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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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ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Official Transcript of IMT at Nurnberg, 23 March sitting 1010 - 1245 (pp. 6667 - 6683) of transcript.

Date: 28 March 1946 Original () Copy (x) Language: English

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LOCATION OF ORIGINAL

IMT, Nurnberg

SOURCE OF ORIGINAL: IMT, Nurnberg

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SUMMARY OF RELEVANT POINTS

Discussion of Pact with Russia

Analyst: 2d Lt Goldstein

Doc. No. 2185

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 28 March 1946, 1010-1245, Lord Justice Lawrence presiding.

DR. HORN: In accordance with the order of the Tribunal, I am now presenting documents not yet named and in groups and in the following order:

First of all, I am turning to the Polish complex of questions. In my document book, under Exhibit Ribbentrop No. 200, you will find a document which I am submitting to the Tribunal for judicial notice. In that document, Prime Minister Chamberlain, in a letter to Hitler dated August 22, 1939, is defining his attitude regarding the conflict existing between Germany and Poland. In this connection, he is emphasizing as one of the main causes of the difficulties the question of minorities. As evidence of the fact that this minority played an important part as early as the creation of the Polish State, I am drawing your attention to the document Exhibit Ribbentrop 72, which I am offering to the Tribunal for judicial notice. These are comments from the German delegation regarding the peace conditions.

A further document, Ribbentrop Exhibit No. 74, which I am submitting to the Tribunal for judicial notice, underlines once more the point of view of the President of the Allied Council, Clemenceau, about which he is writing to the Polish Prime Minister Paderewski.

SIR DAVID MAXWELL FYFE: My Lord, I want to explain the position of the Prosecution.

We have not yet received these documents, and therefore we are in the position that we have only been able to make tentative selection of those to which we object. I only want to make it clear that we are admitting, without protest, the course taken by Dr. Horn on the basis which your Lordship announced yesterday, that he is putting them in en bloc subject to our right to object formally when we have the documents.

Therefore, it is only right that we must preserve our position because I

have arranged, and all my colleagues agree, that there should be objections to a number of these documents on our present state of knowledge.

DR. HORN: May I ask your Lordship to listen for one moment.

THE PRESIDENT: Do you want to say something? Were you going to add something to what Sir David had said?

DR. HORN: Mr. President, with regard to the objection just raised by the Prosecution, may I ask that the Tribunal make a principle decision regarding just how far the Defense must suffer from difficulties arising from technical set-backs, and I think a decision should be made that on the strength of the restricted case which we can only present, our evidence is not further restricted and it is made possible for us to present our material without having to argue principle points with the Prosecution here before the Tribunal.

May I request, therefore, that the presentation of documents in its shrotened form, as designed by the Tribunal yesterday, be postponed until the document books are available here in court.

THE PRESIDENT: The difficulty seems entirely to arise from the fact that your document books are not ready. That is what causes the difficulty. If the document books had been ready and had been submitted to the Prosecution, the Prosecution would be in a position to object to them. That is the reason why Sir David is objecting in this provisional form. But if you have witnesses whom you are going to call why do you not call them whilst your books are being got ready? That seems to the Tribunal to be the obvious course.

Call your witnesses and then we can have the documents introduced at a later stage when we can see them. That is the only reasonable course and why you do not adopt it I do not know.

DR. HORN: The translation department informed me recently, through one of their officers, that he would not be in a position, with the present personnel at his disposal, to catch up with translations. That is the cause of the difficulties but that is outside my sphere of influence. I have submitted the documents in good time for translation.

THE PRESIDENT: That was not the point I was dealing with. Perhaps the translations did not come through correctly.

What I said was that if you have witnesses whom you propose to call why do you not call them now?

DR. HORN: I intended to call the witnesses in the course of my presentation of documents and in accordance with the questions to which witnesses could make statements.

THE PRESIDENT: No doubt you had but as your documents are not here to be presented to the Court then you must get on and the only way to get on with your case is to call your witnesses.

