

Doc. 2192 Evid.

Folder 1

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DEPARTMENT OF THE ARMY
THE ADJUTANT GENERAL'S OFFICE
WASHINGTON



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

INTERNATIONAL PROSECUTION SECTION

Doc. No. 2188, 2189, 2190
2191, 2192, 2193

22 June 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Official Transcripts of IMT,
at Nurnberg

Date: 1946 Original () Copy (x) Language:
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LOCATION OF ORIGINAL

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CRIMES TO WHICH DOCUMENT APPLICABLE:

SUMMARY OF RELEVANT POINTS

Doc. No. 2188 - 10 Dec - M-WEM-1

IMT - Transcript of 10 December 1945, 1000-1245.
Presentation of evidence by Mr. S. Alderman, attempting
to prove Germany planned to attack Russia.

Doc. No. 2189 - 20 Mar - A-GH-13-1

IMT - Transcript of 28 March 1946, 1425-1700.
Direct examination of Paul Schmidt, German Foreign Office
interpreter by Dr. Horn, concerning the von RIBBENTROP-
Neville Henderson meeting on 30 Aug 1939.

Doc. No. 2190

IMT - Transcript of 29 March 1946, 1400-1700

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Doc. No. 2191

IMT - Transcript of 29 March 1946, 1000-1300

Doc. No. 2192

IMT - Transcript of 3 April 1946, 1125-1300

Doc. No. 2193

IMT - Transcript of 3 April 1946, 1400-1700

Analyst: 2d Lt Goldstein

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3 Apr-M-GES-5-1

Official transcript of the International Military Tribunal in the matter the 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 3 April, 1946, 1125-1300 hours, Lord Justice Lawrence presiding

THE PRESIDENT: The Tribunal has read and considered every one of the documents produced by Dr. Horn on behalf of the defendant Ribbentrop and the Tribunal rules as follows.

I will only refer to the documents to which no objection was taken, where the Tribunal rejects them, that is to say, documents to which no objection is taken or allowed with the particular exceptions which I make.

With reference to the documents to which objection was taken, the Tribunal rejects numbers 12, 45, 48 to 61 inclusive. It allows document 62. It rejects documents 66, 67 and 69. It allows document 70. It rejects documents 72, 73, 74. It rejects documents 76 to 81 inclusive. It grants document 82. It rejects document 83. It grants documents 84 to 87 inclusive. It rejects documents 88 to 116 inclusive. It rejects documents 118 to 126 inclusive. It allows document 127. It rejects documents 128 to 134 inclusive. It rejects documents 135 to 148 inclusive. It rejects documents 151 and 152. It allows documents 155 and 156. It rejects documents 157 and 158. It rejects document 161. It allows document 162. It allows document 164. It allows documents 165 to 183 inclusive. It rejects document 184. It allows documents 185 and 186. It rejects document 191. It allows document 193 and 194. It rejects document 195, paragraphs 1, 2, 3, and 4. It grants document 195 paragraphs 5, 6, 7, 8, 9. It rejects documents 196 and 197 and 198. It rejects document 204. It rejects document 207. It grants the whole of document 208. It grants document 210. It rejects document 211 (a) and (b) and document 212. It grants document 213. It rejects 214.

It rejects 215-A and B. It grants document 217 and 220. It grants documents 221 to 245, except document 238, and it also excludes all comments contained in those documents. It rejects document 246 to 269. It rejects 270 and 271. It rejects 275. It rejects 276. It grants 277 and 278. As to 279, the Tribunal would like Dr. Horn to inform them what that document is because it is in the copy that they have got it is unidentified. That is 279, Dr. Horn, in book 8, I think.

DR. HORN: This document No. 279 contains the non-aggression pact between Germany and the USSR, dated the 23rd of August, 1939, and I wish to hand a copy of this document, which has been attested to, to the High Tribunal.

THE PRESIDENT: Will you repeat that.

DR. HORN: The document contains the non-aggression treaty between Germany and the Soviet Union, dated the 23rd of August, 1939. It contains the text of that treaty.

THE PRESIDENT: Yes, well, then that will be allowed.

