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DEPARTMENT OF THE ARMY
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON



DEPARTMENTAL RECORDS BRANCH, T.A.G.O.

INTERNATIONAL PROSECUTION SECTION

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22 June 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Official Transcript of IMT, Nurnberg. Cross-Examination of RIBBENTROP by Sir David Maxwell-Fyfe.

Date: 1 Apr 1946 Original () Copy (x) Language: English

Has it been translated? Yes () No (x)

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LOCATION OF ORIGINAL

Nurnberg

SOURCE OF ORIGINAL: Nurnberg

PERSONS IMPLICATED: OSHIMA, Hiroshi

CRIMES TO WHICH DOCUMENT APPLICABLE: Japan-German Relations

SUMMARY OF RELEVANT POINTS

(p. 6882) Presentation of document signed by RIBBENTROP on 2 January 1939 " . . . outwardly further understanding with England while protecting the interests of our friends; formation under great secrecy but with wholehearted tenacity of a coalition against England; that is, in practice a tightening of our friendship with Italy and Japan"

(p. 6916) Statement made to the Japanese Ambassador to Germany by RIBBENTROP on 29 November, 1941, one week before Pearl Harbor: "It is essential that Japan affect the new order in the East Asia without losing this opportunity. There never has been, and probably never will be, a time when closer cooperation under the Tri-Partite Pact is so important. If Japan hesitates at this time and Germany goes ahead and establishes her European new order, all the military might of Britain and the United States will be concentrated against Japan we have

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received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interests of Germany and Japan jointly, but would bring about favorable results for Japan herself." / RIBBENTROP denied the allegation /

(p. 6918) "Q. Well, this is the official report to the Government of the Japanese Ambassador This is another report of the Japanese Ambassador and he said "The day after Pearl Harbor, at one o'clock, I called on Foreign Minister RIBBENTROP and told him our wish was to have Germany and Italy issue formal declaration of war on America at once"

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 1 April, 1946, 1400-1700, Lord Justice Lawrence presiding:

JOACHIN VON RIBBENTROP -- Resumed

CROSS-EXAMINATION -- Continued

BY SIR DAVID MAXWELL FYFE:

Q. Witness, you were present at the interview between President Hacha and Hitler on the 15th of March, 1939, were you not?

A. Yes, I was present.

Q. Do you remember Hitler saying at that interview that he had given the order for German troops to march into Czechoslovakia, and that at 6 o'clock in the morning the German Army would invade Czechoslovakia from all sides?

A. I can't recall the exact words, but I know that Hitler told Hacha that he would occupy the countries of Bohemia, Slovakia, and Moravia.

Q. Do you remember him saying what I put to you, that he had given the order for German troops to march into Czechoslovakia?

A. Yes, that is just it.

Q. Do you remember the defendant Goering -- as he told the Tribunal -- telling President Hacha that he would order the German Air Force to bomb Prague

A. I can't give any detailed statement on that subject.

Q. I am not asking you for a detailed statement; I am asking you if you remember what I should suppose was a rather remarkable statement, that the defendant Goering said to President Hacha that he would order the German Air Force to bomb Prague if Czech resistance was not called off. Do you remember that?

A. No, I don't know that; I wasn't present.

Q. You were there during the whole interview, were you not?

A. No, I was not. If the British Prosecutor would allow me to do so, I would like to add my explanation as to exactly how things happened.

Q. I want you to answer my question at the moment. You say you don't remember that. At any rate, if the defendant Goering said that he said it, would you accept that it happened?

A. If Goering says so, then it will, of course, be true. I have only to relate that I was not present during that conference between President Hacha and the then Reichsmarshal Goering.

Q. Do you remember Hitler saying that within two days the Czech Army would not exist any more?

A. I don't recall that in detail, no; it was a very long conference.

Q. Do you remember Hitler saying that at 6 o'clock the troops would march in? He was almost ashamed to say that there was one German division to each Czech battalion.

A. It is possible that something like that was said. However, I can't remember the details.

Q. If these things were said, will you agree with me that the most intolerable pressure was put on President Hacha?

A. That question didn't come through.

Q. If these things were said, will you agree with me that the most intolerable pressure was put upon President Hacha?

A. Undoubtedly, Hitler's language was very clear. However, to that I have to add that President Hacha, on his part, did not come to Berlin for the purpose of finding a solution, together with Hitler. He was surprised that the march of troops into Czechoslovakia was to take place. That I know, and I remember it exactly. He eventually agreed, and contacted his government's Chief of Staff so that there would not be a hostile reception for the German troops.

The agreement which I had drafted was then discussed with Hitler, and it was concluded with Hitler and the Czech Foreign Minister.

Q. Will you agree with me that that agreement was obtained through a threat of aggressive action by the German Army and Air Force?

A It is certain that the Fuehrer told President Hacha that the German Army would march in, and that naturally, under that impression, that document was signed. That is correct?

Q Don't you think you could answer one of my questions directly?

I will ask it again. Will you agree with me that that document was obtained by the most intolerable pressure and threat of aggression? That is a simple question. Do you agree?

A In that way, no.

Q What further pressure could you put on the head of a country except to threaten him that your army would march in, in overwhelming strength, and your air force would bomb his capital?

A War, for instance.

Q What is that but war? Do you not consider it war that the Army would march in with a proportion of a division over a battalion, and that the air force would bomb Prague?

A President Hacha had told the Fuehrer that he would place the fate of his country into the Fuehrer's hands, and the Fuehrer had told Hacha --

Q I want you to answer my question. My question is a perfectly simple one, and I want you answer to it.

You have told us that that agreement was obtained after these threats were made.

A No, I didn't say that.

Q Yes, that is what you said a moment ago.

A No.

Q I put to you that that agreement was obtained by threat of war. Is that not so?

A I believe that that threat is considerably less than the threat under which Germany stood through the Versailles Treaty and its sanctions.

Q Well, leaving whatever it is comparatively, will you now answer my question? Do you agree that that agreement was obtained by threat of war?

A It took place under the pressure of the threat of the march into Prague, Czechoslovakia; there is no doubt about that. However, decisive to the whole matter was that the Fuehrer explained to President Hacha the reasons

why he would have to do this, and that President Hacha eventually, at the end agreed absolutely, after he had consulted his government and his general staff and heard their opinion. On the other hand -- and that is absolutely true -- the Fuehrer had decided to solve this question under any circumstances. The reason for that was that it was the Fuehrer's conception that in the remainder of Czechoslovakia there was a conspiracy against the German Reich. Field Marshal Goering has already stated that Russian commissions were present at Czech airdromes. Consequently, the Fuehrer did that because he believed that it was necessary for the protection of the German Reich.

May I use the comparison that President Roosevelt declared an interest in the Western Hemisphere, and England stated that it was interested in the entire globe? And I think the fact that the Fuehrer showed interest in the remainder of Czechoslovakia in nothing unusual or undue for a large power, whatever you think of the method. But one thing is certain, and that is that these countries were occupied without a single drop of blood being shed.

Q Because they were occupied without a single drop of blood being shed because you had threatened to march in overwhelming strength and to bomb Prague if they didn't agree, isn't that so ?

A No, not because we had complete superiority but because this had been agreed upon before, namely, that the German armed forces could march in without any opposition.

Q I put it to you again, that the agreement was obtained, however by your threatening to march in and threatening to bomb Prague, was it not ?

A I have already once replied to you that it isn't like that, but that the Fuehrer talked to President Hacha and told him that he would march in and that a discussion between President Hacha and Goering -- I do not know, but after that President Hacha signed the agreement, after he consulted with his Government and his General Staff in Prague by telephone. No doubt, the person of the Fuehrer in the case of that argument mattered a lot, and the announced march of the German troops was the cause for President Hacha's signing the agreement.

Q Don't you remember -- would you mind standing, General, for a second (A Czechoslovak army officer stood up in the court room.)

Don't you remember General Etscher asking you some questions once, this General from Czechoslovakia ?

A Yes, certainly.

Q Did you say to him that you thought that this action on the 15th of March was contrary to the declaration of Hitler given to Chamberlain but in fact that Hitler saw in the occupation a vital necessity for Germany ?

A Yes, that is correct. I was wrong in the first point. I will admit that openly, and I remembered it afterward. Because there is nothing like that contained in the Munich agreement between Hitler and Chamberlain. And in the second point I think I stated that Hitler believed he was acting in the best interests of his country.

Q Now, I just want you to tell us one or two general things about your views with regard to Great Britain. Is it correct that when you went to London as Ambassador of the Reich you thought there was very little chance of an agreement, in fact that it was a hundred-to-one chance of getting an understanding with Great Britain ?

standing with Great Britain ?

A When I asked the Fuehrer to send to London personallity --

Q Here is a simple question I am asking you : Is it right that when you went to London as Ambassador you thought there was very little chance of an understanding with England, in fact, that the chance was a hundred to one ?

A Yes, the chance wasn't large.

Q These, as you know, are your own words --

A But I have to add something to that.

Q These are your own words, aren't they, that the chance was a hundred to one ? Do you remember saying that?

A A hundred to one ? I don't remember that but I did tell Hitler that the chance was very small. But I want to add something. I told the Fuehrer that I would do everything, nevertheless, to attempt to achieve a final Anglo German understanding.

Q Now, when you left England did you believe that war was inevitable? When you left England -- when you ceased being Ambassador -- did you believe that war was inevitable?

A No, I wasn't of that opinion, that it was inevitable; but that a possibility of war existed, considering the developments which were taking place in England, that that was possible -- of that I was convinced.

Q I want you to be careful about this; Did you say that you didn't think war was unavoidable when you left England ?

A I can neither say it was inevitable nor that it could be avoided but I was aware of the fact that that considering developments towards German policies in England a conflagration was within the possibilities that existed.

Q Now, look at page 211-E of the Document Book, English Book 170 --

A Did you say 211 ?

Q Have you got that ?

A Yes.

Q Now, will you look at the second paragraph ? It reads like this :

He, the Reich Foreign Minister, had been more than skeptical already at his arrival in London and had considered the chances for an understanding as a hundred to one, that war was in sight with England and also won the upper hand when he, the Reich Foreign Minister, left England, and said war was unavoidable

Is that what you said to Ambassador Oschima ?

