-59, from the counterquestions put by the Prosecution on Page 140:

"Question: 'Was not the Defendant Seyss-Inquart, before the time when the Nazi Party was legalized, that is, before it was declared legal in February 1938, was he not in constant contact with the illegal Nazi Party of Austria?'

"Answer: 'No. I personally did not know Seyss-Inquart until his visit to Graz. In Nazi circles he was considered a non-Party member. I think—I do not know with certainty—that

he joined the NSDAP only when it was legalized. For this reason, he personally encountered a strong opposition in illegal Nazi circles.”

On Page 6 of the same document it says:

“Question: ‘Did not the Defendant Seyss-Inquart play a double game: On one side his legal position in Schuschnigg’s Cabinet and on the other side his co-operation with the formerly illegal Nazi Party, whose activity was then legalized to a certain extent through the efforts of the defendant at Berchtesgaden in February 1938?’

“Answer: ‘I do not know to what extent he was in touch with the illegal Nazi circles before 12 February. I do not know about it, because I was not in Vienna. But from 18 February his contact with the Nazi Party was not duplicity but his duty. Schuschnigg himself had discussions with Leopold, the leader of the Nazis at that time—before Klausner it was Leopold.’”

[Turning to the defendant.] This brings us to 1938. At the beginning of that year you were State Councillor in the Austrian Government. What did you think of the political situation at that time?

SEYSS-INQUART: In many conversations with Dr. Schuschnigg but most of all in continual discussions with Zernatto, I suggested, in line with the conclusions I had drawn from the events of 25 July 1934, that the Reich, and particularly Hitler, be asked to refrain from any interference in Austrian politics through the medium of the Austrian National Socialist Party. I proposed that instead the Austrian National Socialists should receive permission to resume activities. That did not mean at all that I would give up the Anschluss, but I was completely convinced that a lawful and responsible policy of the Austrian National Socialists in Austria would in the course of time win for them the support of a clear majority of the Austrian nation—I mean of the Germans in Austria; and that the demonstration of such a clear majority would no longer be challenged by the powers of the League of Nations. One had to attempt to make Adolf Hitler agree to such a policy by enlisting the support of the autonomous and independent state of Austria for the Führer’s policy and the demand for equal rights of the German people. It was in the interests of these ideas that I talked to Field Marshal Göring and Herr Hess. I reported the outcome of these conversations to Dr. Schuschnigg and to Zernatto and I recommended the formation of a coalition government by taking National Socialist ministers into the cabinet, on condition that Adolf Hitler offer adequate guarantees. My suggestions made no headway with either of the two parties, but were not directly turned down.

Meanwhile, the Austrian National Socialists continued to be active illegally; the police intervened and made arrests; three Austrian concentration camps were set up; in short, the events of that time foreshadowed today's denazification system.

DR. STEINBAUER: Were you at the Obersalzberg on 12 February 1938?

SEYSS-INQUART: No. But I want to describe how that meeting came about. First of all, a renewed Party radicalism set in. At the beginning of 1938, legitimist tendencies were being promoted in Austria, the laws regarding the return of the Hapsburg property were discussed in the State Council. For the moment my own position, therefore, became untenable; I retired and informed Zernatto and State Secretary Keppler who had been officially nominated by the Reich Government to conduct the political affairs relating to Austria. I felt that in view of my task it was my duty to inform Keppler also. I myself accepted an invitation from the Reich Sports Leader Tschammer-Osten and went to Garmisch-Partenkirchen. There, without previous appointment, I met Herr Von Papen. Each of us poured out his troubles to the other, and came to the conclusion that both parties, that is to say, Hitler as well as the Austrian Government—that is, Dr. Schuschnigg—should be made aware of the fact that a clear decision on the lines of my proposal was necessary. At that time, participation of the National Socialists in the government was certainly discussed. Perhaps the Ministry of the Interior was also a subject of discussion, but my name was definitely not mentioned though it was the obvious one. I received no report on the discussions which Herr Von Papen had with Hitler, but I informed Zernatto of my conversation with Herr Von Papen. Zernatto at that time met me half-way on some questions, in particular with regard to the expansion of those sections dealing with national policy which were concerned with the National Socialists; and for this purpose he also placed means at my disposal. It was on 10 February, I think, when I heard through the group of my colleagues that Hitler had invited Dr. Schuschnigg to Berchtesgaden. Among the members of my circle were Dr. Reiner, Dr. Jury, Dr. Kaltenbrunner, Langot, and several others.

DR. STEINBAUER: Were you informed of the outcome of the discussions at the Obersalzberg?

SEYSS-INQUART: I was informed of the outcome of this conference only by Zernatto. On the evening of the 11th, before Dr. Schuschnigg left for Berchtesgaden, I had a detailed discussion with him and Zernatto. We agreed to a large extent regarding the appointment of National Socialists—for instance, Jury, Reinthaller, and Fischböck—to certain public functions but not to ministerial

positions. I did not broach the subject of a ministerial post, because I did not know how Adolf Hitler reacted to the suggestion which I made to Herr Von Papen. On 13 February Zernatto asked me to see him, and he then told me of the results and contents of the Berchtesgaden conference, which were known to him.

DR. STEINBAUER: In this connection, I want to refer to Document Number Seyss-Inquart-48, Page 111, in which Zernatto states, "I had the definite impression that he"—Seyss-Inquart—"did not until then know anything about the result of the discussion and the contents of the agreement"—of 12 February.

Witness, on the basis of that agreement, you became Minister of the Interior and Police, did you not?

SEYSS-INQUART: Yes, on 17 February.

DR. STEINBAUER: On 17 February 1938, with the assignment of establishing connections between Austria and the Reich, or rather of improving them. Did you also have a discussion with Hitler himself?

SEYSS-INQUART: Yes. The agreement at Berchtesgaden on 12 February contained a definite stipulation to the effect that I was to be liaison man between the Austrian Government and the Austrian National Socialists on one side, and the German Reich on the other. The contents of the protocol appeared to me unsatisfactory and even dangerous. There was no doubt at all that my appointment to the Ministry of the Interior and Security served as a notification, if not a signal, for the Austrian National Socialists that they might expect an early realization of their political objectives. In addition they received permission to profess their beliefs; they could wear the swastika and salute with the raised hand. What was not permitted, however, was their organization; that means, my National Socialist friends in Austria had no possibility of getting in touch with the National Socialists in a legal way. This agreement opened the gates without providing for a regular procedure thereafter. Hence, I myself resolved to see Adolf Hitler in order to make sure whether my plan had his approval. I went with Dr. Schuschnigg's assent and with an Austrian diplomatic passport.

DR. STEINBAUER: And when did you talk then to Hitler?

SEYSS-INQUART: I mentioned an incorrect date just now; it was on 16 February that I became Minister and I went to Berlin on the 17th. I talked with Adolf Hitler alone for more than 2 hours.

It was pointed out here by the Prosecution that I saluted Adolf Hitler with the raised-hand greeting. That was permissible under the agreement. But I would ask the Prosecution to admit that during every one of my interrogations I stated that I had

emphasized to Adolf Hitler at once that I was an Austrian Minister and as such responsible to Austria. I made some shorthand notes on this discussion on the back of a letter, and a few weeks later I dictated those notes to my secretary. I now want to relate the contents of my talk with Hitler on the basis of those notes. My statements...

DR. STEINBAUER: Witness, will you kindly be as brief as possible; can you do it in headings, perhaps?

SEYSS-INQUART: But this is the most important point with regard to my whole responsibility.

"A condition of Federal Chancellor Dr. Schuschnigg is that I adhere to an autonomous and independent Austria, that I support the Constitution, that is, further development, including the Anschluss, must be based on this. The formation of public opinion in Austria must proceed independently and in accordance with present constitutional possibilities. I must be an active guarantor for Dr. Schuschnigg of the revolutionary way, in the meaning of these statements (Yes), no Trojan horse. The Party and Movement must not adopt a militant attitude against prevailing cultural conceptions. (Yes). No totalitarianism of the Party and Movement; that is, National Socialist ideology to be realized with due appreciation and regard for conditions in Austria; not to be imposed on others by force. The Party as such is not simply to disappear, but to exist as an organization of individuals; no illegal activity, no efforts inimical to the State, everything to be done in a legal fashion, anyone failing to do this, to be locked up."

In the main, Adolf Hitler agreed, and he told me:

"It is not a question of the 25 points. One cannot proclaim a dogma; one must arrive from the pan-German and the national German conception to a National Socialist one."

That was the gist of my conference with Adolf Hitler on 17 February, from 12 to 2:10 o'clock.

DR. STEINBAUER: Did you...

MR. DODD: Mr. President, I understood the witness to say that he made his notes on the meeting with Hitler and later dictated them to his secretary. It is not clear to me whether he was reading from those notes. Furthermore, we have never seen such notes and I think it should be made clear on the record.

THE PRESIDENT: Dr. Steinbauer, has the defendant got the notes?

DR. STEINBAUER: The original was taken from him when he was arrested.

THE PRESIDENT: Defendant, you heard the question I asked; have you got the notes?

SEYSS-INQUART: The original of these notes was among my files in Vienna. I made an application to have these files of mine, which were found, searched for the notes. I handed a copy of the notes to the Prosecution during one of my first interrogations; it is in the files of the Prosecution. I have only copies here; I do not have the original.

THE PRESIDENT: The copy would be just as good for the purposes.

SEYSS-INQUART: I have placed a copy at the disposal of the Defense.

DR. STEINBAUER: But I gave it back to you.

SEYSS-INQUART: Then you can submit this one.

DR. STEINBAUER: Yes, would you hand it over?

[The document was submitted to the Tribunal.]

THE PRESIDENT: Will you give it an exhibit number, Dr. Steinbauer?

DR. STEINBAUER: Number Seyss-Inquart-61, otherwise it would be confused with the others.

THE PRESIDENT: Yes.

MR. DODD: Mr. President, I am confused about this; I still do not understand, and I am sure that my colleagues do not. We have never received any copy of any notes that this defendant has claimed he made soon after, or at the time of, his conference with Hitler. We have no such copy in our files. And I would like to have understood myself whether or not he is now claiming that this copy which is offered to the Tribunal is a copy of this original that he claims he gave to us.

THE PRESIDENT: Is that what you say, Defendant, that the document which you have just handed to your counsel is a copy of the document which you say you produced during your interrogations, which was from the shorthand notes you made at that time?

SEYSS-INQUART: Mr. President, the original notes I made on the afternoon of 17 February. A few weeks later I dictated these notes, which I made in shorthand, to my secretary, who took them down on a typewriter. I had several copies, one of which I presented to the Prosecution during one of my interrogations last summer. I have now given a second copy to my defense counsel. These are

copies made from the original notes a few weeks after the conference. The original was in my secret files in Vienna.

THE PRESIDENT: Very well.

MR. DODD: I wonder if we could learn just who it was to whom this defendant gave these notes? Mr. President, I would like to have some search made for them, and some effort made to find them.

THE PRESIDENT: Do you know who was the interrogating counsel?

SEYSS-INQUART: Mr. Dodd himself.

MR. DODD: We do not have it.

SEYSS-INQUART: I think I am right in saying that it was handed over.

DR. STEINBAUER: Mr. President, the main points of the contents coincide with the voluntary statement, which the defendant . . .

MR. DODD: I think this is important enough at this point, Mr. President, to clear up. I have the interrogation that I first conducted on this defendant, and it clearly shows that he referred to the notes; but he clearly said at the time that he did not have them, that he left them in a black leather case with other documents in Mondorf, and he asked me if I would make an effort to get them; and I said that I would, and we never have been able to find them, and that is the transcript of the interrogation.

SEYSS-INQUART: May I say that I received them. The black leather case was brought to me here in Court and the notes were in it. I submitted the copy at one of the subsequent interrogations.

[There was a short pause.]

THE PRESIDENT: Go on, Dr. Steinbauer.

DR. STEINBAUER: May I say that Document Number Seyss-Inquart-49, Page 113, is substantially of the same content. The defendant, the present witness, informed Schuschnigg of the substance of that talk; that is evident from Document Number 3271-PS, Exhibit Number Seyss-Inquart-65, on Page 158.

Witness, I want to ask you now whether Hitler approved of your proposals?

SEYSS-INQUART: He clearly said "yes" to a number of things, but on other points he expressed doubts as to whether the Austrian Government would agree; the principal impression was, however, that this policy seemed feasible.

DR. STEINBAUER: In this connection it has also been alleged that as Minister of the Interior and Police you brought executive power under the control of the Nazis.

SEYSS-INQUART: I should like to leave the main explanation of this matter to my witness, Dr. Skubl. After Dollfuss' death Dr. Skubl was a special confidant of the Austrian Government and was placed at my side as State Secretary and Inspector General for Security Matters—clearly also to act as a kind of check. I had no objection at all to that and was very pleased to have such an expert at my disposal.

I should just like to mention briefly that all orders of the entire executive came from Skubl. I myself never gave a direct order to the Austrian police. Skubl was given instructions by Dr. Schuschnigg, particularly on 10 and 11 March. I myself did not bring a single National Socialist into the Austrian police.