280 and 281 are granted. 282, 283, and 284 are granted. 285 is rejected. 286 to 289 were withdrawn. 290 was withdrawn. 291 is granted. 292 is rejected. 293 is granted. 298 to 305, inclusive, are rejected. 306 is granted. 307 is rejected. 308 is granted. 309 and 309-A are both rejected. 311 had already been ruled out. 313 is granted. 314 is rejected. 317 is granted. 318 is rejected. Well, 312 is granted; it had not been objected to.

Dr. Horn, I do not have a note of 315 and 316; are they asked for?

DR. HORN: 315, Mr. President, is the reproduction of PS-1834, and has already been submitted and need not be asked for again.

THE PRESIDENT: Does that apply also to 316, Dr. Horn?

DR. HORN: 316 is also a PS number and need not be resubmitted for that reason.

THE PRESIDENT: Well, then, that deals with all the numbers, I think.

DR. HORN: I will dispense with No. 312, and instead I wish to ask for 317. 317 contains an affidavit.

THE PRESIDENT: 317 is granted.

DR. HORN: Thank you, Mr. President.

THE PRESIDENT: Now, Dr. Horn, will you deal with the ones which we have left in, as far as you wish to deal with them. If you wish to comment upon any of the ones that we have allowed, you may do so now. We do not desire you to do so but, if you wish to do so, you may.

DR. HORN: May I say, Your Lordship, that my exposition will be very brief but may I ask that I may present my exposition at a time to be determined by the High Tribunal so I can prepare myself and need not take up your time? All my documents are attached together and it would take rather long for me if I would try to set forth my exposition now, rather than present my selection later. Will you please rule on a time when I may make my presentation of these documents?

THE PRESIDENT: Well, that possibly would conclude your case, would it not?

DR. HORN: Yes, Mr. President. Then I will have concluded my case and will need only a relatively short period of time to comment briefly on some of the documents but not on all of them, of course.

THE PRESIDENT: If Dr. Nelte is ready to go on with the case of the defendant Keitel, the Tribunal suggested you probably might be able to deal shortly with your documents at two o'clock.

DR. HORN: Thank you, Mr. President.

THE PRESIDENT: Would that be agreeable to Dr. Nelte?

DR. HORN: I will consult my colleague Dr. Nelte.

Dr. Nelte has just advised me that he is leaving the Tribunal room to pick up the documents and then he can proceed with the presentation of his case immediately.

THE PRESIDENT: Very well.

(Dr. Nelte returned to the court room.)

THE PRESIDENT: Dr. Nelte, the Tribunal is much obliged to you for presenting your argument now.

DR, NELTE: (Counsel for the Defendant Keitel): I would like to begin my case, Mr. President, by summoning the Defendant to the witness-stand. I shall interrogate him, and the documents which I will need and will use in this interrogation, that list of documents was submitted to the High Tribunal yesterday; and I hope that those documents are at your disposal so that the Tribunal will be able to follow my questions, to the service of our mutual best interests.

THE PRESIDENT: Then you will call the Defendant Keitel.

DR. NELTE: Yes, Mr. President.

(The Defendant Keitel took his position in the witness-box.)

WILHELM KEITEL, one of the Defendants, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Wilhelm Keitel.

Q Will you repeat this oath after me:

I swear by God the Almighty and Omniscient, that I will speak the whole truth, and will with-hold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down if you wish.

DIRECT EXAMINATION

BY DR. NELTE:

Q Please describe your military career for me, briefly?

A In the year 1901, the beginning of March, I became a candidate for officer. At the beginning of the First World War, in 1914, I was the Regimental Adjutant of my Regiment. I was wounded in September, 1914, and in the beginning of November I became chief of a battery of my Regiment. After Spring of 1915 I served in various General Staff capacities, first of all in higher command positions, later as a General Staff officer of a Division. Towards the end I was in Flanders with the Navy. Then I volunteered and entered the Reichswehr. Beginning with the year

was in Flanders with the Navy. Then I volunteered and entered the Reichswehr. Beginning with the year 1929 I was Abteilungsleiter -- chief of a division in the Reichswehrministerium. That was the Ministry of War. There was an interruption 1933 to 1935. On the 1st of October, 1935, I was chief of the Wehrmacht Department (Wehrmacht Amt) of the Reichswehrministerium, That was Chief of Staff of the War Ministry. During my service at the front I became Generalmajor. At that time I led an infantry brigade. On the 4th of February, 1938, surprisingly, I was appointed chief of staff, which was called by the Fuehrer, Chief of the OKW -- Oberkommando der Wehrmacht. On the 1st of October, 1939, I became General of the Infantry and subsequently to the campaign in the West I became Field Marshal.