DR. HORN: In that case may I request a recess for five minutes so that I may have a short conversation with a woman witness and then I shall call her?

THE PRESIDENT: Certainly. Wait one moment.

Yes, Mr. Dodd?

MR. DODD: If your Honor please, I would not begrudge any counsel five

minutes. This woman witness has been here for a long time. She stood outside all day yesterday. I think Dr. Horn has talked to her before. He has had ample opportunity to confer with her. He knew he was going to call her; he asked this Court for permission to call her. I think we are faced here with almost a one man filibuster at this time.

THE PRESIDENT: The Tribunal rules that the witness must be called at once.

DR. HORN: In that case I wish to have Miss Blank called as a witness.

MARGARETE BLANK, called as a witness, testified as follows:

BY THE PRESIDENT:

Q Will you tell me your name?

A My name is Margarete Blank.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(Witness repeated the oath).

THE PRESIDENT: You may sit down if you wish.

DIRECT EXAMINATION

BY DR. HORN:

Q Since when do you know Herr von Ribbentrop?

A I met the then deputy of the government as to disarmament questions at the beginning of 1934 in Berlin.

Q When did you become secretary of the former Foreign Minister von Ribbentrop?

A November 1, 1934, I became a secretary in his office. His personal secretary gave notice and a successor did not suit so von Ribbentrop asked me whether I was willing to occupy her position. I said, "yes" and became his personal secretary on February 1, 1935.

Q What was the attitude of von Ribbentrop towards Hitler?

A As far as I can judge he always expressed the greatest admiration for Adolf Hitler. To have the Fuehrer's confidence was the greatest satisfaction to him and that confidence he wished to justify by his attitude and

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his work. He devoted himself to that with the greatest passion. To achieve this aim no trouble was too great for him.

In carrying out tasks given to him by the Fuehrer he was extremely ruthless and without regard. Towards his subordinates he always mentioned Hitler in the terms of greatest admiration. Recognition given him by the Fuehrer, as for instance the Golden Party Emblem in recognition of his merits during a speech before the Reichstag, as well as a letter for his fiftieth birthday full of recognition and praise, meant to him, Ribbentrop, the greatest

reward for his devotion.

Q It is true that Ribbentrop adhered to Hitler's views and subordinated his own when he was of a different opinion himself?

A That question indicates that in the case of differences between Ribbentrop and the Fuehrer, Ribbentrop would subordinate his own opinion to that of the Fuehrer.

When a decision was made by Hitler no criticism was exercised as to that afterwards. Ribbentrop towards his subordinates presented the views of the Fuehrer as if they were his own. A wish from the Fuehrer was equivalent to military order in all cases.

Q To what views do you attribute that attitude?

A I attribute it first of all to Ribbentrop's views according to which the Fuehrer was the only person capable of making political decisions.

THE PRESIDENT: Witness, will you observe the lights? When the yellow light goes on it means that you are speaking too fast. When the red light is on it means that you must stop altogether. Will you follow that?

THE WITNESS: Yes indeed.

A (Continued) I attribute that to Ribbentrop's attitude that the Fuehrer was the only person capable of making political decisions,

Secondly, I attribute it to the fact that von Ribbentrop, as a former officer and as the son of an officer, and because of the oath of allegiance he had taken to the Fuehrer, considered as a soldier he had to carry out orders given him, which he could not change or criticize.

Q Do you know anything about the fact that Ribbentrop offered repeatedly to resign?

A Yes, that had happened several times. But regarding such extremely personal matters Ribbentrop did not talk with his subordinates in detail. I only remember his application to resign of the year 1941. That application, like several later ones, was submitted in a personal letter. The cause for that resignation were differences as to competency jurisdiction of other departments who had infringed on the spheres of the Foreign Office and so Ribbentrop did not believe he could take responsibility for the Reich's foreign policy.

Q What was the result of these applications?

A They were turned down.