A I don't know now whether I said it just like that, but in any case that was preliminary diplomatic language and on the strength of the situation we considered it useful to tell the Japanese Ambassador that. What is interesting is that I remember when I left England I did not consider the war unavoidable and certain. Whether later in the course of years I said this or that, well, that isn't significant for what I thought at that time, when I said that, I don't think that is the least bit of evidence for that. Perhaps I tried to get him into the war against England and probably used strong language.

Q You probably told him what was untrue ?

A I don't know, and I don't know whether that is being put down accurately, in detail. That is a long report. I don't know where it comes from.

Q It is your own record of the meeting, from captured German documents

A That is perfectly possible, but many things are said for diplomatic purposes and not every word is weighed carefully. At any rate, the truth is when I left London there was no certainty that the war was inevitable, but there is no doubt that I was skeptical when leaving London and that I didn't know what things would drift into, and that particularly because of the strong pro-war party in England.

BY THE PRESIDENT:

Q Defendant, will you speak a little bit more slowly ?

A Yes, sir.

BY SIR DAVID MAXWELL-FYFE:

Q Now, when you left England, was it not your view that the German policy should be pretended friendliness toward England and actual formulation of a coalition against her?

A In that sense, no; that is not right. It was clear to me that at the time when I became Foreign Minister the achievement of the German wishes in Europe was difficult and that it was principally England that was in the way

of those wishes. For years, by order of the Fuehrer, I tried by means of a friendly understanding to achieve these points--

Q I want you now to answer my question: Did you advise the Fuehrer that that the proper policy was pretended friendliness with England and in actuality the formulation of a coalition against her? Did you or did you not?

A No, that is not the right way of putting it.

Q Just as you have said so, just look at the document, TC-75, Exhibit GB-28, and at your conclusions that are to be drawn. (Handing document to witness.) You will see it at the end under No. 5. "Therefore, conclusions to be drawn by us." It is about the end of the third page. "Therefore, conclusions to be drawn by us, outwardly further understanding with England while protecting the interests of our friends; formation under great secrecy but with wholehearted tenacity of a coalition against England; that is, in practice a tightening of our friendship with Italy and Japan, also the winning over of all nations whose interests conform with ours, directly or indirectly; close and confidential cooperation of the diplomats of the three greatest powers towards this purpose."

And the last sentence: "Every day on which -- no matter what tactical interludes of rapprochement towards us are carried out -- our political decisions are divided fundamentally by the thoughts of England as our most dangerous adversary would be a gain for our enemies."

Why did you tell the Tribunal a minute or two ago that you hadn't advised the Fuehrer that you hadn't stressed outward friendly relations while in fact contemplating a coalition against her?

A First of all, may I have permission to look at that document?

Q It is signed by yourself on the 2nd of January 1939. It is your own report to the Fuehrer.

A Yes. Actually, that is quite right. And this is the decisive statement. Only in that way can we meet England's plea for an agreement or a conflict. The situation was clearly at that time that England would resist those German wishes for a decision which the Fuehrer had described as vital and that it merely appeared possible through diplomatic consultations to get England

to solve their problem through diplomatic channels and not by war. That was no doubt the decision at the time.

Q Is that why you told the Tribunal five minutes ago that you had not advised Hitler in the sense I put it to you ?

A Which advice do you mean?

Q Outwardly an understanding with England and formation under great secrecy of a coalition against her. I put that to you twice and you denied it. I want to know why you did deny it.

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A I said to that that it is not right in that sense, but I said quite clearly that England was resisting the German requests and that outwardly, if Germany wanted to achieve these aspirations, she had nothing left to her but to find friends and with the help of those friends bring England to the conference table so that England would agree to these requests through diplomatic channels. That was my task at that time.

Q Now, I want you to direct your attention to the relations with Poland. I will give you the opportunity of answering a question generally, and I hope in that way we may save time.

Will you agree that up to the Munich Agreement, the speeches of all German statesmen were full of the most profound affection and respect for Poland? Do you agree with that?

A Yes.

Q Was the purpose of that what is shown in the Foreign Office memorandum of 26 August 1938? I will give you the page number. Page 107 of your document book. I wanted you to look at it. I think it is the fourth paragraph, beginning, "This method of approach towards Czechoslovakia--", and you may take it from me that the method of approach was putting forward the idea that you and Hitler wanted the return of all Germans to the Reich. I put it quite fairly and objectively. That is what precedes. I want you to look at that paragraph.

A Which paragraph do you mean? I did not hear.

Q The fourth, "This method of approach towards Czechoslovakia" it begins. The fourth on my copy.

A I have not found it yet. Paragraph Five. Yes, I have it.

Q "This method of approach toward Czechoslovakia is to be recommended because of our relationship with Poland. It is unavoidable that the German departure from the problems of boundaries in the southeast and their transfer to the east and northeast must make the Poles sit up. The fact that after the liquidation of the Czechoslovakian question, it will be generally assumed that Poland will be the next in turn, but the later this assumption sinks in in international politics as a firm picture, the better."

Does that correctly set out the desires of German foreign policy at that time?

A Indubitably no. First of all, I do not know what this document is. It appears that it came to me through the Secretary of State and from some official in the Foreign Office. He wrote it. It is some theoretical document which were sometimes proposed. I do not recollect having heard it at any time. Whether it reached me, I can not tell you at this moment, but it is possible that such thoughts occurred or were predominant with some of our officials.

I see. Now, if you do not agree, would you look at page 110, on which you will find extracts from Hitler's Reichstag Speech on 26 September 1938. I am sorry. I said Reichstag; I meant Sportpalast.

A Sportpalast, yes.

At the end of this extract, the Fuehrer is quoted as saying with regard to Poland, after a tribute to Marshal Pilsutski,

"We are all convinced that this agreement will bring lasting pacification. We realize that here are two peoples which must live together and neither of which can do away with the other. A people of 33 million will always strive for an outlet to the sea. A way of understanding, then, had to be found. It has been found, and it will be continually extended further. Certainly, things were difficult for this area. The nationalities and small groups frequently quarreled among themselves, but the main fact is that the two governments and all reasonable and clear-sighted persons among the two peoples and in the two countries possess the firm will and determination to improve their relations. This is a real work of peace, more valuable than all of the chattering at the League of Nations Palace in Geneva."

Do you think that is an honest statement of opinion?

A Yes, I believe that that was definitely the Fuehrer's view at the time.

And so at that time all the questions of the treatment of minorities were a very unimportant matter; is that so?

A No, they were not unimportant. A very difficult point had been reached between Poland and ourselves, and such statements were always directed at bridging the gap. I know the conditions in Poland particularly well because, for personal reasons, I followed that situation for many years. Since

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I took over the Foreign Ministry, the greatest difficulties continuously arose, which were always most generously solved by ourselves.

At any rate, you have agreed with me that the speeches at that time--and you say quite honestly--were full of praise and affection for the Poles; is that right?

A Yes, we were hoping that by that we would bring the question of German minorities to a satisfactory conclusion. We tried that since 1934.

Well, now, immediately after Munich, you first raised the question of Danzig with M. Lipski on, I think, in October, around 21 October.

A 28 October.

28 October. And the Poles had replied on the 31st. It may have reached you a day later through M. Lipski, suggesting the making of a bilateral agreement between Germany and Poland, but saying that the return of Danzig to the Reich would lead to a conflict.

I put it quite generally. I just wanted to remind you of the tenor of the reply. Do you remember?

A No, as far as I remember, it was not like that. The Fuehrer had ordered me on -- I think 28 October, I do not know for sure -- to call Ambassador Lipski to Berchtesgaden. He had given me instructions because the Fuehrer was particularly anxious, probably after that speech in the Sportpalast, to clarify the relations with his neighbors. He wanted that particularly with respect to Poland. He instructed me, therefore, to discuss with Ambassador Lipski the question of Danzig and the question of a connection to East Prussia for the Reich.

I asked Lipski to come and see me, and in a very friendly atmosphere I stated these wishes. Ambassador Lipski remained reserved, and he said that Danzig was a complicated problem but that he would discuss the question with his government. I asked him would he please do so soon and inform me of the outcome. That was the beginning of the negotiations with Poland.

Q Well, now, if you will turn-- I do not want to stop you, but I want to get on quickly over this matter. If you will turn to page 114, you will find the minutes of M. Beck's conversation with Hitler on 5 January. I just want to draw your attention to the last paragraph, where, after M. Beck had said that the Danzig question was a very difficult problem, "In answer to this, the Chancellor stated that to solve this problem it would be necessary to try to find something quite new, some new formula, to which he used the term 'Koeroerschaft', which on the one hand would safeguard the interest of the German population and on the other hand the Polish interest. In addition, the Chancellor declared that the Minister could be quite at ease; there would be no fait accompli in Danzig and nothing would be done to render difficult the situation of the Polish government."

Do you see that, before I ask you the question?

A Yes, I have read that.

Q Just look at the summary of your own conversation with M. Beck on the next day. It is page 115, at the beginning of the paragraph, the second paragraph. You will see that after M. Beck had mentioned the Danzig question, you said

"In answer, M. von Ribbentrop once more emphasized that Germany was not seeking any violent solution."

That was almost word for word what Hitler had said the day before, do you see that?

A Yes.

Q Now, page 113. These are the defendant Keitel's orders to-- or rather, to put it exactly, the defendant Keitel's transmission of the Fuehrer's order with regard to Danzig. It is dated 24 November. That was some six weeks before, and it is supplementary to an order of 21 October, and you see what it says:

"Apart from the three contingencies mentioned in the instructions of

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21 October, preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise.

"Occupation of Danzig: The preparations will be made on the following basis. The condition is a quasi-revolutionary occupation of Danzig, exploiting a politically favorable situation, not a war against Poland."

Did you know of these instructions?

A. No, I don't know that. This is the first time that I am seeing that order or whatever it might be. May I add something?

Q. Not for the moment. Hitler must have known of the order, mustn't he? It is an order of the Fuehrer?

A. Yes, of course, and I assume -- that is what I wanted to add, that the British prosecutor will appreciate that politics and minutes of people are two completely different things. There is no doubt that the Fuehrer was familiar with the difficulties of this thing, and that Danzig and the Corridor must certainly have resulted in orders of some sort. And I imagine that it is some such order. This is the first I am seeing it, anyway.