Q Were you a member of the National Socialist Party?

A No, I was not a member. According to military law I could not become a member.

Q But you have the golden Party emblem that you received. What is the background of that?

A That is correct. In April, 1939, Hitler presented this golden emblem of the party to me, and at the same time that the Commander-in-Chief of the Army, General von Brauchitsch received it. The Fuehrer said it was to be a commemoration of the March into Czechoslovakia. The golden emblem was dated the 16th and 17th of March.

Q In the year, 1944, the military law changed so that active soldiers could become members of the Party. What did you do at that time in this respect?

A That is correct. In the late summer or autumn of 1944 the Wehrgesetz (military regulation) was changed to the extent that active soldiers could become Party members. At that time I was invited to join the Party, I was asked to submit my personal data, in order to be enrolled on the Party membership list. At the same time I was asked to send in a donation of money to the Party. I sent in my donation, but to my knowledge I did not become a member. I never received a membership card.

Q In what way did you participate at Party functions?

A In my position I accompanied the Fuehrer almost constantly and I

participated several times at official functions of the Party. If I may cite an example, I was present at the Party rallies in Nurnberg, also when the Winter Help campaign was inaugurated I was present at those festivities; and in accordance with orders, on the 9th of November every year, together with a representative of the Party I had to be present at the graves of those who had died on that day in 1923. I had to attend the service in their memory. That was in memory of the conflict in November between the Party and the Wehrmacht--the Armen Forces.

As far as internal conferences or meetings are concerned, of the leadership of the Party, I want to say that I never attended any of these meetings or gatherings, as the Fuehrer had told me that he did not wish my presence at those meetings and gatherings. For example, on the 9th of November every year I was at Munich, but never participated in the gatherings which the so called Hoheitstraeger (bearers of sovereignty) of the Party attended. I never attended those meetings.

Q What decorations did you receive during the war?

A During the war, in the winter of 1939-1940 it must have been, I received the Knight's Order to the Iron Cross. Other German war decorations I did not receive.

Q Do you have any son?

A I had three sons, who served at the front as officers during this war. The youngest one died in battle in Russia in 1941. The second was a major in Russia and has been missing in action, and the oldest son, who was a Major, is a prisoner of war.

Q At the beginning, in order to facilitate matters, I would like to put the following basic questions to you.

What basic attitude did you have as a soldier, as an officer and a general toward the problems with which you came in contact in your capacity and in the nature of your work?

A I was a soldier, and I can say that I was a soldier by inclination and conviction. For more than 44 years without interruption I served my country and my people as a soldier, and I tried to do my best in the service of my profession. I believed that I should do this as a matter of duty in a restless effort and in the complete surrender to those tasks which came to my lot in my many and diverse positions. I worked ceaselessly under the Kaiser, under President Ebert, under Fieldmarshal von Hindenburg, and under the Fuehrer Adolf Hitler. I worked the same way under all of them.

Q What is your position and your view today?

A As a German officer, I believe it to be my duty, first of all, to take responsibility for what I have done, even if it should have been wrong. I am grateful that I may have the opportunity here and before the German people to give an account about those things, such as what I was and about my participation and my part in those things which have taken place. Whether guilt or circumstances brought about by fate is something that is hard to differentiate but one thing I do consider impossible. That is that the man in the highest position and the leaders and the sub-leaders at the front should be charged with guilt and the highest leadership should reject responsibility. That, in my opinion, is untrue, and I would consider that undignified. I am convinced that

the large mass of our brave soldiers were basically decent, and that where the boundaries of what is permissible were overstepped, our soldiers acted in good faith and in the belief of military necessity, and that they were guided by the orders which they received.

Q The Prosecution, in connection with the presentation regarding violations of the laws of war, crimes against humanity, repeatedly points to orders, to documents, which bear your name. Many so-called Keitel orders, Keitel decrees, have been submitted. Now we have to examine and prove if and how far you and your activity are connected in a guilty and original sense with the happenings or the results of these orders. What can you say, or what do you wish to say to this general accusation?