Q During Ribbentrop's activities as Ambassador to England were you with him?

A Yes.

Q Is it true that Ribbentrop for a number of years worked for a pact between Germany and England?

A Yes. For that reason, during the summer of 1938, the Fuehrer sent Ribbentrop to England. The fleet agreement of 1935 had only been the beginning. Later on an air pact was planned and for reasons which I do not know about was not concluded.

Q Do you know anything about how Ribbentrop considered the British theory of balance in Europe?

A From numerous statements of Ribbentrop I know that he was of the opinion that England was still adhering to the traditional policy of balance. His conception here was opposed to that of the Fuehrer, who was of the opinion that due to the Russian development in the east a factor had arisen which necessitated a revision of the old policy of balance, in other words, that there was an alien interest to a growing Germany. Ribbentrop's views meant in connection with the Polish crisis that he expected the British guarantee to Poland to become effective.

Q What political aims did Ribbentrop take to achieve the Three-Power Pact?

A That was to be

Q Do you know anything about whether Ribbentrop was anxious to keep America out of the war?

A Yes, that anxiety was the basis of the Three-Power Pact.

Q And now another problem. What was Ribbentrop's attitude towards the church and church matters?

A As far as I can judge, his attitude in church matters was very tolerant. As far as I know, as early as 1920 or so, he left the church, but in that respect he exercised no pressure of influence on his personnel or, rather, he wasn't interested in such matters. His tolerance went so far that his two eldest children in 1935 were given the opportunity by their own request to reenter the church. In the personal question of religion his tolerance was equivalent to his church policy. In that connection I remember a principle note sent to the Fuehrer in which von Ribbentrop was working for a tolerant church policy. In the winter, 1944, he received Bishop Heckel to discuss church matters with him. On the occasion of a journey to Rome in 1942 or '43, he paid a long visit to the Pope.

Q Was Ribbentrop a quiet man, that kept his thoughts to himself, or was the opposite true?

A Although I have been his secretary for ten years, I have never experienced that he really let himself go. His work, which was often done in writing, absorbed him to such an extent intellectually that he had hardly any time for private matters. I couldn't name anybody, outside his immediate family, for instance, who was in really close human touch with von Ribbentrop. But that does not exclude, of course, that he was interested in the well being of his subordinates in the warmest possible way and that, particularly in times of emergency, he was very very generous towards them.

Q Is it true that you have often felt that there were certain differences between Ribbentrop and Hitler?

A Yes. According to his attitude, which I have mentioned, he hardly discussed such differences with us, his subordinates, but I do remember clearly that there were times when such differences certainly did exist.

During such times the Fuehrer often refused for a period of weeks to receive von Ribbentrop. Ribbentrop suffered very badly psychologically under such a state of affairs.

Q Was Ribbentrop, as far as the achievement of his foreign political aims was concerned, very independent or was he depending on Hitler's orders and directives?

A Von Ribbentrop often used the phrase himself that he was the only man responsible for the carrying out of the Fuehrer's foreign policy, and with that he has already expressed that he, in setting up his political aims, was not independent. But, over and above that, in the carrying out of the tasks and directives given him by the Fuehrer, he was tied down to the instructions from Hitler to a considerable extent. For instance, regarding the reports submitted by the liason officer of the Foreign Office to the Fuehrer, there were often requests for decisions from the Fuehrer. In connection with these reports sent to the Fuehrer through the liason officer of the Foreign Office, Ambassador Hewel, they contained requests for further decisions regarding certain questions or they contained a draft for telegrams to the various missions abroad for the Fuehrer's approval.

Q Did Ribbentrop suffer from having to bear the responsibility for foreign policy, which he could not yet decide, however?

A In my presence he has never talked about that, but that was my feeling.

Q What was Hitler's attitude towards the German Foreign Office?

A The Fuehrer considered it an old fashioned machine of civil servants, untouched by national socialism. As I gathered from men of his immediate surroundings, he was often making fun of the Foreign Office. He considered it a central of defeatism.