DR. STEINBAUER: All right, that is sufficient.

SEYSS-INQUART: Perhaps I might refer briefly to the public appeal...

DR. STEINBAUER: In this connection I want to refer to two documents, Numbers Seyss-Inquart-51 and 52, on Pages 117 and 119 respectively. We have now reached Document Book Number 2. The first is a speech by the defendant as Minister, addressed to his police officials, and the second speech is a radio talk which he gave at Linz.

We now come to the critical days in March. Were you informed of the plebiscite plan of Schuschnigg, and by whom?

SEYSS-INQUART: The day before Dr. Schuschnigg announced in Innsbruck the plan for the plebiscite he called me in and informed me of his plan. I asked him at that time whether the decision was unalterable, and he affirmed that. I expressed my concern that this might lead to difficulties; but I promised him that I would help him wherever I could, either to make the best of this plebiscite or to bring about a suitable outcome—suitable, that is to say, even for the National Socialists. Of course, I had continual contact with the Austrian National Socialists, since I was the liaison man. I spoke at several meetings—Zernatto and Dr. Schuschnigg were informed of that—and recounted what I had discussed with Adolf Hitler or what I had proposed to him. I avoided all possibilities of demonstrations, and as Minister of the Interior also banned such demonstrations. In that connection may I refer to the general ban on public meetings, imposed by me among others, and to the specific prohibition of a demonstration at Graz, evident from the interrogatory of the witness Uiberreither.

DR. STEINBAUER: Did Schuschnigg give you any promises?

SEYSS-INQUART: No. I want to say that on the same evening I was also approached by Dr. Jury who in some way had already

heard of the plan for the plebiscite. I did not tell him that I had given my assent to Dr. Schuschnigg, though on account of my function as liaison man as laid down in the agreement of 12 February, I should not have allowed silence to be imposed on me; yet, I did keep silent.

DR. STEINBAUER: I think, Mr. President, this might be a suitable moment for the recess.

THE PRESIDENT: Very well. We will break off now.

[A recess was taken.]

DR. STEINBAUER: We got as far as the plebiscite which Schuschnigg had planned and which then became known. We come now to 11 March. What did you do in the forenoon on that day?

SEYSS-INQUART: I must say first that a day or two before, after consultation with Austrian National Socialists, I wrote a letter to Dr. Schuschnigg in which I commented on the plebiscite in an unfavorable way. The reasons were primarily that a real plebiscite result was not guaranteed, because it was not a proper plebiscite within the meaning of the national laws. For example, the plebiscite was not decided on by the Council of Ministers but by the Fatherland Front, that is, by the party; and it was to have been carried out by that party.

It was suggested that the plebiscite be postponed and a proper election with all its legal requisites be held. On the evening of 10 March, in the presence of Foreign Minister Schmidt, I had another detailed conversation with Dr. Schuschnigg; and we agreed that the Government—as well as the provincial governments, and so forth—should include National Socialists, that, in effect, a coalition government should be formed; and in that case the National Socialists would also vote “yes.” Only with reference to the license of the Party, the activities of the Party, were there still differences of opinion. I reported this to the Austrian National Socialists but they were not much interested, because news had come from Berlin that Hitler had rejected the plebiscite. I was told that on the next day I would receive a letter from Hitler.

DR. STEINBAUER: Did you receive a letter?

SEYSS-INQUART: Yes. I received a letter from Hitler by courier. I am almost certain that the letter also contained the draft of a telegram for a march into Austria, but I cannot recall whether the draft of a radio speech was also included in it.

DR. STEINBAUER: What did you do in the morning, after receiving this letter?

SEYSS-INQUART: After receiving this letter I went with Minister Glaise to Dr. Schuschnigg. We were at the Federal Chancellor's office at 10 o'clock, and I informed Federal Chancellor Schuschnigg of the entire contents of this letter without reservation. In particular, I pointed out that in case of a refusal Adolf Hitler expected unrest among the Austrian National Socialists and that he was ready, if disturbances occurred, to answer an appeal for help by marching in. In other words, I expressly called Federal Chancellor Schuschnigg's attention to the possibility of this development.

DR. STEINBAUER: Did you ask for an answer from him?

SEYSS-INQUART: The letter set a deadline, 12 o'clock. As our talk lasted until about 11:30, I asked Federal Chancellor Schuschnigg to give me an answer by 2 o'clock. I know that in the meantime, and also on the previous day, he had taken security measures through Dr. Skubl, of which I had approved. A number of age groups of the Austrian Federal Army were called up, the police everywhere received instructions, and a curfew was imposed in the evening.

DR. STEINBAUER: What happened in the afternoon of 11 March?

SEYSS-INQUART: At 2 o'clock I went to the Federal Chancellor's office with Minister Glaise. We had a talk with Dr. Schuschnigg; he rejected a postponement. At that moment I was called to the telephone; Field Marshal Göring was on the phone, and the conversation between us is reproduced here under the Exhibit Number USA-76, Document Number 2949-PS.

And then followed demands and concessions. When I told Field Marshal Göring that Federal Chancellor Schuschnigg rejected the postponement, he declared, in the name of the Reich, that he had to ask for Schuschnigg's resignation, because he had broken the agreement of 12 February and the Reich had no confidence in him. Dr. Schuschnigg was then ready to adjourn, but not to resign. Thereupon Field Marshal Göring demanded not only Schuschnigg's resignation, but my appointment as Federal Chancellor. During a conference with Federal Chancellor Schuschnigg at 3:30 in the afternoon, the Chancellor said that he would hand to the Federal President the resignation of the whole Cabinet. When I was informed of this, I left the Federal Chancellor's office, because I considered my function as a middleman concluded in the meaning of the agreement of 12 February; and I did not want in any way to advocate or promote my own appointment as Federal Chancellor.

DR. STEINBAUER: In this connection may I refer to my Exhibit Number Seyss-Inquart-58, Page 134 (Document Number 2949-PS). This is an excerpt from the telephone conversations of

Göring; Göring is listening to reports, and Seyss-Inquart is speaking of the relationship between Germany and Austria. It says here: "Yes, he means that Austrian independence will be preserved...."

Now, that was on 11 March, in the late afternoon?

SEYSS-INQUART: In these telephone conversations it was also suggested that the Party formation, the emigrant Legion, should come to Austria. From the same telephone conversation it is obvious that I opposed this and wanted rather an election or a plebiscite held before the entry of any formation into Austria.

In the course of that afternoon State Secretary Keppler came to Vienna and requested information from me. And so I again went to the Federal Chancellor's office. Berlin repeatedly asked me to intervene with the Federal President in order to effect my own appointment as Federal Chancellor. I always refused to do that.

DR. STEINBAUER: And what did the Austrian NSDAP do at that time?

SEYSS-INQUART: The Party in Austria began demonstrations. Party members left their houses, filled the streets, and as Party members or sympathizers took part in a demonstration against the system and for the National Socialists, a demonstration which assumed enormous proportions.

DR. STEINBAUER: What was the feeling in the Federal provinces?

SEYSS-INQUART: I had no contact with the Federal provinces but learned quite late during that night or on the next day that there, even on a larger scale than in Vienna, big demonstrations of very large crowds had taken place against the Fatherland Front and for the National Socialists.

DR. STEINBAUER: What attempts did Federal President Miklas make to solve this situation?

SEYSS-INQUART: I cannot say anything about that from my own observation, for until 8 o'clock in the evening no one at all approached me on these matters. No one spoke to me about the Federal Chancellorship; no other possibility of a solution was discussed with me. I heard that the Federal President wanted to make Dr. Ender, of Vorarlberg, Chancellor and me Vice Chancellor. I believe that suggestion would have been completely practicable. But I could not discuss it—least of all with Berlin—because no one had said anything to me about it.

DR. STEINBAUER: And when events reached a climax and Schuschnigg offered his resignation, did you compile a Cabinet list?

SEYSS-INQUART: In the course of the evening it became clear that Federal Chancellor Schuschnigg would resign and that the

Reich would not tolerate any other than a National Socialist Government. Therefore, in order to avoid being taken by surprise, I considered it my task to study whom I should take into a Cabinet. The suggestions mentioned in the telephone conversations were not transmitted by me at all. I chose my colleagues quite independently—naturally after consultations with Austrian National Socialists—and they included also people with strong Catholic ties, such as Professor Mengin, Dr. Wolf, and others.

I asked Foreign Minister Schmidt to enter the Cabinet. He asked me for a reason, and I told him: I want to keep Austria autonomous and independent, and I need a foreign minister who has connections with the Western Powers. Schmidt refused, remarking that Federal Chancellor Schuschnigg had introduced him into politics and that he would remain loyal to him.

DR. STEINBAUER: I should like to submit some documents now: Document Number Seyss-Inquart-50, Page 115, from Zernatto's book on Seyss-Inquart's position; then, on Page 125, Document Number Seyss-Inquart-54, also from Zernatto's book, where it says: "... he"—Seyss-Inquart—"no longer has developments in his hands."

Then Document Number Seyss-Inquart-62, Page 149, in which Zernatto quotes from a conversation with Dr. Seyss-Inquart:

"He says that there are two main points on which he will not compromise. The first is Austria's independence and the second, the possibility for the conservative Catholic element to develop its own life."

[Turning to the defendant.] Now we come to a very important question. You then made a radio speech in which you called yourself a Minister, although Schuschnigg had already resigned.

SEYSS-INQUART: The situation was as follows: The resignation of the whole Cabinet was not accepted by the Federal President; and we, including myself, remained Ministers. When Dr. Schuschnigg made his farewell speech, he did not speak of the resignation of the whole Cabinet. He only said, "We yield to force." Dr. Schuschnigg and Federal President Miklas had agreed at that time that I would not actually be appointed Federal Chancellor, but that with the entry of German troops executive power should be passed to me. Therefore, in my opinion, I was *de facto* Minister of the Interior and Foreign Minister.

DR. STEINBAUER: The Prosecution assert that you yourself exerted pressure on Federal President Miklas to appoint you Chancellor.

SEYSS-INQUART: I did not see Federal President Miklas at all until 9 or 10 o'clock in the evening, after Schuschnigg's speech "We yield to force."

DR. STEINBAUER: I should like to submit to the Court this speech of Chancellor Dr. Schuschnigg of 11 March under Document Number Seyss-Inquart-53, Page 122; in it he says:

"The Federal President has commissioned me to inform the Austrian people that we are yielding to force. Since we are at all costs determined not to spill German blood, even in this grave hour, we have given orders to our Armed Forces to withdraw without resistance, if the invasion of Austria is carried out, and to await the decision within the next hours."

The Prosecution, Witness, sees evidence of this pressure also in the fact that SS units were called to the Federal Chancellor's office at that time. What can you say to that?

SEYSS-INQUART: I believe it was after Schuschnigg's farewell speech, when I saw in the anterooms 10 or 15 young men in black trousers and white shirts, that was the SS. I had the impression that they were doing messenger and orderly duty for State Secretary Keppler and the others. As they approached the rooms in which Federal Chancellor Schuschnigg and President Miklas were, I ordered guards of the Austrian Guard Battalion to be placed at their doors. I may mention that these were selected men of the Austrian Army who according to Austrian standards were very well armed, while these SS men—40 at most—possibly carried pistols. Moreover, 50 steps from the Federal Chancellor's office were the barracks of the Guard Battalion, with a few hundred picked and well-armed men. If Federal President Miklas and Federal Chancellor Schuschnigg had not been concerned with things other than those which happened in the Federal Chancellor's office and on the street outside it, they could easily have put an end to this situation by calling out the Guard Battalion.

DR. STEINBAUER: The Prosecution has submitted an affidavit of the Gauleiter of Upper Austria, Eigruber, which states that even before you became a Federal Chancellor, you ordered the seizure of power in the various Austrian Federal provinces.

SEYSS-INQUART: That is completely incorrect, and the Gauleiter of Upper Austria also does not claim to have talked to me. I believe he says that he had received a telegram signed by me. I did not send a telegram, and I did not give oral instructions to any Gauleiter or to anyone else for the seizure of power.

Later I heard from Globocznik that he had carried out the seizure of power. He told me of that in these words: "You know, I seized power for you and acted as the government; but I did not tell you anything about it, because you would have been against it."

DR. STEINBAUER: You say you would have been against it. Was the population against it, too, against the marching in, which

had meanwhile taken place, that is, the invasion as described by the Defendant Göring?

SEYSS-INQUART: One cannot call it an invasion; it was a stormy, loudly cheered entry of German troops. There were no villages—even those with an orthodox Catholic population—and no workers' districts which did not burst out in stormy jubilation. Moreover, both Dr. Schuschnigg and I were completely clear about this; once in 1937 he had agreed with me when I said that the entry of German troops into Austria could not be impeded by anything but the ovations of the population.

