

Doc. 2182 Evid.

Folder 5

(46)

INTERNATIONAL PROSECUTION SECTION

Doc. No. 2182

22 June 1946

ANALYSIS OF DOCUMENTARY EVIDENCE

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Official Transcript, IMT, Nurnberg,
Direct Examination of RIBBENTROP by Dr. Seidl

Date: 1 Apr 1946 Original Copy Language:
English

Has it been translated? Yes No

Has it been photostated? Yes No

LOCATION OF ORIGINAL

IMT, Nurnberg

SOURCE OF ORIGINAL: See above

PERSONS IMPLICATED: MATSUOKA

CRIMES TO WHICH DOCUMENT APPLICABLE: Japan - German
Relations

SUMMARY OF RELEVANT POINTS

Discussion of a document recording the conversation between RIBBENTROP and MATSUOKA (p. 6844) "Q The prosecution cited a part of this document, and, among other things, the following passage concerning RAEDER".

"The REICH Foreign Minister returned once more to the question of Singapore. In view of the Japanese fears of submarine attacks from the Philippines and the interference of the English Mediterranean and home fleet, he spoke once more with General Admiral RAEDER The American submarines Admiral RAEDER considered so bad that Japan did not have to worry about them."

"(p. 6845) "A. (by Ribbentrop) I do not now recall either that I ever spoke with Admiral RAEDER about German-Japanese strategy. We had only very loose connections with Japan."

Analyst: 2d Lt Goldstein

Doc. No. 2182

2182

Documents are certified by Gen. Mitchell,
General Secretary, International Military
Tribunal, to be true and correct copies
of IMT proceedings.

Certificates attached to - - -

#2182

INTERNATIONAL MILITARY TRIBUNAL

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 -

HERMAN WILHELM GOERING et al

Defendants.

CERTIFICATE.

The undersigned, BRIGADIER GENERAL WILLIAM L. MITCHELL, hereby certifies:

That he is the duly appointed qualified and acting General Secretary of the International Military Tribunal, and that as such he has possession, custody and control of all of the records of said Tribunal and all documents admitted in evidence during the trial of the above entitled cause, and that he is in charge of the preparation and preservation of the daily transcript of the proceedings of the said Tribunal.

That the attached document is a true and correct copy of the transcript of the proceedings of said International Military Tribunal held in open court on March 28th, 29th and 30th, 1946 respectively.

D O N E at Nurnberg, Germany this 2^d day of ~~April~~^{May}, 1946.

William L. Mitchell
WILLIAM L. MITCHELL
General Secretary
International Military Tribunal

INTERNATIONAL MILITARY TRIBUNAL

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That the attached document is a true and correct copy of the transcript of the proceedings of said International Military Tribunal held in open court on April 1st, 2nd and 3rd, 1946 respectively.

D O N E at Nurnberg, Germany this 2nd day of May, 1946, 1946.

William L. Mitchell
WILLIAM L. MITCHELL
General Secretary
International Military Tribunal

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA,
THE FRENCH REPUBLIC, THE UNITED
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That the attached document is a true and correct copy of the transcript of the proceedings of said International Military Tribunal held in open court on December 10th, 1946.

D O N E at Nurnberg, Germany this ^{May 21st} 2d day of ~~April~~, 1946.

William L. Mitchell
WILLIAM L. MITCHELL
General Secretary
International Military Tribunal

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, 1000 to 1300 hours Lord Justice Lawrence presiding.

(The Defendant Ribbentrop resumed the witness-stand.)

THE PRESIDENT: Have any of the Defendants' Counsel any questions they want to put to the Defendant?

DR. SEIDL (Counsel for the Defendants Hess and Frank): Yes, your Honor.

BY DR. SEIDL:

Q Witness, the preamble to the pact drawn up between Russia and Germany is worded as follows:

"In view of the present tension between Germany and Poland, we agree to the following in case of conflict" --

Do you recall that the preamble had that wording?

A I don't remember the exact wording, but it was more or less like that

Q Is it correct that during the negotiations in Moscow on the 31st of August Ambassador Gauss took part as legal adviser and drew up this Pact?

A Ambassador Gauss took part to a certain extent in the negotiations and along with me drew up the Pact.

Q I shall now read an extract from Gauss and ask you a few questions in connection with it --

THE PRESIDENT: Dr. Seidl, what document are you going to read?

DR. SEIDL: I shall read from the declaration made by Dr. Gauss, No,3, and in connection with it, ask a few questions of the witness, because a few points remain in connection with the Pact that have not been clarified sufficiently as yet.

(General Rudenko approached the lectern.)

THE PRESIDENT: Yes, General Rudenko?

GENERAL RUDENKO: I do not know, Mr. President, what relationship these questions have with the Defendant Hess, who is defended by Dr. Seidl, or with the Defendant Frank. I do not wish to speak about this affidavit, as I do not attribute any importance to it. I only wish to draw the attention of the Tribunal to the fact that we are not investigating problems concerning the policy

of Allied Nations, but we are investigating the charges against the main German war criminals, and such an endeavor on the part of the Defendant is an attempt by Defense Counsel to divert the attention of the Tribunal from the issues we are investigating.

I therefore propose that we reject this question not relevant.

(Consultation between members of the Tribunal, en banc.)

THE PRESIDENT: Dr. Seidl, you may ask the questions.

Q. Ambassador Gauss stated, under No. 13 of his affidavit:

"The Reich Foreign Minister's airplane arrived around noon of the 31st of August at Moscow. I had accompanied him to advise on legal matters. On the afternoon of the same day Ribbentrop spoke with Stalin, at which time only Ambassador Hilger, as interpreter, and perhaps Ambassador Schulenburg were present as the German delegation. I was not present.

"The Reich Foreign Minister returned from this long conference and stated that the treaty wanted by the Germans would be brought about. Further discussion of the documents about to be signed was set for the late evening. I personally took part in the second conference. So also did Ambassador Schulenburg and Ambassador Hilger. On the Russian side the negotiations were conducted by Stalin and Molotov, whose interpreter was Pavlov. Without difficulty and with rapidity, we reached an agreement on the text of this German-Russian Non-aggression Pact.

"In the preamble of the text of the agreement that I drew up there was rather a long statement regarding friendship between Russia and Germany, to which Stalin objected with the remark that the Soviet Government, after it had been subjected to insult by the Nazi government for six years, could not make public all of a sudden protestations of friendship between Soviet Russia and Germany. That passage in the preamble was thereupon deleted or changed.

"Along with the Non-aggression Pact, a discussion took place about a secret protocol, which, as I recall, was called a secret protocol or secret additional protocol, the terms of which dealt with a limitation of the two spheres of interest in which various European countries were considered. Whether the expression "sphere of interest" or other such expressions were used therein, I do not recall. Germany declared that it had no interest in Latvia or Esthonia but did consider Lithuania to be part of its sphere of influence.

"Concerning Germany's interest in the other two Baltic countries, this can be said: The Reich Foreign Minister wanted to except a certain part of the Baltic from agreement, but the Soviet government, particularly since it was interested in the ice-free ports in this region, was not agreeable to this exception.

"Because of this point, which had already been discussed in Ribbentrop's first discussion, Ribbentrop had a telephone conversation with Berlin, which took place only during the second discussion, in which he was empowered, in direct conversation with Hitler, to accept the Soviet standpoint. A demarcation line was laid down for the Polish territory. Whether it was drawn on a map annexed to the protocol or whether it was simply described in words, I do not now recall. Moreover, in regard to Poland, an agreement was reached that the two powers, at the final decision of these questions, would act in concord. It is, however, possible that this last agreement regarding Poland was reached only after the change foreseen in Paragraph 5 of the protocol.

"Regarding the Baltic countries, it was determined that Germany had only economic interests there.

"The Non-aggression Pact and the second document were signed rather late that same evening."

