

# THE NUREMBERG

A. POLTORAK



# EPILOGUE

Arkady Poltorak, senior researcher at the Moscow Institute of State and Law of the Academy of Sciences of the USSR, was a member of the Soviet delegation at the Nuremberg trial of the principal German war criminals (1945-1946). Other books by him are **From Munich to Nuremberg**, **The Nuremberg Trial (Basic Legal Problems)**, **Nuremberg Reminds** and **The Soviet Bar** (the latter two were written in co-operation with Y. Zaitsev).

In **The Nuremberg Epilogue** Arkady Poltorak recapitulates what he saw and heard at the trial. He takes the reader into the Palace of Justice where the trial went on for nearly a year, and acquaints him with the Judges and the Prosecutors, and also with the defence counsels.

The reader gets a good look at Goering, Ribbentrop, Keitel, Jodl, Kaltenbrunner, Schacht and other defendants, and also at numerous witnesses, among whom were former Field Marshals von Brauchitsch, Manstein and Rundstedt.



Nuremberg Palace of Justice

**A. POLTORAK**

# **THE NUREMBERG EPILOGUE**



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Translated from the Russian by *David Skvirsky*  
Designed by *У. Иlyushchenko*

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НЮРНБЕРГСКИЙ ЭПИЛОГ

*На английском языке*

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## FOREWORD

In the night of May 8-9, 1945, the instruments of nazi Germany's unconditional capitulation were signed in the Military Engineering Academy in Karlhorst, a suburb of Berlin.

The outcome of the Second World War, the most sanguinary and devastating in history, had been decided long before this act. In Berlin the street fighting had died down, and the red banner was waving over the Reichstag. Hitler, the nazi ringleader who had set the German fascists the task of winning world domination and superciliously declared: "Even if we shall be unable to achieve this we shall carry half the world to the grave with us... 1918 will not be repeated. We shall not surrender," had committed suicide.

The Soviet people had shattered the sinister designs of the nazis. Human civilisation had been saved at the cost of tremendous effort and sacrifice on the part of all the powers of the anti-Hitler coalition, above all the Soviet Union. Hitler did not destroy half the world but crimes of unparalleled monstrosity were perpetrated during the war unleashed by the nazis.

These crimes were planned in cold blood alongside the acts of aggression. While preparing to seize Czechoslovakia, the nazi generals of the High Command, jointly with the SS from Himmler's Reich Security Service, charted the mission of the Einsatzgruppen, which were given the task of destroying all opposition elements and of physically annihilating the Slav peoples of that country in preparation of its Germanisation. In planning the invasion of the Soviet Union—Operation Barbarossa—they drew up the "instructions on the special jurisdiction in the Barbarossa region", a spine-chilling document in which atrocities against the civilian population and prisoners of war were raised to the level of state policy.

Long before embarking on aggression against the Soviet Union, Hitler told Hermann Rauschning, one of his close associates: "We shall have to develop a technique of systematic depopulation. If you ask me what I mean by 'depopulation', I mean the removal of entire racial units. And that is what I intend to carry out—that, roughly, is my task. Nature is cruel; therefore we, too, may be cruel... I have the right to remove millions of an inferior race that breeds like vermin."

For this cannibalistic programme the nazis developed swift-acting poison gases like Cyclone-A and Cyclone-B, built murder-buses, manufactured bone-crushers and machines that turned crushed human



bones into fertiliser, and evolved methods of processing human skin for industrial purposes. They set up firms which specialised in designing huge furnaces for the death camps.

Any war of aggression started by imperialism is a most heinous crime against peace and mankind. But at no time in history has there been such a concentration of fiendish crimes and appalling brutality as on the scale indulged in by the nazis during the Second World War. As though that were not enough, Hitler and his accomplices intended that the end of the war should mark the beginning of a fresh wave of violence toward the conquered peoples.

During the Second World War at least 12 million people were put to death in the "special actions" of the Einsatzgruppen in concentration camps and mass annihilation centres—in gas chambers, dastardly experiments and other diabolical ways. The nazis planned to annihilate another 30 million Slavs immediately after the war. These barbarous calculations were clothed in the form of orders and instructions.

But despite the will of these maniacs the Second World War ended in the total defeat of the nazi state and war machine. The hour of reckoning came.

The International Military Tribunal was inevitable. Public opinion would never have agreed to allow the criminals to go unpunished. In the Declaration of the Soviet Union, the United States of America and Great Britain, published in October 1943, it was stated that those responsible for or who had taken a consenting part in atrocities, massacres and executions in occupied territories would "be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries. . . . Let those who have hitherto not imbrued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied Powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done". Further, the Declaration stated that it did not touch upon the question of the principal German war criminals, whose crimes were not confined to definite geographical areas and who would be punished by a joint decision of the Allied Powers.

A Soviet Government Statement of October 14, 1942, demanded the establishment of an International Military Tribunal to try the criminal leaders of the nazi regime. Expressing the will of the whole of progressive mankind, this Statement, headed "On the Responsibility of the Nazi Invaders and Their Accomplices for the Crimes Committed by Them in the Occupied Countries of Europe", declared that "the stern punishment of the unmasked ringleaders of the criminal nazi gang is the pressing duty to the countless widows and orphans, to the relatives and friends of the innocent people brutally tortured and killed on the instructions of the above-named criminals. The Soviet Government considers that every ringleader of nazi Germany already now in the hands of the authorities of the states fighting nazi Germany should be forthwith turned over to an International Military Tribunal for trial and punishment with all the stringency required by the criminal code."

In October 1942, pressured by American public opinion, US President Franklin D. Roosevelt likewise spoke against the nazi rulers of Germany, stating that this clique and their brutal accomplices should be named, arrested and tried in accordance with the criminal code.

The establishment of the Nuremberg International Tribunal was

thus fully in keeping with the desire of the peoples to mete out stern punishment to the principal nazi war criminals, and with the formal public statements made by the governments of the anti-Hitler coalition during the war.

The form of the trial held strictly in conformity with universally accepted legal procedure, including the right of defence made it possible to study the evidence against specific persons thoroughly and objectively, and to lay bare the entire infamy of nazism, which was engendered by German monopoly capitalism.

Fear of just retribution made Hitler, Himmler and Goebbels commit suicide. The same fear led Robert Ley, strangler of the German trade unions, to take his own life in a cell of the Nuremberg prison. However, most of Hitler's active accomplices did not escape legal punishment. They were arraigned before the International Military Tribunal in Nuremberg, tried and justly punished.

The International Military Tribunal tried:

*Hermann Wilhelm Goering*—Reich Marshal, Commander-in-Chief of the nazi Luftwaffe, member of Hitler's inner circle since 1922, organiser and leader of the storm troopers (SA), one of the organisers of the Reichstag fire and of the seizure of power by the nazis;

*Rudolf Hess*—Hitler's deputy in the nazi party, Minister without Portfolio, member of the Privy Council, member of the Council of Ministers for the Defence of the Reich;

*Joachim von Ribbentrop*—nazi party commissioner for foreign affairs, later Ambassador in Britain and Minister for Foreign Affairs;

*Robert Ley*—one of the top leaders of the nazi party, and head of the so-called Labour Front;

*Wilhelm Keitel*—Field Marshal, Chief of the High Command of the German Armed Forces (OKW);

*Ernst Kaltenbrunner*—SS Obergruppenführer, Chief of the Reich Security Main Office (RSHA), Chief of the Security Police and Security Service (SD), and one of Himmler's immediate associates;

*Alfred Rosenberg*—Hitler's deputy for the "spiritual and ideological" education of nazi party members, Reich Minister for the Occupied Eastern Territories;

*Hans Frank*—Reichsleiter of the nazi party for legal questions and President of the German Academy of Law, later Reich Minister of Justice, and Governor-General of Poland;

*Wilhelm Frick*—Reich Minister for the Interior, Protector for Bohemia and Moravia;

*Julius Streicher*—one of the founders of the nazi party, Gauleiter of Franconia (1925-1940), organiser of Jewish pogroms in Nuremberg, publisher of the anti-Semitic newspaper *Der Stürmer*, "ideologist" of anti-Semitism;

*Walther Funk*—Deputy Reich Minister of Propaganda, then Reich Minister of Economics, President of the Reichsbank and Commissioner General for the War Economy, member of the Council of Ministers for the Defence of the Reich, and member of the Central Planning Committee;

*Hjalmar Schacht*—Hitler's chief adviser on economic and financial questions;

*Gustav Krupp von Bohlen und Halbach*—leading industrial magnate, director and co-owner of the Krupp factories, organiser of the Wehrmacht's rearmament;

*Karl Doenitz*—Grand Admiral, commander of the German U-boat fleet, then Commander-in-Chief of the German Navy and Hitler's successor as head of state;

*Erich Raeder*—Grand Admiral, Commander-in-Chief of the German Navy (1935-43), then Inspector-Admiral of the German Navy;

*Baldur von Schirach*—founder and leader of the Hitler Youth (Hitlerjugend), gauleiter of the nazi party and gauleiter for Vienna;

*Fritz Sauckel*—SS Obergruppenführer, Commissioner-General of Manpower;

*Alfred Jodl*—Colonel-General, Operations Chief-of-Staff of the Wehrmacht High Command;

*Franz von Papen*—major international spy, head of the German spy network in the USA during the First World War, one of the organisers of the nazi seizure of power, Minister in Austria and then Ambassador in Turkey;

*Arthur Seyss-Inquart*—prominent leader of the nazi party, Reich Gauleiter of Austria, Deputy Governor of Poland, Reich High Commissioner of the Netherlands;

*Albert Speer*—intimate friend of Hitler's, Reich Minister for Armaments and War Supplies, one of the chiefs of the Central Planning Committee;

*Konstantin von Neurath*—Reich Minister without Portfolio, Chairman of the Privy Council and member of the Reich Defence Council, Protector for Bohemia and Moravia;

*Hans Fritzsche*—one of Goebbels' immediate associates, chief of the Home Press Department of the Ministry of Propaganda, then chief of the Radio Broadcasting Department;

*Martin Bormann*—chief of the party chancellery, Hitler's secretary and one of his immediate advisers.\*

Moreover, the powers that established the International Tribunal gave it jurisdiction to examine the activities of criminal organisations: the "security detachments" of the nazi party (SS); the secret police—Gestapo, including the so-called Security Service; the top echelon of the nazi party; the storm detachments (SA); the Reich-cabinet; the General Staff and the Wehrmacht High Command. The Tribunal brought to light the operation of a highly efficient and all-embracing apparatus that was used by the nazis for their demoniacal plans.

Characterising the Nuremberg trial, Roman Rudenko, the Soviet Chief Prosecutor, said that it was the first case in which criminals who had gained control of a country and had turned that country into the vehicle of their appalling crimes were arraigned before a court.

The International Tribunal began its hearings a little over six months after the victory over nazi Germany. In that period the Tribunal's Charter and Rules of Procedure were formulated, evidence was accumulated and classified, the indictment was drawn up, and the somewhat bulky apparatus representing four Allied Powers was organised and set in motion.

Although the period of investigation was relatively short, the volume of evidence presented by the prosecution proved to be very substantial. The Tribunal studied several thousand authentic documents, questioned nearly two hundred witnesses (several hundred other wit-

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\* Bormann was tried *in absentia* in accordance with Article 12 of the Tribunal Charter.

nesses were questioned by special commissions authorised by the Tribunal) and received three hundred thousand affidavits.

Most of the evidence comprised authentic documents seized by the Allied armies in the various headquarters of the Wehrmacht, Government offices and elsewhere. Some were found in salt-mines, underground caches and behind false walls.

A. I. Poltorak describes the situation in which the International Military Tribunal held its hearings. Most of the many lawyers representing the USSR, the USA, Great Britain and France were highly trained, but they held different political and legal views. Nonetheless, with rare exceptions, they worked as a team throughout the trial and were unanimous in their desire to get at the truth, reconstruct the real and full picture of the nazi crimes and mete out just punishment to the criminals.

To a large extent this unity was due to the very nature of the actions of the criminals arraigned before the International Military Tribunal, by the volume, unparalleled brutality and inhuman cynicism of their crimes. The late Robert Jackson, outstanding American lawyer who was United States Chief Prosecutor, was right when he said:

"Our proof will be disgusting and you will say I have robbed you of your sleep. But these are the things which have turned the stomach of the world and set every civilised hand against nazi Germany.

"Germany became one vast torture chamber. Cries of its victims were heard round the world and brought shudders to civilised people everywhere. I am one who received during this war most atrocity tales with suspicion and scepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied. These defendants will only deny personal responsibility or knowledge."

Jackson's prediction was justified. At first the defendants sought to deny their guilt, but as the trial progressed they were virtually overwhelmed by the evidence. It was impossible to reject mostly documentary evidence or the testimony of the victims and witnesses of the crimes.

A. I. Poltorak, who handled the documents for the Soviet prosecution from the first to the last day of the trial, has recaptured the atmosphere which reigned in the courtroom and the lobbies and has given vivid and accurate descriptions of some of the defendants. Today it is well worth recalling these criminals because the history of their crimes and their ignominious end reach far beyond the framework of individual biographies.

While the wounds inflicted on the world by the nazi aggression were still bleeding, Robert Jackson said:

"What makes this inquest significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have returned to dust. We will show them to be living symbols of racial hatreds, of terrorism and violence, and of the arrogance and cruelty of power. They are symbols of ruthless nationalism and of militarism, of intrigue and war-making which have embroiled Europe generation after generation, exterminating its male population, destroying its homes and impoverishing its life. They have so identified themselves with the philosophies they conceived and with the forces they directed that any tenderness to them is a victory and an encouragement to all the evils which are attached to their names. Civilisation can afford no compromise with the social forces which would gain renewed strength if we deal ambig-



uously or indecisively with the men in whom these forces now precariously survive."

Today there are people who would have liked to consign to oblivion the principles of the Nuremberg Tribunal, which have been approved and accepted as principles of international justice by the UN General Assembly. The government of the Federal Republic of Germany has already made an attempt to amnesty all nazi criminals without exception. Tens of thousands of scoundrels guilty of the most heinous crimes are at large to this day in West Germany, many of them holding important posts in the state machine, the Bundeswehr, the police, the court and the procurator's office.

In a speech before students of Nuremberg University, Robert M. Kemper, who was an assistant of the US Chief Prosecutor at the International Military Tribunal (he is mentioned by A. I. Poltorak), rightly noted that in the Federal Republic of Germany nothing has been done to investigate the past of more than 7,000 officials of the Reich Security Office (the RSHA), whose criminal chief Kaltenbrunner was hanged by sentence of the International Military Tribunal. Neither have any steps been taken to call to account many members of the nazi tribunals which passed death sentences on Resistance fighters, anti-fascists and other opponents of the nazi regime.

Those who witnessed the Nuremberg trial will never forget the cross-examination of SS Obersturmbannführer Rudolf Hoess,\* who was commandant of the Oswiecim (Auschwitz) death camp. When he was asked if it was true that children were flung alive into the flaming furnaces of the crematorium, he replied in the affirmative without hesitation, saying: "Children of tender years were invariably exterminated since by reason of their youth they were unable to work.... Very frequently women would hide their children under their clothes, but of course when we found them we would send the children in to be exterminated." He admitted that during his tenure as camp commandant (from May 1940 to December 1943), 2,500,000 persons were killed in the ovens and another half million died of disease or starvation. The evidence obtained by a mixed Polish-Soviet state commission showed that in all more than four million people were put to death at Oswiecim.

The Judgment passed by the International Military Tribunal stated that the nazi "concentration camps became places of organised and systematic murder". These murders were accompanied by sardonic mockery of the victims. Great numbers of people were used in ruthless experiments, including "high altitude experiments in pressure chambers, experiments to determine how long human beings could survive in freezing water, experiments with poison bullets, experiments with contagious diseases, and experiments dealing with sterilisation of men and women by X-rays and other methods."

We felt it was necessary to cite these excerpts from the Judgment of the Nuremberg Tribunal in view of the statement by Fritz Bauer, Procurator-General of Hessen, that none of the 5,000 SS guards of Oswiecim listed by his department had been punished. The FRG Government intended to apply the usual period of limitation to the prosecution of these and tens of thousands of other criminals like them.

The amnesty intended for these and thousands of other nazi crim-

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\* Near-namesake of Rudolf Hess.

inals was screened with hypocritical assurances that the Federal Government was "determined to atone for the nazi crimes and restore trampled law". But nobody was deceived. World public opinion regarded the intention of the Bonn authorities as a challenge. The response was quick, emphatic and unanimous. All decent people, regardless of profession, social status or political and religious views, united to protest against the blasphemous intention to spread the time limitation provision of Article 67 of the 1871 German Criminal Code to crimes committed by the nazis. Stirred by unmitigable indignation against the cynicism of the Bonn law-makers, many leading bourgeois jurists made statements in which they showed that the arguments of Bonn Justice Minister Ewald Bucher and his subordinates were totally untenable. A wave of public indignation swept across the whole world, demonstrating once again that mankind's conscience can never reconcile itself to attempts to justify the crimes of nazism.

World public opinion compelled the Bundestag to postpone the application of the limitation clause to nazi criminals to 1969. But even the few trials that were held in the FRG were a mockery of justice. The specious arguments presented by the defence counsels at Nuremberg have now become the official doctrines of the West German courts to justify the incredibly mild sentences passed on nazi murderers and hangmen.

Revenge-seeking ideologists seek to slander the Nuremberg trial, bury in oblivion and call the nazi atrocities in question, and represent the verdict and the International Military Tribunal itself as a reprisal of the victors on the vanquished. Where people with vivid memories of the Second World War are concerned, these are futile attempts. But it is exceedingly important that those born during or after the war should know the truth about the crimes of the nazis.

The Nuremberg International Military Tribunal passed a just verdict. It denounced the nazi aggression and meted out stern punishment to the principal nazi war criminals. It recognised as criminal the main organisations and agencies set up by the nazis to achieve their villainous designs. An unquestionable mistake is that it refused to recognise the General Staff and the nazi High Command as criminal organisations. This is convincingly demonstrated in the dissenting opinion of the Soviet Judge. But even with a divergence between the judges on this by no means minor point, the International Military Tribunal declared in its Judgment on the German military:

"They have been responsible in large measure for the miseries and suffering that have fallen on millions of men, women and children. They have been a disgrace to the honourable profession of arms. Without their military guidance the aggressive ambitions of Hitler and his fellow-nazis would have been academic and sterile. Although they were not a group falling within the words of the Charter, they were certainly a ruthless military caste. The contemporary German militarism flourished briefly with its recent ally, National Socialism, as well as or better than it had in the generations of the past.

"Many of these men have made a mockery of the soldier's oath of obedience to military orders. When it suits their defence they say they had to obey; when confronted with Hitler's brutal crimes, which are shown to have been within their general knowledge, they say they disobeyed. The truth is that they actively participated in all these crimes, or sat silent and acquiescent, witnessing the commission of crimes

on a scale larger and more shocking than the world has ever had the misfortune to know."

With Heusinger, Speidel and many of their ilk, who have escaped just punishment and "been a disgrace to the honourable profession of arms", in leading posts in the Bundeswehr and NATO, we feel these words of the Nuremberg Judgment must be repeated.

A. I. Poltorak speaks of the recent past. His vivid, unembellished and factual eyewitness account reminds us not only of events that have become history. Many of the facts cited by him help us to make a correct assessment of present-day developments and understand that sinister forces are directing the present-day ideologists and politicians of revanchism and that the war-mongers are prepared to plunge mankind into another abyss of misery and suffering.

Nazism was the child of German monopoly capitalism. It came to power, consolidated itself and was enabled to perpetrate its countless atrocities as a result of the support and direct assistance of international imperialist reaction. As any other hue of fascism, it was an overtly terrorist dictatorship of the most reactionary imperialist forces. The German industrialists and finance magnates—the Krupps, the Vöglers, the Levenfelds, the Schröders, the Schnitzlers and their like—gave their backing to the SS vandals. These uncrowned kings of capital did more than place Germany's entire economic potential in the service of nazi aggression. They were directly involved in the most odious crimes of the nazis, putting to death tens of thousands of people in inhuman experiments, driving millions of people led into slavery to the point of total physical exhaustion and then exterminating them in gas chambers, the toxic agents for which were supplied by IG Farbenindustrie, one of the largest of the German monopolies.

A. I. Poltorak gives details of the criminal activities of Hjalmar Schacht. In the nazi Government he represented German monopoly capital, which is closely linked with the biggest international monopolies. By a majority vote—three against one (the Soviet Judge)—the Nuremberg Tribunal acquitted Schacht. But the thousands upon thousands of people who read this book shall not acquit him. They vividly picture the role which Schacht played in the nazi conspiracy against peace and mankind.

The author explodes the legend that Schacht was opposed to the nazi regime. When nazism began to fall to pieces and retribution for the crimes that had been committed became inevitable, many of those who helped to found that bloodthirsty regime began to speak of their "opposition" to it. Some, like Schacht and those involved in the abortive putsch, spoke of it earlier, and others, like Himmler and Goering, began to speak of it directly before the collapse. But the truth is that until the monster created by German monopoly capital began to writhe in its death agony Schacht, as the representative of these reactionary forces, faithfully served Hitler and his regime. After Schacht was decorated with the Gold Badge of Honour, the nazi party golden emblem, an official party publication was brought out lauding Schacht and stating by no means without foundation: "...he was able to be of greater help to the party than if he were a member of the party."

A. I. Poltorak's book, naturally, cannot substitute for a treatise devoted to the International Military Tribunal. It is to be hoped that after reading this book the reader will turn to the verbatim reports of the trial which have been published in a considerable edition in the Soviet Union.

However, it must be placed on record that this book contains much that will not be found in the verbatim reports.

This book is extremely opportune. It calls for vigilance in relation to those who are out to kindle another war, and shows what mankind can expect from the apostles of revenge, who are resurrecting the vanquished nazi Wehrmacht in the present-day Bundeswehr. At the same time, it warns that any aggressor faces inevitable retribution.

The trial of the principal war criminals of nazi Germany will remain a grim warning to the dark forces of militarism, to semi-fascist reaction. The lofty principles that underlay the work of the Nuremberg International Military Tribunal and its just verdict continue to serve the cause of the struggle for peace, for the security of mankind.

L. N. SMIRNOV  
Chairman, Supreme Court of the RSFSR,  
Soviet Assistant Chief Prosecutor at the  
Nuremberg trial



# I. TRIBUNAL OF NATIONS

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## THE ROAD TO NUREMBERG

It was the month of July. The year was 1945. The division in which I was serving as Tribunal Chairman was returning home from the vicinity of Prague. This time the road was easy—the soldiers were hurrying back to their families.

But there was something different in store for me. From Moscow I received orders to report to the Central Administration of Military Tribunals. There I was informed that preparations were under way to set up an International Military Tribunal to try the principal criminals of the Second World War, that the trial would be held in Nuremberg and that I had been appointed a member of the Soviet delegation.

I rejoined my division to turn over my duties and take leave of my comrades-in-arms. I was soon back in Moscow.

My new chief was Major-General Ion Nikitchenko. He had been Deputy Chairman of the Supreme Court of the USSR, and now he was a member of the International Tribunal. During the brief reception that he gave me I learned that at Nuremberg I would be in charge of the Soviet Secretariat.

While my documents were being put in order I worked at the Military Collegium of the Supreme Court of the USSR. Two months later with Army Procurator Vasily Samsonov I boarded a Nuremberg-bound plane. We flew to the trial, which was to last nearly a year and about which much would be written, both good and bad, true and false.

I was soon to hear the British Prosecutor Sir Hartley Shawcross declare that the Nuremberg trial was "an authoritative and impartial record to which future historians

may turn for truth, and future politicians for warning". But when the trial would end and I would read a book by his compatriot, the publicist Montgomery Belgion, and see the words that were an ordinary man from the Moon to find himself in Nuremberg he would come to the conclusion that utter nonsense reigned there. These words would later be explained by Lord Hankey, who would call the Nuremberg trial a "dangerous precedent for the future" and hasten to make the assurance that the "sooner we end these trials the better it will be".

At the trial I was to hear the French Chief Prosecutor Auguste Champetier de Ribes make the truly profound statement:

"After the submission of our documents, the hearing of the witnesses, the projection of films which the defendants themselves could not see without shuddering with horror, nobody in the world can possibly claim that the extermination camps, the executed prisoners, the slaughtered peoples, the mounds of corpses, the human herds maimed in body and soul, the instruments of torture, the gas chambers and crematories—*no one can claim* that all these crimes existed only in the imagination of anti-German propagandists."

Some years would pass and other Frenchmen would violently refute Champetier de Ribes. I would read a book by Maurice Bardèche seeking to prove that "one cannot blindly accept the verdict signed by the victors". I would learn from newspapers of the tour made by Professor Paul Rassinay of France in West Germany and of his lectures devoted to the 16th anniversary of the Nuremberg trial in which he attempted to persuade Germans that the International Tribunal passed its judgment on the basis of "false evidence and communist baiting". I would read the writings of West German revenge-seekers, stating their own view of the gas chambers and the crematories, calling on the German youth to join the black colours of the Bundeswehr, throwing mud at the prosecutors and judges of the Tribunal and branding Champetier de Ribes as a most base falsifier of history.

On one of the very first days of the trial, the United States Chief Prosecutor Robert Jackson, demanding just retribution against the nazi clique, was to say:

"The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that

civilisation cannot tolerate their being ignored, because it cannot survive their being repeated."

But no sooner would the trial end than the average American would with the words of Robert Jackson still ringing in his ears find himself led into an impasse by US Senator Robert A. Taft's cynically blunt statement that the "United States will long regret the execution of the Nuremberg sentence".

On the night of October 15-16, 1946, I would be in the building where the last act of the trial would be performed—the nazi clique would be led to the scaffold. Subsequently, the reactionaries in the Federal Republic of Germany would proclaim this a "black day in German history", and the journal *Nation Europa* would shed a tear, writing that the condemned men "had not broken a single existing law".

Then I would read the memoirs of Alfred Rosenberg, published in the USA and immediately translated in West Germany. In it would be reproduced the "political behest" of this spiritual father of Hitlerism: "As all other great ideas that have known victory and defeat, National Socialism shall one day be resurrected in a new generation, which will build in new form an empire for the Germans.... National Socialism will sprout from healthy roots and grow into a sturdy tree that will yield its fruits."

I would witness these pernicious shoots sprouting in the FRG and rapidly turning into another threat to peace.

The Judgment of Nuremberg could not but irritate the surviving nazi generals and functionaries, the industrialists and the bankers who had grown fat and continue to grow fatter on war orders. Small wonder that they are endeavouring to discredit the Tribunal by every means in their power.

The Nuremberg trial proved to be a phenomenon in the history of international relations which for many decades in advance gave food for thought to statesmen, historians, lawyers and diplomatists.

#### **AMIDST RUINS**

On December 1, 1945, Vasily Samsonov and I arrived in Nuremberg, finding the city and, in particular, the Grand Hotel, where we at first stopped, a veritable Babylon. Peo-

ple from all over the world, mostly correspondents, naturally, were gathering in it.

On the next morning, which was bleak as only an autumn morning can be, we decided to take a walk in the city before going to the Palace of Justice. An oppressing sight met our eyes. Nuremberg lay in ruins. Nevertheless, one could easily discern the features of a typical medieval city. The brick ramparts with their massive towers were intact. Some of the houses with sharp-edged roofs likewise stood intact. The city itself was a tangle of narrow, crooked streets that had been laid out haphazardly.

The River Pegnitz divides the city almost equally into two. It is spanned by bridges built four and five hundred years ago. Directly before them, amidst heaps of stone and rubble, were two light and delicate towers—all that was left of the famous Church of St. Lorenz.

We passed through a small square. In it was a fountain known as the Well of Virtue. It had beautiful railings round it. And the sculpturing was beautiful, too. With its numerous jets this fountain now lay idle. There seemed to be no end to the ruins.

Nuremberg has been in existence for more than 900 years. There in the 14th and 15th centuries the creative thinking of the German people was embodied in magnificent works of art, science and technology. It was the home of the artist Albrecht Dürer, the sculptor Adam Krafft, the poet and composer Hans Sachs. Nuremberg was famous as a centre supplying the whole of Europe with compasses and measuring instruments. Lastly, the world's first watches were made in Nuremberg by Peter Henlein.

But the history of Nuremberg is not only and even not so much one of the development of science and culture. In it lived not only artists and skilled craftsmen. In it were other people—rapacious, ambitious and brutal.

For centuries on end Nuremberg symbolised the predatory policy of the Holy Roman Empire. Since 1356, in line with the Golden Bull issued by Charles IV, every new Emperor had to convene his first Imperial Diet in Nuremberg. The city had the special favour of Frederick I (Barbarossa), who spent his whole life dreaming of conquering the world and died ingloriously at the approaches to Palestine during the Third Crusade.

The nazis distinguished three German empires. The first



was the Holy Roman Empire. The second was the empire created by Bismarck in 1871. And they regarded themselves as the founders of the third empire, which they thought would last for a thousand years. They turned Nuremberg into their party headquarters, holding their rallies there.

On the city's outskirts we got a view of the so-called Parteiland, where the nazi congresses and parades were held.

In effect, this was a huge asphalted stadium with grey-stone benches. Dominating this massive edifice was the central rostrum with numerous steps and benches in it. Cutting the enormous stadium in half was a broad dark blue arrow running from bottom to top and indicating Hitler's seat. From there he gazed at marching troops and storm detachments. From there he harangued roaring crowds, calling on them to destroy the hearths of other nations, seize foreign lands and shed blood.

On these occasions the city shuddered with the tramp of thousands of hobnailed boots. And in the evenings it burst into light as though it were a mammoth bonfire. The smoke from the torches blacked out the sky. Columns of wildly yelling torch-bearers marched through the streets.

The stadium was now empty. The only people in it were some ladies in sunglasses, evidently American tourists. They sat in Hitler's seat in turn and photographed each other.

In one of Nuremberg's streets, the broad and straight Föhrthstrasse, an entire block of buildings had sustained very little damage, and among them, behind an ugly stone wall with oval grooves and great cast-iron gates, was a massive four-storeyed building that bore the pompous name *Jutizpalast*, or Palace of Justice.

Contiguous to it and connected by a passage was the administrative building. In the courtyard, situated perpendicularly to the inner façade, ran the long four-storeyed prison building.

The whims of war had spared this uninviting neighbourhood as though specially to allow history's most righteous justice to be meted out. The International Military Tribunal sat in this building from November 1945, trying the principal German war criminals. The criminals themselves were kept in the adjoining prison where they awaited their sentence.

We passed the first line of guards. These were the newly-formed German police in dark-blue uniforms. At the sight of Soviet officers they drew themselves up to attention.

Then we were stopped by United States MPs. We presented our passes.

"Okay!" said one of them, waving us on.

In front of the building itself were Soviet sentries. We had to wait for the guard was being changed. They marched past us with measured tread. They were tall, seasoned troops from a Guards unit with Orders and medals on their tunics, and yellow and red stripes, testimony of wounds received in battle.

We found the rooms of the Soviet delegation on the second floor. From there we made our way to the courtroom to take a look at those who had for years terrorised Europe and the world, at those who had caused the death of millions of innocent people. During the war the mention of their names was always accompanied by the most unflattering epithets. To these countless and extremely expressive epithets was now added the last—defendant, in accordance with the criminal codes of all countries.

## IN THE COURTROOM

At last we were in the hall where the International Military Tribunal sat. The first thing that struck us was the absence of daylight: the windows were heavily curtained.

For some inexplicable reason I wanted this hall to be flooded with gay sunbeams and the multifarious street noises to come through the wide windows and jolt the stern regulated rhythm of court procedure. I wanted the criminals to feel that life was beautiful, that it had not ceased despite their exertions.

The hall was decorated with dark-green marble. On the walls the bas-reliefs symbolised justice. There the policy of an entire state and its government was laid bare and studied unhurriedly, painstakingly, with almost pathologico-anatomical precision. The Judges and everybody else in the hall closely listened to the Prosecutors, the witnesses, the defendants and their counsels. The stenographers were changed every 25 minutes (the verbatim report of the proceedings had to be ready in four languages at the end of the day). Photographers and film operators from many

countries worked in the sweat of their brows. The films were taken through specially-made glazed apertures in the walls so as not to disturb the silence in the hall and the solemnity of the proceedings.

On a platform was the long table of the Judges. At the table from left to right sat Major-General I. T. Nikitchenko and Lieutenant-Colonel A. F. Volchkov of the Soviet Union, Lord Justice William Norman Birkett and Lord Justice Geoffrey Lawrence of Great Britain, Francis Biddle and John J. Parker of the United States, and Donnedieu de Vabres and Robert Falco of France. Below and parallel to the table sat the secretariat. And lower still were the stenographers.

On the right were the long tables of the four-Power prosecution led by State Counsellor of Justice Second Rank Roman Rudenko (who was Procurator of the Ukrainian SSR at the time) of the Soviet Union; Robert Jackson, member of the Supreme Court, of the United States of America; Sir Hartley Shawcross, Attorney-General, of Great Britain; François de Menthon, member of the French Government, of France (in January 1946 he was replaced by Auguste Champetier de Ribes). The Chief Prosecutors were flanked by their deputies and assistants. Behind them was the press box.

Left of the entrance was the dock. In the first row were Hermann Goering, Joachim von Ribbentrop, Rudolf Hess, Wilhelm Keitel, Ernst Kaltenbrunner, Alfred Rosenberg, Hans Frank, Wilhelm Frick, Julius Streicher, Walther Funk and Hjalmar Schacht. In the second row: Karl Doenitz, Erich Raeder, Baldur von Schirach, Fritz Sauckel, Alfred Jodl, Franz von Papen, Arthur Seyss-Inquart, Albert Speer, Konstantin von Neurath and Hans Fritzsche. They were led into the courtroom singly before every session. They were marched under heavy guard through the new underground passage linking the prison with the Palace of Justice and escorted into the hall while it was still empty. Some greeted each other. Others, with an embittered look, turning neither to left nor right, slunk to their seats like wolves.

United States Military Police formed a cordon round the dock. In front of it sat the defence counsels in their gowns.

On the second floor of the hall was the guest balcony.

In this atmosphere I was to work just under a year. The trial opened on November 20, 1945, and ended on Octo-

ber 1, 1946. The Tribunal had 403 sessions. The minutes filled 16,000 pages. The prosecution presented 2,630 documents, and the defence attorneys submitted 2,700 documents. At the trial 116 witnesses were questioned, and 143 witnesses gave depositions in writing. In addition, the Tribunal examined nearly 300,000 affidavits.

This unprecedented trial swallowed five million sheets of paper, weighing 200 tons. A total of 27,000 metres of sound film and 7,000 photo plates were used. To ensure the maximum accuracy the verbatim report of every session was duplicated by a sound recording and then compared with it.

On the first day of the trial the Tribunal President said in his opening address:

"The trial which is now about to begin is unique in the history of the jurisprudence of the world and it is of supreme importance to millions of people all over the globe. For these reasons, there is laid upon everybody who takes any part in this trial a solemn responsibility to discharge their duties without fear or favour, in accordance with the sacred principles of law and justice."

Further we shall see how some of the participants in the trial responded to this appeal, what attitude was adopted to it by the defence, and how the many witnesses with their extremely diverse social status and political views comported themselves. At the moment I should like to focus the reader's attention on the dock.

The nazi ringleaders endeavoured to give the impression that they felt at ease. They spoke among themselves, wrote memos to their counsels and wrote lengthy notes for themselves. Ribbentrop displayed more zeal than any of the others. He virtually deluged his defence counsel with "instructions", and almost as soon as the trial opened began, directly in the courtroom, working on his "memoirs", which were published in the West soon after his execution. One naturally asks the question: What was the purpose? At no time in history has a bourgeois politician had the possibility of telling the world so comprehensively about his life and affairs as these leaders of nazi Germany at Nuremberg. The verbatim report of the trial was a unique collection of true biographies of the nazi politicians. But this clashed with their desires and intentions. These were not the kind of "memoirs" they wanted to leave to posterity. And each

exerted himself as he best knew how. Some got down to the business of writing themselves. Others tried to use the pens of the many bourgeois pressmen.

From the very outset I noticed the defendants frequently talking to a young American officer wearing the insignia of the Internal Security Office. He was the court psychiatrist Dr. G. M. Gilbert. In Nuremberg he was envied by journalists from all over the world. Like all of them he had the opportunity to hear and see everything that took place in the courtroom. But unlike them, he had the unrestricted possibility of talking to the defendants at any time of the day or night, in the courtroom and in the prison cells, publicly and in private.

Dr. Gilbert spoke German fluently. In fact, it was said that German was his native tongue. This smoothed over many difficulties. He knew much more than anybody else and journalists virtually hunted for him in the hope of getting a sensational story out of him. But Gilbert knew how to keep a still tongue in his head. Directly before the trial ended he told me that he was putting the final touches to his diaries and that some Western publishing houses were hurrying him. He was eager to sell a copy of the manuscript to Soviet publishing houses, too. He let me read the first half of the manuscript, and I read his book, *The Nuremberg Diary*, later. It was published in the USA and in many European countries. On its own merits it is a curious document, especially for those who took part in the trial. Gilbert supplements the general picture of what he saw in Nuremberg with many vivid details, which he learned from the defendants in private conversation with them. In effect, the book is a day-to-day commentary by the defendants themselves on all the major twists and turns of the trial and, in some respects, explains their tactics at the trial. Gilbert proved to be a keen observer.

The guest gallery was invariably packed to capacity by officers of the Allied armies, but mostly of the United States Army. At various stages of the trial the guests included Robert P. Patterson, then US Secretary of War, Leslie Hore-Belisha, former British Secretary of State for War, Lord William Allen Jowitt, then Britain's Lord Chancellor, Lord Quincy Wright, Chairman of the United Nations War Crimes Commission, Herbert Frederic Maugham, brother of the novelist Somerset Maugham, and the noted

journalists Harold Nicolson, Walter Lippmann and Joseph Wright Alsop.

At a luncheon given by the Judges I was introduced to a very fat and jovial man. He was Fiorello La Guardia, Mayor of New York.

Overdressed women, who had in some way obtained long-term passes, appeared frequently in the courtroom. Some were the wives of the defendants, others were wives of leading Western statesmen and politicians. During a recess I found myself beside two of these ladies. On that day the prosecution produced evidence on the nazi aggression against Austria, but had not had time to complete its case. The ladies were disappointed. One asked the other if she would come on the next day. The reply was touching:

"Of course, my dear. I want to know how this aggression against Austria ended."

The lady in question was about fifty, but alas she had somehow contrived to remain in the dark as to how Austria had suddenly ceased to exist.

It was said that Rudolf Hess' wife paid a visit to Nuremberg. During the trial she resided in the United States zone and spent all her time telling all and sundry about her husband's "great merits" and about her intention to publish a diary.

The wife of Himmler was a match for Frau Hess. Like her she never missed an opportunity to talk to foreign correspondents and inform them that she "believed her husband was a great German leader".

Vidkun Quisling's wife belonged to the same coterie. She vociferously declared that her husband was a "martyr who died for Nordic freedom".

But enough about these ladies! They were not the ones who determined the face of the public in the guest gallery or the lobbies of the Palace of Justice. There were incomparably more "businessmen".

Take the two who were deep in conversation. One, a short, respectable-looking gentleman of about fifty, represented a publishing house. The other, in a black robe, was Alfred Rosenberg's counsel, the tall and massive Richard E. Thoma. Watching these two, Robert Servatius, defence attorney for Sauckel, nodded understandingly. Somewhat later he complained that almost every day, despite being up to their necks in work, the counsels of all the defendants

had to carry on negotiations with the American and British publishers who flooded Nuremberg, seeing a quick dollar or pound in the publication of memoirs. The results were not slow to manifest themselves: as soon as the trial ended the memoirs of Rosenberg and Ribbentrop, written in the Nuremberg prison, were brought out in the United States.

Not for nothing do the Americans say that time is money. During the trial we saw some of them time and again casting prudence to the wind in order to count up the profits from petty manipulations. Actually, these manipulations were not always petty.

One day as Soviet Assistant Chief Prosecutor Lev Sheinin and I were on our way to the canteen we were stopped by an American Colonel from the service department of the United States delegation. He requested me to introduce him to Sheinin, and then asked the latter if it was true that he was flying to Moscow for a few days. Sheinin said it was true.

"That's fine, General," the Colonel said with delight. "I have a proposition to make to you."

"What is it?" Sheinin asked guardedly.

"It's very simple. Bring back from Moscow a batch of Siberian furs. I'll get a good price for them, believe me. Catch on?"

I translated this tirade for Sheinin. He flushed with fury and amazement. I had not seen him in that state for a long time.

"I fail to understand you, Colonel. For your information I'm not a furrier. I'm a lawyer."

"I'm a lawyer, too," the American said, refusing to give up. "But tell me, please, General, are lawyers the most foolish people on earth?"

"Look, let's stop this senseless conversation," Sheinin burst out angrily. "I'm surprised, Colonel, that you ventured to make that speculative proposition to me."

"I see nothing speculative about it," the American said looking puzzled. "It's normal business. I can't see why you've gone off the handle."

There was so much sincere bewilderment in these words and in the Colonel's eyes that in the end Sheinin laughed.

"I'm afraid, Colonel, we cannot understand one another."

Mumbling an apology the American walked away, but when he saw me on the next day he returned to the same

subject. This time he tried to make his conversation with Sheinin appear to be a joke.

Some other Americans, holding a lower rank, profiteered in watches. They made very frequent trips from Nuremberg to Geneva, returning hung with watches like confirmed smugglers. There was no getting rid of them. They stopped people in the corridors, taking them aside and giving them a choice of their goods.

I was told of an amusing incident in which Soviet writer Boris Polevoi was involved. An energetic young American watch-vendor stopped him in the corridor and pressed him to buy a watch. Polevoi showed the American his own watch and replied that one was enough for him. Undeterred, the American took a watch from his "collection", dropped it into a glass of water, let it stay there for a few seconds, then asked Polevoi to put his ear to it. It ticked normally. But even this demonstration failed to tempt Polevoi into making a purchase. Vexed by this intractability, the young American closed his fist round the watch and hurled it against a marble column. After that he again dropped it into a glass of water and then brought it to Polevoi's ear. Unable to withstand this sort of advertisement, Boris Polevoi bought a watch he did not need.

Captive SS men added a sort of colour to the corridors of the Palace of Justice. They were employed to move furniture and clean the rooms. Every morning they were brought to the court in a covered lorry. Then, for some reason, they abruptly disappeared. This coincided with the appearance of pillboxes in the corridors. The pillboxes were manned by United States soldiers armed with machine-guns and submachine-guns. AA posts were set up on the roof and the entire United States guard personnel was kept in a state of combat readiness.

I asked Colonel Andrus, the commandant, what was threatening the International Tribunal. Captive SS men, I was surprised to learn. The story was that they had escaped from the POW camp, captured weapons and were now marching on Nuremberg. There were all sorts of rumours about the purpose of this march. Some maintained that they were determined to free the nazi chiefs. Others said they intended to lynch them for losing the war. It was soon seen that all these rumours were greatly exaggerated. The pillboxes were removed. But the correspondents of the bour-



geois newspapers were jubilant: they had had a good story to wire their newspapers and agencies from Nuremberg.

Another episode has remained vivid in my memory. One morning I entered the courtroom together with Lev Sheinin. We were about 20 minutes early. We stood near the dock and talked. Von Papen was led in. He stopped in his tracks when his eyes met Sheinin's glance. There was a curious light in Sheinin's eyes. The exchange took a few seconds and von Papen sat down in his place in the dock, while Sheinin and I went out into the corridor. I was curious to know the reason for that reciprocal heightened interest.

"Nothing in particular," Sheinin said with a wry grin. "It's simply that we met a long time ago."

He related that in 1942 he was sent by the Soviet Government to Turkey in connection with the attempt on von Papen's life. A framed-up charge was made against Soviet citizens Pavlov and Kornilov. Sheinin was to head their defence. But before the trial commenced the Turkish Foreign Ministry took the move of inviting Sheinin and S. A. Vinogradov, then Soviet Ambassador in Ankara, to a sports festival. They were given seats next to von Papen. That was when they met for the first time. The meeting in Nuremberg was their second, and von Papen, naturally, recognised Sheinin.

Every day brought rich impressions. Small wonder that the Nuremberg Palace of Justice attracted so many writers and publicists. The Soviet press was represented by Konstantin Fedin, Leonid Leonov, Ilya Ehrenburg, Vsevolod Ivanov, Vsevolod Vishnevsky, Boris Polevoi, Lev Sheinin, the Kukryniksy team, Boris Yefimov, N. Zhukov and others.

#### VIPs

It has been noted long ago that in different countries the internal arrangement of prisons—the cells and their fittings—and even the daily routine in them have much in common. This gave author Ilya Ehrenburg cause to remark wittily through the lips of Julio Jurenito that a stick did not cease being a stick no matter who held it: it could not become a mandolin or a Japanese fan.

The Nuremberg prison was no exception. A large building, it was stuffed with cells measuring 10 by 13 feet. In

each cell there was a window at the level of a person of average height; it looked out into the prison yard. In the door was a window that was constantly kept open (through it the prisoner was served with food and kept under observation). In a corner of the cell was the toilet.

The furniture consisted of a cot, a hard armchair and a table screwed into the floor. On the table the prisoner was allowed to have pencils, paper, family photographs, tobacco and toilet articles. Everything else was confiscated.

When the prisoner lay down on the cot his head and hands had always to be in view. Anybody who tried to break this rule soon felt the hand of the warder: he was wakened.

Every day the prisoners were given a shave with a safety razor by a trusted barber from among the prisoners of war. This operation was also watched by the warders.

The prison was wired and illuminated in such a way that the cells were lighted from without. This ruled out the possibility of suicide by electric current. Eyeglasses were handed out only for a stated period and taken away for the night.

The prisoners could expect to be searched once or twice a week. In such cases they stood in a corner while the MPs combed the cell. The prisoners could take a bath every day, but before taking a bath they had to pass through premises where they were searched.

I frequently saw Colonel Andrus, the prison commandant. Tall, broad-shouldered, dignified, in glasses which made his stern face look more official, he did much to keep the prisoners physically fit so that they would not miss any session of the Tribunal. He impressed people as being a professional soldier who was aware that he had charge of a special kind of criminals. Once he said to me, pointing to the dock: "VIPs". My English was not good enough to catch the abbreviation, and he explained:

"Very Important Persons."

These VIPs often lodged complaints against him. The most curious thing was that even in the dock many of the defendants pretentiously continued to regard themselves as statesmen. Any restriction roused their indignation. Schacht, for instance, complained angrily that in the prison he was not allowed to meet with gentlemen like von Papen and Neurath (he regarded the rest as villainous convicts whose

place was in the galleys, and it suited him not to see them very often).

But the loudest complaints came from Goering. Where Goering was concerned Colonel Andrus took special precautions and that was what the "freedom-loving" Goering objected to.

At a sitting of the Tribunal General Secretariat Colonel Andrus replied to the complaints received from the prisoners. Speaking of Goering, he said:

"That fat Hermann is an ungrateful swine. I cured him of his depraved habit of swallowing handfuls of narcotic pills. When he was put under my charge he refused to part with a suitcase of narcotics. I took it away from him. He swore but had to reconcile himself. I made a man out of him and saved him from certain, unmanly death."

During his first days in the prison Goering tried to persuade Colonel Andrus that although he was indeed the "No. 1" among the defendants it did not imply that he was the most dangerous. When this met with no response, "fat Hermann" adopted tactics which he believed would get him results: the gist of it was that the Colonel ought to bear in mind that this was an historical trial and that officials like Colonel Andrus would not want their names to be associated later with insults to eminent statesmen who found themselves in a helpless position. Andrus related that Goering had told him with pathos in his voice:

"Bear in mind that you are dealing with historical figures here. Right or wrong, we are historical personalities—and you are nobody!"

Nobody in Germany, not even his immediate circle, suspected that Hermann Goering was interested in history and literature. We shall see later what occupied this "second man in the Reich". Goering had evidently long had his eye on becoming "first man", and in this connection he was profoundly interested in Napoleon's career, finding time to study his life and ignominious end. But he never became a Napoleon. Not even an exotic island, like the one on which the great Corsican spent his last days, was found for him. Goering was put in an ordinary prison, in an ordinary solitary cell with a toilet, where he was watched by United States guards who had little knowledge of history. There was nothing left to him but to try to fill in the gap in the education of his American guards.

"Do not forget, Colonel," he said to Andrus, "what happened to Napoleon's gaoler. He treated Napoleon badly and then, to justify his actions, he had to write two volumes of reminiscences."

But these tirades failed to move the Colonel.

At another session the General Secretariat considered, among other questions, a complaint from some of the prisoners.\* This time the complaint was signed by about 15 or 20 Field Marshals and Generals with Keitel, Jodl, Rundstedt, Guderian and Halder among them.

What outraged them most was that they had to clean their own cells. Every morning a German war prisoner brought them a broom and they had to sweep the floor of their cells.

Complaining against these indignities, the German Field Marshals and Generals quoted heavily from the 1929 Geneva Prisoner-of-War Convention. They persisted in refusing to recognise the fact that they were no longer prisoners-of-war but war criminals and that the routine established for them was determined not by the Geneva Convention but by the Criminal Code.

Colonel Andrus commented on this with his usual brevity:

"The devil quotes the Bible."

Every day the prisoners exercised in the prison yard. During the exercise they were allowed to talk to each other. But not all of them used this privilege, preferring to hold aloof. Many openly avoided Streicher. The attitude to him on the part of the other prisoners was most pithily expressed by Funk:

"I feel I've been sufficiently punished by being forced to sit next to Streicher in the dock."

The prisoners were given the unrestricted use of the prison library. Ribbentrop read little, and if he read anything it was usually Jules Verne. He believed he would leave the prison: the situations in Jules Verne's novels were even more fantastic than his. Sadist, libertine and one of the theoreticians and promoters of anti-Semitism, Streicher concentrated on German poetry. Schirach, who had headed the Hitler

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\* In the Nuremberg prison, along with the principal nazi war criminals, there were many nazi politicians, Generals and industrialists awaiting trial.

Youth, spent his time translating the poems of Tennyson into German. I was told that his translations were quite good, and in prison he was evidently assailed by sincere regret that he had not thought earlier of devoting himself entirely to this work. Von Papen, the former Chancellor, became absorbed in religious literature; in the afternoon of life this veteran wrecker and political adventurer stretched out his hands to God from his prison cell. Former Interior Minister Frick read nothing; his mind was on food. He soon grew so fat that his jackets became too small for him. Andrus told me that five minutes after Frick heard the death sentence he sat down to eat with a voracious appetite.

### **"OKAY, FOLLOW ME"**

If anybody took the trouble to check the names on the doors of the cells against the list in the indictment he would find the name of Robert Ley missing. Here's the story behind this.

When it became obvious that the nazi regime was collapsing, Robert Ley felt he had no grounds for yielding to despair. Many were leaving the sinking ship, and he would be one of them. All were trying to save their skins, and there was nothing to prevent him from doing the same.

He fled to the Bavarian Alps, where under an assumed name he decided to wait patiently until the Allies would give up looking for him.

But Ley was unlucky. The command of the United States 110th Airborne Division got a tip from the local population, and on May 16, 1945, troops set out to pick up Ley.

In a tiny house in the mountains they found a bearded man sitting on the edge of a wooden bed. He was trembling with fright.

"Are you Dr. Ley?"

"You're mistaken," the bearded man said. "I am Dr. Ernst Dostelmeyer."

"Okay, follow me."

The man was taken to the division's headquarters in Berchtesgaden. Interrogated, he hotly denied he was Robert Ley, producing documents to show that his name was Ernst Dostelmeyer. He remained unshaken even in face of the arguments of a US intelligence officer who had followed Ley's acti-

vities for many years and knew him well. The answer was unchanged:

"You are making a mistake."

"We'll see," the officer said and made a sign to the guards.

In the next minute they brought in an old German, 80-year-old Franz Schwarz, who was once the treasurer of the National Socialist Party. At the sight of the bearded man Schwarz exclaimed:

"Doctor Ley? What are you doing here?"

After Ley was identified by Schwarz's son he saw that it was useless to keep up the farce.

"You win," he said bitterly to the American officer.

Thus, the former head of the Hitler Labour Front was arrested, brought to Nuremberg and included in the list of prisoners. It must be said that he took his place in this list deservedly. It was he who carried out Hitler's orders to abolish free trade unions in Germany, confiscate their funds and property and organise the brutal persecution of their leaders. Under his leadership the notorious Labour Front was turned into a vehicle for the ruthless exploitation of the German workers. Then as SA General, Robert Ley was placed in command of the Foreign Labour Inspectorate, and in that capacity he proved to be the most callous, most bestial torturer of the millions of foreign workers forcibly driven to Germany.

People who knew Ley well said that the first time they saw him sober was in prison. He was, of course, far from being the only one of Hitler's entourage with a predilection for alcohol. Schacht noted in one of his depositions:

"Only one thing—I have to say this to be just—did most of the leaders of the party have in common with the old Teutons: and that was drinking; excessive drinking was a main part of the nazi ideology."

But Robert Ley gave himself up to drinking with special assiduity and iron consistency. In the Nuremberg prison where he was denied alcohol he quickly sank into depression. Who knows but this may have been what inclined him towards philosophy. He eagerly responded when Dr. Douglas M. Kelley, the prison physician, suggested that he put in writing his ideas about the regime in Germany and about the prospects facing that country.

It would not have been worth the time and space to

reproduce fragments of his political forecasts if this hardened nazi had not drawn what essentially proved to be a more or less true picture of how the relations between the USA and West Germany shaped out after the war.

Yes, Ley reasoned, the Soviet Union defeated Germany, but it should not be forgotten that this was a victory of Marxism, and it was dangerous to the West. This argument was reinforced with the hackneyed bogey of "Bolshevism", of "the Asiatic flood" in Europe: "The West regarded Germany as a dam against this flood. . . . Now this dam is broken. You German people cannot rebuild it alone."

Then who, according to Ley, could accomplish this task? Naturally, "America must rebuild it if she wants to live herself, and you German people must render America assistance. For you and America there is no other choice".

While advocating a future German-American alliance, he realised that National Socialism was associated with "some extremes" which no decent society would "tolerate". Ley therefore sought to convince the Americans that personally he did not approve of these extremes. He proffered the opinion that to continue existing and become an ally of the US reactionaries National Socialism needed nothing more than a democratic flavouring. He wrote: "The National Socialist idea—purged of anti-Semitism—joined with a reasonable democracy is the most valuable thing that Germany can contribute."

Contribute to what? To the common cause of the reactionaries in Germany and the USA! To anti-communism.

Ley was prepared to welcome a certain transformation, an improvement of the National Socialist system, but on the whole he felt that the German-American alliance had to begin "with Hitler, *not against* Hitler". He warned American reaction against a possible underestimation of the nazi party apparatus and of those on whom Hitler Germany rested:

"The most respected and active citizens are those men who worked as Gauleiter, Kreisleiter and Ortsgruppenleiter. Today they are all, or almost all, incarcerated. They should be used for this noble purpose—effecting a reconciliation with America and making Germany pro-American."

Such were the ideas that visited Robert Ley in the solitude of his cell in the old Nuremberg prison. Possibly he never suspected that he had, in his own way, anticipated the

USA's postwar policy in West Germany, Bizone and Trizone, NATO, and the new careers of Hans Globke, Adolf Heusinger, Hans Speidel, Hermann Foertsch and many, many others. But destiny gave developments a twist which deprived Ley of personally seeing the complete coincidence of his views with those of the US authorities.

To round off his recommendations, I shall only mention one more of his touching counsels to the US authorities. He urged the release of all nazi leaders, all nazi Generals, and their employment in the new situation. But understanding that this might evoke an explosion of public anger, he reasonably maintained:

"This action must be carried through in complete secrecy. I believe that this lies first in the interest of American foreign policy in order that her hand may not be shown . . . too early."

Indeed, this former chief of the Reich Labour Front expounded some prophetic ideas about the future course of relations between the ruling circles of the USA and West Germany. But he evidently overrated Kelley's request that he put in writing his ideas about the future. Somewhere deep in his heart was the hope that he would still prove useful, that it would be better to build up the new relations between the United States and Germany with him than without. Who knew but that the trial might be stopped. Had not something of the kind happened to the German leaders after the First World War. Robert Ley took a long shot and wrote a personal letter to Henry Ford, who was known for his pro-nazi feelings, telling him of his experience of building car factories and requesting employment as soon as he would be released.