A It is correct that there are a number of orders, instructions and directives with which my name is connected, and it is also to be admitted that such orders many times presented deviations from the existing international law.

On the other hand, there are a group of directives and orders which did not rest on military bases and motives but on Weltanschaulich, or ideological points of view, and in this connection I am thinking of the group of directives which before the campaign in Russia were issued, and those which were ordered subsequent to that time.

Q What can you say in your exoneration about these orders?

A I can say only that as a matter of basic principle, for all things which resulted from these orders and which are connected with my name and my signature, I assume that responsibility which is resultant from my position.

Furthermore, for those offices and divisions and branches of the OKW which were subordinate to me, I assume responsibility insofar as it is based on normal and legal principles.

Q And how is your official capacity to be put in line with a legal position?

A In the Fuehrer decree of 4 February 1938 my position is clearly set forth.

Q I am showing this decree to you so that you can re-familiarize yourself with the text.

In this decree, Paragraph One, you will find "the authority over the who

Wehrmacht, of which from now on I personally take over the supreme command". What did that mean in connection with circumstances or conditions as they had obtained up until that time?

A Up until that time we had a commander in chief of the Wehrmacht. That was Fieldmarshal von Bomberg, and besides that there was the supreme commander and, according to the constitution, that was the head of the state; in this case, Hitler. With the doing away with or the resignation of von Blomberg, there was only one commander in chief, and that was Hitler.

From that period of time onward, he himself carried out the authority to issue orders to all three arms of the Wehrmacht: the army, the air forces and the navy, and he himself personally conducted this power of command.

It also says "from now on directly" and that was to establish unequivocally that any intermediary position, as far as orders were concerned, did not exist from that period of time on but that orders were to issue directly from Hitler, the supreme commander in chief, and that the orders were to go directly from Hitler to the various parts of the Wehrmacht.

It also says here "Direct and Personal Orders". That too had its contents and meaning, for the word "Personal" was to show and was meant to express that--I should like to say "Deputizing" of this power was not to be had in any event.

Q I assume therefore that you never, when you signed, said, "In Deputy" or, "As Deputy"; that you never signed your orders that way?

A No, I do not remember a single case in which I ever signed, "In Vertretung", that is, as deputy. And according to military principle, if the question of a deputy had arisen there could only have been one person, and that would have been the next ranking officer.

Q In paragraph two of this decree it says, "The Wehrmacht office in the Ministry of War, which has existed up to that time, will now come under my direct decrees and orders." What does that mean in relation to the staff which was now formed?

A The Supreme Commander of the Wehrmacht had his military staff in the Wehrmacht Amt, in the Wehrmacht office; that is to say, in the War Ministry, and this Wehrmacht Amt was taken over by Hitler as Supreme Commander, and Hitler took over this body as his military staff. And with the doing of this this staff was to be his personal working staff. At the same time, with the elimination of the post of Supreme Commander of the Wehrmacht the Reich War Minister was also done away with. There was no War Ministry and no Minister of War as they had existed in the previous sense. And with this it was clearly seen, just as Hitler wanted it to be seen, that between him and the various parts of the Wehrmacht, so far as the command channels were concerned as well as ministerial functions were concerned, that there was to be no bearer of office who was to be in a position to issue orders independently.

Q Then after this decree was issued you were known as the Chief of the OKW, and that was a new office which was taken over by you. Will you please clarify whether this term "Chief of the OKW" is correct; that is, whether that which it seemed to say to the outside was actually the case?

A I must say at this point that just now for the first time I realize that this term in its abbreviated form does not really apply to me. For the exact meaning one should have said, "Chief of the Staff of the High Command

of the Wehrmacht", and not the abbreviation, "Chief of the OKW", for from documents submitted by the prosecution I gathered that the "Chef" was interpreted as if I was a Commander Befehlshaber, that is, someone who could have issued orders. And that of course is a conclusion, it is not right; it was neither a position of my being able to issue orders nor as might have been assumed or has been assumed that it was a sort of position of a chief of a general staff. That is not correct either; I was never Chief of the General Staff of the Wehrmacht. It was the very clear wish of the Fuehrer to have all power of orders and command in his own person, to have those powers rest with him. And that is not an ideal which I am establishing subsequently, but these things he mentioned to me and defined clearly on several occasions. Partially and in connection with those things, he told me repeatedly he could never put these ideas through with Blomberg.