Witness, in the sworn affidavit of Gauss, this is to be found: that at the final decision regarding Poland, the two countries would act with each other's knowledge. Was this agreement reached already on 31 August?

A. Yes, that is true. At that time the serious German-Polish crisis was already at hand, and this question was discussed, and I should like to emphasize that there was not the slightest doubt in either Stalin's or Hitler's mind that if all the negotiations with Poland came to naught the territory that had been taken from these two powers by force of arms would be reunited with the two powers by force of arms. In this sense, the eastern territories would be turned over to Germany. It was also agreed that Stalin would never accuse Germany of aggression because of its actions in Poland.

Q. Another question --

A. Rather, if an aggression was spoken of here, this would be spoken of in both cases and that both parties would be spoken of as guilty of it.

Q. Was the demarcation line in this secret agreement described only in words or was it drawn on a map annexed to the agreement?

A. The line of demarcation was drawn roughly on a large map. It ran along the Rivers Rysia, Bug, Marew, and San, and that was the line of demarcation that was to be adhered to in case things reached

the point of war with Poland.

Q Is it correct that on the basis of the agreement reached in this agreement, not Germany, but Soviet Russia, was to receive the greater amount of territory?

A I do not know the exact proportions, but, at any rate, the situation was this: That all regions east of these rivers were to go to Soviet Russia, and all west of these were to be occupied by German troops. The organization of this territory as intended by Germany still lay open and had not yet been discussed by Hitler and me. It later became the General Government of Poland after the regions lost to Germany following the first world war incorporated into Germany.

Q Now, something else: You stated last Friday that you wanted Russia to join in the Tripartite Pact. Why did that fail?

A That failed because of Russian demands. The Russian demands-- I should perhaps say first that I had agreed with Molotov in Berlin that we would negotiate further over diplomatic channels. I would exert my influence on the Fuehrer to see to it that regarding the demands already made by Molotov in Berlin a compromise agreement of some sort could be reached.

Then Schulenburg sent us a report from Moscow and informed us of the Russian demands. In this report, first, the demand was renewed for Finland. The Fuehrer, as known, told Molotov that he did not wish that, after the winter's war of 1940, up in the north there war should break out anew. The demand regarding Finland was brought up again, and we supposed that would lead to an occupation of Finland. That was difficult, since it was a demand that the Fuehrer had already turned down.

A second demand concerned the Balkans, specifically, Bulgaria. Russia wanted bases there and close relations with Bulgaria. The Bulgarian Government, with which we had close relations, did not wish this.

Moreover, it was for both the Fuehrer and Mussolini a difficult question to meet these Russian demands because of our economic interest in wheat, oil, and so on. Moreover, the will of the Bulgarian government was against it.

There was then, thirdly, the demands of the Russians for bases of a

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military nature, and then, also, the wish that Molotov had expressed to me in Berlin to have the outlet of the Baltic Sea. Molotov told me at that time that, of course, Russia was interested in Jutland and other such regions.

At that time I discussed these demands and wishes very exhaustively with the Fuehrer. The Fuehrer said we would have to get in touch with Mussolini, who was interested also in a part of these demands. This took place, but both the Balkan demand and the Dardenelles demand found no reception by Mussolini.

He mentioned also the fact that Bulgaria did not want these things either, and on the question of Finland, neither Finland nor the Fuehrer wanted to agree to these demands on the part of Russia.

Negotiations took place during several months. I recall that on the basis of a telegram from Moscow in December 1940 I had another long conversation with the Fuehrer. It was my idea that if we could reach some compromise between the Russian wishes and the wishes of the various participants, we could then reach such a strong coalition that would finally bring England to peace.

THE PRESIDENT: What is this all an answer to? What was your question that this is supposed to be an answer to?

DR. SEIDL: In essence he has answered the question already. The question was, what circumstances --

THE PRESIDENT: (Interposing) Dr. Seidl, if he has answered the question you should stop him.

DR. SEIDL: Very well.

BY DR. SEIDL:

Q. I now come to another question. What intentions did Hitler have in regard to the military strength of Russia?

A. Adolf Hitler told me once and expressed himself so -- this was during the time that he became worried about what was taking place in Russia in the way of preparations against Germany. He said, "We of course do not know what is concealed behind this door, and we may one day be obliged to break this door open."

This and other statements that the Fuehrer made at this time drove me to state to him that on the basis of what he knew about Russia already it should cause him great concern about attacking Russia.

Q. What induced Hitler to run this danger of an offensive action against Russia?

A. This was as follows:--

THE PRESIDENT: (Interposing) Hasn't this been dealt with extensively and exhaustively by the defendant Goering? You are here as counsel for Hess.

DR. SEIDL: If the Tribunal is of the conviction that this has already been adequately handled, I have no further questions.

THE PRESIDENT: Before you sit down, Dr. Seidl, you were putting Gauss' affidavit to the defendant, I suppose with the intention that he should say that the affidavit was true; is that right?

DR. SEIDL: Yes.

THE PRESIDENT: You didn't put to him paragraph 4 of the affidavit at all, did you?

DR. SEIDL: I cited only number 3, numbers 1 and 2; 4 and 5 I did not read, in order to save time.

THE PRESIDENT: The answer to my question was, yes, you did not put it. Should you not put the end of paragraph 4 to him, which reads in this way:

"The Reich Foreign Minister regulated his words in such a manner that he let a war-like conflict of Germany with Poland appear not as a matter already finally decided upon but only as an imminent possibility. No statements which could have included the approval or encouragement for such a conflict were made by the Soviet statesmen on this point. Rather the Soviet representatives limited themselves in this respect simply to taking cognizance of the explanations of the German representatives."

Is that correct?

DR. SEIDL: That is so.

THE PRESIDENT: I am asking the witness. Is that correct?

THE WITNESS: I may say the following to this. When I went to Moscow no final decision had been reached by the Fuehrer --

THE PRESIDENT: (Interposing) Well, couldn't you answer the question directly? I asked you whether the statement in the affidavit was correct or not. You can explain afterwards.

THE WITNESS: Not quite correct, no.

THE PRESIDENT: Now you can explain.

THE WITNESS: Not precisely correct insofar as a decision on the part of the Fuehrer to attack Poland had not yet been reached. There is, however, no doubt that during the discussions in Moscow it was perfectly clear that the possibility, if the last effort at negotiations failed, could be taken at any time.

THE PRESIDENT: Well, what is the difference between that and what I have just read to you? What I read to you was this:

"The Reich Foreign Minister regulated his words in such a manner that he let a war-like conflict of Germany with Poland appear not as a matter already finally decided upon but only as an imminent possibility. "

I should have thought your explanation was exactly the same as that. That's all.

DR. SEIDL: Mr. President, may I mention something very briefly in this connection? The witness Fauss was only present at the second conference. He was, however, not present at the previous conference between the witness von Ribbentrop on the one hand and Molotov and Stalin on the other hand. At this conference only Ambassador Hilger was present. Consequently, I ask the Tribunal in view of the importance of this point, to call the witness Hilger

THE PRESIDENT: Dr. Seidl, as you know, you can make any application in writing for calling any witness that you like, and also the Tribunal wishes me to say that if the Prosecution wish to have the witness Gauss here for a cross examination they may do so.

DR. SEIDL: Very well. Then I should like to put in evidence as Number 16 the sworn affidavit of Ambassador Gauss.

THE PRESIDENT: Yes, certainly.

MR. DODD: May it please the Court, as far as I understand, there is some slight danger of the witness Gauss being removed from Nurnberg. I would like to state at this time that we would like to have him retained here for long enough time for possible cross examination.

THE PRESIDENT: Very well.

Do any other members of the defendants' counsel want to ask questions?

BY DR. NELTE (Counsel for Keitel):

Q. The defendant Keitel states that in the autumn of 1940 he discussed the question with Hitler of war with Russia, and in order to do so came to Fuschl to talk these questions over with you. He believed that you too had doubts about this. Do you recall that at the end of August he was in Fuschl?