DR. STEINBAUER: In this connection I should like to refer to a Document Number Seyss-Inquart-37, Page 86. This is a quotation from the book by Sumner Welles, *The Time for Decision*, describing a conversation between him and the Italian Foreign Minister, Count Ciano, and it says:

“Before the occupation of Austria, Dr. Schuschnigg came to Rome. He admitted to me frankly that, if Germany occupied Austria, the majority of Austrians would support the occupation and, if Italy sent troops into Austria to prevent the occupation, the Austrians as one man would join with the Germans to fight Italy.”

Now, Witness, we come to the next day, to 12 March. Did you not at that time have a telephone conversation with Hitler?

SEYSS-INQUART: Yes; I called the Führer in connection with the entry of troops. I should like to repeat and explain that on the day before, at about 7 o'clock, the negotiations suddenly came to a stop. Everybody waited. At half past 7 State Secretary Skubl came with the news that the entry of German troops had actually begun, according to a report from one of the frontier posts; indeed Field Marshal Göring had repeatedly said that it would take place. Thinking that the entry was actually in progress, Schuschnigg then made his farewell speech. And with that the government of the Fatherland Front had resigned from office. And I state expressly, up to this moment I did nothing which in any way furthered the taking over of control in Austria or to express it more correctly, which intentionally furthered the establishment of the National Socialists and the seizure of power. I only acted as an intermediary within the meaning of the Treaty of 12 February. But from the moment when the system of the Fatherland Front came to an end, I considered it my responsibility to take action. First I made a radio speech, but not the one which had been prescribed for me in the morning. For I did not speak of a provisional government, but referred to myself as Minister of the Interior. Only then did I call on the SA and the SS to act as

auxiliary police; and like Schuschnigg, I gave the order to offer no resistance to the entry of German troops. Subsequently I was appointed Federal Chancellor, and my Cabinet was approved. On the same night I drove Dr. Schuschnigg home in my car, because I was afraid something might happen to him at the hands of *provocateurs*; and I asked Dr. Keppler to call up the Führer and ask him not to give the order for the entry of troops. Reich Marshal Göring spoke about that here. In the morning I called up again; then I met the Führer at the airport in Linz, and, as the entry of the troops was in full progress, I asked him whether it would not be possible to have Austrian troops march into the German Reich, so that, symbolically at least, equal rights would be maintained. The Führer agreed; and Austrian troops actually marched into Munich, Berlin, and other cities, in Austrian uniform.

DR. STEINBAUER: How, in your capacity as newly appointed Federal Chancellor, did you envisage the further development of the situation?

SEYSS-INQUART: Since the system of the Fatherland Front had broken down, I could no longer entertain my idea of a coalition government. It was clear to me that a National Socialist government with a very strong Catholic tendency would control developments not in the form of an immediate Anschluss but rather—by carrying out appropriate elections and a plebiscite—in the form of an economic and possibly a military union with the German Reich.

DR. STEINBAUER: Mr. President, in this connection, I should like to submit an extremely important document, which shows in an entirely new way how the Anschluss Law came about. It is a sworn statement of the former State Secretary of the Interior, Dr. Stuckart, who is imprisoned here. I submit it to the Court and should like to establish the following from this testimony...

THE PRESIDENT: Where is the document?

DR. STEINBAUER: It is not in the document book because I received it later. The translation of it has not yet been completed. I will read from the witness' testimony only briefly to establish the connection—I have submitted the original to the Court...

THE PRESIDENT: You are giving it a number, are you?

DR. STEINBAUER: Document Number Seyss-Inquart-92. The witness says in it that Hitler would probably have incorporated the presidency of Austria in his own person, that he, the witness, was told by Frick to draft a law to that effect, but that he was then suddenly ordered to Linz...

THE PRESIDENT: Wait just a minute, Dr. Steinbauer.

DR. STEINBAUER: In the Dutch matter also, there are a few affidavits which have not yet arrived or which have just come in. Perhaps it would be more expedient to submit these documents when they have been translated.

THE PRESIDENT: The Prosecution will have the affidavit, I suppose?

DR. STEINBAUER: Yes, the Prosecution already have the affidavits.

If I may continue, he says that to his surprise he was told by Hitler in Linz to draft a law providing for the direct, total Anschluss, that is, providing for Austria's status as a province, a Land, of the German Reich, like Bavaria and the other German Länder. He worked out this law, as he had been instructed to do, flew to Vienna, and submitted it for approval to the ministers who were assembled there.

I should like to establish in three documents the impression which the Anschluss made on the population. First, Document Number Seyss-Inquart-30. This is the celebration at which the Viennese welcomed the Führer in the biggest square in Vienna, the Heldenplatz. On that occasion, on 15 March, the witness welcomed the Führer and said:

"The goal for which centuries of German history have battled, for which untold millions of the best Germans have bled and died, which has been the final aim of fierce struggle, the last consolation in the bitterest hours—has today been reached. Austria has come home."

Hitler now ordered that this Anschluss Law subsequently be sanctioned by a plebiscite of the Austrian population. Documents showing the results of this plebiscite have already been submitted to the Court. I should just like to point out, in addition, the attitude of the Catholic bishops toward the plebiscite—that is Document Number Seyss-Inquart-32, Page 73—and the attitude at that time of the present Federal President, Dr. Karl Renner—that is Document Number Seyss-Inquart-33, Page 76. On the attitude of the other powers to the Anschluss question I shall quote from testimony of the witness Schmidt, who as the then Foreign Minister was the qualified man; but I should like to submit one document on it, namely Document Number Seyss-Inquart-38, Page 89. That is the House of Commons speech of Chamberlain, who was Prime Minister at the time. In reply to a question regarding the Anschluss he said: "... nothing could have stopped this action by Germany unless we and others had been ready to use force to prevent it."

[Turning to the defendant.] Now Austria has been incorporated, it is a part of the Greater German Reich, with Seyss-Inquart as

Chancellor. Did you remain Federal Chancellor or did you receive another state function after the seizure of power?

SEYSS-INQUART: On the 13th during the night, I reported on the Anschluss Law to the Führer; and I took the opportunity of discussing three questions with him immediately. That was, however, not at all easy, for the Führer was deeply moved and wept.

First, I asked that the Austrian Party might retain relative independence and be headed by an Austrian as the provincial leader; second, that Austria as a state might also enjoy a certain degree of independence. To the first request the Führer said, "Possibly"; to the second he said, "Yes"; Austria would receive her own governor, a Reichsstatthalter. I then rose and asked the Führer that I be allowed to return to my private practice as a lawyer. As a third request, I asked that the unjust exchange rate of 2 schillings to 1 mark be altered to 1.50. The Führer agreed to that also.

On 15 March, on the occasion of the celebration which has already been mentioned here, the Führer told the radio announcer, "Announce that Reichsstatthalter Seyss-Inquart will now speak." That to me was actually the first news of my appointment as Reichsstatthalter. I held that post until the end of April 1939.

DR. STEINBAUER: Who really directed policy in Austria after the Anschluss?

SEYSS-INQUART: Bürckel was sent to Austria immediately with the task of reorganizing the Party and preparing the plebiscite. The interference of Bürckel and his collaborators, and various plans somewhat strange and adverse to Austrian conceptions, caused me, on 8 April, in Bürckel's presence, to call the Führer's attention to this sort of co-ordination and in my hearing the Führer said to Bürckel: "Bürckel, you must not do that, otherwise the enthusiasm of the Austrians for the Anschluss will change to dissatisfaction with the Reich."

Nevertheless, a few weeks later he made Bürckel Reich Commissioner for the Reunion. He controlled the Party and politics and propaganda, including church policy, and he had the right to give me instructions in state matters.

DR. STEINBAUER: You know that the Prosecution make charges against you in connection with the policy in Austria shortly after the Anschluss. The first charge is with regard to the Jewish question, namely, that you participated in this grievous treatment of the Jewish population, or that you were responsible for it.

What can you say to that?

SEYSS-INQUART: I cannot at all deny it; for certainly, as chief of the civil administration, I issued orders along that line in my

field of authority, though Bürckel claimed that the Jewish question as such was part of his field; and in a document which has been submitted here, he called the Jewish question a matter arising as a consequence of the Anschluss.

DR. STEINBAUER: May I, in this connection, refer to two documents. One is Document Number Seyss-Inquart-64, a decree on Page 154. It is the decree of the Führer on the appointment of Bürckel as Reich Commissioner for the Reunion of Austria with the Reich. I emphasize here especially Article 4, which gives Bürckel the detailed authority to issue orders to the witness. The second document is Exhibit Number Seyss-Inquart-67, Page 163; the Court already has it; it is Document Number 2237-PS. With this long document, I only want to demonstrate that the entire solution of the Jewish problem, particularly in November 1938, was a matter with which the defendant had nothing to do.

The defendant's own attitude I should like to show by submitting an affidavit which came to me unsolicited from Australia. This is Document Number Seyss-Inquart-70, Page 175. I am fully aware of the Tribunal's view that it is not very weighty evidence that some defendants have submitted letters from Jews; "One swallow does not make a summer," as the proverb says. The reason for my submitting this document is Paragraph 12 on Page 4, in which the witness, Dr. Walter Stricker, who comes from a highly respected Jewish family in Linz, says the following:

"After my departure from Austria, I heard of other cases in which Dr. Seyss gave similar help to Jews and that in May 1938, when persecutions of Jews became particularly severe, he protested to the Gauleiter Bürckel."

It is therefore quite clear that the defendant did not participate but rejected this radical policy.

Witness, you know from the trial brief that you are charged with having played a double game. What was the attitude of the Party toward you after the Anschluss?

SEYSS-INQUART: I know that this charge is made against me and has been made against me before. Radical circles of the Party made the same accusation against me, and I will admit openly that I can understand why it was made. I attempted to bring together two groups which, as history has shown, simply could not be brought together; and since this could not be anticipated at the time, the radical elements of both groups must have come to the conclusion that the man who attempted it was not honest in his attempt. But more important is something else. The final solution of the Austrian question was not my solution at all, but the solution of the radical elements in the Party. I myself, however,

from 11 March at 8 o'clock in the evening, participated in that solution. As a result, it is easy for people to say that I participated in it beforehand and prepared for it; but that is not true. Only at 8 o'clock in the evening, after Schuschnigg and the Fatherland Government had resigned, did I too adopt this point of view, because under the given political conditions there was no other possibility. For there was no political power in Austria other than that of the National Socialists; the alternative was civil war.

I myself welcomed the Anschluss Law, and my decision also determined that of my colleagues. On 13 March, of course, I welcomed the opportune moment. At most, there might have been some sort of hesitation as to whether the Anschluss should actually then be carried through. I considered that, but as I saw it, there was no need for misgivings from the foreign political point of view, because, according to all reports, everything would pass quietly. Domestically, there had never been so much enthusiasm in Austria. I felt that no Austrian statesman, no man in a position of responsibility, ever had the whole population behind him as much as I. But the Anschluss Law was valuable and useful, insofar as in any case the Reich would in reality have had the authority, and thus it was certainly better it had full responsibility outwardly too.

DR. STEINBAUER: The Defendant Kaltenbrunner told me that he and you were at this time very closely shadowed by Heydrich. Is that correct?

SEYSS-INQUART: Heydrich in particular was among those who distrusted us, and "us" includes Kaltenbrunner. At the end of 1937 Heydrich wrote a secret report, which I later received. In this report he said that the solution of the Austrian question in favor of the Party was inescapable, that the policy of State Councillor Seyss-Inquart might, however, prove to be the only obstacle, for he would be in a position to produce something like Austrian National Socialism. After the Anschluss a so-called "escort" detail was attached to me with the sole task of sending to Heydrich constant reports on what I was doing. I had as little objection to this as to the fact that, as Austrian Minister of Security, my telephone conversations were intercepted.

DR. STEINBAUER: After you had allegedly played the main role in this affair, what reward did you receive for your activity? Were you given an estate or a gratuity of several hundred thousand marks? Did you ever receive anything like that?

SEYSS-INQUART: No, and there was no question of anything like that. My reward was the knowledge of having worked for the formation of Greater Germany.

DR. STEINBAUER: I would still like to ask you: Did you ever receive anything?

SEYSS-INQUART: No. On my fiftieth birthday...

DR. STEINBAUER: But you received a title, did you not?

SEYSS-INQUART: Do you mean the title of Gruppenführer of the SS? On 15 March I was named Gruppenführer of the SS, as an honorary rank. I must add that I did not try to obtain it and that I went through no examinations or other such things. As a rule an honorary rank in the SS does not entail membership in the general SS; it does not bestow on the holder either command or disciplinary powers. I myself learned that when I complained to Himmler about Bürckel and demanded proceedings—that letter has been submitted here. Himmler told me then that he had no disciplinary powers over Bürckel, who held only an honorary rank. I myself, as regards the SS...

DR. STEINBAUER: I think that is sufficient.

THE PRESIDENT: Dr. Steinbauer, as I understood it, the defendant said that he received a secondary post to furnish reports to Heydrich. What was that secondary post? Is that what you said?

SEYSS-INQUART: Heydrich wrote a secret report against me. No, I am sorry, Heydrich sent an "escort" detail...

THE PRESIDENT: You said in 1937 Heydrich issued a secret report about Austria, and then said that the solution was unavoidable except for the policy of Seyss-Inquart. That was the substance of it, was it not?