In my possession here I have a document submitted by the Prosecution, a declaration put down by Field Marshal von Brauchitsch.

Perhaps I might add a word or two. I was discussing the fact that it was not a position of Chief of the General Staff which I occupied, for the basic opinion and view of Hitler was such that the commanders in chief of the Wehrmacht branches each would have his own general staff, and that Hitler did not want that the High Command of the Wehrmacht, with the inclusion of the Wehrmacht Operational Staff, to take over the functions of a general staff. Therefore in practice with the Operational Staff of the Wehrmacht branches, where it was carried on in that manner, there in the Obercommand of the Wehrmacht--which was purposely kept small--a working staff established for Hitler in that way for strategic consultation, let us say, and for special missions.

Then when Field Marshal von Brauchitsch said in his affidavit-- which I mentioned a few minutes ago, -- do you consider what he said correct?

It says here, "It Hitler had decided to reach his political aims through military pressure or through the using of military means of power or to support his aims in any way, the Commander-in-Chief of the Army, if he was to participate in this, first of all received his instructions orally as a rule or received an order in accordance with the plans. Thereupon the OKH operation and deployment plans were worked out after they had been submitted to Hitler orally first as a rule, has been approved by him, and then a written order of the OKW went out to the various branches of the Wehrmacht, is that correct?"

A Yes. In principle it is correct so far as the final formulation of the mission with which the commanders-in-chief of the army were charged, in that it took place in the form of a Weisung (directive), as we called it; and on the basis of the already submitted and approved plans. This work was done in the Wehrmacht Fuehrung Stab (Wehrmacht Operational Staff), which wasn't an independent unit when giving out orders, and did not treat matters independently. But the Wehrmacht Fuehrung Staf and I took part in the approval of some of these proposals and formulated those ideas, which were then carried out by Hitler as Commander-in-chief. We transmitted these orders, so to speak.

Q Then I have an affidavit by Lt. Col. Halder which deals with the same subject. You know this affidavit number one, and for the purpose of evidence I am submitting affidavit number one by Halder, and I wish to use it at this time. It has been submitted by the prosecution. The prosecution submitted a further statement on this without assigning a special number to it, and this supplement deals with the basis for the organization of the German Wehrmacht. That is the title of this supplementary document.

THE PRESIDENT: Is this the document which you say the prosecution offered in evidence but didn't give a number to:

DR. NELTE: Mr. President, this document was given to us by the prosecution, I believe by the American prosecution. We received it on the 26th of November 1945. I don't know --

THE PRESIDENT: You mean it never was deposited in evidence by the prosecution?

DR. NELTE: I do not believe I can decide on that. I assume that a document which is submitted to us is submitted at the same time to the High Tribunal

if not as evidence then for official notice, anyway.

THE PRESIDENT: What is the document? Is it an affidavit or not?

DR. NELTE: It is not an affidavit; it is really a composition by the American prosecution. And as I assume it is a basis for the prosecution against the organization OKW, and so forth --

THE PRESIDENT: Have you got it in your document book or not?

DR. NELTE: No, it is not in the document book, for I assumed that was at the disposal of the High Tribunal. It is, Mr. President, just a very small document.

Mr. DODD: If I could see it I might be able to be helpful. I am not familiar with it. It is probably one of the documents which we submitted to the defense but which we did not actually use in evidence, and that happened more than once, I think, in the early days of the trial.

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DR. NELTE: Mr. President, I am just referring to a single paragraph.

THE PRESIDENT: Yes.

DR. NELTE: I am referring to just a small paragraph and I would like to quote this brief passage. Perhaps through that we can obviate submitting this material.

THE PRESIDENT: Are you offering in evidence the whole of the affidavit? I don't mean at this moment, but are you proposing to offer it?

(Dr. Nelte nodded).

You are?

DR. NELTE: I assume the Prosecution has already submitted it. I am just referring to it, your Honor.

THE PRESIDENT: The whole affidavit? What is the number of it if it has been submitted?