A. Yes, he visited me there.

Q. Do you recall that Keitel then stated to you his opinion of the war that might be threatening?

A. Yes, that is so. He spoke of that at that time. I believe he said that the Fuehrer also discussed it.

Q. What I am driving at is this. Keitel states that he spoke with you about a memorandum that he intended to submit to Hitler, and this concerned itself with the doubts that he felt about waging a war with Soviet Russia.

A. That is so. Keitel told me at that time that he intended to submit a memorandum to Hitler, and he expressed his doubts about a conflict between the Soviet Union and Germany.

Q. Did you have the impression that Keitel was an opponent of that war at that time?

A. Yes, that is so. I had that impression very clearly.

Q. Is it true that he, as a result of this discussion, asked you in your turn to support his point of view by talking with Hitler about these doubts?

A. Yes, that is so, and I told him at that time that I would do so, that I would speak to Hitler, and he also would do the same.

Q. Another question, regarding the flight of the French General Giraud. Is it true that Keitel, when the French General Giraud escaped from Koenigstein asked you to take measures in order to bring about, through the French Government, the voluntary return of Giraud to Germany?

A. Yes, at that time he suggested whether or not it might be possible, by way of negotiations with the French Government, in some way or other to induce Giraud to return to imprisonment.

Q Did it then happen, through the mediation of Ambassador Abetz, that a meeting took place with Giraud in occupied France?

A Yes, such a meeting took place. I believe Ambassador Abetz met Giraud, who, as I recall, appeared in the company of Laval. The Ambassador did everything he could in order to induce the General to return, but that finally did not succeed. He was promised safe conduct for this return. However, then Laval and the General went away again.

Q The prosecution has submitted an order, the object of which was the branding of Soviet prisoners of war by marking on their skin. Keitel, who is asserted to be responsible for this order, states that he spoke with you about these questions at the headquarters at that time in Vinnitza, that he had to speak with you because this question of prisoners of war had touched the international law department of the Foreign Office.

Do you recall that in this connection Keitel asked you whether there were international law scruples against this branding which Hitler wished?

A The situation was this. We heard of the intention of identifying prisoners of war in this way. We went to the headquarters and spoke with Keitel about this matter. It was my opinion that such a way of identifying prisoners was out of the question. Keitel was also of this opinion and, so far as I recall, gave orders that this intended form of identification should not be used.

DR. NELTE: I have no further question.

BY DR. KRANZBUEHLER (counsel for defendant Doenitz):

Q Witness, when did you make the acquaintance of Admiral Doenitz?

A I made his acquaintance after he was appointed in the High Command of the Navy.

Q That was in 1943?

A I believe so.

Q Either before or after this time, did Doenitz have any practical influence on foreign policy or attempt to have such an influence?

A I never heard that Doenitz made any effort to exert any influence on foreign policy.

Q Do you recall Marshal Antonescu's visit to the Fuehrer's headquarters on the 27th of February 1944? 6843

ters on the 27th of February 1944 ?

A I recall that Antonescu visited the Fuehrer's several times, every six months or so, and I believe that at the beginning of 1944 he did visit the Fuehrer.

Q Do you recall whether Antonescu then took part, as guest, in the military discussion?

A I believe that was certainly so, because the situation was usually this. When Antonescu came, the Fuehrer explained the military situation to him that is, he invited him to take part in the so-called noon military discussion of the situation. I don't recall the exact date now, but there can be no doubt that Marshal Antonescu took part in a military discussion of the situation.

Q Besides military discussions were there also discussions of a political nature with Antonescu?

A These discussions began as follows: Either the Fuehrer was alone with him, or perhaps I was there. Then the others withdrew, and the Fuehrer and he had a long political discussion.

Q Did Doenitz take part in these political discussions ?

A Certainly not, because the Fuehrer seldom had the military men at these political discussions with Antonescu. Sometimes, very occasionally, that was the case, but that Admiral Doenitz took part in a discussion with Antonescu I can hardly believe.

DR. KRANZBUEHLER: I have no further questions.

BY DR. SIEMERS (counsel for defendant Raeder):

Q Witness, the prosecution put in, as evidence, a document concerning a discussion between you and the Japanese Ambassador Matsuoka. The document carries the number 1877-PS, and the number USA Exhibit 152. It is on page 1007 of the German court record.

The prosecution cited a part of this document and, among other things, the following passage concerning Raeder:

"The Reich Foreign Minister returned once more to the question of Singapore. In view of the Japanese fears of submarine attacks from the Philippines and the interference of the English Mediterranean and home fleet, he spoke once more with General Admiral Raeder. Raeder said to him

once more with General Admiral Raeder. Raeder said to him that the English fleets in this year were so busy in British home waters and in the Mediterranean that they could not spare one single boat for the Far East. The American submarines Admiral Raeder considered so bad that Japan did not have to worry about them."

Witness, as Raeder clearly remembers, you, as Foreign Minister, never proke with him about strategic matters regarding Japan, or about the value or uselessness of American submarines. I should be obliged to you if you could clarify this point, whether there is some error here as to the person involved in this discussion.

A That is altogether possible. I do not now recall either that I ever spoke with Admiral Raeder about German-Japanese strategy. We had only very loose connections with Japan.

If I, at that time, said to Matsuoka what you have there quoted, I must have had that from the Fuehrer, and he must have induced me to say that. I could not have said it on my own initiative, because I did not know about those things. However, I do know that the Fuehrer spoke to me several times about points relating to Japan, so it is possible that this originated with the Fuehrer. I do not know who has testified to this.

Q This document carries the title, "Notes on conference between the Foreign Minister and Matsuoka."

A Oh, Yes, I have seen that. Then it is possible that the Fuehrer said that, in fact, I consider that probable, and it can be that some mistake was made in the notes.

Q. Witness, did you inform the defendant Raeder of such political discussions that you had with Matsuoka?

A. No, that is not possible.

Q. Did you ever speak with Raeder about other political questions or have him present at political negotiations?

A. No, that was not our practice at all. Rather, the Fuehrer kept military and political matters strictly separate so that a military man never had an opportunity, through me, to discuss political matters, and I, as Foreign Minister, never had an opportunity to discuss military matters at my office.

If there were discussions, they took place at the Fuehrer's headquarters. These matters were very sharply separated. If such discussions took place at all -- and at the moment I can't remember any -- then they were always at the Fuehrer's.

DR. SIEMERS: I thank you.

BY DR. LATERNSEER (Counsel for the General Staff and the OKW):

Q. Witness, Baron Steengracht, whom you had as a witness, answered my question as to whether the high military men were informed of political matters in the negative. I ask you now whether you, as Foreign Minister, oriented the high military men in political matters.

A. No, I must answer the question as I answered the previous question. That was not our practice. All the political and military matters came in contact only at the Fuehrer's. The Fuehrer told me what I had to do in a diplomatic and political field, and told the military men what they had to do militarily.

Orientation on my part in military matters happened only via the Fuehrer, but it happened only seldom, and what the military men had to know of a political nature they never found out from me, but if they found it out at all, they found it out from the Fuehrer.

DR. LATERNSEER: No further questions.

BY DR. BOEHM (Counsel for the SA):

Q. Witness, did you have an order, on the basis of which you informed the SA leadership of the development and treatment of foreign political matters?

A. The SA? No. There was no such order.

Q. Did the SA leadership have any influence on foreign policy at all?

A. No.

Q. And then I should like to ask another question for my colleague Dr. Sauter who is sick.

In 1943, were you witness at a conversation between Hitler and Himmler in which von Schirach was discussed and the question of accusing him before the Volksgericht was brought up?