Q. Supposing that you had known of the orders, Witness, would you still have said on the 5th of January that Germany was not seeking a fait accompli or a violent solution? If you had seen this order and regarded it as what I considered it to be, namely, a certain General Staff instruction, then --

A. I think it is part of the General Staff's duty to take into consideration all possibilities and prepare for them principally. That has nothing to do with politics.

Q. Nothing to do with politics to have a cut-and-dried plan how the free state of Danzig is to be occupied by German troops by surprise when you are telling the Poles that you won't have a fait accompli? That is your idea of how matters should be carried on? If it is I will leave it.

A. No. I have to add I know that for a long time the Fuehrer was always anxious, particularly during 1939, and worried that a Polish coup against Danzig would arise. I am not a military man, but it appeared to be natural to me that all such possibilities should be prepared for. But of course I can't judge any details of the orders.

Q. Now, when did you learn that Hitler was determined to attack Poland?

A., That Hitler was expecting the necessity of military action to become necessary, -- that I think I heard for the first time during August 1939. That, of course, even before that he made certain military preparations for any eventuality becomes clear from this order. But about such orders I did not on

principle hear anything, and I do not now recollect anything other than what I received through military information.

Q. Do you tell the Tribunal that you didn't know in May that Hitler's real view was that Danzig is not the subject of the dispute at all, but that his real object was the acquisition of lebensraum in the East?

A. No, I didn't know it in that sense. The Fuehrer often talked about lebensraum, that is right, but I did not know that he had the intention to attack Poland.

Q. Well now, just look at page 117 -- or it may be 118 or your document -- on page 117 you will find the minutes of the conference on the 23rd day of May 1939 at the New Reich Chancellery.

A. Did you say 117?

Q. 117. I want you to look at -- it may be on page 118, and it begins: "Danzig is not the subject of the dispute at all, it is a question of expanding our living space in the East and of securing our food supplies and of the settlement of the Baltic problem. Food supplies can only be expected from thinly populated areas over and above the natural fertility following German exploitation, which will enormously increase the surplus. There is no other possibility for Europe."

Are you telling the Tribunal that Hitler never explained that view to you?

A. It may be. But first of all I want to say that I wasn't present during this conference. That was a military conference, and the Fuehrer used to hold these military conferences quite separately from the political field. Along these lines the Fuehrer did mention that we needed lebensraum, living space, but any intention of attacking Poland I never heard of at that time, that is, May 1939. He never told me about that. And I think that this was intentional. He always wanted a diplomat to work toward a diplomatic solution,

Q. You mean to say that Hitler was deliberately keeping you in the dark as to his real aims that Danzig was not the subject of dispute and what he really wanted was lebensraum; is that your story?

A. Yes, I assume that he did that occasionally.

Q. Well now, just look at the very short paragraph a little further on

where he says: "There is no question of sparing Poland, and we are left with no alternative but to attack at the first suitable opportunity. We can not expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland."

Do you tell the Tribunal that he never said that to his foreign Minister?

A. I didn't quite understand that question.

Q. It is a perfectly simple one. Do you tell the Tribunal that Hitler never mentioned what I have just read from his speech, that there is to be no question of sparing Poland that you had to attack Poland at the first opportunity, and your task was to isolate Poland? Are you telling the Tribunal that Hitler never mentioned that to his foreign minister, who would have the practical conduct of foreign policy?

A. No. At that point he didn't do that. In my opinion he did it much later in the summer of 1939. At that time he did talk about it, that he had decided to solve the problem one way or another; so or so.

Q. And do you say that you didn't know in May that Hitler wanted war?

A. Did I what?

Q. You didn't know in May that Hitler wanted war?

A. I wasn't at all convinced of that.

Q. It is quite clear from the document that he did want war, isn't it?

A. This document no doubt shows an intention of action against Poland, but I know that Hitler often used strong language towards his military personnel. And such a form indicating that he was firmly determined is contained therein, but whether that was realized politically, whether he would have carried it out that is a completely different question. I know he told me repeatedly that one had to talk to military persons as if war was breaking out.

Q. Now, I want to ask you about another point. You said on Friday that you had never expressed the view that Great Britain would stay out of a war and would fail to honor her guarantee to Poland. Do you remember saying that?

A. Yes.

Q. Is that true?

A. Yes.

Q. Well now, I would just like you to look at one or two other documents. Do you remember on the 29th of April 1939 receiving the Hungarian Prime Minister and the Foreign Minister at three-thirty in the afternoon?

A. No, I don't remember that.

Q. Well, we have the minutes of your meeting signed by -- I think von Erdmannsdorf. Did you say this to the Hungarian Prime Minister and Foreign Minister, "The Reich Foreign Minister added that it was his firm conviction that no matter what happened in Europe no French or British soldier would attack Germany. Our relations with Poland were gloomy at the moment."

Did you say that?

A. I don't think I ever said that. I consider that impossible.

Q. Well, if you got a copy --

A. May I perhaps have a look at the document?

Q. Oh, certainly; with pleasure. This will become GB 289, Document D-737.

A. I can't, of course, now tell you in detail what I said at that time, but what is possible is that at that time the Hungarians were concerned about the Polish problem and that one wanted to calm them down. That is perfectly feasible. But I hardly believe I said this. It could be that the Fuehrer knew and that the Fuehrer said that England would not march to the aid of Poland.

Q. If you are a little doubtful would you look at Document D-738, which will be GB 290. Evidently you saw these gentlemen again two days later. Just look at the last sentence of that. "The Reich Foreign Minister pointed out again that Poland presented no military problem for us. In case of a military clash the British would coldly leave the Poles in the lurch." That is quite straight speaking, isn't it, "The British would coldly leave the Poles in the lurch."?

A. I don't know on just what page that is.

Q. It is paragraph 7, and it is the report of the 1st of May, the last sentence of my quotation. It is signed by a gentleman called von Erdmannsdorf; it appears at about his signature. The words I am asking you about are "in case of a military clash the British would coldly leave the Poles in the lurch."

A. Is that on page 8 or where? On what page, if I may ask?

Q. My heading is paragraph 7. It begins: The Reich foreign minister then returned to our attitude towards the Polish question and pointed out that the Polish attitude had aroused great bitterness.

A. It is perfectly feasible that I said something like that, and if it was said it was so as to not unsettle the Hungarians too much and keep their nose to the grindstone. That is a political conversation, that is all. That is clear.

Q. Did you have any requirement to tell the truth in a political conversation?

A. Well, we are not concerned with that. This is a question of bringing about a situation in which the question can be solved diplomatically. If I were to tell the Hungarians today -- and this applies to the ¹talains later on -- that England would assist Poland and that a large war would break out, then this would create a diplomatic situation in which the problem couldn't be solved at all. There is no doubt, therefore, that I at that time used very strong language, just as the Fuehrer always ordered me. If his own foreign minister would have hinted at other possibilities, then that would naturally have caused great difficulties, and I should like to say that this would have meant that under all circumstances it would have led to war. We wanted to create a strong German position so that we could solve this problem peacefully.

THE PRESIDENT: Are you making that GB 290 or 289?

SIR DAVID MAXWELL* FYFE: 738 is 290.

A. (continuing) May I perhaps add that the Hungarians were always somewhat worried -- always agreeable to German foreign policy -- and the Fuehrer told me that I should use particularly forceful language in that connection, as I often used towards my own diplomats.

Q. You want us to assume that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what it comes to shortly, isn't it? That is what you want us to understand -- that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what you want us to understand, isn't it?

A. I don't know whether you can talk about lies in this connection, Mr Prosecutor. This is diplomacy: and if we were to bring about a powerful situation, then of course we couldn't go beating about the bush. The Fuehrer often used such language; he ordered me to use the same. I want to emphasize once more that I used such language particularly to my own department, the foreign office, so that there was a clear line of policy laid down if the Fuehrer were aiming at the solution of a problem, no matter what the circumstances, so that if a war would arise it was our only chance to indicate a very strong attitude. But if you didn't do that, then war would have arisen in any case.

Q. Well, now, I want you to have in mind what Count Ciano says that you said to him on, I think the 11th or 12th of August, just before your meeting at, I think it was at Salzburg, with you and Hitler. You remember that according to Count Ciano's diary he said that he asked you "What do you want, the Corridor or Danzig?" and that you looked at him and said, "Not any more; we want war." Do you remember that?

A. Yes. That statement is quite untrue. I told Count Ciano at the time -- and this is on the same line -- that the Fuehrer is determined to solve the Polish problem one way or another. Those were the instructions I had from the Fuehrer. That I am supposed to have said that we wanted war, that is particularly bad. It must be clear to every diplomat that one doesn't say a thing like that, not even to one's best and most faithful ally; but most certainly not to Count Ciano.

Q. I'd just like you to look at a report of the subsequent conversation that you had with Mussolini and Count Ciano not very long after, on the 10th of March 1940 -- that is, about nine months later. If you look at the document 2835-PS, which will become GB 291, and if you will turn to, I think it is page 18, line 19 --

A. You mean page 18?

Q. I remind you again, a conversation between you and Mussolini and Ciano on the 10th of March 1940. It begins by saying: The Reich Foreign minister recalled that he actually did state in Slangburg to Count Ciano that he did not believe that England and France would assist Poland without further ado; that at all times the possibility of intervention by western powers must still be reckoned with. He was glad now about the course of events, because first of all it has always been clear that the differences would have to come sooner or later and they were inevitable.

And then you go on to say that it would be a good thing to finish the conflict in the lifetime of the Fuehrer.

A. Yes; that was after the outbreak of war, wasn't it?

Q. Yes. What I am putting to you are these words: He was glad now about the course of events, because first of all it had always been clear that differences would have to come sooner or later and they were inevitable. And if you will look at where it says "secondly" --

A. May I reply to that?

Q. Yes; but what I am suggesting to you is that that shows perfectly clearly that Count Ciano is right, and that you were very glad that the war did come, because you thought this was an appropriate time for it to happen.

A. I don't find it; I can't find it. To the contrary, it says here that he was still expecting the possibility of an intervention on Britain's part. It says so here clearly.

Q. But it is the second part that I am putting to you. I pass from that point about British intervention. I say he was glad now about the course of events, and if you will look down at the paragraph, so that you will have it in mind, the third line says:

Secondly, at the moment when England introduced general conscription it was clear that the relationship of the powers would not formulate itself in the long run in favor of Germany and Italy.