SEYSS-INQUART: I did not quite understand that.

THE PRESIDENT: And after that, I understood you to say you received a secondary post to furnish reports to Heydrich.

SEYSS-INQUART: No, Heydrich sent four or five of his men to accompany me as a kind of guard escort, and these men had orders to report my movements to him.

THE PRESIDENT: I see; I must have misunderstood the translation.

DR. STEINBAUER: To sum up, I can say that apart from your appointment as SS Gruppenführer you received no awards, with the exception of a promise that you would become Reich Minister within a year? Is that correct?

SEYSS-INQUART: This promise was given at the end of April 1938. I refer to a question in the cross-examination of the Reich Marshal. Before 13 March 1938 I did not receive the slightest promise from the Reich on anything and was not in any way under obligation to anyone or bound to obey anyone in the Reich.

DR. STEINBAUER: And with that I can close the chapter on Austria and briefly discuss the Czechoslovakian question.

You are accused, on the basis of a congratulatory letter sent to the Führer by Henlein, of having taken an active part in the annexation of Czechoslovakia.

SEYSS-INQUART: In the affairs of September 1938 I had no other part at all than that of receiving, as Reichsstatthalter in Austria, the refugees from the border areas, lodging, and caring for them in Austria. Henlein, and a few other leaders, I knew personally but did not interfere in their politics and was not well acquainted with their relations to the Reich.

DR. STEINBAUER: What can you say about Slovakia?

SEYSS-INQUART: The relations between Vienna and Bratislava were very good even at the time of the old Austrian Monarchy. I myself had relatives in Bratislava. Hence the Slovaks and the Germans knew each other well. We knew in particular the complaint of the Slovaks that the promise of Pittsburgh had not been kept, that they had not received full autonomy of Slovakia. Father Hlinka was in favor of complete autonomy; he was venerated in Slovakia as a saint, and at least three-quarters of the Slovakian people were behind him; he advocated independence from the Parliament in Prague and the adoption of Slovakian as the official language. After March 1938—to be exact, after September 1938—I met a few Slovakian politicians, Sidor, Dr. Tiso, Dr. Churchansky, and perhaps one or two others. The Führer himself once asked me to inform him and to send him a report on Slovakian conditions; and I commissioned two of my colleagues, who had very good personal connections in Slovakia, to obtain the desired information. In March 1939 I talked to Sidor and Dr. Tiso, because they wanted to confer with me on possible Berlin-Prague developments and their consequences for Slovakia; at least, so I was told by my colleagues who had invited me. Mention was made in these discussions of the possibility of a Berlin-Prague clash and of the concern for the integrity of Slovakia, because there was the danger that the Hungarians, and the Poles too, might take advantage of the occasion by occupying Slovakian territory. The Slovakian gentlemen wanted assurances on what Berlin intended to do and what they could do to preserve the integrity of their country. I spoke very openly with these gentlemen; but I did not ask them to declare their independence, for they themselves had to make that decision. We discussed rather the question of whether differences between Slovakian and German interests existed, and we established that they did not exist.

DR. STEINBAUER: In this connection I should like to refer to two documents. One is Document Number Seyss-Inquart-71,

Page 181. This is the reference to the Pittsburgh Treaty. The second document is Exhibit Number Seyss-Inquart-72 (Document Number D-751), Page 183, submitted by the Prosecution as Exhibit Number USA-112, as proof that the defendant was in unlawful contact with the Slovaks.

You are, of course, acquainted with this document, Witness. It is a report of Viscount Halifax, of 21 March 1939. Who was in Bratislava with you at that time? Or were you there at all?

SEYSS-INQUART: State Secretary Keppler was at that time sent from Berlin to Vienna with the task of putting certain questions to the Slovakian Government. Both Bürckel and I had refused to take over such an assignment; that was one of the few instances in which I agreed with Bürckel. As chief of territorial administration it fell to me to make preparations for the visit to Bratislava, and it was agreed that State Secretary Keppler would go to Bratislava in my car. Bürckel and I accompanied Keppler. No generals or other representatives of the Wehrmacht were present. The record of the conversations may be considered accurate.

DR. STEINBAUER: It says in the document "and five German generals."

SEYSS-INQUART: That is wrong.

I should like to call the Court's attention to the fact that both the Slovakian Minister Sidor and Monsignor Tiso, who later became President, declare in this document that they negotiated only with Bürckel; the name Seyss-Inquart does not appear at all.

DR. STEINBAUER: Then, to sum up, can I say that you did not engage in the activity with which the Prosecution charge you in connection with Czechoslovakia or Slovakia? Is that correct?

SEYSS-INQUART: At any rate, I do not think that, in pursuing the interests of the Reich, I overstepped those limits which in such negotiations must be conceded to someone charged with representing legitimate interests. I did not participate when on 12 March Dr. Tiso through Bürckel—I did not overstep the limits justified in representing legitimate interests of the German Reich.

DR. STEINBAUER: Thank you, that is sufficient.

Then in 1939, on 1 May 1939, you became Minister without Portfolio. Is that correct?

SEYSS-INQUART: Yes.

DR. STEINBAUER: Did you ever take part in a Cabinet session, or a session of the Secret Defense Council?

SEYSS-INQUART: It no longer existed.

DR. STEINBAUER: Did you have influence in any way on the decision to make war on Poland?

SEYSS-INQUART: In no way whatever.

DR. STEINBAUER: When the war with Poland had actually begun, did you express your opinion on it to Hitler?

SEYSS-INQUART: In the second week of September I wrote a letter to Hitler. I hope that this letter too is among my Vienna files. I read a copy of it about a year and a half ago, and I remember the contents well. I called Hitler's attention to the fact that among the German people there was no enthusiasm at all; but, on the contrary, the gravest concern that it would be a life-and-death struggle. I expressed my opinion that the war would not end by a military solution but would have to be solved politically and that the basis for such a political solution would be the alliance with the Soviets, which should perhaps be extended to a military alliance. Consideration should be given to the fact that the Soviets, like Czarist Russia, would never abandon their interests in the Balkans and that Pan-Slavism would also play a role; consequently, Russia would have to be reckoned with in the Czechoslovakian and Polish questions. I said that it was necessary at all costs to maintain the belt of neutral states. Then the war on the narrow Western Front would run its course. The Italian policy, however, should not become a burden for Germany; but an agreement should be reached with Greece and Turkey. England could not be defeated through the air or by U-boats; one had to attack her position in the Mediterranean to force her to make peace.

DR. STEINBAUER: Did you receive an answer to this letter from the Führer?

SEYSS-INQUART: I received no direct answer, but once in a conversation he made a remark which showed clearly that he had read the letter. He said to me, "I do not want to destroy the British Empire at all," whereby, however, he implied that he had misunderstood my letter.

DR. STEINBAUER: Mr. President, if the Tribunal agree, I think this would be a suitable time to adjourn.

THE PRESIDENT: Yes.

[The Tribunal recessed until 1400 hours.]

Afternoon Session

DR. STEINBAUER: We last spoke about your attitude with regard to the question of Czechoslovakia. You talked about your position as Reich Governor in Vienna, and described your intolerable relations with Bürckel, which was the reason why you changed your work and went to Poland. What were your functions in Poland?

SEYSS-INQUART: First of all, I was appointed administrative chief for Southern Poland, which position actually came within the organization of the Armed Forces. This administrative post, however, was never set up, since the Government General was created forthwith and I became the Deputy of the Governor General. My sphere of influence was legally defined but depended, of course, upon the different cases in which the Governor General needed me as his deputy. On 19 January 1940, he determined this at a conference.

DR. STEINBAUER: In this connection I should like to refer to Document Seyss-Inquart-73, on Page 185, which is an extract from Dr. Frank's diary. On Page 14 of this diary he describes the functions of Seyss-Inquart, and then on Page 30 he says something which he repeated to me in person, namely, that he bore the responsibility for what happened there.

Now, you became the deputy of the Governor General—although by rank as a Reich Minister you were actually placed higher—and you exercised certain functions there which, as we have heard, consisted primarily of making out reports. Under Document Number 2278-PS is a report which you yourself wrote, in which there are certain things for which you are accused. Will you please tell us what you have to say about this report on your official travels.

SEYSS-INQUART: My secretary wrote that report. I have read it, of course.

DR. STEINBAUER: It is Exhibit USA-706.

SEYSS-INQUART: It is brought against me, among other things, that the Governor of Lublin had suggested that the Jews be transferred from Lublin to the district of Cycow and then decimated. The Prosecution itself has stated that this is an insertion made by the writer. In any case this was not an official report at a meeting.

Cycow itself was a settlement occupied by a group of Germans, and by employing Jews in that area I could hardly be suspected of wanting to exterminate the Jews in that district because of the climatic conditions. I knew, however, that it was the Governor's wish to have the very large Jewish population of Lublin removed from the town. I remember nothing of any specific intention expressed by the word "decimating"—in the sense of annihilating. The Governor of Radom reported to me that desperate criminals

there had been shot. It is true, he did tell me that. I was under the impression that this had been done by the summary courts martial, which still functioned at the time. But there are several passages in this same report where I always point out that German courts must be introduced, and that no sentence must be carried out without proper court procedure. I think that quite probably I said the same thing at the time I was at Radom—only this is not mentioned in the report.

I have been accused of wanting to monopolize certain vital products, such as salt, *et cetera*. That was quite natural, considering the economic chaos in which we found Poland. We had to arrive at a "natural" economic system, and supply the agricultural population with certain products so that they in turn could supply food to the Polish town populations. In this connection I wish to point out that I urged the re-establishment of the Polish National Relief Organization under the former Polish management, and that I asked for 9 million zloty to be placed at its disposal also for motor vehicles, *et cetera*. In addition to this I said that compulsory work must be replaced by normal employment as soon as possible.

DR. STEINBAUER: Witness, the so-called "AB Action" plays a considerable part in the Polish question. It is an abbreviation for "extraordinary pacification action." Since that might still have happened in your time, I should like to ask if you know anything about it.

SEYSS-INQUART: This affair took place during the very last period of my stay in Poland. With the beginning of the Norwegian campaign the resistance movement in Poland became extremely active, and grew as a result of the campaign in the West. The Security Police demanded the severest countermeasures. Bühler really made the objection which he stated here on this witness stand. I always understood the Governor General's words just as Bühler wanted them to be understood. But Bühler was quite right in making the objection, because the Police might have interpreted these words as giving them much greater powers than the Governor General intended to give them.

Dr. Frank always opposed the sentences passed by these summary courts martial, and he set up his own investigation commission. I was the chairman of this commission as long as I was in Poland, and sometimes we canceled as many as 50 percent of the sentences imposed.

DR. STEINBAUER: How long were you actually Deputy during your period of office, when Dr. Frank was prevented from carrying out his duties?

SEYSS-INQUART: Ten days, I believe.

DR. STEINBAUER: Ten days. Well, then, I think I can rapidly wind up the Polish question by asking: Did you introduce any measures which could really be said to be in the interests of the Polish population?

SEYSS-INQUART: During the winter of 1939-40 there was a famine in Polish towns. I myself intervened with State Secretary Backe, and on one occasion, for instance, I obtained 6,000 tons of grain for the large cities. I approached Reich Marshal Göring and the Führer too, and asked for the town of Lodz to be left under the administration of the Government General. I did the same for the coal district west of Kraków.

DR. STEINBAUER: I now come to the main part of the accusation held against you, and that is the question of your activities in the Netherlands.

My first question is this: How did you become Reich Commissioner for the Netherlands?

SEYSS-INQUART: The Führer appointed me.

DR. STEINBAUER: And where were you at the time?

SEYSS-INQUART: I was on a service mission in the Government General, and Dr. Lammers called me to headquarters.

DR. STEINBAUER: So you did not apply for this job?

SEYSS-INQUART: No, that did not even enter my mind. At that time I had just asked the Führer for permission to join the Armed Forces.

DR. STEINBAUER: But did not your war injury prevent your joining the Armed Forces?

SEYSS-INQUART: I had hoped that I might be useful somehow or other.

DR. STEINBAUER: And what were the instructions the Führer gave you with regard to your new position?

SEYSS-INQUART: The instructions are described in Document 997-PS, which was submitted by the Prosecution. That gives a fair picture of them.

DR. STEINBAUER: That is Exhibit RF-122.

SEYSS-INQUART: I was responsible for the civil administration, and, within this administrative task, I had to look after the interests of the Reich. Apart from this I had a political task. I was to see to it that while Dutch independence was maintained, the Netherlands should be persuaded to change their pro-British attitude for a pro-German one and enter into a close economic collaboration.

I wish to draw your attention to Paragraph 3 of this document, in which I pointed out the difficulties connected with these two tasks,

and the difficulties in co-ordinating them. I showed that one cannot co-ordinate the two so easily. An occupational power, I said, demands the suppression of all official activities and an awakening of a common political will, but grants such freedom which in the end may lead the Dutch to feel dependent on their own decisions. It was not my intention, therefore, to force upon the Dutch people any definite political will.