DR. NELTE: This affidavit does not bear any number.

THE PRESIDENT: It has not been submitted if it hasn't a number on it, then. It is suggested to me that possibly the Halder affidavit was offered and then rejected.

DR. NELTE: No, Your Honor. At that time a series of affidavits were submitted -- affidavits by von Brauchitsch, Halder, Hausinger, and several others, other generals who are interned at Nurnberg, and all of these affidavits had no exhibit numbers. None of these affidavits had any exhibit numbers.

MR. DODD: This affidavit was put in by the United States as an exhibit. I don't have the number handy, but I think it was submitted at the time Colonel Telford Taylor submitted the case on behalf of the Prosecution against the High Command and the OKW. This Halder affidavit, the first document which Doctor Nelte referred to, is not an affidavit. It was a paper submitted to the Tribunal and to the Defense by Colonel Taylor. It set out some of the basic principles of the organization of the High Command and the OKW wholly before he presented his part of the case. It is really just the work of our own staff here in Nurnberg.

THE PRESIDENT: Doctor Nelte, as the document you are referring to, not the Halder affidavit, appears to be a mere compilation, the Tribunal thinks it shouldn't go in as an exhibit, but you can put a question to the witness upon it

BY DR. NELTE:

Q In the compilation which you have before you the Prosecution asserted the following: after 1938 there were four divisions, that is, OKW, High Command of the Wehrmacht; OKH, High Command of the Army; OKL, High Command of the Air Force; OKM, High Command of the Navy; and each had its own General Staff.

What can you tell us about that?

A I can say only that this is not correct, and the explanation which I have already given as to the function of the High Command is not in line with that. There were not four departments like that; there were only three: the High Command of the Army, the High Command of the Navy, and the High Command of the Luftwaffe. The OKW, the High Command of the Wehrmacht, was not an independent department, as I have already stated. The commanders-in-chief of the various Wehrmacht branches were commanders who had the authority to issue orders and use this power over these troops which were subordinate to them. The OKW did not have the power to issue orders. Neither did it have any troops which were subordinate to it and to which it could have issued orders. Therefore it was not correct, if I recall the speeches of the Prosecution, when the expression was used that "Keitel was commander-in-chief of the Wehrmacht." I am mentioning it only to emphasize this point.

Furthermore, in connection with the document which has been shown to me, I would like to refer to the last page. There is a diagram on the last page. I would like to call your attention to that diagram.

DR. NELTE: Mr. President, this diagram shows the Wehrmacht and its parts. It is a diagrammatic exposition of the entire Wehrmacht and its various parts.

THE WITNESS: I believe therefore, and I feel I should refer to this diagram briefly, that just this diagram was the reason for the misleading belief, for here the High Command of the Wehrmacht is designated as a special department or branch. It is shown as such on this diagram, and as I have stated before, that is wrong.

Q What was your task in this military sector as the Chief of the OKW?

A First of all, it was a vital task of mine to present the Fuehrer with documents, with a large group of reports which he desired. That is, in

connection with the evaluation by the Wehrmacht Fuehrung Stab, I had to supply the necessary material and information to him. I would like to say that the Wehrmacht Fuehrung Stab in this connection carried out the function which one might term -- that this staff gave Hitler immediate and close relations to the General Staffs of the various branches of the Wehrmacht and attended to these tasks.

Beyond that, a great wealth of documents and evidence and material of an allied nature which were demanded daily was a second function, all conferences in which the commanders-in-chief of the various Wehrmacht branches participated and the chiefs of their staffs and the Chief of the Wehrmacht Fuehrung Stab. As a rule, all of these men were present and had to be present, for on those occasions immediately a series of oral orders was given, and these orders, in line with military principle, were later on confirmed in writing. Only in this way could we prevent mistakes or misunderstandings that would arise, that is, through the confirmation of these orders to those who had already received oral orders. It was put down clearly in writing. This is the aim and meaning of the order.

Q Now, as to the orders which were sent out by you, how were they signed by you?