A. May I ask where it says that?

Q. A few lines further down. The word secondly is underlined, isn't it?

A. No, it doesn't say so here.

Q. Secondly, at the moment when England introduced general conscription -- It is about ten lines further on.

A. What is the British Prosecutor trying to prove here? I don't quite understand.

Q. I want you to look at the next sentence before you answer my question: This, along with the other things, was decisive for the Fuehrer's decision to solve the Polish question even under the danger of intervention by the western powers. The deciding fact was, however, that a great power could not take certain things lying down. What I am saying --

A. That appears correct to me.

Q. And that was your view at the time and the view that you declared afterwards as being your view -- that you were determined that you would solve the Polish question even if it meant war? Count Ciano was perfectly right in saying that you wanted war. That is what I am putting to you.

A. No; that is not correct. To the contrary, I told Count Ciano at the time at Berchtesgaden that the Fuehrer was determined to solve the problem one way or another, or so and so; and that expression was particularly necessary because the Fuehrer was convinced that whatever became known to Rome would go to London and Paris at once. Thus, he wanted clear language to be used, so that Italy would be on our side diplomatically. If the Fuehrer had said or if I had said that the Fuehrer was not so determined to solve that problem, then it would have been passed on immediately without doubt, but since the Fuehrer was determined, if necessary even by war, to solve it, if it couldn't be solved any other way, then this would definitely make war. That is the explanation for that clear and strong diplomatic attitude which I assumed at that time. But I don't know why what is being said here should be contradictory.

Q. I want you to pass on to the last week in August and take that again very shortly, because there is a lot of ground to cover.

You agreed in your evidence that on the 25th of August the Fuehrer called off the attack which was designed for the morning of the 26th. You remember that. I just want you to have the dates in mind.

A. I know that date very well.

Q. Now, you have heard, you were here in court the day Dahlerus gave his evidence, were you not?

A. Yes, I was here.

Q. And let me remind you of the date, that on the evening of the 24th the Defendant Goering asked Herr Dahlerus to go to London the next morning to carry a foreward -- a pre-message -- of what the Fuehrer was going to say to Sir Neville Henderson on the 25th. Do you remember that was his evidence? And on the 25th, at 1:30 --

A I can't recollect the dates quite exactly, but I think it was like that.

Q I know these dates pretty well, and the Tribunal will correct me if I am wrong, but I am giving them as I have looked them up. That was the night of the 24th; Dahlerus left on the morning of the 25th, and then at 1:30 on the 25th--you said about noon; I am not quarreling with you for a matter of minutes--midday on the 25th the Fuehrer saw Sir Neville Henderson.

A Yes, that's right.

Q And it was called the "Note Verbale", That is asking in general terms.

A I think it was given to him or handed to him in the evening, and in midday he only talked to him. In the evening he dispatched Ambassador Schmidt who said there was a special message, and asked him once more to put his government how serious the Fuehrer was about this message. I think that is contained in the British Blue Book.

Q Whenever you gave him the actual note, Herr Hitler told him the general view in the oral conversation which he had with Sir Neville in the middle of the day?

A Yes, that's right.

Q And the actual calling off attack on the morning of the 26th, as you have said, was not done until you had had the message from Signor Mussolini about 3 o'clock, and the news that the Anglo-Polish formal agreement was going to be signed that evening about 4 o'clock. That is what you have said.

Now, the first point that I am putting to you is this: That at the time that Herr Dahlerus was sent, and the time of this note, when the words were spoken by the Fuehrer to Sir Neville Henderson, it was the German intention to attack on the morning of the 26th; and what I suggest is that both the message to Herr Dahlerus and the words which were spoken to Sir Nevillw Henderson were simply designed in order to trouble the British Government in the hope that it might have some effect on them withdrawing from their aid to Poland; isn't that right?

A Do you want me to answer that?

Q Certainly; I am asking you.

A I didn't quite understand it, The situation is that I don't know the message Dahlerus had; I can't talk about it.

Regarding the meeting between Hitler and Sir Neville Henderson, I can say

that in the morning I saw the correspondence between Mr. Chamberlain and Adolf Hitler--I think dated the 22nd. That correspondence finished in a sort of deadlock. I talked to the Fuehrer afterwards, wondering whether I shouldn't make yet another effort to come to a solution with England. Subsequently, towards midday--I think it was 1 or 2 o'clock-- the Fuehrer met Sir Neville in my presence and he told him that he should take his airplane and fly to London so as to talk to the British Government as quickly as possible. He had the intention that after solving the Polish problem of submitting yet wider proposals to Britain. I think he was dictating it, but I haven't got that in my recollection exactly.

Then Sir Neville Henderson flew to London. When the Fuehrer had that conversation, military measures were being taken. I heard that that day. Mussolini's refusal was received earlier. I don't think it was 3 o'clock; I think it was in the morning. Then at 4 or 5 in the afternoon I heard about the Polish-British agreement being ratified, and I went to see the Fuehrer and suggested to him to withdraw the military orders which had been made. He did so after a short time.

There is no doubt that in the meantime certain military measures were going on. Just how far they went I cannot, unfortunately, say; but when the Fuehrer was sending that verbal note to England I was under the impression that if England would react promptly to that conflagration would not have arisen. In that case military measures which were automatic could have been arrested later on. But about that I cannot say anything in detail.

I only recollect one thing, and that is that when I received the note from the Fuehrer -- which I think was towards the evening; certainly in the afternoon -- then those measures had already been stopped or they were in the process of being stopped. But exact hours of course I cannot at the moment give you. I would have to have detailed evidence which unfortunately I haven't got here. But one thing is certain, and that is that it was the Fuehrer's suggestion at the time to offer -- there was an offer made to England so as to try still to come to a solution of the Polish problem. When I saw the Note Verbale I told him, "How about the Polish solution?" and I still recollect that he said, "Let's send that note to the British, and if they react to it then we can still see what to do."

I think military measures were either stopped there or they had been stopped previously or were stopped just after that.

Q Now, you weren't present at the meeting of the Fuehrer and his Generals on the 22nd of August, but you must have heard many times the account of it read out since this trial started. You remember the Fuehrer is reported, according to minutes, to have said:

" I shall give up propagandistic causes for starting the war; never mind whether it be plausible or not. The victor shall not be asked later on whether we told the truth or not. In starting and making a war, not the right is what matters but victory."

That is what was said at Obersalzberg. Had Hitler ever said anything like that to you?

A Did you say 27th?

Q 22nd. What I am asking you is, had Hitler said anything similar to that to you ?

A No. During that discussion on the 22nd I wasn't present. I think I was on my way to Moscow.

Q I said you weren't present. That is why I put it in that way. Had he ever said anything similar to you ? You say no. Well, now, I want you to come to the 29th.

A May I just say something about that ?

Q No. If you say that he hadn't said it to you, I am not going to pursue it, because we mustn't waste too much time on each of these details. I want you to come to the 29th of August when you saw Sir Neville Henderson, and while accepting with some reservation the idea of direct negotiation with Poland you said that it must be a condition of that negotiation that the poles should send a plenipotentiary by the next day, by the 30th. You remember that ?

A Yes. Well, it was like this --

Q (Interposing) I really don't want to stop you, but I do want to keep it short on this point.

A Yes. In that case I have got to say no, because this isn't the correct version. May I then go on explaining ?

Q I am sorry, because this is only preliminary. I thought it was common ground that you saw Sir Neville on the 29th, that you put a number of terms. One of the terms was that a Polish plenipotentiary should be present by the 30th. If you don't agree with that, please tell me if I am wrong, because it is my recollection of all documents.

A Yes, that is correct.

Q Now, on the 30th you have told us that your reason for not giving a copy of the terms to Sir Neville was, first, because Hitler had ordered you not to give a copy. And I think your reason given at the time was that the Polish plenipotentiary had not arrived, and therefore it was no good giving a copy of the terms. That's right, isn't it ?

A Yes, that's correct. That's right.

Q Now, these terms that were given, that were read out by you, were not ready on the 29th, because in your communication demanding a plenipotentiary you said if he came on the 30th you would have terms ready by that time. So may I take it that these terms were drawn up by Hitler with the help of the Foreign Office between the 29th and the 30th ?

A He dictated them personally. I think there were 16 points, if I remember rightly.

Q Yes, now, did you really expect after the treatment of von Schuschnigg of Tiso, of Hacha, that the Poles would be willing to send a fly into the spider's parlor ?

A We certainly expected that; we hoped for it. And I think that one gesture, one hint, from the British government would have sufficed to bring that ambassador to Berlin.

Q And what you hoped was to put the Poles in this dilemma, that either these terms would stand as a, to use Hitler's phrase, propagandistic cause for the war, or else you would be able, by putting pressure on the Polish plenipotentiary, to do exactly what you had done before with Schuschnigg and Tiso and Hacha, and get a surrender from the Poles. Wasn't that what was in your mind ?

A No. The situation was different. I must say that on the 29th the Fuehrer told the British Ambassador that he would draft these conditions or this

agreement and until the arrival of the Polish plenipotentiary he would place them at the disposal of the British Government. At least he was hoping that this would be possible. I think those were his words.

Sir Neville Henderson accepted that, and I must repeat that the Fuehrer, after the British reply had been received on the 28th, once more and in spite of the extremely tense situation between Poland and Germany, agreed to this mean of negotiation.

Decisive, therefore, is the following : That during these critical days of the 30th and 31st, the Fuehrer had drafted these conditions. England knew that the possibility of a solution existed. During the whole of the 30th of August we never heard anything at all from Britain, at least nothing definite. Only at midnight, I think, did the British Ambassador report for this discussion.

In the meantime, I must say that at 7:00 o'clock in the evening the news of general mobilization in Poland had been received, which excited the Fuehrer to a considerable degree. By that the situation had been brought to a more critical stage. I still remember exactly what the situation at the Chancellery was. News was received hourly regarding the incidents, regarding streams of fugitives, and so forth and so on. In fact, the atmosphere was loaded with electricity and was extremely tense.

The Fuehrer waited during the whole of the 30th but he did not receive any definite news. At midnight of the 30th, that conversation took place. It has been said by me here, and by the interpreter Schmidt, just how that conversation went.