DR. STEINBAUER: Was this order of the Führer ever altered later on?

SEYSS-INQUART: No, this order was never altered.

DR. STEINBAUER: How did you carry out this task from the political point of view? Did you ask the existing parties in Holland to co-operate?

SEYSS-INQUART: With the exception of the Marxists I allowed all parties to remain, and I gave them as much freedom to continue their activities as was compatible with the interests of the occupying forces. I particularly helped the National Socialist parties.

DR. STEINBAUER: The Prosecution make the accusation against you that in your speeches you often describe things quite differently from the way in which you carry them out. In this regard I refer to Document 3430-PS, Exhibit USA-708.

It is asserted there that you tried to force National Socialism upon the Dutch. That is Exhibit Seyss-Inquart-76, on Page 197 of my document book.

SEYSS-INQUART: It is certainly correct that the goal which I had set for myself, and which I proclaimed in my speeches, was not reached in practice, nor could it have been. However, it may be possible that it gave the Dutch the impression that I was trying to force National Socialism upon them because, after all, later on I could admit only National Socialist parties, whereas I had to dissolve the others. I never used state methods of coercion to force any Dutchman to become a National Socialist, nor did I make membership in the National Socialist Party a condition for exercising the general rights and privileges to which every Dutchman was entitled.

Incidentally, I referred to this quite clearly in my speech. I said:

"I shall always act as a National Socialist. . . . But that does not mean that I shall force National Socialism on one single person. National Socialism is a matter of inner conviction.

"There are two groups of organizations. There is the political, in the case of which I attach importance to the demand that each and every member be led to National Socialism— but these are absolutely voluntary organizations. . . . Then there

is the vocational... in which it is immaterial what political views the individual has, as long as he fulfills his duties in his particular profession."

DR. STEINBAUER: Why and when did you dissolve the political parties in Holland?

SEYSS-INQUART: That happened during the second half of 1941. With the beginning of the Eastern campaign all the political parties, with the exception of the National Socialists, adopted an actively hostile attitude toward the occupational forces. In the interests of the occupational forces that could no longer be tolerated.

I think it remarkable, to say the least, that for 1½ years I allowed those parties to continue their work since, after all, they were no less hostile to National Socialism than National Socialism is today with regard to the democratic parties.

DR. STEINBAUER: Tell me, is it true or not that you showed partiality, and gave preference to the NSB Party?

SEYSS-INQUART: That is quite true as far as the field of political propaganda was concerned; it is untrue as far as state matters were concerned.

The creation of a so-called National Political Secretariat has been held up as an accusation against me. That was a National Socialist advisory body for my administration, and it was not allowed to exercise any influence on the Dutch administration. Any such attempts were strictly prohibited by me.

DR. STEINBAUER: Did you not, nevertheless, put individual members of the NSB into state positions?

SEYSS-INQUART: That is true, and it seemed a matter of course to me, because I had to find colleagues on whom I could rely. They were not under Party orders, however; on the contrary, in most cases certain differences developed between these people and the heads of the Party.

In the face of urgent remonstrances I did not create a National Socialist government in the Netherlands—as was the case in Norway—and chiefly because certain Dutch gentlemen like General Secretary Van Damm, President Van Lohn of the Supreme Court, and Professor Schneider who was President of the Cultural Committee, urged me to realize how wrong it would be to do so.

DR. STEINBAUER: President Vorrink, a witness who has been examined here, talked about a policy of exploitation which you carried on. Is that true?

SEYSS-INQUART: The use of the National Socialist parties for the benefit of German policy did actually occur. I observed it, and I stated the fact publicly. I regretted this occurrence, but I could

not stop it. The German occupational forces had to introduce a number of measures which were oppressive for the Dutch people, and which discredited our Dutch friends.

DR. STEINBAUER: What do you have to say to the accusation brought against you that you had co-ordinated all the cultural institutions?

SEYSS-INQUART: Certainly this accusation is, so to speak, correct in part. With the prohibition of the political parties, most of the organizations of the free professions became impossible, since right down to the chessplayers' club everything in the Netherlands was organized on a political basis. In the interests of the occupational forces I had to create new supervisory bodies. Maybe it was due to lack of imagination that these organizations were, in part at least, very similar to their prototypes in the Reich. But I used these organizations only for purposes of supervision, and never asked them to co-operate politically. Not only did I refrain from making the exercise of a profession dependent on co-operation, but I did not even insist upon compulsory collection of membership fees.

I admit that we made two mistakes from two errors of judgment: First of all, we had the mistaken impression that the order we imposed as occupational authorities was necessarily the right one—at least the better one; and secondly, that in an occupied country, an independent political will can develop. It was there that our policy failed.

DR. STEINBAUER: What institution did you then set up?

SEYSS-INQUART: I created a cultural association (Kulturkammer), a medical association (Ärzttekammer), a chemists' association (Apothekerkammer), and a board of agriculture (Landstand). Then there was a workers' front, but that was a voluntary organization. Members could leave it without any disadvantage to themselves whenever they wished.

DR. STEINBAUER: Then another charge is brought against you, that of "Germanization." What do you say to that?

SEYSS-INQUART: First of all, I must get something quite clear. In English, you say Germany, and in Russian you say Germanski. Both mean German (Deutsch). And when we spoke of Germanization then, we did not mean "making them into Germans"; we meant a political and cultural union of the so-called Germanic peoples, with reciprocal equal rights. That we did intervene in this way, I stated in a speech, Exhibit Seyss-Inquart-103.

"Why do the Germans interfere with everything in the Netherlands?"

Then I went on to say that in this total warfare there would be moments of tension...

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THE PRESIDENT: What page is that on?

DR. STEINBAUER: It is still Exhibit USA-708, which has not been translated. But the entire book has been presented.

THE PRESIDENT: Has it got a PS number?

DR. STEINBAUER: Its document number is 3430-PS. It has been made Exhibit USA-708. It is a book entitled *Vier Jahre in den Niederlanden*, and it contains a collection of speeches made by the witness, several of which have been submitted by the Prosecution. The witness is now replying to them.

THE PRESIDENT: Thank you.

SEYSS-INQUART: There are moments of tension when there is no longer any dividing line between what is important to the military war effort and something which is private and a matter for civilians.

I was quite aware of the fact that all public activities might be used for or against the occupational forces and that I had, therefore, to exercise control over them.

DR. STEINBAUER: Were there any attempts on the part of the NSDAP in the Reich to influence your administration for the interests of the Party?

SEYSS-INQUART: The Auslands-Organisation in the Netherlands made an alteration in its set-up which permitted it to support the policy of the Dutch National Socialist Party in every respect. It had, however, no particular influence of its own.

DR. STEINBAUER: That is the important thing. Now, let us turn to the administration proper. Who were the competent authorities in the Netherlands?

SEYSS-INQUART: In the civilian sector there was the Reich Commissioner; on a similar footing was the military commander and the Armed Forces, and the Police had a sector of its own. The military commander had special rights to intervene, and from July 1944 a part of the executive powers was transferred to him.

The Police were merely placed at my disposal, but came under the Higher SS and Police Leader, who was suggested by Himmler and appointed by the Führer. I was never asked about this beforehand. The Police reserved the right to investigate. That is to say, if I gave them an order they would investigate to see whether the order was in line with the instructions which Himmler had given directly to the Higher SS and Police Leader.

Then there were the Plenipotentiary General for Allocation of Labor and the Armament Minister, who carried out the orders for the Four Year Plan.

DR. STEINBAUER: Yes; and as another Reich organization, there was Rosenberg's Einsatzstab too—and Speer, to complete the picture?

SEYSS-INQUART: Yes, Speer was the Minister for Armaments. Then there were other smaller and separate assignments of a special nature.

DR. STEINBAUER: So that you were really nothing but a kind of executive organ for the superior Reich offices?

SEYSS-INQUART: No, I was not an ordinary official. I bore the responsibility for the Reich in the civilian sector. Perhaps during the first few months departments in Berlin went straight ahead and ignored me, but I then concentrated the administration in such a way in my own hands that nothing occurred in the civilian sector to which I had not previously given my consent. The Führer acknowledged this quite plainly on one occasion, and I should like to remark that you must not draw any conclusions from this with regard to other occupied territories. I am completely convinced that in the Eastern Territories and in the Government General the same centralization did not exist.

DR. STEINBAUER: What possibilities did you have, then, of setting up an administration?

SEYSS-INQUART: The initiative for, and the extent of, the demands made by the Reich came, of course, from the competent central offices in the Reich. I investigated the demands with my colleagues in consultation with the Dutch offices. We would then make counterproposals which seemed to us reasonable for the Dutch. And if the Reich still demanded more, then we made efforts not to exceed what could be expected. Until 1943 all demands were fulfilled by the Dutch authorities themselves. I gave my officials no authority to make such demands until after this period. Then the demands became so large, that I no longer expected the Dutch authorities to supply them.

DR. STEINBAUER: I come back to the question of the Police for a moment, which, as you said, stood directly under Himmler . . .

SEYSS-INQUART: You asked what possibilities I had?

DR. STEINBAUER: Yes.

SEYSS-INQUART: I had two possibilities: with the Queen of the Netherlands and the Government gone to England, I could have nominated a new Dutch Government, as in Norway, or conducted the administration of the country myself. I decided on the second solution.

DR. STEINBAUER: How did you organize the existing Dutch police force?

SEYSS-INQUART: Whereas the German Police were not in any way dependent on me, the Dutch police were under my orders; but it was a matter of course that I should transfer the supervision of the Dutch police to the Higher SS and Police Leader as well—that is, in the capacity as my Commissioner General for Security. The Dutch police were divided into three or four different branches. I think that we can safely say we were acting in the interests of the occupational power when we co-ordinated them as regards organization.

DR. STEINBAUER: What was the Home Guard (Landwacht)?

SEYSS-INQUART: The Home Guard was a protection squad organized by the Dutch National Socialists. In 1943 there were serious cases of terror attacks on National Socialists—some very cruel murders. There was the danger of the counterterror of which we had heard in Denmark and, in fact, several unfortunate incidents did happen. Consequently I had this Home Guard organized with orders to act as a regular disciplined auxiliary police force, and to control street traffic at night, and guard railways, *et cetera*. The result was that these acts of terror ceased almost entirely, and until the middle of 1944 no further difficulties arose.

DR. STEINBAUER: Witness, we now come to an exceptionally important chapter.

SEYSS-INQUART: May I just for a moment refer to Exhibit Seyss-Inquart-101? This document has been held against me by the Prosecution . . .

THE PRESIDENT: Is 101 the right designation?

DR. STEINBAUER: Mr. President, the speeches which the defendant is quoting have been sent down by me to be mimeographed. Although they are actually already before the Tribunal, the translation department did not quite catch up, as they wanted to translate all the affidavits too. So they are not here yet in the translation, but I hope to have them by tomorrow morning.

THE PRESIDENT: Hasn't it got a PS number, or any other designation?

DR. STEINBAUER: It is a book, Exhibit USA-708. The Prosecution have only quoted individual passages from it.

THE PRESIDENT: I see.

SEYSS-INQUART: The Prosecution have quoted Page 167.

On 1 August 1943 I made a speech announcing special measures which would bring difficulties and restrictions upon the Dutch, and the Prosecution believe that the shootings which took place later are connected with it. That is an error. The restrictions I spoke of

in that speech concerned only an order forbidding Dutch people to stay in places outside their own provinces, so that bands of terrorists from the northwest could not get to the east. As this happened just during the vacation time, it really was a restriction for the Dutch.

DR. STEINBAUER: Now I come to the next question. Did you change and possibly misuse the existing organization of the lower courts?

SEYSS-INQUART: I took over the organization of the Dutch courts entirely. The administration of justice in the Netherlands was of a commendably high standard. Only on two occasions did I supplement it. The Dutch judges showed little understanding of the economic situation. For instance, on one occasion a group of black market butchers, who had killed large numbers of cattle and brought them to the black market, were fined 200 guilders; so I installed special economic judges, Dutchmen, who had more understanding of these economic necessities. But the legal situation remained as it was. Of course, we also introduced our German courts, as every occupational power does.

DR. STEINBAUER: So that we had Dutch courts, German courts for Germans staying in the Netherlands, and the police courts?

SEYSS-INQUART: Yes, but also for the Dutch who violated the interests of the German occupational forces.

DR. STEINBAUER: Now, it is alleged in the proceedings that through these courts there were 4,000 executions, which have to be accounted for.

SEYSS-INQUART: That is completely false. If I take into account all the death sentences which were pronounced and actually carried out by the German courts, the police courts, and the military courts; and if I add to them the cases where Dutchmen lost their lives in clashes with the executive powers; then, according to a statement of the Higher SS and Police Leader, up to the middle of 1944 there were less than 800 cases in 4 years—that is to say, less than were caused by a bombing attack on the town of Nijmegen. The shootings came afterwards.

DR. STEINBAUER: You also exercised the rights to reprieve, for which you had a special reprieve department?

SEYSS-INQUART: Yes.