A. Yes.

Q. What consequences would such a trial before the Volksgericht have had?

A. I cannot say, of course. I do not know the details of this matter. I only know that Himmler, in my presence, made the suggestion to Hitler that Schirach should be brought before the Volksgericht for some reason or other. I don't know the details. However, I, in my turn, said that this would make a very bad impression, particularly in a foreign political way, and I know that the Fuehrer then did not give Himmler any order at all.

What consequences that would have had I cannot say, but if Himmler did make such a suggestion, the consequences would have been very serious.

Q. How is it that you were witness to this conference, and what was your attitude at it?

A. I have already said that I said at that time that it would make a very bad impression. I said that to Himmler and Hitler. I am not familiar with these matters.

DR. BOEEM: No Further questions.

THE PRESIDENT: Are there any other questions on behalf of the defendants' counsel?

CROSS EXAMINATION

BY SIR DAVID MAXWELL FYFE:

Q. Witness, when you began to advise Hitler on matters of foreign policy in 1933, were you familiar with the League of Nations' declaration of 1927?

A. To which declaration are you making reference?

Q. Don't you remember the League of Nations' declaration of 1937?

A. The League of Nations made many declarations. I ask you to inform me of which you are talking.

Q. It made rather an important one, about aggressive war in 1927, didn't it?

A. I do not know about such a declaration in detail, but it is clear that the League of Nations, like everyone else, was against aggressive war, and at that time Germany was a member of the League of Nations.

Q. Germany was a member, and the preamble of the declaration was:

"Being convinced that a war of aggression would never serve as a means of settling international disputes, and is in consequence an international crime..

Were you familiar with that when you --

A. (Interposing) Not in detail, no.

Q. It was rather an important matter to be familiar with if you were going to advise Hitler, who was then Chancellor, on foreign policy, wasn't it?

A. This declaration was certainly important, and it corresponds exactly to my opinion at that time. Unfortunately, the individual people demonstrated that the League of Nations was not in a position to save Germany from disgrace.

Q. Did you continue to hold that as your own view? Did you continue to hold the expression of opinion I have quoted to you from the preamble as your own view?

A. That was my basic opinion, but on the other hand I was of the opinion that in some form or other Germany also had to be helped.

Q. So I gathered. Now, apart from that, if you weren't familiar in detail with that resolution, were you familiar in detail with the Briand-Kellog Pact?

A. Yes, I knew about that.

Q. Did you agree with the view expressed in the preamble and in the pact that there should be a renunciation of war as an instrument of national policy?

A. Yes.

Q. I just want you to help us on how you carried that out. Let's take the first example. Are you telling this Tribunal that as far as you know, no pressure or threats were made to Herr von Schuschnigg?

A. You mean in the discussions on the Obersalzberg with Hitler?

Q. Yes, on the 12th of February.

A. At this discussion --

Q. (Interposing) Witness, answer the question first, and then you can give your explanation. Are you saying that no pressure or threats were put to Herr von Schuschnigg on the 12th of February? Answer that yes or no, and we will go into the explanation later.

A. In that sense, no. I believe that the great personality of the Fuehre made such an impression of Schuschnigg, and the arguments that he presented, that Schuschnigg finally declared himself agreeable to the proposals that Hitler made to him.

Q. Now, let's just look into that.

A. I personally, after the first talk with Adolf Hitler, had a conversation with Schuschnigg from which I could perceive his reaction to the first conference. This reaction was that of having received a vast impression from Hitler's personality and attitude. Schuschnigg, in this conversation, emphasized to me that this conversation with Hitler took place in a very friendly way and that he, and I quote him, regarded this as a historical occasion by which the two people should be brought closer together.

Q. Who were present at the Berghof -- I don't say in the room, but in the building or about? Were there present Hitler, yourself, the defendant von Papen, the defendant Keitel, General Sperrle, and General von Reichenau?

A. I believe that is so, yes.

Q. And on the morning of the 12th, I think that Hitler and von Schuschnigg were together for about two hours before lunch in the morning, isn't that so?

A. I don't know the time precisely. Anyway, they had a long conversation.

Q. And then, after lunch, von Schuschnigg was allowed to have a short conversation with his own Foreign Minister, Guido Schmidt, isn't that so?

A. I can't say that precisely, but it is possible.

Q. Then, after that, von Schuschnigg and Guido Schmidt were called before you and the defendant von Papen, isn't that right?

A. I don't remember that. I don't believe so.

Q. Don't you remember that? Just think again.

A. Do you mean -- then I didn't understand the question, perhaps.

Q. Then I'll put it again. After a conversation that Schuschnigg had with Guido Schmidt, he and Schmidt came before you and the defendant von Papen and had a conversation with you, about which I will ask you in a moment.

Now, isn't it right that you and von Papen saw von Schuschnigg and Guido Schmidt?

A. No, I don't believe so. I don't believe that is true.

Q. Don't you remember exhibiting to von Schuschnigg a typewritten draft containing the demands made on von Schuschnigg? Now, just think.

A. That is altogether possible. Hitler had dictated a memorandum, and it is possible that I gave it to Schuschnigg, yes, but I am not sure any more of the details.

Q. What memorandum --

A. (Interposing) Let me add that I do not know about this and I must add for the better understanding of the thing that at this time I was not at all oriented regarding Austrian problems because Hitler handled these matters personally, and I, for a few days --

Q. (Interposing) If you hand someone a memorandum at what you have described him as saying was a historic meeting, presumably you can give the Tribunal at any rate an outline of what the memorandum contained. What were the points in the memorandum?

A. Curiously enough, I really do not remember that in detail. This whole meeting was one between the Fuehrer and Schuschnigg, and everything that was agreed to there was suggested to the Fuehrer by someone else, or was suggested by the Fuehrer himself and then dictated. I did not know the details. I only know that it was a question then, first of all, of bringing about better relations between Germany and Austria, because National Socialists had been arrested in Austria and thus the relations between the two countries had been greatly troubled.

Q. Well, if I remind you, perhaps, it will bring it back. Weren't the three points the reorganization of the Austrian cabinet, including the

appointment of the defendant Seyss-Inquart to the Ministry of Security in the Interior; second, a general political amnesty of Nazis convicted of crimes; and thirdly, a declaration of equal rights for Austrian National Socialists and the taking of them into the Fatherland Front? Are these the points that you were putting to von Schuschnigg?

A. That is more or less correct, I guess, although I don't remember exactly. That would correspond to what I knew about Austrian matters at that time.

Q. And did you tell von Schuschnigg that Hitler had informed you that these demands which you were offering were the final demands of the Fuehrer and that Hitler was not prepared to discuss them?

A. I can't recall it in exactly those terms, but that is possible. It is possible that I told Schuschnigg something to that effect.

Q. Did you say, "You must accept the whole of these demands"?

A. No, I don't believe so. I exercised no pressure on Schuschnigg at all. I know that this conversation lasted from an hour to an hour and a half and was confined to generalities and also personal matters. From this conversation I had a very favorable impression of Schuschnigg's personality and could not have exercised any pressure on him.

Q. You told us that before, and I am suggesting to you that at this conversation you were trying to get Schuschnigg to sign the document containing these terms which you agree that you may have had. I want you to remember the answer and remind you of that.

Don't you remember Herr von Schuschnigg turning to the defendant von Papen and saying, "Now, you told me that I wouldn't be confronted with any demands if I came to Berchtesgaden," and Herr von Papen apologizing and saying, "That is so. I didn't know you were going to be confronted with these demands."

Don't you remember that?

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A No, I don't. Also, that cannot be true.

Q We will just see.

Do you remember von Schuschnigg being called back to speak to Hitler again and Guido Schmidt remaining with you to make some alterations in the document which you were putting?

A That is quite possible, that changes were made. I don't remember the details, though.

Q But did you hear that in this second conversation with Hitler, Hitler telling Schuschnigg that he must comply with these demands within three days?

A No, I have heard that for the first time today.