I had done more at that time than I was allowed to, and I had read the entire contents to Sir Neville Henderson, and I had hoped that perhaps England would nevertheless still make a move. Sir Neville Henderson had been clearly told by the Fuehrer that a Polish mission would be treated on equal terms. The possibility existed, therefore, either to meet at a third place or that someone would come to Berlin, or that the Polish Ambassador Lipski would be given the necessary authorities. Those were the possibilities but I would like to go further.

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It was really only possible that during the 30th or even the 31st, until late at night or until the morning when the march began, that at least the Polish Ambassador Lipski would receive authority to receive at least the German proposals, If this had been done, then the diplomatic negotiations would have started at least, and for the time being the crisis would have been averted.

I also believe -- and I have said so already -- that there would have been no objections, that everybody would have appreciated it, if the basis for negotiations that I have described here had existed, any intervention from the British Government during the 30th or 31st and negotiations would have been put on a reasonable basis on the strength of proposals which England described as reasonable.

There wouldn't have been a situation which would have been particularly depressing for the Poles, I believe that on the basis of these reasonable proposals which were perfectly in keeping with the rules of the League of Nations with reference to the plebiscite in that Corridor, that this would have been a perfectly acceptable solution for Poland.

THE PRESIDENT: The Tribunal will adjourn now for ten minutes.

(A recess was taken.)

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THE PRESIDENT: Defendant, the Tribunal desires me to say that they think that your answers and your explanations are too long, too argumentative, and too repetitive and they are upon matters which have been gone over and over again before the Tribunal, so they would therefore ask you to try and keep your answers as short as possible.

THE WITNESS: Yes.

BY SIR DAVID MAXWELL FYFE:

Q Did I understand you correctly, witness, on Friday, that you didn't know about the connection between Quisling and the Defendant Rosenberg in the spring and summer of 1939. It was well before the war--spring and summer, before June of 1939?

A Yes, it is correct to say, to be sure, that Rosenberg had friends in Norway and Quisling was one, but his name meant nothing at that time. On the wish of the Fuehrer, I gave Rosenberg certain money for his friends in Norway for newspaper propaganda, and so on.

Q You didn't know, as I understand your testimony, that some of Quisling's men had been in a training school in Germany in August of 1939, before the war?

A No, I don't remember that. I heard of it through a document here and I don't recall that I knew anything of it at that time. If I did know anything of it, then I didn't know what the matter was at hand.

Q Did you know that the Germans living in Norway, had been used to enlarge and extend the staff of the various German official agencies, the legation and the consulates, soon after the beginning of the war?

A No, I don't remember that at the moment at all. I didn't really find out about that if that was the case.

Q It is the quotation from the year book of the NSDAP. All I want to know at the moment is whether or not you knew about that. If you say you didn't--

A I didn't.

Q Did you know at the time in December, 1939, that Quisling had two interviews with Hitler on the 16th and 18th December?

A No. What was the date, may I ask?

Q 16th and 18th December, 1939--through the Defendant Raeder--

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A No, I knew nothing about these discussions.

Q So that practically, the first matter that you knew about in regard to Norway was, first, when you got the letter from Raeder, dated the 3rd of April?

A No, I believe that was a letter from Keitel.

Q I beg your pardon. It is a mistake of mine. I am sorry. Do you remember a letter from Keitel, where he says "The Military Occupation of Denmark and Norway had been by command of the Fuehrer, long in preparation by the High Command of the Wehrmacht -- the High Command of the Wehrmacht had therefore ample time to occupy itself with all the questions connected with the carrying out of this operation." So really, witness, I may perhaps be able to shorten the matter. You are really not a good person to ask about the earlier preparations with regard to Norway, because you weren't in on these earlier discussions with Quisling and with Raeder and Hitler. Is that right? If so, I will leave the subject.

A No. I did not participate in those things but I should like to make one thing clear, that I received this letter only some days later. The first intimation I had of the intentions of the occupation of Norway, I received about thirty hours ahead of time. The letter was probably longer under way than it should have been.

Q Then I shall not occupy time because there is a good deal to cover, and I will take you straight to the question of the Low Countries. You have heard me read, and probably other people read, more than once, the statement of Hitler's on the 22nd of August 1939. "Another possibility is the violation of Dutch, Belgian and Swiss neutrality. I have no doubt that all these States, as well as Scandanavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries. That is what Hitler said on the 22nd of August. You weren't there, and I ask you again if he expressed the same opinion to you?

A No, that, he did not.

Q Did you know that from a very early date, on the 7th of October 1939, that an Army Group order was given that Armed Group B is to make all preparations, according to special orders, for immediate invasion of Dutch and Belgian territory if the political situation so demands. Did you know of that order on the 7th of October?

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A No. I believe I heard it here but I didn't know about it before.

Q And did you know that on the 9th of October, Hitler issued a directive: "A long waiting period results not only in the ending to the advantage of the Western Powers, of Belgian, and perhaps also of Dutch neutrality, but also strengthens the military power of our enemies to an increasing degree, causes confidence of the neutrals in Germany final victory to wane. Preparations should be made for offensive action on the northern flank of the Western Front, crossing the area of Luxembourg, Belgium, and Holland. This attack must be carried out as soon as and as forcibly as possible." Did you know that Hitler issued that directive on the 9th of October?

A No, that I didn't know.

Q So that as far as you were concerned, you tell the Tribunal that Hitler gave his assurance, the many assurances, in August and October, without telling his foreign minister that on the 7th and 9th of October, he had given the directive for the attack on the Low Countries, that he didn't tell you as to his order or his directive for his attack on the Low Countries? Are you sure of that?

A I am pretty sure of that, otherwise I should recall it. I know one thing, that such thoughts, whether or not one should advance in the West, after the Polish Campaign, had been brought up but nothing more specific.

Q I see. If you say that is the state of your knowledge, we will pass on to something about which you did know a little bit more. Do you remember the meeting of Hitler and yourself with Ciano at Obersalzberg on the 12th of August 1939?

A Yes. I saw the document regarding that, here.

Q Well, then, I want you to just look at that document, and it is page 181. I want you to follow while I read one passage, which should be about 162. It is on my second page and it is a paragraph which begins, "As Poland makes it clear by her whole attitude that in case of conflict..."

A I haven't found it.

Q Well, if you look for that "As Poland makes it clear by her whole attitude..."

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A On page 2?

Q It should be on page 2, on my page two. It may be further on in yours.

A Is that the beginning of the paragraph?

Q Yes. "As Poland makes it clear...." It is two paragraphs on from a single line that says at that point "Count Ciano showed signs of ..."

A I found it, yes.

Q. Would you look at the next sentence, "Generally speaking..." This is the next sentence but one:

"Generally speaking, it would be best to liquidate the pseudo-neutrals one after the other. This is fairly easily done if one Axis partner protects the rear of the other who is just finishing off one of the uncertain neutrals, and vice versa. Italy may consider Yugoslavia such an uncertain neutral.

"At the visit of Prince Regent Paul, he, Hitler suggested, particularly at the consideration of Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection with the Axis, and Yugoslavia's leaving the League of Nations. Prince Paul agreed to the latter. Recently the Prince Regent was in London and sought reassurance of the Western Powers. The same thing was repeated that happened in the case of Kafenku who was also very reasonable during his visit to Germany and who denied any interest in the aims of the Western democracies."

Now, that was Hitler's formulation of his policy, and may I state that that was the policy which you were assisting to carry out, to liquidate the pseudo-neutrals one after the other, and include among these pseudo-neutrals Yugoslavia?

A. No, that is not to be understood in that way. I must state the following in this connection. The situation was this: Hitler wanted to keep Italy alert. Italy was always a very uncertain country. For that reason, he spoke at that time in a way designed to tell Italy that if it had any difficulties with Yugoslavia, Germany would support Italy.

The situation was this, that Germany, with Italy's assistance, had already taken some positions in Europe peacefully, during which Italy supported Hitler. I remember the situation.

Q. But it isn't an explanation of the words I put to you which is the important thing. "It would be best to liquidate uncertain neutrals one after the other." Are you denying that that was your policy, to liquidate uncertain neutrals?

A. No, that can't be taken so literally. They were diplomatic discussions, and I do --

Q. (Interposing) I want to --

A. (Interposing) This was a question of Yugoslavia.

Q. This had always been Mussolini's view, hadn't it, that the Balkans should be attacked at the earliest possible opportunity?

A. That I don't know.

Q. Well, would you look at Document 2818-PS. My Lord, this will be GB-292.

Do you remember this is the secret additional protocol to the friendship alliance pact between Germany and Italy made on the 22nd of May, 1939, and appended to it there are some comments by Mussolini on the 30th of May, 1939. Do you see?

A. What page?

Q. Well, I just wanted you to look at two passages. Do you see where the comments by Mussolini begin? Under the pact itself, do you see the comment by Mussolini?

A. Yes, here it is.

Q. Well now, No. 1 says:

"The war between the plutocratic and therefore selfishly conservative nations and the densely populated and poor nations is inevitable. One must prepare in the light of this situation."

Now, if you will turn to paragraph 7, you see Mussolini is hoping that the war will be postponed, and he is saying what should happen if the war comes. He says that:

"The war which the great democracies are preparing is a war of exhaustion. One must therefore start with the worst assumption which contains 100 per cent probability: The Axis will get nothing more from the rest of the world. This assumption is hard, but the strategic positions reached by the Axis diminish the magnitude and the danger of a war of exhaustion considerably. For this purpose one must take the whole Danube and Balkan area immediately after the first hours of the war. One cannot be satisfied with declarations of neutrality, but must occupy the territories and use them for the procurement of necessary food and industrial war supplies."

Do you see that? O don't you agree that it was Mussolini's view that the Balkans should be attacked at the earliest possible moment?

A. As I remarked, this is the first time I have seen this report of Mussolini.

Q. Now, I want you to come to the remarks of Hitler's which you have seen considerably more than once. You remember, after the Simovitsch coup d'etat on the 26th of March, there was a meeting, a conference with Hitler, where he announced his policy:

"The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and in a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted anyhow in the future, will be taken not of. The attack will start as soon as the means and troops available for it are ready."

Do you remember Hitler saying that on the 27th of March?