But suddenly his dream castle collapsed. The indictment was a bolt from the blue for him. It tore him out of his world of sweet illusions and returned him to grim reality. The more he studied the inexorable lines of the indictment, the less he believed in the castles in the air, which he had only recently been building. Finally, he realised that the reactionary forces in the USA could carry out the programme he had proposed without him. It was a good programme, but the author was much too bespattered with mud. This beaten trump would never again be used in a political game.

For the first time Ley saw the stark reality of his position. His nerves began to snap and he spent his days pacing



his cell. Dr. Gilbert examined him and wrote in his diary that Ley's eyes had a mad expression.

It was the night of October 25, 1945. The trial at which a richly-earned place would be accorded to Ley was to begin in 26 days.

The ex-chief of the German Labour Front had his last conversation with his warder. The warder asked him why he wasn't sleeping. Ley went close to the peephole, stared into the face of the American lad and mumbled incomprehensibly:

"Sleep? Sleep?... They won't let me sleep... Millions of foreign labourers... Good God! Millions of Jews... All killed. All slaughtered! Exterminated! All killed. How can I sleep? Sleep..."

Perhaps that night Ley suddenly felt remorse for the lives he had snuffed out? No, that was not it. He feared the price he had to pay. He pitied not those whom he had helped to torture and destroy, but himself. All the rest was only a psychological backdrop against which this petty, cowardly, base egoist went to pieces. He distinctly pictured the rope and the huge multitude of people in concentration camp uniforms who would drag him to the scaffold, to that rope. His fear became so unbearable, so terrible that he hastened to put his neck into the loop himself.

The warder made the rounds of the other cells, again glanced into Ley's cell and suddenly found he could not see the prisoner. He looked more closely and in a corner of the cell, where the toilet stood, he saw the bent figure of the prisoner. He did not find this unusual.

The minutes sped past, but Ley did not change his posture. The warder began to feel anxious.

"Hey, Dr. Ley!" he cried into the peephole.

There was no reply.

In the next instant four American soldiers rushed into the cell and there a pitiful spectacle met their eyes—the Reich chief of the Labour Front, bent over the toilet seat, was hanging at the end of a rope made from strips of a torn blanket. The attempts to revive him failed. The doctors certified that he was dead.

Ley's suicide perturbed the prison administration. The practice had been to assign one warder to every four cells. After the suicide a warder was posted at each cell, and the prisoners were kept under constant observation, day

and night, through the peephole. This was very tiring, and the guards had to be changed frequently.

The news of Ley's ignominious end soon spread to the other defendants. Goering was the first to react:

"Thank God!" he said without emotion. "He would only have disgraced us."

To Gilbert he declared:

"It's just as well that he's dead, because I had my doubts about how he would behave at the trial. He's always been so scatterbrained—always making such fantastic and bombastic speeches. I'm sure he would have made a spectacle of himself at the trial. Well, I'm not surprised that he's dead, because he's been drinking himself to death anyway."

This epitaph to one of the leaders of the Third Reich is all the more significant for the fact that it came from the lips of Nazi No. 2.

The Reich chief of the Labour Front did not live to face the trial. The "Field Marshal of the battle against labour", as he was described by one of the prosecutors, replied to the indictment with suicide.

#### **VERMIN TO VERMIN**

Neither did Heinrich Himmler live to see the trial, but at the trial his name was mentioned almost every day.

"This was ordered by Himmler. . . ."

"Reichsführer Heinrich Himmler issued a directive on this question. . . ."

"Himmler was the only one who could give evidence on this count."

These and similar references were made by all the defendants whenever the question of the terrible crimes of nazism was brought up.

Time and again the Judges and the prosecution regretted the mistake made by officers of the British occupation authorities, who deprived the International Tribunal of the possibility of questioning the SS Chief. It is hardly worth mentioning the service that this mistake rendered to Hermann Goering, who expressed his satisfaction over Ley's suicide with such cynical frankness.

True, Himmler was not given to hysterics like Ley. But nobody would venture to vouch that he would have stolidly accepted the entire guilt and spared his fellow de-

fendants. This would not have tied in with his nature or habits. It was much more plausible to have expected something quite different if suddenly the door opened and the guards led Heinrich Himmler into the courtroom. But, unfortunately, his appearance was ruled out completely.

\* \* \*

This occurred during the last months of the war. Goebbels and Fritzsche frothed at the mouth more and more as they shouted into the microphones that Germany was strong and the hour was not far distant when on the Führer's orders a new secret weapon would be thrown into the balance and quickly decide the outcome of the unremitting struggle in favour of the Fatherland. But they and, of course, Heinrich Himmler had by that time clearly realised that the Third Reich was beaten, that the nazi regime was on the eve of the most smashing defeat.

The chief of the nazi punitive agency began to think of his own fate more and more frequently. He was always regarded as a realist, but here he suddenly lost all sense of reality when he felt he was the most suitable person to start official negotiations with the Allies. His hands were stained with much too much blood and he was much too well known as a hangman and inquisitor, as the SS Chief and the organiser of death camps and gas chambers for even certain circles in the West to regard him as a "High Contracting Party".

However, Himmler chose stubbornly to ignore this. In the course of a few months before the collapse, he had many meetings with Count Folke Bernadotte of Sweden, seeing in him a suitable mediator for contact with the Western powers. The pretext was that he wanted to talk about the fate of Danish and Norwegian prisoners of war.

"When Himmler suddenly appeared before me in horn glasses, and a green SS uniform without insignia," Bernadotte later recalled, "he instantly impressed me as being an insignificant official. In the street I would definitely have paid no attention to him."

Yet before Bernadotte stood the man who was implacably hated by the whole of occupied Europe.

Himmler had long ago stopped worrying about prisoners of war, particularly Danish and Norwegian. Generally speak-

ing, had any of them survived? What now worried him most was the fate of Himmler. Although the fate of the nazi Reich was already sealed, he still felt he had power and through Bernadotte endeavoured to contact Eisenhower and offer him the surrender of the German troops in the West in order to have the possibility of continuing the war in the East.

In his quest for salvation, the chief executive of the monstrous nazi plan of destroying entire peoples tossed about feverishly, attempting to start negotiations with the most diverse organisations and persons and, during the last days of the war, going to the extent of bowing before Hilel Storch, the Stockholm representative of the World Jewish Congress. As a result, Norbert Masur, representing the same congress, flew to Berlin from Sweden to negotiate the release of the surviving Jews from the concentration camps.

Masur conferred with Himmler on April 21, 1945, at the latter's Gestapo headquarters. Through Masur Himmler endeavoured to persuade the world that the crimes against the Jews were perpetrated against his will. Personally he had always been happy to help them and was even now prepared to take this enormously hazardous step to save these unfortunate people. Hereupon Masur was shown a directive, freshly signed by Himmler, ordering the release of thousands of Jewish women from the Ravensbruck concentration camp. Himmler asked that this directive should not be given publicity in the press. In official documents it would figure as concerning Polish women.

Lastly, he showed Masur his latest instructions. They read:

"The Führer's orders for the destruction of all concentration camps together with their inmates and guards are hereby rescinded. A white flag is to be hoisted upon the approach of enemy armies. Concentration camps are not subject to evacuation. Henceforth no Jew is to be killed."

By that time six million Jews had been annihilated. Very few remained in the camps. And here this butcher decided to turn into a guardian angel.

Himmler realised that if these negotiations came to Hitler's knowledge, the "beloved Führer" would, even in the last hours of his own life, deal summarily with him. He therefore endeavoured to cover up his tracks. With his SS assistant Walter Schellenberg he planned a putsch.

He informed Schellenberg confidentially that Hitler's disease was progressing rapidly: he was becoming more stoop-shouldered, his flabbiness was growing more pronounced, and his hands shook. This conversation took place in a forest (elsewhere it might have been overheard!). They considered the most suitable way of eliminating Hitler. Himmler favoured arresting Hitler, but Schellenberg tried to persuade his chief to go to Hitler, explain how hopeless the situation was for Germany and insistently recommend the Führer's retirement.

"That's out of the question," Himmler replied. "In a fit of rage the Führer will order me shot."

"We can take the appropriate measures against this," Schellenberg protested calmly. "You have the backing of enough senior SS officers, who, at the worst, can arrest him. Lastly, if persuasion does not help, we must bring in the doctors."

At the same time they reviewed what Himmler had to do as soon as he took Hitler's place.

"Immediately dissolve the National Socialist Party and create a new organisation," Schellenberg advised.

"What name would you give the new party?" Himmler asked.

"Party of National Unity," the hardened SS man replied.

But the Soviet Army upset all of Himmler's plans. Every new blow and every kilometre carried it closer to the heart of Berlin, making Himmler's schemes increasingly more ephemeral.

Nevertheless, he had another meeting with Bernadotte and again asked the Swede to arrange a meeting with Eisenhower. Himmler was so confident that such a meeting could take place that there and then he discussed with Schellenberg how he should behave when he would meet the American Commander-in-Chief:

"Should I merely nod, or must I offer to shake hands?"

Instead of answering, Schellenberg, who had a more sober view of the situation, asked his chief:

"What will you do if your proposal is rejected?"

"In that case I'll take command of a battalion on the Eastern Front and fall in battle," he declared solemnly.

He lied, of course. Nothing was more remote from his mind.

The SS Chief was a past master of cunning. Yet, despite

all his efforts, Hitler got wind of his talks with Bernadotte. Had Himmler been in the Reich Chancellery at the time his head would most surely have been parted from his body. But he kept as far away as possible from Hitler's lair. He coursed between Lubeck and Flensburg, still hoping to become the head of state although in his "will" Adolf Hitler had branded him as a traitor.

On April 30 Doenitz received a coded radiogram stating: "A new conspiracy has been disclosed. According to enemy radio reports Himmler is trying to sign a surrender through Swedish mediation. The Führer expects that relative to all the conspirators you will act swiftly and with inflexible firmness. Bormann."

Upon receipt of this radiogram Doenitz was somewhat puzzled. How was he to interpret the order to "act swiftly and with inflexible firmness" against Himmler, when the latter still had the police and the SS at his beck and call. The Admiral courteously invited Himmler to meet him. The meeting took place at a police barracks in Lubeck in the presence of all the senior SS officers who could be summoned.

Doenitz related that Himmler kept him waiting, evidently feeling himself in the position of head of state.

The Admiral asked whether it was true that he, Heinrich Himmler, had tried to contact the Allies through Count Bernadotte. He received a negative reply, and the two men parted peacefully.

But at the close of the same day, April 30, 1945, Doenitz received another radiogram:

"Instead of Reich Marshal Goering, the Führer has appointed you, Herr Grand Admiral, as his successor. The authorisation in writing has been forwarded. From this moment you are to take all measures which you think necessary in the new situation. Bormann."

Now it was Doenitz who invited Himmler to his headquarters. He did not know how the latter would react to Hitler's decision and, therefore, took the necessary precautions. The headquarters guard was reinforced, and even heavy artillery was added to its armaments. Bodyguards formed a chain around the house occupied by Doenitz.

The meeting took place in an atmosphere of mutual suspicion and distrust. There were no witnesses, but Doenitz left a record:

"We met with Himmler eye to eye in my room. To guard against any contingency I put my Browning under some papers on my desk so that I could use it at any time. I showed Himmler the telegram, letting him read it. He paled and went deep into thought."

It was probably only then that the Reich butcher realised the hopelessness of his position. But he did not ponder long. He rose to his feet, congratulated Doenitz and said:

"Permit me to be the No. 2 in the state."

The new Führer categorically turned this down.

"We spoke for about an hour," Doenitz recalls. "I explained why I wanted to form a Government which would be uncommitted as far as possible."

Naturally, Doenitz, who still hoped against hope, did not need a bloodstained ally like Himmler. The Gestapo was certainly not the kind of firm one could afford to tie oneself up with during the last days of the Third Reich.

After that conversation all that Himmler wanted was that people should forget him. However, a vigorous hunt was started for him by the Allied counter-intelligence services. The region where he and two aides were in hiding was effectively cordoned off.

The Gestapo Chief shaved off his moustache, put a black patch over his left eye and carried in his pocket an identity card made out to secret police agent Heinrich Hitzinger. Himmler's police brain sought salvation in the cheap farce of a disguise.

Those were turbulent days when multi-lingual crowds moved along the roads in Germany: in them were German refugees and liberated foreign labourers and prisoners of war. Pushing their way through this human torrent, Himmler and his two companions found themselves near Bremerwerde on May 21, 1945. There they ran into a patrol. By an irony of fate the patrol consisted of Russian prisoners of war who had volunteered to help the British Army.

Himmler produced his identity card: it was new and immaculate, such as nobody in the crowds could boast of. This piece of police foresight was to prove the beginning of the end for Himmler. The patrolmen smelled a rat and to be on the safe side detained the gentleman with a black patch on his left eye.

He was turned over to the British authorities, who moved him from one camp to another. For the time being he was nothing more than a suspect. However, within a few days the British counter-intelligence began to guess his real identity. Himmler himself realised that he would be unable to play the role of Hitzinger very long. He adopted a desperate decision and demanded to be taken to the camp commandant Captain Tom Selvester.

When he was brought face to face with the commandant he took the patch off his eye unhurriedly, put on his glasses and introduced himself crisply in a hoarse voice:

"I am Heinrich Himmler."

Captain Selvester was a little taken aback but quickly regained control of himself:

"Fine. What do you want?"

Himmler was pleased with the impression his admission had made. Hope again stirred in him.

"I should like to see Field Marshal Montgomery," he replied.

Captain Selvester promised to report to the proper authorities. However, the SS Chief soon saw that nobody intended to "negotiate" with him. An investigator was the only person who awaited him.

Himmler was searched thoroughly. He was made to take off all his clothes. An ampoule of potassium cyanide was found in one of his pockets. This reassured the intelligence officers. They felt that the precautionary measures they had taken were sufficient to preclude suicide. Himmler was taken to a cell.

Colonel Michael Murphy of Montgomery's Headquarters arrived in the evening of the same day with the intention of interrogating Himmler. But before seeing the prisoner he asked:

"Has any poison been found on him?"

"Yes, there was an ampoule in his pocket. We've got it."

Murphy asked if the prisoner's mouth had been carefully examined. It had not. Murphy ordered this omission to be rectified.

"I think," he said, "the ampoule was put in the pocket to divert attention."

Himmler was brought for a repeat examination. When he was ordered to open his mouth, his eyes narrowed into slits. His jaws worked quickly and energetically. There



was a crunching sound, and Himmler dropped to the floor as though struck by lightning.

The second ampoule of poison had been very skilfully inserted behind his teeth.

Such was Himmler's end. He was buried in a forest somewhere near Luneburg. An unidentified British soldier said with satisfaction as he threw the last shovelful of earth on the grave:

"Vermin to vermin."

This battle-steeled British veteran could not suspect that before many years would go by "iron Heinrich" would be remembered in West Germany, where they would try to whitewash his name. The purpose for this is obvious: the militarists and revenge-seekers are impressed by Hitler's men and need the experience of the SS.

At the Nuremberg trial, Obergruppenführer Erich von dem Bach-Zelewski, a prominent SS man, testified that at a conference in Weselsburg in 1941 Himmler set the task of exterminating 30 million people in Russia. This concerned, of course, the civilian population, not military operations, for in the given case Himmler spoke of reducing the biological potential of the Slav peoples.

This directive of Himmler's was mentioned at the trial by Goering.

Cross-examining Bach-Zelewski the Soviet Prosecutor asked:

"Do you confirm the fact that actually all the measures carried out by the German commanders and by the Wehrmacht . . . were directed to the sole purpose of reducing the number of Slavs and Jews by 30 million?"

Bach-Zelewski replied in the affirmative:

"I believe that these methods would definitely have resulted in the extermination of 30 million if they had been continued, and if developments of that time had not completely changed the situation."

Let us now read what Hans Fritzsche writes about Himmler in his book *Sword in the Balance*, which has been published in West Germany. According to Fritzsche, Himmler never had in mind the extermination of 30 million Soviet citizens. Fritzsche writes:

"One evening early in 1941 Himmler, joined by Bach-Zelewski, Heydrich, Wolff and others in Weselsburg, spoke of the possibility of war against Russia. Estimating Russia's

losses on the battlefield and from disease, epidemics and starvation, he came to the conclusion that Russia would lose 30 million people."

Everything is turned upside down. Himmler never issued any directives on the reduction of the Slav biological potential. All he did was to assess what the war against Germany would cost Russia.

A piece of deceit is thus offered post factum.

Hans Fritzsche is, unfortunately, not alone in this. In West Germany Felix Kersten, who was Himmler's personal physician, published a book under the pretentious title *Heinrich Himmler Without a Uniform*. The reader is told that Himmler was actually a liberal person with honesty, modesty and kindness as his salient traits. That was what earned him the affection of the troops. From his modest salary, the reader is asked to believe, he helped soldiers materially. Kersten seriously wants us to believe the story that when he brought Himmler a wristwatch from Sweden costing 160 marks, the powerful SS Chief was unable to pay for it. "He gave me only 50 marks because it was the end of the month, and asked me to wait for the rest until he got his salary."

That's Kersten's tale. But here is a fact.

After Himmler's death a cache belonging to him was found near Berchtesgaden. It contained 25,935 English pounds, 8 million French francs, 3 million Moroccan francs, 1 million German marks, 1 million Egyptian pounds, 2 million Argentinian pesos, half a million Japanese yen and other currency.

#### LAST RESIDENCE OF THE NAZI GOVERNMENT

In the courtroom the members of the former German Government sat on two benches in accordance with the rank they held in the Nazi hierarchy.

First in the front row sat Hermann Wilhelm Goering. Had I met him in a corridor of the Palace of Justice I would hardly have recognised him. We were more used to seeing cartoons of him than his portraits. A satrap with a bloated face gazed at us from the cartoons. But in the courtroom, when I went close to the dock, I saw a man whose bulk could only be called moderate. One could guess that he

had lost a great deal of weight only by the fact that his tunic hung on him.

It was futile trying to find in Goering's face and habits what the Italian criminologist Cesare Lombroso has called the features of a born criminal. In order to be done with this question, I shall say at once that almost none of the defendants gave the impression of being a brutal SS man. On the contrary, some of them—for instance Baldur von Schirach—could be taken for quite respectable gentlemen.

There was nothing brutal about Goering, either. He was broad-shouldered and had an energetic face with grey, quick eyes, a straight nose and thin lips. Pathology was betrayed only by the bags under his eyes. Colonel Andrus fought this pathology by denying narcotics to Goering. Perhaps that explains why by the time the trial began Goering looked much more presentable than in the days when he was in power. The Nuremberg cell accomplished what his numerous doctors failed to do.

In Germany probably everybody knew of the Reich Marshal's passion for changing uniforms almost every day. He designed them himself. But throughout the trial he appeared in boots and trousers with General's stripes. Before sitting down he invariably covered himself with an Army blanket, which he carried himself. Evidently, he did not feel very cosy on a wooden bench.

While the other defendants sat in one and the same, customary posture, Goering fidgeted continuously, unrestrainedly turning to his neighbours and whispering to them. During the first days of the trial he and his companions in the dock kept up a pretence at dignity, as though they were at one of their Parteitags. They were inclined to regard the United States MPs posted round the dock as a kind of bodyguard.

In the nazi state Goering loved to call himself No. 2 (first place was accorded to Adolf Hitler). At the trial he was called defendant No. 1 and he made every effort to comport himself accordingly, benevolently talking with members of the Reich Government whom fate had seated in the dock, posing and attracting the attention of foreign press photographers. Outwardly he looked calm—so far nothing had happened at the trial that could throw him off balance. But that was nothing more than a pose. He knew quite well

that the time would come when every man in the dock would have to testify. Who could tell how these men would behave? Would they seek to hide behind his back and pay for their freedom with his name and life?

In the beginning he felt provoked by the unflattering epithets used by the prosecution. He would jump to his feet and wave his hand, demanding to be heard. He was somewhat appeased after things were made clear in calm and categorical terms by the Tribunal President. Of course, nobody deprived him of the possibility of answering the accusations (further down the reader will learn for how many hours and days the Tribunal listened to Goering), but it was made clear to him that at the Tribunal he was not Reich Marshal any longer, but a defendant and that he had to behave like a defendant in any court in the world. This upset him greatly. Only recently the judges of the German Supreme Court used to come to him for instructions. But that was all in the past.

There was a time when Goering's chest and bulging belly were covered with Orders and were compared with a jeweller's show-window. Now he sat in a tunic without shoulder straps, without Orders and without happy prospects. Nonetheless, the moment he would notice cameras focussed on him he would begin to mimic, throwing his head back, trying to look imperturbable and holier than thou and making theatrical, imperious gestures to the guards.

Goering sat next to Rudolf Hess and spoke mostly to him. These conversations were in the nature of monologues: Goering would speak persuasively and gesticulate, while Hess would only continue gazing at the courtroom with dull eyes.

Hess wore a grey suit. His sparse black hair with its fair sprinkling of grey was brushed back. He had prominent cheekbones and large ears. Beneath bushy black eyebrows were deep sockets, from whose depths small, furtive eyes gleamed dully. One sometimes got the impression that they were unseeing. There was nothing "Aryan" about this fanatic adept in the "chosen race" theory. He squirmed from time to time as though he was in terrible pain. It was rumoured that he suffered from bowel cancer. Yet to this day Hess is serving a life sentence in the Spandau prison in West Berlin.

In the nazi hierarchy Rudolf Hess was Hitler's lieutenant in the leadership of the National Socialist Party. Until 1941 he was the most powerful minister. The most important instructions to all nazi party organisations came from him.

He was born not in Germany but in the Egyptian city of Alexandria. Until the age of 15 he studied under a tutor at home, after which he was sent to Germany to complete his education. The First World War brought him into contact with Hitler: they served in the same regiment. Towards the end of the war he was a flyer and together with Goering distinguished himself bombing peaceful towns.

After Germany's defeat Hess joined the National Socialist Party and played an important role in the nazi putsch of November 1923. Hitler gave him the assignment of seizing some of the leaders of Bavaria and holding them as hostages. When the putsch failed Hess fled to Austria, but soon he returned to Germany where he was arrested. He was put in prison in Fort Landsberg, where he was joined by Hitler.

In prison Hess acted as Hitler's secretary, taking down by dictation most of *Mein Kampf*, the National Socialist bible. Hess' father wanted him to become a merchant and made him learn shorthand. He did not become a merchant, but his knowledge of shorthand served him well. As a matter of fact, he did not only take down dictation from Hitler. He did more—helping to produce the cannibalistic bible. He was fascinated by the aggressive doctrines of geopolitics,\* suggested by Professor Karl Haushofer, and gradually these doctrines made their way into Hitler's book.

At the Nuremberg trial everybody wanted to know the story behind Hess' flight to Britain on the very eve of the nazi invasion of the Soviet Union. On the day after this flight Hitler's Chancellery issued a statement claiming that Hess had undertaken the "senseless" flight in a state of mental derangement. But was that really the case?

After the war a spate of literature appeared, particularly in Western countries, spreading the version that for many years Hess had been morbidly brooding over Hitler's nom-

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\* Geopolitics, a pseudo-scientific, reactionary theory portraying the geographical environment as the decisive factor governing the life of society and justifying predatory imperialist policy by a falsified interpretation of data of physical, economic and political geography.

ination of Hermann Goering as his successor. Moreover, an effort is made to prove that Hess was worried by Hitler's intention to attack the USSR in 1941. He believed, it is alleged, that by making that decision Hitler was violating the basic tenet of Hess' idol, Haushofer, never to fight a war on two fronts. This brought Hess round to the conclusion that the time had come to do something that would relegate Goering to the background once and for all and elevate him (Hess). He felt that this brilliant act of statesmanship would be the signing of peace between Germany and Britain. That would make Hitler realise who was worthy of being his successor. And Hess flew to Britain.

This is not the place to go into the details of his negotiations in Britain (I dealt with this subject in my book *From Munich to Nuremberg*). All I shall say is that documents on the course of the negotiations with Hess, published at the Nuremberg trial, completely demolish the complex logical structures of the high priests of bourgeois historical science. It is absolutely indisputable that the purpose of Hess' flight coincided with the aim of the Hitler Government on the eve of the attack on the USSR, namely, to secure Britain's neutrality and thereby ensure the safety of Germany's Western flank. Properly speaking, Hess did not bring anything new to the British reactionaries. Having offered what were essentially humiliating terms to Britain, namely, that in exchange for British recognition of future German supremacy in Europe, Britain would be allowed to remain the dominant power in her own empire, Hess could achieve nothing. The times had changed and it was no longer so simple to compel Britain to ally herself with Hitler.

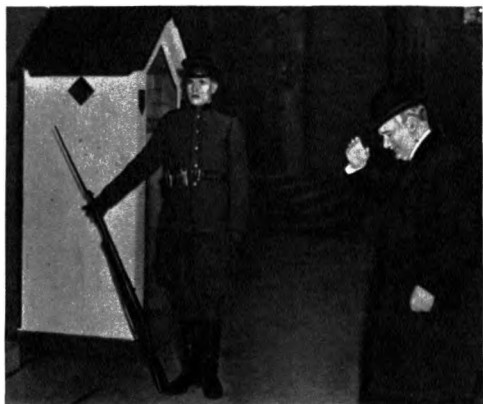
The version about Hess' mental derangement, spread by the nazi themselves, does not hold water either. In the beginning, the defence clung tenaciously to this version. It was declared that an application had been made for a psychiatric expertise. Hess was examined by a special commission composed of the world's leading psychiatrists.

On the basis of this examination and a comprehensive study the commission came to the conclusion that "at present, he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him but it will interfere with his ability to conduct his defence and to understand details



London, August 8, 1945. Signing of the Agreement instituting the International Military Tribunal. Above (left to right): A. N. Trainin and I. T. Nikitchenko (USSR). Below: Lord Jowitt (Great Britain), Robert Jackson (USA), and Robert Falco (France)





The road to justice is open! Geoffrey Lawrence, President of the International Military Tribunal, on his way to the Palace of Justice

International Military Tribunal (left to right): A. F. Volchkov, I. T. Nikitchenko (USSR); Lord Birkett, Geoffrey Lawrence (Great Britain); Francis Biddle, John J. Parker (USA); Donnedieu de Vabres (France)





of the past which would appear as factual data". To clear up matters the experts recommended an additional special examination, but, as the commission stated in its report, Hess refused to submit to such an examination or to any treatment to restore his memory.

From the report by the British psychiatrist Dr. T. Rees, who attended Hess as soon as he landed in Britain, Hess did not suffer any brain damage when his aircraft crashed. However, in prison he became afflicted by persecution mania: he feared he would be poisoned or otherwise murdered, and it would be given out that he had committed suicide, and that this would most certainly be done by the British "under the influence of Jews". At the same time, he made two attempts at suicide, but the doctors said these attempts were of a hysterical and demonstrative nature.

The following is from a report submitted by the psychiatrists:

"Psychologically, Hess is in a state of clear consciousness; knows that he is in prison at Nuremberg under indictment as a war criminal; has read, and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent, his thoughts form with precision and correctness and they are accompanied by sufficient emotionally expressive movements . . . the intelligence of Hess is normal and in some instances above the average. . . . The loss of memory by Hess is not the result of some kind of mental disease but represents hysterical amnesia, the basis of which is a subconscious inclination toward self-defence as well as a deliberate and conscious tendency toward it. Such behaviour often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore, the amnesia of Hess may end upon his being brought to trial."

The experts were unanimous on the point that Hess "exhibits hysterical behaviour with signs of a conscious-intentional (simulated) character". But complete clarity was unexpectedly introduced by Hess himself.

After the report of the psychiatrists had been read Hess rose slowly to his feet, raised his eyes to the ceiling, licked his lips, waited for the American MP to put the microphone before him, and announced:

"Henceforth my memory will again respond to the out-

side world. The reasons for simulating loss of memory were of a tactical nature. Only my ability to concentrate is, in fact, somewhat reduced. But my capacity to follow the trial, to defend myself, to put questions to witnesses, or to answer questions myself is not affected thereby."

For a moment complete silence reigned. But as soon as he sank back to his seat the doors swung open as some journalists rushed to the telephone booths. Geoffrey Lawrence adjourned the proceedings.

On the next day when the hearings were resumed the Tribunal President announced:

"The Tribunal has given careful consideration to the motion of counsel for the defence of the defendant Hess, and the motion has been discussed by the prosecution and the defence. The Tribunal has also considered the very full medical reports... and has come to the conclusion that no grounds whatever exist for a further examination to be ordered.

"After hearing the statement of the defendant Hess in court yesterday, and in view of all the evidence, the Tribunal is of the opinion that the defendant Hess is capable of standing his trial at the present time, and the motion of the counsel for the defence is, therefore, denied, and the trial will proceed."

Thus ended an attempt to enable one of Hitler's closest henchmen to escape justice.

Fate was kind to Hess: his four years in Britain saved his life. The Tribunal evidently took into consideration the circumstance that being outside Germany Hess could not have been directly involved in the monstrous crimes committed during those years. However, the Soviet Judge was unquestionably right in considering that for the crimes committed before Rudolf Hess fled to Britain he deserved the death penalty three times over.

Sitting beside Hess on his left was Joachim von Ribbentrop. He had been in Moscow in August 1939 to sign a non-aggression pact, which 22 months later was perfidiously violated. I remembered a photograph of this man published in a newspaper in 1939—he looked spruce and impressive. But now? His appearance had changed perceptibly. It was not that he had lost weight. He had simply degenerated, somehow growing flabby. While Keitel was always to be seen in an immaculately ironed tunic and shining boots,

Ribbentrop often appeared in the court sloppily dressed.

A Soviet journalist drew attention to Ribbentrop's crumpled suit. Boris Yefimov, the well-known Soviet cartoonist, threw a quick glance at the former Foreign Minister and said in an undertone, slightly drawing out his words:

"Never mind, it'll straighten out when he hangs."

Ribbentrop sat in the posture of a martyr whom nobody understood. Indeed, it was quite obvious that this was an inexpressibly frightened man prepared to submit to any humiliation to save his life.

By comparison, Wilhelm Keitel, who sat next to him, looked manly although there was no hint of optimism on his face. He had a straight nose, a clean-cut chin, blue eyes and a small, trimmed moustache. The muscles of his face were tensed. He wore a conventional Army tunic with a velvet collar minus shoulder-straps. He invariably carried a briefcase filled with papers, which he studied during the trial. From time to time he beckoned to his defence counsel Otto Nelte, evidently to consult some point.

The last time Keitel wore dress uniform, complete with his Field Marshal's baton and a monocle in his right eye, was on May 8, 1945, when he signed the instrument of surrender. As soon as he signed the act he heard the words:

"The German delegation may withdraw."

And Keitel withdrew . . . to Nuremberg.

His neighbour in the dock was Ernst Kaltenbrunner, Himmler's deputy. Orders for the extermination of millions of people in the death camps were issued from his office. The scars on his equine face were relics of his duelling days as a student. He had cold, black eyes, a long, aquiline nose. His mouth was always half-open. He gazed about him in the courtroom with the hating look of a murderer caught red-handed.

And this man was once a lawyer in Vienna, a member of a corporation that demanded respect for and meticulous observance of the law.

Kaltenbrunner was not present when the trial started. He fell ill, and the doctors had their hands full attending him. He was, I would say, the most "difficult" of the defendants. Pinned to the wall by hundreds of irrefutable documents which bore his signature, to say nothing of witnesses, he used his knowledge of the law to entangle

unassailable evidence, running in circles like a cornered beast.

Sitting beside him in the dock was Alfred Rosenberg. His was a most unremarkable appearance. There was nothing Nordic about him, nothing of the "superman" figuring in his "philosophical" treatises. He was born in the Baltic area and spent his youth in Russia. He studied at an institute, first in St. Petersburg and then in Moscow. He spoke Russian fluently and frequently used it for all sorts of provocations. The end of the war found him in Flensburg, the last refuge of the Government of the Third Reich. Drowning his grief in drink, he somehow sprained his foot and landed in hospital. From there this chief nazi philosopher and Reich Minister for the Occupied Eastern Territories was taken to stand trial in Nuremberg.

The next was Hans Frank, the "super-lawyer" of the nazi party. He was Adolf Hitler's defence counsel at the trial in Munich after the failure of the 1923 putsch, and then faithfully served the Führer in the period of his struggle for power and after power was seized. During the war Frank was Governor-General of Poland. But when he found himself in the dock he was among the first to adopt the pose of impeacher of Hitler, nazism and his colleagues. He sobbed when he listened to the evidence of witnesses or watched films showing nazi atrocities. Was this hypocrisy, a desperate attempt to save his skin, an appearance of repentance, or had Frank's psychology undergone some metamorphosis? I am not going to hurry with the answer. We shall yet return to this question.

Alongside Frank sat Wilhelm Frick, one of the veteran leaders of the nazi party. Prior to the nazi seizure of power he headed the National Socialist group in the Reichstag. Then he was Minister for the Interior, and during the last years of the Reich he was Protector for Bohemia and Moravia. He was past sixty. He had directed the drawing up of barbarous racist laws, which served as the "legal" basis for the persecution and extermination of entire nations. His chief assistant in this was Hans Globke, whom he praised time and again. This praise was what evidently helped Globke to occupy the post of Assistant State Secretary in the Adenauer administration after the war.

Frick's dock neighbour was Julius Streicher, the high priest of anti-Semitism and perhaps the most odious person-

ality among the defendants. He had done much to poison the minds of the German people. This poison proved to be so tenacious and strong that racist incidents keep breaking out in West Germany to this day.

Walther Funk, sitting next to Streicher, burned with indignation at having "this degenerate", "this malicious anti-Semite", as he called him, for his neighbour. Small, fat Funk with his enormous bald head and the sleepy eyes of a boa constrictor, Reich Minister of Economy and President of the Reichsbank, refused to have "anything in common with the criminal fanatic" Streicher. For his part, Streicher smiled sardonically when the prosecution began to gut the "puritan" Funk, reminding him, in particular, that the Reichsbank's safes held the gold rings and teeth taken from the victims at Oswiecim and Maidanek.

Then there was Hjalmar Schacht without whom neither Hitler, nor Goering, nor Hess, nor Rosenberg, nor Funk, nor Streicher would have appeared on the political scene. It was he, authorised representative of German monopoly capital, who had generously financed the nazis and then Germany's rearmament. It was he who had helped Hitler into the Reich Chancellery saddle and to unleash the Second World War.

The second row in the dock was not in the least less colourful. There sat Grand Admirals Doenitz and Raeder, pirates who had flouted all marine laws and customs. They had thrown the German Navy at Hitler's feet and then endeavoured to save the sinking nazi ship. But the ship went to the bottom, and Doenitz and Raeder were escorted to the dock.

Doenitz, I would say, was a much more noteworthy personality than Raeder. He had spent all his life on the shore of the North Sea. He joined the German Navy in 1910 and during the First World War was taken captive by the British. He simulated insanity, wandering about the prisoner-of-war camp with his head hanging and making buzzing noises in imitation of a submarine. The British psychiatrists quickly saw through him and solitary confinement soon cured him.

Repatriated in 1919, Doenitz rejoined the Navy. He was put in command of a flotilla of destroyers and then of a cruiser. After Hitler came to power he rose to the rank of commander-in-chief of the U-boat fleet. During the war,

driven by ambition and seeking to become Commander-in-Chief of the German Navy, he set about tripping Raeder. Raeder and Hitler had a long-standing argument over the role to be played by battleships. Hitler regarded them as obsolete, while Raeder insisted on the reverse. Doenitz acted as though he backed Hitler in this argument, but in private conversation with Raeder he spoke frequently with approval of the latter's views on the role of large vessels.

Raeder was removed from his position in 1943 and Doenitz was appointed Commander-in-Chief of the Navy. Of Hitler's inner circle of military advisers he showed the greatest zeal in urging that the Army and the Navy should be "permeated with the spirit of National Socialist ideology". His undisguised devotion to nazism played the key role in his destiny—both when Hitler was at the zenith of power and during the regime's collapse. Before parting with his life, Hitler appointed Doenitz as his successor.

An interesting point is that until the capitulation he never parted with a bust of Hitler presented to him personally by the Führer. He relinquished it only after Flensburg was occupied by the Allies.

Doenitz was head of state for 20 days. The denouement came on May 22, 1945. The Grand Admiral received a telephone call from the Inter-Allied Commission and ordered to present himself together with Jodl and Admiral Hans von Friedeburg. When his aide reported the summons the new "Führer" rose to his feet, walked up and down his office and, after several seconds of silence, said:

"Pack what we need. This is the day of our arrest."

Until that day Doenitz was received with full military honours in all Allied ships and headquarters. This time he was met by a British NCO and a large group of photographers.

After five days of wearisome waiting he was received by the US Generals Rooks and Ford and the Soviet representative Truskov. They told him that an order had been received to place him and all the members of his Government under arrest.

In the dock beside the Grand Admirals was Baldur von Schirach, who had headed the Hitler Youth. For many years this man had concerned himself with finding the best way to poison the minds of young Germans and turn them into obedient tools of the nazi regime.

The man with the great bald patch on his head and the Hitler moustache, the man who so frequently reminded the Tribunal of his working-class origins was Fritz Sauckel. Even in his final statement to the Tribunal he did not fail to declare:

"I come from a social level completely different from that of my comrades accused with me. In my nature and thinking I remained a sailor and a worker. I was and am happy that my wife is the daughter of a worker, who himself was and remained a Social-Democrat."

But what he omitted to say was known to the whole world. This sailor and worker "in nature and thinking" was the most truculent of the nazi slave-traders. As Commissioner-General for Labour, he drove millions of people into nazi slavery and did his utmost to make the conditions such that almost all were worked to death.

The next was Alfred Jodl, Chief of Operations of the German High Command. Below we shall deal at length with his criminal activities. His neighbour was Frantz von Papen, whose career as professional spy and wrecker dated from the First World War. He was Reich Chancellor and a cunning fox who wore the robe of a pious Catholic. He was the man who in 1932 opened for Hitler the road to power.

Arthur Seyss-Inquart, sitting beside von Papen, was one of the men who helped Hitler to carry out the anschluss in Austria in 1938. During the war, as gauleiter, he caused rivers of blood to flow in Poland and the Netherlands. On May 3, 1945, when Doenitz summoned all the civilian and military leaders in territories still held by German troops, Seyss-Inquart was among those who went to Flensburg. He was detained there by stormy weather and made an attempt to return to the Netherlands as late as May 7. En route he was captured by Canadian troops, and completed the journey to the Netherlands as a prisoner. He was reminded of everything, including his role as organiser of the fifth column in Austria.

The next in the second row was Albert Speer. Very few people had heard of him prior and even during the early stages of the war. But by 1944 he began to carry more political weight than Goering, Goebbels or Ribbentrop, to say nothing of lesser nazis.

On the eve of Germany's collapse, the Allied Intelli-

gence was ordered to keep a sharp look out for Speer. In May 1945, when the United States delegation arrived in Flensburg its first concern was to see this nazi Minister of Armaments.

Speer at once told the Americans:

"I shall be happy to furnish the Allied powers with all the information at my disposal."

He was clearly flattered that he was the first of Doenitz's new Government to be interviewed by the Americans.

On the day the Americans arrived Speer was still wearing a brown uniform. But on the next morning he changed into a civilian suit and with his soft smile appeared to be sooner a young professor than a hardened nazi. He made haste to prove his loyalty to and win the favour of the new authorities. Naturally, he made every effort to give the impression that he had had nothing to do with politics, that he was only a brilliant organiser and technician. The fact that he was a member of the nazi Government was no more than a tragic accident. He was an engineer, a specialist, and might have applied his talent under any other Government.

Speer assured the Americans that he had gone to the extent of opposing Hitler's policies, that he had militated against them as soon as his eyes were opened to what nazism really stood for. He slung mud at all the men who had only recently been his associates. Who was Goering? "A robber, cheat and criminal." And Goebbels? "A bird-witted fool." "Ribbentrop was a clown." "Himmler—a monster." "Sauckel—a beast." Altogether they were "men without honour or conscience". When they came to power they "were relatively poor, but once in high office they began to rob right and left, building up private fortunes".

Speer spoke as though he had been a US secret agent in the Hitler Government and had only now had the opportunity of throwing off his mask and telling his friends of his ideas and observations. With a squeamish expression on his face he said that as the situation grew desperate during the last months of the war, many of the nazi Ministers took to the bottle. He even sighed at the memory of having had to deal with these dipsomaniacs.

But several months later fate again brought him together with his old colleagues. He took his place in the dock with



the "robber Goering", the "clown Ribbentrop" and the "beast Sauckel".

We listened to him testify in court. He was born in 1905. His main profession was that of an architect. His grandfather and father had been architects before him. He was introduced to Hitler in 1934. Hitler regarded himself as an artist, a patron of art, and that was why he had become intimate with the then young Speer, giving him one assignment after another in his field. Speer worked on the designs of the new Reich Chancellery and some other buildings, then he was put in charge of the reconstruction of Berlin and Nuremberg. A friendship gradually took shape between him and Hitler.

"If Hitler had any friends at all," he told the Tribunal, "I certainly was one of his close friends."

In 1938 he received the party gold badge from Hitler's hands. In 1941 Hitler appointed him a member of the Reichstag. On February 8, 1942, when Dr. Fritz Todt died in an automobile crash, the 36-year-old Speer confidently took over the Armaments Ministry.

That was where he really showed himself. He built underground war factories and huge laboratories, hurried the IG Farbenindustrie chiefs with the production of toxic agents and worked on a new "secret weapon".

The first German combat missiles underwent tests in 1942. Speer saw visions of cities lying in ruins. Indeed, London was soon hit by flights of V-1s and V-2s. These missiles had enormous destructive power. But the Armaments Minister felt this was not enough. He hurried the nuclear physicists, visiting their laboratories more and more frequently and doing his utmost to hasten the nuclear end of the war. But things proved to be much more complicated than he thought.

At the trial he was asked how far Germany had progressed in developing a nuclear weapon. And he replied:

"Unfortunately, the best brains studying nuclear energy proved to be in the United States. We were very much behind in this problem. We needed another year or two to split the atom."

When these words were spoken a muffled groan swept across the courtroom. People shuddered. There was no doubt in anybody's mind that had Speer put atomic bombs in Hitler's hands they would have been dropped at once on

scores of cities, on the whole of Europe. The nazis would not have hesitated to turn the whole world into a desert.

At Nuremberg Speer found himself up against skilled prosecutors. Mark Raginsky of the Soviet Union made a large contribution towards exposing him.

I first met Raginsky in Nuremberg. A man of method, he was a veritable human dynamo capable of working 20 hours a day.

The adversaries took their places, facing each other. Both were about 40. Somewhere deep in his heart Speer hoped that the prosecutor would not untangle the complex situation in which he, Speer, had operated. Politics and economics, particularly the armaments industry, were totally different fields. Lawyers could easily lose their way in the labyrinth of economics.

But as soon as the cross-examination started, Speer felt his hopes were vanishing. He was amazed by the prosecutor's erudition. Raginsky cracked Speer open as though he, Raginsky, were himself a military engineer. The explanation for his grasp of purely technical and economic problems was simple: during the war, when Alfred Speer gave up his profession as architect to become Minister of Armaments, Mark Raginsky was appointed representative of the State Defence Committee\* in a key branch of the Soviet war industry.

As Speer's true nature was brought to light, he gradually lost his self-control. He began mumbling incoherently that he "would rather be an architect than Armaments Minister". But the Soviet Prosecutor was not interested in his career as an architect, and piled up irrefutable evidence to show Speer's criminal career during his tenure as Armaments Minister. Speer failed in his attempt to portray himself as "a specialist indifferent to politics" and, on top of that, as a "humane person". Raginsky submitted an order signed by Speer decreeing that the SS and police should "quietly take stern measures and send idlers to the concentration camps". Speer knew that foreign labourers came under the heading of "idlers", and that a concentration camp meant certain death.

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\* State Defence Committee—extraordinary highest organ of executive power in the USSR during the Great Patriotic War (1941-1945).

This was followed by another document—a deposition by workers of a tank factory about some steel boxes. Speer hastened to explain that these were ordinary lockers for protective outer garments. But the prosecutor once again referred to the evidence of witnesses:

"I, the undersigned Damm, saw with my own eyes three Russian labourers locked up in a box, two of them in one of the compartments. . . . Two of the Russians stayed in that box all night on New Year's Eve, and icy water was poured on them."

Speer could no longer deny that these "lockers" were nothing less than torture chambers. He pleaded that the court should believe that he had always demanded good treatment for foreign workers for he realised that the results of their labour depended on the conditions under which they worked. On this count, too, the Prosecutor delivered a devastating blow by reading from an article which Speer wrote for the newspaper *Das Reich* on April 19, 1942:

"One thing, however, will be necessary and that is energetic action, including . . . severe prison sentences or death. . . . The war must be won."

"Did you write that?" Raginsky asked.

Speer could do nothing but admit his authorship.

"Yes," he replied.

Step by step the prosecution brought to light Speer's connection with Himmler. Speer made a futile attempt to dodge exposure by feigning surprise that anybody could suspect him of not knowing what the Gestapo was. He knew, of course, and for that reason wanted to have nothing to do with that foul agency. However, Raginsky again showed Speer that he was underrating the work of investigators. Raginsky reminded him that at a conference with Hitler on January 4, 1944, he, as Armaments Minister, demanded that Sauckel "furnish not less than four million workers from occupied territory in 1944". But this was not the ugliest part of the business. Raginsky drew Speer's attention to the fact that in the minutes of the meeting it was stated that "Himmler would help him (Sauckel) to supply this number". But even that was not all. Another document was produced to prove that Speer had agreed with Himmler on the percentage of the slave labour products that would go to the SS.

Little by little the true image of Speer was disclosed and it became quite obvious that external respectability, the mask of a specialist hid a rabid nazi, a dangerous war criminal, a ruthless slave-trader, a man who would stop at nothing. Roman Rudenko justly noted in his closing speech:

"And when the fascist fliers bombed peaceful towns and villages, thereby killing women, old men and children, when the German artillery bombarded Leningrad, when the Hitlerite pirates sank hospital ships, when English towns were bombed by the V-weapon—all this came as a result of Speer's activity."

\* \* \*

There were two others—Konstantin von Neurath and Hans Fritzsche.

The former was Ribbentrop's predecessor as Foreign Minister. A Prussian aristocrat, a diplomatist of the old school, he had helped Hitler in the early stages of the aggressive nazi foreign policy. Later, after he had gained experience in nazi ideology, he was made Protector for Bohemia and Moravia.

Fritzsche, as assistant to Goebbels, was in charge of radio propaganda and dedicated himself to spreading a cult of hate for other nations.

In Nuremberg Fritzsche gave a rather vivid portrayal of the situation in which he had his last meeting with his chief. Before committing suicide Goebbels gathered his immediate retinue, Hans Fritzsche among them, in a film projection room. Light came from burning candles, and Goebbels had dressed carefully for the occasion. In lieu of farewell he delivered a speech in which he spoke of the German people with matchless cynicism, blaming them for all the misfortunes that had overtaken the nazi regime.

"The German people," he hissed, "broke their word. In the East they are in flight. In the West they meet the enemy with white flags. What could I do with a people whose men do not fight. This fate was chosen by the German people. They decided through a plebiscite on the withdrawal from the League of Nations in 1933. Thereby the German people themselves chose the war which they have now lost."

Fritzsche said that in the dim, flickering light of the candles Goebbels looked like a ghost. He knew perfectly well what was in store for him and those on whom he had

relied. The henchmen expected if not an expression of gratitude for their loyal service then at least sympathy. Instead, their chief gloatingly told them:

"You have worked with me, and now they'll cut all of you down."

It gave Goebbels satisfaction to see the effect of his words: his listeners paled. Then, silently, he went to the door, but before leaving the room he turned and shouted pathetically:

"When we retreat the land must shudder!"

This was the last anguished cry of a dangerous criminal, who had with Hitler plunged the German people and the peoples of the whole of Europe into an abyss of incredible suffering. On May 4, 1945, on orders from the Soviet military command, Hans Fritzsche was taken to the basement in the Reich Chancellery to identify Goebbels' corpse.

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The dock at Nuremberg thus held an entire Government. In scale it was the biggest trial in the history of mankind. It involved developments of whole decades and the life of a whole continent. It was the first time that the law overtook men who had acquired enormous power and used it in the most criminal manner against humanity.

There had been hundreds of wars in the past two centuries. With each new war the crimes accompanying it become increasingly more heinous. But there had not been a single case where the men who had unleashed aggression had been made to answer for it.

Take Napoleon. He started many wars in Europe and reduced many towns and cities to heaps of rubble. The Vienna Congress of 1815 made an attempt to punish the aggressor and ended by presenting him with the Island of Elba.

The world knows of the farce staged by the Entente at the end of the First World War. It was loudly declared that Wilhelm II would be tried, but he was given the opportunity to go to Holland and live there in luxury for more than 20 years, until the day Hitler crushed France. The ideologists and politicians of the imperialist states realised the implication of a precedent for criminal responsibility for aggression. Yesterday the peoples demanded the trial of

Wilhelm II, tomorrow they would demand another trial. Who would be in the dock? Quite possible, reactionary leaders, for war is the invariable fellow-traveller of imperialist policy.

The fact that in the past aggressors had gone unpunished encouraged the nazis to embark on new aggression. They scoffed at the warnings of the anti-Hitler coalition that retribution was inevitable. Hitler was quite certain that Blaise Pascal's pessimistic judgment of human justice in international relations would remain everlastingly in force:

"Justice can be disputed; force is easily recognisable and cannot be disputed. So, as right cannot be made into might, might has been made into right."

But Hitler miscalculated. In the mid-20th century it was finally shown that aggressors would not go unpunished. Nuremberg symbolised the determination of the peoples to make right into might. As a first step the residence of the German Government was changed: the nazi Ministers were taken from the luxurious palaces and made to sit on a hard bench in the dock. This was no longer a laughing matter. On the very first day of the trial they were given to feel that aggression had been classified as a heinous international crime, and on its last day all of mankind learned that in token of its respect for the law established by the peoples after much suffering, the International Tribunal sentenced the principal nazi myrmidons to death by hanging.

This was a grim warning and its message was that anybody attempting a new conspiracy against peace would bring the noose over his own neck.

It would be a mistake to think that the agreement between the Allies on the trial and punishment of the principal nazi war criminals was reached easily, without obstacles. There were many hindrances. The reactionaries in the West did their utmost to cut the trial short. These attempts were made under various pretexts. Consummate bigots appealed to Christian forgiveness, giving it the same form as was used by the French Legitimists who demanded that the life of Louis XVI should be spared. "It will be punishment enough," these Pharisees declared, "if he is allowed to live in the midst of a free nation, for which he was the leader and had become a disgrace. Let him live, eternally suffering the oppression of shame and repentance."

"Doom him to the long torment of life," the defenders of the criminal king cried hypocritically.

This cry was echoed by the attorneys defending Goering and Ribbentrop. But they were a minority. In a nutshell, the general opinion was:

"Shoot the bastards, summarily."

These super-radical demands were sometimes made in convincing form. For instance, the Canadian *Ottawa Morning Journal* wrote that the trial of men who were obviously war criminals would have a false ring about it. Their guilt was beyond any doubt, and not even the most able and most energetic defence could produce arguments to influence the verdict or the punishment. "To avoid the reproach of hypocrisy we should invent some other way of punishing this category of criminals."

In many cases the real purpose of these super-radical declarations was to prevent the public exposure of imperialism and avoid establishing a dangerous precedent for the future. Reaction felt that, in effect, it had nothing to lose: Goering, Ribbentrop, Hess and Rosenberg were of no further use to it—they were political corpses whom history had swept overboard. But a public trial might have an undesirable effect. Inveterate reactionaries were disinclined to let the Judges dig in the sanctum sanctorum of imperialist policy and ascertain the causes of war.

But desire is one thing, while possibility is another.

The political atmosphere of the mid-20th century with its rapid social development, the political consciousness acquired by entire peoples, the colossally enhanced strength and international prestige of the Soviet Union limited the possibilities of the apologists of imperialism. Nothing came of the attempts made by reaction to wreck the trial of the principal war criminals.

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When I returned home from Nuremberg many people asked me about the attitude of the defendants to the indictment. I could not and still cannot answer this in a few words, the reason being that in the long run the defendants turned the admission or non-admission of their guilt into a question of tactics, and the defence of each of the defendants adopted its own tactics. However, they were unani-

mous in disputing the law under which the defendants were being tried, and this gave one of the Prosecutors grounds for remarking wittily:

"No thief e'er felt the halter draw with good opinion of the law."

To the question of the Tribunal President whether they recognised their guilt, all the defendants gave a standard reply:

"Not guilty."

Some added a few words:

"In the sense of the indictment I am not guilty."

Rudolf Hess was the only one who injected some variety into his reply, declaring:

"I am guilty before God."

But there was a document in the margins of which the principal war criminals unofficially and less laconically stated their attitude to the question of their guilt. This copy of the indictment belonged to Dr. Gilbert, and he asked the defendants to write their attitude to it in the margin.

All of them realised, of course, that their conversations with Dr. Gilbert would not remain a secret. They therefore used these conversations to appeal to history and create an impression about themselves that differed from the impression that was shaped in the courtroom under pressure of irrefutable evidence. The replies in question pursued the same objective. Moreover, it must be borne in mind that they had stated their attitude to the indictment when the trial opened, when the fearful, overwhelming evidence was yet to come, when many of them were still clinging to the hope that they would escape exposure.

Hermann Goering adamantly refused to recognise that before him lay a legal document drawn up on the basis of universally accepted norms and recording his monstrous crimes against mankind. He wrote in the margin what he had evidently reasoned out long before: "The victor will always be the judge, and the vanquished the accused."

Joachim von Ribbentrop decided to shed crocodile tears: "The indictment is directed against the wrong people." Dr. Gilbert noted in his diary that Ribbentrop added verbally: "We were all under Hitler's shadow."

Rudolf Hess, who was simulating amnesia at the time, got off with three words: "I can't remember."

Ernst Kaltenbrunner, one of the most sinister figures in



the nazi hierarchy, made the following inscription in the margin of the indictment: "I do not feel guilty of any war crimes, I have only done my duty as an intelligence organ, and I refuse to serve as an ersatz for Himmler."

Alfred Rosenberg, the chief theoretician of nazism and the high priest of genocide in Eastern Europe, wrote: "I must reject an indictment for 'conspiracy'. The anti-Semitic movement was only protective."

Hans Frank, Hitler's Justice Minister and then Governor-General of Poland, chose different tactics. His inscription reads: "I regard this trial as a God-willed world court, destined to examine and put to an end the terrible era of suffering under Adolf Hitler."

The nazi Minister for the Interior Wilhelm Frick was more laconic: "The whole indictment rests on the assumption of a fictitious conspiracy."

Fritz Sauckel, the Reich Commissioner for Labour in the occupied territories, struck the pose of an idealist seeking social justice but whose eyes, alas, were opened much too late. He wrote: "The abyss between the ideal of a social community which I imagined and advocated as a former seaman and worker, and the terrible happenings in the concentration camps, have shaken me deeply."

Franz von Papen, former Reich Chancellor and subsequently a prominent nazi diplomatist, wanted his contemporaries and future generations to believe that only the indictment had opened his eyes to the sombre history of the Third Reich, that he was horrified by "the irresponsibility with which Germany was thrown into this war and the world-wide catastrophe and the accumulation of crimes which some of my people have committed".

Keitel, who had headed the Wehrmacht High Command, sought cover from retribution in military discipline: "For a soldier, orders are orders."

Grand Admiral Doenitz took this further opportunity to record his unparalleled insolence, writing: "None of these indictment counts concerns me in the least. Typical American humour."

But all this happened in the initial stage of the trial. Later, when the Tribunal began to examine incontrovertible evidence, their attitude to the indictment underwent a change. Towards the end of the trial none of them could deny that the indictment had been proved. However, hardly

any of them admitted personal responsibility for the crimes. I say hardly because there were two exceptions. However, even these were very relative exceptions.