Q Just be a little careful before you say you have heard anything for the first time today, because in a moment I will show you some document.

Are you sure you didn't hear that Hitler told Schuschnigg he must comply within three days or Hitler would order the march into Austria?

A I consider that to be out of the question.

Q If he had said that you will agree that that would be the heaviest military and political pressure? There could be no other pressure than suggesting marching into Austria, could there?

A In view of the situation that existed between the two countries at that time, that would have been a pressure, certainly, but in the long run it would have been impossible to find any solution between these two countries if they had not come closer together, and I, I should like to emphasize, always stood on the view that these countries should enter into close relations, and I had in mind a customs union.

Q Let us come back to this interview which I am putting back to you that took place on the 12th of February. Don't you know that Schuschnigg said "I am only the Bundeskanzler. I have to refer to President Miklas, and I can only sign this protocol subject to reference to President Miklas?" Don't you know that?

A No, I don't remember that in detail.

Q Don't you remember Hitler pointing to the door and calling Keitel?

A No; I have already heard about that here.

Q You know it is true, don't you?

A I heard about that here for the first time.

Q You know it is true, don't you?

A No, I don't.

Q Don't you remember Keitel going in to speak to Hitler?

A I have already said I haven't heard about that. I don't know about that.

Q Do you know that von Schuschnigg signed this document on the condition that within three days these demands would be fulfilled, otherwise Germany would march into Austria?

A No, that I didn't know.

SIR DAVID MAXWELL FYFE: I think it would be convenient if the witness had the German document book in front of him. I tried to get most of the pages agreeing.

THE PRESIDENT: Sir David, perhaps this would be a good time to break off.

(A recess was taken).

BY SIR DAVID MAXWELL FYFE:

Q Witness, will you look first, at the defendant Jodl's diary, the entry for the 13th of February, it is the Ribbentrop document book page 9, U.S. 72, 1780-PS. The entry is as follows:

"In the afternoon General K."--that is Keitel--"asks Admiral C."--that is Admiral Canaris--"and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval."

You were suggesting on Friday that the defendant Jodl had got hold of rumors or gossip, is it? That is a definite order, a superior order to General Keitel, isn't it?

A I don't know anything about any military measures, so that I couldn't pass any judgement about the value of this note. The Fuehrer did not inform me about any military measures.

Q Are you telling the Tribunal you were there, that you were taking part handling the document, and that Hitler never said a word to you about what he was arranging with the defendant Keitel, who was also there?

A That is correct.

Q Well, now, just look at the next entry for the 14th of February:

"At 2:40 o'clock the agreement of the Fuehrer arrives. Canaris went to Munich to the Counter-Intelligence Office and initiates the different measures.

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations."

Are you telling this Tribunal that you knew nothing about either these military measures or the effect on Austria?

A About the military measures, I did not know anything but I consider it quite possible that the Fuehrer, in order to put more pressure on his wishes, had done something in this field.--

Q But, witness, just a moment !

A -- and that may have contributed to the solution of the problem.

Q Yes, I quite agree. That is just why I am putting it to that -- it did contribute -- but surely you as Foreign Minister of the Reich, with all the channels available to a Foreign Minister, knew something about the effect in Austria, which General Jodl was saying, that the effect was quick and strong; the impression was created that Germany is undertaking serious military preparations. Are you telling the Tribunal, on your oath, that you knew nothing about the effect in Austria ?

A I would like to point out again that: about military measures, I did not know anything and if I would have known, I wouldn't have had any cause to say now that it wasn't a fact. It is a fact, however, that during the years before and during the days before the conversations between the Fuehrer and Schuschnigg, I was busy at the time taking over the Foreign Office, and so much so, that as far as the Austrian problem was concerned, I only considered it as being on the edge of foreign political matters.

Q You know -- also you know, you were engaged in the Foreign Office; and my question was perfectly clear -- my question was: Are you telling this Tribunal that you didn't know anything about the effect in Austria -- you, as Foreign Minister of the Reich? Now, answer the question. Did you or did you not know of the effect in Austria?

A Yes, I did not know anything about that effect and I could not observe it in detail.

Q I see, that is your story and you want that to be taken as a criterion, a touchstone of whether or not you are telling the truth; that you, as Foreign Minister of the Reich, say that you knew nothing about the effect in Austria of the measures taken by Keitel on the Fuehrer orders? Is that your final answer?

A I can say quite precisely, again, I heard from the Fuehrer when some time later I went to London, and that is the first thing I remember about the

entire Austrian affair, that these things proceeded somewhat according to the conversations in Berchtesgaden. In detail, any special observation according to my recollection, I did not know during these days -- it is possible that I forgot that in the meantime because there were many years between then and now.

Q Just look at the next two entries in Jodl's diary: "15 February. In the evening, an official communique about the positive results of the conference at Obersalzberg was issued." 16 February. Changes in the Austria Government and the general political amnesty." Do you remember me putting to you what Herr von Schuschnigg signed -- and the condition was made that the matters would come into effect within three days; within three days there was a conference about the effects and the changes were announced in Austria in accordance with the note that you had put to Schuschnigg. You can see that that is clear, isn't it -- three days -- three days -- you still say --

A Of these three days I know nothing. I said that before, but that out of this meeting would have come consequences in the way of appeasing that was a matter of course.

Q You call it "appeasing"? Is that your considered view to the Tribunal that assuming that the defendant Jodl is telling the truth or assuming that the defendant Keitel said that to him, as General Jodl was saying, that these military preparations should be put in hand, isn't that the most severe political and military pressure that could be put on the chancellor of another state

A If one considered the problem from the higher point of view, no; but here we deal with a problem which, under the circumstances, could have led to war, to a European war, and I believe that it is better -- and I have later expressed that to Lord Halifax in London -- it was better that this problem should come to a solution than to be a point of disturbance in the European Continent.

Q I don't want to put words in your mouth. Do you mean by the last answer, that it was better that political and military pressure should be put on Schuschnigg so long as the problem was solved? Is that your view?

A I didn't get that question. May I ask you to repeat it?

Q My question was: Is it your view that it was better that political and military pressure should be put on Herr von Schuschnigg if by that means the

problem was solved ?

A If by that means, a larger conflagration, that is to say, in fact, a war could be avoided, I considered that the better way.

Q Just tell me, why did you and your friends keep Schuschnigg in prison for seven years?

A I don't know; at any rate, I believe at that time Schuschnigg -- I don't know the details, but he must have taken some steps which were against the interests of the state, but if you say "prison", I know only from my own recollection that the Fuehrer, at many instances, had said and pointed out that Schuschnigg should be treated especially well and decently and that he was not in jail, not in prison, but in a house and that his wife was with him. I could not say more from my own experience and from my own observations of that.

Q You mean "prison". I will substitute for it "Buchenwald" and "Dachau" He was at both Buchenwald and Dachau. Do you think he was enjoying himself there?

A That Schuschnigg was in one of the concentration camps, I heard for the first time. I didn't know it before.

Q Just make a chance -- don't make a chance, but try -- just try to answer my question. Why did you and your friends keep Schuschnigg in prison for seven years -- seven years ?

A I could not say anything to that point. I can only say no, only, that in my opinion, what I heard then, he was not in prison but he was confined in a villa and he had all the comforts which he could possibly have or which was possible under the circumstances. That is what I heard at that time. I liked that because he made a very favorable impression on me.

Q There is one thing he didn't have, witness, he didn't have the opportunity of giving his account as to what had happened at Berchtesgarden or of his side of the Anschluss to anyone for these seven years, did he? That is quite obvious. with all you say, that he was very comfortable at Buchenwald and Dachau, wherever he was, but comfortable or not, he didn't get the chance of putting his side of the happenings to the world, did he?

A That I could not judge.