A. I don't have that in my hand. Could I perhaps see the document?

Q. Don't you remember it? Don't you remember it? I has been read many times in this Court, Hitler's statement.

A. Yes, I remember it, not the individual words, but in general.

Q. Do you remember that was the sense of it, and I read his words. Now, that was the policy --

A. (Interposing) I don't know what you are driving at.

Q. Well, I'll put it to you now. What I am driving at is this, that it was your policy to attack Yugoslavia without asking them for assurances, without any diplomatic action of any kind. You decided to attack Yugoslavia and to bomb Belgrade. Isn't that right?

A. No, the situation was entirely different.

Q. I want your explanation of these points which I have specifically read and mentioned to you. "No diplomatic inquiries will be made." Why did you decide, or why did Hitler decide, and you help, in attacking Yugoslavia without making any diplomatic inquiries, without giving the new government any chance to give you assurances? Why did you do it?

A. Because the new government had been formed, above all, by England. As I discovered in the course of the previous negotiations, this was admitted to me. It was perfectly clear to me when the Simovitsch putsch was carried out that behind Simovitsch's government there were enemies of Germany and that this army was mobilizing in order to attack the Italian army from the rear. It was not my policy, but I entered these negotiations of which you are speaking later, and Hitler apodictically stated his attitude without giving anyone a chance to contradict. I was present then. I had a serious conversation with the Fuehrer on that occasion.

Q. Did you think it right to attack this country without any diplomatic measures being taken at all, to use Hitler's words "with unmerciful harshness"; military destruction, and to destroy the capital of Belgrad in attacks by waves of bombers? Did you think that was right?

I asked you a simple question. Did you think it was right?

A. I can answer this question neither with yes nor no without giving an explanation of my answer.

Q. Then you needn't answer it. If you can't answer that question yes or no, you needn't answer it at all. And you come on to the next point which is the question of Russia.

Now, as far as I could understand your statement, you said that Hitler had decided to attack the Soviet Union after M. Molotov's visit to Berlin on, I think, the 12th of November of 1940.

A. I didn't say that because I didn't know it.

Q. Well, as I understood it, one of the reasons which you were giving as a justification for the attack on the Soviet Union was what was said by M. Molotov during his visit of November 1940. Isn't that what you said?

A. That was one of the reasons that caused the Fuehrer concern. I did not know anything about an attack at that time.

Q. You know that the defendant Jodl says that even during the western campaign -- that is, May and June 1940 -- Hitler had told him that he had made a fundamental decision to take steps against this danger, that is, the Soviet Union, "the moment our military position made it at all possible."

Did you know that?

A. I found that out for the first time here in Nurnberg.

Q. What is L-172, US-34, Jodl's lecture.

And did you know that on the 14th of August 1940, General Thomas was informed during a conference with Goering that the Fuehrer desired punctual delivery to the Russians only until the spring of 1941; that "later on we would have no further interest in completely satisfying the Russian demands."

Did you know that?

A. No, I did not.

Q. And did you know that in November of 1940, General Thomas and Secretary of State Koerner, Neumann, Becker, and General von Hannecken were informed by Goering of the action planned in the East?

Did you know that?

A. No, I did not know that either.

Q. You know now, don't you, that a long time before any of the matters raised in M. Molotov's visit came up for discussion, Hitler had determined to attack the Soviet Union?

A. No, I did not know that at all. I knew that Hitler had doubts, but about that I did not know. I knew nothing about military preparations, because that was out of my province.

Q. Even on the 18th of December, when Hitler issued the directive number 21 on Barbarossa, he told you nothing about it?

A. Yes, because precisely in December, as I happen to remember, I had a long talk with the Fuehrer in order to get his approval in winning the Soviet Union as a party to the three-power pact, and to incorporate them into the three-power pact. Hitler was not altogether enthusiastic about this idea, but he told me, "We have carried out various things, and we might even carry out that." This was in December, and I remember that very precisely as it happened.

Q. Do you understand what you are saying?

A. There is an affidavit available of a witness, who can testify to this, which the defense is going to produce.

Q. Do you understand what you are saying? This is after the defendant Goering had announced it to General Thomas and these under-secretaries, after the directive had actually gone out for Barbarossa, and you are saying that Hitler let you suggest that you should try and get the Soviet Union to join the three-power pact, without ever telling you that he had his orders out for the attack of the Soviet Union. Do you really expect anyone to believe that?

A. I didn't quite understand the question.

Q. The question was, do you really expect anyone to believe that after it had been announced time and again that the Reich was going to attack the Soviet Union, and after the actual directive had gone out for the attack, that Hitler let you tell him that you were thinking of asking them to join the three-power pact? Is that your evidence?

A. Yes, that is exactly the way it was., I suggested this to him again in December, and received his assurance that we would talk about it later. I knew of no plans for an attack on Russia.

Q. And it was quite clear that as far as your department was concerned you were getting the most favorable reports about the Soviet Union and about the unlikeliness of the Soviet Union making any incursion into political affairs inimical to Germany? Is that right, so far as your reports from your own Ambassador and your own people in Russia were concerned?

A. Reports of this sort came from the legations in Moscow. There were always such diplomatic reports, which I submitted to the Fuehrer. However, the Fuehrer insisted that the diplomats in Moscow were the worst informed men in the world.

Q. But that was your honest view, based on your own information, that there was no danger from Russia, that Russia was keeping honestly to the agreement that she had made with you. That was your honest view, was it not?

A. I didn't say that. Those were the reports from the diplomats, which we received from Moscow.

Q. Didn't you believe them? Didn't you believe your own staff yourself?

A. I was very skeptical myself as to whether these reports were reliable because they were reports of an altogether different sort that could be had at the Fuehrer's headquarters. Regarding the political attitude, some thing else was true again.

Q. At any rate, in the spring of 1931, your office joined in the preparations for the attack on the Soviet Union, did it not?

A. I don't know precisely when, but in the spring things reached a climax and there must have been conferences that dealt with the possibility of a conflict with the Soviet Union. However, I don't know anything about that now, in detail.

Q. I see. Again, I don't want to occupy too much time over it, but it is right, is it not, that in April of 1941 you were cooperating with Rosenberg's office in preparing for the taking over of Eastern Territories, and, on the 18th of May, you issued a memorandum with regard to the preparation of the naval campaign?

A. So far as the preparations with Rosenberg are concerned, that is in error. I spoke about this matter to Rosenberg only after the outbreak of war. So far as that navy memorandum is concerned, I saw that document here; I had not

known of it previously. I believe it is a memorandum about international law matters which might arise in connection with a sea war in the Baltic Sea.

Q. It says: "The Foreign Office has prepared, for use in Barbarossa, the attached draft of a declaration of operational zones." Don't you remember anything about that?

A. No, that did not reach me at all then. That was settled by another office. Of course, I was entirely responsible for anything that happened in my ministry.

Q. Wasn't Ambassador Ritter the liaison officer between your office and the Wehrmacht?

A. Yes, that is so.

Q. Now, again, I want you to help me about one or two other matters. You have told us that you negotiated the anti-Comintern pact back in 1936, and of course at that time the anti-Comintern pact -- and I think you said so yourself -- was directed against the Soviet Union. That is so, isn't it?

A. Yes. It was more an ideological pact, which, nevertheless, had certain political implications.

Q. And that was extended by the tripartite pact of the 27th of September, 1940? That was an extension of the first pact, was it not?

A It had in itself nothing to do with the first pact. That was a purely, economic, and military pact.

Q Well now, the fact is--and I think I can take this quite shortly-- that you were urging Japan to enter the war quite early in March of 1941, weren't you?

A That could be, for an attack on England.

Q Yes. I am taking it shortly, because you have given your explanation. You say you were at war with England, and therefore you were entitled to see an ally in the Japanese. That is your point, is it not?

A I don't believe I did anything other than what any other diplomat would have done, either in England or Soviet Russia.

Q I am not going to put any points to you on that actual fact, but it did occur to you quite early, didn't it, that if Japan came into the war, then it was a possibility that the United States might be brought in shortly after? And you agreed, in April of 1941, that if the coming in of Japan produced the fact that Japan would be involved with the United States, you would be prepared to fight the United States too. That is right, isn't it?

A No, not in that phrasing. I believe I did everything I could, until the day of Pearl Harbor, to keep America out of the war. I believe that that is proved by many documents that I have seen here for the first time.

Q Well now, since you said that, I would like you to look at document N-352 of your book, at page 204 of the English Document book.

A Yes, I know this document; I have read it here,

Q Well, that was a week before Pearl Harbor, on the 29th of November, and according to the Japanese Ambassador, you are saying this to him-- if you look at paragraph 1:

"Ribbentrop: It is essential that Japan effect the new order in the East Asia without losing this opportunity. There has never been, and probably never will be, a time when closer cooperation under the tripartite pact is so important. If Japan hesitates at this time and Germany goes ahead and establishes her European new order, all the military might of Britain and the United States will be concentrated against Japan. As Fuehrer Hitler said today, 'there are fundamental differences in the very right to exist between Germany and Japan, and the United States.'

We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully, because of the fact the United States is putting up a stiff front. If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interests of Germany and Japan Jointly, but would bring about favorable results for Japan herself."

Do you still say, in view of that document and that statement that you made to the Japanese Ambassador, that you were trying to prevent war with the United States? I suggest to you that you were doing everything to encourage Japan to go to war with the United States.

A I must contradict you there, Mr. Prosecutor; that is not true. I don't know about this document; I do not know where it came from; I never at any rate said that, and I regret that all the other documents that prove the opposite, the documents which go to prove that I did make efforts to stop the United States from getting into the war, have not been produced here.

I have been reflecting here all the time as to how this situation could have been brought about. All the other documents which have been presented here--a half dozen or so--prove very clearly my wish to keep America from the war. I can say that for years I had made efforts, despite the United States intransigent attitude, to keep America from the war.

I can only explain this in this way: That the Japanese ambassador wanted something to happen and I know I sent many telegrams to Tokyo in order to get Japan's participation in the war against Singapore. I believe that what you have just read is an incorrect transcript of some conference or other. I ask you to give the defense an opportunity to submit many documents up to this very date, which will prove the exact opposite of what you have here stated.