Frank stated in court:

"I ask the Tribunal to decide upon the degree of my guilt. . . . I myself . . . having lived through the five months of this trial, want to say that now after I have gained a full insight into all the horrible atrocities . . . I am possessed by a deep sense of guilt."

A similar stand was adopted by Schirach, who said:

"Before God, before the German nation, and before my German people I alone bear the guilt of having trained our young people for a man whom I for many years had considered unimpeachable, both as a leader and as the head of state. . . . The guilt is mine in that I educated the youth of Germany for a man who murdered by the millions. . . . But he who, after Auschwitz, still clings to racial politics has rendered himself guilty."

He went so far as to request permission to speak to the German youth on the radio in order to "open their eyes".

In the Tribunal lobby some people assessed this behaviour on the part of Frank and Schirach, and later of Speer, as a "cry of anguish". This viewpoint was mirrored even in the concluding speech made by the French Chief Prosecutor.

In conversation with Dr. Gilbert some of the defendants were even more successful in portraying themselves as having repented. Frank, for example, delivered himself of the following tirade in the closing stage of the trial:

"In centuries to come people will tear their hair and say, 'My God, how did such an action come about?' . . . You cannot call it just a crime—crime is too mild a word for it. Stealing is a crime; killing one man is a crime—but this—this is just beyond human imagination! Reducing murder to mass production! Two thousand a day—gold teeth and rings to the Reichsbank; hair packed for mattresses! God almighty! And all ordered by one devil who appeared in human form!"

Frank was echoed by Speer:

"I saw the whole country in despair and millions killed because of this maniac."

Funk's confidential statements to Dr. Gilbert have been preserved for posterity:

"...there is really none of us—not a single one—who

escapes a moral guilt in this matter. I have already told you how my conscience bothered me when I signed those laws for the Aryanisation of Jewish property . . . they are all guilty."

And here is the conclusion arrived at by Doenitz, who, when the trial opened, maintained that the indictment was "typical American humour".

"I was furious over the idea of being dragged to trial in the beginning, because I did not know anything about these atrocities. But now, after hearing all this evidence—the double-dealing, the dirty business in the East—I am satisfied that there was good reason to try to get to the bottom of the thing."

Von Papen, too, spoke in the same vein:

"I am perfectly willing to accept my year of imprisonment as my sacrifice to the cause of exposing the Hitler regime to the German people. The German people must see how they have been betrayed, and they must also help to wipe out the last remains of nazism."

I recalled these admissions in connection with the shameless campaign presently under way in West Germany against the Nuremberg trial in order to exonerate the nazis in the Bonn Government. Not even Frank, Schirach, Doenitz or von Papen ventured to cast any doubt on the authenticity of the evidence accumulated by the International Military Tribunal to prove that nazism was culpable of the most terrible crimes against mankind.

Still, the explanation given by the Western representatives on the Tribunal that these admissions sprang from repentance cannot be accepted. One American went to the extent of reproaching me, saying:

"No, Major, you Russians are much too straightforward and distrustful. As far as you are concerned, if a person is a nazi that condemns him once and for all."

Instead of answering, I suggested that he read the minutes of Frank's testimony in court and show me at least one passage in which Frank admitted that he had committed any grave crime himself.

It was the end of the working day. We took the minutes. In them was recorded Frank's attitude to the documentary evidence submitted by the Soviet Prosecutor L. N. Smirnov. The evidence was incontrovertible. There were bloodthirsty resolutions written in the defendant's own hand, and excerpts from his speeches and diary.

At a conference in Warsaw in January 1940, Frank declared with cynical bluntness:

"On September 15, 1939, I was entrusted with the task of governing the conquered Eastern Territories and received a special order to ruin this territory ruthlessly as a war territory and a war trophy, and to turn it into a heap of rubble."

Some years later he summed up his activities. Speaking at a reception given in Cracow for nazi functionaries on August 2, 1943, he stated:

"Here we started out with 3,500,000 Jews, now but a few workers' companies remain of this number. All the others have—let us say—emigrated."

But at the trial he shifted and dodged, blaming everything on Himmler and Kaltenbrunner. All he admitted were the facts of the crimes in general. Crimes had indeed been committed. They were monstrous both in nature and scale. But Frank sought to prove that personally he had nothing to do with them although he was "possessed by a deep sense of guilt" inasmuch as he was a member of the German Government.

If Frank is to be believed, all of Germany's sufferings, and all of her regimes, including the nazi regime, sprang from the character of the German people.

"You know," he said to Dr. Gilbert, "barbarism must be a strong German racial characteristic. How else could Himmler have gotten men to carry out his murderous orders?"

On another occasion he expanded on this "theory":

"Ah, but we are all robbers, we Germans. Don't forget that German literature began with Schiller's *Die Räuber* (*The Robbers*). Has it ever occurred to you?"

He went to all ends to shift the responsibility for the crimes to the whole German people.

"You know," he said to Dr. Gilbert, affecting a serious tone, "the people (Volk) are really feminine. In the totality, it is female. One should not say 'das Volk' (neuter), one should say 'die Volk' (feminine). It is so emotional, so fickle, so dependent on mood and environment, so suggestible—it idolises virility so—that is it. . . . And that was the secret of Hitler's power. He stood up and pounded his fist, and shouted, 'I am a man!' and he shouted about his strength and determination—and so the public just surrendered to

him. . . . One must not say Hitler violated the German people—he seduced them!”

He was very far, of course, from explaining what really gave the nazis power over the German people, what led to inhuman, barbarous crimes. He did not say that the nazis came to power not because the majority of the German electors voted for them but as a result of a vicious alliance of the gentlemen of the Ruhr with the nazi plotters and Prussian militarists. This point was made at the trial by one of the prosecutors, who said:

“Had the German people voluntarily accepted the nazi programme, there would have been no need for storm troopers . . . there would have been no need for concentration camps or the Gestapo, which were organised as soon as state power passed to the nazis.”

Goering, too, frequently dwelt on the national traits of the German people. In a conversation with the prison psychiatrist he even tried to joke about this:

“If you have one German, you have a fine man; if you have two Germans, you have a Bund; three Germans together result in a war.”

But both Goering and Frank were, of course, loath to admit that for years nazi propaganda had been doping the German people, stuffing them with the poison of hate for other peoples, cultivating in them the presumptuous sense of being a “chosen race”, inflaming base instincts, telling them they should have the high life of overlords for whom the “inferior races” should toil.

It would be unjust, however, to fail to mention that some of the defendants realised the absurdity of the attitude adopted by Frank and Goering, the clumsiness of their attempts to shift the personal responsibility for the crimes to the German people as a whole. In the evening of January 26, 1946, von Papen told Dr. Gilbert:

“Rosenberg happened to be walking with me in the exercise yard today. I usually don’t talk to him, because I have nothing in common with him, but we just happened to come out at the same time. We started talking about yesterday’s evidence by the French—the tortures and the other atrocities. And he says to me innocently, ‘I don’t understand how Germans came to do such things.’ So do you know what I said to him? ‘I can understand it very well!’ I said. ‘You and your nazi philosophy and paganism

and attacks on the Church and morality simply destroyed all moral standards!' It is no wonder that such barbarity resulted from it!"

Von Papen was not so foolish, of course, as to deny or even ignore the abominable role that was played by nazi propaganda and philosophy in preparing the soil for the crimes. But it was useless to expect him to admit his personal blame for this, to confess that he had made a personal contribution towards allowing men like Hitler and Rosenberg and their man-hating policy to appear in Germany.

The other "repentant" defendants acted in a similar manner.

Speer described Hitler as a maniac, claiming in court that towards the end of the war he had planned to assassinate the Führer. Goering responded to this with an outburst of hypocritical indignation. But Speer had not the courage to admit that he had devoted all his energy and ability to develop war production, using to that end millions of slaves brought from other countries.

Doenitz waxed indignant over the "dirty business in the East", but at the trial he said nothing of the orders issued by him personally to sink merchant ships without warning and shoot sailors swimming in the sea and trying to save themselves. He said nothing of how he trained sea pirates (one of whom, incidentally, was Admiral Zenker, who subsequently was put in command of the West German Navy) demanding that each should be an "exemplary National Socialist". Also indicative was that after serving the ten-year sentence passed on him by the Tribunal, he published a book in which he vilified not the nazi regime but the East he had "grieved" over at the trial. It was by no means accidental that he was subsequently elected by the Bonn revenge-seekers as president of the Sailors' Bund, which engaged in new dirty business.

Funk lamented the confiscation of Jewish property, but omitted mentioning (this was done for him by others) that from the confiscated valuables he received half a million marks as a present from Hitler.

Another point on which the defendants were unanimous was that they blamed everything on the deceased Hitler, Himmler, Heydrich, Goebbels and Ley. Hitler was their principal whipping post. Even Goering, who made every effort to appear loyal to Hitler, pilloried his beloved Führer whenever the accusations concerned him personally.

Keitel, as we shall see, lamented that Hitler committed suicide and left them to carry the bucket. He said that this had been a cowardly act. The other defendants frequently sang the same song.

Goering tried to explain to his "colleagues" why Hitler had acted in such a way and what had hastened that act. He described Hitler's reaction when he learned of Mussolini's execution at the hands of Italian patriots. He ran back and forth in his office, his hands shaking, and shouting hysterically that he would never give himself up to the enemy, that no "villainous German" would have the possibility of defiling his body.

The fact that Hitler spoke of "villainous Germans" was very symptomatic. He feared the German people, he feared their anger. As the irreversible catastrophe drew nearer, he realised more and more distinctly that the German people would also demand a reckoning for the monstrous crimes.

The reason that today I recall this and reproduce some of what was said about Hitler by the defendants at the Nuremberg trial is that in their preaching of forgiving nazism all its crimes, the West German revanchists have gone to the extent of whitewashing Hitler himself. New panegyrics in Hitler's honour appear daily in the book market. The authors of these evil smelling concoctions include regimented Prussian historians, Hitler's driver Erich Kempka, his private secretary Albert Zoller, and even his valet Krause. In these books Hitler is portrayed as some demi-God.

In Britain a book was published under the title *The Strategy of Hitler*, in which he is praised to the skies as a military genius. The West German Rear-Admiral Kurt Asmann compares Hitler with Napoleon.

And this is what Walter Görlitz, a fairly well-known West German historian, writes of the nazi ringleader: "Adolf Hitler was a world personality. He changed the map more than any European ruler before him." Görlitz makes every effort to move the reader, writing with emotion about Hitler's Spartan way of life, which was in such contrast to the perpetual revelry engaged in by Goering and other personages from the Führer's entourage. He claims that Hitler "helped to surmount the class struggle" and was loved for this by the German workers. It goes without saying that Görlitz absolves Hitler of responsibility for

setting the Reichstag on fire and of many crimes against the German people.

When I read these and analogous panegyrics or simply fabrications about Hitler, I cannot help recalling what I heard about him from the defendants at Nuremberg. They knew Adolf Hitler better than those who seek to whitewash him today.

In his Nuremberg cell Hans Frank wrote:

"What was Adolf Hitler? A statesman? But he formally stripped the state of its important essential institutions, such as legal rights, a constitution, administration, and, finally, destroyed the Reich . . . by war.

"Was he a party man? But he systematically undermined his own party programme, devalued its ideas and made the party organisation a tool for the political workings of his own group.

"Was he an artist? But he suppressed and hindered the work of the only true creator of any art, the free creative personality. One can ask without ending and then can only say 'No', because he was constantly destroying whatever he had set up."

Further, remarking that Hitler was frequently called a giant, Frank specified: "Yes, he was a giant, a gigantic being of destructive origin."

Repeatedly describing Hitler in official statements at the trial and in private conversation with Dr. Gilbert, Frank insisted: "Hitler represented the spirit of evil on earth."

He admitted:

"I was in league with the devil in the beginning. In later years I realised what a cold-blooded, hard, insensitive psychopath he really was. That so-called fascinating look of his was nothing but the stare of an insensitive psychopath! He was moved by sheer primitive, wilful egotism, unrestrained by form and convention."

It is hardly possible that anybody was deceived by the manner of this criticism, by the endeavours of Frank and other defendants to speak of Hitler as though they were onlookers and had the right to be filled with indignation at Hitler on a par with his real adversaries. But this is not the main point. Here I should like to draw the reader's attention to what the men who were closely associated with Hitler for many years thought of him and how they assessed him.



Frank was not alone in his "criticism" of Hitler. Baldur von Schirach, erstwhile leader of the German youth, spoke fairly eloquently about his recent idol. His favourite description of Hitler was that "he was unmenschlich (inhuman) and a tyrant". He went so far as to suggest that the Allied authorities hold in Buchenwald, scene of bestial crimes by the nazis, a meeting of German youth leaders and allow him to speak to them and expose Hitler as a criminal. When the prosecution quoted from a speech made by Hitler at a secret conference on November 5, 1937, in which he proclaimed his programme of world conquest, Schirach called this document "concentrated political madness". For his part, Frank remarked ominously:

"Just wait till the German people read that and see the kind of dilettantism with which the Führer sealed their fate."

And Schacht? He spoke of Hitler in terms that made Goering go into one of his hypocritical demonstrations and close his ears.

The defendants vied with each other in hurling abuse on their idol of yesterday. But none of them so much as mentioned the fact that Hitler's actions were, in effect, their own actions, that they had created him, burned incense to him, endowed that neurotic criminal with unlimited power, fanned hatred in him and inspired him with fear.

This very essential point did not of course escape the attention of the prosecutors. They did not contest the fact that a huge part of the responsibility devolved on Hitler and Himmler, but quite reasonably indicated:

"Hitler did not carry all responsibility to the grave with him. All the guilt is not wrapped in Himmler's shroud."

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It was not difficult to picture the horror that would have enveloped the dock if the door had suddenly opened and Adolf Hitler had walked into the courtroom. But, alas, he took his own life and vanished from the world in the same manner as he had lived—a demagogue and liar, leaving behind, as an official version, the communication that he "fell in battle".

It was not difficult to imagine what would have taken place if the defendants were suddenly confronted by Hein-

rich Himmler with a pile of dossiers under his arm. Unfortunately, that could never have happened.

There have been many political trials in history. Often they were a stern test of the spiritual qualities of political leaders when they found themselves in a critical situation, frequently in face of death. History has abundantly and most lucidly demonstrated the incontrovertible fact that the behaviour of political leaders at such trials depended directly on their characters as persons and on the aims they had pursued. Profound fidelity to ideology, devotion to the interests of the people and the consciousness that theirs was a just mission gave birth to dedication, a principled attitude, courage and solidarity in face of the court, which in such cases was only a legal screen for retribution against an enemy.

The Nuremberg trial gave the whole world the possibility of seeing the real face of the nazi leaders. None of them ventured to make an open defence of the vile cause they had served for so many years. None of them dared to deny the terrible crimes perpetrated in the name of the Third Reich. At the trial they behaved like ordinary criminals with a long prison record: caught red-handed they denied their part in the crime, putting the blame on dead men and on their fellow defendants, doing everything to save their own skins.

It is said that the nearness of death ennobles people. Apparently this does not hold true for everybody and for all occasions. These went to the scaffold in the same manner in which they lived: they thought only of themselves, hating everybody, even those who had marched in step with them in the days of power, in days of victory.

There was that first day when they were led into the courtroom. Goering sat down covering himself in the prison blanket, leaning his elbows on the bar and covering his face with his hands. What passed through his mind? Perhaps he recalled his appearance before a court only twelve years before? But how everything had changed. He had been the Prussian Minister President, and in the dock had sat Georgi Dimitrov\* and his Communist comrades. It was a trial in which criminals wore the toga of prosecutors, and they

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\* G. M. Dimitrov (1882-1949), outstanding leader of the Bulgarian and international working-class movement.

were opposed by a political leader who personified freedom, justice and human dignity.

The absurd charge of setting fire to the Reichstag was made against Dimitrov and his comrades. Better than anybody else Goering knew how absurd the charge was, for the Reichstag was set on fire on his orders. The fire was to serve as a pretext for dealing summarily with adversaries and make world public opinion believe that the nazis were "champions of Western civilisation against the Bolshevik extremists". But it so happened that Goering had to defend himself against the man in the dock, Georgi Dimitrov, a distinguished political leader, who was well aware that the Reichstag fire could grow (as in fact it did) into a world conflagration. Dimitrov did not so much speak for himself as for the social ideals for which he lived.

"I am here not as a debtor but as a creditor," he told the nazi court on October 31, 1933.

And a month later, on November 28, he said:

"This is a political trial. Therefore it is essential to elucidate the political backstage manoeuvrings and the political nature of the issue. They wanted a political trial and they'll certainly get it: 'Since it's war, we'll act like soldiers!'"

Recalling this, Hermann Goering might have compared his and his fellow defendants' behaviour with the behaviour of Dimitrov both before and in the course of the trial. But he evidently did not make that comparison, for he would have cut a sorry figure.

The nazi leaders realised that there was nothing good in store for them even if there had been no trial. Nonetheless, they mortally feared a public trial. The first step of their defence counsels was to attempt to prevent the trial from being held. Goering took a personal hand in this. In conversation with some United States leaders he sought to prove that no trial was required, that the USA could more easily achieve the results it desired by coming to terms with him, Goering. He and the other war criminals were obviously afraid that the searchlight of the trial would reveal the abomination of their life and politics.

In Leipzig in 1933 in the capacity of a witness against Dimitrov, Hermann Goering heard the credo of the defendant:

"I am defending my ideals, my Communist convictions. I am defending the purport and substance of my life."

What could Goering say in Nuremberg? What could his accomplices defend? What ideals could they speak of after Oswiecim, Dachau and Treblinka, after millions had been killed and tortured on their orders, after the gold teeth of the victims were found in the safes of the Reichsbank? Who of the 20 defendants in Nuremberg dared to stand up and say that he was "a creditor, not a debtor"? Who dared openly to defend National Socialism? Did they not try to persuade the Tribunal that they had not even read Rosenberg's *Myth of the 20th Century* and could not, therefore, share the views of that "mad philosopher"? It was none other than Goering, who in reply to Soviet Prosecutor Roman Rudenko's question whether he agreed with the race theory, said:

"I personally do not consider it right."

Yet Robert Ley, who implemented the race policy in Germany with the doggedness of a maniac and the cruelty of a vandal, wrote in his *Testament*:

"With anti-Semitism we broke the main commandment. . . . Anti-Semitism distorted our perspective. It is hard, of course, to admit one's own mistakes, but the very existence of our people is at stake and we, National Socialists, must find the strength to renounce anti-Semitism. We must tell the young people that it was a mistake. . . . Hardened anti-Semites must become the first champions of a new idea. They must find the strength to overcome themselves and show the road to their people."

In Nuremberg the race policy was similarly "defended" by Schirach. Did he not ask for a microphone and permission to shout throughout the whole of Germany that fascism was poison for the people? Did not Schirach, who had preached the race cult all his life, declare at the trial that any German who "still clings to racial politics has rendered himself guilty"? And was it not Hans Frank who hysterically swore at the trial that "a thousand years will pass and still this guilt of Germany will not have been erased"?

Rejecting the indictment, Georgi Dimitrov said:

"No Communist set fire to the Reichstag. They could not have committed that crime because it is entirely against their political principles. Communists are neither incendiaries, nor conspirators, nor adventurers."

Which of the 20 nazis in the dock could say anything resembling this after the criminal plans of aggression against

different peoples came to light in Nuremberg? After the nazi General Kammhuber (the same man who subsequently became chief of the West German Air Force) had provocatively bombed the German town of Freiburg to give the nazis the pretext for bombing and destroying peaceful towns outside Germany? After the nazi provocation in Gleiwitz, which was the bloody overture of the Second World War? None of them, of course.

After exposing the criminal nazi frame-up over the Reichstag fire, Dimitrov put a series of demands to the court: the acquittal of innocent people, the arraignment of those who were really responsible for the fire, and so on.

The president of the court ironically declared:

"The court will bear in mind these so-called recommendations when it considers the sentence."

The reply was quick and well-aimed, like the stroke of a sword. Dimitrov said:

"The time will come when these recommendations will be more than carried out."

Indeed, that time came. The Tribunal of Nations sat in Nuremberg, the venue of the nazi Parteitags. The gang of criminals who had burst onto the proscenium of history by means of political skeleton-keys landed where they deserved. The time came when they had to pay their debts with interest.

At the Leipzig trial Georgi Dimitrov courageously flung in the face of the nazi clique:

"Nazism lies, kills, incites to war and the persecution of people. . . . You are standing before a world court! Everybody judges you, and you will have to answer for all your crimes."

And finally they felt the heavy hand of this inevitable court. The time came when they had to defend themselves. But how did they defend themselves? It was a defence totally devoid of principles and ideals.

Goering, for instance, alleged that he had bent every effort to prevent war with Poland and had, to that end, negotiated with the British through the mediation of the Swedish engineer Birger Dahlerus behind Ribbentrop's back. He claimed that when Ribbentrop, his dock colleague, learned of these negotiations he took steps to arrange that the aircraft which was to take Dahlerus to London on Goering's assignment should crash.

Hess' defence counsel maintained that in his desire to safeguard peace his client went to the extent of risking his life by flying to Britain on the eve of the German attack on the USSR. Many years would pass and, believing this version, Swedish neo-nazis would recommend Hess for the Nobel Peace Prize.

Goering, too, told the Tribunal that he was strongly opposed to the invasion of the USSR in 1941. But Schacht at once refuted him, declaring that he (Schacht) had resigned because he felt he could not go on working with this man who had decided to plunge Germany into the abyss of a big war.

Retirement! All of them sought to persuade the Tribunal that they realised that Hitler's policy was unjust and had repeatedly asked the Führer to retire them. Chief of the Reich Chancellery State-Secretary Hans Heinrich Lammers confirmed that Rosenberg had asked for permission to resign. Frank put in the same request. Jodl recalled (and Keitel backed him up) that he too had asked to be released from his post and appointed commander of a mountain rifle division. He boasted that he succeeded in compelling Goebbels to abandon his attempts to denounce the Geneva Convention openly. Funk said in self-pity that his wife had told him "we would be better off dropping the whole minister business and moving to a small three-room flat". Rosenberg insisted that the prosecution find his memo to Hitler in which he had strongly protested against the brutality towards Soviet prisoners of war.

At the trial they shamelessly intrigued against each other.

I noticed that during recesses the defendants broke up into small groups, and that the composition of these groups hardly ever changed. For instance, Schacht was never to be seen in Goering's group, in the same way as Neurath never joined Ribbentrop's group. Streicher never exchanged a word with Goering, while Schacht never spoke to Kaltenbrunner or Ribbentrop.

As a lawyer and as a military tribunal judge I had frequently witnessed the most diverse and sometimes scandalous clashes between defendants in group cases. As long as they were united by a common purpose, profit and a leader imminent conflicts were suppressed by them or by their leader. But as soon as the gang was rounded up and brought to trial not a trace remained of their "unity" and "loyalty".

The same thing happened in Nuremberg: as soon as they found themselves in the dock, the members of the criminal Government of this major West European power displayed the morals of habitual criminals.

Indeed, why had Hermann Goering and Julius Streicher not spoken to each other throughout the entire period of the trial? Had they been divided by political differences? Had Streicher not liked Goering's behaviour on the "night of long knives", when by orders of "that swine", as Streicher delicately said at the Tribunal, scores of heads rolled to the ground? By no means. At the time, Streicher was proud of "fat Hermann's" "fearlessness and determination". But perhaps, in this case, Goering was disgusted by Streicher's "theory" of anti-Semitism? On the contrary, he had every reason to think highly of Streicher's "services", for the latter had done much to show the need for the "final settlement of the Jewish question". After all, Goering had pocketed tens of millions of marks from the "Aryanisation" of Jewish property or, more simply, from the robbery of the Jews.

But it so happened that one of the "ideological" leaders of National Socialism and, particularly, of anti-Semitism landed in trouble. A complaint was made against him to Hitler. The complainants were not Jews, against whom he had started pogroms as early as 1938, but pure-blood, fair-headed Aryans. It turned out that the Parteigenosse Streicher was partial to young Aryan girls, corrupting them as far as his strength and possibilities allowed him. To check up on this complaint, Hitler appointed a commission of inquiry headed by Goering. The facts were confirmed, and the compromised gauleiter had to be sacked. This gave him the possibility of concentrating entirely on anti-Semitism. Hitler Germany was preparing for war, and the "works" of Streicher were most welcome.

But ever since then Streicher had nursed a deep hatred for the "cocaine addict" and "undisguised pillager" Goering. The very thought that the "upstart and careerist" Goering had raised his hand against him, a veteran of the Nazi party, made Streicher tremble with rage.

That, it turns out, was why after finding themselves in one and the same dock they did not even greet each other.

But what divided Goering and Schacht? Why had they not exchanged a single word throughout the ten months of

the trial? After all, while Schacht was in power and in great favour with Hitler, the relations between them were more than good. Schacht thought very highly of Goering's abilities as an organiser, had Goering's wholehearted support in many things and willingly shared with Goering his experience as a financier of international standing. But on the very eve of the war a black cat ran between "fat Hermann" and the "financial wizard". Ambitious and greedy, Goering refused to tolerate anybody else directing the country's economy. He valued Schacht. Both were pursuing the same aim, that of rearming Germany and hastening the day when they could hurl the Wehrmacht hordes against neighbouring countries. That united them. However, the rivalry between them proved to be so strong that it led to an explosion, which threw Schacht aside and elevated Goering.

That, it turns out, was why during the trial I never saw them sitting next to each other and frequently heard them revile each other.

In the dock were hardened criminals and they behaved accordingly.

Ernst Kaltenbrunner, erstwhile chief of the Gestapo and other nazi punitive agencies, fell ill before the trial started and, therefore, did not attend the first sessions. He was led into the dock only on December 10, 1945. The press had evidently been notified beforehand. The photographers had their cameras trained. Everybody in the courtroom gazed at the dock. Kaltenbrunner greeted his friends with a broad gesture, but the air in the dock grew cold as though frost had blown in through the open door. Kaltenbrunner stretched his hand to Jodl, who was nearest to him. Jodl demonstratively turned away. Suddenly, all the other defendants turned their faces away from Kaltenbrunner.

The guard showed Kaltenbrunner that he had to sit between Keitel and Rosenberg. While the Gestapo boss was taking his seat, Keitel tried to look busy. Kaltenbrunner offered to shake his hand, but Keitel declined the handshake and started to talk with one of the American doctors.

Kaltenbrunner turned to Frank, but the latter, too, refused to exchange greetings. Frank bent over a book, grinding his teeth.

Kaltenbrunner addressed himself to Admirals Raeder and Doenitz, but they, too, did not disguise their reluctance to speak with the butcher. Swallowing the insult, the once



all-powerful Gestapo Chief turned to his defence counsel and stretched out his hand. But here again it hung in the air. The attorney declined to shake hands although he spoke to his client with the utmost courtesy.

Those who watched this scene did not suspect that it gave birth to a new myth that subsequently became very widespread—the myth that the other defendants, the German General Staff, in particular, had nothing to do with the brutality and atrocities of the Gestapo during the Second World War. By turning away from Kaltenbrunner, Keitel, Jodl, Raeder and Doenitz as much as stated that they had never had nor wanted to have anything in common with the bloody doings of the Gestapo and SS. It was as though they said to the judges:

“Believe it or not, but we cannot so much as shake hands with this Gestapo man. There have been crimes, of course, in Germany and in the occupied territories, but they were not committed by the General Staff. Its reputation has always been purer than the snow on the alpine summits.”

Yet several months later, under pressure of irrefutable documents, the same Keitel, Jodl, Doenitz and Raeder would be compelled to admit the pharisaical nature of the scene they had enacted on December 10, 1945. The time would come when Kaltenbrunner would reveal much to the embarrassment of all the defendants in the dock. He would show that they had had no cause to be ashamed of their acquaintanceship and friendship with him, that it had yet to be weighed on the scales of history who was more of a “dirty swine”—he, Kaltenbrunner, or they, who sat beside or behind him.

But let us not forestall developments. During the trial each of the defendants had enough time and opportunity to show the world his piratical nature and false, double-dealing conscience. The bickering among them was sparked by different causes.

Take the time Ribbentrop was in the witness stand. Nazi foreign policy had culminated in catastrophe for Germany. Yet the erstwhile Foreign Minister endeavoured to defend it. While Ribbentrop spoke, von Papen, in a voice loud enough for everybody to hear, told his dock colleagues that he had given Ribbentrop some good advice but it had done him no good. To this Ribbentrop angrily retorted, his eyes on Goering:

"He should have been done away with long ago."

Goering nodded in assent and recalled that the "opponentist" von Papen had been presented with the nazi gold badge by Hitler. Papen hastened to justify himself, claiming that Hitler had presented him with the badge to mask the differences between them. But Goering only made a deprecatory gesture and muttered:

"Liar, coward."

Then Rosenberg's *Myth of the 20th Century* suddenly became the apple of discord among the defendants. Rosenberg had always taken pride in his philosophical treatises. But one of the defence counsels, in Rosenberg's view, made the clumsy move of asking Schirach what he thought of the book. Schirach replied that he had not managed to go through the entire treatise, thereby raising a laugh. After this scene Dr. Gilbert put the same question to the defendants in turn and all replied that they had never read Rosenberg's book. Streicher took pity on the nazi philosopher, saying that *Myth of the 20th Century* was a very profound work, so profound, in fact, that it proved to be beyond his understanding.

But in the dock was a man who intervened in the quarrels less than any of the others. He neither accused nor defended his dock-mates, endeavouring to remain neutral. He was 69-year-old Grand Admiral Raeder, a typical representative of German militarism who had never belonged to the nazi elite.

Raeder had devoted all his talents to building up the piratical German Navy, helping Hitler to arm secretly and prepare for a major naval war. When that war broke out it was Raeder who ordered the high seas to be turned into an arena of brigandage. Hitler replaced Raeder with Doenitz only in 1943. Raeder went into retirement but that did not save him from the dock. There he sat, mild and quiet.

The commotion in the dock caught everybody by surprise. Goering glared at Raeder. Doenitz demonstratively moved away. Keitel glanced at him and shook his head with disgust.

This was the reaction to the announcement by the Tribunal that during the preliminary interrogation Raeder had given characteristics in writing on each of his fellow defendants.

Goering, according to Raeder, "had a disastrous effect on the fate of the German Reich. His main peculiarities

were unimaginable vanity and immeasurable ambition, running after popularity and showing off, untruthfulness, selfishness. . . . He was outstanding in his greed, wastefulness and unsoldierly manner”.

His comments on Doenitz, the man he had trained, were likewise unflattering. “Our manner,” he wrote, “was very cool, since his somewhat conceited and not always tactful nature did not appeal to me. . . . Doenitz’s strong political inclinations brought him into difficulties as head of the Navy. His last speech to the Hitler Youth, ridiculed in all circles, earned him the title of ‘Hitler-Boy Doenitz’.”

The “quiet” Raeder did not forget Keitel, either, “a man of unimaginable weakness, who owes his long stay in his position to this characteristic”.

Keitel’s defence counsel was about to ask Raeder a question, but his client passed him a note asking him not to do this. Schirach did not conceal his delight over this further stab at the “fat pig” Goering.

Soviet Prosecutor Pokrovsky moved that the Raeder statement should be read in full in the court, but Raeder’s defence counsel categorically objected to this. While the argument raged, Jodl said to his defence counsel:

“Let him.”

But Keitel, with an angry glance at Jodl, demanded something quite different from his defence counsel. With his finger pointing at the Soviet Prosecutor Pokrovsky, he hissed:

“Stop him!”

The commotion in the dock amused Hess and he suddenly burst out laughing.

During the recess Jodl told Dr. Gilbert why he had not objected to the reading of the statement. “He had copied the part of Raeder’s statement,” Dr. Gilbert recalls, “that concerned him and read it to me, emphasising that even Raeder recognised that Jodl, in contrast to Keitel, was independent in his attitude toward Hitler, and often succeeded in having his way.”

But Doenitz was less pleased with Raeder, and in conversation with Dr. Gilbert that evening in his cell stormed against Raeder, exclaiming pathetically:

“As I told you, I cannot stand it when people turn their coats because the wind is blowing the other way. Why the devil can’t people be honest!”

But what was Doenitz's own "honesty" worth? During the war the British merchantman *Athenia* was sunk by a U-boat without warning. To cover up this pirate attack on an innocent vessel a piece of deliberate forgery was perpetrated on Doenitz's orders—one of the pages of the U-boat's log was torn out and replaced with a page containing a falsified version of the attack.

Doenitz was compelled to admit this at the trial.

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The "amity, unity and solidarity" of the defendants, who had only recently styled themselves the Reich Government, reached a point where whenever one sought through his admissions to create the impression that he had "repented", the others made every effort to unmask him as a hypocrite. Frank was most unfortunate in this respect. Not even Speer denied himself the pleasure of making a stab with the reminder that after Frank's diary got into the hands of the prosecution he had no choice but to admit what had already been proved.

"Actually," Speer said, addressing himself to his dock neighbours, "Frank is more guilty than any of us."

But Speer got it himself when he decided to "explode a bomb" in the court by stating that after the "generals' conspiracy" had failed he made ready for another attempt to assassinate Hitler. He was eager to give the impression that the idea shaped itself gradually in his mind when he began to see the criminal bent of his "illustrious" patron and friend. His defence counsel Hans Flaechsner evidently approved these tactics. In any case they acted in concert.

Calling his client to the witness stand, Flaechsner asked him:

"Herr Speer, the witness Stahl said in his written interrogatory that about the middle of February 1945 you had demanded from him a supply of the new poison gas in order to assassinate Hitler, Bormann and Goebbels. Why did you intend to do this?"

Speer replied with the mien of a man who had dedicated many years of his life to the struggle against fascism:

"I thought there was no other way out."

Then he went into the details of his assassination plan:

"Since July 20\* it was no longer possible even for Hitler's closest associates to enter this shelter without their pockets and briefcases being examined by the SS for explosives. As an architect I knew this shelter intimately. It had an air-conditioning plant similar to the one installed in this courtroom.

"It would not be difficult to introduce the gas into the ventilator of the air-conditioning plant, which was in the garden of the Reich Chancellery.... Thereupon, in the middle of February 1945, I sent for Stahl, the head of my department 'Munitions'.... I frankly told him of my intention."

But alleged "technical difficulties" got in the way and, Speer claimed, he conceived an alternative plan: kidnapping ten of the principal nazi leaders, including Hitler, and flying them to Britain. But the "conspirators got cold feet" and the plan had to be abandoned.

This testimony was so unexpected by the defendants that at first they listened with their mouths virtually open. Then their initial surprise gave way to anger. Goering's response was particularly violent. He shook his finger at Speer. He knew the story of the abortive attempt to assassinate Hitler in July 1944 and had, of course, not forgotten Speer's fulminations against the conspirators and his delight that his idolised Führer had escaped with his life.

During that day's recess Goering angrily asked Speer how he dared to adopt that form of defence. There was a heated argument, which ended with Speer sending Goering to the devil. The "führer of the dock" was deeply offended by this sharpness and returned to his seat like a beaten dog. Back in his cell that evening he complained to Dr. Gilbert:

"This was a bad day. Damn that stupid fool, Speer!... How could he stoop so low as to do such a rotten thing to save his lousy neck!—I nearly died with shame!"

While pouring all possible abuse on Hitler, Speer tried not to wound the other defendants by his testimony. But he wounded Goering in the most indelicate manner. He told the Tribunal that in a conversation with him Hitler had said that Goering was behaving basely, that "he was corrupt, and that he was a drug addict". This was the only case when words of this kind were spoken not from the

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\* July 20, 1944, the day of the abortive attempt to assassinate Hitler.

witness stand or from the rostrum of the prosecution, but from the dock. Moreover, Speer not only spoke of but commented on Hitler's opinion of his "faithful paladin":

"I was extremely shaken, because I felt that if the head of the State had known this for such a long time, then it showed a lack of responsibility on his part to leave such a man in office, when the lives of countless people depended on him."

Naturally, Goering did not like this evidence. Besides, he could not tell if Speer would go any further. He tried to pressure him, sending Schirach to him with the admonition to act in a "more manly manner". But Speer told Schirach to tell Goering that he "should have shown more courage during the war and realised his responsibility instead of addicting himself to drugs".

Speer's evidence agitated the dock.

Rosenberg said:

"Since the assassination attempt failed he should keep his mouth shut."

Schacht was delighted:

"What a masterful defence!"

"Really—one must hang his head in shame," said Funk.

The hysterical Frank, who had only recently cursed Hitler, now vented his hate on Speer:

"Don't forget that Speer himself helped spread the confidence in victory with his own big speeches about how he would sweep the skies clean of enemy aircraft."

Von Papen, who had an animal hatred for Goering, used this incident to sling a clod of mud at the former Reich Marshal. At breakfast he told the defendants sitting next to him:

"That finishes that fat one!"

Schacht and von Neurath agreed with von Papen:

"Goering is finished with the German people."

Indeed, Goering stalked about in a rage. After breakfast he told Hess and Doenitz:

"We never should have trusted him."

Then he joined Rosenberg and Jodl and expanded on his argument that Speer had lied when he said that "technical difficulties" prevented him from assassinating Hitler. His briefcase was never searched and he could have made away with Hitler if he wanted to.

Thus, the defendants formed a united front against Speer,

expressing either their envy or their hatred of this "repentant sinner".

Speer and Goering continued their exchange even in the courtroom. Speer sought to convince the Tribunal that he had, belatedly, it was true, tried to contribute toward the struggle against nazism. Goering, for his part, exhorted the Tribunal not to believe "this Hitler favourite, this renegade". Renegade because Speer had unexpectedly gone against what Goering termed as the "solidarity line" of most of the defendants.

"What solidarity is he talking about?" Speer said, brushing Goering's arguments aside and, pointing to his colleagues of yesterday, added: "Everybody had to pretend to be friendly to everybody else even if they were knifing each other behing their backs. I was the same as the rest in that respect."

There were many episodes of this kind. The trial went on for 250 days, and every day brought to light countless facts showing the moral degradation of the defendants and their callousness and unscrupulousness. Today when the West German revanchists slander the International Tribunal, seek to discredit the sentences passed by it and vainly endeavour to prove that the Nuremberg defendants "never broke a single existing law", I should very much like to remind them of the words spoken by Speer in Nuremberg. Relating how the "leaders of the German people hastened to flee from Berlin when it got too hot there", he said:

"But none of them dreamed of protecting the people from this madness. I tremble with fury whenever I think of this. Not one of them should enter history as a man deserving the least respect. Let the entire accursed nazi system and all its leaders, including myself, suffer the dishonour and infamy that they have earned. Let the people forget them and build their life anew on a reasonable democratic basis."

#### **CHURCHILL DELIGHTS THE DEFENDANTS**

As the bulky machine of justice slowly but surely ground its way to the finish, the former nazi leaders saw with growing clarity that their line of defence was foundering miserably. Having reconciled themselves to the futility of their attempts to question the Charter of the International Tribunal, in particular, its provisions on responsibility for

aggression, some of them delved into their memories and suddenly discovered that they had not by any means held a monopoly over a policy of aggression. They recalled the golden age of the 19th century (golden because in that period it never entered anybody's head to make an aggressor answer before a court of law) and tried to fit its robber wars into the provisions of the Charter of the International Tribunal.

Goering became interested in the seizure of California and Texas by the United States of America. He came to the conclusion that it "was plain aggressive warfare for territorial expansion".

Rosenberg discussed with Dr. Gilbert British policy in China:

"And what about that Open Door to China? Was it democracy to force a war on them so that England could corrupt 30 million Chinese with opium? Have you ever seen those opium dens? That is much worse than concentration camps. That is how millions of Chinese were spiritually murdered so that the Open Door for foreign trade could be maintained."

Ribbentrop joined in:

"Haven't you heard about how the Americans slaughtered the Indians? Were they an inferior race, too? Do you know who started concentration camps in the first place? The British. And do you know why? To force the Boers to give up their arms."

Historical analogies with the modern race policies were sorted out with especial zeal. Assailed by grim forebodings, Rosenberg suddenly lost his self-esteem as an author and bluntly stated that he could not regard himself as the "creator of the race theory". Through his defence counsel he virtually deluged the judges with excerpts from the books of American, British and French "theoreticians" of racism. He particularly liked *The Decline of the Great Race* by the American racist Madison Grant. It cited many of the laws adopted by the US Congress, which, to protect the race purity of "natural Americans", limited immigration, reduced the quota from South and East Europe and, on the contrary, increased this quota from North and West Europe.

Rosenberg's defence attorney studiously quoted passages from Grant's book which most closely tied up with Rosenberg's writings and thus tried to prove that his client was "not the first in the field".



These tactics were soon borrowed by Schirach, who in his testimonies likewise made the claim that books by American racists played a large role in fostering anti-Semitic feelings in him.

But what was the point of all this? Nobody had ever maintained that nazi Germany was the first country in history to fight wars of aggression. Nobody disputed Rosenberg's assertion that there had been obscurantists before him who had evolved race "theories". Nazism was only the most radical, most bellicose and man-hating expression of imperialism. It had taken over all the preceding experience of imperialist aggressive policy and, naturally, given it many new features, turning war into a system of organised banditism.

The trouble was that in all preceding ages the aggressors were not opposed by the organised strength of the peoples. The political consciousness of the peoples and the degree of their organisation had not reached the level where they could stay the aggressor by the hand and punish him. In this connection the defendants were able to cite hundreds of historical examples. But not one of these examples provided any grounds for acquitting the nazis. The great significance of the Nuremberg trial was that it finally deprived the politicians of aggressive states of their customary weapon—the fact that aggression was non-punishable.

To everybody, including the defendants, it was quite evident that Rosenberg, Schirach and Streicher were being justifiably tried for their man-hating propaganda, which in the language of the Criminal Code of any civilised country signified incitement to the most heinous crimes. The barbarous doctrines of nazism were embodied in bloodshed, and this was precisely the count against the nazi clique, including Rosenberg, Schirach and Streicher.

The Nuremberg trial was not held in a vacuum. Beyond the fence of the Palace of Justice life teemed, political passions raged, and every day brought news into the courtroom. The defendants eagerly read the newspapers which they obtained from their defence counsels. They kept an eye open for reports on divergences between the Allies. In the same manner that a hen dreams of millet, Goering and Ribbentrop looked forward to reading about conflicts between the bourgeois West and the Soviet Union.

However, in the main, neither the European nor the

American press gave the defendants much pleasure during the initial months of the trial. The opposite was sooner the case. Throughout the world the newspapers reported the execution in Norway of the Quisling Interior Minister, that Rudolf Ferdinand Hoess, former commandant of Oswiecim, had been taken to Warsaw to stand trial, that Karl Frank, the former nazi governor, would be tried in the Czechoslovak capital. Then there was the unpleasant report that US President Harry S. Truman was considering a recommendation from Britain that convicted war criminals should be used instead of experiment animals in the atomic tests in the Pacific.

But as the end of the war receded farther into the past, statements on the first signs of West-East tension began to appear in the Western, particularly the American, press. The more frequently such statements were printed the more animated the dock became. During the recesses the defendants stood in groups discussing world developments. They began to comport themselves in a free and easy manner in the courtroom, making it clear by the very tone of their testimony that each knew the immediate tasks of the imperialist world much better than the Western prosecutors.

One day in March 1946 a curious scene met my eyes when I entered the courtroom before the day's session began. The dock bore a semblance to a disturbed hive. Even Goering was not in his usual place: he had moved from the right-hand end of the first row to the middle. Around him were Ribbentrop, Rosenberg, Doenitz, Frank, Sauckel and Schirach. At the other end Schacht, von Papen, Fritzsche, Seyss-Inquart and Neurath were in conference. And, as was usual in such cases. Dr. Gilbert coursed between the two groups.

Regardless of their "group" affiliation, all the defendants without exception were radiant with joy. Unconcealed hope shone on their faces.

What had happened was that on that day some American newspapers carried a screaming headline, reading: "Unite to Stop Russians". Beneath it was Winston S. Churchill's notorious Fulton speech, in which he called on the Western world to unite against the Soviet Union and spoke of the People's Democracies with undisguised spite. This speech brought the dilapidated trump of anti-communism back to world politics.

The Churchill speech put so much heart into Goering that he declared as soon as he read it:

"Last year I did not hope to see the autumn, winter or the new spring. If I live to the next autumn I shall probably see more than one autumn, winter and summer."

After a proper pause, in a rapturous voice and with a sardonic grin on his face, he added:

"The only Allies who are still allied are the four prosecutors, and they are only allied against the defendants."

Rubbing his hands, laughing longer and with greater abandon than at any other time, he poured his feelings out to Dr. Gilbert:

"Naturally, I told you so. It has always been that way. You will see—I was right. It is the old balance of power again."

Dr. Gilbert asked Goering what he thought of the Munich pact\*—whether Britain had agreed to an expansion of German territory eastward at Russia's expense?

"Why, naturally," Goering replied as if it was the most obvious thing in the world. "But then they got afraid that

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\* The Munich Agreement of 1938 on the partition of Czechoslovakia. It was signed on September 30, 1938, by British Prime Minister Neville Chamberlain, French Prime Minister Edouard Daladier, the German nazi dictator Hitler and the Italian fascist dictator Mussolini. Under this agreement Czechoslovakia had to relinquish the Sudeten region to Germany; moreover, she had to satisfy the territorial claims of Poland and Hungary. The agreement predetermined the seizure of the whole of Czechoslovakia by Germany in March 1939.

It was a striking manifestation of the policy of "non-interference" and appeasement of the aggressor pursued by the Western powers for a number of years. In the long run this policy led to the Second World War. Its purpose was to strike a bargain with the aggressors, primarily German imperialism, at the expense of the countries of Central and Southeastern Europe and direct nazi aggression eastward, against the Soviet Union.

This ignominious policy had the constant backing of the USA.

The Soviet Union supported Czechoslovakia in this grim period, stating that in the event of a German invasion of Czechoslovakia it was prepared to honour its commitments under the 1935 Soviet-Czechoslovak Treaty on Mutual Assistance. However, the bourgeois Government of Czechoslovakia turned down the Soviet offer of assistance.

The British and French ruling circles forced Czechoslovakia to yield to nazi Germany, hindering the creation of a united front of peace-loving nations and in effect encouraging nazi Germany to start the Second World War and in 1939 finding themselves isolated in face of nazi aggression.

Germany would be too strong. Now they've got Russia to worry about. . . . You know, if I could just get hold of the good Sir David Maxwell-Fyfe\* over a glass of whisky some night and have a heart-to-heart talk with him, I bet he'd have to admit that the British wished with all their heart that we would fight Russia."

He went on to say that the British and Americans should have found a common language with nazi Germany long ago.

"Most of the leaders," he said, "would have been glad to co-operate with the Americans."

In the von Papen group the discussion was similarly lively. Having read the Churchill speech at breakfast, von Papen exclaimed:

"Donnerwetter, nochmal, he is outspoken, isn't he?"

"There!" declared Doenitz with some satisfaction, "now he is going back to his old line."

"Naturally," von Neurath chimed in, "he welcomed Russia's help when he needed it, but it is still the British Empire first and last. He shouldn't have conceded so much to the Russians at Teheran and Casablanca."

"Yalta! Yalta!" Doenitz corrected. "That was the time. He didn't have to give in so much to the Russians when it was obvious that Germany was going to lose the war anyway. . . . That is what I wrote Eisenhower when I was still alive."

Their delight over Churchill's speech was so overpowering that they put in an application to summon him to Nuremberg as a witness. And Rudolf Hess publicly told Goering:

"You will still be Führer of Germany."

Churchill's Fulton speech was not the only pleasant surprise for the nazi leaders. It was followed by a report that the United States authorities had pardoned the nazi Colonel-General Karl Student. Then Lieutenant-General Joseph T. McNarney, United States Commander-in-Chief in Germany, delivered an anti-Soviet speech, and the United States diplomatist William C. Bullitt published a book in which Churchill's programme was further concretised.

Goering quickly found his bearings in the new situation. In his testimonies he suddenly began to speak in detail of the plans which Britain and France laid as early as 1940

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\* British Assistant Chief Prosecutor in Nuremberg.

for the bombing of the Caucasian oilfields. The defence speedily reinforced these testimonies with documentary proof captured by the Germans in France. Every effort was made to drive a wedge between the Soviet and Western representatives on the International Tribunal, a wedge that could put an end to the Nuremberg trial.

### THE ANGRY VOICE OF MILLIONS

Thus, serious complications began to develop in the world long before the Nuremberg trial ended. But this had little effect on the behaviour of the representatives of the four Powers on the International Tribunal.

The defendants longed to witness some altercation between, say, Jackson and Rudenko. But the prosecutors did not afford them that pleasure.

Looking back to those days, I must say that as a whole the Nuremberg trial was a striking example of fruitful and loyal co-operation among the four Powers. This co-operation embraced practically all aspects of the work of the Soviet, United States, British and French delegations.

From the very first day the defendants and their defence attorneys had intended to regard the Nuremberg trial as a dispute between joint-stock companies, one of which had gone bankrupt but still considered that the principle of joint responsibility should continue to operate in the reciprocal settlements founded on the relations that had formerly existed between them. That was why they spoke from time to time of the help which the Western powers had accorded Hitler in his foreign policy.

Statements of this kind, of course, put the Western prosecutors in an awkward position. Moreover, it put the Soviet delegation in a dilemma—either to start a polemic with the US, British and French representatives over the West's Munich policy and move far away from the objectives which mankind had set the Nuremberg trial (this was exactly what the defendants were out to achieve), or tell the chief German war criminals once and for all that acting on the mandate given by the peoples of the whole world the Tribunal was trying them for their crimes, which did not become any less heinous and grave through the fact that in the West there were people or groups of people on whose support they had counted when they started the war.

The Soviet prosecution adopted the second alternative, as did all the other prosecutors at Nuremberg.

The United States Chief Prosecutor was Robert Jackson, who at the time was a member of the US Supreme Court. To his credit he did not deny that prior to the war the policy of the ruling circles in the USA towards Germany was not a very wise one. In his opening speech he said:

"The democratic elements, which were trying to govern Germany through the ... machinery of the Weimar Republic, got inadequate support from the democratic forces of the rest of the world, including my country."

He enlarged on this later, when he spoke of the policy pursued by the major imperialist powers during the 1930s, and of the problems of averting war in face of aggressive action by nazi Germany. He emphasised:

"We do not underwrite either the ethics or the wisdom of any country, including my own, in the face of these problems."

Years would pass and we would witness history repeating itself. Jackson himself would, to some extent, be influenced by that new situation. But in Nuremberg, as an experienced lawyer and political figure, he drew what was in general a correct conclusion about the role and significance of the trial. His speeches and his questions showed that he was determined to expose the nazis, who seized a considerable part of Europe and, given certain conditions, might have invaded the American continent.

Jackson was well aware that all the peoples, including the American people, were watching the Nuremberg trial with hope and, as any other bourgeois political figure, he knew that given the proper tone his statements at the trial would win him greater popularity in his own country.

But there was something else on his mind. In a conversation with General Nikitchenko, the Soviet representative, during the signing of the agreement on the International Military Tribunal in London, he said:

"You know, General, many people in America will not forgive me for this agreement."

General Nikitchenko, who was to be the Soviet judge at the Nuremberg trial, understood what Jackson meant. He was obviously referring to American reactionaries, to circles in the USA which regretted the defeat of nazi Germany and considered that henceforth there was no force in Europe

that could keep the popular masses in check. General Nikitchenko, therefore, advised Jackson:

"When you go back to America tell the American people on the radio what you think about the forthcoming trial."

Later, after Jackson returned from America and saw Nikitchenko again, his first words were:

"I spoke on the radio and everything went splendidly."

In his speeches at the trial Robert Jackson spoke of the past, sternly denouncing the nazi crimes, and looked into the future, underscoring the fact that trials would not safeguard mankind if under the new conditions the old policy in the German problem were continued. This, too, was resented by the US ruling circles. Jackson was attacked by reactionary American newspapers, which became increasingly aggressive with the vitalisation of the US postwar policy of resurrecting German militarism.

At the Nuremberg trial Robert Jackson categorically demanded criminal proceedings against Krupp for complicity in the nazi aggression and war crimes. He stated unequivocally:

"The 'interests of justice' cannot be determined without taking into account justice to the men of four generations whose lives have been taken or menaced by Krupp munitions and Krupp armament, and those of the future who can feel no safety if such persons as this escape all condemnation in proceedings such as this."

But as soon as the political situation changed and the American counterparts of Krupp expressed their indignation over this attitude, Robert Jackson began to feel the ground slipping from under his feet. When the question of trying the German industrialists, including Alfred Krupp, took practical shape, Jackson radically changed his stand. He suddenly made a statement that was diametrically opposite to what he had said in the past. He said the United States had no moral or legal commitment to hold proceedings of this kind in the future.

This was a political metamorphosis common in the bourgeois world. But to be fair I must re-emphasise that at Nuremberg Jackson did much to expose German nazism and militarism. It was this that gave members of the Soviet delegation the very best recollections of him.

I should like to say a few words about Jackson's deputy, Thomas J. Dodd. Politically he was not as erudite as

Jackson. Nonetheless, his speeches and his questions virtually struck down the nazis and their policies. The whole world saw a photograph of Dodd submitting material evidence to the Tribunal—a shrunken head of an executed Pole, which was used to adorn the desk of the commandant of a nazi death camp. An astute New York lawyer, Dodd knew what had to be done at the trial in order to win popularity in the United States. Several years later, the American electors remembered Dodd's speeches in Nuremberg and elected him to the US Senate. But once he became a Senator, Dodd let himself be carried into the fairway of US postwar aggressive policy, about whose substance, as though anticipating developments, he has spoken so much and so eloquently at the Nuremberg trial. Occupying a leading position in the Senate Special Subcommittee on Internal Security and thereby acquiring authority, Thomas Dodd began to cultivate what only recently he had stigmatised in his speeches. In Nuremberg he convincingly proved that anti-communism was only a subterfuge covering a policy of aggression. But now, in the USA, he became one of the most venomous exponents of anti-communism. He attacked Cyrus S. Eaton for contacts with the "Russian Communists". He came out with a manifesto which, he maintained, would be the symbol of faith for all who had joined in the "life and death struggle against world communism".

Such was the United States Assistant Chief Prosecutor and such he became.

But among the United States prosecution there were men of a stamp quite different from Thomas J. Dodd. The most vivid among them was Telford Taylor. His ability to foresee the future correctly and the danger of German militarism being revived earned him the dislike of the reactionaries in the USA. In his indictment of the German General Staff, he presented a mass of documentary evidence showing the guilt of that organisation for the most despicable crimes against mankind. He was absolutely right when he said:

"The wellspring of German militarism through the years had been the group of professional military leaders who have become known to the world as the 'German General Staff'. That is why the exposure and discrediting of this group through the declaration of criminality is far more important than the fate of the uniformed individuals in the box."





Last residence of the Reich Government. Front row (left to right): Goering, Hess, Ribbentrop, Keitel, Kaltenbrunner, Rosenberg, Frank, Frick, Streicher, Funk, Schacht. Second row: Doenitz, Raeder, Schirach, Sauckel, Jodl, von Papen, Seyss-Inquart, Speer, von Neurath, Fritzsche



Interior view of the prison. Round-the-clock watch at the cell doors



Passage linking the prison with the courtroom. Colonel B. C. Andrus, prison commandant, is seen on the left

This could not be denied. Taylor felt that the task of the Tribunal was to render this most aggressive organisation of German militarism harmless for many years to come. But the International Tribunal, or rather its bourgeois majority, believed otherwise. The recommendation to brand the German General Staff as a criminal organisation was rejected.

The reactionary press in the West immediately responded to this with panegyrics. The US militarists made it plain to Taylor that the US Armed Forces could easily do without a general like him. *Army & Navy Journal* fired a cascade of unflattering epithets at him and, at the same time, at Jackson for daring to accuse persons "following the honourable profession of arms", generals who had only "carried out their duty".

Jackson wasted no time in sweeping aside all insinuations of this kind.

"Military men," he declared, "are not before you because they served their country. They are here because they mastered it, along with these others, and drove it to war. They are not here because they lost the war, but because they started it. Politicians may have thought of them as soldiers, but soldiers know they were politicians."

Nonetheless, the US military reserved their own opinion and made good their threats with regard to Taylor. He was discharged from the Army and made the target of the most ruthless and merciless attacks. The label "Red" was affixed to him.