Q You couldn't judge? You know perfectly well, don't you, that Herr von Schuschnigg was not allowed to publish his account of anything while he was under restraint for these seven years? Don't you know that quite well

A That may be assumed- -

Q Now --

A -- it may have been in the interests of the state, however.

Q Well, that is your view of it. We will pass to another subject. I am going to ask you a few questions now about your share in the dealing with Czechoslovakia. Will you agree with me, that in March of 1938, the Foreign Office, that is, you // through your ambassador in Prague, took over control of the activities of the Sudeten Deutsche Party under Konrad Henlein?

A I am sorry but that isn't correct, May I explain that again?

Q Before you explain, I think you might save time if you look at the document book on page 20 in your book - - it is page 31 in the English book- and listen while I refer you to a letter from your ambassador.

A Which number, please?

Q Page 20. It is a letter from your ambassador in Prague to the Foreign Office.

SIR DAVID MAXWELL FYFFE: If I may explain to the Tribunal, it is not the defendant's document book, it is the prosecution's book. I will see that hereafter that is correct.

Q Now, this letter from your ambassador to the Foreign office?

A Yes, I know about that letter. May I --

Q Just let me refer you to paragraph 1. I refer you to paragraph 3, so you needn't be worried that I shall miss it. Paragraph 1: "The line of German policy, as translated by the German Legation, is exclusively decisive for the policy and tactics of the Sudeten German Party. My- -(that is, your ambassador)- - directives are to be complied with implicitly.// Paragraph 2. "Public speeches and the press will be coordinated uniformly with my approval. The editorial rights of citizens is to be improved," In paragraph 3, "Party leadership abandons the former intransigent line which, in the end, might lead to political complications and adopt the line of gradual promotion of Sudeten German interests. The objectives are to be set in every case with my participation and to be promoted by parrallel diplomatic action".

Having read that, don't you agree with me that I put to you a moment ago, that the activities of the Sudeten Deutsche Party were to take place according to the directives?

AA May I explain that now?

Q I would like the answer to that question first, and I am sure the Tribunal will let you make an explanation. It is perfectly easy to answer that question yes or no. Isn't it right that that letter shows that the Sudeten Deutsche Party was acting under your directives; isn't that right?

A No.

Q Why not?

A And that I would like to explain; just this letter testimony of the fact that the things were quite to the contrary. Between the Sudeten Deutsche Party and many offices within the Reich, connections had been established and that was quite natural, because there was a very strong movement among the Sudeten Germans which desired a closer connection with the Reich, especially after Adolf Hitler had come to power. These tendencies started to impair the connections between Germany and Czechoslovakia and this letter bears proof of the fact that I desired and attempted to clarify these connections which existed between the Sudeten Germans and the Reich.

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Q That is not answering my question, / witness, what I put to you, and I put to you three times, I think, quite clearly. Does this letter show that that Party, the Sudenten Deutsche Party, were from that time acting under your directions? Are you still denying that?

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A Yes, I deny that emphatically. Just the opposite is the case. This letter means an attempt to avoid the difficulties of the Sudeten Germans and the difficulties which were caused with the Czechoslovak people, and it shows an attempt to bring the matter into a sensible field, which could not be done.

Q Now, if you deny what I have put to you, what is meant when your ambassador writes to the foreign office and says that the line of German policy as transmitted by the German legation is exclusively decisive for policy and tactics of the Sudeten German Party? What does that mean if it doesn't mean what you have said -- that the party was acting under your direction? What else can it mean if it doesn't mean that?

A It means exactly what I have said, that the embassy should try to get the leadership of the Sudeten Germans to accept a sensible program, so that the illegal tendencies which were existent should not impair relations between them and the Czechoslovak government. That was the sense of the conversation with the embassy in Prague. That is very clearly seen by this letter.

Q Let us see what this sensible program which you were suggesting was. The next day, on the 17th of March, Konrad Henlein writes to you and suggests a personal talk; and if you will turn over to page 26 of the German document book--page 33 of the English--you will find the note of the personal talk which you had at the foreign office on the 29th of March with Henlein, Karl Hermann Frank, and two other gentlemen whose names are not so well known. I only want you to look at four sentences in that, after the first one:

The Reichsminister started out by emphasizing the necessity to keep the conference which had been scheduled strictly a secret. And then you refer to the meeting that the Fuehrer had had with Konrad Henlein the afternoon before. I just want you to have that in mind.

Now, if you will look down the page, after the 1 and 2, there is a paragraph which begins "The foreign minister," and the second sentence is: "It is essential to propose a maximum program which as its final aim grants full freedom to the Sudeten Germans. It appears dangerous to be satisfied prematurely with the consent of the Czechoslovak government. This, on the one

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hand, would give the impression abroad that a solution has been found; and, on the other hand, would only partially satisfy the Sudeten Germans."

Then, if you will look one sentence on, after some uncomplimentary remarks about Benes, it says:

"The aim of the negotiations to be carried out by the Sudeten German Party with the Czechoslovak government is finally this: to avoid entry into the government" -- observe the next words -- "by the extension and gradual specification of the demand to be made." And then you make the position of the Reichcabinet clear:

"The Reichcabinet" -- the next sentence but one -- "itself must refuse to appear towards the government in Prague or towards London and Paris as the advocate" -- note the next words-- "or peacemaker of the Sudeten German demands."

The policy which I suggest to you was now to direct the activities of the Sudeten Germans. They were to avoid agreement with the Czechoslovak government, avoid participation in the Czechoslovak government, and the Reichcabinet in its turn would avoid acting as peacemaker in the matter-- in other words, witness, that you through your influence on the Sudeten Germans were taking every step and doing your utmost to see that no agreement could be come to about the difficulties or the minority problem. Isn't that right? Isn't that what you were telling them at that interview?

A No, that is not so.

Q What would you say these words meant?

A I called for Konrad Henlein at that time, and I believe that that was the only time--or maybe I have seen him once more; unfortunately, only once or twice--in order to influence him also to assure a quiet development of the Sudeten German problem. The demands of the Sudeten Germans went very far that time; they wanted to get back to the Reich. It seemed to me to present a dangerous solution which had to be caught in some form or another before it could lead to a war. Henlein came to see me then. But I want to point out that this was the only time, I believe, that I had a chance to speak to Henlein in detail about these questions. Soon afterwards the whole Sudeten German problem dropped out of my influence. What is in this document, and there is no doubt of it, is the following:

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That first I wanted to assure a more quiet carrying out of the problem, so that diplomatically we could support it also with justification; secondly, that we should avoid that suddenly by acts of terror or other wild incidents a situation could arise which would lead to a crisis between Germany and Czechoslovakia. That was at that time the reason why I called for Henlein.

Now, as to the various sentences which the Prosecutor has read, it is clear the Sudeten German Party at that time had very far-reaching demands. They would have liked to see that Adolf Hitler should send an ultimatum to Prague saying "You have to do that", and that is all. We did not want it; that was a matter of course. We wanted a quiet, peaceful solution of things. Therefore, I spoke to Henlein at that time to find a way in which the Sudeten German Party should proceed in order to get their demands fulfilled in the end. These demands which I had in mind were demands of a far-reaching cultural autonomy.

Q If you were thinking of cultural autonomy, why were you telling these gentlemen not to come to an agreement with the Prague government?

A I could not specify that now. That may have come from a tactical consideration. I assume that Konrad Henlein may have made a suggestion at that time and that I just agreed; but in detail I did not know the problems. I believe that it was so that Henlein himself developed his program. That is not said here in detail. I may have agreed to it more or less. I believe that more for tactical reasons it seemed advisable for Henlein not to enter into the government and to assume any responsibilities, but first to try in a different direction.

Q That was the 29th of March, and you have told the Tribunal a moment ago about your anxiety for peace. You very soon knew that there wasn't going to be any question of relying on peaceful measures, didn't you? Can you remember? Just try and apply yourself to it, because you have obviously been applying your mind to this. Can you remember when Hitler disclosed to you that he was making the military preparations for the occupying of Czechoslovakia that autumn?