Q In what way did Ribbentrop try to bring the Foreign Office closer to Hitler?

A When taking over the Foreign Office in February, 1938, Ribbentrop intended to carry out a generous reorganization of German diplomatic services. He also intended to make basic changes in the training of young diplomats. These attempts remained in the initial stages because of the war. During the course of the war they were

started again, when the question of finding new personnel for the Foreign Offices became acute. Certain positions abroad had to be filled by untrained diplomats, people who were SS leaders, and that was due to Ribbentrop's anxiety to meet the Fuehrer's animosity towards the Foreign Office.

Q. What were his views and intentions towards Russia? What were Ribbentrop's views and intentions regarding Russia?

A. The intentions regarding Russia found their expression in the pact of friendship in August 1939, and the commercial agreement in 1939.

Q. Do you know that more than a non-aggression pact and a commercial pact was concluded in Moscow?

A. Yes, there was an additional secret agreement.

GENERAL RUDENKO: The secretary of the former Minister Ribbentrop can give testimony concerning the personality of the defendant Ribbentrop, his method, his way of life, and his character, and others, but the witness is not competent to give any testimony on the question of treaties of the Foreign Office and others, and, therefore, I consider that the question asked of the witness is absolutely irrelevant and I object to it.

THE PRESIDENT: Dr. Horn, that is the same matter that was raised, is it not, upon the affidavit of Dr. Gauss? I mean, you said that you were going to produce an affidavit of Dr. Gauss which dealt with a secret agreement between-- I beg your pardon. I ought to have said that Dr. Seidl was going to produce an affidavit of Dr. Gauss with reference to this alleged agreement. That is right, is it not?

DR. HORN: I assume so, yes.

THE PRESIDENT: The Soviet's Prosecutor objected to that agreement being true until the affidavit should be admitted, until it had been seen. Well, now, is the agreement in writing? Is the alleged agreement between the Soviet Government and Germany in writing?

DR. HORN: Yes. That has been put down in writing, but I do not have a copy of that agreement, and I should therefore like to ask the Tribunal if the decision is depending upon the affidavit of Ambassador Gauss? If I, on my part, can call upon Miss Blank, who has seen the original, I can obtain an affidavit,

if that is necessary, covering the same point. Would Your Lordship be agreeable to that?

THE PRESIDENT: Dr. Seidl, do you have a copy of the agreement itself?

DR. SEIDL: Mr. President, regarding that agreement, only two copies are available, dated 22 August 1939. The other copy was taken to Berlin by von Ribbentrop. After an announcement made in the press, all the archives on the Foreign Office were confiscated by the Soviet Union troops. I, therefore, herewith apply that the Soviet Government or the Soviet delegation is to be ordered to submit to the Tribunal the original of that agreement.

THE PRESIDENT: You are not answering the question, Dr. Seidl. I did not ask you for an argument. I asked you whether you have a copy of that agreement available.

DR. SEIDL: I, myself, do not own a copy of that agreement. The affidavit from Ambassador Gauss merely states the contents of that secret agreement, and he is in a position to do so since he had made the draft for that secret agreement. The secret pact was so signed by Foreign Commissar Molotov and Ribbentrop as it had been drafted by Ambassador Gauss. That is all I have to say to that, Mr. President.

THE PRESIDENT: Yes, General Rudenko?

GENERAL RUDENKO: Mr. President, I want to say the following:

With regard to what was mentioned here by the Attorney, Seidl, about the agreement allegedly seized by the Soviet troops, in other words, the agreement which was concluded in Moscow in March, 1939, I can call the attention of the Defense Counsel to the articles in the press, which appeared in the newspapers throughout the world, as to the non-aggression pact concluded in August, 1939. That is a well-known fact.