Some years after the Nuremberg trial I read Telford Taylor's articles and books. Here and there he paid tribute to the cold war, but on the whole his literary work was directed at exposing German militarism.

I must mention Robert Kempner, United States Assistant Chief Prosecutor. He carried on extensive and useful work in Nuremberg. Another reason why I am mentioning him is that after the trial, residing mainly in the Federal Republic of Germany, he continued exposing the nazi criminals. Some years ago the retired nazi Colonel-General Alfred Keller (who commanded the German air units around Leningrad) spoke for the Bonn revenge-seekers when he demanded court proceedings against Kempner and published his "Indictment of the Former United States Assistant Prosecutor at the Nuremberg Trial" in the neo-nazi newspaper *Deutsche National Zeitung und Soldaten Zeitung*. This so-

called document charges Kempner with "complicity in murder, particularly in the passing of the sentence on Colonel-General Jodl".

For the Bonn revanchists Robert Kempner is one of the men who reminds them of the exposure and sentence in Nuremberg. That is why they hate him so much.

\* \* \*

The British Chief Prosecutor was Sir Hartley Shawcross. He was 42 or 43 at the time. He was Attorney-General in the then newly-elected Labour Government and a Member of Parliament.

In fact, his appointment in Nuremberg coincided with the beginning of his career as Attorney-General. That was probably why he spent very little time at the trial. In any case, he delivered the opening and closing speeches for the British prosecution.

Actually, therefore, the British delegation was led by its Assistant Chief Prosecutor Sir David Maxwell-Fyfe, Shawcross' predecessor as Attorney-General. The British delegation, it will be recalled, was formed by Churchill's Conservative Government, and Maxwell-Fyfe was appointed British Chief Prosecutor in Nuremberg. But before the trial opened the Conservative Government was replaced by a Labour Government and, accordingly, Maxwell-Fyfe ceded his place to Shawcross, consenting to remain as his deputy.

He was a stocky, dark-haired man with a large bald patch on his head, attractive eyes and an expressive face. A typical representative of the British bar and an adept at cross-examination, he became one of the key figures of the prosecution. Very frequently he came down like a ton of bricks on the defendants and many of the witnesses whenever they made the least attempt to deviate from obvious facts. In the lobbies of the Palace of Justice it was justifiably said that Maxwell-Fyfe had the bite of a bulldog.

To Sir David Maxwell-Fyfe's credit it must be said that the world political atmosphere, which was growing more inflamed with every passing day, did not affect him in any way. From the first day of the trial to the last he gave all his attention to the key task of preserving unity among the prosecution in order to expose, condemn and punish the nazi aggressors.

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A considerable contribution to justice at Nuremberg was made by the French prosecution.

The French Chief Prosecutor was François de Menthon. During the war he was Justice Commissioner in the French Committee of National Liberation, and after the war he held the post of Justice Minister in the de Gaulle Government. During the trial he returned to France, and his place was taken by a veteran Parliamentarian Auguste Champetier de Ribes, who was active in the French Resistance.

Under the agreement between the prosecutors on the distribution of work, the French prosecution submitted evidence on the crimes committed by the nazis in France, Belgium, Holland and Luxemburg. The French prosecution did much to expose brutal war crimes such as the slaughter of members of the Resistance and of hostages, the utilisation of slave labour, and the economic pillage of occupied territories. It exposed the attempts of the nazis to escape responsibility on the pretext that they were carrying out orders and so on.

\* \* \*

The Soviet Chief Prosecutor was Roman Andreyevich Rudenko. He had climbed all the steps of the procurator's ladder, was possessed of vast experience and great political erudition, and held the post of Procurator of the Ukraine.

When I first met Rudenko in Nuremberg he was not yet 40. He had been a member of the Communist Party for 20 years.

His position at the trial was both easier and harder than that of the Western prosecutors. In his opening speech, he stressed:

"Gentlemen, I am speaking here as a representative of the Union of Soviet Socialist Republics, which has borne the brunt of the blows struck by the nazi invaders and made an enormous contribution towards the defeat of nazi Germany and her satellites."

This alone pre-determined much. No other country had suffered so greatly from the nazi aggression as the Soviet Union, and no other country had made such titanic efforts to save the world from the nazi plague.

Rudenko did not have to resort to reservations which the United States Chief Prosecutor had to make from time to time. Before the trial started Jackson said significantly:

"I think that if after getting the trial started we begin to

go into the political and economic causes of this war, the trial may be damaging to both Europe and the United States."

The Soviet Prosecutor was free of apprehensions of this kind. The Soviet indictment of the nazi clique rested not only on the granite foundation of carefully selected and legally irrefutable evidence but also on the great moral prestige enjoyed by the foreign policy of the Soviet Union, which had consistently opposed nazism and the threat of a war of aggression by Hitler Germany. The Soviet Prosecutor was not threatened by reefs, which the defendants could use in an attempt to discredit the country he was representing.

All this, undoubtedly, facilitated the work of R. A. Rudenko and his Soviet colleagues. At the same time they had to contend with difficulties.

Mankind regarded the Soviet representatives as the greatest guarantee that reaction would not succeed in diverting the trial from its objective. Rudenko received numerous letters from all countries of the world calling for the attainment of what the whole of mankind had dreamed for many years—the punishment of the nazi aggressors. There were letters from Germans, who, already then, in 1946, noted the first signs of the restoration of German militarism in the Western part of Germany. One of the letters was from Schulte of Freifeld-am-Rhine. While stating his admiration of the speech made by the Soviet Prosecutor, Schulte wrote with alarm that nazi criminals were re-emerging from their lairs and that the Western occupation authorities were backing them:

"Even the leading propagandists have not lost their jobs, no, Herr Lieutenant-General.... They are once more talking of war with Russia and seeing the benefit of this to themselves."

A letter from the United States bore the signature of the Society for the Prevention of World War III. It brought to Rudenko's notice the fact that according to press reports the American authorities had released Carl Haushofer, a leading National Socialist ideologist, and expressed the hope that the Soviet Prosecutor would take steps to get Haushofer re-arrested and included in the list of principal war criminals.

Indeed, important, historically responsible tasks devolved on the shoulders of the Soviet Prosecutor. He had to re-

solve these tasks, which were anti-fascist and anti-imperialist in character, while working in the same team with bourgeois lawyers representing the major imperialist powers in Nuremberg.

Some time ago I re-read the minutes of the Committee of Prosecutors and thought with great inner satisfaction of the political astuteness and flexibility which the Soviet prosecutors demonstrated in order to ensure the co-ordinated activity of this committee. While passing what was on the whole a just sentence, the Judges of the International Tribunal regrettably failed to avoid some disagreement, which was noted in the dissenting opinion of the Soviet Judge. The Prosecutors, on the other hand, maintained their unity to the very end, even on issues on which there was disagreement among the judges. One of the reasons for this was, unquestionably, the consummate tact of the Soviet Chief Prosecutor.

Rudenko managed to foster a team spirit in the Committee of Prosecutors. A learned and politically quick-witted lawyer, he had a fine sense of humour and was a brilliant conversationalist who could take a joke. He won the affection and respect of all his colleagues. This facilitated their joint work.

Every prosecutor in Nuremberg had his own manner of cross-examination. Rudenko's manner was forceful and he got results.

From the very outset Goering and the other defendants resorted to extremely primitive tactics in the hope of sowing discord among the prosecution. While acting within the bounds of juridical decency towards the Western prosecutors, they tried to obstruct the Soviet Prosecutor from the very beginning. As soon as Rudenko began his opening speech Goering and Hess demonstratively took off their ear-phones. But this did not last long. The moment Rudenko mentioned Goering the erstwhile Reich Marshal's nerves gave way and he quickly put on his ear-phones, and two or three minutes later found him making notes. After Rudenko finished his cross-examination of Ribbentrop, Goering looked pityingly at the former Foreign Minister and said laconically:

"Ribbentrop is all washed up."

Ribbentrop could have said the same thing about Goering when the latter returned to his seat after being cross-

examined by Rudenko. At Nuremberg at the time it was absurdly rumoured that during the cross-examination Rudenko lost his temper over Goering's impudence, drew his pistol and shot him. This rumour was carried by the US Army newspaper *Stars and Stripes* on April 10. Many of us were flabbergasted. An American journalist reassured me, saying:

"There's really nothing to worry about, Major. What difference does it make how Goering is put out? He didn't get it any easier from the hail of deadly questions from your prosecutor."

On the next day, the sensation-prone newspaper came out with a different version, writing that it was not Rudenko but Lord Justice Geoffrey Lawrence, President of the Tribunal, who had drawn a pistol from beneath his black robe and taken a shot at Goering. Then followed yet another version: nobody, it seemed, had drawn a pistol, the Reich Marshal had simply had a "stroke of the brain". But this was not true, either.

Throughout the trial I admired the restraint shown by Rudenko. It did not let him down even during the cross-examination of Rosenberg, who complained every few minutes that the translation was inaccurate. His excellent knowledge of Russian gave him additional "opportunities" for this sort of fault-finding. His complaints came whenever he was asked an embarrassing question by Rudenko. It was much easier to interrupt the questioning with the plea that the translation was inaccurate than to reply. Besides, it gave him time to think over his replies.

There was a dramatic episode when General Field Marshal Friedrich von Paulus was in the witness stand. He was privy to everything relative to the nazi preparations for aggression against the USSR, having been Deputy Chief of the German General Staff when Operation Barbarossa was planned. Small wonder that the defence attorneys protested when the Soviet Prosecutor got up to read the deposition written by Paulus in Moscow. They demanded Paulus' presence in Nuremberg, for some reason believing that Rudenko would not venture to take that step. During the recess they chuckled, saying it was one thing to write a deposition in Moscow and quite another to testify here, in Nuremberg, where Paulus would find himself face to face with his former chiefs and friends. But when Lord Justice Lawrence,



who was scrupulous in his attitude to the protests and pleas of the defence, inquired "what General Rudenko thought of the defence motion", the defence counsels were stunned to hear Rudenko unhesitatingly reply that he had no objections. Only those in the know could notice a sardonic light in his eyes. When the unsuspecting Lawrence asked how much time would be required to bring the witness to Nuremberg, Rudenko replied quietly and, I would say, with uncustomary slowness, his voice even carrying a note of indifference:

"I think, Your Honour, not more than five minutes. Field Marshal Paulus is in the apartments of the Soviet delegation in Nuremberg."

He had foreseen this piece of obstruction on the part of the defence and had taken steps (without publicity) to bring Paulus to Nuremberg. The defence were taken completely by surprise. They backed down on their motion, but, angered by their behaviour, Lawrence ordered Paulus to be summoned without delay.

The cross-examination, masterfully conducted by Rudenko, put an end to the attempts of the defence to represent the attack on the USSR as a defensive war and at the same time showed the world their subterfuges.

It did not escape Rudenko's notice that the tactics of the defendants and their defence attorneys were to drag out the trial to the Greek calends. Had Rosenberg, say, been given a free hand he would have spent hours quoting from the numerous works of American and West European racists. But neither Rosenberg nor his defence attorney Richard E. Thoma was given the opportunity. As soon as any of them showed any intention of drawing the Tribunal into such a discussion, Rudenko made a strong protest:

"The prosecution has submitted to the defendant an accusation stating in concrete terms his crimes: aggressive wars and atrocities. . . . I do not suppose that the Tribunal intend to listen to a lecture on the racial theories, National Socialism, or other theories."

The Tribunal agreed with him.

I shall never forget how intently the court listened to Rudenko's closing speech. On the next day, July 30, 1946, the American press reported:

"The defendants were pale and tense as they listened to the representative of their mortal enemy expose them in

stern words such as were uttered by the prosecution for the first time."

### LAST DITCH RESISTANCE

At the Nuremberg trial each defendant could name his own defence counsel, and each was asked accordingly.

It was easier to ask than to reply. The erstwhile rulers of Germany wanted to have little to do with the lawyers' corporation. They knew its worth under their own regime of lawlessness and arbitrary rule. As a matter of fact, Goering could name several German lawyers whom he knew from the Leipzig trial, the same ones whom Dimitrov had energetically rejected on the principle of "God, deliver me from such friends, and I shall deliver myself from my enemies". These were definitely not the kind of lawyers Goering wanted at Nuremberg.

Difficulties of a different kind also arose. When they were requested to accept the brief of the principal war criminals many German lawyers politely and, at the same time, emphatically declined the "honour". Those who offered their own services had to be turned away because they were personally implicated in the nazi crimes.

Nonetheless, the defence problem was successfully resolved. Each defendant had a defence attorney, and the latter had an assistant. One of the Prosecutors rightly noted that under the nazi regime even Germans were rarely treated so generously.

However, the Tribunal flatly rejected the attempts of the German militarists to "reinforce" the defence "with their own cadres". One of these attempts was made by Wehrmacht General Grammer, who applied for permission for a representative of the German General Staff to attend the trial as an observer in order "to express his sympathy for the defendants from the Wehrmacht High Command". The objective of the Tribunal was far removed from what Grammer imagined.

There were very colourful figures among the defence. Many of them came from the Universities.

There was Franz Exner, who was extremely mobile despite his massive build. He was, evidently, around 70. For many years he had been professor of criminal law at Leipzig, Munich and Tübingen. He decided to use his extensive

legal experience to defend General Jodl, who was one of Hitler's closest military advisers.

Hermann Jahrreiss devoted his knowledge of international and constitutional law to the defence of the Nazi Government, getting the doubtful honour of making a speech at the trial on "general legal questions", in which he made an attempt to undermine the legality of the trial.

Among the defence was Rudolf Dix, one of the pillars of the bar in the Third Reich. He had had extensive legal practice and had for some time headed the Association of German Lawyers under Hitler. When the Second World War broke out, Dix changed his lawyer's robe for the uniform of an official of the Nazi occupation administration in Slovakia and then in Poland. He came to Nuremberg as defence counsel for Hjalmar Schacht.

Doenitz's defence attorney was Otto Kranzbuehler, who had been a judge in the German Navy for more than ten years. He was well-versed in the laws and customs of naval warfare, and rendered his client extremely qualified assistance.

Goering was defended by Otto Stahmer, who was sooner an expert on civil rather than criminal law. He had been associated mostly with big international patent suits. During the war he was legal adviser to the German Navy. He was, unquestionably, a very able bourgeois lawyer.

The only reason I have briefly quoted from the service records of some of the defence counsels is to give the reader a clearer idea of the alignment of legal forces at the trial. From this alignment sprang the sharpness of the duels between the defence and the prosecution. Powerful as the cohort of the Nazi defence was, I doubt if any lawyer in the world envied his Nuremberg counterparts. When a case is hopeless, the only recourse for a defence counsel is to appeal for extenuating circumstances. But the Nuremberg corps of defence attorneys, who included highly-trained lawyers and men with professorial titles (they wore purple University robes), were well aware that even this argument held little promise. From the very beginning they knew that their clients had been condemned long ago by the conscience of mankind.

Even from the criminal aspect, there was no doubt about the guilt of Hitler's satraps. From the very first days of the trial, the defence saw that the prosecution had conducted

a vast amount of work, amassing a countless number of authentic documents from captured German archives.

Nonetheless, the "last ditch resistance", as the Nuremberg defence was wittily called by Kukryniksy, the Soviet team of cartoonists, was extremely dogged. Their ideological leader was Goering's defence counsel Otto Stahmer.

As soon as the Tribunal President opened the first session and made a short statement about the historical significance of the trial, Stahmer went to the rostrum with several sheets of paper in his hand. The entire defence and all the defendants, informed beforehand of what he would say, gazed at the dean of the Nuremberg defence attorneys with eager anticipation and hope.

Stahmer began from afar, speaking of the horrors of world conflicts (omitting, of course, mention of who started these conflicts) and of the nations which had suffered. In an emphatic tone he said it was time, high time to make aggression punishable.

"Humanity," he exclaimed in a voice ringing with passion, "insists that this idea should in the future be more than a demand, that it should be valid international law. However, today it is not as yet valid international law." In the next moment, with feigned sorrow in his voice, as though stigmatising prewar politicians and law-makers, he appealed to the Judges: "Unfortunately, the best wishes to make aggression punishable remain a lone voice in the wilderness."

He attacked the League of Nations of dismal memory, which displayed total incapacity to act in all cases when it was called on to halt aggression. This, he said, was not accidental. The whole trouble was that no international document existed proclaiming aggression an international crime. But even if there was a law condemning aggression, one could, he insisted, speak of the responsibility of a state but not of individuals, who were only agents of that state and acted on its behalf.

Lastly, he respectfully reminded the Tribunal that it consisted of Judges from the victor powers, and that this ruled out impartiality. He ended with the words:

"That the Tribunal direct that an opinion be submitted by internationally recognised authorities on international law on the legal elements of this trial under the Charter of the Tribunal."

Among the many correspondents representing Western

newspapers and journals there were some who in their heart of hearts regretted the proceedings in the curtained courtroom. "A dangerous, a very dangerous precedent," they said. War was not Hitler's monopoly. There was no telling who would be put on this hard Nuremberg bench after the next war.

The defence statement made a deep impression on these bourgeois pressmen: despite the difficulties the defence had produced an argument which had, to all appearances, deprived the trial of its legal foundation.

The calculation was that nobody would dig into the past, that it would enter nobody's head to recall other historical trials, say, the trial of Louis XVI. It was at that trial that the defence maintained that the person of the king was inviolable and that no law existed which permitted him to be tried:

"The law is mute with regard to the criminal despite the enormity of his crimes. Louis XVI can only fall by the sword of the law. The law is silent and, consequently, we have no right to try him."

Revolutionary France, however, discounted these pitiful endeavours of the criminal king's defenders. Expressing the will of the entire French nation, one of the members of the National Convention found the proper, vivid words for a reply to the king's defenders:

"One day people similarly distant from our prejudices as we are from the prejudices of the Vandals, will wonder at the barbarism of the age when the trial of a tyrant was a kind of religious rite. . . . They will be amazed to find that there was more backwardness in the 18th century than in the age of Caesar. In those days the tyrant was put to death in the presence of the entire Senate without any formality other than twenty-two stabs of the dagger, and without any law except the freedom of Rome."

One hundred and fifty years after these words were spoken, the battered argument of the defenders of the criminal king was used once again. Another theory advanced by the defence was that in the event the trial of the principal criminals of the Second World War was adjudged legal it would be elementary justice if the judges were from neutral countries and not from countries of one of the belligerent coalitions. Here one may ask if many countries remained really neutral in face of the huge scale of the aggression that

was launched under the leadership of the men in the Nuremberg dock? It was only just that representatives of the peoples who suffered most from the aggression and paid an enormous price to crush the criminal nazi gang should try the ringleaders of that gang.

After returning home from Nuremberg I re-read the report on the trial of Louis XVI and came across a striking analogy. It was argued that the monarch could be tried only by an impartial court. This got a sarcastic rebuff from André Amar, member of the National Convention:

"You ask who will be the judges? You are told all of you are the interested party. Are not the French people, on whom the blows of the tyrant fell, the interested party? Who else are we to apply to for justice?"

"To the assembly of kings!" ironically remarked Louis Legendre, another member of the National Convention.

The groundless arguments of the defence at Nuremberg were demolished in a similarly determined manner. On the second day of the trial the prosecution made the point that the International Military Tribunal functioned in the name not only of the four Powers represented on it but of 15 other countries, which had subscribed to the Charter of the Tribunal, with the purpose of utilising "international law to meet the greatest menace of our time—aggressive war". To this Chief United States Prosecutor Robert Jackson added:

"The common sense of mankind demands that law shall not stop with the punishment of petty crimes of little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched."

Roman Rudenko delivered a well-argued speech, which demolished the arguments of the defence that no international law existed which regarded aggressive war as a crime. He referred to the League of Nations resolutions and to the 1928 multilateral Briand-Kellogg Pact, which plainly stated: "...the High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another."

The first and main salvo of the defence was thus rendered harmless. But they had other moves in reserve. Being a lawyer myself, I must say that they used every possibil-

ity, working very efficiently from the standpoint of the bourgeois practice of law.

At the newspaper stand in the Palace of Justice one could buy any foreign newspaper. Time and again I observed that the heaviest buyers were the defence attorneys. They kept a vigilant eye on political developments, rejoiced at every cloud in East-West relations and assured everybody that time was working for the defendants. The principal line of their strategy was, therefore, to stall as long as possible. This purpose was achieved by various methods.

They began with numerous motions for adjournments. On behalf of the defence, the same Stahmer requested a three-week's adjournment for the Christmas holidays. This request was granted, but the three weeks were reduced to ten days. On January 5, 1946, exactly four days after the trial was resumed, Merckel (defence counsel for the Gestapo) suddenly got up and requested another adjournment.

This motion was not granted. To counter this the defence counsels insisted on subpoenaing tens and hundreds of witnesses, who had either a very doubtful connection with the trial or nothing at all to do with it.

Then followed the "Rosenberg filibuster" with the purpose of embroiling the Tribunal in a long discussion of racist "theories". The defence brought into the courtroom dozens of volumes by United States, British and French racists and also the works of their clients.

Some of the prosecution saw in this a deliberate attempt to expound nazi ideology at an anti-fascist trial. But, personally, I am not at all sure that the defence attorneys (with, perhaps, one or two exceptions) deliberately adopted the role of champions of nazism. In the given case I would say that Rudolf Dix was right when he said at the trial:

"None of the defence counsels, no matter what his own philosophy or what his political views in the past may have been, has ever dreamed of trying to use this courtroom to make ideological propaganda for the dead—I emphasise the word 'dead'—world of the Third Reich. That would not only be wrong... it would be unbearable stupidity."

Most of the attorneys realised, of course, that the year 1945 was not 1939 and that the Tribunal was not the nazi Reichstag. Moreover, they realised full well the real worth of their clients' "theoretical" quests. In this connection I should like to describe an amusing episode.

Richard E. Thoma was submitting documents in defence of Alfred Rosenberg. Before him was a microphone with a switch allowing him to turn it off. The defence counsels used the switch every time they wanted to say anything to their assistants, who were sitting at a table beside the rostrum. Thoma's assistant listened closely and passed on the documents needed by Thoma. On one occasion he either heard wrong or Thoma made a slip, and Thoma found himself holding Rosenberg's *Myth of the 20th Century* in his hands. Thoma was about to submit it to the judges but at the last moment saw his mistake. Flushing with embarrassment, the defence counsel threw an angry glance at his assistant and through the microphone the courtroom clearly heard the words:

"Blockhead, why have you put this crap in my hands?"

Thoma forgot to switch off the microphone.

The courtroom shook with laughter, and even Lord Justice Lawrence, who invariably underscored that "laughter in the courtroom was a moral blow at the dignity of the Tribunal", was helpless. It was all he could do to restrain himself, and even then not for long. During the recess he laughed so heartily that the walls shook. The defendants, too, laughed. The only person who did not laugh was Rosenberg. He boiled with rage at his unhappy lawyer.

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Being denied the possibility of resorting to justified methods of taking issue with the evidence of witnesses for the prosecution, the defence chose in the vast majority of cases what they believed was a surer way, that of seeking to discredit the witnesses themselves and thereby casting doubt on their evidence.

This line was adopted when Paulus was in the witness stand. There was no possibility of refuting his revealing testimony, so one of the defence attorneys put the question:

"Witness, you are said to be or to have been a teacher at the Military Academy at Moscow. Is that correct?"

Obviously, the purpose of this question was to show that an "apostate" who had gone to the extent of teaching his enemies could not be believed. To this provocation of the defence British Chief Prosecutor Sir David Maxwell-Fyfe wittily replied:

"Very strange! Counsel has not discovered who has beaten



whom in this war. So far as may be judged, the Russian Army has defeated the German Army. Would it not therefore be more reasonable for the German generals to hear lectures from the Russian generals, instead of the other way round?"

Or take another typical example.

Major-General Erwin Lahousen, assistant to the Chief of OKW Intelligence (Abwehr), was giving evidence in a monotonous voice on the horrible crimes of the nazi regime. Defence counsel Fritz Sauter asked him:

"You have told us about murderous designs on which you or your department or other officers were employed or which you were charged to carry out. Did you report these to any police station as the law required? May I point out that according to German law failure to report intended crimes is punishable with imprisonment or in serious cases with death."

Here the calculation was to trip up the witness and compel him to go back on his evidence. But the witness apparently knew the situation in 1945 better than the attorney and unexpectedly parried:

"I should have had to make a great many reports—about 100,000 projected murders, of which I knew."

In the same manner the defence sought to shake Alois Höllriegel, former NCO at the Mauthausen concentration camp. Defence counsel Gustav Steinbauer asked him:

"Witness, you described an incident which, judged by the concepts of civilised people, cannot be termed anything but murder—that is, the hurling of people over the side of the quarry."

Höllriegel nodded. The lawyer drew his brows together, and with a metallic ring in his voice said:

"Did you report this incident to your superiors?"

Höllriegel did not prove to be so simple as to be thrown into confusion by a question of this kind.

"These incidents," he replied, "happened frequently and one can take it that the chances were a thousand to one that the superiors knew about them."

The sole result of these tactics was that they aroused public indignation throughout the world, including Germany.

The patience of the Judges and their desire to avoid the reproach that they had in any way restricted the defence went, in my view, beyond all bounds. However, in this per-

haps lay their wisdom—to rule out all possibility of questioning the fairness of the hearings at a historical trial.

In this connection I recall an extremely curious episode. According to my own notes this episode occurred on December 17, 1945. The judges summoned Hans Marx, defence counsel for Streicher, to explain some points. Instead of the attorney objecting to a motion being overruled, the judges reasoned with him in order to persuade him to accede to Streicher's request for the subpoena of witnesses, including his wife.

Hans Marx, it seems, expected anything but this. After reading the complaint from the defendant to the Tribunal General Secretariat, he did not immediately comprehend what was required of him.

"Your Honours," he began not very confidently, "if I have understood you correctly, you want to know if Streicher needs these witnesses? If so, then why I have not signed his application? I must inform you that Herr Streicher wishes to summon witnesses whom I have personally questioned, and I have some doubts as to the expediency of them appearing before the Tribunal, at least from the viewpoint of the defence."

"Has Streicher been informed of this?" Lord Justice Lawrence queried.

The attorney replied in the affirmative, but added that Streicher still insisted on having these witnesses. The dialogue between the judges and the defence attorney then took the following course:

*Lord Justice Lawrence:* "Some members of the International Tribunal feel that at least one or two of the witnesses might be subpoenaed and their evidence, judging by Streicher's statement, might have a bearing on the case. That is why the International Tribunal should like to hear your considerations."

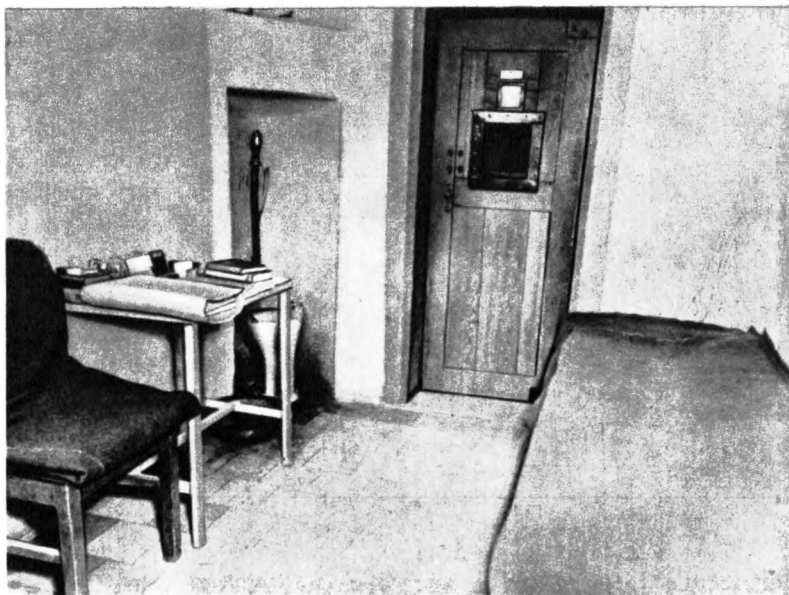
*Hans Marx:* "I feel there might be a misunderstanding, that I might be wrongly understood as a lawyer. In any case, I shall give the Tribunal's recommendation every consideration and should like to re-examine how useful the evidence of these witnesses might be to my client."

*Lord Justice Lawrence:* "You realise, of course, that the International Tribunal should not like to undertake the functions of the defence. We, therefore, give you the possibility of reconsidering this question yourself."



Meal, Nuremberg style. At the table—Jodl and Keitel

The "Lebensraum" they won. View of one of the cells





Goering in Munich, 1938

Goering in Nuremberg, 1946



This exchange, recorded in my notebook, clearly shows the scrupulosity of the Tribunal when some problem affected the legal rights of the defendants to defend themselves. This was quickly appreciated by the defence counsels and they made undisguised attempts to abuse the patience of the judges.

In a number of cases where the defence did not depend on their witnesses to make a good showing before the Tribunal they provided them with prepared texts. This happened when Adolf von Steengracht, former Secretary of the German Foreign Ministry, was called to the witness stand. In answering the questions of the defence counsel he used a crib in the most impudent manner. Even Lord Justice Lawrence lost his equanimity and said to Ribbentrop's defence counsel somewhat irritably:

"Dr. Horn, the order of the Tribunal was that witnesses might refresh their memory by notes, but this witness appears to the Tribunal to have read practically every word he has said.... That is making a speech which you have written out beforehand, and if that sort of thing goes on the Tribunal will have to consider whether it is necessary to alter its rule and adhere to the ordinary rule, which is that no witness is allowed to refer to any notes at all except those made at the time."

On another occasion I witnessed fairly high words between the Tribunal President and the United States Prosecutor Thomas J. Dodd, on the one hand, and Rudolf Dix, on the other. After putting questions to witnesses about the content of some document, Dix began more and more frequently to follow up the question by reading the entire document or the most essential passages from it. This gave the witness the cue as regards what answer was expected from him. Finally, the Tribunal President found it necessary to stop Dix and remind him that a defence attorney was not permitted to prompt witnesses into giving the desired answers by referring to leading passages in various documents.

However, the prompting continued even after this. The defence counsels kept putting leading questions. For example, von Papen's defence counsel Egon Kubuschok tried to cross-examine the witness Steengracht in the following manner:

"Do you remember that after two previous refusals von Papen took over the post of Ambassador in Ankara, in

April 1939, on the day that Italy occupied Albania, whereby an acute danger of war arose in the Southeast?"

It is hardly necessary to explain that in this case the witness received from the defence counsel exact instructions as to what points to stress: firstly, to underscore that von Papen had on two occasions refused to be Hitler's Ambassador in Turkey and thereby showed his reluctance to co-operate with the nazi Government; secondly, to note that von Papen accepted the nomination only because he hoped that as Ambassador in Turkey he would have the possibility of averting war in the Southeast.

Hans Laternser, defence attorney for the General Staff, perseveringly pursued the line that the military were not politicians, and they did not and had no right to interfere in politics; their job was to carry out orders without pondering over their political implications. He strove to keep the testimony of witnesses within this framework. In his cross-examination of Hans Lammers, Chief of the Reich Chancellery, Laternser solicited:

"It is well known that Hitler did not permit military leaders any influence upon his political decisions. Do you know of any statements made by Hitler in which he denied the generals the right to a political judgment?"

Lammers at once knew what was wanted of him, and made a long speech on this point.

Did the defence attorneys realise that they were arousing indignation throughout the world?

Apparently, they did.

Towards the end of the trial, the Tribunal General Secretary showed me an application that was, from this point of view, very remarkable. The defence requested a charter of immunity for each attorney.

But there were no grounds for this anxiety about their future. In the atmosphere charged with revanchist poison that was soon to envelop West Germany, the Nuremberg attorneys felt no need for charters of immunity. On the contrary, the mission fulfilled by them in Nuremberg immeasurably raised their stock (financially and politically) with reactionary, revenge-seeking circles.

I have already noted that at the trial the defendants spoke the truth only when they were pinned to the wall by exhaustive and irrefutable evidence or, more frequently, when they testified against each other. This was, in a mea-

sure, also true of the defence and some of the witnesses.

A case in point was the cross-examination of the witness Karl Severing. I had heard the name in my youth. Severing was prominent in German conciliatory circles and it was largely due to his efforts that no united front of Communists and Social-Democrats was formed to meet the mounting nazi menace. At the Nuremberg trial this exceedingly odious figure, displaying considerable knowledge and unexpected energy for his age, began to lambaste Goering and Hess. Everything he said about them was not only true but extremely revealing. He did not spare Schacht either.

"Schacht betrayed the cause of democracy," he said and went on to describe him as one of Hitler's active accomplices, as a man who did his utmost to open the door to nazism in Germany.

Dix, Schacht's defence attorney, did not risk refuting this dangerous witness. Instead, he aimed a devastating blow at him:

"In spite of the great respect which I feel toward Severing's clean political character," he said, "I am forced to my regret to deny him any right to pass competent judgment on statesmen. . . . Severing and his political friends indeed bear a disproportionately greater responsibility than Hjalmar Schacht for Adolf Hitler's seizure of power because of their indecision and, finally, their lack of political ideas; but they do not have to answer for this to any judge except history. And this responsibility will be all the greater since the witness indeed makes the claim that at that time he had already recognised that Hitler's accession to power meant war. If one may really believe that he possessed this correct political intuition, then his responsibility, and that of his political friends, will be all the greater in view of their passivity on that and later occasions. . . . Our German workers are certainly no greater cowards than the Dutch. Our hearts rejoiced to hear a witness here describe the manly courage of Dutch workers who dared to strike under the very bayonets of the invading army. The following which Severing and his political friends deservedly had in the German working class might perhaps have induced them not to watch the dissolution of the trade unions . . . as was the case in 1933 . . . the Hitler regime was not so strong in 1933 that it did not have to fear the truth

of the poet's words addressed to the workers: 'All wheels stand still at your strong arm's will.' The National Socialist Government at that time was quite well informed about this and was consequently apprehensive.... But even this strong arm which I have just mentioned required a guidance which was denied to the working class and for which men like Severing would have been indicated."

The duel of words between Dix and Severing dragged on for a long time. In the last analysis both were right—Severing in his deadly evidence against Goering, Hess and Schacht; and Dix, who exposed Severing as a former leader of the German Social-Democratic Party, whose Right-wing leadership had betrayed the German working class. It was at moments like these that many people probably realised the great role of the Nuremberg trial in reconstructing the history of our times.

Along with veterans of the German bar, the defence included a small group of young attorneys, whom today I would have put in the category of "hawks". These did not shrink from any tactics.

A typical representative of this group was Alfred Seidl, an undersized man with a long, un-Aryan nose and deep-set, truculent eyes. Goering called him "mouse" and fairly often used him for assignments which he dared not give sedate lawyers like Stahmer or Dix.

Seidl thirsted for notoriety and was constantly to be seen near Goering despite being the defence counsel for Hess and Frank. He conscientiously fulfilled everything assigned him by that past-master of provocations and swindles. It was always a sure bet that after an exchange of whispers with Goering, Seidl would make some new "sensational" statement.

He would submit some concocted evidence to compromise Soviet foreign policy, and asked where he got the evidence he would look brazenly in the eyes of the United States Judge Francis Biddle and reply:

"From the United States delegation."

He would not be much embarrassed to see the provocation exposed there and then, and would soon be busy working on another provocation and strutting about as proud as a peacock. He was a vile type, who had had dealings only with petty crooks and small-time swindlers, and it took him a long time to get used to his new clients. When he spoke



with them his hands somehow instinctively stretched down the seams of his trousers.

This sort of behaviour by a defence attorney would not have been tolerated in any country. But Seidl, evidently more than any of the others, felt secure in the scrupulosity of the judges, particularly of the Tribunal President.

I don't think I'll be mistaken if I say that the behaviour of this lawyer and the patience shown him by the Tribunal judges best of all give the lie to the tales current in West Germany that at the trial the rights of the defence were curtailed. It would be to the point to quote some very eloquent figures: the prosecution had 33 witnesses, the defence 61; in addition, a large number of witnesses for the defence gave depositions in writing.

The defence attorneys took pains to make it plain that at the Nuremberg trial the fee was not decisive. Time and again they said that it was an honour to speak at this historical trial and felt it would be discreditable to wrangle over the fee.

But no sooner did the trial get under way than the General Secretariat felt the falsity of this stand. Rudolf Dix, for example, claimed that for him the defence of Schacht was a question of principle, but he left Nuremberg without delay when the General Secretariat informed him that the fee he had named was much too high. He returned only after a compromise was reached. Other defence attorneys demanded the Tribunal's assent to temporary absences of leave to enable them to take briefs in other cities. Ludwig Babel, defence counsel for the SS, felt the fee stipulated by the Tribunal was inadequate, and passed the hat among former SS men. He was very disappointed when the Tribunal stopped this commercial activity.

It was my first experience of a trial with the participation of bourgeois attorneys. But I had read many speeches by such attorneys, both pre-Revolution Russian and Western. I must admit that I was greatly impressed by some of them. They really were masterpieces of courtroom oratory.

I heard nothing of the sort in Nuremberg. It was obvious even to the most experienced of bourgeois lawyers that the powerful offensive of terrible facts engendered by the Nazi regime could not be stemmed. They outweighed professionalism, subtle moves and psychological digressions, that last refuge of the defence counsel.

Some of the speeches, I will admit, might have sounded impressive. I would single out, for example, the speech by Schacht's defence counsel Rudolf Dix, who very skilfully utilised all the nuances of Schacht's career. There were some other exceptions. But on the whole I doubt if the speeches made by the defence will ever be recognised as models of courtroom eloquence.

The defence went to all lengths to prove that Austria was seized with the agreement of Austria herself and, moreover, that the *anschluss* was joyfully welcomed by the Austrian people. Gustav Steinbauer, defence counsel for Seyss-Inquart, added the argument that Hitler was himself an Austrian and regarded Austria as his homeland.

"East of Berchtesgaden," Steinbauer gushed, "lies Obersalzberg, at an altitude of 1,000 metres, a mountain at the northern base of the Hohen Göll, covered with meadows and forests, with scattered farm houses, and with a wonderful view.... It is here, not on the Rhine, not in the Teutoburg Forest or on the shores of the North Sea, that Adolf Hitler established his residence when he desired relaxation far away from the Reich Chancellery.... Adolf Hitler stands at the window of his country house in deep thought, and gazes on the snow-covered mountains. The country which is protected by these mountains is Austria."

He did not spare paint, but with what result? Deep within him he felt how shaky his arguments were, and therefore ended his speech with the words:

"Judge not in anger, but rather look for edelweiss, which grows beneath the blackthorn!"

The defence counsels had their own concept of edelweiss. They propounded the idea that civilised states needed no war criminal trials. One of them bluntly stated, having in mind the trials of World War I criminals in Leipzig in 1921, which in effect ended with the acquittal of all the major war criminals:

"The war criminals' trials were demanded by an angry public rather than by statesmen or the fighting services. Had public opinion in 1919 had its way, the trials might have presented a grim spectacle, of which future generations would have been ashamed. But thanks to the statesmen and the lawyers, a public yearning for revenge was converted into a real demonstration of the majesty of right and the power of law. May the verdict of this Tribunal

stand in a similar way before the judgment of history."

Such were the edelweiss searched by the Nuremberg attorneys. They were prepared to applaud if the Nuremberg trial ended in a similar demonstration of the "majesty of right" as the trials of 1921 in Leipzig. But the Nuremberg judges denied them that pleasure. They found no edelweiss beneath the blackthorn either at Treblinka or Oswiecim.

\* \* \*

Those who closely followed the reactionary Western press of those days, and gave similar attention to all the statements of the defence at Nuremberg could not have failed to remark on the fact that the views and actions of the defence bore an amazing resemblance to those of the war-mongers, who used newspapers and magazines as their rostrum.

The robed attorneys protested against the indictment of physical persons for aggression. They were forthwith echoed by the American journal *The Atlantic*.

The robed attorneys questioned the evidence of the prosecution, and the American journal *The Nation* at once went to their assistance. In fact, it went much further, declaring that the counts of the indictment could not be proved and that the indictment itself was a breach of law generally and of international and criminal law in particular.

It gave the Nuremberg attorneys great pleasure to read the magazine *Fortune*, which wrote during the most crucial moment of the debate on the legality of the Tribunal: "The Moscow Declaration said nothing about the trial of the major war criminals. All it spoke of was the decision of the governments." To leave no doubt as to its meaning, the magazine recalled the fate of Napoleon, who was punished by banishment to a desert island, where he was "quite harmless". The moral was obvious: instead of these long drawn-out proceedings it would be better to find some exotic island and exile Goering, Hess, Ribbentrop and all the others to it.

The official defence as represented by the attorneys and the unofficial defence as represented by many reactionary newspapers and journals in the West thus joined hands.

They were the press organs that shortly afterwards called for the rejuvenation of German militarism in order once again to turn its aggression against the USSR.

**"YOU WILL SAY I HAVE ROBBED  
YOU OF YOUR SLEEP"**

As a Soviet lawyer I have been accustomed to all the evidence being bound in one or several volumes and submitted to the judges before the case in question was heard. After completing their work, the investigating organs systematise the evidence and present it to the court in advance of the trial.

The procedure at the International Military Tribunal was quite different. It adopted the Anglo-American system: the court started the hearings without the case files. There was nothing on the judges' table, and both sides—the prosecution and the defence—produced their evidence in the course of the hearings.

Nonetheless, even a dogmatically-thinking lawyer will admit that the Tribunal adopted a most strict approach to the selection and assessment of the evidence against each defendant. Paradoxically, with regard to these persons the Tribunal applied the legal principle that none were guilty until it was proved otherwise in court.

The reader will appreciate how complicated and vast was the task of assembling and selecting evidence against the whole Government of a major European power, against the nazi party and its leaders who for 13 years had plotted their way to power, armed and prepared the country for aggression in the course of six years and then, for the next six years, waged an uninterrupted war in which they perpetrated the most monstrous atrocities. However, this work was accomplished by the Tribunal with the utmost care.

It was a trial of documents. Although due attention was accorded to the testimony of witnesses and of the defendants themselves and to material evidence, documentary proof played the prime role. During the closing stage of the war important German archives fell into the hands of the Allies in both the East and West. In Flensburg they captured the archives of the German General Staff with all its operational documents showing how the wars of aggression were prepared and unleashed. In Marburg they seized Ribbentrop's archives, and they found Rosenberg's archives in a hiding place in a castle in Bavaria.

The leaders of the Third Reich took pains to record all their actions on paper in the most minute detail. Either a

verbatim report or a detailed record was evidently made of every meeting attended by Hitler and his Ministers.

Goering, Kaltenbrunner, Rosenberg and Schirach ordered people to be killed, robbed and burned, and then took care to have all their orders, utterances, praises and reprimands recorded not only on paper but also on film. They wanted posterity to have everything.

Hans Frank had a stenographer whose duty was to write down every word said by him. By the end of the war these records filled dozens of leather-bound volumes. It never occurred to him that these collections would one day figure as material evidence before an International Tribunal. On the very first day of the trial he despondently remembered his diary when he heard one of the prosecutors tell the Tribunal:

"We will not ask you to convict these men on the testimony of their foes. There is no count in the Indictment that cannot be proved by books and records."

During the war an Extraordinary State Commission was set up in the Soviet Union to uncover and investigate the gruesome crimes of the nazi invaders and their accomplices. There were similar commissions in many other countries, which had been targets of nazi aggression.

A huge quantity of incriminating evidence was thus amassed before the Nuremberg trial got under way. In the Soviet delegation this evidence was studied by a group of investigators led by Georgi Alexandrov, State Law Counsellor 3rd Rank.

They had to select the most unassailable and convincing evidence and interrogate some of the defendants. Georgi Alexandrov and his experienced assistant S. Y. Rozenblit worked hard on this job, and soon after their arrival in Nuremberg they achieved their first major success, bringing to light all the details of Operation Barbarossa, the nazi plan of aggressive war against the USSR.

A great deal of evidence was in the possession of the French, British and, particularly, the United States delegation. As far as possible this evidence had to be studied and documents selected that might be needed by the Soviet prosecutors. Contact had to be maintained with the American, British and French investigators, who likewise interrogated the defendants and witnesses. Co-ordination in this sphere was ensured by Nikolai Orlov and Sergei Piradov,

whose extensive legal experience, rare tact and good knowledge of foreign languages enabled them to fulfil their difficult mission.

The stack of documents grew steadily: every day the prosecutors of the four Powers submitted evidence and handed copies to the other delegations. Furthermore, there was a flow of evidence from the Soviet Union and other countries. All this evidence had to be filed and kept in readiness. The Tribunal could not have functioned efficiently without a smooth-working documentation service and a scientific systematisation of the evidence. Roman Rudenko attached enormous importance to this service and put Professor D. S. Karev in charge of the documents. Throughout the trial the latter was ably assisted by Tatyana Ileritskaya.

A documentation service was set up also under the Soviet Judges at the Tribunal. There the evidence was systematised by Major A. S. Lvov and G. D. Bobkova-Basova.

As the trial neared its end it was found necessary to summarise the evidence. Numerous references, memoranda and tables had to be drawn up. In short, every possible assistance had to be rendered to the Soviet Judges in the period when the sentences were considered. We found that on our delegation we did not have a competent man for the job. Alexander Lunev was summoned from Moscow. He had finished a post-graduate course at the Military Law Academy before the war, and in 1945 he was teaching at the same academy. With Major Lvov's assistance he soon summarised the evidence, classifying it by the kind of crimes perpetrated and the defendant concerned, and placing it at the disposal of the Soviet Judges when they needed it.

\* \* \*

I repeat that it was a trial of documents. Written evidence was accorded paramount importance. But other means, including the testimony of witnesses, were also used to establish the guilt of the defendants. All sorts of people took the witness stand: the nazi minister Hans Heinrich Lammers, Hitler's driver Erich Kempka, General Field Marshal Albert Kesselring, the pre-war Austrian Foreign Minister Guido Schmidt, a leading Gestapo official Hans Gisevius, a Gestapo victim named Severina Shmaglevskaya, prominent figures of the world of culture (one of whom was the Soviet Academician I. A. Orbeli) and priests.

Mostly, the witnesses fell into two categories: those for the prosecution and those for the defence. But there was hardly any difference in the nature of their evidence.

Keitel and Jodl, as we have already seen, tenaciously clung to their argument that the Army of the Third Reich was brought up on the "noble traditions of the Prussian Junkers", and that the atrocities were the handiwork of the SS. As a result, a battle royal flared up between the witnesses for the Army and for the SS. Keitel's argument has become the propaganda line in Bonn where every effort is being made to whitewash the many officers from the nazi General Staff who now head the Bundeswehr.

One of the witnesses was Field Marshal Erich von Manstein. As soon as he took the oath "to tell the truth, only the truth and nothing but the truth", he began to lie in the most outrageous manner. He denied that the Army commanded by him had an operational group whose special task was to exterminate people en masse. This testimony was immediately refuted by SS General Otto Ohlendorf, who was in command of that group. It turned out that Manstein had personally ordered the mass extermination of Soviet civilians and on his (Manstein's) instructions thousands of watches taken from the victims were handed out as gifts to Army officers. All other valuables (gold teeth, rings, bracelets) were registered and sent to the Reichsbank in Berlin.

Many years later I attended a press conference held in Moscow in connection with the trial in Coblenz of a group of senior SS officers who had committed dastardly crimes in Byelorussia. Procurator Vasily Samsonov, who had been on the Soviet delegation in Nuremberg, spoke angrily at the press conference. The FRG Government had denied him and Georgi Alexandrov, who headed the group of Soviet investigators at Nuremberg, the right to represent the victims—the Byelorussian people. The real reason for this becomes apparent if we look at only a tiny fraction of the evidence which the Soviet lawyers intended to submit to the court in Coblenz. During the nazi occupation, from 1942 to 1944, the finance department under the Reich Commissioner Heinrich Lohse in Riga was directed by a man named Vialon. On September 25, 1942, this Vialon signed a directive to the commissioners-general of Riga, Tallinn, Kaunas and Minsk on the disposal of valuables "from Jewish property", i.e.,

the property left behind after mass shootings. Vialon was concerned mostly with gold articles, with the gold teeth removed from the victims. This secret directive stated:

"... All gold and silver articles shall be counted, registered and placed at my disposal. . . . Copies of the registration shall be submitted to me."

Friedrich Vialon subsequently occupied the post of State Secretary of the Bonn Ministry for Economic Co-operation. Naturally, Coblenz was barred to Soviet lawyers who were in possession of such evidence against him.

But let us return to Nuremberg.

In the witness stand was Rudolf Ferdinand Hoess, former commandant of the Oswiecim concentration camp. Asked how many people were killed in Oswiecim, he replied with a composure that sent a nervous shudder down people's backs:

"Two and a half million."

He went on to give the exact number of corpses burned daily in each of the furnaces. The defendants called this "the low point of the entire trial".

"That is something that people will talk about for a thousand years," Frank noted in a quavering voice.

But the man with a particular reason for considering this the "low point" of the trial was Alfred Rosenberg, who had zealously implemented the nazi policy in the East. He lamented:

"It was a dirty trick to put Hoess on just before my case, because it naturally put me in a very difficult position."

Two burly American soldiers escorted to the witness stand a bald man in military uniform without shoulder-straps. He was Major-General Erwin Lahousen. The defendants were thrown into confusion. Admiral Wilhelm Canaris, chief of the German Intelligence, was hanged by Hitler for his part in the July 1944 conspiracy. But his deputy, Lahousen, was alive and this boded ill for the defendants. At the sight of him Goering and Keitel turned crimson. When in a calm voice and with references to documents Lahousen spoke of Goering's, Keitel's and Jodl's complicity in the bombardment of Warsaw, the slaughter of Polish intellectuals and the provocation in Gliewitz at the close of August 1939, Goering lost control of himself.

"That traitor!" he yelled. "That's one we forgot on the 20th of July. Hitler was right—the Abwehr was a traitor's



organisation! . . . No wonder we lost the war—our own Intelligence Service was sold out to the enemy!”

After hearing this tirade, Lahousen said angrily:

“Now they talk of honour, after millions have been murdered!”

There was a time when amity reigned between Goering, Lahousen and the latter's chief Canaris. But when Lahousen managed to leave the sinking ship with Goering on it in time, they became mortal foes. Goering sought to blame Germany's defeat on the treachery of the Intelligence Service, although he knew full well what the real reasons were. But it was more convenient to shift everything to Canaris and Lahousen. It was Goering's strategy to absolve himself of blame whenever grave accusations were levelled at him.

Ribbentrop was perhaps the only one who failed to appreciate the significance of Lahousen's testimony. Hoping for support from Lahousen he decided to ask the latter some questions through his attorney. But the attorney was more far-sighted and emphatically protested, saying:

“Let's not ask so many questions, he only throws them back in our faces with even more damaging information.”

On the whole, it was strange to observe the indignation of the defendants over the testimony of witnesses like Lahousen, who only recently had taken great pains to show their “loyalty and everlasting devotion” to the leaders of the Third Reich. As though the ringleaders of nazi Germany displayed “firmer principles” and more “decency” towards each other when they found themselves arraigned before the Tribunal.

Undoubtedly one of the most colourful witnesses was SS General Erich von dem Bach-Zelewski. The defence attempted to use him to show that all the war-time crimes were committed by the Gestapo and the SS and that the German General Staff had nothing to do with them, that there was nothing to link the Wehrmacht with the SS.

Bach-Zelewski told the Tribunal of the criminal methods that were employed to kill captured partisans and of the reprisals against the civilian population on the pretext of fighting the partisans. He confirmed that special units made up of criminals were formed to “combat the partisans”. When he was asked if the Wehrmacht Command was aware of these crimes, he calmly replied:

"The methods were known generally, and hence to the military leaders as well."

Goering stormed during the recess. All the other defendants could do was restrain him.

"Why, that dirty, bloody, treacherous swine! . . . He was the bloodiest murderer . . . selling his soul to save his stinking neck!"

Such was the reaction of "Defendant No. 1" to the testimony given by Bach-Zelewski.

Jodl was likewise purple with rage.

"Ask him," he demanded of his attorney, "if he knows that Hitler held him up to us as a model partisan-fighter! Just ask the dirty pig that!"

The "dirty pig" was asked—by Goering's attorney Stahmer. But there was really no sense in it because Bach-Zelewski realised that it was futile to try and escape responsibility and did not deny his personal participation in everything. Nevertheless, the question was asked:

*Dr. Stahmer:* "Did you not know that you were particularly commended by Hitler and Himmler and decorated mainly for your ruthless and efficient actions in the war against the partisans?"

*Bach-Zelewski:* "I received all my decorations, beginning with the clusters to Iron Cross II, at the front and from the *Wehrmacht*."

This reply was least expected by the defence. But the interesting point was that there was truth in both the question and the answer, namely, that the German High Command valued Bach-Zelewski for his brutality against Soviet people. When Bach-Zelewski ended his testimony and was leaving the courtroom, Goering shouted after him:

"Swine!"

Bach-Zelewski's face twisted with fury, but he made no reply. The word was not translated by the interpreters, but everybody in the courtroom heard and understood it.

After this incident, no witness was allowed to pass by the dock. They were escorted through the door usually used by the interpreters. Colonel Andrus lectured Goering and as punishment deprived him of tobacco for a week.

However, Goering proved to be close to the truth when he called Bach-Zelewski a swine. This SS General was indeed one of Hitler's watchdogs. The end of the war found him in the United States zone of occupation and he easily

dodged responsibility for his crimes. Fifteen years were to pass before he was finally arrested and tried there, in Nuremberg—but not for the murder of hundreds of thousands of Slavs and Jews, or for the shooting on the “night of long knives” (in the summer of 1934 when Ernst Röhm and other rivals of Hitler and his own were dealt with summarily). He shot an East Prussian landowner named von Hoberg, who had been an SS man himself, but was suspected of being connected with some of the old Reichswehr generals of the opposition. Bach-Zelewski could not complain of bad treatment at the hands of West German justice: he was sentenced to only four years imprisonment.

\* \* \*

One day in July 1946 I had some free time and decided to use it in the courtroom. As I entered I heard Friedrich Bergold utter a rather discordant phrase:

“The Nurembergers would never hang a man they did not hold.”

It was two or three minutes before I realised that the attorney was using a medieval proverb to defend Martin Bormann.

Martin Bormann was for many years Chief of Staff under Rudolf Hess, and after the latter flew to Britain in May 1941 he became Hitler's deputy in the leadership of the National Socialist Party. During the last days of the war Bormann disappeared and at Nuremberg he was tried *in absentia*. There was every reason to believe that he was alive. To this day the press carries statements by persons claiming to have seen Bormann in one or another part of the world, mostly in South America.

The Soviet journalist Lev Bezymensky has generalised these numerous statements and compiled a more or less truthful picture of the disappearance and subsequent wanderings of Martin Bormann. After fleeing Berlin at the height of the fighting in that city, he went first to Austria and then to Denmark. From there his tracks led to Italy, where he was received with open arms by some ultra-reactionary circles of the Catholic Church. With their help he went to Spain and then settled down in a Latin-America country.

From time to time “sensational” generalisations of a

totally different nature appear in the Western press. For example, a certain Jaroslav Dedic maintained that he had personally witnessed the burial of Bormann's corpse in Berlin. In May 1945 Dedic was summoned to Berlin and much to his own discomfiture could not prove that he had helped to bury Bormann. No corpse was found in the spot indicated by him. Many "witnesses" of this kind have lately come to the fore, and this brings one round to the thought that to this day someone wants the world to think that Bormann is dead.

Attempts to certify the death of the chief of the Nazi party headquarters and thereby prevent a further search for him were made as early as during the Nuremberg trial. Erich Kempka, head of the Reich Chancellery garage and Hitler's personal driver, was interrogated on a motion from the defence. He was supposed to have been one of the few people who saw Bormann at the time of his mysterious disappearance.