Q. Well, this is the official report to the Government of the Japanese Ambassador. You say that he is wrong when he says that you told him -- he gives your exact words -- that you were comforted that it would not only be in the interest of Germany and Japan, but would favorably bring the desired results?

A. Well, just look at the next document, if you deny that one. On page 356. This is another report of the Japanese ambassador and he said:

"The day after Pearl Harbor, at one o'clock, I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters, discussing how the formalities of declaring war could be carried out, so as to make a good impression on the German people and that he would transmit your wish to him at once and do whatever he was able to have it carried out properly."

Now, look at the last three words:

"At that time Ribbentrop told me that on the morning of the 8th, Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them."

A. That was three days before the declaration of war. You say that that report of the Japanese ambassador is also wrong?

A. I believe that's in error.

Q. What's wrong about it?

A. I believe it's in error. That was after Pearl Harbor.

Q. Exactly, the day after Pearl Harbor.

A. That was an order of Adolf Hitler's to attack American ships which as everyone knows, had been attacking German ships for months.

Q. When you say "attacking German ships", do you mean defending themselves against German submarines?

A. No, so far as I know, for months before Pearl Harbor we had delivered an official protest to the United States, in which we pointed out, in the case of the two U-boats Gria and Kerne, that these two boats had pursued German submarines and had thrown depth bombs at them. I believe the United States admitted this openly. I mentioned yesterday that Hitler said in his speech in Munich that he did not give the order to shoot or to attack American vessels, but he had given the order to fire back if they fired first.

Q. What I want to know from you is this:

Did you approve of the policy of ordering the entire German Navy to attack American ships whenever and wherever they might meet them three days before war was declared? Did you approve of that?

A. I can't say anything about that now because I don't remember it and don't even know the document.

Q. Now, I want to ask you about another point. Do you remember that the

A. It would have been understandable, that I must add.

Q. You have given your answer. Do you remember in June, 1944, that there was a conference about which we've heard evidence regarding the shooting of what is known as "terror flyers"?

Now, just listen to this question and try to answer it correctly, if you would. Is it correct, as is stated in the report, that you wished to include among terror flyers every type of terror attack on the German civilian population, that is, including bombing attacks on cities? Is it right that you wish to include that the airmen engaged in attacks on German cities as terror flyers?

A. No, it is not true.

Q. Well, look at page 391. This is a report signed by General Warlimont on the conference on the 6th of June, and in the fourth line -- well, let me read it. It says:

"Obergruppenfuehrer Kaltenbrunner informed the deputy chief of staff in Klessheim on the afternoon of the 6th that a conference on this question had been held shortly before between Goering, Ribbentrop, and Himmler. Contrary to

the original suggestion made by Ribbentrop, who wished to include every type of terror attack on the German civilian population, that is, also bombing attacks on cities, it was agreed at the above conference that merely the other attacks carried out with aircraft armament should be included."

Do you say that Kaltenbrunner was wrong when he said that you wished to include every type of attack?

A. Yesterday I answered this question at length. I answered this question I think, very exhaustively. If you wish, I can repeat it now.

Q. Well, I don't want you to repeat it. I want you to answer my question. Do you say that Kaltenbrunner is wrong when he said at this conference that you wished to include those who were engaged in the bombing of cities?

A. That is not so. First of all, so far as I know, this conference never took place; and, secondly, I stated my attitude perfectly clearly yesterday.

Q. Well, answer my question.

A. No, that is not true as you have stated it.

Q. I see. Then answer this question. Did you approve that the treatment of those that you called "terror flyers" should be that they should be left to be lynched by the population or else that they should be handed over to the SS?

A. No, that was not my attitude.

Q. Well, now, would you look on to page 393, page 214 of the English. This, as you know, is a memorandum from the Foreign Office, and it is stated on page 396 that General Warlimont states that Ambassador Ritter has advised us by telephone that the Minister for Foreign Affairs has approved this draft." The draft deals with the two actions in paragraph 1, that of lynching, and the draft says, "The German authorities are not directly responsible since death occurred before a German official intervened."

Do you agree with that view? Is that your view of the lynching of flyers?

A. No, that isn't my view either. I explained yesterday very exhaustively what my attitude was. This document is a statement on the part of the Foreign Office. I don't know where it came from. It was submitted to me and I did not

approve this document as it is submitted to me here. I sent it to the Fuehrer and asked him to decide about it. The Fuehrer then regarded this document as nonsense and therewith the matter was dropped.

Q. So that, with regard to this, you say that when Warlimont says that Ambassador Ritter advised the Wehrmacht by telephone on 29 June that you approved the draft, that either Warlimont is not speaking the truth or Ritter is not speaking the truth?

A. At any rate, it is not true because it can be seen from another document that I have seen here that this document was sent to the Fuehrer and that I said there that the Fuehrer must approve it. I see no other document regarding it. That's my recollection of the matter.

Q Well, then, if you referred to the Fuehrer's view, let's just have a look at what that was. Have a look at document 3780-PS, which will be GB-293 which is an account of a meeting that you and Hitler had with Oschima on the 27th of May, 1944. It's on page 11, line 9 to 12. Do you remember in your presence Hitler advising Oschima that the Japanese should hang, not shoot, every American terror pilot; that the Americans will think it over before making such attacks? Did you agree with that view?

A No, I do not agree with that view. If that is in this document, that is not my opinion.

Q I see, Well, now--

A I don't even know if you said here where it is in the document.

Q You will find it on page 11, line 9 to 12.

A No, I don't remember that, but I can only say that this entire attitude of Hitler's be seen in this document was brought about by the terrible results of the air attacks at that time.

Q I heard all that before. I asked you whether you agreed or not; you said "no". I want you now to deal with another point.

A I want to say something further regarding this point because it is of decisive importance.

Q You will say that to the defense counsel after you have answered my question on this. I want now to direct your attention to Stalag Luft 3. You may have heard me asking a number of witnesses a certain number of questions about it. These were the fifty British airmen who were murdered by the SS after they escaped. Do you know that? Do you know what I'm talking about?

A Yes, I do.

Q You remember that my colleague, Mr. Eden, made a strong statement in the House of Commons, saying that these men had been murdered and that Great Britain would exact justice upon the murders? Do you remember that, in June of 1944?

A I heard of this speech on the part of Mr. Eden in the House of Commons, yes.

Q And do you remember that the Reich Government issued a statement saying that in a communication by the Reich Government conveyed to the British via Switzerland this unqualifiable charge of the British Foreign Minister had been sharply refuted, that being issued in July, 1944? Do you remember that being issued?

A No, I don't remember the content. I do remember, however, this: That at that time we received documentation of what had happened and that it was communicated to us by Switzerland. That's all I know about it.

Q That is what I wanted to ask you: Did you know at the time that this statement was issued -- did you know that these officers had been murdered in cold blood?

A No, I did not. I heard that these men had been shot while trying to escape. At that time we, to be sure, did have the impression that everything was not in order --

Q Let me take it in the statements. Who told you the lie that these men had been shot trying to escape? Who informed you of that lie?

A I don't remember. At that time we received documentation from the proper office --

Q From whom did you get your documentation which contained that lie? Did you get it from Himmler or Goering --

A I can't remember.

Q Then you told us, I think, that you had a good idea that things were not all right, hadn't you?

A Yes.

Q Thank you. Now, I want you to tell us a word about your connection with the SS. You are not suggesting, are you, at this stage of time that you

were merely an honorary member of the SS? It has been suggested by your Counsel, and I am sure it must have been on some mistake of information that you were merely an honorary member of the SS. That is not the case, is it?

A That is no misunderstanding. That is exactly the way the situation was. I received from Adolf Hitler the SS uniform. I served no office in the SS, but as Foreign Minister or previously as Ambassador it was customary that one had a rank of some sort and I had the rank of SS Fuehrer.

Q I put it entirely to you that that is entirely untrue, that you joined the SS before you became Ambassador at Large in May 1933, isn't that right?

A At any rate I did belong to the SS, yes.

Q You said just now it was honorary, because Hitler wanted you to have a uniform. I am putting it to you whether you joined the SS in May, 1933, in the ordinary way. Did you?

A Of course, you had to make an application, but the fact that this, that I was always going around to assemblies in a brown coat and they wanted me to wear a uniform. I don't know when that was. It must have been 1933.

Q And after you made application you joined the SS in the not too high rank of Standartenfuehrer, didn't you?

A Yes, that could be.

Q And you only became an Oberfuehrer on the 20th of April 1935, a Brigadefuehrer in June 1935 and Gruppenfuehrer on the 13th of September, 1936. That was after you became an Ambassador. And Obergruppenfuehrer on the 20th of April 1940. Before you were made an Ambassador you had been in all the SS offices for three years and you had received promotion in the ordinary way, when you did your work with the SS, isn't that so?

A Without ever doing anything myself in the SS.

Q Just look. It is GB-24, Document D-744-A. The correspondence is 744-B. You may take it; you need not go through it in detail. That is your application, with all the particulars. I just want to ask you one or two things about it. You asked to join, did you not, the Totenkopf, the Death Head Division of the SS?

A No, that can't be so.

Q Don't you remember getting a special Death Head ring and dagger from Himmler for your services? Don't you?

A No, I don't remember. I never belonged to the Death Head Division. You were just talking about a Death Head Division, were you not?

Q A Death Head Division.

A No, that isn't so. That is an error. It may be so that I at one time received a dagger; that is possible.

Q And the ring, too. Here is a letter dated the 5th of November, 1935, to the Personnel Office of the Reichsfuehrer SS: "In reply to your question, I have to inform you that Brigadefuehrer von Ribbentrop's ring size is 17. Heil Hitler, signed: Thorner." He is your adjutant. Do you remember getting that?

A I believe that everyone received such a ring but I don't remember precisely. But no doubt it is true.

Q And you took, didn't you, continuous interest in the SS from 1933 up to well into the war? I think your correspondence with Himmler goes on to well into 1941 or 1942.

A Yes, that is quite possible, yes. Of course, we had a great deal to do with the SS in all fields.

Q You had, and especially in the field of concentration camps, hadn't you? Are you saying that you didn't know that concentration camps were being carried on on an enormous scale?

A No, I knew nothing about that.

Q I want you to look around for the moment. (A map in back of the witness-box was unveiled). That is an enlargement of the exhibits put in by the French Prosecution and these red spots are concentration camps. Now, I would just like you to look at it. We will see now what significance there is in the location of your various residences. There one north of Berlin, Sonneburg. Do you see roughly where that is on that map?