So far as other agreements are concerned, the Soviet Prosecution considers that the application of Dr. Seidl to incorporate into the record an affidavit by Friedrich Gauss should be denied. Gauss's testimony as to this agreement, and the history of the conclusions of this pact, is irrelevant to the matter. Presentation of such testimony or affidavit does not shed a true light on the events, really as a matter of provocation. This is borne out by the fact that Ribbentrop himself repudiated the affidavit, while Defense Counsel for Hess wanted to include it.

Although there is nothing mentioned about any fact relevant to the matter, due to this consideration on my part and the basic facts, I request the Tribunal to deny the application to admit the affidavit, and also to deny the question asked of this witness by Dr. Horn, as not relevant to the matter.

THE PRESIDENT: Yes, Dr. Seidl? Do you want to say something?

DR. SEIDL: May I perhaps add very briefly with regard to the statement of the Soviet Prosecutor, that the translation of it was only received fragmentarily. I couldn't quite make up my mind whether General Rudenko wanted to deny altogether that such an agreement was concluded or whether he wanted to state merely that the contents of that secret pact are not relevant. If the former is the case, then I repeat my application that the Soviet Foreign Commissar, Molotov, should be called before this Tribunal; but if the second is applicable, then may I request an opportunity immediately -- now -- to submit to the Tribunal evidence regarding the relevance of that secret pact?

THE PRESIDENT: At the moment we are considering an objection to the evidence of this witness on the stand, so we won't trouble with that.

The Tribunal will adjourn for a few moments. (A recess was taken).

THE PRESIDENT: The Tribunal desires to point out to Counsel for the Defense that there was no mention of this alleged treaty in its application for evidence to be given by the witness now in the witness box, but as the matter has now been raised the Tribunal rules that the witness may be questioned upon the matter.

BY DR. HORN:

Q. You were speaking about the secret treaty. How did you receive knowledge of the conclusion of this pact?

THE PRESIDENT: I am told that what I said was wrongly translated into the Russian language, at any rate. I don't know whether it was rightly translated into the German language; but what I said was that the witness may be questioned not that the witness may not be questioned. Is that clear to you?

DR. HORN: Thank you. I understood the question correctly, but I wish to thank you again.

BY DR. HORN:

Q. In connection with your previous statement about the secret treaty, I would like to know how you received knowledge of the conclusion of this pact?

A. Because of illness, I could not accompany von Ribbentrop on his trips to Russia. I was also not present when the preliminary preparations for this pact were made. I was not there. I received knowledge of the conclusion of this through a special sealed cover which was kept separately and secretly and had the inscription "German-Russian Secret Agreement."

Q. Then you were responsible for the keeping secret of this secret pact?

A. Yes.

Q. I would like to turn to another complex of questions now. Was von Ribbentrop concerned to keep the pact with Russia under any and all circumstances?

A. As a signatory of the German-Russian pact von Ribbentrop was, of course vitally interested in keeping the agreement. He knew of the terrific danger which a German-Russian war would mean for Germany. In this sense he instructed and warned the Fuehrer. As far as I recall, Ambassador Hilger from Moscow was called to Berchtesgaden to report; and for the same purpose, in the spring of 1941, Ambassador von Schulenberg was called in again to report and to again

give the warning of von Ribbentrop to the Fuehrer and to emphasize them.

Q. Do you know whether von Ribbentrop knew of Hitler's intention prior to the annexation of Austria to the Reich?

A. As far as the German invasion into Austria is concerned, von Ribbentrop was at London and heard with surprise that the invasion was taking place. He himself had in mind an entirely different solution for Austria. What he contemplated was an economic union with Austria.

Q. Do you know whether von Ribbentrop repeatedly made efforts to end the war in a diplomatic way?

A. Yes. One of the steps he undertook was the sending of Professor Berber to Switzerland in the winter of 1943-44. Later on the steps were intensified by the sending of Herr von Schmieden to Bern and Dr. Hesse to Stockholm. Since there was no official authorization by the Fuehrer for these negotiations, they could only be concerned with submitting of negotiations with which perhaps Germany might converse with the Allies and negotiate. Equal instructions were received by Ambassador von Biebrach at Madrid, Consul Moellhausen at Lisbon, and the Ambassador at the Vatican, von Weitzwecker. They were charged with similar missions. A former member of the office of Ribbentrop who was living at Madrid was instructed to attempt to get in touch with the British Government also along similar lines.