Cross-examined first by defence counsel Bergold, Kempka gave the following evidence:

"I saw the Reichsleiter, the former Reichsleiter Martin Bormann, on the night of May 1-2, 1945, near the Friedrichstrasse railway station. . . . He asked me what the situation was and whether one could get through there at the Friedrichstrasse station. I told him that was practically impossible since the defensive fighting there was too heavy. . . . Then a few tanks and a few SPW (armoured personnel carrier) cars came along, and small groups boarded them and hung on. . . . Afterwards the leading tank—along about at the middle of the tank on the left-hand side, where Martin Bormann was walking, suddenly received a direct hit, I imagine from a bazooka fired from a window, and this tank was blown up. A flash of fire suddenly shot up on the very side where Bormann was walking. . . . I myself was flung aside by the explosion . . . and I became unconscious. When I came to myself I could not see anything either; I was blinded by the flash."

Only part of this testimony suited Bergold, namely, confirmation that Bormann was killed by the explosion. He asked Kempka the following leading question:

"Witness, did you see Martin Bormann collapse in the flash of fire when it occurred?"

The witness began "to see the light":

"Yes, indeed, I still saw a movement which was a sort of collapsing. You might call it a flying away."

The attorney put on more pressure:

"Was this explosion so strong that according to your observation Martin Bormann must have lost his life by it?"

Kempka was now fully aware of what was expected of him and replied more emphatically:

"Yes, I assume for certain that the force of the explosion was such that he lost his life."

The Tribunal judges rarely questioned the witnesses, leaving this almost entirely to the prosecution and the defence. But this time the Tribunal President himself took a hand.

*President:* "How far from Bormann?"

*Kempka:* "It was perhaps three or four metres."

*President:* "And then some missile struck the tank?"

*Kempka:* "No, I believe the tank was hit by a bazooka fired from a window."

*President:* "And then you saw a flash and you became unconscious?"

*Kempka:* "Yes, I suddenly saw a flash of fire and in the fraction of a second I also saw Reichsleiter Bormann and State Secretary Naumann both make a movement as if collapsing and flying away. I myself was thrown aside with them at that same moment and subsequently lost consciousness. . . . When I recovered I could not see anything and then I crawled away and crawled until I bumped my head against the tank barrier."

Then questions were put by the United States Judge Francis Biddle and with every answer Kempka's evidence grew increasingly more vague.

*Biddle:* "How near were you to the tank when it exploded?"

*Kempka:* "I estimate three to four metres."

*Biddle:* "And how near was Bormann to the tank when it exploded?"

*Kempka:* "I assume that he was holding on to it with one hand."

*Biddle:* "Well, you say you assume it. Did you see him or did you not see him?"

Here Kempka found himself entangled in his own testimony. He unexpectedly replied:

"I did not see him on the tank itself. But to keep pace

with the tank I had done the same thing and had held on to the tank at the back."

It became quite clear that things were going badly for Kempka: he had declared that he had been three or four metres away from the tank, and then said that he had held on to the back of the tank; he maintained that Bormann had also hung on to the tank, and then said that he had not seen him directly beside the tank. If it is remembered, as the witness himself stated, that this happened between two and three o'clock in the morning in pitch darkness, it will not be difficult to see that Erich Kempka had a lively imagination. The curious point is that the man who held on to the tank escaped without injury when the tank blew up, while Martin Bormann, the witness "assumed for certain", was killed.

To those who witnessed this scene Erich Kempka gave the impression of being a miserable liar. He did not so much help Bergold as to set at naught his entire argument in defence of the version that Bormann was dead. Despite all the efforts of the defence, the Tribunal sentenced Martin Bormann *in absentia* to death by hanging.

Incidentally, at the Nuremberg trial some people maintained that Adolf Eichmann was also dead. Yet he was "resurrected" fifteen years later, after which he was tried and hanged.

\* \* \*

In the witness stand was Marie Claude Vaillant-Couturier, a well-known French public figure, who had devoted many years to the struggle against fascism. When German troops occupied France she was arrested and sent to Oswiecim, where she went through all the horrors of hell.

Replying to questions from the prosecution she said that she was a Deputy in the Constituent Assembly and held the Order of the Legion of Honour. She was arrested by Pétain police on February 9, 1942, and six weeks later was turned over to the nazi authorities. In the Santé prison her cell was next to that of the philosopher Georges Politzer and the noted physicist Jacques Solomon. By means of the morse code Politzer told her that the nazis had tortured him to make him write theoretical pamphlets lauding National Socialism, and when he had flatly refused to do so they threat-

ened to include him in the very first group of hostages condemned to be shot.

She went on with her gruesome story:

"I left for Auschwitz (Oswiecim) on January 23, 1943. . . . I was with a convoy of 230 French women; among us was Danielle Casanova, who died in Auschwitz."

She mentioned another name—Annette Epoux:

"All my life I will remember Annette Epoux. . . . I saw her on the truck which was taking the internees to the gas chamber. She had her arms around another French woman, old Line Porcher, and when the truck started moving she cried. 'Think of my little boy, if you ever get back to France.' Then they started singing *The Marseillaise*."

Hardly able to control her emotion, she spoke of the callous methods used by the nazis to avoid "undesirable incidents" when they exterminated huge numbers of people:

"An orchestra composed of internees, all young and pretty girls dressed in little white blouses and navy blue skirts, played . . . at the arrival of the trains, gay tunes such as *The Merry Widow*, the *Barcarolle* from *The Tales of Hoffmann* and so forth. They were informed that this was a labour camp. . . . Those selected for the gas chamber, that is, old people, mothers and children, were escorted to a red-brick building."

While she spoke the silence was so intense that one could hear the pens of the stenographers. All eyes were on her as she unfolded the horrible tragedy page by page:

"I knew a little Jewess from France. . . . She was called 'little Marie' and she was the only one, the sole survivor of a family of nine. Her mother and her seven brothers and sisters had been gassed. . . . She was employed to undress the babies before they were taken into the gas chamber. Once the people were undressed they took them into a room which was somewhat like a shower-room, and gas capsules were thrown through an opening in the ceiling. An SS man would watch the effect produced through a porthole. At the end of five or seven minutes . . . he gave the signal . . . and men with gas-masks—they too were internees—went into the room and removed the corpses. They told us that the internees must have suffered before dying, because they were closely clinging to one another and it was very difficult to separate them."

"After that a special squad would come to pull out gold

teeth and dentures; and again, when the bodies had been reduced to ashes, they would sift them in an attempt to recover the gold."

She then told the court of yet another monstrous provocation. When Jews from Salonika arrived in Oswiecim, each was given a postcard and a text, which they had to copy in their own hand. The text read: "We are doing very well here; we have work and we are well treated. We await your arrival." Each had to send the postcard to his relatives. The address of the sender was printed at the bottom—a fictitious Waldsee.

"I do not know," Marie Claude said, "whether it happened in any other country, but in any case it did occur in Greece (as well as in Czechoslovakia) that whole families went to the recruiting office at Salonika in order to rejoin their families. I remember one professor of literature from Salonika, who, to his horror, saw his own father arrive."

At the trial many of the defendants and their defence counsels did their best to prove that Oswiecim, Majdanek and other death camps were the domain of Himmler, and that the Wehrmacht had nothing to do with any of them. But Marie Claude's evidence blasted this legend. She said that in addition to SS men the camp guard consisted of Wehrmacht officers and men.

The defence was disconcerted by her testimony, and to undermine it Otto Nelte declared:

"I can appreciate the hatred felt by people who have suffered so much. Their suffering was so great that one cannot expect them to be objective."

In reply to this one can say that in the nazi concentration camps there were only two categories of people: criminals and victims, murderers and those they murdered, butchers and those they tortured. There was no other category. The SS butchers sent no invitations to their bloody orgies. Who, in this case, could give evidence in a court? Who, in the logic of the attorney, could be believed? Whose evidence could the court take into consideration and regard as objective? The murderers and butchers, or the victims who miraculously escaped death?

Hans Marx likewise rushed into the attack. He was determined to show that Marie Claude Vaillant-Couturier was incompetent in the questions on which she gave testimony.

"How can you explain your very precise statistical knowl-



edge, for instance, that 700,000 Jews came from Hungary?" he demanded.

Marie Claude at once satisfied his curiosity: she obtained these statistics when she worked in the camp office. The attorney tried to confuse her:

"It has been stated that only 350,000 Jews came from Hungary, according to the testimony of the Chief of the Gestapo, Eichmann."

The answer bristled with sarcasm:

"I am not going to argue with the Gestapo. I have good reasons to know that what the Gestapo states is not always true."

Extricating himself from the Oswiecim theme, Hans Marx turned to a new topic where he felt he would not be treading on such dangerous ground:

"One more question. Up to 1942 you were able to observe the behaviour of the German soldiers in Paris. Did not these German soldiers behave well throughout and did they not pay for what they took?"

Once again the answer struck him down:

"I have not the least idea whether they paid or not for what they requisitioned. As for their good behaviour, too many of my friends were shot or massacred for me not to differ with you."

Utterly discouraged, the attorney made his last attempt to discredit Marie Claude:

"How do you explain that you yourself came through these experiences so well and are now in such a good state of health?"

This loathsome attack had devastating repercussions far beyond the Nuremberg Palace of Justice. *Berliner Zeitung* carried an article which ended with the words:

"One cannot, of course, forbid a person to express his sympathies. The only thing is what our opinion of this person will be. . . . A person who does not consider it necessary to keep silent when he hears of the horrible sufferings of the victims of nazism, but, on the contrary, tries to use these sufferings in favour of sadists and murderers should be excommunicated from the society of decent people."

At a routine organisational conference of the Tribunal a few days later, the chairman announced that a complaint had been received from Hans Marx. He said he had been insulted by the Berlin newspaper.

It seemed to me that in this case there was only one decision the Tribunal could adopt, namely, to tell the attorney that his behaviour was tactless. But something quite different happened. The United States Judge John J. Parker delivered himself of an angry philippic against the newspaper.

I came to know Parker during the many months of our joint work at the trial. He was an even-tempered man. But he seemed to have undergone a metamorphosis. He banged his fist on the table and cried:

"Had this happened in my state I would have put the editor behind bars. He had no right to libel an attorney."

My position did not permit me to enter into a polemic with the judges. I longed to remind Parker that when the question of Fritzsche's responsibility for propaganda arose, he was similarly categorical:

"No man may be tried for propaganda. . . . Do not forget that behind it is the freedom of the press, the freedom of speech, a sacred freedom guaranteed by the American Constitution."

I failed to understand why in one case printed propaganda was a freedom protected by the constitution, and in another—the expression of public opinion—it was an act for which the editor should be put behind bars.

That was all part of the day's work in Nuremberg.

\* \* \*

People wept listening to Severina Shmaglevskaya, who had also been an inmate of Oswiecim, describe how children were separated from their mothers and how these helpless beings were thrown into the devouring maws of the camp furnaces. In a voice laden with inconsolable grief and anger she said:

"I should like, in the name of all the women in Europe who became mothers in concentration camps, to ask the Germans today, 'Where are these children?'"

I glanced at the defence counsels and the defendants. Some of the attorneys were staring at the floor, others were biting their lips. Many of the defendants sat with bowed heads. Funk suddenly turned his back on Streicher as much as to say that after all he had heard in the courtroom he could no longer bear the sight of that racist fanatic. Frank's face grew crimson. Rosenberg fidgeted. Goering, as usual,

removed his earphones, which meant that this did not concern him.

During the lunch break Otto Kranzbuehler asked Doenitz: "Didn't anybody know anything about any of these things?"

Doenitz only shrugged his shoulders. Goering replied for him:

"Of course not. You know how it is even in a battalion—a battalion commander doesn't know anything that goes on in the line. The higher you stand, the less you see of what is going on below."

This was another wretched attempt to evade responsibility by a man who had helped to set up concentration camps in Germany and organise the Gestapo. United States Chief Prosecutor Robert Jackson was a thousand times right when on the very first day of the trial he said:

"The proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied. These defendants will only deny personal responsibility or knowledge."

A large contribution toward exposing the nazi war criminals was made by Soviet witnesses. They revealed details of many monstrous crimes committed by the nazis in the Soviet Union.

One of them was a striking, elderly man with a great black beard streaked with grey. Asked about his academic rank, he replied that he was a member of the Academy of Sciences of the USSR, member of the Academy of Architecture of the USSR, member and president of the Armenian Academy of Sciences, honorary member of the Academy of Sciences of Iran, member of the British Antiquarian Society, and consulting member of the American Institute of Archaeology and Art. He was the prominent Soviet scholar Iosif Orbeli. As he was about to begin his testimony about the barbarous destruction of monuments of culture and art in Leningrad, Dr. Robert Servatius, one of the defence attorneys, went to the microphone:

"I would like," he said, "to ask the court to decide whether the witness can be heard. . . . Leningrad was never in German hands."

This was a ridiculous motion, whose purpose was to rule out the possibility of pinning the nazis down for their crimes in unoccupied territories. The Tribunal denied the mo-

tion, and Academician Orbeli gave his testimony. In a voice quivering with pain he told the Tribunal of the German shelling of the Hermitage, one of the world's largest museums of art and history, and of the terrible destruction of priceless monuments of architecture in Peterhof.

Hans Laternser, attorney for the General Staff, asked Orbeli:

"Can you tell me whether near the Hermitage Palace... there are any industries, particularly armament industries?"

Orbeli replied in a calm voice that there were no military objectives near the Hermitage. To forestall further questions of this kind, he specified that if the attorney meant to ask about the General Staff building in the Palace Square, he could tell him that it was hardly hit by shells, whereas the Hermitage was hit every day.

The attorney pressed his point:

"Do you know whether there were artillery batteries, perhaps, near the buildings which you mentioned?"

Orbeli replied:

"On the whole square around the Winter Palace and the Hermitage there was not a single artillery battery, because from the very beginning steps were taken to prevent any unnecessary vibration near the buildings where such precious museum pieces were."

Beaten, Laternser returned to his seat. Servatius went to his rescue.

I had many conversations with this attorney, who was defence counsel for Sauckel and the leadership of the nazi party, and was somewhat astonished by his Russian which he spoke fluently with hardly a trace of accent. One day I ventured to ask him where he had learned his Russian. But he evaded replying, muttering something about his childhood and tutors, and hastily walked away.

He approached the witness stand and attacked Academician Orbeli without preliminaries:

"How far from the Winter Palace is the nearest bridge across the Neva River?"

The obvious implication was that the bridge was a military target. He superciliously went on:

"Have you any knowledge whatever of artillery from which you can judge whether the target was the palace or the bridge beside it?"

However, Servatius met with no greater success than his

colleague Laternser. Truth was on the side of the witness. Orbeli reasonably replied:

"I never was an artillery man, but I suppose that if German artillery was aiming only at the bridge then it could not possibly hit the bridge only once and hit the palace, which is across the way, with 30 shells. Within these limits—I am an artillery man."

\* \* \*

The system of presenting evidence used at the trial harboured many surprises for the defendants.

Soviet Assistant Chief Prosecutor Lev Smirnov submitted an affidavit from Sigmund Mazur, laboratory assistant at the Danzig Anatomical Institute, describing how the nazis made soap from human fat. The affidavit contained even the recipe, which ended with the words: "After it is cooled the soap is poured into molds."

The defendants kept their eyes averted from Smirnov. Their attention was focussed on an object placed on a table. It was covered with a white cloth and they guessed, of course, that it was another horrifying surprise.

Smirnov did not torment the defendants long. Pulling away the cloth he showed the Tribunal some of the molds into which liquid soap was poured. And beside them was the soap itself. In the hands of the prosecutor was an ordinary piece of soap, but who could tell how many human lives were snuffed out to enable German cosmetics firms to produce this "article".

Then the prosecutor displayed what looked like a piece of skin. Yes, it was skin, and if one looked closely at it, one could see that it had not yet been processed. But it was stripped not off some animal but off a human being.

When Smirnov said as much a muffled groan swept across the courtroom. Many people shuddered as though they felt a nazi butcher touching their bodies.

There were other covered objects on tables ranged along the wall. When the prosecutor had the cloths removed everybody in the courtroom saw pieces of processed human skin stretched on frames. On each were traces of beautifully executed tattooing. The people who had the misfortune to disfigure their skins in their young years, were doomed to terrible torture and violation as soon as they fell into the hands of the nazis. All tattooed persons were killed and their

skin was used for lampshades and various haberdashery.

Another item of evidence was beneath a glass bell—a human head shrunk to the size of a fist. On it was hair, and on the neck were traces of a rope.

At the sight of all this people felt their flesh creep. Whose skin was it? Whose head? A Russian, Pole or Frenchman? All that was known was that this head stood on a specially made stand as a souvenir on the desk of the commandant of the Oswiecim death camp.

Lev Smirnov came to Nuremberg with experience of interrogating and indicting nazi criminals. A highly cultured person, a well-trained lawyer, and one of the Soviet Union's most talented courtroom speakers, he brilliantly conducted the trial of ten nazi hangmen in Smolensk. At that trial he was the chief prosecutor and gained a good knowledge of the diverse methods which the nazis used to perpetrate crimes against the civilian population and to cover up these crimes. For that reason at Nuremberg he was assigned to submit to the Tribunal evidence of the crimes committed by the nazis against mankind.

The choice was a very happy one. Smirnov's speech at the trial impressed people not so much by its emotional force as by the force of its logic, by its cogency and, I would say, its scientific approach. His summary was extremely interesting and valuable for lawyers and historians.

Analysing the countless acts of brutality, he said:

"The unity of this will-to-evil was also apparent from the similarity of the methods employed by the murderers, from the uniformity of type in the murder technique. . . . One and the same system prevailed in the construction of the gas chambers, in the mass production of the round tins containing the poisonous substances 'Cyclone A' or 'Cyclone B', the ovens of the crematories are all built on the same typical lines, and one was the plan extending over all the camps of destruction. There was uniformity in the construction of the evil-smelling death machines, which the Germans referred to as 'gaswagen' but which our people called the 'soul destroyers'; and there was the same technical elaboration in the construction of mobile mills for grinding human bones. All this indicates one sole and evil will uniting all the individual assassins and executioners. . . . You will see that the sites where the Germans buried their victims were opened up by Soviet legal doctors in the north and south of the

country. These sites were separated from each other by thousands of kilometres, and it is quite evident that the crimes were perpetrated by perfectly different people; but the methods employed were absolutely identical. The same localisation of wounds. The same giant mass graves camouflaged as anti-tank ditches or trenches."

Lev Smirnov laid bare what led to the emergence in Germany to a huge stratum of hangmen. He pointed out that the crimes were organised on a state level and spoke of the role played by many years of education in a racist spirit, of the cultivation of material incentives for war, of Hitler's orders absolving nazis of responsibility for crimes, in short, of everything that helped the nazis to train a host of people to carry out the diabolical plan of annihilating huge numbers of people.

Goering, Rosenberg, Schirach and Streicher looked about them in bewilderment as though asking: "But what have we got to do with this?" Their "holy innocence" fooled nobody. It was none other than Goering, Rosenberg, Streicher and Schirach who had corrupted the German people for years, telling them that conscience was a chimera which every true German had to rid himself of, that Germans were the only people in the world worthy of living. The material evidence displayed in the courtroom were part of the horrible fruit of this corruption.

The nazis kept a strict account of their crimes. No murder was left unrecorded. At the concentration camps the names of prisoners who "arrived" and "departed" were registered in alphabetic order. Smirnov produced one of these books, and it was so heavy that he staggered under its weight as he carried it to the judges' table.

During the recess I glanced into it. The words "heart disease" were written in a beautiful hand beside the name of every victim. Prisoners did not stay long in the camp. Death overtook them soon after their arrival. And they died in alphabetic order, too.

Not even the most rabid adversaries of the Hitler regime could picture the businesslike transfer to the Reichsbank of thousands of rings, ear-rings, watches and brooches taken from the tortured and murdered victims in the concentration camps, of the gold teeth wrenched from them. At Nuremberg all this was finally laid bare in all its nakedness and confirmed by witnesses.

In the same way as Smolensk was a stage taking Smirnov to Nuremberg, the Nuremberg trial, where he so masterfully exposed the bloody crimes of the nazi invaders, opened new roads for him. From Nuremberg he went to the trial of the major Japanese war criminals in Tokyo. A few years after that he was the chief prosecutor in Khabarovsk at the trial of Japanese war criminals charged with making and using germ weapons.

But let us go back to Nuremberg. The huge library of photographs and films collected by the Tribunal likewise contained many a shock for the defendants. The nazis loved to pose in front of cameras and never suspected that in the end this would turn against them.

Kaltenbrunner, for example, denied that he had ever been to the Mauthausen concentration camp, much less witnessed the charging of the ovens with corpses. But to his bad luck there were photographs showing him observing the work of the ovens. There were hundreds of accusatory photographs of this kind. But Kaltenbrunner took his time recognising himself, complaining that the "image was indistinct". The accusatory photographs of Kaltenbrunner were sent to Room 158.

In that room was a thickset elderly German of medium height in a chequered jacket. He was Heinrich Hoffmann, whom nobody had heard of until Hitler came to power. He used to "make a living" photographing nude dancers. Then he went over to the publication of pornographic postcards. His models were girls working in second-rate bars, and one of them took his fancy and he made her his assistant. She was Eva Braun, who was destined to win the attention and affection of Hitler. Hoffmann did not grieve very much when Eva left him for the Führer, especially as the transaction was extremely profitable: he undertook to destroy all the negatives of Eva Braun in the nude in return for the monopoly right of photographing Hitler. Hoffmann quickly switched from pornography to Hitlerography and rapidly carved out a brilliant career in the Third Reich. He founded a large publishing house whose turnover amounted to 58 million marks in twelve years. Hitler gave his personal photographer an academic title and decorated him with the nazi party gold badge.

But nothing is everlasting beneath the Moon. In 1945, the now elderly Hoffmann was happy to be used as an expert



photographer. He was not allowed in the courtroom. I saw him there only twice early in the morning before the hearings began. His gaze wandered over his former clients in the dock.

He was not the only person to turn over many accusatory photographs to the Tribunal. Some of the former death camp internees who had escaped with their lives by a miracle brought photographic evidence to Nuremberg.

One of them was François Boix, a young and tall Spaniard, a survivor of the Mauthausen camp. He was a professional photographer, and the camp authorities used him to identify prisoners by their photographs. This enabled him to submit to the court a large file of photographs of Mauthausen either taken by himself or turned over to him in the shape of negatives by SS men who wanted them developed and printed.

Displaying a hair-raising photograph of a "masquerade", Boix explained:

"This staged the scene of an Austrian who had escaped. He was a carpenter in the garage and he managed to make a box in which he could hide and so get out of the camp. But after a while he was recaptured . . . sentenced and then paraded in front of 10,000 deportees to the music of a gypsy band. . . . When he was hanged, his body swung to and fro while they played the very well-known song, *Bill Black Polka*."

Another photograph was of a man hanged from a tree. Boix commented:

"A Jew whose nationality I do not know. He was put in a barrel of water until he could not stand it any longer. He was beaten to the point of death and then given 10 minutes in which to hang himself. He used his own belt to do it, for he knew what would happen to him otherwise." The photograph, Boix said, was taken by SS Oberscharführer Paul Ricken.

Then Boix exhibited a photograph of Armaments Minister Speer visiting the Mauthausen camp. Speer was in a good mood. The photograph showed him wearing a complacent smile as he shook hands with the camp commandant Obersturmbannführer Franz Ziereis.

The Soviet Chief Prosecutor Roman Rudenko asked the witness if he knew of cases in which Soviet prisoners of war were murdered in Mauthausen. Boix replied:

"I know so much that one month would not suffice to tell you all about it."

Boix, unable to restrain his agitation, handed the Tribunal yet another photograph. The judges looked at it and then told the defence attorneys and defendants to look at it. Goering and Keitel craned their necks, and Jodl and Doenitz looked at the photograph over their heads.

During the recess I took a look myself. It showed 30 Soviet soldiers standing naked in a line in the snow. They were terribly emaciated, with ribs showing as though there was no skin. Eyes gazed tragically from deep-sunken sockets. But there was still fire in these eyes—their will had not been broken. They had not long to live, but none had lost his presence of mind or was displaying submission or humility.

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In the morning of November 29, 1945, when, as usual, the defendants were led into the courtroom their attention was attracted by a white screen on one of the walls. The evidence on that day was to include a series of newsreels made by official nazi cameramen.

The courtroom was plunged into darkness, but the faces of the defendants were illumined by special lighting. The first films did not arouse any anxiety. They showed the rise of the nazis to power, the building up of the Wehrmacht and a Luftwaffe parade. A smile played on Goering's lips as he watched himself as the commander-in-chief of the nazi Air Force.

Then there were Army parades, and huge new armaments plants and their godfather Hjalmar Schacht, who had generously allocated billions of marks for their construction.

Goering nudged Hess, whose gaze wandered apathetically from the floor to the ceiling and back again. For a fleeting moment he looked at the screen, which took him back to one of the nazi conclaves in the Reichstag. He saw himself leading a gang of "parliamentarians" in the oath of allegiance to the Führer.

In a voice loud enough for all to hear, Goering told his dock colleagues that "the film was so inspiring, he was sure Justice Jackson would now want to join the party".

However, the mood in the dock underwent a drastic change. On the screen was a documentary titled "Concentration Camp".

When I recall the reaction of the nazi ringleaders to this film I cannot help thinking of the present-day developments in West Germany. The old militarists are telling the rising generation that all the attacks against them and even the Nuremberg trial itself were nothing but "lies and sophistry", "the most vile falsification of history". But let them try and show this rising generation the same documentaries that were screened in Nuremberg for Goering, Keitel, Jodl and Doenitz!

The Gestapo reels were not meant for public view. The films taken in the Oswiecim concentration camp are blood-chilling. They show tens of thousands of unfortunate people awaiting death. The victims are beaten and dogs are set on them. Then the viewer sees the end of their martyrdom—the infamous ovens. At the entrance to the crematorium are mountains of shoes and children's clothes.

The film showed a storehouse packed with bales. They were the hair shorn off the victims before they were killed. On the bales were inscriptions: "Men's hair", "Women's hair".

I glanced at the defendants. With the concealed light falling on them, their faces resembled horrible spectral masks.

Again on the screen were mountains of shoes, mountains of corpses and—an orchestra consisting of the finest musicians in Europe. They played the "death tango", drowning the groans of the unfortunates. Then the nazis destroyed the musicians, and there was nothing to drown their groans.

Schacht tried to keep his eyes away from the screen. He turned in the direction of the guest gallery. What had he, a financier and merchant, to do with all these crimes? But nobody was deceived by his monumental hypocrisy. Had there been no chief treasurer of war the ovens of Oswiecim would have been non-existent.

Neurath lowered his head. Funk, who was the custodian of the jewelry and the gold teeth pulled from the mouths of thousands of murdered people, closed his eyes and himself resembled a corpse. Slave-trader Sauckel wiped the sweat from his face. Frank sobbed. Speer was dispirited, and also sobbed. Goering, with his hands gripping the side of the dock, kept his face averted. Rosenberg swayed nervously and looked about him at the other defendants. Some of the defence attorneys muttered: "For God's sake—terrible!"

The Oswiecim film was followed by a film taken in Bu-

chenwald with its ever-hungry ovens and a lampshade made from tattooed human skin.

When bales of hair appeared on the screen and the commentator said that this "raw material" was used for the manufacture of special socks for U-boat crews, Doenitz turned away and said something to Raeder in a whisper.

Then the scene shifted to Dachau. 17,000 corpses. . . . Funk wept unrestrainedly. Frank bit his nails.

Josef Kramer, the Belsen butcher, appeared on the screen watching women's corpses being thrown into a pit. Frank lost all self-control. He shouted in a choking voice:

"The dirty swine!"

At the end of this film Dr. Gilbert heard Streicher say:

"Perhaps in the last days?"

To which Fritzsche retorted:

"Millions? In the last days? No."

When all this incontrovertible evidence of the guilt of the nazi party and its ringleaders was examined by the Tribunal, I could not help recalling Robert Jackson's words: "Our proof will be disgusting and you will say I have robbed you of your sleep."

Making the rounds of the cells that evening, Dr. Gilbert entered Fritzsche's cell first. The latter met him with a vacant stare and mumbled:

"No power in heaven or earth—will erase this shame from my country!—not in generations—not in centuries!"

Yet six years later when he was released and found himself in the atmosphere of militarist passion that had again gripped West Germany, he wrote a book in which he denied absolutely everything.

From Fritzsche Gilbert went to Frank. As soon as the doctor mentioned the films, Frank burst out weeping:

"To think that we lived like kings and believed in that beast!" he wailed. "Don't let anybody tell you that they had no idea! Everybody sensed that there was something horribly wrong with this system. . . . You treat us too well," he pointed to the food on his table. "Your prisoners and our own people starved to death in our camps. . . . May God have mercy on our souls! . . . Yes, Herr Doctor, what I told you was absolutely right. This trial has been willed by God."

Frank had seen Treblinka, Majdanek and Oswiecim not on the screen but with his own eyes. On his visits to these death camps he had not wept and had not gone into

hysterics. But now feeling the rope tightening round his neck he gave himself up to tears. Obviously, he was bewailing his own fate.

Going into von Papen's cell, Gilbert asked him why he had demonstratively turned his face away from the screen. The reply was laconic:

"I didn't want to see Germany's shame."

Schacht complained to Gilbert:

"How dare they make me sit there with those criminals!"

Further we shall see that there was good reason for his presence in the dock, and shall, perhaps, feel that it had been a mistake to seat him so far from Goering.

Gilbert found Sauckel shivering. He confided:

"I'd choke myself with these hands if I thought I had the slightest thing to do with those murders! It is a shame! It is a disgrace for us and for our children—and for our children's children!"

Keitel was eating when Gilbert entered his cell. He said nothing until the doctor mentioned the films. Putting his spoon down, he confined himself to a few words:

"It is terrible. When I see such things, I'm ashamed of being a German!"

Goering evaded discussing the subject.

Fritzsche was more communicative:

"Yes, that was the last straw. I have had the feeling—of getting buried in a growing pile of filth.... I am choking in it."

Gilbert noted that Goering was taking it much more calmly. To this Fritzsche cursed Goering as a "thick-skinned rhinoceros who was disgracing the German people".

Why am I reproducing all this? It is quite plain that the tears, laments and grandiloquent pronouncements of the defendants were sheer duplicity. But this is not the main point. What is essential is that none of those who faced the International Tribunal denied the crimes of the nazis, not even in their unofficial talks with Dr. Gilbert. All they tried to do was to shield themselves and pose as innocent bystanders. To what loathsome ends present-day West German propaganda goes in its efforts to exonerate nazism!

At Nuremberg Goering, Ribbentrop, Keitel, Jodl and the others feared the very word "screen". It did not hold out the promise of pleasant minutes. But none of them

ventured to question what was recorded by newsreel cameramen on tens of thousands of metres of film.

In that case, why has Bonn sent official diplomatic protests to the governments of other countries, where progressive producers have tried by means of feature films to show millions of people only a tiny fraction of what was screened at Nuremberg? Why is the film narration of the exposed crimes of Hitler and Himmler, of Goering and Kaltenbrunner worrying them? This, it seems to me, was exhaustively answered by the Italian film producer Vittorio De Sica, who showed the roots of the Bonn campaign against the anti-fascist film *Hermits of Altona*.

"West Germany is even now infected with fascism," he said.

Since I am on the subject of films, I feel I must mention the outstanding Soviet producer Roman Karmen and his colleagues Boris Makaseyev, Victor Shtatland, Sergei Semyonov and Victor Kotov, and the documentary they made—*Tribunal of Nations*. Paraphrasing one of the prosecutors, one may say that this documentary is a source of truth for historians and a warning to politicians.

#### THOSE WHO SIGNED THE SENTENCE

As one entered the courtroom, one's attention was first attracted by the table at which sat eight judges. The USSR, the USA, Great Britain and France were each represented by two Judges, one of whom was a member of the International Tribunal, and the other was his assistant. There was no significance at all in this division. The sentence, for example, was signed by all of them: the members and their assistants. During the trial all enjoyed equal rights in considering major questions.

Lord Justice Geoffrey Lawrence, Judge of the High Court of Great Britain, was elected President of the International Tribunal. It was said that he came to Nuremberg by virtue of an established tradition: from time to time all judges of the High Court of Great Britain are sent overseas.

I cannot say who might have gone instead of him, but for some reason I am certain that no other British judge would have been more suitable as President of the Tribunal. Lawrence proved to be equal to the task, conducting the trial with efficiency and dignity.

He was short of stature, about 60, stout, with a bald head, and wore glasses that kept sliding down his nose. His face was frequently creased in a smile: Sir Geoffrey Lawrence had a fine sense of humour.

He held the reins of the trial firmly in his hands with great tact. Outwardly he was calm, never raising his voice. It seemed as though nothing could disturb his equilibrium. Nonetheless, his manner was such that even the most undisciplined and self-willed defendants and attorneys had to obey his instructions unconditionally. Nature had generously endowed this man with the qualities needed by a judge.

"We must never forget that the record on which we judge the defendants today is the record on which history will judge us tomorrow. . . . We must summon such detachment and intellectual integrity to our task that this trial will commend itself to posterity as fulfilling humanity's aspirations to do justice."

These words, spoken at Nuremberg by Robert Jackson, aptly expressed Lawrence's credo as a judge.

I observed him from close quarters not only in the courtroom but also at the organisational sittings of the Tribunal. At these sittings the Tribunal considered numerous applications from the defendants and their defence counsels for various documents and other evidence. It must be said frankly that Lawrence and all the other Judges displayed the utmost fairness and patience in their approach to these applications. All the judges were aware that this was an unprecedented trial and that their impartiality and their scrupulosity in going over the evidence would be under the scrutiny of historians, lawyers, philosophers and politicians for many years to come.

But in addition to being impartial and patient, the Tribunal President had to have the ability to direct the course of the hearings. In the courtroom were not only the direct participants in the trial, but also uncontrollable people like pressmen. Their turbulent reaction to various remarks by the sides in the trial frequently threatened to disrupt the normal course of the hearings or, what judges call, the solemnity and dignity of court proceedings. In such cases Lord Justice Lawrence proved to be equal to the task without having recourse to the attributes of his powers as President. In his hands he had neither the traditional bell nor the traditional mallet.

Incidentally, about the mallet. During the first days of the trial this instrument lay on the table near the President's chair. It was brought by United States Judge Francis Biddle. In some respects this mallet, I was told, was historical: it was used when Franklin D. Roosevelt was elected Governor of New York State. Roosevelt kept it as a souvenir, and then presented it to Biddle. In his heart of hearts the latter hoped he might be elected President of the Tribunal and brought the mallet with him. When Geoffrey Lawrence was elected, Biddle, in a fine gesture, presented it to him (probably for the duration of the trial). The presentation was made before the opening of the first hearing—on November 20, 1945. Unfortunately, the mallet remained in its place for only two days. The story of the mallet got around and it was lifted by a pressman, most probably an American. Biddle was inconsolable for a long time, but Lawrence took the loss without any outward signs of vexation.

As the Tribunal President, Lawrence did not display any special activity during the hearings. He reasonably felt that he would have plenty of opportunity for that at a later stage, when the fate of the defendants would be decided in the conference room.

It cannot be said that in Lawrence the politician prevailed over the lawyer. On the contrary, he gave the impression of being a man who thought solely as a lawyer, of a man who placed conformity to the letter of the law above all else. He was always on guard against any violation of the Tribunal Charter or of the procedure established for it. It did not worry him at all that some newspapers criticised the judges for the slow progress of a trial whose outcome raised no doubts in anybody's mind.

One newspaper carried a cartoon of Lawrence at the Judges' table with a beard reaching to the door of the courtroom, and with the dock empty. He had a mallet in his hand and was bringing it down on the table. The caption read: "The trial is over. The last defendant has died of old age."

When it was shown to Lawrence, he smiled and complimented the cartoonist. However, nothing changed in his manner of conducting the trial.

Every lawyer knows that before a sentence is passed some judges quite involuntarily let the sides and the audience know where their sympathies lie. This usually happens when



the judges ask too many questions or let the sides or even the defendant be drawn into an argument. The situation in which the question is asked, the way the question is worded, the extent of the explanation and even the tone of the questioner frequently make it possible to ascertain the judge's mind before he states it in the sentence.

Geoffrey Lawrence was of a different stamp. He did not abuse his right to ask questions and when he did ask a question it did not give him away. He was always irreproachably courteous, sometimes slightly ironical and invariably even-tempered. He knew exactly when to make a remark to the defence attorney, the defendant or the prosecutor, and always displayed consummate tact.

One day Lawrence very mildly told Walter Siemers, defence counsel for Raeder, that he was unnecessarily putting questions to his client on circumstances well known to the Tribunal. Siemers said he would take note of this remark, but went on putting the same questions. Lawrence displayed his usual patience, and only when Siemers turned to Raeder and said: "I am going over to the final question," the glasses slid to the end of Lawrence's nose—a sure sign of a sharp rebuke. Indeed, in the next minute Lawrence said:

"Dr. Siemers, that is about the sixth final question you have asked."

Lawrence had a time-table which he kept rigidly. In the evenings, when the Soviet Judges Nikitchenko and Volchkov pored over the documents to be considered at the next hearing, Lawrence and his wife went for a walk in the park. When he was off duty he would be extremely annoyed if anybody tried to talk shop to him. Whenever I had occasion to meet him during his walks he would speak of his stable of race horses. He knew the habits of each of his horses and was quite an expert on the subject. Learning of this weakness, Lev Sheinin usually started a conversation on horses, and this put me in an awkward position because I had to interpret the conversation and knew very little of the technical terminology involved in Russian, much less in English.

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As distinct from Lawrence, the British Assistant Judge Sir Norman Birkett was tall, portly and somewhat expansive. Lively and cheerful, he made many friends.

It seemed that there was nothing of the traditional Englishman about him. He had a mobile face. His chestnut hair was constantly falling over his eyes. The nose was long and hooked. He had clever, sparkling eyes. He was always affable, sociable and witty. There was much about him of a good lawyer and an educated politician.

To become a judge he left a large and lucrative practice. Of all the Judges on the Tribunal, his, I would say, was the most skilful pen. Whenever some document had to be compiled quickly, the draft would be usually written by him. He would do it easily and with professional brilliance. What was written by him was always brief and to the point.

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The United States Judge Francis Biddle was a man of a totally different cast. The only external similarity between him and Birkett was his height. The features of his face were regular, but small. The short, trimmed moustache in combination with a large bald patch on his head gave him a somewhat foppish look.

Biddle was the Attorney-General in the Roosevelt Administration. He was sooner a politician than a lawyer. He had extensive experience of politics, which from time to time brought him to the fore or removed him from the US political scene. He was not such an adherent of juridical dogma as Lawrence, and at the trial he was very active, frequently putting questions to the defendants and the witnesses.

I do not think anybody had any doubts about Biddle's political views. A typical American bourgeois, he was far removed from liberalism. He had, of course, a sincere loathing of the crimes committed by the nazis. But it is questionable whether he genuinely approved of all the provisions of the Tribunal Charter. Many of the means employed in imperialist foreign policy were, from his standpoint, much too customary to be considered inadmissible, let alone criminal. Although as a judge he did not state his political and juridical credo before the sentence was passed, the defendants felt by his remarks, questions and attitude to some of their supplications that he was not the most formidable of the judges. Von Papen, for instance, noted in his memoirs: "In Mr. Biddle and his assistant Parker we saw the best guarantee of a just sentence." Doenitz's comment was:

"He really wants to hear the other side of the story. I wish I could meet him after the trial."

At a conference in which Fritzsche's guilt was considered, Biddle and Parker sincerely doubted if he should be tried at all. It was a case of war propaganda—usual in imperialist America. Was not such propaganda an expression of the sacred freedom of speech? During an exchange of views John J. Parker said:

"You find people like Fritzsche in every country. You won't go trying all of them?"

Ultimately, Fritzsche was acquitted. The Soviet Judge reserved his opinion.

However, both Biddle and Parker were sincerely disgusted by the brutalities of the nazis in occupied territories. Here they had no doubts that acts of this kind were punishable.

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Next to the United States Judge sat the French Judge Donnedieu de Vabres, a man of about sixty, with sparse hair, the huge moustache of a seal, and dark, horn-rimmed glasses.

He never intervened in the course of the trial. I do not remember him putting a single question to a defendant or witness. All he did was to make notes, writing from the beginning to the end of every hearing, writing for weeks and months. His notes, evidently, could make up thick volumes. Prior to the war he wrote many books on international criminal law. None of them were distinguished for their democratic views. The author himself, whom I observed for a year and heard frequently in *in camera* sittings of the Tribunal, did not give the impression of being a convinced democrat.

He uncovered himself most fully when the Judges considered the question of the responsibility of the nazis for crimes against partisans. He could not understand what the charge against the nazis was.

"International law," he argued, "recognises as soldiers only men in Army uniform. If the population takes up arms this is regarded as thuggery. The enemy is in his rights to regard such subjects as insurgents and shoot them summarily."

These views of a judge representing a country in which the people fought in the Resistance for many years, induced surprise, annoyance and indignation. But the majesty of the Nuremberg trial lay in the fact that even such extremely reactionary arguments by individual judges could not essentially influence its end result. As a whole, the Tribunal correctly understood its role and tasks. It was apparent that for de Vabres this was an unusual trial. It was a Tribunal of Nations, a trial watched by the whole of mankind, a trial where the defendants were indicted on behalf of millions of people.

It was important, of course, that at such a trial the judges should be fair and honest, and of a democratic turn of mind. The Judges were appointed to the Tribunal by sovereign countries and nobody had the right to tell them who to appoint.

There was an extremely unpleasant episode connected with Professor de Vabres' name. One of the defendants, Hans Frank, was President of the German Academy of Law at the same time that he was Justice Minister and then Governor-General of occupied Poland. In laying bare Frank's criminal activities, the prosecutors did not forget to mention that this Academy was a hothouse of reactionary legal views which provided the theory justifying the nazi reign of terror. Frank's defence attorney Alfred Seidl made every effort to prove the reverse, to show that instead of being a centre of juridical obscurantism, the Academy headed by Frank enjoyed the respect of leading European lawyers, including French lawyers, who considered it an honour to be associated with it. The attorney delved into every detail and discovered that Donnedieu de Vabres had been one of the Academy's many foreign guests. On top of that Seidl obtained the information that at one of the Academy's sittings this "distinguished visitor" stated: "The modern superiority of the totalitarian regime springs from its determination, from its youthful energy, which is capable of meeting new requirements when they arise."

I do not remember if Seidl read his prepared document in public. It seems that he didn't. But the courtroom seethed with rumours about it. Naturally, this did not afford Professor Donnedieu de Vabres much pleasure. But there was nothing to be done about it. Human mistakes have the unpleasant quality that they have to be paid for sooner or later.

The crimes of the nazis, the experience of the Second World War, the sacrifices made by France in the name of the freedom of peoples, and the exposures at the Nuremberg trial all had their effect. Professor de Vabres had the opportunity of understanding how dearly mankind paid for the "determination" of the nazi totalitarian regime, for its "youthful energy", which he had so inopportunately mentioned in his speech. Perhaps it was because he realised this that he made his contribution to the settlement of the major tasks of international justice in Nuremberg.

I have quite different memories of Robert Falco, de Vabres' assistant. He was an extremely likeable and very loyal person with a truly French character. He fought in World War I and was decorated for bravery. In the mid-40s he was a member of the French Higher Court of Cassation. It was fortunate that at the London talks on the Charter of the International Tribunal, France was represented by him and not by de Vabres. I shall not conceal the fact that it afforded me and Nina Orlova and Alexander Lunev, who were on the Soviet delegation in Nuremberg, great pleasure to meet Mme Falco in Moscow in the summer of 1965 and warmly recall the memory of Robert Falco.

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Major-General Ion Nikitchenko was 50 when he was appointed Soviet Judge at the International Tribunal. He had extensive legal experience, which started during the Civil War and the foreign intervention (1918-20) when he was chairman of a military tribunal.

Well-read, tactful and restrained, he established a good businesslike contact with his foreign colleagues from the very beginning. In the summer of 1945, before going to Nuremberg, he headed the Soviet delegation at the four-power (USSR, USA, Britain and France) conference in London, which drew up the Agreement for the Establishment of an International Military Tribunal and the Tribunal Charter. In the autumn of the same year, when the Tribunal was formed, Ion Nikitchenko presided over its Berlin session, which considered a number of organisational and legal questions.

I did not know Ion Nikitchenko until I met him in Nuremberg. When I got down to writing this book, I very

much wanted to sketch his portrait. But after re-reading Dmitry Furmanov's *Revolt* I realised that this had already been done.

People will tell me that Furmanov wrote about him several decades ago and that such a time span is more than enough for a man's character to undergo a change. That is true, but there are exceptions. Comparing the image created by Furmanov with the living Ion Nikitchenko in Nuremberg I came to the conclusion that in the main this man had not changed. This is evidently intrinsic to men of great integrity.

At the age of 13 Ion Nikitchenko went to work in a coal mine in the Donbas and there joined the revolutionary movement. He joined the Bolshevik Party in 1914. In 1917 he helped to form the Red Guard in Novochoerkassk, and the year 1918 saw him on the Eastern Front.\* There he met Dmitry Furmanov, who remembered him for his "epic calm, olympian composure, clear, serene and clever gaze, slow and quiet manner of speaking. . . . Behind his glasses, Nikitchenko's eyes shone with the restful, unblinking light of a distant hamlet. He could stay almost motionless for hours and think, ponder, or quietly and calmly drive a point home, or work painstakingly on something. . . ."

This portrait accurately describes the Nikitchenko I met and came to know well at Nuremberg.

He enjoyed the esteem of all the other Judges. Intelligent and observant, the Western Judges very quickly saw that Nikitchenko had what makes a personality. This helped, of course, to establish creative co-operation.

Nikitchenko agreed with Lawrence that there had to be the maximum objectivity and impartiality at the trial. On this he gave the Tribunal President his wholehearted support. Nevertheless, Nikitchenko and his assistant A. F. Volchkov were called "hard judges". Unquestionably, they sided with Lawrence when the latter ensured objectivity and impartiality in considering the charges against the defendants. But the moment Nikitchenko noticed the defendants or their attorneys artificially dragging out the trial, he resolutely spoke against this and in very proper form reminded the other Judges that Article I of the Tribunal Charter required

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\* One of the fronts of the Civil War and of the foreign intervention in Soviet Russia.

not only a *just* but also a *quick* trial and punishment of the principal war criminals.

He was a commanding personality at the trial, catching the least attempt by the defence attorneys to ask witnesses leading questions and quickly stopping all attempts to distort the truth.

I have already mentioned that differences in ideology created some difficulties between the Soviet Judges and the judges of the bourgeois countries. From time to time they differed in their assessment of facts. But it goes to the credit of the Soviet Judges that in their relations with their Western colleagues they always tried to accentuate what united rather than what disunited the panel of Judges.

Nikitchenko and Volchkov sought no compromise only in questions of principle. On such questions they maintained a "hard line", for example, in the debate on Fritzsche, when, in fact, the Western Judges did not consider war propaganda a crime. Another case was over Schacht's responsibility for financing the aggressive nazi armament programme. In such cases the Soviet Judges did not stop even before an open, official disagreement with the bourgeois majority on the Tribunal. This found its expression in their dissenting opinion when the Tribunal passed its sentence.

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I knew the Assistant Soviet Judge Alexander Volchkov before the war, when we were colleagues in the People's Commissariat for Foreign Affairs. For many years he worked as a procurator and then as a member of the Soviet Embassy in London. He specialised in international law, receiving an academic rank before the war. During the war, like myself, he was in the Army's legal department.

His extensive knowledge of international law and his fluent English, and also the experience he had gained in diplomatic work abroad apparently served as the definitive motives for his appointment as Soviet Assistant Judge at the International Tribunal.

In Nuremberg the Soviet Judges were easily distinguished by their uniforms. The Western Judges wore robes, and for a long time tried to prevail on Nikitchenko and Volchkov to change into the black robes of judges. But both Nikit-

chenko and Volchkov were firmly of the opinion that military uniforms were better suited to the International Military Tribunal.

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Despite the different upbringing, philosophies and legal systems represented by them the Judges found a common language in major issues. This was achieved because the Nuremberg Tribunal had a general democratic task, that of combating aggression and war threatening the whole of mankind. All nations wanted not only the punishment of the nazi aggressors but the creation of a barrier to the rejuvenation of German militarism.

The Nuremberg trial strikingly showed that countries with different social systems could co-operate broadly for the attainment of general democratic objectives, including the main one—that of securing lasting peace.

In an ordinary trial, a judge or a prosecutor has it easy when he is guided by the comprehensively worked out criminal or criminal-procedural code of his own country, in which are clearly defined the responsibility of the defendant and the procedure for the trial. In Nuremberg it was immeasurably more complex. The defence attorneys and defendants resorted to all sorts of legal chicanery and utilised every loophole in international law. The attorneys, as we have already seen, were leading specialists with academic titles, who had been trained for many years in the art of justifying the practice, typical of German imperialism, of arbitrary action against other countries and peoples.

The judges and prosecutors were eminently experienced criminal lawyers. But this proved to be not enough. They had to be constantly prepared to give a well-argued rebuff to the attempts of the defence attorneys to place ruthless criminals out of reach of the punishing hand of justice.

In this respect the Tribunal Charter was no panacea. Basically, it stated the principle of responsibility for violations of international law. The judges and prosecutors had to refer to countless international conventions, international custom and court precedents. Here they were assisted by leading jurists.

The Soviet delegation's legal consultant was Professor Aron Trainin, corresponding member of the USSR Acade-



my of Sciences. Despite the considerable difference in age and position, he and I struck up a very cordial friendship. Much later I realised that I owe this friendship and kindness of a world-famous scientist wholly to his character. This man of medium height, with a mobile face and lively, clever and, I would say, slightly canny eyes, had a marvellous way with people. He had innumerable pupils and to the end of his life they profited by his generous advice and profound knowledge.

Aron Trainin was associated with Moscow University for more than 50 years. He finished the University's law department brilliantly, taking a liking to research during his student years. At the University he joined the students' revolutionary movement, and as a young man saw the inside of a prison twice. From prison he returned to Moscow University and worked in that world-renowned educational institution until his death.

Trainin was working on the problem of using international law to fight aggression and crimes against mankind long before the Second World War broke out. His fundamental works *Ugolovnaya interventsia* (*Criminal Intervention*) and *Zashchita mira i ugolovny zakon* (*Defence of Peace and Criminal Law*) were well known in the USSR and in foreign countries. During the war, in 1944, he published his *Ugolovnaya otvetstvennost gitleroutsev* (*Criminal Responsibility of the Hitlerites*).

This book and Trainin's work theoretically substantiating the punishment of aggressors made reactionaries throughout the world fume with anger. Subsequently, the editor-in-chief of *American Journal of International Law* went so far as to maintain that "Marxist ideology" triumphed in Nuremberg because this scientist's attitude was ill-intentioned.

However, it would be unjust to credit the American jurist with this "discovery". All he did was to repeat what was said in 1948 by the West German attorney Wohll in Nuremberg at the trial of the chiefs of IG Farbenindustrie, one of the largest German concerns. The monopolists were charged with aggression, with grave war crimes. Their defence counsels made believe they were shocked by the "absurdity" of the charges: since when, they demanded, had private individuals, merchants, who had never had anything to do with politics, to bear responsibility for war? That was when Wohll attacked Trainin. He reminded the court that in the

course of many years this Soviet scientist had worked to provide the theoretical grounds for punishing aggression and that his evil book *Ugolovnaya otvetstvennost gitlerovtsev* had "unexpectedly gained immense influence in London when the Charter of the Nuremberg trial was drawn up". Wohll referred to Robert Jackson's report of June 6, 1945, to the US President in which, allegedly, he used "the ideas contained in Trainin's book". Wohll angrily accused the Soviet professor of "undermining the long-established, respected traditions of the civilised world", meaning, of course, that aggression was not punishable.

There was a definite reason for these violent attacks of the reactionaries against the Soviet scientist. Indeed, Trainin was the first scientifically to work out a harmonious system of legal norms to cover the responsibility of the nazi war criminals. A year after the publication of *Ugolovnaya otvetstvennost gitlerovtsev* Trainin accompanied Nikitchenko to the quadrilateral conference in London and submitted a draft of the Charter of the International Military Tribunal.

The Charter was endorsed, but a fierce fight lay ahead between the champions of peace and aggression at the Nuremberg trial itself. Trainin went to Nuremberg as a consultant. Although he was an elderly man, he was young at heart. He was proud of the Soviet Union and of the heroic Soviet Army, which made the just trial at Nuremberg possible by smashing the nazi hordes. I saw Trainin frequently during the trial, and I took pride in him and in Soviet juridical science.

At one of the closing hearings of the trial I was delighted when the judges unanimously voted for a motion of thanks to A. N. Trainin, corresponding member of the USSR Academy of Sciences and Professor of the Institute of Law, for his great contribution.

### INCORRIGIBLES

In the dock at Nuremberg were 20 men. Each had brought millions of people incalculable suffering. It would be hard to picture the nazi clique without Goering, who had done so much to bring the nazis to power in Germany and consolidate their rule; without Ribbentrop, who for so many years personified the perfidious and criminal foreign policy

of nazism; without Keitel and Jodl, who with Werner von Blomberg threw the Reichswehr at the feet of the nazis; without Kaltenbrunner, who was behind the Gestapo reign of terror in Germany; without Schacht, who ensured the nazi regime with the support of the German monopolies and brought it the economic backing for aggression. In short, each of the defendants played an essential role in the conspiracy against mankind, and it would be hard to imagine this conspiracy without any of them.

Is it worth writing about them? Is it worth remembering them? Will, after the passage of more than 20 years, anybody want to know about them?

The answer is definitely yes.

Nazi rule in Germany and in some of the countries conquered by the nazis was a dark epoch in the history of the world. You cannot efface it from memory with a stroke of the pen. The postwar generation must know what mankind suffered at the hands of nazism, draw the historical lesson from that suffering and prevent the present enemies of peace from repeating the bloody experiment of the nazis.

Reminiscences help to understand the dangerous course of developments in West Germany today and to show why such great pains are being taken to exonerate nazism as a whole and to salute Hitler, Goering, Keitel, Hess and all the others.

The roots of this campaign to exonerate the nazi high priests go back to Nuremberg. During the trial the nazis, who took the witness stand, sought to ascribe to their chiefs the most fantastic qualities of "*chevaliers sans peur et sans reproche*". I remember General Karl Heinrich Bodenschatz trying to convince the Judges that "nothing was further from Goering's mind than the thought of a war". Encouraged by a grateful look from Goering, he grew excited and begged to be believed that Goering "was a benefactor to all in need", and that "care for the working classes was particularly important to him". Developing the panegyric to Goering in the same high-flown language, former State Secretary Paul Koerner solemnly told the Tribunal that he regarded Goering "as the last big man of the Renaissance". Similar praise was heaped on the other defendants.

The trial ended. Years passed. A Government was formed in Bonn. Armed forces were rejuvenated in West Germany by the will of the imperialist monopolies. The beaten nazi

Generals Heusinger and Speidel, who had crawled deep into hiding in May 1945, began to flaunt their "Eastern experience" and lecture the Pentagon. Former nazis began to stage torch parades in West German cities, and swastikas began to appear on the walls of the houses. All this had once taken place before, in Munich and in Nuremberg.

In Germany Hans Fritzsche was known as Goebbels' chief lieutenant. At the Nuremberg trial he pretended he was a harmless creature and waxed indignant over the odious crimes of the nazi regime. He called Goering a "stinking piece of fat meat". In spite of the Soviet Judge's dissenting opinion, he was acquitted. He took up his old profession, writing a book in which he lauded Goering with the same zeal as in the days of Hitler. He wrote that when Hermann Goering gave his testimony before the International Tribunal, all who heard him saw the "image of a crystal-pure and energetic man, who was at once a brave soldier and a statesman aware of his responsibility".

In 1959 a certain Fritz Tobias "produced" new "evidence" in Bonn to show that neither Goering nor any other nazi set the Reichstag on fire. Publishing this "sensation", the journal *Der Spiegel* exultantly croaked: "One of the legends of the century has been exploded."

The British Broadcasting Corporation interested itself in this subject, and in 1963 devoted to it a special programme for schools. Schoolchildren were told that Georgi Dimitrov hit upon the "ingenious idea" of blaming the fire on the nazis, and then the Communists fabricated evidence to sustain this invention.