A Adolf Hitler did not speak very much to me about military matters. I do not remember anything like that, but of course I know that the Fuehrer at a certain time was determined to solve this problem. According to the experiences which Germany had made in past years, it was a matter of course for him that in one form or other it might be necessary to take military measures in order to put more pressure on his demand.

Q Let me help you about that. Turn on to page 31 of your document book. It is page 37 of the English document book.

A 31?

Q 31 of your document book, yes. It is a quotation from Hitler's speech in January, 1939, but it happens to make clear this point. You see he says--have you got it, Witness?

A Yes, I have it.

Q "On the basis of this unbearable provocation, which was still further emphasized by truly infamous persecution and terrorizing of our Germans there, I have now decided to solve the Sudeten German question in a final and radical manner.

"On the 28th of May I gave, one, the order for the preparation of military steps against this State"--that is Czechoslovakia--"to be concluded by the 2nd of October. I ordered the forceful and speedy completion of our defensive front in the west."

I want to remind you of that, because there was a meeting of the 28th of May, and that is Hitler's own account of it. Put another way, he said "It is my absolute will that Czechoslovakia should disappear from the map." And then he made clear the other thing about the defensive front in the west.

Now, do you remember that meeting, the 28th of May?

A I have here, I believe, seen the document about it. I do not recall that meeting.

Q Well, if --I think Captain Fritz Wiedemann was still adjutant of the Fuehrer at that time; it was before he went abroad;--he says you were there, would you deny it?

A I have seen that, yes. I have seen that, but I believe that is an error by Wiedemann.

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Q But you think you weren't there?

A I should like to assume I was not there. At least I do not remember that meeting. I could not say it for sure. Generally I was not present at military conferences, but in this case I could not say it for sure. But I knew, generally speaking, that the Fuehrer in the course of the year 1938 got more and more determined, as he said, to assure the rights of the Sudeten Germans, and for that he also took military preparations. I remember that, but in what form and to what extent I could not say.

Just to put your point of view fairly--I don't want to put anything more into it--you knew that military preparations were being made, but you didn't know the details of what we know now as Fall Gruen.

A No, details I did not know about that. I had never heard them, but I know that if, first of all, during the last weeks, months, of the crisis---

DR. HORN: Mr. President, I protest against this question. I believe in order to save time that I may point out that by the agreement of Munich the entire Sudeten German policy has been by England, France, Italy and Germany sanctioned. Therefore, I don't see any room for questioning in the sense of violation of international law.

THE PRESIDENT: The Tribunal thinks the question is perfectly proper.
BY SIR DAVID MAXWELL FYFE:

Now, at the time you knew enough to discuss the possible course of the possible war with the foreign personalities. Would you look on to page 34--that is page 40 of the English book.

These are the notes of a discussion with the Italian Ambassador. I don't know which of your officials it took place with, but I want you to look at where it says in a handwritten note "only for the Reichsminister."

"Atolico further remarked that we had indeed revealed to the Italians our intentions against the Czechs unmistakably. Also, as to the date he had information so far that he might go on leave, maybe for two months, but certainly not later than that."

If you look at the date you will see it is the 18th of July, and two months from the 18th of July would be the 18th of September. Then if you will look, a month later there is a note, I think signed by yourself, on the

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27th of August: "Atolico paid me a visit. He had received another written instruction from Mussolini, asking that Germany communicate in time the probable date of action against Czechoslovakia. Mussolini asked for such notification, as Atolico assured me, in order to be able to take in due time the necessary measures on the French Frontier.

"Note: I replied to Ambassador Atolico just as on his former demarche, that I could not impart any date to him; that, however, in any case Mussolini would be the first one to be informed of any decision."

So that it is quite clear, isn't it, that you knew that the German preparations for an attack on Czechoslovakia were under way but the date had not been fixed beyond the general directive of Hitler, that it was to be ready by the beginning of October. That was the position in July and August, wasn't it?

A In August, the 27th of August, of course there was a definite crisis already between Germany and Czechoslovakia about that problem; and it is quite clear that during that time one had to think as to how this would finally come out. Therefore, according to this document, I have spoken with the Italian Ambassador that in case that this crisis would develop into a military action, certainly before that Mussolini would be notified.

Q And Mussolini would be ready to make a demonstration on the French frontier in order to help forward your military plans; is that right?

A That is in this document, but I don't know anything about it. Apparently Atolico said that; if it is included here he must have said it.

Q Now, just turn over to about the same time, pages 36 to 38, pages 41 to 43 of the English book. I don't want to take up time in reading it all, but that is the account of the meeting which you had with the Hungarian ministers Enredi and Kanja. And I should be very glad if, in the interest of time, you would try and answer the general question.

Q Weren't you trying in your discussions with Enredi and Kanja to get the Hungarians to be prepared to attack Czechoslovakia should war eventuate?

A I do not know the content of this document very well. May I read it first, please?

Q I will just read you --

A (Interposing) But from my recollection I may answer--I don't know what in detail is included in the document, but my recollection is that at that time there was a crisis. It is quite natural that if a possibility of an armed conflict about the Sudeten German problem was in the air or within the reach of possibility that Germany then, at any rate at first, had to contact the neighboring states. That is a matter of fact.

But you went a little beyond contacting them, didn't you? The document says at the end of the sixth paragraph "Von Ribbentrop repeated that whoever desires revision must exploit the good opportunity and participate."

That is a bit beyond contacting people. What you are saying to the Hungarians is "If you want the revision of your boundaries, you have got to come into the war with us." It is quite clear, isn't it, Witness, that is what you were saying, that is what you were trying to do?

A That is just in line of what I said. That is to say, I don't know if that was exactly the expression, but, at any rate, it is clear that at that time apparently--I do remember that I have spoken to these gentlemen--that the possibility of a conflict existed, and that in such a case of course it would be good if we would contact each other about our interests.

I may point out that it was Hungary who during the time and years before considered it one of the hardest conditions of the Peace Treaty that all these territories and areas in the north had been separated from Hungary, and of course, they were very much interested.

You were very much interested in offering them revision. Just look at the best two paragraphs. It is headed "The 29th." It should be page 38 of your document book. It begins--the very end of this statement: "Concerning Hungary's military preparedness in case of a German-Czech conflict, von Kanja mentioned several days ago that his country would need a period of one or two years in order to develop adequately the armed strength of Hungary. During today's conversation, von Kanja corrected this remark and said that Hungary's military situation was much better; his country would be ready, as far as armaments were concerned, to take part in the conflict by October 1 of this year."

You see that? What I am putting to you, Witness, is this: That your

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position was perfectly clear. First of all, you get the Sudeten Germans under your control. Then you learn from Hitler that there were military preparations. Then you get the Italians in line. Then you get the Hungarians in line. You are getting everyone ready for aggression against Czechoslovakia. That is what I am putting to you. I want you to be quite clear about it, to be under no misapprehension. Now, look, what--

A (Interposing) May I answer to that?

Q Yes, certainly, if you like.

A I said once before that the Sudeten German Party leadership was not under my control. Otherwise I am convinced that it is the primitive, first law and right of the Sudeten Germans, according to the right of independence which had been proclaimed in 1919, to decide themselves where they wanted to belong.

- When Adolf Hitler came this tendency toward the Reich became very strong. Adolf Hitler was determined to solve this problem, either by diplomatic means or by other means if it had to be done. That was clear, and it became clearer to me.

I personally have done everything in order to try to solve the problem along diplomatic lines. On the other hand, however, of course in order to lead to a situation such as Munich, I have done everything in order to assemble friends around us and to make our position as strong as possible.

Q. You knew perfectly well, did you not, that the Fall Gruen and that Hitler's military plans envisaged the conquest of the whole of Czechoslovakia? You knew that, did n't you?