On the 20th of April von Ribbentrop dictated a notice to the Fuehrer that which he now wished to initiate negotiations. The decision upon this request I did not see through, because I left Berlin.

Q. Did you know what Hitler's basic attitude was toward this question?

A. I know only from what I heard from men who were in his vicinity that the Fuehrer did not put much stock in this. He would have sanctioned negotiations only if military successes had been present. If and when these military successes were present, he was against diplomatic initiative anyway. As far as the mission of Dr. Hesse is concerned, when it failed he said that from the beginning he had not expected much of this mission anyway.

Q. Just one more question: Is it correct that von Ribbentrop only shortly before the invasion of Norway and Denmark was notified of these actions?

A. Yes; just a few days prior to the actual fact.

Q. Is it correct to say that von Ribbentrop was of the opinion that England would march for Poland -- on behalf of Poland?

A. Yes. With his view that England would stay with the balance of power politics, he was of the opinion that England would support her guarantee to Poland.

DR. HORN: I have no further questions to this witness.

THE PRESIDENT: Do any of the Defendants' Counsel wish to ask any questions of this witness? Do the Prosecution?

SIR DAVID MAXWELL FYFE: My Lord, the Prosecution has very carefully considered this matter. They hope that the Tribunal will not hold it against them that they accept everything that this witness says, but they feel that all the matters could be more conveniently put to the Defendant himself, and therefore they do not intend to cross examine.

THE PRESIDENT: The witness may retire.

DR. SEIDL: (Counsel for Hess) Mr. President, the Tribunal, as far as the question of the secret pact is concerned, has permitted this question to be put to the witness. The witness knew only of the existence of this pact but not about its contents.

May I ask to be informed whether in the admissibility of this question to the witness, it is also the rule of the Tribunal, as far as the admissibility of Ambassador Gauss' affidavit is concerned, whether I might now have the opportunity to read an excerpt from this affidavit at this time.

THE PRESIDENT: Has the affidavit been submitted to the Prosecution?

DR. SEIDL: Last Monday -- that is, three days ago -- I submitted six copies of the affidavit to the Translating Division, that is, to Lt Shrader of the information center of the Prosecution. I assume that in the meantime, since three days have elapsed, the Prosecution have received their copies.

SIR DAVID MAXWELL-FYFE: My Lord, the Prosecution have not received the copies. I haven't seen the affidavit yet. Neither has my friend Mr Dodd nor have my other colleagues, General Rudenko, or Mr. Champetier de Ribes.

THE PRESIDENT: Then I think we had better wait until the document is in the hands of the Prosecution, Then it can be considered.

DR. SEIDL: Mr. President, I believe that I did everything that it was possible for me to do in order to facilitate the Prosecution receiving the affidavit. I have no influence over official channels within the General Secretariat.

THE PRESIDENT: Nobody has said that you have done anything wrong about it, Dr. Seidl.

Yes, Dr. Horn.

DR. HORN: As my next witness I should like to call Ambassador Paul Schmidt.

PAUL OTTO SCHMIDT, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you tell me your name?

A Schmidt is my name.

Q Your full name,

A Dr. Paul Otto Schmidt.

Q Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeat the oath.)

DIRECT EXAMINATION

BY DR. HORN:

Q Witness, you participated in some of the decisive conferences before the outbreak of the war between Sir Nevile Henderson, the British representative, and members of the Reich Government. Is it correct to say that you were present at the conferences of the 30th of August 1939?

THE PRESIDENT: The Tribunal will adjourn until 1:45.

(A recess was taken until 1345 hours.)