Then Douglas M. Kelley, the American prison doctor, author of *Twenty-Two Cells*, furnished further sensational evidence. In Nuremberg he saw Goering and the other defendants frequently. He had access to the documents of the trial. And he decided to tell American readers confidentially that he believed Goering "was a man of big ideas, massive plans". Assessing the results of the trial and its influence on Goering's reputation, Kelley provocatively asserts: "There seems little doubt that Hermann Goering had re-established himself in the hearts of his people. The Nuremberg trial has only strengthened this feeling."

The spotlight has not missed Alfred Rosenberg either. He wrote his own memoirs in the Nuremberg prison. They have been published and furnished with a foreword, in



Munich, 1938. With an imperious gesture Ribbentrop shows Daladier where to put his signature to a disgraceful agreement

1946. Ribbentrop in the dock in Nuremberg





Rudolf Hess at an interrogation



Ernst Kaltenbrunner in his Nuremberg chariot

which it is underscored that he was a "great idealist" who "died profoundly and sincerely believing in National Socialism".

Goering, Hess and Rosenberg are far from being the only persons mourned by the surviving nazis and their followers. Those who today defend the "desecrated honour" of Goering, Hess, Rosenberg, Doenitz and the others are, in fact, thinking of themselves. By exonerating the nazi bosses, they exonerate themselves.

Having served the sentence passed on him by the Nuremberg Tribunal, former Grand Admiral Karl Doenitz now travels across the length and breadth of West Germany and delivers lectures. About what? About how he built up a savage "wolf pack" of submarines in nazi Germany and engaged in piracy on the high seas. The Bonn militarist press gives these lectures wide publicity and lauds the lecturer, while the FRG Government pays the pirate a substantial pension.

In this way is history raped and the truth falsified, the truth about those who plunged mankind into the Second World War and were personally guilty of the murder of many millions of people. In creating their myths about the nazi regime and the nazi ringleaders, the falsifiers of history regard the Nuremberg trial as a dangerous reef and take care to by-pass it.

The real history of the Second World War and the question of responsibility for aggression, for the brutal crimes committed by nazism are one of the sharpest issues in the ideological struggle between the champions of peace and its adversaries. The ideologists of imperialism are perfectly well aware that to start another war, atomic bombs and missiles are not enough: the people must be morally prepared for war.

During the memorable 1930s Hitler and his sycophants used every propagandistic device to deceive the German people, to represent every aggressive step as a vital necessity deriving from what was termed as the hostile policy of the countries against which the nazis planned aggression. Nazi propaganda aimed its heaviest attacks, naturally, against the Soviet Union, claiming that the Soviet policy of peace was a policy of aggrandisement and aggression, and in this manner sought to justify, in the eyes of the German people, the sneak invasion of the USSR and the perfidious viola-

tion of the Soviet-German Treaty of Non-Aggression of 1939.\* The same is now being done by the Bonn neo-nazis. Franz Josef Strauss has bluntly stated that the blame for the nazi attack on the USSR lies squarely with the Soviet Union, while Konrad Adenauer hastened to explain that during the past few decades no country had fought so many wars as the USSR.

To revive the memory of the Nuremberg trial and recall the forced and extremely colourful admissions made in the dock by the chiefs of the Third Reich is to help re-create the real history of the Second World War and expose the neo-nazi falsifiers.

Many present-day Western politicians imagine they have invented various political methods, subterfuges and combinations. Actually, they are most shamelessly repeating the elements of the policy that was pursued by Goering, Ribbentrop and their ilk. Does the anti-communism, now used as a weapon of Bonn policy, differ in any way from the anti-communism of Hitler and Goering? "Armament parity!" they are now clamouring in Bonn with their eye on nuclear weapons. Does this differ from the clamours of Goering, Schacht and other nazi Ministers? "Free elections!" cry the Bonn revenge-seekers. This is not new, either. Each time I hear these "heart-rending" wails, I cannot help recalling how the nazis loved to proclaim specious slogans.

There is, I should say, one more consideration which

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\* At the British-French-Soviet talks in Moscow in the spring and summer of 1939 it was found that the British and French governments and also the Polish Government of those days did not desire collective security against aggression. While these talks were in progress, the British Government negotiated secretly with representatives of nazi Germany. It became obvious that the Western Powers were seeking to use the Moscow talks to screen a new bargain with Germany, a bargain by which nazi aggression would be directed Eastward.

In this situation the Soviet Union had to find other ways of ensuring its security. When the German Government offered to sign a non-aggression treaty, the offer was accepted.

Under that treaty, signed on August 23, 1939, the signatories pledged to refrain from aggression against each other and to maintain neutrality in the event one of them was attacked by a third power. All disputes and conflicts were to be settled exclusively by negotiation.

This treaty gave the USSR more than 18 months in which to prepare a rebuff to aggression.

On June 22, 1941, nazi Germany violated this treaty, invading the Soviet Union. That started a war which lasted nearly four years and ended in nazi Germany's utter defeat.



makes it interesting to recall the Nuremberg defendants. Marxist historiography offers many brilliantly painted portraits exposing imperialist leaders. The Nuremberg trial gives a good opportunity to try to create a series of such portraits. Even the most rough sketches of the defendants will add many vivid details to the type portrait of the present-day imperialist politician.

In this book I do not have the possibility of speaking of all the defendants. I have chosen only a few: Goering, Ribbentrop, Keitel, Jodl, Kaltenbrunner and Schacht. It is hardly necessary to explain why these were the key men in the nazi Government and, conformably, in the dock at Nuremberg.

It is not my purpose to go into their biographies. My story will be limited to what I personally saw and heard at the Nuremberg trial.

## II. CLOSE-UP OF HERMANN GOERING

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### BETWEEN SCYLLA AND CHARYBDIS

Hermann Goering was cross-examined for ten days.

For ten days the world listened to his testimony.

Recalling the vast verbal and written material that passed before the Judges during these days and comparing it with what I personally saw and heard during all the other days of the trial, I can say quite confidently that no other defendant displayed the qualities of a modern imperialist politician so strikingly as Goering: spurious sentimentality and sadistic brutality, outward respectability and total spiritual barrenness, fanatical obsession and a cynical lack of principles.

Historians tell us that after his defeat on the battlefield in Russia, Napoleon sought death. He realised that his star had set, but did not contemplate suicide—that was not in his nature. He preferred death in battle.

Nothing of the sort occurred to the rulers of nazi Germany. They were political careerists and gamblers, who did not hesitate to order the barbarous massacre of millions of people. They were avaricious grabbers and marauders who made fortunes out of mass murder. But when they felt that catastrophe was inevitable, they did not look for death on the field of battle. They sent others to die for the beloved, great German fatherland, for the brilliant ideas of the "divine" Führer. They sent 16-year-old boys and 60-year-old men, and also women and sick people to certain death. They sent anybody they could find in order to gain another day or two and, perhaps, escape through some loophole at the last moment, hide, keep still and survive.

I watched the defendants for nearly a year and could not get used to the idea that they were almost the entire nazi Government, the whole nazi Cabinet. What prevented the

nazi chiefs from hiding, from accepting the hospitality of many of their friends abroad?

There was no association whatever with a sinking ship whose captain stands on the bridge and goes down with his ship or is the last to leave it. The men in the dock were not captains of sinking ships, not even of pirate vessels. They were rather rats who grew fat in the dark holds as long as a fair wind blew, and they went on the run as soon as the nazi ship began to sink in the bottomless sea.

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In the bunker of the Reich Chancellery Hitler celebrated his 56th birthday on April 20, 1945. He was congratulated by his closest henchmen: Goering, Himmler, Goebbels, Bormann, Ribbentrop, Speer, Doenitz, Keitel and Jodl. A few hours later they fled the doomed city in secret from their leader and from each other.

Hermann Goering, Hitler's "devoted paladin" as he loved to style himself in recently better times, chose to go to Berchtesgaden. He needed quiet and tranquillity in order to collect his thoughts.

He knew that the game was drawing to a close, swiftly, catastrophically, that he was moving with mad, mounting speed to the finish, beyond which was nothing: neither the Führer, nor the nazi party, nor a great Germany, nor life itself. Yes, his very life was now in question. While the loss of the Führer, great Germany, personal glory, wealth and power was painful but bearable, he could not reconcile himself to the last of these heavy losses—the loss of life. He was determined to save himself, at any cost, in any way! This drove him out of Berlin in the same way as native instinct drives a beast out of its lair by unerringly telling it that danger is near.

Goering took to his heels.

In Berchtesgaden he locked himself up in a study after ordering that he should not be disturbed. He had to be alone, to concentrate on the vital problem of the moment, the problem of how to save his life.

He had not had any sleep for more than 48 hours. Finally, the plan was hatched out in all its details. It was a plan to save the life not only of Hermann Goering, but also of Reich Marshal Goering.

In the same way that the correct letter in a crossword puzzle offers the solution in many directions, the measures charted by him would, he felt, improve his position almost all along the line. The law of June 29, 1941, had made him the Führer's official successor and on the strength of that law he could quite formally enter into negotiations with Western representatives, primarily Eisenhower, on a separate peace.

If these negotiations were successful (as Goering believed they would be), they would release the German troops engaged on the Western Front for a decisive battle with the Russians in order to stop their swift advance. Goering contemplated something bigger, much bigger than this: he hoped for a direct alliance with his enemies of yesterday—the USA and Britain—and planned to draw them into an anti-communist crusade against Soviet Russia.

But Goering could not make himself go over to action. His will was fettered by fear, by harrowing fear of Hitler, of the temper in the Nazi lair (which he knew only too well).

The turning point came in the morning of April 23, when General Koller arrived in Berchtesgaden. He had left the Reich Chancellery in Berlin only the day before. His news was that after the failure of Steiner's planned "offensive", Hitler declared that he had lost all hope and that suicide was all that remained for him. After saying this he gave himself up to a state of total prostration.

The "devoted paladin" at once livened up. Calculating that his "beloved Führer" was no longer alive or, at any rate, would have no possibility of escaping from Berlin and coming to Berchtesgaden, Goering dropped all his waverings and took action. A wireless message was sent to the Reich Chancellery. It stated:

"My Führer, do you agree that after your decision to stay in Berlin and defend it I should, on the basis of the law of June 29, 1941, take over the conduct of all affairs within and without the Reich? If by 22.00 hours I receive no reply, I shall consider that you are deprived of freedom of action and shall act at my own discretion."

After sending off this message Goering ordered an aircraft to be ready to take off in the morning. As Hitler's successor, he intended to waste no time and fly to the American Headquarters for talks with Eisenhower. He no longer doubted

that these talks would be successful. General Koller relates that at lunch on that day Goering beamed, "again and again emphasising that he would easily find a common language with the Americans and the British".

However, the rainbow plans of the new-baked Führer were not fated to materialise. That night he and Koller were arrested on orders from Hitler.

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General Koller did not exaggerate when he informed Goering that Hitler was in a state of complete prostration. This was subsequently confirmed by General Weidling, who described his impression of his last meeting with Hitler as follows: "Before me sat a broken man. His head hung loosely, his hands shook, his voice trembled and was indistinct."

But Goering's wireless message, delivered personally by Bormann, brought this semi-corpse out of its prostration. Fury gained possession of Hitler.

Hitler and Goering fought for power which neither had or could have. Many years before they had glanced into the face of this most enigmatic of sphinxes, and since then neither had been able to tear his eyes away. They reveled in the intoxicating effect of unlimited power—the power to subordinate all and everything, the power to attack other countries, the power to burn people in the Treblinka and Buchenwald ovens. They grew accustomed to deciding the fate of millions of people, so much so that even in that spring of 1945 each sought to hold or seize that power.

Hitler and the nazi state created by him were already in the grave with both feet, yet he issued a decree proclaiming Goering a traitor. On the base of that decree Goering was arrested on April 23 by an SS unit stationed in Berghof.

The "devoted paladin" knew his Führer much too well to await developments. He had not the least doubt that even in the last days of the Third Reich it would not be difficult to find two or three fanatic SS men prepared to shoot him as a traitor. He decided on action, appealing for assistance to Luftwaffe officers. They freed him but that did not deliver him from retribution at the hands of the SS. He saw his full deliverance only in American captivity.

In the morning of May 9, 1945, the headquarters staff of the 36th Division of the United States 7th Army were

petrified with surprise to learn that as a visitor they had the German Colonel Bernd von Brauchitsch, who said he had come to negotiate on behalf of the Reich Marshal. Through him Hermann Goering notified his enemies of yesterday that he considered the war ended and was prepared to throw himself upon the mercy of the victors.

Soon the commander of the United States 36th Division was in peaceful conversation with his high-ranking prisoner. Goering at once stated his credo, emphatically dissociating himself from Hitler and his gang. He claimed that he had always wanted to direct Germany on to the right road, but was prevented by the "Führer's narrow thinking", "Hess' eccentricity" and "Ribbentrop's baseness". The occasion was much too convenient for Goering to fail to remind the Americans of Churchill's words, which had been conveyed to him: "Why do they always send that Ribbentrop to us instead of a fine fellow like Goering?"

At his request, the Americans brought to him his family and all his chattel and luggage on seventeen lorries. Goering inspected the premises allotted to him, and was pleased with what he saw. To the onlooker it was as though a millionaire tourist had arrived in a fashionable hotel. However, fortune very soon turned its smile away from Goering: from the luxurious mansion he was taken to a prison.

He was shown into cell No. 1, where at his disposal he found five square metres of living space, a table, a chair, a cot and a toilet. This was all the lebensraum accorded to the erstwhile Reich Marshal.

Hermann Goering spent three hundred and sixty endlessly long days and still longer nights awaiting the sentence of the International Tribunal. His heavy body tossed and turned on the hard cot as his mind vainly searched for oblivion. Pictures of the past still ran through the fevered brain: the "crystal night", flames enveloping the Reichstag, the "night of long knives", the ashes of Oswiecim, captive Europe and the Stalingrad cauldron. He remembered the millions driven into slavery, the tens of millions butchered, shot or burnt alive, the hundreds of millions of marks pocketed by him as war profits.

Through the peep-hole the guard vigilantly watched the insomnia-stricken ex-Reich Marshal. Four powers guarded the war criminal Hermann Goering.

Exactly at eight o'clock in the morning, the cell was opened

and the guards escorted him along the resonant corridors of the prison to the courtroom and showed him to the seat, given to him for life, in the front row of the principal war criminals.

#### ROW OF MARBLE CASKETS

In the course of a few months before the trial opened, each of the defendants undoubtedly prepared his defence and settled on his line of behaviour towards the charges against him, for the nature of these charges was hardly a secret to any of them.

Hermann Goering likewise planned his line of defence—two lines in fact.

The first was for himself, its purpose being to use every possibility to escape the heaviest charges.

The second line was for the public. Its substance was laconically put by Goering's attorney: "The Reich Marshal is defending not his head but his face." Goering sought to create the impression that he had reconciled himself to death—the only punishment the Tribunal would choose for him.

"The death sentence, you mean, that doesn't mean a thing to me," he assured Dr. Gilbert, "but my reputation in history means a lot."

There was nothing in this, of course, save bravado. Further we shall see Goering casting all prudence to the winds for the sake of prolonging his life. However, he took pains to play the role of a doomed man and kept telling the other defendants that death was unavoidably awaiting them. And since there was no salvation, all that remained was to behave in such a way as to enable posterity to appreciate the staunchness and courage of the nazi leaders.

During exercise time in the prison yard Goering made every effort to persuade Frank to reconcile himself to death and to die as a martyr, with dignity. Like a confirmed preacher, Goering promised Frank an afterlife:

"Even if it takes 50 years, Hans, the German people will rise again and recognise us as heroes, and even move our bones to marble caskets in a national shrine."

But Frank did not put much faith in such a prospect, noting to Goering that in 50 years' time there would be no bones and no other trace of their life on earth. There would, therefore, be no use for marble caskets.

In reply Goering cynically referred to the Christ legend. He was nailed to one cross, but subsequently millions of crosses appeared. And people were prostrating themselves before and kissing each one of them, as though it was the one on which Christ breathed his last.

"That is how it will be with our bones," Goering doggedly asserted. "They'll find somebody's bones, give them out as ours and put them in marble caskets, and millions of pilgrims will come to touch the remains of great martyrs."

From time to time Goering had conversations of this kind with some of the other defendants, particularly with those who, it seemed to him, were tending to repent.

Adopting the unattractive role of führer of the dock, Goering constantly pressured his dock neighbours, demanding that they admit nothing. Naturally, he was guided in this by more than the desire to wreck the trial. He knew his colleagues full well and foresaw that once they began to admit the charges they were certain to shift the gravest of the counts to him.

Here, another mainspring operated subconsciously, as it were. Vainglorious and a cheap poseur, Goering knew that the whole world press was covering the trial, and he went all out to create the impression that despite everything he still "believed in the idea" and bore the main responsibility for the behaviour of the other defendants. Sometimes he resembled a whip-carrying animal trainer in an iron cage making beasts go through their tricks.

On the very first day that he was cross-examined, he boasted to Dr. Gilbert:

"Don't forget I had the best legal brains of England, America, Russia and France arrayed against me with their whole legal machinery."

He could not, of course, conceal his satisfaction when the Tribunal, to save time, decided that evidence on the history and programme of the nazi party would be given only by him: this afforded him yet another opportunity to give the other defendants to understand that he was accorded the premier role. After this the trainer's whip worked more unceremoniously than before.

During a recess, after Speer had sprung a surprise by claiming that he had plotted to assassinate Hitler, Goering rebuked him with the words:

"You didn't tell me you were going to say that!"



But Speer had never intended to agree with Goering on the method he had chosen to save his own skin. That evening he said angrily:

"He (Goering) thought... he could... make a big grandstand play, and we would all immediately fall in line... just clapping 'Bravo, Goering!'"

The trainer's whip came down on Keitel, too. Cross-examined about the execution of 50 captive British flyers, he was compelled, under pressure of irrefutable evidence, to admit that such an execution did take place. As soon as he returned to his seat in the dock Goering pounced on him, saying:

"Why did you have to admit that?"

Goering had basked in glory during the years he was in power. This passion did not leave him even in the dock. His hypertrophied conceit gave him no peace day and night, frequently showing its comic side.

When Robert Jackson read the indictment, it was noticed that Goering was assiduously making notes. Later Dr. Gilbert told me that Goering had scrupulously counted the number of times the names of the defendants was mentioned in the indictment, and was extremely gratified to establish that his name was mentioned forty-two times, which was considerably more than the number of times any of the other defendants were named.

Dr. Gilbert remarked to Goering that if Himmler had been in the dock, he would probably popularise his, Goering's, name even more. Goering at once sensed a trap in this remark and quickly told the psychiatrist that he and Himmler were political rivals:

"I've always said... that the first 48 hours after Hitler's death would have been the most dangerous for me, because he (Himmler) would have tried to get me out of the way—an 'auto accident' or a 'heart attack over the death of the dear Führer', or some such thing," Goering laughed. "But here in the prisoners' dock he would have been glad to concede first place to me."

Hermann Goering had always seen through Heinrich Himmler and knew that the SS overlord would have been happy to dance at his funeral. As a matter of fact, where his political rivals were concerned, Goering did not have to take lessons from Himmler on how to arrange an "auto accident" or a "heart attack".

In the summer of 1933, at the outset of nazi rule, Goering summoned Arthur Nebe, a senior officer of the criminal police, and told him to "arrange" an auto accident for Gregor Strasser, who was becoming a dangerous rival to Hitler and him (Goering) in the nazi party. Then he magnanimously agreed that if necessary the auto accident could be substituted by a "hunting accident".

It would, therefore, be hard to say who learned from whom: Goering from Himmler, or Himmler from Goering.

#### **POLITICAL START**

By his biography and political career, Goering differed from the small section of defendants who regarded themselves as aristocrats among the nazi rabble, and from those who considered they were the ideological and political backbone of the regime. Goering's past reminded aristocrats of the Neurath and von Papen type that they came from the same social stratum as Goering. At the same time, throughout his practical activities he had shown that he was a man of action, as it were, in contrast to "pure demagogues" like Rosenberg and Streicher.

Goering was born in Bavaria in 1893. His father was a governor in Southwest Africa, maintained close contacts with many English statesmen, particularly with Cecil Rhodes and Chamberlain Senior, and admired Bismarck. Hermann Goering spent a good half of his youth in Austria.

"Give the Tribunal a short account of your life up to the outbreak of and during the First World War," Otto Stahmer, his attorney, said inviting him to the witness stand.

And Goering began:

"Normal education, first a tutor at home; then cadet corps, then an active officer. . . . At the beginning of the First World War I was a lieutenant in an infantry regiment. . . . From October 1914 on I was an aircraft observer. . . . at first with a reconnaissance plane, then for a short time with a bomber, and in the autumn of 1915 I became a fighter pilot. I was seriously wounded in aerial combat. After recovery I became the leader of a fighter squadron, and after Richthofen was killed I became the commander of the then well-known Richthofen Squadron."

In those distant days Hermann Goering's fat face, which to the German philistine was the ideal of beauty and man-

liness, was constantly to be seen in illustrated journals. Observing him in the Nuremberg dock, one could easily note his self-satisfaction at the thought of the days when his long and bloody career was only starting.

While mentioning his decorations, he preferred to say nothing of how he earned them. He omitted details such as the destruction of peaceful cities by his squadron. And he did not think it apropos to remind the Tribunal that his name was entered into the list of war criminals as far back as 1918.

Germany's defeat in the First World War taught the German militarists nothing. Very soon they began to rattle their swords again and prepare for the formation of the Reichswehr. Many of Hermann Goering's friends joined the new army. Goering refused to follow their example. Was this due to ideological considerations? Yes and no.

"I rejected the invitation to enter the Reichswehr because from the very beginning I was opposed in every way to the republic which had come to power through the revolution; I could not bring it into harmony with my convictions."

Obviously, the reverence for Bismarck's internal policies passed from the father to the son. Hermann Goering parted with the republic that was so obnoxious to him, going abroad. He went, allegedly, to build up a position for himself, but actually to evade responsibility for his war crimes.

He wandered about Scandinavia. In Sweden he found employment as a civil airways pilot. But he returned to Germany as soon as the wave of revanchism began to rise.

In Munich he took part in a meeting protesting against the surrender of Germany's military leaders into the hands of the Entente. He was not inclined to call things by their names, for otherwise he would have had to say "war criminals". He belittled himself when he told the Tribunal that he happened to be at that meeting "as a spectator, without having any connection with it". He knew, of course, that his name was in the list of men subject to be turned over to the Entente.

At that meeting Hermann Goering heard of Hitler for the first time: somebody demanded that Hitler should take the rostrum. Goering was delighted that his future idol refused to speak "to these tame, bourgeois pirates". Hitler considered it was "senseless to launch protests with no weight behind them".

Goering quickly realised what Hitler meant. Hitler, nurtured by Erich Ludendorff, clearly preferred the new German army restored by the Prussian militarists to verbal protests.

"I was of the same opinion," Goering told the Tribunal. "This conviction was spoken word for word as if from my own soul. On one of the following days I went to the office of the NSDAP."

He went to Hitler well informed that the word "socialism" in the party's name had no meaning at all. Suitable work was at once found for this dashing officer of the Kaiser's Army. He was entrusted with the formation of National Socialist armed gangs—Hitler's pretorian guard.

Bearing his past in mind, the German industrialists had the greatest trust in Goering. Through him they contributed to the upkeep of that guard. Gradually he became the key middleman between the Reichswehr and the monopolists, on the one hand, and the nazi party, on the other.

Goering spoke comprehensively of this stage of his career, speaking with outward calm and ill-concealed pride as though he were addressing a nazi audience.

"Thus the events of November 9, 1923,\* materialised in very short time," he said summing up. "I was severely wounded...—the events are well known—and with this incident I close this first chapter."

Otto Stahmer was clearly pleased with his client: "A great man defends himself in a great way." He allowed Goering to "recover his breath" and then asked the next question:

"When, after that time, did you come together with Hitler again?"

This launched Goering on his "second chapter".

After the failure of the Munich putsch he fled abroad again. There he learned that Hitler and some other leaders of the putsch had been arrested and put on trial. Goering did not, of course, go to the trial. Instead, he lived a high life first in Innsbruck and then in Italy, spending his wife's money without any qualms.

He returned to Germany in 1927 and applied himself to strengthening the nazi party with greater energy than before. Hitler highly appreciated his close connections with

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\* Hitler's Munich putsch.

financial and military circles. However, he gave the command of the party's armed gangs not to him but to Ernst Roehm. This was a blow, but it spurred him on to greater effort. He achieved a series of combinations with brilliant results and quickly strengthened his own position to the extent that he became a prominent figure in the nazi movement. He continued to enjoy the trust of Germany's leading magnates. Krupp, Thyssen, Flick and Klöckner were attracted to him by his refusal to resort to pseudo-socialist verbiage, which was a feature of the other leaders of the nazi party. This verbiage was needed, but it nonetheless irritated the powers that be.

Goering went to all ends to earn the reputation of a man of action. He had an aversion to all sorts of parliamentarism. His ideal was totalitarian one-man rule, a nazi dictatorship. He refused to share power even with the so-called nationalist camp led by von Papen and Alfred Hugenberg.

But there was more to this than his "convictions". He was the greatest egocentrist among the nazis.

Although he was fantastically ambitious and egoistical, he was aware that if the nazis came to power in coalition with other reactionary bourgeois parties, the monopolist top echelon could easily find other extremely influential spokesmen. There might be more talented advocates of the monopolies in the other parties.

It would be a totally different matter if the nazis became the sole rulers of Germany. In the state apparatus formed by them, Goering would most certainly be a key figure, and that would enable him to gain control of the Government and the police. That was when the Ruhr kings would accept him as one of themselves.

He drummed into the heads of considerable sections of senior and junior party officials, Reichswehr officers and declassed strata of the intelligentsia that they could count on a warm nest for themselves only if the nazis held undivided power. He seduced the big industrialists and bankers with the promise that the nazis would build up a powerful police force capable of defending their interests in this uneasy world.

A Prussian Junker by upbringing and outlook and a Bonapartist by nature, Goering furnished his Berlin apartment accordingly. On one of the walls of his study hung the huge sword of a medieval German executioner, a symbol of the

methods Goering intended to use in the struggle for power. On his desk, instead of electric lamps there were enormous candelabra with lighted candles. Their flickering light gave Goering the feeling that he was a medieval patrician.

The walls of the study were hung with portraits of the Hohenzollern kings, and beside them one of Benito Mussolini. But opposite his chair he reserved a place for a painting of Napoleon Bonaparte. In the evenings, in the light of the candles, he gazed into the eyes of that greatest political careerist of the 19th century as though consulting with him. Goering dreamed of a career matching that of the "great Corsican", and of all the nazi high priests he felt that he had grounds for and the right to that dream.

Frightened by the growing revolutionary movement, the German bankers and industrialists began to visit this study more and more frequently. Goering spoke to them in a language free of the pseudo-socialist demagoguery of the nazis. Let Adolf Hitler and Alfred Rosenberg make their pompous speeches. Hitler once called himself the "national drummer". Goering didn't mind that. Let them play the role of political demagogues. He, Goering, was above all this pseudo-romanticism, this philistinian socialism.

The decisive days of the struggle for power drew ever nearer. A secret conference took place on January 28, 1932, at Thyssen's Landsberg Castle: three chiefs of the Steel Trust (Stahltrust)—Thyssen, Poensgen and Foegler—met with three chiefs of the nazi party—Hitler, Goering and Roehm. But a year of major political battles still lay ahead. In the elections to the Reichstag at the close of July the nazis received nearly 37 per cent of the votes. However, during the subsequent months the nazis were seriously compromised by the ties with the big monopolies. The Left-wing parties exposed these ties, with the result that at the elections on November 6 the nazi party lost two million votes.

At the Nuremberg trial Goering had to admit that this was the period in which the German Communist Party was particularly strong.

Hitler realised that if no extraordinary measures were taken the downward trend of the nazi party would end in utter defeat. Many of his sycophants lost heart. Goering was the only one to continue energetic action, and as a result of his talks with the industrial magnates on November 19, 1932, Schroeder, Krupp and other monopolists wrote a



Paulus denounces

Another ridiculous farce—Hermann Goering is “ashamed” of the conduct of the Field Marshal





Dr. G. M. Gilbert, prison psychiatrist, with his patients

In search of a way out





letter to the President, Paul von Hindenburg, demanding Hitler's appointment as Reich Chancellor.

In February 1933 representatives of the largest German monopolies again gathered in Hermann Goering's apartment. Hitler needed money to prepare for the elections scheduled for March 5. Goering knew what to say to impress the industrialists.

"The sacrifices which are required," he said, "would be so much easier for industry to bear if it knew that the election of March 5 would surely be the last one for the next 10 years, probably even for the next 100 years."

The industrialists did not have to be asked a second time. Within a few minutes they contributed 3,000,000 marks.

The Reichstag elections of March 5, 1933, took place in an atmosphere of nazi terror. Yet the nazis got less than 44 per cent of the votes. They gained an illegal majority in the Reichstag only after all the Communist deputies were arrested.

Goering took over the key posts: Reichstag President, Reich Air Minister and Prussian Minister for the Interior. Not without pride he proclaimed himself No. 2 in the country, and deep in his heart hoped to become No. 1. Indeed, he became No. 1, but only after he landed in the dock in Nuremberg and felt the hangman's rope round his neck.

Pathologically vainglorious, he could not, even in those days, which were tragic for him, conceal his delight when Robert Jackson said to him:

"You are perhaps aware that you are the only living man who can expound to us the true purpose of the nazi party and the inner workings of its leadership?"

"I am perfectly aware of that," he responded complacently.

Then the following dialogue took place between the United States Chief Prosecutor and defendant No. 1:

*Jackson:* "You, from the very beginning...intended to overthrow, and later did overthrow, the Weimar Republic?"

*Goering:* "That was, as far as I am concerned, my firm intention."

*Jackson:* "And, upon coming to power, you immediately abolished parliamentary government in Germany?"

*Goering:* "We found it to be no longer necessary."

There was much else that Hermann Goering found no longer necessary.

He would easily have done without Hindenburg. Had it not been for the Reichswehr, Goering would not have hesitated to arrest the ageing President.

He was sickened by the wretched representatives of the nationalist camp—all those von Papens, Schleichers and Hugenburgs. He was nauseated by Hitler's "word of honour" to Hindenburg that he, the Führer, would never break with him.

But, as Goering planned, it was first necessary to put an end to the Communists. A powerful blow had to be struck in order to destroy everybody opposed to the undivided sway of nazism. With its bent for provocations, Goering's mind worked day and night over this problem. He envied his idol Bonaparte, who had the brilliant police mind of Joseph Fouché at his beck and call. He, Goering, had to do the thinking himself.

**"THIS IS MUCK,  
NOT A POLITICAL COMMUNIQUE"**

And he devised the means, and it was such that he had to testify twice: once as a witness at the Leipzig trial, and again as a defendant in Nuremberg.

Everybody knows of that sinister episode in world history. In the night of February 27, 1933, Goering and Hitler stood on a balcony watching the Reichstag, symbol of the Weimar Republic, burn. The red tongues of the flames threw their reflection into the dark sky over Berlin.

In Nuremberg Goering was asked to recapture some of the details of that mysterious fire.

Was it necessary for the International Tribunal to delve into that business when even at the trial like the one staged in Leipzig Dimitrov and his Communist friends were acquitted? Yes, they were acquitted. But who set the Reichstag on fire? The Leipzig court said: Van der Lühbe. It was careful to cast no shadow on the nazi ringleaders. Who then really set fire to the Reichstag?

Many years after the Second World War, the West German magazine *Spiegel* claimed that according to the latest investigations Hermann Goering had nothing to do with it. Are we supposed to believe that?

United States Chief Prosecutor Robert Jackson asked Goering:

"You and the Führer met at the fire, did you not?"

"That is right."

"And then and there you decided to arrest all the Communists that you had listed?"

Goering twisted and turned. He could not yet tell what evidence the prosecution had against him personally.

"I had no reason or motive for setting fire to the Reichstag," he said. "From the artistic point of view I did not at all regret that the assembly chamber was burned."

Then, demonstrating barefaced political cynicism, he added:

"... But I did regret very much that I was forced to find a new meeting place for the Reichstag and, not being able to find one, I had to give up my Kroll Opera House. . . . The opera seemed to me much more important than the Reichstag."

He believed that cynical maxims of this kind would serve him well in the circumstances: after all, many years had passed and almost nothing had remained not only of the Reichstag but of Berlin itself. Nonetheless, something had survived, and that something was enough to show that Goering was a liar.

The prosecutor asked him if he knew Karl Ernst, Hell-dorf and Heines? Goering admitted that these men were in his storm groups. Then Jackson quoted from a statement by Karl Ernst, in which he confessed that all three had set fire to the Reichstag on orders from Goering.

This was followed by another blow: the prosecutor submitted the testimony of General Franz Halder, former Chief of the German General Staff, who declared that on Hitler's birthday Goering related in the presence of all the guests how he had organised the Reichstag fire.

Then a high-ranking Gestapo officer named Gisevius was called to the witness stand. He, if anybody, knew the details. He said:

"Ten reliable SA men were provided, and then Goering was informed of all the details of the plan, so that by chance he did not make an election speech on that particular evening, but at such a late hour would still be sitting at his desk in the Ministry of the Interior in Berlin. . . . From the very beginning it was intended that the Communists should be accused of this crime."

The inglorious end of one of the executors of this provocation, an SA man named Rehl, was learned in passing. He had committed some crime and was expelled from the SA, with the result that he was denied a reward for having sprayed the walls of the Reichstag with a combustible liquid. Angered by this treatment, he decided to avenge himself by making a statement to the Leipzig judges trying Dimitrov. He was so incautious as to speak of his intention to a police detective. A report was immediately sent to Goering, and within 24 hours Rehl was executed.

The Oberbrandmeister of Berlin Walther Hemp also paid for having a long tongue. During the investigations he inadvertently learned and gave away to others that on the ill-fated night of February 27, 1933, the Reichstag was, on Goering's orders, left without its usual guards and that all employees were instructed to leave the building before 8 p. m. The Gestapo at once informed Goering of Hemp's babbling. In cases like this Goering did not stop at half-measures. The Oberbrandmeister was straightaway found guilty of some "breach of duty", and on that pretext he was pushed into a prison cell, where he was soon afterwards found dead.

But let us return to the night of February 27, 1933. As soon as from his office in the Ministry of the Interior Goering saw the Reichstag in flames, he exclaimed:

"This is the beginning of a communist uprising!"

Rudolf Diels, the Gestapo Chief of those days, to whom these words were addressed, recalls that Goering's face burned with excitement. Goering yelled. It seemed that he had lost all self-control.

Martin H. Sommerfeldt, Goering's press agent, was ordered to make an official statement to the press there and then, at the fire. The text prepared by Sommerfeldt consisted of approximately 20 lines. It gave the fact of the fire, mentioned the work of the fire brigade and announced that the police had started investigations. The statement was submitted to Goering for approval.

"This is muck," he roared. "It's a police report, not a political statement."

Sommerfeldt pointed out that the quantity of the combustible liquid had been determined as 50 kilos.

"Nonsense!" Goering shouted. "500, 5,000 kilos!"

On a sheet of paper he wrote a fat 5,000 in red pencil.

Then he called in his secretary and dictated a new statement.

"This arson is the most monstrous act of Bolshevik terrorism in Germany. It was to be followed by the burning down of all Government buildings, castles, museums and other key buildings. Reich Minister Goering has taken the most urgent measures against this terrible menace."

These "urgent measures" meant the unleashing, on the eve of the elections, of the most unbridled terror against the Communist Party and other democratic organisations opposed to the establishment of a nazi regime in Germany.

Twelve years passed. Goering was in one of the rooms in Nuremberg's Palace of Justice. His interrogator Robert M. Kempner of the prosecution, sat opposite him.

*Kempner*: "How could you tell your press agent, one hour after the Reichstag caught fire, that the Communists did it, without investigation?"

*Goering*: "Did the public relations officer say that at that time?"

*Kempner*: "Yes. He said you said it."

*Goering*: "It is possible when I came to the Reichstag the Führer and his gentlemen were there. I was doubtful at that time, but it was their opinion that the Communists had started the fire."

*Kempner*: "But you were the highest law enforcement official in a certain sense ... wasn't it too early to say without any investigation that the Communists had started the fire?"

*Goering*: "Yes, that is possible, but the Führer wanted it this way."

Naturally, the Führer wanted it that way. And it was wanted also by Goering and Goebbels, the architects and stage-managers of that ugly provocation.

After the Nuremberg trial started, Otto Stahmer told Goering that a key witness had been found—the only survivor of those who had extinguished the fire in the Reichstag. But this communication from his defence attorney did not make Goering any too happy. In fact, it deflated him and he told Stahmer to be more careful in his choice of witnesses and to place little trust in their testimony where it concerned the Reichstag fire.

"If the SA did indeed set fire to the Reichstag it does not imply that I knew anything about it."

Such was Goering's tune twelve years after the disgraceful Leipzig trial.

#### NIGHT OF LONG KNIVES

The Reichstag fire was followed by a long series of horrible crimes by the nazis against the freedom and dignity of first the German and then other peoples of Europe. One of the most sinister demons of this gory drama was Hermann Goering, a man of dynamic energy and exceptional ability as an organiser.

He created the Gestapo and used it against his political opponents. Torture in dark basements and summary execution became the standard method of dealing with the opposition. So-called preventive custody was introduced and concentration camps appeared.

As early as February 28, 1933, the day after the Reichstag fire, Goering proposed at a sitting of the nazi Government that it promulgate an emergency law against Communists. This proposal was accepted. By a single stroke of the pen the Hitler Government assumed legislative powers. It annulled the constitutional guarantees of freedom of the individual, free speech and freedom of the press. All communist newspapers were banned. The Reichstag was turned into a talking shop deprived of all rights, into a nazi show-booth.

While striking the main blow at the Communist Party, Goering did not forget the Social-Democrats. The Social-Democratic Party, whose Right-wing leaders had helped Hitler and Goering to rise to power, was now thrown overboard. Goering had good reason to laugh when on January 31, 1933, he read in *Vorwärts*\* that the Social-Democratic Party welcomed "with deep satisfaction" the statement of the Minister Wilhelm Frick that the nazis were standing "on a foundation of legality". Soon he personally explained in the vernacular to the Social-Democrats that "on the foundation of legality" their party was declared disbanded. Twelve years later, at Nuremberg, he said:

"A part of their functionaries were radical, another part less radical. The more radical I likewise placed under

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\* Mouthpiece of the Social-Democratic Party of Germany.

observation, while a whole number of former Social-Democratic Ministers, heads of Prussian provinces and higher officials... were quietly discharged and received their pensions, and nothing further was undertaken against them."

Goering's two main lines were: in foreign policy—aggressiveness (primarily against the Soviet Union); in home policy—the total eradication of democracy. He genuinely believed that the success of these two lines depended directly on his own career. The powerful police apparatus created by him kept everybody under surveillance.

Goering learned that Hitler met the National Socialist Gregor Strasser from time to time. Strasser was not a member of the Government, but who could tell if it was in Hitler's mind to bring Strasser into a new Government combination?

Goering anxiously followed the career of Ernst Roehm, chief of the numerous SA formations. These formations, called the "party's steel fist", had been used for brawls in beerhalls and for street fights against political opponents. In 1933 there were 600,000 cutthroats in the SA. After Hitler came to power the SA numerical strength rose to 4,500,000 absorbing bankrupt shopkeepers and unemployed white-collar workers. They waited impatiently for the nazi Government to improve their material position. But the demagogical nature of nazi propaganda soon came to the surface. Many members of these formations sobered up when they found themselves being driven en masse to forced labour. They began to say that a "new revolution" was needed. Ernst Roehm took steps to suppress this discontent and, at the same time, further his own career. It struck him that it would be a good idea to turn the SA formations into regular troops and merge them with the Reichswehr. He hoped to take command of the German Armed Forces and thus push Goering into the background.

But he was forestalled by Goering, who, better than anybody else, knew how to wind Hitler round his little finger and deprive him of his remnants of common sense. He put before Hitler's nose scores of police reports about an "impending conspiracy led by Roehm himself". One of these reports stated that the SA chief in Silesia had fired at a portrait of the Führer and had vowed he would do the same to the living Hitler if the latter "betrayed the rev-

olution and his stormtroopers". Moreover, Goering adroitly used another circumstance—the General Staff's discontent that in addition to the regular Army there were independent armed units containing several million men.

He was perfectly well aware that since Hitler had chosen to ally himself with the big bourgeoisie and the Reichswehr it would not be difficult to persuade him to deal summarily with the SA leadership. The brawls in the beerhalls were a thing of the past. The Führer now had a much more dependable mainstay than the stormtroopers.

Goering finally achieved his purpose. Hitler ordered the liquidation of the "terrible SA conspiracy".

The principal roles were accorded as follows: Hitler together with Rosenberg would go to Munich, where Roehm had his headquarters, while Goering "would take care of Berlin".

Goering fired with deadly aim, not forgetting, incidentally, those who had been involved in the Reichstag fire (why the hell leave undesirable witnesses!). Heines, Ernst and other direct participants in the Reichstag provocation were killed on that night.

While Goering was dealing with the "conspirators" in Berlin, Hitler got rid of his rival in Munich. Roehm was seized, taken to prison and shot there by the SS.

Each SA leader given his quietus during the "night of long knives" would have been sentenced to death in a court of law. But in arranging this bloodbath, Goering was least of all concerned with justice.

The ferment in the SA was an indication of the maturing crisis in the relations between the nazi Government and the monopolists and the General Staff backing it, on the one hand, and the petty-bourgeois masses, on the other. This crisis had to be cut short and this was as good an opportunity as any to settle scores with Roehm. That was what made Hermann Goering a key figure in "Operation Parting". For him it was of paramount importance to remove his political rival and further consolidate the alliance with the monopolies and the military top echelon. For this he did not hesitate to launch into eternity several hundred friends and accomplices of yesterday. The game was worth the candle.



## WHY THE COUNSELS OF GOERING AND SCHACHT FELL OUT

Goering clearly wanted more than the post of Luftwaffe Commander-in-Chief. Like Roehm, he had long cherished becoming Supreme Commander-in-Chief. But since this was a remote possibility, he felt there should at least be more pliable Generals in the Wehrmacht leadership.

An intriguer to the marrow of his bones, he would have liked to give the leadership of the War Ministry and the General Staff a shake. But it was out of the question, of course, to prescribe another "night of long knives". In the course of the three or four years since that night, the Generals had demonstrated that without them the nazis could not even dream of putting their foreign policy programme into effect. Here again Goering displayed new facets of his scheming mind.

A quarrel broke out unexpectedly between his defence attorney Otto Stahmer and Schacht's counsel Rudolf Dix. At the Nuremberg trial this was one of the rare cases of defence attorneys engaging in a public quarrel.

What happened was this.

Hans Gisevius, a colourful figure, was in the witness stand. He had been prominent in the Gestapo and had conspired against Hitler before the war and more actively during the war.

The cross-examination dragged out and when it seemed that the end was near Gisevius suddenly requested the Tribunal for permission to relate an incident that took place in the attorneys' common room in his presence. As soon as he pronounced these words, Otto Stahmer, with an alacrity quite unusual for him, went to the witness stand, not very tactfully took over the defence attorney's microphone from his colleague Dix and lodged an energetic protest.

A hush descended on the hall. Goering fidgeted nervously in his seat, throwing angry side-long glances at Schacht, as much as saying that the latter would not miss an opportunity to trip him, Goering, up.

Meanwhile, the witness had already launched on evidence, which, strictly speaking, did not very much interest the Tribunal. It transpired that before the day's hearing began, in the attorneys' common room Stahmer went over

to Dix and interrupted his conversation with Gisevius, saying that it was indifferent to Goering whether Gisevius would make any accusations against him. Something else worried Goering: the erstwhile German War Minister Werner von Blomberg died recently in the Nuremberg prison and out of respect for the memory of the old soldier Goering was eager to keep an unpleasant page of the man's life from the public gaze. He believed that both Schacht and his attorney were decent men and hoped they would not use the witness Gisevius for this purpose, otherwise. . . .

In the courtroom Dix specified what would happen otherwise. He repeated the words Stahmer had used to him:

"Listen, Goering has an idea that Gisevius will attack him as much as he can. If he attacks the dead Blomberg, however, then Goering will disclose everything against Schacht—and he knows lots of things about Schacht which may not be pleasant for Schacht."

Goering was, of course, least of all concerned about Blomberg's reputation. He did not want the Tribunal to see him in another dirty intrigue. There was a foul odour about that affair involving the deceased Field Marshal, an affair so skilfully contrived by Goering to vacate the chair of War Minister.

In his old age Blomberg decided to marry a young temptress named Erika Gruhn. But when everything was decided he learned of this young lady's very unsavoury reputation. The Field Marshal did not know what to do and consulted Goering. The latter had long ago put under surveillance those he intended to ruin. He knew that in seven large German cities Erika Gruhn was registered as a tart.

However, when Blomberg came to ask him whether it would be seemly for him to marry a "lady of low origin", Goering went to all ends to dissipate the old man's doubts. Believing in Goering's "good will" towards him, Blomberg called on him again to complain that the lady of his heart was being harassed by a former lover. Once again Goering went to Blomberg's assistance "as a friend". On his instructions, the ill-starred Don Juan was summoned by the proper authorities, admonished, given some money and sent out of Germany.

Then followed a magnificent wedding. As a matter of course, Goering was one of the guests. He did not come

alone: he delighted the newly-weds by inviting the Führer himself.

On the very next day Goering "suddenly learned the whole truth" and "indignantly" passed it on to Hitler. He made sure that the scandal he had engineered received the widest publicity in Berlin.

Blomberg at once tendered his resignation.

But subsequent developments did not follow the line charted by Goering. Hitler toyed with the idea of nominating General Werner von Fritsch to replace Blomberg as War Minister. At the time the General was in command of the land forces.

This nomination did not suit Goering in any way. Fritsch was a strong character with his own views, and he had mastered the National Socialist ideology. He held Hitler in esteem, and on the latter's birthday in 1936 had written to him:

"I and the land forces follow you in proud confidence and sacred trust along the path on which you are leading us in the name of Germany's future."

However, the General had little respect for Goering and treated him with barely disguised scepticism. As far as Goering was concerned, he was definitely not the man to replace the deposed Blomberg.

Once more Goering had to weave a web of intrigues.

In those years the police were stepping up their drive against homosexuals. It was at this time that the Gestapo received a statement from a convict about the unseemly behaviour of a certain Herr Frisch or Fritsch. The convict could not recall the exact name.

Without delay this convict was taken to the Karinhall (Goering's estate near Berlin) and interrogated by the Reich Marshal in person. Goering threatened him with death if he did not confirm that he meant Colonel-General Fritsch. After this trial by ordeal, the statement was handed to Hitler and the author was taken to the Reich Chancellery.

Then, according to Gisevius, Fritsch was summoned. The General angrily denied all the charges. In Goering's presence, he assured Hitler on his word of honour that the charges were false. After this Hitler went to the door, opened it and the convict stepped into the room.

"It's him!" the man said, pointing to the General.

Fritsch was dumbfounded. He took the only course now

open to him: he asked for a thorough investigation. But Hitler turned this down and demanded his immediate resignation.

After giving this striking picture, Gisevius added that the Gestapo had investigated the convict's statement long before Fritsch's confrontation with him. It turned out that the man he meant was a certain Captain Fritsch. Nonetheless, Goering used it for his own ends, and another person objectionable to him was swept out of his path on January 28, 1938.

This testimony pleased Schacht. That evening when Dr. Gilbert went to his cell he said to him:

"Well, what did I tell you? Does that finish the Goering legend, or doesn't it? . . . I am really happy—after all these years, to have that criminal, who ruled and terrorised decent Germans, shown up for the gangster he is! . . . he is unmasked!"

But within a few weeks the mask was slowly but surely torn from Schacht.

#### **"CRYSTAL NIGHT"**

This was the name given to the night of November 10, 1938. The name by no means implied the gratitude of lovers for the memory of a beautiful night or of glistening tracks of moonbeams on the mirror surface of German lakes. The German people gave the name "crystal" to this night for a totally different reason: thousands of shop-windows and tens of thousands of square metres of precious cut-glass, the pride and glory of Belgian industry, were savagely smashed by the nazi vandals. Throughout Germany Jewish shops were looted and ravaged on that night.

By morning there were piles of broken crystal in the shopping centres of all German towns, big and small. A half-year's output of all the glass factories of Belgium—of the patient and skilful work of the glass-makers of a whole country—lay as good-for-nothing debris in the clean and tidy streets.

That was no accidental sally by drunken rowdies, as individual cases might seem to show. Nor was it, as Goebbels' specious propaganda claimed, a spontaneous manifestation of popular anger against Jews in retaliation for the assassination of a counsellor of the German Embassy in Paris by a

young Jew named Herschel Grynszpan. That dreadful November night, called "crystal", was one of the links of the minutely elaborated nazi "theory" and practice of fomenting racial hatred. The nazis were the first in history to dare set themselves and proclaim as state policy the extermination of an entire people. A wave of pogroms swept across the whole of Germany. Houses and synagogues were burned down, Jewish property was looted, what could not be carried away was senselessly destroyed, and thousands of people were subjected to violence and indignities.

The so-called "Nuremberg race laws" appeared to the accompaniment of the racket and thunder of these outrages. Since then the persecution of Jews was officially sanctioned in nazi Germany.

What was Hermann Goering's attitude to all this?

As I have already pointed out, when Roman Rudenko put that question to him, he replied that he had always had an aversion for race theories generally. In his conversations with the other defendants Goering passed from the sublime to the ridiculous when he went so far as to praise Jews and see in them qualities, which he said, the German people did not have. Upon reading newspaper reports of bloody clashes in Palestine between the Jews and the British colonialists, he made his interlocutors gape when he declared that if the incredible happened and he was released he would "consider it an honour" to join the Jews and fight the British at their side.

This unprincipled politician and ruthless adventurer showed his true self in this seemingly fantastic detail. But if we disregard the Pharisaical mask, which Goering tried so hard to pull over his face in Nuremberg, we shall see a man who knew full well why anti-Semitism had to be used as soon as the nazis came to power.

Unimaginably cynical, he sought to impress on the other defendants that the mythical national and racial features of Jews had nothing to do with anti-Semite policy and feeling, arguing that frequently anti-Semitism was more widespread in many Tyrol hamlets, where Jews had never set foot, than elsewhere.

On this point one had to agree even with a man like Goering. In charting and implementing their racial theories, their anti-Semitic policy in particular, the nazi ringleaders were by no means guided by emotion. Hardened political

card-sharpers, they understood, more than that, they knew that in a country with a dislocated economy they had to find a vent, a scapegoat to give an outlet to the growing unrest among the people.

In the time-worn package of tested methods employed by bankrupt governments to divert the people's attention from diverse political or economic difficulties, anti-Semitism has long been the ace of trumps. Unable to offer the German people a healthy economic programme, the nazis decided to "break the bank" by playing that ace. All the disorder and calamities were blamed on the Jews, and anti-Semitism was proclaimed the best means of adjusting all difficulties, a truly magical panacea for any hardship that might hit nazi Germany in the present or in the future.

Further developments were stimulated by purely psychological laws. The participants in the first Jewish pogroms began to relish and enjoy this profitable and non-punishable brigandage. They grew more and more unrelenting in their hate of their victims. Each sought to persuade himself that his hatred was legitimate, that an active manifestation of this hate was natural and just.

Goering had time and again heard from Rosenberg and Goebbels (and it was frequently stated by Streicher, the chief "theoretician" of anti-Semitic brigandage) that if you hunted a Jew you had to convince yourself that he was a blackguard and deserved to be hated. Goering himself was sufficiently acquainted with this psychology to understand it. Moreover, it was quite obvious to him that if a person who had burdened his conscience with acts of violence against innocent Jews or with their blood failed to persuade himself that his brutality was justified he grew more and more embittered and vented this bitterness on those who were helpless.

If anybody, Goering knew that it was not hatred of Jews that started the pogroms. On the contrary, it was the Jewish pogroms organised by the nazis and their unbridled propaganda that cultivated hatred of Jews among many Germans. For many years he and his accomplices worked to force the nazi race theory down the throats of the German people and awaken the most detestable instincts among definite sections of German society. And in 1938 Goering, Goebbels, Streicher and Rosenberg could note with satisfaction that they had accomplished what they had set out to

do. For the time being they were successful in their own country. For the time being only against the Jews. But tomorrow racism would be directed against Russians and Poles, Ukrainians and Czechs, Frenchmen and Serbs.

At the trial, however, both Goering and his defence counsel sought to create the illusion that the erstwhile Reich Marshal had nothing but aversion for the events on that "crystal night". This was absurd.

But the most astonishing part of it was that one of the prosecutors actually believed this rot. He went so far as to attempt to back up this story with documents. It was not for nothing that investigators went through the archives of the Air Ministry which had been bossed by Goering. And they found—the minutes of a conference which Goering convened immediately after the "crystal night".

A motley crew attended that conference. One could understand the presence at it of Reinhard Heydrich, for the Gestapo was one of the organisers of the pogroms. Wilhelm Frick was Minister of the Interior, a veteran nazi and the executor of many racist actions. Goebbels' presence spoke for itself: wherever a pogrom was in progress, he was sure to be there. But what was Walther Funk doing at the conference? Why had the respectable Schwerin von Krosigk, the Minister of Finance, come to the conference?

Even Goebbels could not understand why he and the Gestapo chief Heydrich were sitting in conference with Krosigk. Besides, Krosigk himself had not yet become accustomed to conferring with "colleagues" like Heydrich.

The general bewilderment could only be dispelled by Hermann Goering. And that was exactly what he very soon did.

Although at first glance Hermann Goering gave the impression of being above all a demagogue, phrase-monger and braggart, this was only the external side of this odious nazi. Actually he was not only and not so much a windbag given to bombast as a man of action, who calculated every move even in seemingly wild projects.

The conference gave its high-ranking participants further occasion to satisfy themselves that this was so.

Goering began his speech with a most categorical statement:

"The Jewish question must now be . . . solved."

This statement was accepted as something that went without saying. But the conference participants were startled by what they heard next: Goering declared that he did not at all share the gushing enthusiasm of Goebbels and Streicher over the Jewish pogroms.

"I have had enough of these demonstrations," he exclaimed. "They do no harm to the Jews, but finally devolve on

One can easily picture the long faces that were pulled by Heydrich and Frick, Goebbels and Funk. Since when had Jewish pogroms become harmful? Since when had they benefited the Jews?

Goering explained what he meant. The gentlemen he was addressing were not so foolish as to suspect that he regretted the killing of several score of Jews. What worried him was that in their enthusiasm the pogrom-makers had destroyed tens of thousands of sheets of mirror glass.

"So what?" asked the puzzled glances of Heydrich and Goebbels. "Had Goering gathered them together to tell them of this discovery?"

But Goering went on to impress on them that the famous mirror glass was an item of import for which foreign currency had been paid.

The conference participants continued to stare in perplexity: that currency had not been paid by Schwerin von Krosigk, it had not come from the German Treasury. But here the conference chairman pointed out that the Jews had insured their shops and were now receiving compensation from "Aryan" insurance companies.

"It is absurd," Goering said with emotion, "to empty and set fire to a Jewish store when a German insurance company has to cover the damage."

He said he was deeply shocked and indignant to learn that the loot carried away by the mob from the Margraf store alone amounted to 1,700,000 marks.

Another mute question appeared on the faces of the conference participants: "What is to be done now?"

Goering did not keep them in suspense. If there was any looting to be done it had to be properly organised so that the Treasury would benefit and he, Hermann Goering, could get a cut. The looting itself had to be given a respectable front. There was no need to smash the mirror glass. He, Hermann Goering, together with Hitler, had fought for



power so that once it was in their hands they could use all the possibilities of the state machine. He proposed "Aryanising" Jewish property. They did not understand what he meant. He would explain.

"From now on Jews will be eliminated from the economy and will turn over their businesses to the state. For this they shall receive compensation, which will be registered and reduced to a definite rate of interest. They will have to live on that."

I am quite certain that on hearing these words the Minister of Economics Funk exchanged meaningful glances with the Minister of Finance Krosigk: this way of adding to the Treasury was brilliant in its simplicity.