DR. STEINBAUER: In this connection I wish to refer to Document Seyss-Inquart-75, Page 190 in the document book. This is the affidavit of Rudolf Fritsch, who was a judge at the Prussian Supreme Court and reprieve expert for the Reich Commissioner. I should like to quote two paragraphs from this document, and I refer to the second paragraph on Page 3:

"In exercising his right to reprieve, the Reich Commissioner proceeded from the standpoint that this was one of the most sacred rights of the head of a state, and that it was especially calculated to create a friendly, confidential atmosphere between the Germans and the Dutch. Therefore, in the beginning it was he himself who made the decision in every case, on the basis of case reports which were submitted to him together with a suggestion for a reprieve from the reprieve department. After about 2 to 3 months he delegated the exercise of the right to reprieve within his own organization to the chief of the Department for Reprieves. The latter was competent except in the following cases: 1) the cancellation of proceedings; 2) decision in case of death sentences; 3) decision in fundamental questions; 4) decision in isolated cases without precedent . . .

"No sentence of death was carried out without there being an official examination of the question of a reprieve, even when a formal appeal for a reprieve was not submitted."

Then I come to Page 5, the last paragraph:

"Since co-operation with authorities in the Dutch courts proved that they could be trusted, the Reich Commissioner gradually delegated in the main the right of reprieve to the Dutch Minister of Justice. From the huge amount of mail which came in . . . I repeatedly learned of police actions staged by the Gestapo whereby regular jurisdiction was eliminated. . . . In such cases I would collect material and use it to take action in order to bring the persons involved before regular courts for judgment. And I was actually successful with such action. This was proof to me that the Reich Commissioner opposed the wild police methods of the Gestapo and was an adherent of regular legal procedure."

I think that with this we can close this subject of justice and now come to the question of finance.

SEYSS-INQUART: Yes, but the Führer's order excluding courts is also very important.

DR. STEINBAUER: Well, if you wish to add something else.

SEYSS-INQUART: Yes, it is decisive.

After the strike at Amsterdam, I proposed summary court-martial procedure. That is not an invention of recent times; it is summary court procedure for special emergencies, such as you can find in the legislation of every country. The summary courts martial were subject to special precautionary provisions. First of all, a proper judge had to be there; secondly, the defense was allowed a counsel, who could be Dutch; thirdly, evidence had to be given in

the proper manner, and if the question of guilt was not clearly determined, then the case had to be transferred to the ordinary courts. This summary court-martial procedure was only in force for 2 weeks at the time of the general strike in May 1943. The number of people shot later on cannot be traced back to these summary courts martial. Also they had been provided for the special emergency of the Netherlands again becoming a theatre of war.

In the meantime, however, a decree came from the Führer which had already been made public in an order from the High Command of the Armed Forces. I refer to 1155-PS—no, I beg your pardon, that is wrong—it is Document 835-PS.

On 30 July 1944 the Führer ordered that all non-German civilians in occupied territories who were guilty of sabotage or terror actions were to be handed over to the Security Police. The Higher SS Leader and I both objected to this order, as we clearly realized what damaging effects it would have, especially in the Netherlands. Through such an order the Dutch would only be driven into illegal organizations.

During a period of 4 to 6 weeks the Higher SS and Police Leader never carried out the order. But he then received a severe reprimand from Himmler, and from that time on he was obliged to deal with the Dutch who had been arrested for sabotage or illegal activities, and had to judge them according to his own jurisdiction, shooting them when necessary. One can account in this way for the shootings on a larger scale, but I do not believe that there were as many as 4,000. As often as I could, I urged the Security Police to be most careful in carrying out this order, but I never received any reports on the individual cases. I had the impression that there were perhaps 600 to 700.

DR. STEINBAUER: If I understood you correctly, then this was a police affair, which was directly . . .

SEYSS-INQUART: At all events it no longer came under my authority or influence. But if, at that time, I gave the Security Police orders to check up on an illegal movement somewhere, I nevertheless had to realize that some Dutchman or other, who was discovered to be the leader of such a movement, would be shot by the Police without the courts or myself being able to investigate the case. But then I could not desist from safeguarding the security of the occupational authorities, because the Führer decree had been issued.

DR. STEINBAUER: I now come to the chapter of finance. A document has been presented here where a certain Mr. Trip announces his resignation. Who was this gentleman?

SEYSS-INQUART: Mr. Trip was the President of the Bank of the Netherlands—that is to say, the bank of issue—and he was also the General Secretary for Finance. I think he can readily be considered one of the world's leading banking experts. He is an outstanding personality and one of the men described today as a Dutch patriot.

DR. STEINBAUER: He was also General Secretary for Finance, was he not?

SEYSS-INQUART: Yes. Until March 1941 he was the General Secretary for Finance. In my first speech to the general secretaries I said that I would not ask any general secretary to do anything that was contrary to his conscience. If he thought that there was something he felt he could not do, then he could resign without any harm to himself. I said that all I asked was that he carry out my orders loyally as long as he remained in office. Mr. Trip was in office until March 1941, and then he resigned because there was something he refused to carry out. He did this without the slightest disadvantage to himself.

DR. STEINBAUER: Who was his successor?

SEYSS-INQUART: I should like to say that what Mr. Trip carried out until March 1941 is, in my opinion, justifiable in every respect. Otherwise he most certainly would not have done it.

His successor was Mr. Rost van Tonningen. Rost van Tonningen was a League of Nations Commissioner in Austria who there had had tasks similar to those I gave him in the Netherlands.

DR. STEINBAUER: What about the costs of occupation?

SEYSS-INQUART: As far as the civilian administration was concerned, Mr. Trip and I agreed that I receive 3 million guilders a month. Then there was another 20 million in fines in addition to that. During the first 3 years I saved 60 million guilders, which remained in the Netherlands as a special bequest.

As far as the cost of the military occupation was concerned, I had no authority to check that. The Armed Forces put in their demands to the Minister of Finance, and I then received orders to place the money at their disposal. During 1941, the Reich exacted indirect occupation costs. It took the point of view that not only the expenses which were incurred directly in the Netherlands should be paid for, but that the cost of preparations in the Reich should be borne too. Fifty million marks per month were demanded—partly in gold. Later this contribution was designated as voluntary assistance for the East...

THE PRESIDENT: Do you mean marks, or do you mean guilders?

SEYSS-INQUART: Marks, 50 million marks. Later on this contribution was called voluntary assistance for the East, for political reasons, but of course it was not so. Later on, the Reich demanded that this sum be increased to 100 millions, but I refused.

DR. STEINBAUER: Mr. Trip retired as General Secretary for Finance because the foreign currency embargo, which still existed at the time between Germany and the Netherlands, was lifted?

SEYSS-INQUART: Yes, that is correct. I received a request by my administration for the purpose of intensifying economic exchanges between the Reich and the Netherlands—to lift the foreign currency embargo so that, without having recourse to banks of issue, guilders could be exchanged for marks, and vice versa. The fundamental possibility of such exchanges had already been determined under Mr. Trip, but it was subject to the control of the bank of issue, that is to say, of the Netherlands Bank as well. Mr. Trip raised objections and I passed the matter on to Berlin. Berlin decided that it was to be carried out and Mr. Trip resigned. I appointed Mr. Rost van Tonningen, President of the Bank of the Netherlands, and I published the decree.

I wish to say that the President of the Reichsbank, Herr Funk, was against this procedure, and I can quote in explanation that at that time the effects could not be foreseen as turning out as catastrophic as they did later on. At that time the Netherlands were completely cut off, and the Reich had reached the height of its power. It was to be expected that the mark would become the leading currency in Europe, and that thereby the guilder would have been given the same importance. In February 1941, for instance, imports from the Reich into the Netherlands were greater than the exports from the Netherlands into the Reich. Reich Minister Funk always held the view that these were real debts, so that in the event of a different outcome of the war such debts which amounted to some 4½ billion would have had to be paid back to the Netherlands.

DR. STEINBAUER: If I understood you correctly, it was your General Secretary for Finance, Dr. Fischböck, who suggested this matter contrary to the wishes of Trip.

SEYSS-INQUART: I do not know whether the suggestion came from Fischböck alone. I presume that he must have talked it over with other people; but it was he who put the matter to me.

DR. STEINBAUER: You have also been accused of imposing collective penalties in the form of fines, which is contrary to international law.

SEYSS-INQUART: Collective fines are prohibited under international law only in case of individual offenses. The large collective

fine of 18 million guilders was imposed in connection with the general strike in Amsterdam, Arnhem, and Hilversum, in which the entire population took part. Later, I had collective fines paid back whenever it was discovered that definite individuals were responsible for the offense.

DR. STEINBAUER: Can you give us any example?

SEYSS-INQUART: I think witness Schwebel will be able to tell you that. It was in towns in the south of Holland where it happened.

DR. STEINBAUER: You are also accused by the Prosecution of responsibility for what happened in the hostage camp in Michelsgestel. What have you to say to that?

SEYSS-INQUART: I can take full and absolute responsibility for what happened in the hostage camp in St. Michelsgestel. It was not a hostage camp in the actual sense of the word: I took Dutchmen into custody only when they had shown themselves to be active in resistance movements. The camp at St. Michelsgestel was not a prison. I visited it. The inmates of the camp played golf. They were given leave, in the case of urgent family affairs or business matters. Not a single one of them was ever shot. I think the majority of the present Dutch Ministers were at St. Michelsgestel. It was a sort of protective custody to temporarily hinder them from continuing their anti-German activities.

DR. STEINBAUER: In addition to this you are said to have prohibited the reading of pastoral letters, and to have put Catholic priests and Lutheran ministers in concentration camps?

SEYSS-INQUART: It is true that I prohibited one pastoral letter, which may happen in times of occupation—because it publicly opposed the measures of the occupational power and incited people to disobedience. That was an isolated case, and it never happened again—for the good reason, too, that there were no more provocations of such a kind in the pastoral letters. In fact, I even intervened and canceled the prohibition issued by the Police, whenever it was a matter only of a criticism toward the measures taken by the occupational powers, and there was no incitement to resistance.

I myself never sent priests to concentration camps. On the contrary, at the beginning of 1943 after having made repeated urgent requests, I finally received a list from the Security Police with the names of the priests who were shut up in concentration camps. There were 45 or 50 of them altogether. Three or four were mentioned as having died in the concentration camp. On the grounds of the facts of their case, I sought out about a third of them and demanded their release; for the second third I demanded investigation within the coming 6 months; and it was only as far as the last

third was concerned that it was impossible for me to intervene without violating my own responsibility towards the Reich.

Dutch hostages were also taken for purposes of reprisal. When the Netherlands came into the war, the Germans in the Dutch East Indies were put into prison and allegedly mistreated. The Reich demanded the arrest of 3,000 Dutchmen. The Security Police arrested 800 and took them to Buchenwald. When I heard that the mortality was high, I made such urgent appeals that the hostages were finally returned. They were then accommodated in such a way that one could no longer talk of a prison. They were given leave, and when necessary I released them. In the end, I had less than 100.

DR. STEINBAUER: Witness, you are said to have prohibited prayers in church, and especially prayers for the Queen.

SEYSS-INQUART: That is incorrect. The prayers in Dutch churches were obvious demonstrations. Prayers were made—as was quite natural—for the Queen of the Netherlands, and for her happiness and prosperity, and the fulfillment of her wishes. At the same time there were prayers for the Reich Commissioner, for his enlightenment. I was severely reproached for tolerating these demonstrations. But I found nothing wrong with these prayers, and did not prohibit them. Perhaps, in some isolated cases a subordinate authority would put in his say, but this was always suppressed.

DR. STEINBAUER: That would not have been so bad; but it is said that you were particularly cruel and had a large number of people shot without legal proceedings. What have you to say to that?

SEYSS-INQUART: As far as I can remember, there was only one real case of hostages being shot—that is, people were shot without there being any causal connection with a crime. This occurred in August 1942, and the case has already been brought up here. It was handled strictly according to the so-called Hostage Law, which has been quoted here. It was in connection with an attack on an army transport, and 50 or 25 hostages were to be shot. It was, I think, the Higher SS and Police Leader who made the demand through the Military Commander upon request of the High Command of the Army.

My intervention consisted in reducing this figure to 5 and in looking over the list which had been submitted to me by other departments, and which has been read out here in court. I, too, noticed something peculiar about it. The Higher SS and Police Leader had expressly emphasized that the list had been drawn up strictly in keeping with the directives, saying that the attack could be traced back to rightist circles of resistance, not to those on the Left, so that no workers could be shot. I only exercised my influence

insofar as I caused the Higher SS and Police Leader to cross off the list the names of fathers with several children.

DR. STEINBAUER: Witness, what do you know, in detail, about the people who were shot when the camp at Vught was evacuated?

SEYSS-INQUART: When the British and Canadians were advancing through Belgium toward the south of Holland, I had so much to do to keep order in my province that I could not pay any special attention to the camp at Vught, which was under police direction. The Higher SS and Police Leader informed me generally that the most seriously charged political prisoners, numbering about 200, would be transferred to the Reich, that the less seriously charged political prisoners would be set free, and that ordinary criminals would be placed under the command of a Dutch police officer and handed over to the Canadians. It was only here that I heard some people had been shot, and the only way I can explain it is that at the last minute the Reich forbade these people to be transported into the Reich and gave orders for them to be shot. I do not believe there were 600 of them, because from what the witness Kollpuss said there seem to have been some 130 to 150. But even that is enough.