A Sonneburg is one hour's auto ride from Berlin.

Q North of Berlin?

A East of Berlin.

Q Let's take another one. You are quite near it yourself -- your schloss or tower at Fuschl. That is quite near the border, just over the border, and

very near it -- the group of camps which existed around Mauthausen. Do you see them, just above your right hand? Do you see the group of camps, the Mauthausen group?

A I should like to state on my oath that I heard the word "Mauthausen" for the first time in Nurnberg.

Q Let's take another of the places. You say you didn't go there very often, but you used to --

A I believe I can make this much more brief for you. I can say I knew of only two concentration camps or had ever heard of them. One was Dachau, and Oranienburg, and Theresienstadt. All the others I heard here for the first time. Theresienstadt was an old people's home for Jews, and I believe was visited by the International Red Cross. I never heard previously of all the other camps.

Q Do you know that near Mauthausen there were 33 camps at various places, within a comparatively short distance, and 45 camps as to which the commandant didn't give the names because there were so many of them, and in the 33 camps there were over a hundred thousand internees? Are you willing to say that in all your journeys to Fuschl you never heard of the camps at Mauthausen, where a hundred thousand people were shut up?

A That was entirely unknown to me, and I can produce dozens of witnesses who can testify to that.

Q I don't care how many witnesses you produce. I ask you to look at that map again. You were a responsible Minister in the Government of that country from 4th of February, 1938 till the defeat of Germany in May, 1945, a period of seven and a quarter years. Are you telling the Tribunal that anyone could be a responsible Minister in that country where these hundreds of concentration camps existed and not know anything about them except two?

A It may be amazing but that is 100 per cent truth.

Q I suggest to you that it is not only amazing, but that it is so incredible that it must be false. How could you be ignorant of those camps? Did you never see Himmler?

A No, I never saw him about these things. These things were kept

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entirely secret and I just heard about them here, as to what went on in them, and nobody knew what went on in there. That may sound astounding but I am positively convinced that most of the men in the dock also knew nothing about what was going on.

Q We will hear from them in their turn. Did you know that from Auschwitz alone --

A I heard of Auschwitz here for the first time.

Q And the German official of Auschwitz has sworn in an affidavit that four million people were put to death in the camp. Are you telling the Tribunal that that happened without you knowing anything about it?

A That was entirely unknown to me. I can state that here on my oath.

Q Well, now, there is one other subject, which I would like you to deal with, and here, fortunately, I am in the position of assisting your memory with some documents. It is a question of the partisans. I want you to look at a few documents, three documents, with regard to that.

THE PRESIDENT: Will you be able to finish tonight?

SIR DAVID MAXWELL-FYFE: Yes, I shall, if Your Lordship will allow me five minutes. That is what I have been trying to do.

Q Do you agree that you were in favor of the harshest treatment of people in the occupied countries?

A Could you repeat the question?

Q My question is, would it be a fair way of expressing your point of view by saying that you were in favor of the harshest treatment of--I will put it first of all--of partisans?

A I do not know whether I ever concerned myself with the treatment of partisans. I do not recall having done so. In general, however, I felt the opposite.

Q All right, look at Document D/735, which will be GB 295. That is a discussion between you and Count Ciano in the presence of Field Marshal Keitel and Marshal Cavallero in the Fuehrer's headquarters after breakfast on the 19th December 1942. Now, if you will look at page two, you will see that there is a passage where Field Marshal Keitel had told the Italian gentlemen that the "Croatian area was to be cleaned up by German and Italian troops working in cooperation, and this while it was still winter, in view of the strong British influence in this area. The Fuehrer had declared that the Serbian conspirators were to be burnt out, and that no gentle methods might be used in doing this. Field Marshal Keitel here interjected that every village in which partisans were found had to be burnt down. Continuing, the Reich Foreign Minister declared that Roatta must not leave the third zone, but must on the contrary advance, and this in the closest collaboration

with the German troops. In this connection Field Marshal Keitel requested the Italian gentlemen not to regard the utilization of Croatian troops to help in this cleaning up operation as a favoring of the Croatians. The Reich Foreign Minister stated in this connection that the Croatian Fuehrer to whom he had spoken very clearly, was 100 per cent ready to come to an agreement with Italy."

Did that represent your view--that the "Serbian conspirators should be burnt out"?

A Please?

Q Did that represent your view, that "the Croatian conspirators should be burnt out"?

A I do not know that expression. At any rate--

Q What it means is that their villages should be razed to the ground by fire.

A Where did I say that? I do not believe I said that.

Q That is the Fuehrer's point of view. Was it your point of view?

A The Fuehrer took a very harsh attitude toward these people. I heard that occasionally also from other sources, including the military, harsh orders were issued, but they meant life and death.

Q Are you denying--

A At any rate, I do not see here where I said anything about partisans,

Q You say that is not your point of view? Is that what you are saying? That it is not your point of view? Are you saying that it is not your point of view as to the way to treat them? Don't look at the next document. Tell me, is that your point of view?

A Please repeat the question that you want me to answer.

Q Do you say that you were not in favor of harsh treatment of partisans?

A It was my opinion that the partisans who attacked the troops in the rear should be treated harshly, yes. But I believe everyone is of that opinion, and every army and every politician.

Q Including women and children?

A No, by no means.

Q Just look at that, if you deny this attitude to women and children.
Look at the document D/741.

My Lord, that will be document D/741. The last one is GB 296.

This is GB 297. My Lord, this will be GB 296.

Q Will you look at the end of that. That is a conference between you and Ambassador Alfieri in Berlin on 21 February 1943. The last paragraph says:

"Continuing, the Reich Foreign Minister emphasized that the conditions which Roatta's policy had helped to produce in Croatia were causing the Fuehrer great concern. It was appreciated on the German side that Roatta wished to spare Italian blood, but it was believed that he was, as it were, trying to drive out Satan with Beelzebub by this policy. The gans had to be exterminated, and that included men, women and children, as their continued existence imperilled the lives of German and Italian men, women and children."

Do you still say that you did not want harsh treatment of women and children?

A What page is that on?

Q It is on page 10 to 13. It is the last paragraph on my translation. "The gans had to be exterminated, and that included men, women and children, as their continued existence imperilled the lives of German and Italian men, women and children."

A If I did say that at any time, it must have been under great excitement. That did not express my real opinion. I believe that that has been proved by my other acts during the war.

Q I will just show you one of your other acts, which will be the final one, if the Tribunal will bear with me. It is document D/740, which will be GB 297. This is a memorandum of the conversation between the Reich Foreign Minister and Secretary of State Bastianini in the presence of Ambassadors von Mackensen and Alfieri at Klessheim castle on the afternoon of the 8th of April 1943. If you will look at the beginning, I think you were discussing some strike in Italy. You say:

"The Reich Foreign Minister's supposition that this strike had perhaps been contrived by British agents was energetically contested by Bastianini. They had been Italian communists, who still existed in Italy. The Reich

Foreign Minister replied that, in such a case, only merciless action was any good."

And then, after a statement with regard to the information, you say:

"He did not want to discuss Italy, but rather the occupied territories, where it had been shown that one would not get anywhere with soft methods on the endeavor to reach an agreement. The Reich Foreign Minister then emphasized his train of thought by a comparison between Denmark and Norway. In Norway brutal measures had been taken which had evoked lively protests, particularly in Sweden." And then you go on and after a certain criticism of Dr. Best--

A I can't find it; just what page is it on, please?

Q The paragraph begins: "The Reich Minister's supposition that this strike has perhaps been contrived by British agents"--

A Yes, here it is.

Q Well, you see what I have put to you. You say, "Only merciless action would be any good. In Norway brutal measures had been taken." And at the beginning of the next paragraph: "In Greece, too, brutal action would have to be taken if the Greeks got fresh. He was of the opinion that the demobilized Greek Army should be deported from Greece with lightning speed, and that the Greeks should be shown in iron manner who was master in the country. Hard methods of this kind were necessary if one was waging a war against Stalin, which was not a gentleman's war but a brutal war of extermination."

And then with regard to France, after some statement about the French you say, "Coming back to Greece, the Reich Foreign Minister once again stressed the necessity of taking severe measures."

And in the third line of the next paragraph, "The Fuehrer would have to take radical measures in the occupied territories to mobilize the local labor potential in order that the American armament potential might be opposed by something of equal value." Do you agree? Does that fairly express your view, that you wanted the most severe measures taken in occupied territories in order to mobilize labor to increase the Reich war potential?

A I can say the following in regard to this document.

Q Well, you can say that, but you can answer my question first. Do these views express your view that--

A No.

Q --severe measures should be taken with foreign labor and with people in occupied territories. Does that document express your views?

A No.

Q Then why did you say it? Why did you say these things?

A Because at that time on the commission of the Fuehrer I had to keep the Italian nose to the grindstone, because the relations between Germany and Italy were in complete chaos; and in the rear areas of the German Army things were in complete confusion. That is why I, on the commission of the Fuehrer, had to talk very harsh language. At that time the Italians were in part fighting against German troops, and for this reason I used rather harsh language to the Italian diplomat, or rather an exaggerated language. But things actually were quite different.

Q It wasn't exaggeration, was it, in both Norway and Greece? You were taking the most brutal measures against the occupied countries.

A No, that is not so. We had nothing to say in Norway; we always tried to bring things about differently. And in Denmark we did everything to reduce these harsh measures, which were in part necessary, because of the paratroopers and so on. I think that can be proved from other documents. I and the Foreign Office worked toward compromise. I don't believe that it is fair and correct to take one or two such statements from the many documents that have been submitted where occasionally I did use harsh words. Before the war I used harsh language. I can recall to you that foreign statesmen also used harsh language regarding the treatment of Germany.

Q Tell me this: every time today when you have been confronted with a document which attributes to you some harsh language or the opposite of what you have said here you say that on that occasion you were telling a diplomatic lie. Is that what it comes to? Thank you very much.

THE PRESIDENT: Sir David, do you have all of these documents in evidence?

SIR DAVID MAXWELL-FYFE: Yes, My Lord.

(The Tribunal adjourned until 2 April 1946 at 1000 hours.)