Further, Goering informed the gathering that many shop-owners had insured their goods and equipment not only with German but also foreign insurance companies. Goebbels was clearly annoyed: did this mean that the owners of some of the looted shops could receive compensation for the damage? But Goering calmed him and the others:

"The Jew will get the insurance money, but it will be confiscated."

He laughed merrily and produced yet another surprise, saying:

"I demand that German Jewry as a whole shall, as a punishment for the abominable crimes, et cetera, make a contribution of 1,000,000,000 marks."

The "gentlemen", naturally, approved this idea and Hermann Goering lost no time in putting it into effect. Looting was started on an unprecedented scale, but it was "legal" looting, looting protected by a "decree". Under the Goering decree Goering profited more than anybody else by the "Aryanisation" of Jewish property.

His only irreparable mistake was that the stenographers were not asked to leave the conference at which he so widely revealed his sparkling talent as a highway robber. In Nuremberg he had to pay for this mistake.

The minutes were placed into the hands of the prosecutor, who kindly let Goering read them.

Goering ground his teeth as his eyes slowly went over the minutes. He looked for a way out, but found none. In the end he had no alternative but to admit that the minutes were authentic. He refused to make any other comment.

## "PEACE-MAKER"

On March 10, 1946, a thickset man of about 50 in tableless military uniform was led into the courtroom. He was Field Marshall Erhard Milch, Goering's right-hand man.

The defence accorded to him the task of showing that Goering was a "peace-maker". It seemed that the defence had chosen correctly. Milch's friendship with Goering dated from the First World War. Goering had given him a job and had energetically protected him when the SS suddenly became interested in his antecedents. It turned out that one of his grandparents was a Jew. His dismissal from the Luftwaffe Headquarters was demanded. But Goering publicly declared:

"In my Headquarters I decide who is a Jew and who is not."

In the witness stand Milch spoke of Goering's peaceableness. Then the question arose of the attack on the Soviet Union.

"But that was a preventive war, of course," Milch said. "It was expected that the Red Army would attack Germany at any minute, and Hitler had no other choice than to strike a preventive blow. But Goering did not desire even such a war."

Soviet Chief Prosecutor Roman Rudenko noted ironically that a war against a state that itself wanted war was defensive.

"Goering was opposed to such a war," Milch said in reply to that remark.

"He was opposed also to a defensive war?" Rudenko specified.

"He personally was against any war," Milch replied without batting an eyelid.

This caused a burst of laughter in the courtroom, and Goering cast an angry glance at his friend, who had obviously overdone it.

Goering knew better than anybody else how large was the role played by him in drawing up and carrying out the Hitler programme of aggression. There would have been no bounds to his wrath if in the summer of 1941 anybody had ventured to say anything similar to what Milch squeezed out of himself in Nuremberg. No matter how awesome it sounded, he had evidently long ago agreed with that part

of the judgment where it said: "... there can remain no doubt that Goering was the moving force for aggressive war second only to Hitler".

In April 1936 the co-ordination of the output of raw materials and control over the expenditure of foreign currency were put in Goering's hands. This enabled him to expedite the solution of problems linked up with mobilisation for war.

A nazi party congress held that same year, 1936, in Nuremberg adopted a four-year programme of economic preparation for the invasion of other countries. Goering was put in charge of this programme and he formulated his basic task in the words: "... within four years to put the entire economy in a state of readiness for war".

In July, in his capacity of Plenipotentiary Extraordinary for the Economy he addressed a conclave of leading German aircraft magnates and called on them to step up the output of aircraft. He knew their cherished dream and used a sufficiently weighty argument:

"If Germany wins the war, then she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal, risks must be taken."

With a light heart he risked the destiny of millions of Germans and other peoples of Europe, frequently playing the decisive role in nazi Germany's foreign policy actions. He was not too happy with the diplomatic service of the Third Reich. He felt that Foreign Minister von Neurath was too conservative and seemingly slow and hesitant. Neurath was replaced by Ribbentrop. This replacement was made by Hitler. Goering assessed this as a deplorable mistake. He believed that Ribbentrop was totally unfit for the diplomatic tasks facing the Third Reich, regarding him as dense rather than clever.

In nazi Germany diplomatic activity was pursued by Ribbentrop, Goering, Schacht, Rosenberg, Raeder and many others. But Goering had his own, special "diplomatic style". In addition to adventurism, which was intrinsic to nazi foreign policy, his "style" involved consummate insolence and pronounced political cynicism.

\* \* \*

The months of February and March 1938 witnessed the seizure of Austria.

At various stages of this operation the principal actors were von Papen, the German Ambassador in Vienna, Keitel and Jodl, who by their presence at the negotiations with the Austrian Chancellor personified the Wehrmacht's determination to implement the *anschluss*, Ribbentrop, who ensured a favourable reaction on the Thames, and the Austrian National Socialists led by Seyss-Inquart. The central figure, however, was Hermann Goering.

He had, perhaps, never in his life talked so much and so long by telephone as during these "decisive days". He concentrated in his hands all the operational direction of the *anschluss* and accomplished the whole operation almost exclusively by telephone.

By telephone it was reported to him that pressured by the people Chancellor Kurt von Schuschnigg had agreed to a plebiscite to decide whether Austria would remain independent. Goering regarded this as a serious threat and took urgent measures, with the result that Schuschnigg capitulated and rescinded the plebiscite at 2 p. m. on March 11.

An hour and five minutes after this Goering called up Seyss-Inquart and informed him that Schuschnigg no longer enjoyed the trust of the Reich Government.

Goering followed this up by an ultimatum to the Austrian President, demanding Seyss-Inquart's immediate appointment to the Chancellorship.

The official records of these telephone conversations were produced at the trial in Nuremberg. Goering had himself instituted the bugging of telephones in Germany. This boomeranged now. Goering virtually turned crimson with fury when the directives he had given by telephone were reproduced at the trial one after another.

From Vienna it was reported that the Federal President of Austria Miklas was being obstinate on some point. Goering flew into a rage, shouting into the telephone receiver at his agents:

"What of it! In that case Seyss-Inquart must throw him out."

Then he dictated by telephone the names of the members of the new Austrian Government, not forgetting to include some of his relatives and making the reminder that any Austrian who resisted would be tried by the invasion forces.

The telephone on Goering's desk again rang late in the evening of March 11. In an exulting voice the chief nazi agent in Austria Keppler informed Goering:

"We are now representing the Government."

"Yes, yes, you are the Government," Goering reaffirmed. "Listen carefully. The next telegram must be sent here by Seyss-Inquart. Write it down. I'll dictate: 'The provisional Austrian Government, which, after the dismissal of the Schuschnigg Government, considers its task to establish peace and order in Austria, sends to the German Government the urgent request to support it in its task. . . . For this purpose it asks the German Government to send German troops as soon as possible.'"

And on the next day, "at the request of the Austrian Government itself", German troops entered Austria.

\* \* \*

The developments in Austria seriously alarmed the Czechoslovak Minister in Berlin. But at a reception Goering told him with an engaging smile that Czechoslovakia had nothing to worry about, that Germany had no hostile intentions towards her and that "no German soldier would come anywhere near the Czech frontier". To give weight to his words, he added:

"I give you my word of honour."

Yet this was exactly when as Luftwaffe Commander-in-Chief Goering was planning to strike at Czechoslovakia.

Many years later the Prosecutors and Judges of the International Tribunal reminded Goering of his perfidy. Instead of being embarrassed he waxed indignant: "What elementary incomprehension of the principles of foreign policy!" Yes, he had given his "word of honour". But what of it?

Talking to Dr. Gilbert in his cell he philosophised:

"Sure, you can talk about word of honour when you promise to deliver goods in business. But when it is the question of the interests of nations!? Phooey! Then morality stops!"

When Dr. Gilbert mentioned the German-Czechoslovak Non-Aggression Treaty of 1933, Goering laughed mockingly. Only a child could fail to see that the sole purpose of that treaty and of Goering's personal assurances was to prevent

Czechoslovakia from opportunely mobilising her strength. If anybody, he, Goering, knew that Germany's plans for the invasion of Czechoslovakia were completed on June 24, 1937.

Hitler's very efficient adjutant Lieutenant-Colonel Schmundt painstakingly filed all the documents relating to the preparations to carry out this plan. Later this file was hidden in a basement near Berchtesgaden, but in spite of that it was placed in the hands of the International Tribunal. Goering sullenly watched the prosecutors shake this file loose, proving him guilty of an unending series of provocations against the Czechoslovak people.

In Czechoslovakia, too, Goering and the rest of the nazi gang staked mainly on the fifth column—the Czechoslovak National Socialists. Reviews disguised as chorus festivals and gymnastics contests were arranged for them in Germany, where they were taught to handle weapons and schooled in subversion and provocation.

Hermann Goering loved "incidents". He felt that an "incident" was needed also for the "Czechoslovak operation". An uncomplicated "incident", which would give the nazis a free hand in this given case, was planned by him. The stages of this plan were: the German Minister in Prague would be assassinated, the Czechs would be charged with the assassination and, as an "act of retaliation", Prague would be bombed from the air.

But fate spared the German Minister Eisenlohr—his life was saved by an "incident", which took place in Munich with the participation of the British Prime Minister Neville Chamberlain and the French Premier Edouard Daladier. They calmly sacrificed Czechoslovakia to nazi Germany, claiming that by this act they were saving the peace in Europe. Actually, without being aware of it, Chamberlain and Daladier saved only Eisenlohr, while the world was pushed to the brink of a major war.

Twenty years later the British *Sunday Express* found it necessary to note this "service" by Chamberlain. Under a heading asking whether Britain should continue to feel ashamed of Munich, it wrote that Chamberlain would enter history as a martyr who exposed himself to insult and contempt so that the civilised peoples of the world would have time in which to acquire courage and a fighting spirit.

But Goering had a totally different impression of his British and French Munich colleagues.

One night in December 1945, during the Christmas recess, he had a long conversation on this subject with Dr. Gilbert.

He gave the doctor the only chair in his cell, and sat on his cot. Then, as though pondering aloud over the reasons for Germany's defeat, he said that the principal mistake was that in 1940 Hitler did not conclude peace with Britain and France in order to hurl the combined forces against the Soviet Union. He felt that the Munich deal provided grounds for hoping that another favourable compact would be reached. He, if anybody, knew the worth of the newspaper ballyhoo about the "courage" displayed by Chamberlain and Daladier at the Munich talks.

"Actually," he related, "the whole thing was a cut-and-dried affair. Neither Chamberlain nor Daladier were in the least bit interested in sacrificing or risking anything to save Czechoslovakia. That was clear as day to me. The fate of Czechoslovakia was essentially sealed in three hours. Then they argued four more hours over the word 'guarantee'."

Goering had a particularly vivid memory of Daladier's posture.

"He just sat there like this," Goering spread out his legs, slumped down on the cot, and bent his head with a bored expression. "All he did was nod approval from time to time. Not the slightest objection to anything. I was simply amazed at how easily the thing was being managed by Hitler. . . . When he suggested that certain armaments which were across the Sudeten border should be brought into the Sudeten territory as soon as we took it over, I thought there would be an explosion. But no—not a peep. We got everything we wanted; just like that." He snapped his fingers. "They didn't insist on consulting the Czechs as a matter of form—nothing. At the end the French delegate to Czechoslovakia said: 'Well, now, I'll have to convey the verdict to the condemned.' That's all there was to it. The question of a guarantee was settled by leaving it up to Hitler to guarantee the rest of Czechoslovakia. Now, they knew perfectly well what that meant."

The ignominious Munich conference ended at 2.30 a. m. on September 30, 1938. Chamberlain and Daladier sat in their cars and were driven to the hotel. Hitler, Goering

recalled, followed them out with his eyes and said with disgust:

"God, what nonentities!"

But he got what he wanted: Sudeten region was annexed by Germany, and it started a chain reaction calculated to leave nothing of Czechoslovakia.

In the captured archives of the German Foreign Ministry the Tribunal investigators found a curious document—minutes of Goering's talks with the leaders of the Slovak separatists Durkansky and Mach. Goering was suddenly smitten with love of Slovaks and, this time, seriously gave his word of honour that Germany would help Slovakia attain "independence". For their part, speaking with emotion, the Slovak separatists promised Goering that they would settle the "Jewish problem in the same way as it had been settled in Germany" and would forthwith ban the Communist Party. Goering looked keenly into the future. During this talk he noted, as though in passing, that the air bases in Slovakia would be highly important to the Luftwaffe in the event of war "against the East".

Then came the decisive stage. Dr. Emile Hacha, the Czechoslovak President, and the Czechoslovak Foreign Minister Chvalkovsky, both of whom were prepared to surrender their country, were summoned to Berlin on March 14, 1939, and informed that "the German Army has started its offensive" on the same day. Hitler added that he "was almost ashamed to say that against every Czech battalion there was a German division". Goering's threats were more blunt. He said that if there was any delay over the capitulation the Luftwaffe would "reduce Prague to ruins in two hours".

Hacha did not keep them waiting. At 4.30 p.m. Czechoslovakia ceased to exist.

\* \* \*

Poland's turn came next. On April 15, 1939, Goering had a meeting with Mussolini and Ciano and smugly told them:

"Germany can now attack this country on both flanks, the distance between which our aircraft can cover in 25 minutes."

On September 1 of the same year Germany invaded long-suffering Poland, and the Second World War broke



out. The seizure of Poland was followed by the occupation of Norway, the Netherlands, Belgium, Luxemburg, France, Greece and Yugoslavia. On June 22, 1941, the nazi aggressors started their sneak invasion of the Soviet Union.

I should like to mention two episodes which were used by reactionaries at the Nuremberg trial and in postwar West German historiography to exonerate Goering. There are versions according to which in 1939 Hermann Goering tried to avert war with Poland, and in 1941 was the only member of the German Government to oppose the invasion of the USSR.

To prove Goering's "peaceableness", his attorney Otto Stahmer requested the International Tribunal to subpoena Birger Dahlerus as a witness.

A Swedish capitalist and a close relative of Goering's wife, Birger Dahlerus was well-connected with influential circles in London. These were the connections that Goering sought to utilise to seize Poland along the lines of the Munich recipe.

In July and August 1939 Dahlerus acted as an intermediary between Berlin and London. On August 7 he arranged a meeting between Goering and leading British industrialists. They had a long conversation and, as Dahlerus testified in Nuremberg, "in the end both sides came to the question of Munich and the events in Munich". They agreed that another conference of the statesmen of Great Britain, France, Italy and Germany was indicated.

After Goering's meeting with "British businessmen", Dahlerus' voyages between Berlin and London grew noticeably more frequent. Long and protracted bargaining began. Poland was least of all the object of this bargaining. Not one of those involved in these secret negotiations had any doubt that that country would be a victim of nazi aggression. The key issue lay elsewhere: Britain wanted a firm guarantee that after seizing Poland the German troops would not stop at the Soviet frontier.

But that was where insuperable difficulties arose. On the one hand, such a deal would hamper the heightened appetite of nazi Germany not only with regard to the East but also with regard to the West. On the other hand, Britain wavered: she had had more than enough proof of the perfidy of nazi diplomacy in that agreements would not hold Germany back from further encroachments on the

interests of the Western powers. Nothing came of Goering's "secret" diplomacy.

As a matter of fact, he was not very confident that his efforts would be successful. In any case, he did not for a moment stop or relax his efforts to push forward the preparations for the invasion of Poland.

Hitler held a crucial conference on August 22, 1939. The entire German High Command was present. Goering sat beside the Führer. The last details of the attack on Poland were specified. Hitler ended his speech with the words:

"Thus, forward against the enemy! We'll celebrate victory in Warsaw."

One of the participants in this conference wrote down at the time: "The speech was received enthusiastically. Goering jumped on the table and went into a wild dance. Only a few were silent."

On the very first day of the invasion of Poland Goering sent an armada of Luftwaffe bombers on a barbarous raid of Warsaw. Flames enveloped the city. Whole blocks of buildings collapsed, burying innocent people.

These blitzkrieg tactics were employed in all the campaigns in 1940: against Norway, Belgium, the Netherlands, France, Yugoslavia and Greece. Goering distinguished himself with new barbarous bombing raids of Rotterdam, Belgrade and many other cities.

Finally, on June 22, 1941, Nazi Germany started her aggression against the Soviet Union.

The International Tribunal scrupulously examined the evidence of the guilt of each of the defendants. Here again the court heard the voice of Otto Stahmer:

"Goering never wanted that war. It would be unjust to doubt that Goering wanted peace."

He turned to his client:

"What was your attitude toward an attack on Russia at that time?"

Goering replied:

"At first I was very much surprised at the time and asked the Führer to give me a few hours to state my view. It came entirely as a surprise to me. Then in the evening . . . I told the Führer the following: I urged him most particularly not to start a war against Russia at that moment or even a short time after."

What had happened to Goering? Had this hardened nazi looked back and found his conscience so heavily burdened that he decided to stop? Nothing of the sort. The destruction of the world's first Soviet state was his sweetest dream. But when the question of an invasion of the Soviet Union left the realm of clamorous propaganda and became stark reality, Goering was possibly sober enough to picture different variants of the end of such a war. He had risen to high position and acquired enormous wealth and glory, in short, everything that his careerist mind could desire. What if one fine day all this collapsed?

That made Goering think.

The defence vainly sought to present this thinking as determined opposition to the invasion of the USSR. The prosecution was in possession of irrefutable objective evidence of Goering's culpability. Besides, Goering added to the weight of the evidence against him by declaring that in expressing his doubts to Hitler regarding a war against the USSR he "was not moved by considerations of international law or similar reasons; my point of view was decided by political and military reasons only".

He assured the Tribunal that at the time he said to Hitler:

"We are at present fighting against one of the greatest world powers—the British Empire.... I am definitely of the opinion that sooner or later the second great world power, the United States, will march against us.... Then we shall be at war against two of the largest world powers.... In the case of a clash with Russia at this time, the third great world power would be thrown into the struggle against Germany.... We would again stand alone, against practically the entire world."

What was the result? Were these arguments meant to persuade Hitler to abandon the idea of attacking the USSR? By no means.

Goering summed it up by saying:

"These were my reasons for delaying the date."

Not a single document backing up this evidence of Goering's was found in the German Government archives. But neither was it refuted by any of the defendants or witnesses, and in its Judgment the Tribunal noted with good reason that even if Goering, as he claimed, had opposed Hitler's plans against the Soviet Union "it is clear that he

did so only for strategic reasons; once Hitler had decided the issue, he followed him without hesitation”.

Had Goering acted otherwise he would not have been true to himself, he would not have been the consummate, unprincipled careerist that he was. In short, he was least of all guided by peaceableness, by considerations that Germany and the USSR had a treaty of non-aggression. His guide was his sudden apprehension about his own destiny, but this apprehension was quickly dispelled.

The reader may ask why I mention this. Only to underline Goering's mendacity and hypocrisy? No, not only that.

Stahmer and Goering himself were so carried away by their version that they failed to see the agitation on the faces of Keitel, Jodl and Ribbentrop or the ironical smile of Soviet Chief Prosecutor Roman Rudenko. The main defence argument of all the defendants was that the war against the USSR was not a war of aggression but a defensive, preventive war. The defendants and their attorneys fought tooth and nail to prove that the Soviet Union was getting ready to attack Germany and that by starting hostilities on June 22 Hitler only “forestalled the Russian attack”.

Then came this bombshell from Goering. It went a long way towards exposing their slanderous fabrications. Indeed, had the Soviet Union been preparing to attack Germany and had this attack been inevitable, had it been expected “at any minute”, it was asking too much to believe that in these “extraordinarily dangerous circumstances” Goering urged Hitler “not to start a war against Russia at that moment, or even a short time after”.

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I have already mentioned that when Roman Rudenko made his speech Goering demonstratively took off his earphones, as much as to say that it was not worth listening to the opening speech of the Russian prosecution. He told his dock colleagues that he was anticipating the moment when he would cross swords with Rudenko. Whatever way you looked at it, the Russians had every grounds for concentrating their fire against him, Goering. Who of the defendants in the dock was a more rabid anti-communist? Dr. Gilbert, who heard these remarks, noted to Goering:

"Oh, I think Rosenberg would dispute that title."

Goering took him up on that. Who was Rosenberg? An ideologist, a philosopher, anybody save a man of action such as he, Goering, had been all his life. The Russians would never forgive him for having expressed his opposition to communism by action, not only by words. He recalled how he dealt with Communists as soon as he came to power:

"Why, as police chief of Prussia I arrested thousands of Communists. That is why I set up the concentration camps in the first place—to keep the Communists under control."

Laughing maliciously, like a schoolboy who had driven a nail into the teacher's chair, Goering dwelt on his "feats" in the civil war in Spain. The Spanish patriots were bleeding white. Shoulder to shoulder with them, the finest sons of other peoples—Russians, Frenchmen, Poles, Hungarians, Americans, Germans—fought to the last bullet. There was a shortage of weapons, and he, Goering, had obstructed the efforts of the friends of Republican Spain to relieve this shortage.

"They had paid for a shipload of arms to a neutral country destined for Loyalist Spain, but I had my men among the crew that loaded the ship, and I sent a shipload of building bricks with only a layer of munitions on top. Ha-Ha! They'll never forgive me for that one."

Indeed, there was much that the peoples of Europe had not forgotten or forgiven Goering. The Soviet people had the largest score to settle with him. He experienced many exceedingly unpleasant hours when he was cross-examined by Roman Rudenko. The bricks that were loaded in that ship turned into a most frightful boomerang. With a firm hand Rudenko tore from Goering the toga of a statesman which he was still wearing. The Soviet Chief Prosecutor laid bare the most despicable aspects of Goering's activities and nature.

After dealing comprehensively with the preparations for the invasion of the USSR, Rudenko said it was his intention to analyse the objectives which the nazis pursued by attacking the USSR. Goering was calm, for he had been against such an invasion. But Rudenko relentlessly went on with the cross-examination.

"Do you admit," he asked Goering, "that the objectives of the war against the Soviet Union consisted of invading

and seizing Soviet territory up to the Ural Mountains and joining it to the German Reich, including the Baltic territories, the Crimea, the Caucasus; also the subjugation by Germany of the Ukraine, of Byelorussia, and of other regions of the Soviet Union?"

"That I certainly do not admit," Goering replied unflinchingly.

But the expression on his face changed when Rudenko said he would submit the minutes of a meeting that was held in Hitler's Headquarters on July 16, 1941. The minutes were recorded by Martin Bormann, who attended that conference. Rudenko inquired if Goering had any doubts about the document's authenticity?

With a furious glance at the Prosecutor, Goering muttered that he admitted the document's authenticity.

According to the minutes the conference was attended by Hitler, Goering, Rosenberg, Keitel, Bormann and Reich Minister Lammers. The first question they discussed was who would gain most from the war against the Soviet Union. A Vichy newspaper wrote at the time that a war against the Soviet Union would be a war for the whole of Europe. The minutes recorded Hitler's angry retort: "With hints of this sort, the Vichy newspaper evidently seeks to create a situation in which this war will benefit not only Germans but all European states. "The Führer's anger was shared, of course, by the other participants in the conference. Goebbels' propaganda tricks, his wild howls that the war against the USSR was a war of the whole of Europe against "Russian Bolshevism" were all very well, but it was quite a different matter where it concerned the monopoly right to plunder the country, and "to do it thoroughly" as Goering later put it.

Rudenko plied Goering with a cascade of devastating questions. He asked the defendant to follow the text of the minutes and began to quote from them:

"The Crimea must be free from all foreigners and populated by the Germans. Also, Austrian Galicia\* will become a province of the German Reich."

*Rudenko:* "Have you found the place?"

*Goering:* "Yes."

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\* Meaning the West Ukrainian territories that acceded to the Ukrainian SSR in 1939.

*Rudenko* (reading another excerpt from the minutes):  
"The Führer stresses the fact that the whole of the Baltic States must become Reich territory."

Goering had to admit that this was one of the objectives.

One after another the quotations descended on Goering's flabby body like birch rods.

"... the Volga region must also become Reich territory, as well as the Baku Province, which must become a military colony of the Reich."

Goering helplessly nodded.

The Finns wanted Eastern Karelia? But the conference decided that Kola Peninsula must be German territory on account of its large nickel deposits.

The Finns wanted Leningrad Region? They would forgo this for the "Führer will level Leningrad to the ground and give it to the Finns afterwards".

Goering acknowledged that this too was correct. But in the next moment, livid with fury, he shouted:

"A mad thing it is to discuss a few days after a war has broken out the things recorded here by Bormann, when nobody knows what the outcome of that war will be and what the possibilities are.... As an old hunter, I acted according to the principle of not dividing the bear's skin before the bear was shot."

A rudimental principle that, but Goering apparently comprehended it only in the solitary cell of the old Nuremberg prison.

Rudenko went on reading excerpts from the notorious minutes:

"We must act as though we are enacting a mandate. But for us it must be clear that we shall never leave these territories."

"The iron law must be: None but the Germans shall be permitted to bear arms."

It would have stood Goering in good stead if he had recalled the hunter's principle about sharing the bear's skin. Had this principle always been his guide he would not, of course, have argued at the time over the nominations for gauleiters for the different Soviet territories.

Rudenko reminded Goering of his clash with Rosenberg at that conference. Rosenberg wanted Heinrich Lohse's nomination as gauleiter for the Baltic territories, while Goering backed the candidature of Erich Koch. Rosenberg

was eager to get his man von Petersdorf nominated to a governorship, but Goering opposed this candidature, saying: "Von Petersdorf is unquestionably a psychopath."

Moscow was "given" to a certain Siegfried Kasche. Goering raised no objections, but he persuaded the conference that Joseph Terboven was the proper man to put in charge of the exploitation of Kola Peninsula.

This was Hermann Goering, the "old hunter" in action, displaying the bared teeth of a dyed-in-the-wool colonialist and calculating plunderer seeking to enrich the German monopolies and line his own pockets at the same time.

### THE MASK IS TORN OFF

"I," said Hans Frank ecstatically, "am pleased at the way Goering is conducting himself. If he had only always been that way. I told him today in jest, 'It is too bad you weren't thrown into jail for a year a few years ago!'"

These words were spoken on March 16, 1946, the day Goering was cross-examined by his attorney. The defendants were delighted to hear him call himself the second man in the Reich and thereby imply that he was prepared to shoulder a large part of the responsibility for the crimes committed by the nazis.

"I never even heard of Fritzsche before," Goering said one day, looking over his shoulder at the left flank of the defendants. "Where does little Funk fit into this?"

Even during the reading of the indictment against Funk, when some inconsequential question arose over foreign currency restrictions, Goering wrote a note to the former Economics Minister's attorney, stating: "I'll take the responsibility for that. You may quote me."

But this was only a game, a cheap grandstand posture, toward which Goering was always inclined. He almost always acknowledged his guilt in little things. But he had the "good sense" to yield the palm to others where it concerned crimes that shocked the whole of mankind.

He knew perfectly well that there were things he could admit in connection with the anschluss in Austria, that he could argue over who wanted to attack Norway first—Germany or Britain—that he could try to throw dust into people's eyes by claiming that he tried to "save the peace" in 1939 through the mediation of Birger Dahlerus, but



under no circumstances could he assume the responsibility for Oswiecim and Majdanek, for the murder of prisoners of war, for the slaughter of hostages, for the monstrous plunder of the living and the dead in occupied territories.

If we were to make a graph of Goering's behaviour when he was cross-examined, we would get nothing but a series of curves, incredible zigzags and loops, in short, everything reminiscent of the behaviour of a predator trying to shake off its pursuers.

While still in control of himself, Goering attempted to build up a "theoretical" justification for the nazi atrocities. He declared:

"I scanned through the regulations for land warfare of the Hague Convention for the first time just before the outbreak of the Polish conflict. As I read them at that time I regretted that I had not studied them much more thoroughly at an earlier date. If so I would have told the Führer that, in view of these Hague Convention regulations for land warfare... a modern war could not be waged under any circumstances. One would perforce come into conflict with the conditions laid down in 1906 or 1907, because of the technological expansion of modern war."

A very simple idea—war technology had progressed to the extent that it was no longer possible to avoid unnecessary civilian casualties. But the prosecution reasonably asked: In what way were the mass executions of war prisoners, and the extermination of the sick and the wounded dependent on the progress of war technology? The defence at once sought to "amend" Goering's explanation, and immediately a new pattern was evolved: the German Army began the war in a chivalrous manner, and was compelled to retaliate only after it encountered brutality on the part of the enemy. Unhappily for the defence, the prosecution was in possession of evidence that the main man-hating directives were issued long before the war broke out. What "retaliation" was there to speak of when Hitler and his myrmidons demanded criminal action by the men and officers of the Wehrmacht before the first shot was fired!

Goering began to realise that all his "patterns" were fizzling out. General Rudenko produced devastating documents which he placed before Goering, and the latter, drained of his bravado ("I'll take the responsibility for

that”), dissociated himself from these documents one after another.

“If every order and every instruction ... would have had to be reported to me, I should have been drowned in a sea of papers...” the now deflated braggart helplessly mumbled, “... only the most important matters were brought to me and reported to me.”

Naturally, these “most important matters” did not include the order for the mass shooting of Soviet prisoners of war, nor the order for the total extermination of Red Army commissars, nor the order for the destruction of Leningrad. He, Hermann Goering, knew nothing of this barbarism!

Cracking these new tactics, which were such a far cry from Goering’s erstwhile bravado, Rudenko remarked:

“You were told only about the important happenings. But orders for the destruction of cities, and the murder of millions of men, et cetera, went through so-called service channels.”

Rudenko then went on to produce official documents, which proved beyond a shadow of doubt that Goering was not only well-informed but played a leading part in the drawing up of the German Command’s criminal orders.

Reminding Goering that millions of people were tortured to death, Rudenko asked:

“Do you mean to say that you never read the summaries of the foreign press or heard the foreign radio reporting these crimes?”

To the accompaniment of laughter, Goering replied that although he had a right to it he never read the foreign press throughout the war. He “did not want to hear that propaganda”.

“I began listening to foreign radio broadcasts only during the last four days of the war,” he specified.

This answer was worthy of the pathological liar such as Goering was throughout his life.

On the Judges’ table lay the notorious *Wannsee Minutes*.

A conference of representatives of various nazi Government agencies was held at Tross-Wannsee No. 56-58, Berlin, on January 20, 1942, to chart measures for the “final solution” of the Jewish question. At this conference Goering was represented by State Secretary Neumann. In the minutes

it is unequivocally stated that the "Reich Marshal has charged Heydrich with making all the necessary preparations for the final solution of the Jewish question in Europe".

No, Goering would not prove that he knew nothing of the millions who were shot, hanged, burned alive, killed by dogs, kicked to death or gassed. Like the ashes of Klaas, the thin, tiny fists of children of five and six pull at the heart-strings of mankind. They were driven into the gas chambers and in an effort to save themselves they showed these little fists, their bloodless lips pleading:

"We are still strong enough to work.... Look, we can still work!"

These same words were uttered by helpless old men and women who were shamelessly stripped of everything before they were murdered: the nazis confiscated watches and rings and plied loose gold teeth. All this had to be stored somewhere, and it had to be sold. And the SS concluded a deal with the Reichsbank, which undertook all the further operations.

The Reichsbank thus became an accomplice in a fiendish crime. Attentively and with simulated sympathy Goering watched "little Funk" squirm under pressure of irrefutable evidence showing that as President of the Reichsbank he entered into an unprecedented bargain with the SS. Goering's face expressed shock as though this were the first time he was hearing of the odious doings of "Himmler's jackals", as though he had not known that in the Reichsbank there was the coded "Melmer account" in which hundreds of kilos of gold teeth and watches were deposited.

However, Goering's mimicry did him no good, for the prosecution unexpectedly submitted a document incontrovertibly proving that he, Goering, played the role of chief marauder in the bank operations of the SS. This was a memorandum dated March 31, 1944, and somewhat vaguely titled "Utilisation of Jewelry and Similar Items Secured by Official Agencies in Favour of the Reich". In black and white it stated:

"Authorised under the Four-Year Plan, the Reich Marshal of the great German Reich has informed the Reichsbank in a letter of March 19, 1944... that a considerable quantity of gold, silver items, jewelry, et cetera, in possession of the Central Authority for the East shall

be delivered to the Reichsbank under the instructions issued by Reich Minister Funk and Count Schwerin von Krosigk."

The "Melmer account" was also mentioned in the memorandum.

In Goering's shifty eyes the "compassion" for Funk gave way to the blind fury of a trapped beast. Not a trace remained of his bravado, of his acting the "benefactor" of the other defendants. As yet unsuspecting the sudden evolution of Goering's mood, Rosenberg asked him to say something about the confiscations in the occupied Eastern territories, to say something that would mitigate his, Rosenberg's, lot. Goering virtually grappled with him.

"I told him," he remarked to Gilbert, "he will have to do that himself; I've got to think of myself at a time like this."

"Confiscations in the East!" These certainly were not confiscations. It was a system of organised plunder of the occupied territories, and this system was evolved by none other than Goering.

Lev Sheinin of the Soviet prosecution rose to his feet. Of medium height, broad-shouldered, with chestnut hair and quick, dark eyes, he successfully continued the work started by Roman Rudenko. His extensive research coupled with his long experience as an investigator and talent as a writer enabled him to complete the real portrait of the Reich Marshal with a few deft strokes.

In September 1945 the Soviet military authorities in Jena, Thuringia, discovered an extremely interesting document. Its content was so revealing that on its strength alone Goering could be accorded a place in history as a predator second to none.

At 4 p.m. on August 6, 1942, at the Air Ministry, he presided over a conference of Reich Commissioners of occupied countries and territories. In his speech he noted, his voice ringing with intoxication:

"At this moment Germany commands the richest granaries that ever existed in the European area, stretching from the Atlantic to the Volga and the Caucasus, lands more highly developed and fruitful than ever before."

And, as though doubting if the nazi satraps properly comprehended their tasks, he exclaimed:

"You are sent there not to work for the welfare of the population, but for the purpose of extracting everything

possible out of these territories. That is what I expect from you."

The commissioners were puzzled: if anybody, they needed no instructions on how to plunder. But the Reich Marshal went over from precepts to threats:

"... if you cannot do it, I will set up agencies which will get it from you, whether you like it or not."

Nobody doubted what he meant.

"Whenever you come across anything that may be needed by the German people, you must be after it like a bloodhound. It must be taken out of store and brought to Germany.... I intend to plunder and to do it thoroughly."

While Sheinin quoted from this speech, Goering sat as though he were nailed to his seat. There were no postures, no grandstand play. He opened up only when Sheinin substituted his name for the word "Reich Marshal" in the quotations. Every time this happened Goering turned purple with fury and hissed:

"Reich Marshal! Reich Marshal!"

#### **"MEDIocre PEOPLE CANNOT APPRECIATE THIS"**

Some years ago the Western press reported that the German industrialist Friedrich Flick (who was also tried in Nuremberg but was soon released) called on Frau Emmy Goering. There were many reminiscences they could share. In his heyday Emmy's husband had put many a fortune in Flick's way.

Even now, at 82, Flick remained a man of action. He was not given to sentimentality. After kissing the lady's hand he lost no time telling her the purpose of his call. It had come to his notice that dear Emmy was fighting (and not unsuccessfully, it seemed) in the West German courts for the return of Hermann Goering's property, which included a large collection of paintings. He hoped that as an old friend he would be given the right of first choice.

The old fox felt he had got onto the scent of something big.

\* \* \*

Hermann Goering did not waste his time in the numerous posts held by him. He was the Third Reich's premier

bloodhound. There was nothing and nobody he believed in more than in money. People might let him down, betray or sell him. He knew this from his own experience. But gold was always gold. Goering believed it would set things right even in the most hopeless situation. He knew the price of demagoguery and the price of gold.

It is said that Talleyrand almost went mad with happiness when Napoleon appointed him Foreign Minister. He thought least of all of the honour and glory this appointment would bring him. His mind was on something quite different. Riding in a carriage one day and oblivious of the other people in it, he raved like a lunatic: "It's come off. Now for a great pile, a great fortune!"

We do not know of a similar case in Goering's life. But that does not alter the essence of the matter. As distinct from Talleyrand, Goering attached huge importance to external indications of power, to honour and glory, but he was enough of a realist to repeat after Talleyrand: "The main thing is not to be poor!"

It so happened that Philip Reemtsma, a potentate of the German cigarette industry, cheated the tax collector of an enormous sum of money. But before the thunder clouds broke over his head he slipped Goering a "gift" of 7,250,000 marks and the scandal was squashed.

Goering "saved" even Jews, helping some to leave the country, and in return put his hands on all the property left by them in Germany.

But this was only the phase, so to speak, of Goering's "initial accumulation". The real plunder started with the establishment of the Hermann Goering Werke, which embraced many confiscated enterprises in Germany. In Austria, this concern seized the Alpine-Montan interests, which controlled the iron-ore mines in Styria, and in Czechoslovakia it took over the Skoda Works.

Every German military advance in foreign territory brought Goering further wealth.

He was particularly partial to works of art, paintings especially. This was, perhaps, where the morals of this second man in the Third Reich were revealed most strikingly.

Goering knew that the world's largest picture galleries were the Louvre in Paris, the Tretyakov Picture Gallery in Moscow and the British Museum in London. He made

up his mind to put together a collection rivalling these world treasure-stores of art. Their collections had been built up in the course of centuries, but Goering intended to make his Karinhall famous within a few years.

He did not bother his head about the purchase prices of paintings. He had his own way of acquiring them. His agents poked about Europe and carried to the Karinhall paintings belonging to victims of the Gestapo.

What about paintings that could not be confiscated? In such cases Goering "most humbly asked" their owners to "exchange" them for other paintings and was amazingly generous—in exchange for one or two of the paintings he "happened" to like, he gave five or ten. Naturally, he acquired Vandykes, Rubenses or old Flemish Gobelin tapestry and, in exchange, gave modern German paintings confiscated from Gestapo victims.

He enlarged his "collection" particularly at the expense of the Rothschild, Seligman and other private French collections. According to a report from an official of the German military administration in Paris, the "special train, arranged for by Reich Marshal Hermann Goering, comprised 25 express baggage cars filled with the most valuable paintings, furniture, Gobelin tapestries, works of artistic craftsmanship and ornaments".

Towards the very end of the war Goering took a fancy to a sculpture from Monte Cassino, and it was turned over to him.

In a letter to Rosenberg he boasted that he had now "perhaps the greatest private collection in Germany at least, if not in Europe".

In Nuremberg Goering tried somehow to justify his avarice. He said to Hans Fritzsche:

"The only dark spot in my conduct was my passion as a collector. I wanted to own everything that was beautiful. Mediocre people cannot appreciate this."

Alas, there were much too many "mediocre" people in the courtroom, and the strangest part of it—as Goering realised perfectly well—was that such "mediocrities" were the judges, the prosecutors and many of the witnesses.

What about the defendants?

None of them even tried to understand the ill-starred collector. The unanimous opinion of this "narrow circle" was that there was nothing Goering could hope for after

the Tribunal established that he was, among other things, a common thief. Speer remarked with a smile:

"Goering's luck is ausgespielt—all gone, all gone."

Funk muttered through his teeth:

"Disgraceful—disgraceful!"

Ribbentrop turned to Kaltenbrunner and said, spreading his arms:

"I don't know whom to trust now."

Evidently this canting hypocrite did not yet suspect that within a few days it would be his turn to account for the thieving operations of the "special Ribbentrop battalion".

Schacht, also, could not help taking advantage of the situation that emerged around Goering. He said:

"I consider Goering a born criminal. I can hardly look at him. . . . Stealing is in a way even worse than killing; it shows a man's character. You can conceive of a crime of passion, but stealing is so low."

Having delivered himself of this tirade, Schacht comforted himself with such "modesty" that he omitted mentioning his own thefts. No, not of the grandiose swindling that he engaged in in the name of the Reich, but of the banal robbery which made his own pockets bulge.

But of this later.

## THE FINALE

All the defendants had been cross-examined. Thousands of documents had been submitted as evidence. Testimony had been given by scores of witnesses. Newsreels, those incorruptible witnesses of the criminal past, had done their work. The defence attorneys and the prosecutors had made their final speeches. The defendants had spoken their last word.

The trial was nearing its end.

Goering was in his cell, where he would have to await his sentence for a whole month. While the judges were in conference he could surrender himself to reminiscences, look back over his whole life and go over all the details of the trial.

This trial had shown the world that Hermann Goering had indeed been the soul, the sinister soul, of the nazi conspiracy. The mark of Cain as provocateur and mur-



derer, as plunderer and thief was not so pronounced on any of the other defendants.

Goering could not help understanding this himself, although he frequently differed with the prosecutors and the judges in their assessment of facts and events. He spoke of the "final solution" of the Jewish question, while the prosecutors called it the extermination of innocent people. He spoke of "special treatment" of prisoners of war, but the prosecutors qualified this as mass murder. He swore that he had never threatened Czechoslovakia, but he was reminded of his own words spoken to the Czechoslovak President that he would "hate to bomb the beautiful city of Prague".

Then these countless documents on the pillaging of occupied territories, on the most banal stealing of paintings! It had all turned against him! Especially when the Judges reminded him of the testimony of Paul Koerner, who maintained that Goering was the "last great public figure of the Renaissance". Koerner had done him a disservice with that crude flattery.

From the very outset of the trial Goering had sought to give the impression that as far as he was concerned an oath of fidelity and friendship was a law of life.

"I believe," he said at the trial, "in keeping one's oath not in good times only, but also in bad times when it is much more difficult."

But that was exactly what for Goering proved to be utterly impossible to do. During the trying days of April 1945 when the doomed Hitler sat in the bunker of the Reich Chancellery, his "faithful paladin" fled in secret. On top of that he tried to deprive Hitler of power and take it into his own hands. As soon as he was captured by the Americans he hastened to inform them of the "Führer's narrowmindedness" and added other unflattering epithets.

In Nuremberg Speer explained everything in very simple terms:

"Why do you suppose Goering wasn't in Berlin, to stand by his beloved Führer? Because it was too hot in Berlin. . . . The same with Himmler. But not one of them gave any thought to sparing the people any more of this madness. . . . They were all corrupt cowards in the country's hour of crisis."

Cowardice? Yes. And Goering had to reconcile himself to that stigma. At one time he had been regarded as a "brave pilot", but was a great deal of bravery required to bomb unprotected peaceful cities? In 1923 he took part in the Munich putsch, but as soon as it foundered he showed a clean pair of heels, going abroad and affording his friends the pleasure of sitting in prison. Then Goering urged war, and when the war broke out he sat snugly far from the firing lines, in the Karinhall, where he calculated the cost of stolen paintings. Lastly, when he found himself in the dock he boasted that the prosecution would find him a hard nut to crack, and suffered another fiasco: he promised to assume the responsibility for everything, but when he was put to the test he tried to shift the blame on to others.

"But what about you? You haven't taken the least responsibility for anything! All you do is make bombastic speeches! It is disgraceful!" said von Papen, summing up Goering's behaviour at the trial.

Goering could not conceal his nervousness from the other defendants. Under cross-examination he trembled like an aspen leaf, gripping a piece of cardboard on which he had written in red pencil on one side: "Speak slower, with pauses"; and on the other: "Take it easy. Stand firm."

But this firmness catastrophically broke down with every new question by the prosecution, with every new accusatory document. This was a "firmness" of a liar, provocateur and bigot.

Let us recall Karl Marx's description of Thiers: "A master in small state roguery, a virtuoso in perjury and treason, a craftsman in all the petty stratagems, cunning devices and base perfidies . . . never scrupling, when out of office, to fan a revolution, and to stifle it in blood when at the helm of the state; with class prejudices standing him in place of ideas, and vanity in place of a heart; his private life, as infamous as his public life is odious even now, when playing the part of a French Sulla, he cannot help setting off the abomination of his deeds by the ridicule of his ostentation."

There was much in common between this immortal characteristic of Thiers with the personality of Hermann Goering, although, naturally, Marx's epithets could mirror only some aspects of the manifold criminal career of nazi No. 2.

Exposing the crimes committed by the stranglers of the Paris Commune, Marx wrote: "To find a parallel for the conduct of Thiers and his bloodhounds we must go back to the times of Sulla and the two triumvirates of Rome."

There is nothing we can go back to to find anything similar to Goering's behaviour.

The Judgment of the International Tribunal was passed in the Nuremberg Palace of Justice on October 1, 1946.

Most of it was read in the presence of all the defendants, after which the presiding Judge announced a recess and they were led out. After the recess each was led in separately, and standing he listened to the counts against him and the measure of punishment determined for him.

Hermann Goering was the first to appear. There was tense silence as Lord Justice Geoffrey Lawrence read in a calm and firm voice:

"Defendant Hermann Wilhelm Goering, on the Counts of the Indictment on which you have been convicted, the International Military Tribunal sentences you..."

Here Goering suddenly tried to say something, waving his arms. Lawrence tried to continue, but Goering gesticulated more desperately, taking off his earphones and signalling that he could hear nothing. It turned out that there was a malfunction in the system of translation. Technicians appeared, the malfunction was quickly removed and Goering clearly heard the words:

"...sentences you to death by hanging."

For a few moments he stood rooted to the floor.

This was the sentence which he had long felt was inevitable. He had prepared himself for this all these months, unremittingly thinking of this during those endless days and nights. Yet when the sentence was passed it seemed to him to be incredible, impossible, unreal. The very word "death", so usual in Goering's day-to-day practice that it had almost entirely lost its meaning from frequent use, suddenly acquired a new and unbearably fearful content, which in the twinkling of an eye tore him away from life, carrying him into an awesome void.

Goering staggered, but managed to keep on his feet. As though awakening from a nightmare, he turned abruptly and was escorted to his cell.

Shortly afterwards Dr. Gilbert entered the cell, and here are his impressions:

"His face pale and frozen, his eyes popping. 'Death!' he said as he dropped on the cot and reached for a book. His hands were trembling in spite of his attempt to be nonchalant . . . he was panting."

Not a trace remained of all those unnumbered boastful statements that he was prepared for such a sentence, that at the trial he was defending "not his head, but his face". For the first time the erstwhile Reich Marshal felt the hangman's noose round his own neck. It was a just end to a life of crime, and the make-up quickly left his face.

Goering's attorney Otto Stahmer appealed for a pardon to the Control Council for Germany. Against the contingency that this appeal would be rejected, Goering personally sent an application requesting the commutation of the sentence of death by hanging to one of execution by firing squad. But both these requests were declined.

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In the evening of October 15, 1946, Colonel Andrus, the prison commandant, made the rounds of the cells and gave the prisoners the replies to their petitions. The last act of just retribution was to take place within a few hours.

All the delegations of the International Tribunal had left Nuremberg. But that evening I happened to be in the Palace of Justice—I had come on business from Leipzig. In one of the deserted corridors I ran into Andrus. He was visibly upset. I asked him:

"What's wrong?"

"Plenty," he replied.

Goering had committed suicide. Colonel Andrus, who had taken so many precautions to prevent a repetition of what happened with Robert Ley, was naturally very depressed.

I later learned some details of the suicide.

Late in the evening the American MP on guard at the door of Goering's cell looked through the peephole. Goering lay on his cot with his eyes open, and, in accordance with prison regulations, his hands were on the blanket.

A little later the guard looked again through the peephole and saw Goering twitching, his hands trembling and convulsively crumpling the blanket. The face was distorted. A rattle coming from his throat could be heard distinctly.

The guard and the duty officer rushed into the cell,

but it was too late. In the cold light of the lamp they saw that he was already turning blue. Dr. Pflücker bent over him and felt for the pulse—there was no sign of life.

"He's dead," Dr. Pflücker said.

Goering had swallowed an ampoule of potassium cyanide. Traces of it were found in the mouth.

Who had smuggled the poison to him?

There was much speculation about this. The Austrian journalist Bleibtrey made the sensational revelation that early in the morning he had gone into the courtroom, when it was still empty, and had secretly stuck the ampoule with a piece of chewing gum to the dock. Some years later this claim was refuted by former SS General Erich von dem Bach-Zelewski, who apparently envied the notoriety of the Austrian reporter. He claimed that in the prison corridor he had managed to put in Goering's hand a piece of soap with the ampoule in it.

It was never established under what circumstances Goering obtained the poison. He had had every possibility of getting it. Every day he had contact with many attorneys who brought him various documents and might have, of course, given him that ampoule of potassium cyanide. In the course of several days before his scheduled execution he was visited freely by his wife, and he might have obtained the ampoule from her.

One thing was indisputable: Hermann Goering, cheap poseur, repulsive villain and nazi ringleader died at 22.45 hours on October 15, 1946.

### III. JOACHIM VON RIBBENTROP AND HIS DIPLOMACY

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#### A WINE-DEALER COMES TO THE WILHELMSTRASSE\*

In the dock ex-Foreign Minister of the Reich Joachim von Ribbentrop looked faded and colourless. He appeared depressed and this conformed to the metamorphosis, which had taken place in his position.

It would be hard to name any other defendant who figured so prominently in the world press during the last few years before the outbreak of the war. Journalists went into raptures over his elegant figure, his good breeding, his good taste in clothes. He was served by a cohort of hair-dressers, masseurs and tailors. But all that was now a thing of the past. He had never learned to look after his appearance himself, and somehow at once grew old, going to seed. Frequently, he appeared in the dock unshaved and dishevelled. There was absolute disorder in his cell. A bureaucrat by nature, he turned it into an office with papers lying chaotically everywhere.

It was enough to observe him for a few days at the trial to see that his behaviour was totally unlike, say, that of Goering. He was modest and even ingratiating. Somehow he reminded one of a schoolboy who had been left behind in the same class for the second year and was now trying to atone for his sins.

When the Judges entered the courtroom Ribbentrop somehow contrived to forestall everybody—the other defendants, the defence attorneys and the prosecutors—by being the first to rise to his feet. He answered questions readily as though he realised that since fate had treated him so unkindly his sole concern was to unfold before future genera-

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\* The street in Berlin where the German Foreign Ministry was located.

tions of Germans the mad delusions of Hitler, who plunged Germany into a fearful tragedy.

He sat mostly with his arms folded. Before the beginning of the day's proceedings and during the recesses he would be seen in animated conversation with Goering or Keitel. But as soon as the Tribunal resumed its work he would be all ears again. On his face he wore a mournful expression. He tried to look crushed by the magnitude of the sacrifices and trials that had fallen to the lot of mankind. He comported himself as though he were one of the millions of victims and had come to the Nuremberg Palace of Justice to present his bill.

He had a different expression prepared for different occasions. For instance, as soon as the Prosecutor cut short his outpourings and reminded him of his own enormous guilt he would put on the mask of an innocent who had been foully slandered.

As I listened to Ribbentrop answering the questions of his attorney, I was amazed by the brilliance of his memory. With enviable accuracy he recounted episodes that happened 30 years before, and deftly operated with countless dates. But his memory would fade markedly as soon as the questions came from the prosecution.

At ordinary criminal trials the defendant frequently speaks with the voice of his attorney. At Nuremberg the attorney could not, of course, play that role. His task was chiefly to marshal evidence in defence of his client and qualify his actions from the legal standpoint. As a rule, this evidence was interpreted by the defendant himself. Adapting themselves to this "division of labour", the attorneys operated quite efficiently in co-operation with their clients. There were only isolated excesses. This happened when the defence, in effect, refused to carry out its duties.

Such was the case with Ribbentrop's defence counsel. Initially, his interests were represented by the well-known German barrister Fritz Sauter, who, however, very soon washed his hands of his client. As soon as the opportunity presented itself, I asked Sauter what had caused this and whether he regretted turning his client over to another attorney, Martin Horn. Sauter smiled:

"I am very happy I got rid of him. I tried to discharge my professional duty and believed I would have the understanding of my client. But believe me, Herr Major, I grew

terribly fed up with that 'statesman'. He is indecisive, hysterical and given to panic. He would ask for some witness and I would take the necessary steps. But no sooner would the problem be settled and the witness be on his way to Nuremberg than Ribbentrop would change his mind and hysterically accuse me of having inconsiderately agreed to summon that witness. Or, say, we would agree on our line of defence in one episode or another, in particular, with regard to a speech made by him at a sitting of the Government. He would spend a long time giving me the details of that speech. But on the next day when I would inform him of the line I would adopt in the light of that speech, he would change countenance, saying: 'Who told you I spoke there? Isn't it obvious to you that such a speech undermines any trust they might have in me?' It's impossible to defend a man like him."

To this it must be added that at no time did Sauter feel that he was Ribbentrop's only defence counsel and consultant. For hours on end Ribbentrop spoke with the prison psychiatrist, the officers of the guard and even with the barber Witkamp, telling them about the trial and asking them for advice. The prison psychiatrist joked on this account, saying that if he were only a guard Ribbentrop would have nonetheless sought his advice.

Indeed, from the day that Ribbentrop left his luxurious ministerial office and was deprived of his numerous advisers, he felt confused in this world with its formidable developments and suddenly changing situations. But this nazi "super-diplomatist" did not have the quick reaction or the ability to adopt independent decisions to meet these situations. He was possessed solely by fear for his own life.

Early in May 1945 fear drove him to Hamburg, where he rented a room on the fifth floor of an unpretentious house and quietly lived the life of an inoffensive philistine in front of the very noses of the British military administration. While the counter-intelligence services of several countries looked for him and his photographs showing his distinctive marks were studied in all criminal investigation departments, he walked freely about the city in a double-breasted suit, black hat and dark glasses. After that unpleasant conversation when Doenitz refused him a post in the new Government and particularly after that "Government" was taken into custody to a man, he made up his

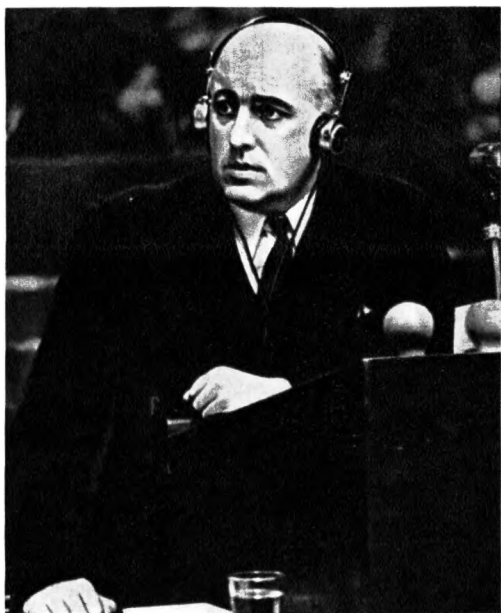




Soviet Chief Prosecutor R. A. Rudenko

United States Chief Prosecutor Robert Jackson





British Assistant Chief  
Prosecutor Sir David Max-  
well-Fyfe

French Chief Prosecutor Auguste Champetier de Ribes



mind to "start anew". It was a good thing he had a profession—wine-dealer specialising in champagnes.

His choice of Hamburg was not a haphazard one. His former partner lived in that city. They met on June 13, 1945.

"What I'm telling you," Ribbentrop whispered, "are testamentary instructions from the Führer himself. You must hide me. This is crucial for Germany's future."

The ex-partner was not too happy about this meeting, and his son at once informed the occupation authorities that Herr Ribbentrop was in the city.

Early next morning three British servicemen and a Belgian soldier pounded on the door of Ribbentrop's hideout. An attractive young woman in a light house-coat appeared in the doorway. With a cry of fright at the sight of the unbidden visitors she turned quickly and ran into the room. This was not one of the most pleasant mornings in the life of the erstwhile Foreign Minister.

"Your name?" demanded Lieutenant Adams, who was in charge of the raiding party.

"You know very well who I am," Ribbentrop replied.

He had evidently counted on hiding out for a long time. At any rate, in his suitcase the soldiers found several hundred thousand marks neatly tied in bundles.

At the very first interrogation Ribbentrop admitted that he had expected to lie low until "passions had subsided".

"I know," he declared, "that my name is on the list of war criminals and I realise that in the present situation there can only be one sentence—the death sentence."

"You decided to wait for the situation to change?"

"Yes."

In addition to providing himself with cash, he had prepared three letters: one to Field Marshal Viscount Montgomery, the second to British Foreign Secretary Anthony Eden and the third to Sir Winston Churchill.

But his detention had upset his calculations. From that moment he lost all interest in the "future of Germany". After a few months in a POW camp and a prison he was at last taken to Nuremberg.

In the dock he was given a seat in the front row after Goering and Hess. He was not a founder of the Nazi party but nonetheless bore the responsibility for many of its malpractices.