A. No, that I did not know, and as far as the Sudetan-German problem is concerned, the British Government has agreed in Munich to solve the problem in a way which I have always thought to be the right one.

Q. Witness, I'm not going to argue politics with you on any point. I only remind you of this: That the Fall Gruen and Hitler's plans from this matter had only been known to his Majesty's Government since the end of the war, when it came into our possession as a captured document. What I asked you was-- you say that as the Foreign Minister of the Reich you didn't know that these military plans, the conquest of the whole of Czechoslovakia, was envisaged. You say that? You want the Tribunal to believe that?

A. I repeat again that as far as the Fall Gruen was concerned, I have heard about it the first time here through the documents. I did not know that term at all before. But, in the course of later developments, for instance, in establishing the protectorate of Bohemia and Moravia -- I was thinking of a solution of several regions -- that became clear to me, of course.

Q. Just a moment. We will get to that in a moment. I just want you to look at the final act of preparation which you were doing and I am suggesting for this clear aggression, if you will look at page 45 in the book in front of you, you will see a note from the Foreign Office to the Embassy in Prague.

"Please inform Deputy Kundt at Conrad Henlein's request to get into touch with the Slovaks at once and induce them to start the demands for an autonomy tomorrow."

That was your office's further act, wasn't it, in order to make things difficult for the Government in Prague? You were getting your friends to induce -- to use your own word -- the Slovaks to start an advance for autonomy, is that right? Is that what your office was doing?

A. Beyond doubt this is a telegram which came from the Foreign Office. According to the contents, apparently, Henlein approached us to send a telegram for him, and apparently Henlein was of the opinion at that time that the demands

for autonomy should be sent to the Prague Government by the Slovaks. How it came to that, I could not say in detail today, but I would like to point out again that Conrad Henlein's -- and I say unfortunately, and I said it then -- activity was not within my jurisdiction or control. I saw Henlein only once or twice during that entire time.

Q. I am not going to take you through all the details. You understand what I'm suggesting to you, that your office was now taking one of its last steps, because this was in the middle of the crisis, on the 19th of September, trying to weaken the Czech Government by inducing demands of autonomy from the Slovaks. You said that you were only passing on Henlein's wishes. If you like to leave it at that, I shall not trouble you further. Besides, you suggested-- I come on to what took place in the spring and ask you one or two questions about that. In the spring Hitler was out and you acquiesced in his wishes without -- I was going to say swallowing, but I want to choose my language carefully -- to obtain the adherence of Bohemia and Moravia to the Reich and to make Slovakia separate from Bohemia and Moravia.. Now, just look on to page 65 of the book in front of you. That's a telegram in secret code from the Foreign Office, from yourself, in fact, to the Embassy in Prague.

"With reference to telephone instructions given by you today, in case you should get any written communications from President Hacha, please do not make any written or verbal comments or take any other action but pass them on here by secret telegrams. Moreover, I must ask you and the other members of the Embassy to make a point of not being available if the Czech Government wants to communicate with you during the next few days."

Why were you so anxious that your ambassador shouldn't carry out these ordinary functions and form a channel of communication with the Czech Government

A. That I remember very well. That had the following reasons: The Foreign Minister of Czechoslovakia, Chvalkovski, on one of these days, it may have been the same day, approached the ambassador in Prague, saying that President Hacha wanted to speak to the Fuehrer. I had reported that to the Fuehrer, and the Fuehrer agreed to receive the Czechoslovak president of state, and the Fuehrer said at the same time that he wanted to conduct these

negotiations himself and that he did not desire that anybody else, even the embassy, should interfere in any way. That, according to my recollection, was the reason for that telegram, so that nobody should undertake anything in Prague, and whatever would be done should be done by the Fuehrer personally.

May I point out also that at that time there was quite a crisis between Prague and ourselves, and from this entire situation resulted the desire of the President Hacha to see the Fuehrer.

Q. Well, now, I don't like to remind you what you and the Fuehrer were doing on that day. You will find that if you will look at page 66, which is 71 of the English book. You were having a conference, you and the Fuehrer, with Meissner and the defendant Keitel, and Dietrich and Keppler, and you were having the conference with the Slovaks, with M. Tiso. Do you remember that conference?

A. Yes, I remember that conference very well.

Q. Well, then, I will ask you a general question and perhaps without putting the details to you. What Hitler and you were doing at that conference was saying this to the Slovaks:

"If you don't declare your independence of Prague, we shall leave you to the tender mercies of Hungary."

Isn't that in a sense a fair summary of what Hitler and you were saying at that conference?

A That is correct to a certain degree. I would like to give a further explanation though. The situation was such that one has to understand it from a political point of view. The Hungarians were highly dissatisfied and they wanted to regain the territories which they had lost by the Treaty of Trianon. They were in the Slovak part of Czechoslovakia. There were great difficulties between Pressburg (Bratislava) and Budapest, of course. We always had to expect that here an armed conflict would break out and at least half a dozen times it occurred that from the sight of the Hungarian Government we were made to understand that this could not go on like that. They had to have their revision and it was so that very strong tendencies for independence existed for quite some time among the Slovaks. Mainly, they approached us at first through Tuka and later through Tiso. In this conference, which is here described, it was so that after weeks of knowledge by the Fuehrer of the tendencies of the Slovaks to become autonomous, he finally received Tiso, the later president of the Slovak state, and told him then that he, of course, -- I believe he said during this discussion that he was not interested personally but, if anything should happen there, then the Slovaks should declare their autonomy as quickly as possible. There is no doubt that at the time we expected an aggression by the side of the Hungarians, but it is correct.

Q How very anxious the Slovaks seemed to be for independence and what action Hitler and yourself were taking to secure it--if you try and find it, it will probably be at page 67; it's at the end of a paragraph beginning:

"Now he has permitted Minister Tiso to come here"

And just below the middle of that paragraph Hitler is reported as saying that he would not tolerate that interior instability and he had for that reason permitted Tiso to come in order to hear his decision. It was not a question of days but of hours. He had stated at that time that Slovakia wished to make herself independent and that he would support this endeavour and even guarantee it; he would stand by his words so long as Slovakia would make it clear that she wished for independence. If she hesitated or did not wish to dissolve the connection with Prague, he would leave the destiny of Slovakia to the mercy of the events for which he was no longer responsible.

Then he asks you if you had anything to say in the next paragraph, and

* you are reported as saying:

* "The Reich Foreign Minister also emphasized for his part the conception that in this case a decision was a question of hours and not of days. He assured Hitler a message he received which reported Hungarian troop movements on the Slovak frontier. The Fuehrer read this report and mentioned it to Tiso."

Are you denying, witness, that Hitler and yourself were putting the strongest possible pressure you could on the Slovaks to dissolve connections with Prague and so leave the Czechs standing alone to meet your pressure on Hacha which was coming in a couple of days?

A No, that is not correct. Strong pressure was not used to undertake that from the side of the Czechs. It is possible that at the time Tiso hesitated because at any rate it was a very decisive step to be taken. In regard to this fact the Fuehrer had the very clear desire to solve the question of Bohemia-Moravia in some way.

Q One point. This is my last question before I come to the interview with President Hacha. Don't you remember that Herr Burckel and other Austrian associates, together with the Defendant Sess-Inquart and a number of German officers, at about 10:00 in the evening of Saturday, the 11th of March, went into a cabinet meeting at Bratislava and told the Soi Disants Government that they should proclaim the independence of Slovakia? Don't you know that? It was reported by our Counsel.

A I don't recall it in detail, but I believe that something like it took place but I don't know exactly what it was. I believe that that was directed by the Fuehrer.

Q I will deal very shortly. . . .

THE PRESIDENT: Sir David, it is a quarter to one now. We had better adjourn until 2:00.

(The Tribunal adjourned until 1400 hours.)