DR. STEINBAUER: What do you know about the shooting of hostages after the attack on the SS and Police Leader Rauter?

SEYSS-INQUART: The attack on the Higher SS and Police Leader came from the resistance movement, and was carried out with British weapons.

DR. STEINBAUER: What do you know about the Putten case?

SEYSS-INQUART: Excuse me, I have not finished my previous statement.

DR. STEINBAUER: Oh, you want to give a more exact . . .

SEYSS-INQUART: Himmler, at that time, gave orders for 500 hostages to be shot. Rauter's deputy Dr. Schöngarth refused, and informed me that there were a number of Dutchmen in the prisons who were to be shot, in accordance with the Führer's order, because they had been convicted of other acts of sabotage. He had hesitated, he said, since the number was somewhat larger, but now he could not hesitate any longer. He did not give me the actual figure. In this situation I could not, in my opinion, prevent him from carrying out the order, because we had to suppress the resistance movement by all means. The movement had been organized and supplied with arms by the Dutch Government in London, and it presented a serious danger to the German occupational forces.

Two hundred and thirty Dutchmen were supposed to be shot—amongst them 80 in Apeldoorn alone—and this seemed to me a lot.

But Dr. Schöngarth told me that in the north of Apeldoorn there was a center of the illegal resistance movement.

DR. STEINBAUER: I want to ask you, last of all, what do you know about the Putten case?

SEYSS-INQUART: In Putten there was an attack on German officers. Three were murdered. The whole thing took place within the Armed Forces, the SS, and the Police; and I knew that measures of reprisal were planned. I myself, at that time, was concerned with the construction of defenses. The Higher SS and Police Leader informed me that he had received the order to burn the village of Putten, and to transfer the male population to a concentration camp in the Reich. However, he had reduced the figure to 40 percent, and later on he reported to me that there was a high mortality rate in German concentration camps. Both he and I applied to the military commander to have these men returned. The military commander agreed. Whether this order could still be carried out I do not know.

DR. STEINBAUER: Mr. President, perhaps at this point we could have a short recess?

THE PRESIDENT: Yes.

[A recess was taken.]

DR. STEINBAUER: Your Lordship, I should like to come back to the question of the embargo on foreign currencies.

The Defendant Reich Marshal Göring has just informed me, during the recess, that in this conflict, Fischböck, Trip, and Wohlthat on the one hand, and on the other Funk, who was against it, and he himself, Göring, as head of the Four Year Plan, made a decision to lift the embargo on foreign currencies. And he writes me here, "I bear the responsibility." So it was a decision which was taken by Göring.

THE PRESIDENT: Dr. Steinbauer, it is not, of course, a regular way in which to inform the Tribunal about anything, to tell them what one of the defendants may have said to you during an adjournment.

DR. STEINBAUER: He wrote it.

THE PRESIDENT: I am afraid that doesn't make it any better. You may ask the witness any question about it.

DR. STEINBAUER: As regards the question of shooting without a court sentence, I should like to refer to a very important document. Exhibit Seyss-Inquart-77, Page 199. This is Document F-224 D, a report made by Kriminalkommissar Mund. He says the following on Page 3:

"In my opinion it is very likely that General Christiansen demanded the maximum number of victims to be executed. Christiansen spoke of numerous measures of reprisal to Rauter, who was an impulsive and tactless man, and he on his part applied pressure to the Commander of the Security Police (Dr. Schöngarth) . . ."

He reports further on Page 5:

"It was often a question of prisoners who had already been sentenced to death by the Higher SS and Police Leader.

"Reprisals for punishable acts were a matter for the Police. After August 1944, and in accordance with an order of the Führer's, these measures of reprisal were interpreted in such a way that a number of Dutchmen were shot for acts of sabotage and attempts at murder although they had been arrested for entirely different reasons."

SEYSS-INQUART: May I explain that briefly?

DR. STEINBAUER: Please do.

SEYSS-INQUART: For example, leading members of the resistance movement were arrested, and on examination by the Higher SS and Police Leader it was decided that they should be shot according to the Führer's orders. The Higher SS and Police Leader had called upon his court officer for this examination. When later on an attempt to blow up a bridge was made, instead of shooting hostages these men were taken and shot. That was the exact opposite of the shooting of hostages—or at least, it was supposed to be.

DR. STEINBAUER: Now, I come to Chapter IV-B, "Concentration Camps and Prisons." My first question: Who was competent in these matters?

SEYSS-INQUART: For concentration camps and for police detention prisons, the Police were competent. For court detention prisons, and court authorities, I myself was competent—that is, the court prisons were under my charge.

DR. STEINBAUER: Were there concentration camps in the Netherlands, too?

SEYSS-INQUART: Yes, especially the big concentration camp of Putten near Hertogenbosch. Then also a police transit camp near Amersfoort, and a Jewish assembly camp in Westerborg. I have already spoken of St. Michelsgestel; that was a protective custody camp. And then there might be mentioned the camp at Ommen, which was neither a police nor a concentration camp, but abuses occurred there.

DR. STEINBAUER: What can you tell me about the Hertogenbosch Camp?

SEYSS-INQUART: Hertogenbosch was originally meant as a Jewish assembly camp, at the time when we intended to keep the Jews in the Netherlands. But Reichsführer Himmler gave orders for it to be turned into a concentration camp. After some reflection I was satisfied with this idea. In consideration of the fact that I could not prevent Dutchmen from being put into concentration camps, I preferred them to be in concentration camps in the Netherlands, where I might still be able to exert a certain influence.

DR. STEINBAUER: But there are supposed to have been excesses in these concentration camps, too—for example, especially in the Vught Camp, which you mentioned.

SEYSS-INQUART: That is quite true. There were excesses in prisons, as well as in concentration camps. In wartime I consider this almost unavoidable, because subordinates get unlimited power over others and it cannot adequately be controlled. Whenever I heard of any excesses, I took steps—the first time toward the end of 1940, or 1941, when the president of my German court reported to me that a prisoner had been brought up with injuries from blows on the head. I had the case investigated, and the prison warden received disciplinary punishment and was sent back to the Reich.

In the Vught Concentration Camp, soon after its opening, there was a high mortality rate. Immediately I had an investigation started, using the services of Dutch medical personnel. Every day—and later on every week—I had the mortality figures reported to me, until they sank to what was approximately a normal level. Of course, I do not know whether the director of the camp reported the normal death cases only, or whether he included the cases of shooting—I could not say.

In this camp there were excesses due to drinking parties and reveling; brawls and fights were also heard now and then. The head of the camp was removed and sent to the Reich. I noted that the Higher SS and Police Leader had apparently himself tried to maintain order, although he was not in charge of the camps; they were under Gruppenführer Pohl.

There was one very serious case which, in Document Number F-224 D, is described under the title, "Women in Cell." The head of the camp, allegedly for disciplinary reasons, had a large number of women crowded into a cell overnight, whereby three or four women were smothered to death. When we heard of that, we demanded court action. The Central Administration in Berlin refused, and we turned to Reichsführer SS Himmler and did not give in. The head of the camp was put on trial and received at least 4 years—I believe even a sentence of 8 years. That is indicated, moreover, in the French report.

DR. STEINBAUER: What about the Amersfoort Camp?

SEYSS-INQUART: That was a police transit camp—that is, for police prisoners who were to be turned over to the courts, or who were to be sent to the Reich; or persons who refused labor service who were being sent to the Reich. In general, they were not to be there more than 6 or 8 weeks. There were Dutch guards in this camp—not Dutch Police, but a voluntary SS guard company, I believe.

Excesses did occur here. General Secretary Van Damm called my attention to the fact that a Dutchman was supposed to have been beaten to death there. I urged the Higher SS and Police Leader to bring this case to light. He did this through his court officer, and sent the documents to me. According to the documents, severe mistreatment occurred, but no one was killed, and the persons responsible were punished.

I repeatedly called the attention of the Higher SS and Police Leader to the fact that concentration camps and prisons in wartime actually favored the perpetration of brutal excesses. If, here or there, not a severe case but certain mistreatment was reported to me, I always called his attention to it. He then reported to me either that the case had not occurred, or that he had taken steps, and so forth.

In particular, I always had the food ration statistics of the concentration camps and prisons reported to me. The food rations were satisfactory. I believe that the Dutch in the concentration camps and prisons, at the end of 1944 and in 1945, received more than the Dutch in the western Netherlands. Of course, I do not want to give too much importance to this fact, because the Dutch did suffer from hunger.

DR. STEINBAUER: Then there was the Westerborg Camp.

SEYSS-INQUART: The Dutch Government had already set up Westerborg as a completely free camp for Jews who had fled from Germany. This was enlarged into an assembly camp for Jews. In the camp itself there were Jewish guards to maintain order. Dutch Police guarded the camp on the outside. There was only a detail of the Security Police for supervision in the camp. In all the files I found no report about excesses in the camp itself. Every Sunday clergymen went to the camp, at least one clergyman for the catholic Jews, and one for the so-called Christians. They, too, never reported anything.

DR. STEINBAUER: We will speak about their removal later on.

Now I would like to speak about Ommen. There is a long report on that.

SEYSS-INQUART: Ommen was intended as a training camp for those Dutch who voluntarily wanted to be employed in the economy in the Eastern Territories. They were given instruction on the country, the people, and their language. The head of the camp borrowed prisoners from a neighboring Dutch prison for the work. Then I received reports that these prisoners were being mistreated. The judges of Amsterdam turned to me. I gave the Dutch judges of Amsterdam permission to personally inspect the camp and speak to the prisoners. That was done, according to Document F-224(d), on 5 March 1943. Thereupon the Amsterdam judges wrote a long letter to the General Secretary for Justice. They complained about the mistreatment of the prisoners, which they had noted, and about the fact that Dutch prisoners were transferred to prisons in the Reich for labor assignment. The complaints were justified, and I ordered that the prisoners be sent back from the Ommen Camp to the Dutch penal institution, and that Dutch prisoners be returned from German prisons to Dutch prisons. This procedure was correct, and therefore I necessarily took due steps to settle the matter.

DR. STEINBAUER: But now I have to ask you a certain question and confront you with a charge. Document RF-931 shows that you removed judges who made such complaints, namely, in Leeuwarden.

SEYSS-INQUART: In my eyes the procedure of the court of Leeuwarden was incorrect. These judges did not consult me, but publicly asserted in a verdict that the Dutch prisoners were being sent to German concentration camps and shot. According to the facts, which lay before me, that was false. I then informed them of the results obtained by the Amsterdam judges. The Leeuwarden judges refused to pass further judgments. I asked them to continue to officiate, but they refused. I then dismissed them as persons who refused to work. Of course, I could have had them tried by a German court with charges of making atrocity propaganda.

DR. STEINBAUER: Did you receive complaints from the Red Cross about conditions in the camps?

SEYSS-INQUART: In the Netherlands we had the arrangement that a representative of the Dutch Red Cross, Mrs. Van Overeem, could visit all concentration camps and prisons, especially for the purpose of verifying whether the food packages were being delivered. Neither Mrs. Van Overeem nor the heads of the Dutch Red Cross ever directed any complaint to me. I should like to say that this circumstance was especially gratifying for me, because the Dutch complained about everything, and if for a change I received no complaints, then that was a certain relief for me.

I should like to remark that about the beginning of 1944, according to the reports submitted to me, about 12,000 Dutch persons were

in concentration camps or prisons. That is the same as if today, in all of Germany, 120,000 Germans were in prisons or camps. That occasioned my setting up legal commissions which had to visit the camps and the prisons in order to make investigations and determine what prisoners could be released or placed on trial. Naturally, in cases where there were orders for arrest from Berlin, I could do nothing.

DR. STEINBAUER: Witness, so you say that you waged a constant struggle with the Police on this question?

SEYSS-INQUART: I would not like to call it a struggle.

DR. STEINBAUER: Do you believe that you were successful?

SEYSS-INQUART: Yes. I believe so, on the basis of certain definite facts. I have followed the proceedings here very carefully, and—we have heard most terrible things. The reports from the Netherlands, it seems to me, are not that bad. I do not want to say that I disclaim every excess. However, such reports as those about Breedonck in Belgium, do not exist. The reports show beatings as the most serious charge. There is only a single report here—that is Document F-677, the report of the tax collector Bruder—which attains the level of the usual atrocity reports. But I do not believe that this report should be accepted at its face value, since Bruder does not even say who told him this. And the information itself is not credible. He asserts, for example, that the prisoners who were at work had to prostrate themselves before every SS guard. I do not believe that the camp authorities would have permitted that, because then the prisoners would not have been able to work.

It is hard for me to say, but I do not think that conditions in the Netherlands were quite as bad as all that.