A It is correct that this form of orders and directives almost without exclusion were signed by me, and indeed they were orders which had already been given and which, in military channels, had already been transmitted and were being acted upon. There was, as can be seen from the tremendous amount of material on hand, the form which I made it a matter of habit to use; that is, after a few preliminary words I always said, "The Fuehrer has therefore ordered." In the large majority of cases this order was no surprise. For the departments receiving this order it was nothing new to them. It was only a confirmation. And in a similar way, although this was not organizational, as far as directives and orders were concerned, I had these matters dealt with under my supervision and transmitted them. In that way, I should like to point out especially, I in no case sent through orders without having shown this order again to my commander-in-chief, in order to make certain that I had not misunderstood him or that I was issuing something which, and I would like to emphasize even in the verbatim, did not have his approval.

Q There was another category of orders and directives --

A. May I perhaps add a few workds?

Q. Please do.

A. In order to clarify mis-statements the documents which are at issue here, those which Hitler personally signed had a heading "The Fuehrer and the Command-in-Chief of the Wehrmacht." There are some exceptions in which such directives were signed by me, and I would like to explain this matter as to how this came about.

Even in this case the same applies, that these directives which had corrections entered by Hitler personally now were given to me, and somehow the Fuehrer was prevented from signing himself and I signed, but never as deputy but always "as per instruction." Then matters took their course, as I have already described them, in the form of directives which were signed by me; and I would like to mention also, if a series of documents under the heading "Chief of the OKW" appeared there might have been some change in that, as "A. Jodl." I would like to say that it can be shown almost automatically that I did not happen to be there at the time; otherwise I would have signed; and I would like to say that he was the recognized Chief of Staff who, according to military regulations, had to sign these matters.

Q. The memorandum which you have before you contains the following sentence: "The OKW agreed or contained in itself the activity of a staff and of a ministry. We were concerned with those matters which previously the Reichs War Ministry had treated in its capacity and which had been taken over by OKW."

Please clarify the ministerial function of the OKW.

A. This formulation as set down in this document is not exactly incorrect or untrue, but in its vital points is open to misinterpretation, for it wasn't at all such that the OKW exercised all functions which the War Minister had exercised in prior years, and that these functions all were taken over by the OKW. Many functions which the War Minister in his capacity as minister and responsible for them and as responsible to the various parts of the Wehrmacht and their commanders-in-chief, this minister could decide, and did decide those matters which I never received authority to deal with as Chief of the OKW.

The following things happened at that time: all of that which in this connection had the authority to issue orders and who had authority of which the Fuehrer did not himself wish to take up personally or take over personally -- that was, as far as decisions were concerned, given to the commanders-in-chief of the various parts of the Wehrmacht.

I would just like to touch the subject briefly and give you a few examples, from memory, vital examples. For example: the personnel records of officers, the decision on complaints, matters of budget and administration, jurisdiction of the courts are some of the functions which the Minister of War had had and which went over to the supreme commanders. Questions of officials and concerning the rights of the officials -- these are some of the things I have mentioned. I could mention quite a few others, but I wanted to point out merely that where decisions had to be made, such as if the official was to be dismissed, not the Chief of the OKW could make that decision but the Commander in Chief. These powers were given to them, and certain reservations were made with the Fuehrer, those reservations which the Fuehrer wished to keep for himself. At the same time some of the other spheres of the command posts of the Wehrmacht were limited in subsequent and following years, limited in its tasks through the dissolution of the Wirtschaft and Ruestung, that is, the economic and armament department, and an armament minister was created through the dissolution of the counter intelligence department, so that only the defense troops was kept up. Everything else was deleted. My authority was such in all basic questions with which this ministerial sector was concerned that I was obligated in every case to find out the decision of Hitler. I was only free from doing this in current matters, and if between the people involved, that as far as an administrative question was concerned -- if between the various branches of the Wehrmacht my department, which was concerned with these matters had reached a complete agreement, then in a case like that a decision by Hitler was not necessary; and I must emphasize again, in summary, that the OKW had no jurisdiction of its own, no competence of its own, and that one can only express it as follows: that Hitler indeed had the functions of the Commander-in-Chief.

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of the Wehrmacht, as well as the functions of War Minister, that he had these functions unified in his own person, so that an intermediary official was to be eliminated at all costs. That is, there was to be no intermediary between him and the commanders-in-chief of the various Wehrmacht branches.

THE PRESIDENT: We will adjourn now until two o'clock.