DR. STEINBAUER: I think that I can now conclude this chapter and turn to Point V of the Indictment, which deals with the question of labor commitment. What problems did you have in the Netherlands in the field of labor commitment?

SEYSS-INQUART: In the field of labor commitment we must distinguish between three or perhaps four different phases. When I came to the Netherlands, there were about 500,000 unemployed: registered unemployed, those who might become so due to demobilization of the Dutch land and naval forces, part-time workers, and so forth. It was an urgent problem—not only a social one—for me to reduce the number of unemployed. For, in the first place, such an army of unemployed is without doubt a good source of recruits for illegal activities. In the second place, as the war continued, it was to be expected that the material condition of the unemployed would steadily become worse.

At that time we instituted measures which I must, despite all charges, call voluntary labor recruitment. That lasted until the middle of 1942—that is, about 2 years. During that period, I gave neither the German nor the Dutch labor authorities full power to press any worker to work abroad. Without doubt there was a certain economic pressure, but I believe that always exists in this connection. The recruitment was carried out by the Dutch labor offices, which were subordinate to the Dutch General Secretary for Social Administration. There were German inspectors in the labor offices. There were also private hiring agencies; companies from the Reich sent their own agents over. On the whole, about 530,000 Dutchmen were engaged to work in the Reich. In the period which I call "voluntary," 240,000 to 250,000 volunteers went to the Reich and about 40,000 to France.

By the first half of 1942, this reservoir had been used up. The Reich demanded more workers. We then considered introducing compulsory labor service. I recall I did not receive instructions to this effect from Sauckel, but from Bormann as a direct Führer order. Now, labor commitment occurred predominantly, but not exclusively, in the following way. Young and, as far as possible, unmarried Dutchmen were called to the labor office, where they received certificates of conscription for work in the Reich. The Dutch report itself says that only a few refused. Of course, some of those who refused were arrested by the Police and taken to the Reich. The Higher SS and Police Leader reported to me that this totaled 2,600 people of about 250,000 to 260,000 labor conscripts, and of the total engaged 530,000 persons. So this meant only 1 percent, or even 0.5 percent. I believe that the figure resulting from compulsory measures in the Reich was no lower—or higher.

At the beginning of 1943 the Reich demanded a large commitment of workers, and I was advised to draft whole age groups to send to the Reich. I call attention to the fact that all of these workers received free labor contracts in the Reich and were not put into labor camps. I decided to draft three young age groups—I believe 21 to 23 years of age—in order to spare married men. The success was satisfactory in the first group; in the second group it was moderate; and in the third it was quite bad. I realized that I could draft further groups only by sheer force. I refused to do so. But at that time I managed, due to Minister Speer's understanding, to arrange not to have the workers taken to their work, but that the work be brought to the workers. Big orders arrived in the Netherlands, and the industries charged with filling these orders were declared "blocked" industries. Among them was the Organization Todt.

Dutchmen who were needed in the Netherlands were exempted. Over a million certificates of exemption were issued by the Dutch authorities. It was clear that that was Dutch sabotage, but I did not want to take steps against it. No woman was ever forced to work outside the Netherlands, nor were young people under 18. Reich Minister Lammers has confirmed here that at the beginning of 1944 he transmitted the Führer order to me demanding that 250,000 workers be brought to the Reich. He also confirmed that I refused it. At that time Gauleiter Sauckel came to me and discussed this matter with me. I must state that he understood my arguments surprisingly quickly, and did not insist on carrying out the forced recruitment. By "forced recruitment," I mean blocking off whole districts and seizing the men.

In the course of 1944 labor recruitment ceased almost completely. Instead of 250,000 I believe 12,000 were sent to the Reich. But something entirely different took place in the fall of 1944. From experience gathered in France and Belgium, the High Command of the Army decided that able-bodied Dutchmen were to be drawn from Holland—that is, the western Netherlands. That was because the Netherlands Government in England had set up an illegal army. I had the organizational charter in my hands. There was a complete General Staff and a complete War Ministry. We estimated that there were about 50,000 illegal troops. If an appeal was made and one more able-bodied Dutchman joined, the illegal forces would have been more numerous than the German troops in Holland. Moreover, they had received very good equipment from England. Full shiploads of the most modern tommy guns were confiscated by us, but I am convinced that the larger part of the weapons was not confiscated.

The High Command of the Army, through the military commanders, ordered the removal of the able-bodied Dutchmen. The measure was entirely carried out by the Armed Forces. A general who was sent for that very purpose was entrusted with the task, with an operational staff of his own. This measure was carried out by the local commandants. My local authorities were informed of the action to be taken, sometimes at the last moment and sometimes not at all. Of course I knew about the measure. In view of these reasons I could not take the responsibility of protesting against it. I only intervened when it was necessary to protect civilian interests, and prevent the workers in the vital industries from being removed also. I entrusted this to the Plenipotentiary General for the Total War Effort, whom Dr. Goebbels had sent to the Netherlands in the meantime. His task was to issue exemption certificates. He issued 50,000 of them.

THE PRESIDENT: Do you mean Himmler?

SEYSS-INQUART: Goebbels, the Delegate for Total War Effort.

I admit that this measure led to conditions which were unbearable for the Dutch. I am certain that, as for feeding, temporary lodging, and transportation, the population in the bombed German territories did not live under any better conditions. But one could not demand this from the Dutch. Many Dutch people told me, at that time, that they would be willing to agree to this labor commitment—by no means in order to aid the German cause, but only in order to avoid these severe conditions—if they would be drafted in orderly proceedings. I then did that. The Plenipotentiary General for the Total War Effort issued the proclamation which has been submitted to the Court. The people were called to the labor offices, recorded on lists, sent home again to get clothes, and ordered to report to the railroad stations. Not the Police but labor officials took them to the Reich to be put to work under normal conditions. The Dutch report, in its objectivity, recognizes this fact. It speaks of the better transportation facilities for those mobilized for labor. I am responsible for this labor mobilization for the reasons which I have given.

DR. STEINBAUER: Mr. President, may I remark in this connection that my Exhibit Seyss-Inquart-78, Document 1726-PS, Exhibit USA-195, Page 200, excerpt from the Netherlands Government report, confirms the statement of my client fully. I should like to read it briefly because it is important. Page 2:

“...workers who refused—relatively few—were prosecuted by the Security Service.”

Then, Page 3:

“...apart from that, the measure was not very successful. Certain German authorities seem to have opposed its execution, because many former members of the armed forces received exemption; others went underground....”

“The result was that in the last month of 1943, and in the greater part of 1944, relatively few persons were deported....”

And then, Page 6:

“...until the end of 1944, the method of transportation for deportees was bearable....”

“Anyone who reported for the manpower mobilization in January 1945, enjoyed improved transportation facilities—that is, almost the whole journey by rail, although only in freight cars....”

SEYSS-INQUART: Even for our own use we had no other cars at that time.

I should like to refer to the fact that I also drafted Dutch workers in order to carry out the construction work entrusted to me by the Führer on the resistance lines east of the Ijssel. I used part of the transports which came from Rotterdam, *et cetera*, for this purpose, and thus I prevented these people from being sent to the Reich. I had no influence on the treatment in the Reich; I only forbade further transports into the Gau Essen, because it was reported to me that in the Rees Camp the treatment was very poor, and that some Dutch people had died.

DR. STEINBAUER: Now I come to the next count of the Indictment—that is, to the Jewish question. The Netherlands Government report, Exhibit USA-195, sums up all ordinances submitted by the Prosecution. I should like to submit this Document 1726-PS to my client, so that it may remind him of the laws. The Court already has it.

[Turning to the defendant.] What did you, as Reich Commissioner, do about the Jewish question?

SEYSS-INQUART: When I took over the functions of the Reich Commissioner, I of course realized that I had to take a definite attitude, and would have to take some steps with regard to the Jews in the Netherlands. Amsterdam, in western Europe, is perhaps one of the best known and one of the oldest seats of Jewish communities in western Europe. Moreover, in the Netherlands there were a great many German Jewish emigrants.

I will say quite openly that since the first World War and the postwar period, I was an anti-Semite and went to Holland as such. I need not go into detail about that here. I have said all that in my speeches, and would refer you to them. I had the impression, which will be confirmed everywhere, that the Jews, of course, had to be against National Socialist Germany. There was no discussion of the question of guilt as far as I was concerned. As head of an occupied territory I had only to deal with the facts. I had to realize that, particularly from the Jewish circles, I had to reckon with resistance, defeatism, and so on.

I told Generaloberst Von Brauchitsch, Commander-in-Chief of the Army, that in the Netherlands I would remove Jews from leading posts in the economy, the press, and the administration. The measures taken by me from May 1940 to March 1941 were limited to that. The Jewish officials were dismissed, but were given pensions. The Jewish firms were registered, and the heads of the firms were dismissed. In the spring of 1941 Heydrich came to me in the Netherlands. He told me that we would have to expect that the greatest resistance would come from Jewish circles. He told me that the Jews would at least have to be treated like other enemy aliens. The English, for instance, in the Netherlands, were interned

and their property confiscated. In view of the large number of Jews—about 140,000—this was not so simple. I admit frankly that I did not object to this argument of Heydrich's. I also felt that this was necessary in a war which I absolutely considered a life and death struggle for the German people. For that reason, in March 1941 I ordered that the Jews in the Netherlands be registered. And then things went on step by step.

I will not say that the final results—as far as the Netherlands are concerned—were intended thus from the beginning; but we decided on this method. The regulations cited here, if they appeared in the Dutch Legal Gazette, were mostly signed by me personally. At least, they were published with my express assent. Individual measures mentioned here, however, were not by me. For example, in February 1,000 Jews were supposed to have been arrested and sent to Buchenwald and Mauthausen. That much I know. In the Amsterdam ghetto . . .

THE PRESIDENT: February of what year?

SEYSS-INQUART: February 1941. In the Amsterdam ghetto, a National Socialist was killed by Jews. Reichsführer Himmler thereupon ordered 400 young Jews sent to Mauthausen. I was not in the Netherlands at that time. That was, by the way, the reason for the general strike in Amsterdam in March 1941. After my return to the Netherlands, I protested against this measure, and to my knowledge such a mass transfer to Mauthausen did not occur again. Synagogues were also burned. Apparently someone ambitiously tried to imitate the 8 November 1938. I immediately intervened. Further incidents did not occur. On the other hand, the Police wanted to tear down the old temple in Amsterdam. General Secretary Van Damm called this to my attention, and I prevented it.

I indicated earlier that the motive for the measures is to be found in the consideration to treat Jews like enemy aliens. Later, with other measures, the original intention was certainly abandoned; they became the same as those taken against the Jews in the Reich. Perhaps, in one case or another, this was even exceeded, for I know that, for example, in the Netherlands there was a drive to get the Jews sterilized.

Our goal was to keep the Jews in the Netherlands—namely, in two districts of Amsterdam and then in the Westerborg Camp and in the Vught Camp. We had also prepared to create the necessary opportunities for work. I instructed the General Secretary for Education to withdraw as much money from the Dutch budget for the education of the Jews as they should have according to their proportion of the population. It is certain that with this measure of concentrating the Jews in two districts and two camps, harshness

occurred which was perhaps unavoidable, and which might even in some cases be considered as excessive.

Finally, the Security Police demanded the introduction of the so-called Jewish Star. A not inconsiderable number of Jews were not in the confined areas, and the Security Police demanded that they be marked in order that it might be ascertained whether the Jews adhered to the other restrictions. In the eyes of Germans, this star was certainly considered a stigma. The Dutch did not consider it as such. There was many a Dutchman who, out of protest, wore such a star himself.

About 1942, I believe, Heydrich came along with further demands—this time that the Jews be evacuated. He explained this by saying that Holland would sooner or later be a theater of war, in which one could not allow such a hostile population to remain. He pointed out that he was responsible for the police security of the Reich, and that he could not bear this responsibility if the Jews remained in Holland. I believe that we in the Netherlands opposed this evacuation project for 3 or 4 months while attempting to find other ways out.

Finally, Heydrich had a Führer decree sent to me, according to which he had unlimited powers to carry out all measures in the occupied territories as well. I inquired of Bormann what this meant, and this order was confirmed, whereupon the evacuation of the Jews was begun. At that time I tried to ascertain the fate of the Jews, and it is rather difficult for me to speak about it now because it sounds like mockery. I was told that the Jews were to be sent to Auschwitz. I had people sent from the Netherlands to Auschwitz. They came back with the report that that was a camp for 80,000 people with sufficient space. The people were comparatively well off there. For example, they had an orchestra of 100 men. A witness here, confirming that this orchestra played when victims arrived at Auschwitz, made me think of that report.

THE PRESIDENT: Dr. Steinbauer, you probably won't finish today.

DR. STEINBAUER: No.

THE PRESIDENT: How long do you think you are likely to be?

DR. STEINBAUER: I hope to be finished, at the latest, by noon tomorrow, but perhaps it will take only an hour. I still have questions on plundering, economic measures, and destruction. Then I will be finished.

THE PRESIDENT: We will adjourn now.

[The Tribunal adjourned until 11 June 1946 at 1000 hours.]