On July 19, 1940, when Berlin jubilantly celebrated the "Führer's victories", Ribbentrop's name was on everybody's lips. It was then that Hitler said in the Reichstag:

"I cannot conclude this appraisal without finally thanking the man who for years has carried out my foreign political directions in loyal, tireless, self-sacrificing devotion. The name of party member von Ribbentrop will be linked for all time with the political rise of the German nation as that of the Reich Foreign Minister."

For years the bourgeois press referred to Ribbentrop as a "super-diplomatist". But I heard his evidence in court, heard the many witnesses called to testify on the counts brought against him and observed the attitude of the other defendants toward him, and I got quite a different image of this ex-Foreign Minister.

Summing up Ribbentrop's testimony, Goering said to Dr. Gilbert:

"What a pitiful spectacle! If I had only known, I would have gone into our foreign policy a little more myself. I tried so hard to prevent him from becoming Foreign Minister."

Hans Frank was more forceful:

"He is so untutored and so ignorant. He can hardly even talk German straight, let alone show any understanding of foreign affairs. . . . Why, I don't see how he could have sold champagne, at that rate, let alone National Socialism. . . . But it was a crime to make that man Foreign Minister for a nation of 70 million people."

"Criminal dilettantism!" was von Papen's comment on Ribbentrop's activities in the Wilhelmstrasse. "God, the criminal dilettantism with which that man gambled away a Reich."

While Ribbentrop was being cross-examined Seyss-Inquart did not miss the opportunity to taunt Ribbentrop, to underscore his ignorance. When Bulgaria's stand in the First World War was brought up, he remarked to Dr. Gilbert:

"Pssst! Don't say anything now, but I suspect our Foreign Minister of not even knowing that the Bulgarian question refers to the Treaty of Trianon."

There was a whole spate of utterances of this kind by the defendants. But even without them one could see the kind of reputation the "super-diplomatist" enjoyed among his recent colleagues.

Apparently, even Hitler was disappointed in him. Before committing suicide he drew up a testament in which he named his successor and the members of the new Government, but Ribbentrop, the man who "will be linked up for all time with the political rise of the German nation", was not in the list. Hitler replaced him with Seyss-Inquart.

What was behind all this? He was praised to the skies, he wielded influence and the greatest triumphs of Germany were associated with his name. Then suddenly, with uncompromising unanimity, everybody agreed that he was the incarnation of vanity, ignorance, dilettantism and, generally, an ignoramus in international affairs.

Who was Joachim von Ribbentrop in reality?

At the trial he was called on to testify after Goering. Obviously desiring to refute the opinion that he was nothing more than an "upstart and careerist", he talked big of his genteel origin.

This is also obvious in the memoirs, which he wrote in the Nuremberg prison. Giving the place and date of his birth (Wesel, April 30, 1893), he went into a tiresome discourse about his ancestors, who, he claimed, had for centuries been either lawyers or soldiers. There was even one who signed the Peace of Westphalia.

He recounted at length his first steps in life. He was anxious to convince the Tribunal and future generations that his life had prepared him to shoulder the leadership of Germany's foreign affairs.

As a very young man he went to Switzerland, and then to London, where he studied English. In 1910 he went to Canada. The First World War found him in the USA. The militarist past of his ancestors at once made itself felt, and Ribbentrop hastened back to Germany where he joined the Army. In 1919 as adjutant to General von Seeckt he went to Versailles with the German delegation and soon afterwards resigned his commission. He held the modest rank of senior lieutenant.

The new times brought new songs. Von Seeckt's adjutant of yesterday found it best to engage in commerce. He became a large exporter and importer of wines and married Anna Henckel, daughter of a noted dealer in champagnes. The successful young merchant grew rich and his commercial contacts in many countries, particularly in Britain, opened the door to a number of prominent political salons.

This was when he conceived of a diplomatic career. It seemed to him that his frequent meetings with foreign merchants had given him extensive experience in international relations. Vainglorious, he was eager to add a brilliant career to the Ribbentrop family-tree. But for some reason the Weimar regime was oblivious to his diplomatic talents. On the other hand, the National Socialists, who were lusting for power, were kinder to him. A war-time friend, Count Helldorf, introduced him to Ernst Roehm, and a little later these two prominent National Socialists arranged a meeting with Hitler himself. Ribbentrop spoke of his contacts with many political leaders in Britain and France, and Hitler found that this man might be useful to him. In the event he came to power he did not mean to retain the old school of diplomatists in the Wilhelmstrasse. He planned to begin an era of new diplomacy, a diplomacy that would be "more determined and free of prejudices".

In 1933 the wine-dealer drew closer to the nazi ring-leader: he put his house in Dahlem at Hitler's disposal. That marked the beginning of Ribbentrop's political career. As soon as Hitler came to power there appeared the "Ribbentrop Bureau", which was, actually, the nazi party's foreign-political organisation.

Many of the nazi high priests, who had rendered services to the nazi regime during the long years of struggle for power, regarded the new-fledged diplomatist as an upstart. But this only urged him on, gave an edge to his vainglorious dreams and stirred him to greater activity.

Joachim von Ribbentrop was inordinately ambitious, and his summit of glory was reached when he occupied the ministerial chair in the Wilhelmstrasse. He appeared in the Ministry as though he had descended to the sin-ridden earth from the heavens. Every time he returned from his visits abroad the entire staff of the Ministry would line up in the airport or the railway station. There were special rules in the event the Reich Minister travelled with his wife: the Ministry staff had to turn out with their wives regardless of weather. The least deviation from the established ritual was regarded as disrespect for the Reich Minister with all the ensuing consequences.

There was the case, for instance, when Ribbentrop forbade the publication of an agreed communique on talks between Hitler and Mussolini for the sole reason that in the

last paragraph of the communique he was listed after Keitel. There was another unseemly scene between Ribbentrop and Goering at the signing of the pact setting up the Rome-Berlin-Tokyo Axis. Besides the Government delegations of the three countries there were in the hall scores of pressmen and newsreel cameramen. The floodlights were burning brightly. Suddenly, in front of everybody, Ribbentrop tried to push Goering into the background. This, to use Goering's words, "arrogant peacock" demanded that the "second man in the Reich" stand behind him.

"Can you imagine the gall?" Goering said, choking with anger, as he related this incident to Dr. Gilbert. "I told him that if I did pose with him, I would sit down and he could stand behind me."

\* \* \*

Always with an eye to currying favour with Hitler, Ribbentrop surpassed even Goering. He had his own man in Hitler's suite and was kept informed of what the Führer spoke of in his "inner circle". On the basis of this information he would draw conclusions on Hitler's immediate intentions and, assuming an air of importance, would appear in the apartments of the nazi overlord and put before him the latter's own ideas as though they were his own. It is said that Hitler rose to this bait time and again, lauding his Foreign Minister's "phenomenal intuition" and "remarkable far-sightedness".

When the war broke out a special train was put at Ribbentrop's disposal and he used it to accompany Hitler everywhere. The train consisted of a saloon-car for Ribbentrop himself, two restaurant cars and no less than eight sleepers for his numerous advisers, consultants, assistants, secretaries and bodyguards. This smacked of a travelling circus, which pitched its tents where Ribbentrop felt it was necessary or at his whim. His lack of education and knowledge placed him in a humiliating dependence on a huge staff, which had to be on hand at all hours.

Joachim von Ribbentrop kept a sharp eye on the political barometer. He knew of Hitler's plans to exterminate tens of millions of Russians, Ukrainians, Frenchmen, Poles and Serbs during and after the war in order to emasculate these peoples. He knew Hitler was out to plunder the conquered

countries and destroy the Jews in Europe. That was why men like Keitel and Kaltenbrunner acquired prominence when the war broke out. The Generals and the Gestapo were the forces moving the nazi empire towards the Führer's cherished goal. Ribbentrop had no intention of lagging behind in this race for world domination.

To please the Führer, Joachim von Ribbentrop donned an SS uniform as early as 1933 and was a little hurt when at the time he was only given the rank of Standartenführer. But soon Himmler appreciated the young SS man and promoted him to Brigadenführer in 1935, to Gruppenführer in 1936 and to Obergruppenführer in 1940. Then, at Ribbentrop's own request, he was accepted into the SS Totenkopf (Death's Head) division, and to mark the occasion Himmler personally presented him with that division's symbolic tokens—a ring and a dagger. For others trinkets of this sort had no value, but Ribbentrop virtually hunted for them.

Pathologically ambitious, Ribbentrop missed no opportunity to decorate his chest with some new mark of attention by any Government. In this field, he was far behind Goering, of course: the Reich Marshal's uniform resembled a jeweller's show-window. Nonetheless, in dress uniform Ribbentrop shone with all the colours of the rainbow, and far from appeasing his appetite this only whetted it more. If in any capital they forgot to offer him a decoration, he always found a means of reminding them.

The Soviet Prosecutor put before the International Tribunal the minutes of a talk between the Chief of Protocol of the German Foreign Office von Doernberg and the Rumanian dictator Ion Antonescu. Von Doernberg spent a long time persuading Antonescu to decorate Ribbentrop with the Order of Carl I. Antonescu knew of the nazi Foreign Minister's vanity and asked a high price, namely, that Ribbentrop should publicly declare Germany's readiness to settle the so-called Transylvania issue in Rumania's favour. If anybody, von Doernberg knew the difficulties that this entailed, because only a short while before Ribbentrop had been in Budapest and assured the Hungarian rulers that Hungary would get Transylvania. A ticklish situation arose. But the nazi Foreign Minister was not inclined to lose the Rumanian decoration. In reply to Antonescu's claims he declared that he would do "everything in his power" after he got the decoration. It was tit for tat. Antonescu agreed



"to pay Herr Reich Minister in advance" provided the announcement of the decoration was published after Ribbentrop made the required statement. These terms were accepted. Antonescu handed Doernberg the decoration for his chief without the accompanying certificate. Naturally, it never entered the head of any of the "high contracting parties" to ask the opinion of the people of Transylvania, whose destiny was turned into small change in this shameless deal.

Ribbentrop did not grieve very much that in our day foreign governments had ceased to present diplomatists with costly gifts. He got plenty from the nazi regime. Hans Heinrich Lammers, who was chief of the Reich Chancellery, testified that on one occasion Hitler presented a million marks to his Foreign Minister. Paul Otto Schmidt, who was interpreter for Hitler and Ribbentrop, confirmed that before becoming Foreign Minister Ribbentrop had only one house in Berlin, but soon after his appointment he acquired five large estates and several palaces. In Sonnenberg, near Aachen, he had a stud-farm. In the vicinity of Kitibohl he hunted chamois. The magnificent Schloss Fuschl in Austria and the Puste-pole castle in Slovakia were likewise used as hunting seats. As though in passing, Schmidt mentioned that von Remitz who owned Schloss Fuschl died in a concentration camp.

Each had his own methods of acquiring property. Ribbentrop, as we can see, did not wear the regalia of SS Obergruppenführer for nothing.

He had, as a matter of fact, other sources of income. Long before he took over the ministerial chair in the Wilhelmstrasse, he arranged with Hitler that he would go on with his wine business. For this he magnanimously agreed to discharge the duties of Reich Minister "gratis".

Earlier, we mentioned the "Ribbentrop Bureau". It played an important part in training nazi diplomatists of "a new type", one of whom was the Reich Minister himself.

Gradually the "Bureau" took over the direction of foreign policy from the German Foreign Ministry. Ribbentrop's own position was strengthened in the spring of 1934 when Hitler appointed him High Commissioner for Disarmament. This gave rise to a farcical situation: concern for disarmament was entrusted to a man called upon to use diplomatic means to clear the road for aggression.

## COURTESY OF THE TIMES

Anatole France once said, having art in mind: "Nobody is endowed with the gift of creating masterpieces, but some works become masterpieces thanks to the courtesy of the times." This "courtesy of the times" was most strikingly embodied in the sinister word "Munich", and was, perhaps, a key factor which, regardless of Ribbentrop's personal qualities, played a considerable role in his diplomatic successes up to the time of the attack on the USSR. This factor exhausted itself completely in June 1941.

The times proved to be extremely benevolent to Ribbentrop. The idea of a "strong Germany" was conceived in London long before this nazi emissary appeared there. It remained for him to pluck the ripe fruit and carry it to his Führer: at first in the shape of the Naval Agreement of 1935, under which, in spite of the Versailles Treaty, Germany was allowed to build a large Navy, and then in the shape of Munich.

It is indicative that in these "diplomatic victories" of nazi Germany the initiative belonged not to the Foreign Ministry but to the "Ribbentrop Bureau". Hitler realised, of course, that the 1935 Naval Agreement was only one of the rounds of the "tournament" that had started between Germany and Britain. But this round was won by Berlin. And as a reward for this, Ribbentrop was appointed German Ambassador in London.

Upon his arrival on British soil, the new-fledged Ambassador behaved not in the best of manners, and Goering made an attempt to compromise him in Hitler's eyes. It was reported to the Führer that as soon as Ribbentrop arrived in London he began offering inappropriate advice to British diplomatists, and then disgraced himself in front of the King. At his first audience with the King he greeted the latter with the customary "Heil Hitler"; this was justifiably regarded as an insult to His Majesty.

But again time worked for Ribbentrop. Civil war broke out in Republican Spain. The Franco mutiny, inspired and openly supported by Berlin and Rome, evoked an angry response throughout the world. In many countries the people demanded an end to the fascist armed intervention in Spanish affairs.

Under pressure of public opinion, a Non-Interference

Committee was set up in London. Ribbentrop had another opportunity to display his talents as an intriguer, this time in order gradually to turn this international body into a convenient screen for further acts of aggression against the Spanish Republic. The nazi Ambassador behaved with undisguised insolence. Appearing at a meeting of this committee he went to his seat with a haughty look on his face and with hardly a glance at the assemblage.

The nazis were delighted. Once more Ribbentrop was praised to the skies in Berlin. Many were inclined to attribute the paralysis in the work of the Non-Interference Committee to his efforts. It is hardly necessary to prove that here again this was a manifestation of the "courtesy of the times". Ribbentrop found himself with extremely influential assistants among the reactionary ruling circles of Britain and France, whose battle-cry was: "Better a Spain under the German nazis than under the Spanish Communists".

In the Third Reich Ribbentrop's popularity rose steadily higher on the crest of the turbid waves of political intrigue raging round the Pyrenees. He became an "irreplaceable diplomatist".

The Italian Foreign Minister Count Galeazzo Ciano arrived in Berlin in October 1936 for talks and for the signing of the pact creating the Berlin-Rome Axis. Von Neurath was still Minister of Foreign Affairs of Germany, but Ribbentrop was urgently summoned from London for the negotiations. He signed the treaty.

The talks on Japan's ascension to the Berlin-Rome Axis were speeded up at the close of 1936. Once more Ribbentrop was summoned from London to conduct the talks and sign the agreement on behalf of the German Government.

The impression was created that Germany's foreign policy was directed from the German Embassy in London.

The year was 1938. Rhine Province had been remilitarised. The Wehrmacht had become an efficient fighting machine. Germany's new Navy was riding the high seas. Hitler decided to strike at Austria via an *anschluss*. Anxiety again gripped the world. Goering was nervous: would Ribbentrop succeed in persuading Britain to keep out of the "Austrian operation"?

Ribbentrop was successful. The death sentence on

Austria's independence was executed with unequivocal support from London.

When Ribbentrop was cross-examined at the Nuremberg trial he spoke with pleasure of his days as nazi Ambassador in London. His reports to Hitler that both Chamberlain and Halifax were calmly tolerant of the nazi plans were timely and unerring. Even when the report that German troops had entered Vienna reached London, the British leaders continued their talks with the German Ambassador in "remarkably friendly" tones. In fact, the tone was so friendly that Ribbentrop invited the British Foreign Secretary to visit Germany. The latter accepted the invitation and asked that everything should be prepared for a "hunting party". The hunt proved to be an unusual one, for this time the game was Czechoslovakia.

But before starting the "hunt", Ribbentrop left London. His invaluable services and his diplomatic successes were crowned with his appointment to the post of Foreign Minister. Ribbentrop conducted the "Czechoslovak operation" vested with the full powers of a Reich Minister.

Let us now try to see what talent the new master of the Wilhelmstrasse had to show in order to weave the web into which Czechoslovakia fell.

It would be worth recalling the sighs of a French newspaper: "Georges Bonnet who sits in the chair of the great Talleyrand must feel ashamed that he was so disgracefully deceived in Munich." But everybody knows that it is easiest to deceive a person who wishes to be deceived. The point on which the Nuremberg defendants were most unanimous was that Hitler did not win Czechoslovakia by force: he got that country on a platter from London and Paris.

Regardless of the intentions of the other Western powers, nazi Germany had planned Fall Grün (Operation Green), envisaging all the details of the armed conquest of Czechoslovakia, long before Munich. Then there was the sellout in Munich. The gift was handed to Hitler. That obviated the need for Fall Grün, a purely military operation.

This circumstance put the Western prosecution into a difficult position when Ribbentrop was cross-examined. Even an experienced lawyer like Sir David Maxwell-Fyfe had his work cut out for him.

One day at the close of April 1946, when I was returning to the courtroom after seeing the Tribunal General

Secretary, I found an unusually animated crowd at the doors leading into the courtroom. I was about to enter when I was buttonholed by defence attorney Robert Servatius (who many years later defended Eichmann in Jerusalem and slandered the Nuremberg sentence). He began telling me of some witnesses whom he was eager to bring before the Tribunal. It seemed that the General Secretary was in no hurry to subpoena them. Servatius spoke Russian very fluently and it looked as if the conversation would be a long one. But I was rescued by an English journalist.

"Don't waste your time, Major," he said as he passed by. "The spectacle's beginning and it's going to be a hard test for Sir David."

I hurried into the courtroom. The press box was filled to capacity. Everybody was aware that with all his experience the British Prosecutor would have a hard time negotiating the Munich rapids.

The duel between him and Ribbentrop was sharp from the outset. Sir David went to all lengths to dislodge Ribbentrop from his Munich plea and compel him to speak of Fall Grün, in which he was accorded a prominent role. But Ribbentrop stuck to his guns to the best of his ability, attempting to tear Sir David away from Fall Grün and reduce the whole Czechoslovak business to Munich.

With a sarcastic smile Goering leaned over the barrier and touched defence attorney Alfred Seidl on the shoulder. This was a sure sign that he had sensed an opportunity to launch another provocation. In cases like these he usually addressed himself to Seidl and not his own attorney Otto Stahmer (why put him in an embarrassing position!). An active nazi in the past and with a weakness for malodorous sensations, Alfred Seidl could always be relied on in such cases. Hearing Goering out, he moved to Martin Horn, Ribbentrop's defence attorney. They had a short conference, after which Horn got up and told the Tribunal that there was no need to elucidate the role his client was accorded under Fall Grün if only for the reason that the Western powers had themselves sanctioned what Sir David was now seeking to blame on Ribbentrop.

This statement heartened Ribbentrop and gave him new strength for his duel with Sir David.

Sir David asked:

"You knew perfectly well, did you not, that Fall Grün

and Hitler's military plans envisaged the conquest of the whole of Czechoslovakia? You knew that, didn't you?"

Ribbentrop knew of the plan, of course, and had taken part in the preparations to carry it out, but now he only shrugged his shoulders as much as to say: Why speak of what never occurred? And in the most unambiguous terms he declared that the British Government had itself settled the issue in Munich "in the way I always strove to achieve it by German diplomacy".

With epic calm he proceeded to describe how Chamberlain and Daladier pushed Czechoslovakia onto the nazi scaffold.

"Mr. Chamberlain told the Führer he could see now that something had to be done and that he was ready, on his part, to submit this memorandum to the British Cabinet ... he also said that he would suggest to the British Cabinet, that is to say, to his ministerial colleagues, that compliance with this memorandum be recommended to Prague."

He spoke of the conversations he and Hitler had before Munich with the British and French ambassadors in Berlin. At these conversations the latter loyally assured the Führer that "the British as well as the French intended to contribute to the solution of this problem in conformity with the German view".

As I listened to Ribbentrop I watched Sir David. Usually composed and self-confident, he was obviously nervous. Time and again he had caught the defendants in a lie. He had pinned down Ribbentrop also on other counts. He did this better than many other prosecutors, bombarding the defendant with a series of questions that seemingly portended nothing ominous. Yet among them was the central question which inexorably closed the ring and the defendant found himself with his back to the wall. But this did not happen over the Munich issue, despite Sir David's vast experience and brilliance as a polemicist.

Years later some circles would find it necessary to make heroes of the Munichmen. On the 20th anniversary of the Munich deal the British reactionary press came out with the astounding statement that the "leading actors of the Munich drama were sincere... they really believed they gave Europe peace". In *Sunday Express* Arthur Beverley Baxter, an MP, asked: "Must we go on being ashamed of Munich?"

This involuntarily makes one look back into history. It is related that after the Franco-Prussian War of 1870-1871 ended dutiful Prussian historians went to see Count Helmuth von Moltke to tell him of their intention to write the history of the victorious war against France. They were eager to obtain His Excellency's advice and instructions. Old Moltke only expressed surprise: "There's no advice or instructions I can give you, gentlemen. Write the truth, only the truth and . . . not the whole truth."

The esteemed Member of the British Parliament Arthur Beverley Baxter, as indeed many other bourgeois historians of the Second World War, went beyond this piece of advice and wrote the "whole untruth". The tenor of Baxter's article in the *Sunday Express* was that Munich was a defeat for the nazi Generals. Today, Baxter assures us, we frequently hear the phrase that so and so agreed to the Munich deal. But what did the German Generals say and write at the time? From captured diaries, Baxter writes, we learn that they regarded Munich as a catastrophe, saying that Chamberlain outmanoeuvred Hitler with the result that the blitzkrieg, which was only awaiting the signal, was postponed.

The Nuremberg trial clarified this point. What Ribbentrop told the Tribunal about Munich was perhaps his only service to history.

He flatly disagreed with those who tried and are still trying to represent Munich as a disaster for Hitler. He spoke of this in no uncertain terms in his testimony before the International Tribunal and even more categorically in his memoirs, which he wrote in his cell. They were published in Britain after his death. Here is a short excerpt:

"In the course of the interrogation after my arrest, Mr. Kirkpatrick asked me: 'Was Hitler very displeased with the Munich agreement in that it did not let him start a war, and is it true that being displeased with the solution he said in Munich that the next time he would throw Chamberlain and his compromises down the stairs?'"

"I can say that this is absolutely not true. The Führer was very pleased with Munich. I never heard him say anything to the contrary. He telephoned me after the Prime Minister departed and told me of his joy over the signing of the supplementary protocol. I congratulated him. . . . On

that day at the railway station Hitler again spoke of his satisfaction over the Munich agreement.

"Any other version regarding Hitler's and my standpoint is unmitigated fiction."

This was one of the rare cases of the Reich Foreign Minister telling the truth.

#### SHADOW OF A "GIANT"

Ribbentrop's successes, so highly valued by Hitler, were not, of course, due solely to the "courtesy of the times". Like Rosenberg he regarded as hopelessly obsolete Bismarck's famous formula that politics is "the art of the possible". Hitler and his myrmidons regarded politics as the "art of making the impossible possible".

This concept made a clean break with the former concepts of diplomacy and its methods. This was appreciated even by Ribbentrop with his little brain. When he read the nazi party programme and was made privy to Hitler's conspiracy against peace it became quite obvious to him that the tasks confronting the Reich diplomatists were extremely purposeful.

A large General Staff was in existence, and it was charged with the most important task, that of drawing up and carrying out plans of conquest. But before these plans could be implemented a favourable international situation had to be created. In short, it was up to him, Ribbentrop, to place the German diplomatic machine wholly in the service of the Wehrmacht. The new Reich Foreign Minister saw the purport of his work in clearing the road to aggression by means of diplomacy. On the other hand, the diplomacy of the Third Reich had a strong trump card—the possibility of always and everywhere operating with the argument of strength.

At the very outset of his evidence at the trial Ribbentrop declared:

"It was clear to me from the very beginning that I would have to work in the shadow of a giant, that I would have to impose definite restrictions on myself, that I would be unable to pursue a foreign policy in the same way as it is pursued by Foreign Ministers accountable to a parliament."

Although in this instance he meant Hitler, actually the giant was the General Staff.



Baron Sidney Sonnino, a brilliant demagogue who was once Italian Foreign Minister, ordered the words "Others may, you may not" to be engraved over the fireplace in his study. Ribbentrop knew this aphorism but rephrased it in his own way: "Others may not, you may." This was his motto while he was Foreign Minister of the Third Reich. And the only reason why this was possible was that every step made by him in the diplomatic field was reinforced by military strength. The arsenal of the nazi diplomatist consisted of conspiracies and political assassinations, blackmail and threats, espionage and the fifth column, shameless bargains with Quislings and the most brazen ultimatums to the lawfully constituted governments of neighbouring countries.

The era of militarist diplomacy commenced. Many of its features have been inherited by the diplomatists of the NATO countries, particularly of the USA and the Federal Republic of Germany.

Ribbentrop was cross-examined in the course of several days. Like the others, he shifted and dodged in an effort to elude responsibility. But as distinct from Hermann Goering, he hoped in his heart of hearts to escape the hangman's noose. For that reason he avoided excesses in the court. In cases when he realised the futility of unsubstantiated denials he admitted his guilt. He would assume an air as though telling the Tribunal: see, I am not such a fanatic as Goering, you can do business with me. At these moments Goering would burn with fury and call Ribbentrop a wet rag and nonentity in a voice loud enough for everybody to hear. Once he told the other defendants that even Ribbentrop's own mother-in-law regarded him as a stubborn and dangerous fool. She was supposed to have said:

"Of all my sons-in-law, the most foolish became the most prominent."

The defendants responded animatedly, but Ribbentrop felt offended and did not speak to Goering for two days.

But his "willingness to co-operate" with the Tribunal was no more than a subterfuge. He was by no means any more sincere than the others.

Earlier, I had noted that under the Anglo-American trial procedure, adopted in Nuremberg, none of the defendants were allowed to see all the materials against them

in advance. Unable to say exactly what proof the prosecution had of their guilt they denied their guilt until the document exposing them was produced. Ribbentrop was no exception.

He categorically denied that the German Foreign Ministry directed the activities of Czechoslovak nazis. At the same time, he threw glances at the Prosecutor to see if he was swallowing this lie. But the Prosecutor calmly produced a document and handed it to Ribbentrop. It was a secret directive of the German Minister in Prague and it clearly showed that the Czechoslovak nazis headed by Konrad Henlein received directives from the German Foreign Ministry on how to carry on subversive activities against the Prague Government.

Ribbentrop was both upset and horrified. He could not forgive himself for leaving such damaging evidence. In a secret memorandum, submitted as evidence by the prosecution, it was bluntly stated that "for purposes of further collaboration Konrad Henlein was advised to maintain the closest possible contact with the Reich Minister".

Every action taken by the Reich Minister was recorded on paper. This imprudence could only have sprung from absolute confidence that they could act with impunity, that the Third Reich was eternal. He had now to pay for all this. The Prosecutors gave Ribbentrop one surprise after another.

On August 23, 1938, he and Hitler went on a cruise in the *Patria*, one of the most comfortable German liners. Their guests were Horthy, Imredy and Kanya, the pro-nazi rulers of Hungary. Ribbentrop had long ago assimilated the view of the Reich General Staff that it would serve them well to draw Hungary into the fulfilment of Fall Grün.

During the cruise he assiduously worked on his Hungarian guests. Horthy was, of course, not averse to grabbing a piece of Czechoslovakia but feared Yugoslavia. Ribbentrop allayed his fears, saying that Yugoslavia was held in a vice between the Axis powers and would not dare to attack Hungary.

This conversation on the *Patria* was also recorded.

On January 21, 1939, Ribbentrop had a meeting with the Czechoslovak Foreign Minister Chvalkovsky during which he demanded a reduction of the Czech Army. Somewhat later Hitler and Ribbentrop had a conference with Tiso, one of the leaders of the Slovakia of those days. Reminding Ribben-



Soviet Assistant Chief Prosecutor  
Y. V. Pokrovsky



Soviet Assistant Chief Prosecutor  
N. D. Zorya

Soviet Assistant Chief Prosecutor  
M. Y. Raginsky



Soviet Assistant Chief Prosecutor  
G. N. Alexandrov





Soviet Assistant Chief Prosecutor L. N. Smirnov submits material evidence—Cyclon-A, the gas used by the nazis to murder millions of people in the concentration camps

Little fellows like him were also driven into the gas chambers



trop of these meetings, the Soviet Prosecutor asked him to recall their purpose and results. Ribbentrop could not tell if the prosecution was in possession of documents on this point and resorted to his usual subterfuge: he raised his eyes, making as if he was trying to remember. Unfortunately, his memory was "letting him down". The Prosecutor helped him out by reading excerpts from the minutes.

I glanced at the defendants. Goering was glaring at Ribbentrop. He did not much sympathise with his fellow defendant, just as a few days earlier Ribbentrop had shown no sympathy for Goering in a similar situation. Neurath exchanged a few words with von Papen. The sarcasm on their faces betrayed their assessment of what was taking place: "It serves the upstart right!"

Meanwhile, the Prosecutor went on reading excerpts from the minutes. It turned out that Ribbentrop had not simply sought to persuade Tiso to separate Slovakia and proclaim it an independent state. He hurried him. "The Reich Foreign Minister also emphasised . . . that in this case a decision was a question of hours not of days." Ribbentrop and Hitler intimidated Tiso: if the Slovaks failed to act against Prague, Germany would leave them "to the tender mercies of Hungary". Ribbentrop, the minutes state, "showed Hitler a message", which allegedly he had only just received. In the message it was declared that Hungarian troops were massing on the Slovak frontier. "If there is any more delay Slovakia will be swallowed by Horthy," the message said. "If that happened, the Reich Minister would be unable to do anything despite his sympathy for the Slovaks."

Ribbentrop was so courteous to the Slovaks as personally to draft the law on the "independence" of Slovakia and even furnished a Slovak translation. In the early hours of March 14 he treated his guests with deference as he saw them off home, placing a German aircraft at their disposal. On the same day Bratislava proclaimed Slovakia an "independent" state.

This was one of the many instances in Ribbentrop's diplomatic practice when he threatened not with Germany's military strength but with a possible attack by a third power acting on his orders.

In the evening of March 14 Ribbentrop invited Czechoslovak President Hacha and Foreign Minister Chvalkovsky to Berlin. After midnight (at 01.15 hours of March 15) they

were escorted to the Reich Chancellery, where they were received by Hitler and Ribbentrop.

This operation was conducted with the "brilliance" that marked all of the Reich Minister's diplomatic activities.

Before much time had elapsed, the nazis started the world war and Ribbentrop brandished his contribution to this operation. After all he had, in fact, in one night "persuaded" the rulers of truncated Czechoslovakia to sign their country's death sentence.

"Courtesy of the times!"

Yes, here also Ribbentrop acted in a situation that was extremely favourable to him. Munich had demonstrated not only the indulgence of the Western powers towards aggression but also, in effect, the treacherous stand of the Czechoslovak ruling circles headed by Benes. These circles feared their own people and did not desire a liberation struggle against the nazi aggression. The Soviet Union was prepared to go to the assistance of the people of Czechoslovakia. Benes refused to take Gottwald's advice and ask the Government of the USSR about its preparedness to render Czechoslovakia all the necessary assistance. He knew the Soviet Union was ready to go to Czechoslovakia's defence even if France refused assistance under her treaty with Czechoslovakia, but he preferred to sacrifice the country's independence rather than accept assistance from the Soviet Union. In a conversation with the German Ambassador in Prague Eisnlohr in February 1938 he had declared that the Soviet-Czechoslovak Mutual Assistance Pact was a "relic of a past epoch". He feared the patriotism of the Czechoslovak working people, who were prepared to defend their country against nazi encroachments.

The Soviet plenipotentiary representative in Czechoslovakia described the pre-Munich situation in a telegram to Moscow: "Staggering scenes are taking place in Prague ... crowds sing the national anthem and weep in the real sense of the word. They sing *The Internationale*. Orators pin their main hope on assistance from the USSR, and call upon the people to rise to the country's defence, convene the parliament and depose the Government."

But the Benes Administration clung to its course of treachery. This was what made the Munich crime possible.

The events of March 15, 1939, took place in the same political situation which put all the trumps into Ribbentrop's

hands. He and Hitler "negotiated" with Hacha and Chvalkovsky, who were already deep in the mire of collaborationism. Ribbentrop did not have to expend much effort when Hacha himself expressed doubts as to whether Czechoslovakia should exist as an independent state. But even in "negotiations" of this kind, Ribbentrop did not forget to invite the Chief of the Wehrmacht High Command Wilhelm Keitel and the Luftwaffe Commander-in-Chief Hermann Goering. With this sort of "assistants" it did not take long to make Hacha, who was inclined to capitulate, to betray his country to Nazi Germany.

Having committed this act of treachery, Hacha and Chvalkovsky complied with the German ultimatum, pledging to disarm the Army and transfer its weapons and equipment to the Nazis, and declaring that they were placing Czechoslovakia and her people in Hitler's hands.

In the history of Czechoslovakia the name of Hacha is a synonym of the crime of collaborationism.

But perhaps Ribbentrop was confronted with the need to overcome the resistance of the Western powers, who were talking so much about defending Czechoslovakia's freedom and independence? Nothing of the sort. As early as April 28, 1938, Chamberlain declared at a secret conference that if Germany wanted to destroy Czechoslovakia he did not know how this could be prevented. On March 13, 1939, the British and French ministers recommended that the Czechoslovak Government refrain from any action against the Germans in Czechoslovakia and establish direct contact with Berlin.

On top of that, two days later the British Foreign Secretary Lord Halifax told the French Ambassador in London that the Western powers had even benefited by the German seizure of Czechoslovakia: they were no longer burdened by guarantees to Czechoslovakia, guarantees that had become "somewhat irksome".

Such was the "complicated" diplomatic situation in which Ribbentrop had to carry out the operation to abolish Czechoslovakia's independence.

#### **DIPLOMACY OF BLACKMAIL AND THREATS**

Ribbentrop thus acted in accordance with a set pattern: while the German General Staff was working on a plan to

attack one country or another, his job was to lull public opinion with declarations about Germany's respect for that country's sovereignty and territorial integrity. Assurances of this kind grew louder as the day of the attack drew nearer. Before the attack was launched, the German General Staff required that Ribbentrop should "create an incident", which would give the aggression the appearance of a forced action. To this end the Reich Minister did not shun any means.

At the trial Ribbentrop was given the texts of his speeches in Warsaw, where he had solemnly assured Poland of Germany's peaceful intentions, and secret documents of a conference with Hitler where the conquest of Poland was openly discussed.

Ribbentrop's face wore a benign smile as he re-read his speeches. There it was, written in black and white—he had not wanted a war against Poland; he had always striven for friendship with that country. Nothing had been farther from his mind than war. He had never felt that it was worth going to war over Danzig.

The minutes of the conference with Hitler made quite a different impression on him. The benign smile left his face, giving way to a frown, and he fell silent.

Meanwhile, the Prosecutor submitted yet another document. This was the diary of Count Galeazzo Ciano, fascist Italy's Foreign Minister. Ciano is dead, like his father-in-law Mussolini, but he did not take his diaries with him. Among other noteworthy records, they relate how Ribbentrop received his Italian friend in Schloss Fuschl on August 11, 1939. "Ribbentrop informed me, while we were waiting to eat, of the decision to start the fireworks, just as he might have told me about the most unimportant and commonplace administrative matter. . . .

"I asked him. . . .

" 'What do you want? The Corridor or Danzig?'

" 'Not any more,' and he stared at me through those cold Musée Grevin eyes. 'We want war.' "

They debated whether Britain and France would interfere if Germany attacked Poland. Ribbentrop argued that the West would be quite tolerant of this action—it would, after all, bring Germany into direct proximity with the Russian frontier. Ciano expressed his doubts. In any case, he wrote in his diary:



"They were quite certain that France and Great Britain would look on imperturbably while they destroyed Poland. On this point at one of the dreary luncheons in the Austrian castle in Salzburg Ribbentrop even wanted to lay a bet: if the British and French remained neutral I would have to give him an Italian painting, and if they entered the war he promised to give me a collection of ancient weapons."

Indeed, Ribbentrop was certain that the "Polish operation" would come off after the Munich model. There is plenty of evidence to support this statement. The most interesting evidence, in my view, was given by Paul Otto Schmidt.

Tall, striking and elegantly dressed, Schmidt was personal interpreter for Hitler and Ribbentrop. Going to the witness stand, he turned his gaze to the dock and met the eyes of his former chief. Ribbentrop looked at him with pleading eyes. The other defendants looked at him with quickened attention. This was particularly true of von Neurath, for whom he had once worked. Earlier still, Schmidt had worked for the German Chancellors Hermann Mueller and Heinrich Bruening and for Foreign Minister Gustav Stresemann.

Schmidt took the oath to tell the Tribunal the truth and nothing but the truth. Although Ribbentrop had had the possibility of seeing what this oath was worth when it was taken by nazis, this time he was thrown into a fever. Schmidt knew much too much about what he was loath to have made public in court.

On August 30, 1939, when Europe was having its last hours of peace, an envoy extraordinary of the Polish Government was invited to Berlin for negotiations. Hitler deliberately made it impossible for him to arrive on time.

The Wehrmacht was already poised for the invasion of Poland. The final orders had been issued in accordance with Fall Weiss. But Berlin and London were still engaged in the comedy of negotiations, in which both sides sought to establish a diplomatic alibi and shift the responsibility for starting another world war to each other.

At midnight on August 30 the British Ambassador in Germany Sir Neville Henderson was received by Ribbentrop. Schmidt did the interpreting, and he held the Tribunal:

"His face pale, his lips drawn in a grim line and his eyes burning, the Reich Foreign Minister sat opposite Hen-

derson at the small negotiation table. He said a few words of greeting with accentuated stiffness, pulled a long document out of his briefcase and began to read."

These were the terms on which Germany was prepared to settle the conflict with Poland "peacefully". Ribbentrop wittingly read them quickly, so quickly that it was impossible to remember the points, let alone write them down. He categorically refused to hand the memorandum to Henderson.

This surprised even Schmidt, who was an old hand at the game. He looked at Ribbentrop with questioning eyes, as though asking whether the latter had made a slip. Or had the interpreter heard wrong? It was neither this nor the other. Ribbentrop repeated: "I cannot give you the document."

Schmidt went on with his testimony:

"Then I looked at Sir Nevile Henderson as I, of course, expected him to ask me to translate the document, but this request was not forthcoming. . . . If I had been asked to translate I would have done so quite slowly, almost at dictation speed, in order to enable the British Ambassador in this roundabout way to take down not merely the general outline of the German proposal, but all its details. . . . But Sir Nevile Henderson did not react even to my glance so that the discussion soon came to an end and events took their course."

Exactly 24 hours after this meeting Germany attacked Poland. And two days later the war between Germany and Poland grew into a world war—it was entered by Britain and France.

"On the morning of the 3rd," Schmidt continued, "at about two or three o'clock, the British Embassy telephoned the Reich Chancellery . . . the British Ambassador had received instructions from his Government, according to which, at exactly nine o'clock, he was to make an important announcement on behalf of the British Government to the Foreign Minister. . . . He was given the reply that Ribbentrop himself would not be available but that a member of the Foreign Office, namely I, would be authorised to receive the British Government's announcement."

Obviously, Ribbentrop did not care a brass farthing for his last negotiations with Henderson. All he wanted was to provide a diplomatic screen for the preparations which the German General Staff had completed for the invasion

of Poland. His mental resources were sufficient to enable him to understand that Henderson was also conscientiously trying to create the impression that Britain wanted to avoid war. That was why he so lightly refused to receive the Ambassador of a country that had declared a state of war with Germany, while the Ambassador just as lightly agreed to negotiation with an interpreter. For the same reason Ribbentrop had, three days earlier, declined to hand Henderson the text of the German proposal, while Henderson without batting an eyelid did not ask Schmidt to translate the document.

A hardened criminal is much more dangerous than a person who is committing his first crime. On the other hand, it is easier to find the hardened criminal if he has gone into hiding—easier because, as any criminologist will tell you, he has his “own signature”, which is repeated and helps to get on to his trail.

Ribbentrop was like a hardened criminal: his methods of sneak diplomacy kept repeating themselves.

Let us again recall March 13, 1939. Within a few hours Czechoslovakia ceased to exist as an independent state. In this situation it was not difficult to surmise that some of the Ministers remaining in Prague would want to contact the German Minister and through him to communicate with Ribbentrop. Against this contingency Ribbentrop telegraphed his envoy in Prague: “I must ask you and the other members of the legation to make a point of not being available during the next few days if the Czech Government wants to communicate with you.” He meant, of course, the two incomplete days during which in Berlin negotiations were being conducted with Hacha, who signed Czechoslovakia’s death sentence with his own hand.

Six months passed. The Polish crisis flared up. Once more Ribbentrop’s tactics were to deprive the Polish Ambassador of the possibility of seeing him during the critical hours preceding the German invasion of Poland.

On September 3, 1939, the British Ambassador requested an audience with the Reich Foreign Minister. Ribbentrop was perfectly well aware that the talk would be about Britain and France entering the war. But once again he rigidly stuck to his method of avoiding negotiations at the crucial hour in order to rule out any delay if such was not wanted by the German General Staff. He delegated his interpreter to receive the Ambassador.

Nearly two more years passed. Then came Saturday, June 21, a memorable day for Soviet people. In the morning an urgent telegram was received from Moscow at the Soviet Embassy in the Unter den Linden with instructions to make an important statement to the German Government without delay.

V. Berezhkov, a member of the Embassy, tried to arrange a meeting with Ribbentrop for the Ambassador. At the Foreign Ministry he was told that unfortunately Joachim von Ribbentrop was "not in Berlin". This was the answer Ribbentrop ordered to be given to the pressing telephone calls from the Soviet Embassy.

Berezhkov recalls:

"That day we had several telephone calls from Moscow. They told us to hurry. . . . I put a clock on the desk before me and decided to call the Wilhemstrasse every 30 minutes."

But in vain. Ribbentrop remained true to himself, avoiding, until he was ready for them, all communication and talks which might prove to be a hindrance to the German General Staff. Then the situation changed drastically.

"Suddenly," Berezhkov went on, "the telephone rang. An unfamiliar, hoarse voice said that Reich Minister Joachim von Ribbentrop was waiting for Soviet representatives in his office at the Foreign Ministry in the Wilhelmstrasse. . . . I said I needed time in which to notify the Ambassador and order a car.

"'The Reich Minister's personal car,' the hoarse voice said, 'is already at the gates of the Soviet Embassy. The Minister hopes the Soviet representatives will arrive at once.'"

The time was 3 a.m. The German Army had already crossed the Soviet frontiers. Nazi aircraft had attacked without warning, dropping tons of bombs on sleeping cities. The Germans now felt they could invoke the Hague Convention. True, the Convention required that a state of war should be declared before the cannon started firing. But for Ribbentrop this was an anachronism. He informed the Soviet Ambassador not that Germany was beginning a war but that hostilities had started an hour earlier and claimed that they were "purely defensive measures".

... With eyes betraying his anxiety, Ribbentrop sat in the dock and watched as the various facets of his "diplomatic" activities were fitted together to form the sinister portrait of a war criminal.

The Soviet Prosecutors submitted an enormous pile of documents cutting the ground from under the "defensive measures" version and proving Ribbentrop's complicity in aggression.

Among them were German Foreign Ministry files containing communications from the Ambassador in Moscow Count von der Schulenburg and the Military Attaché General Koestring. Ribbentrop's face turned ashen when the Prosecutor began reading these documents. What a different story it would have made had Schulenburg and Koestring been able to report military preparations on the part of the Soviet Union, the massing of Soviet troops on the Western frontier. But the German Ambassador in Moscow had observed something totally different.

Schulenburg's communications of June 4 and 6, 1941, were put on the Judges' table. In one of them the Ambassador wrote: "The Russian Government is doing its utmost to avert a conflict with Germany." In the other, he underscored: "Russia will only fight if she is attacked by Germany."

These were followed by another document, a memorandum drawn up by Schulenburg, Embassy Counsellor Hilger and Military Attaché General Koestring. In cautious but categorical terms they warned their Government of the dangers awaiting Germany if she attacked the Soviet Union.

Hitler and Ribbentrop summoned Schulenburg to Berlin. On April 28, 1941, the Ambassador had an audience with Hitler in person. It was a fleeting reception. Hitler confined himself to a few general remarks, and Schulenburg realised that his memorandum had been rejected. Cutting Schulenburg short, Hitler dismissed him with the words:

"I do not intend to fight Russia."

Obviously, Hitler did not trust Count von Schulenburg although the latter was opposed to a war between Germany and the Soviet Union not because he was a friend of the USSR but solely because living in Moscow he was better informed of the Soviet Union's huge economic potential, its growing defence capability and the high morale of the people.

The documents read in the courtroom, particularly the communications from Schulenburg, completely demolished Ribbentrop's defence.

The German diplomatists accredited in the USSR were seriously worried by what was about to happen. Among

themselves they spoke of Napoleon's march on Moscow and the tragic consequences that overcame France as a result of this campaign. They recalled Marquis Armand de Caulaincourt. He had also been Ambassador in Russia and proved to be the only person in Napoleon's inner circle who ventured to warn the Emperor of the dangers awaiting France if war was started against the Russians.

The most interesting part of Caulaincourt's memoirs is, of course, the narration of his talks with Napoleon during the preparations for the invasion of Russia and during the campaign right until the ignominious flight of the Grand Army together with its commander. This volume of reminiscences by the French diplomatist lay on the desks of the Nazi General Staff when they planned Operation Barbarossa. The self-confident German generals only laughed at it and scornfully pushed it aside. But in that fatal spring of 1941 there were in the German Embassy in Moscow sober minds who found in the Caulaincourt memoirs much that commanded attention. Counsellor Hilger wrote later:

"In Caulaincourt's memoirs I was particularly impressed by the passages in which the author relates how strongly he had tried to persuade Napoleon to take his view on Russia and spoke of the need for good relations with Russia. These passages vividly reminded me of Schulenburg's views, which he stated every time he had the opportunity of speaking to Hitler about the Soviet Union. I used this coincidence to pull the Ambassador's leg.

"One day when the Ambassador walked into my office I told him that I had received a confidential letter from a friend in Berlin telling me of the contents of his, Schulenburg's, latest conversation with Hitler. Count von Schulenburg expressed surprise for he had every reason to believe that only a few people in Berlin knew of that conversation.

"'However that may be,' I replied, 'here's the text.'

"With these words I read an excerpt from Caulaincourt's book, which I had kept concealed from Schulenburg in a file. I read the Caulaincourt text without additions or omissions. All I did was to change the names of the personages: Hitler for Napoleon, and Schulenburg for Caulaincourt. The Ambassador showed unfeigned astonishment.

"'This is not the record I made after my talk with Hitler,' he exclaimed, 'but the text coincides almost word for word. Let me see where that letter comes from.'

"...I handed him the volume of Caulaincourt's memoirs.... The coincidence was truly amazing. We found it a sinister omen."

But Ribbentrop did not believe in omens. At the time he had no doubts whatever. Pampered by the "courtesy of the times", he was prepared to take seriously Anatole France's words that the "ability to doubt is a monstrous, amoral ability odious to both the state and religion".

\* \* \*

Count von Schulenburg was awakened exactly at 3 a.m. on June 22, 1941, and handed a coded message that had just been received from Ribbentrop. Within a few minutes a black Mercedes drove out of the Leontyevsky Lane into Gorky Street, taking the German Ambassador to the People's Commissariat for Foreign Affairs of the USSR.

The count knew the aphorism, widespread in the diplomatic world, that "an ambassador is an honest man who is sent abroad to lie for the welfare of his country". In the course of his long career as a diplomatist, von Schulenburg had lied, of course, not less than any other bourgeois diplomatist. But while resorting to lies as a method of diplomacy he was, apparently, convinced that he was doing it for his country's benefit. But as he drove fast through Moscow's deserted streets, he was not at all sure that his lie would benefit Germany.

Nonetheless, the veteran career diplomatist discharged his duty. Received in the Kremlin by the Soviet leaders, he told them exactly what Ribbentrop had ordered him to say:

"The massing of Soviet troops on the German frontier has reached dimensions which the German Government can no longer tolerate. It has therefore decided to take the appropriate counter-measures."

These "counter-measures" were war, the most piratical of all the wars Nazi Germany had hitherto unleashed. While Schulenburg made this statement, bombs were exploding over Soviet cities, killing and maiming thousands of people.

Schulenburg was brief. Ribbentrop had forbidden him to engage in any conversation. The Reich Foreign Minister undertook to interpret the developments of that night himself. In the morning of June 22 he spoke at a large press conference in Berlin, calling upon the world press to regard

Germany's military operations against the USSR as a purely defensive act, as a "preventive" war.

Joachim von Ribbentrop had himself signed the Soviet-German Non-Aggression Treaty. Nonetheless, Germany attacked the Soviet Union and the wine-dealer from the Wilhelmstrasse was one of the most active accomplices in the deliberate, criminal violation of that treaty. He endeavoured to fix things in such a way that in the hour of victory nobody would dare say he had not made his contribution. When the sweet dreams of victory evaporated and the blood-feast was followed by the morning-after of Nuremberg he sought to make the Judges believe that he learned of the preparations for war against the USSR only a few days before the war was started.

However, the Prosecutors helped him to remember that as early as January 1941 he and Keitel and Jodl (who were his assistants in almost all his diplomatic negotiations) went to Bucharest where they persuaded Antonescu to let German troops cross Rumania for a flanking operation against the Soviet Army. In the spring of 1941 he had another meeting with Antonescu and offered participation in aggression against the Soviet Union, promising that in return Rumania would be given Bessarabia and Bukovina, and also Odessa and Soviet territory west of the Dniester.

Ribbentrop maintained that even in May 1941 he knew nothing of the impending invasion of the USSR. But the Prosecutor read his letter of April 20 to Alfred Rosenberg, who was nominated for the post of Reich Commissioner of Occupied Eastern Territories. In this letter he named the man who was to be his representative at the so-called Eastern Headquarters.

A new and much more difficult phase of Ribbentrop's diplomatic career began after Germany attacked the Soviet Union. In a certain sense the talks with Japan may be regarded as the beginning of that phase. In these talks Ribbentrop could not count on the "courtesy of the times" or on the forbidding strength of the Wehrmacht. Japan could not be compelled, she had to be persuaded.

On March 29, 1941 Ribbentrop received the Japanese Foreign Minister Yosuke Matsuoka, who was on a visit to Berlin at the time. In an effort to hasten a clash between Japan and the USSR, he delivered himself of a pompous speech, in which he reminded Matsuoka of the words of a



notorious Japanese militarist spoken during the preparations for the attack on Russia in 1904: "Open fire and you will unite the nation." Matsuoka was very courteous but was careful to make no commitment.

Immediately after the sneak attack on the Soviet Union, Germany increased her diplomatic pressure on her Far Eastern partner. Ribbentrop made another attempt to incite Japan to "hit the USSR from behind". A telegram to the German Ambassador in Tokyo Ott was sent from the Wilhelmstrasse on July 10, 1941. It stated:

"I request you to use every means ... so that Japan will declare war on Russia as soon as possible.... It must still be our natural aim to shake hands with Japan on the Trans-Siberia Railway before the winter."

The Eastern aggressor, however, had his own plans. Japan was engaged in all-out preparations to strike at the Pacific possessions of Britain and the USA and for the time being preferred not to be drawn into the war against the Soviet Union, a war that was fraught with danger to her. The Japanese General Staff had the bitter experience of battles in Siberia and on the Khalkhin-Gol River in Mongolia. Adventurers that they were, the Japanese militarists nonetheless realised that Japan lacked the strength to attack the Pacific possessions of the Western powers and start a war against the Soviet Union at one and the same time. In Tokyo it was decided to stake on one of these two variants. Naturally, the most promising one, the Pacific, was chosen.

In the course of 1941 through 1943 Ribbentrop, with the persistence of a maniac, continued his efforts to persuade the Japanese to attack the USSR. But these were futile efforts. Japan had scattered her forces over many fronts. Germany's military position was steadily deteriorating: the defeat near Moscow was followed by the rout on the Volga and then in the Battle of the Kursk Salient.

Confusion steadily took possession of the nazi "super-diplomatist". He lost all sense of reality. There is no other explanation for the fact that in a conversation with the Japanese Ambassador Oshima, Ribbentrop reminded him of the Rome-Berlin-Tokyo Axis. The leader of ultra-aggressive nazi foreign policy, who had always regarded international treaties as scraps of paper, now suddenly spoke of the old diplomatic formula that "treaties must be fulfilled". He remembered what he and his Japanese ally had always set at

nought. And it was an utterly ludicrous Ribbentrop who tearfully told Oshima that it would not do to overstrain Germany's strength.

Calling upon the entire arsenal of Japanese courtesy, the Ambassador gave Ribbentrop Tokyo's view:

"The Japanese Government thoroughly recognise the danger which threatens from Russia and completely understand the desire of their German ally that Japan on her part also enter the war against Russia. However, it is not possible for the Japanese Government, considering the present war situation, to enter the war. . . . On the other hand, the Japanese Government will never lose sight of the Russian question."

Ribbentrop was irritated and began to lose his self-control. On April 18, 1943, he saw Oshima and tried to persuade him that Russia "would never again be as weak as at the moment". This ridiculous statement was made at a time when with the Soviet Army dealing it one blow after another the Wehrmacht was rolling back, leaving hundreds of kilometres of occupied territory.

Ribbentrop cut a very poor figure. The "Japanese operation", the first major diplomatic action which the nazi "super-diplomatist" tried to accomplish without having the possibility of resorting to his favourite method of blackmail and threats, ended in total failure.

#### **IN SEARCH OF A WAY OUT**

As time went on Ribbentrop's actions increasingly demonstrated the hopelessness of Germany's position and that his diplomacy had lost all connection with reality. The gilt had worn away. The uniform of a diplomatist now hung despondently on the shoulders of the unnerved wine-dealer.

At the Nuremberg trial he mumbled something about his efforts to stop the war. He did indeed take some steps in that direction when it became clear that defeat was inevitable. His emissaries sped to Madrid, Bern, Lisbon and Stockholm, their main purpose being to incline the Western powers to sit down to separate peace talks.

Despite the favourable response of certain reactionary circles, nothing came of these moves either. Even the most rabid reactionaries had to reckon with the people, who had risen to a war of liberation against nazism.

Ribbentrop proposed a new manoeuvre. "I told the Führer," he writes in his memoirs, "that I was prepared to fly to Moscow with my family to persuade Stalin of our good intentions and sincerity. I would offer him to hold my family as hostages."

Prior to June 22, 1941, Ribbentrop would not hear the advice of Counsellor of the German Embassy in Moscow Hilger, who together with Ambassador Schulenburg had warned him of the perils of the adventure that was being started against the USSR. But he remembered Hilger in the spring of 1945. Here is what Hilger writes in his memoirs:

"At the close of March 1945 he seriously suggested that I go to Stockholm and try to contact the Soviet diplomatic mission and ascertain the possibility of a separate peace. I did all I could do to make him abandon this wild idea."

However, early in April Ribbentrop summoned Hilger again.

"'There's something I want to ask you,' he said, 'and I would be grateful if you answered frankly. Do you think Moscow would ever again agree to enter into negotiations with us?'"

"'I don't know if I should answer that question,' Hilger replied. 'If I tell you what I really think you won't like it. It will only anger you.'"

"'I have always required complete frankness from you,' Ribbentrop cut in.

"'If you insist, my answer is that as long as Germany is ruled by the present Government there is no hope at all that Moscow will ever agree to negotiations.'"

According to Hilger, Ribbentrop was unable to swallow that bitter pill. "His face grew livid and he rolled his eyes." Hilger noted that Ribbentrop "was being choked by the words he wanted to utter". But at this moment the door was opened and his wife put her face in the room:

"Joachim," she shouted, "go to the air-raid shelter. It's an air-raid."

\* \* \*

During the last days of the Third Reich Ribbentrop went from one extreme to another. In between the two talks with Hilger he had a conversation with Count Folke Bernadotte.

In order to use him as a mediator for talks with the West, he felt it would be useful to "frighten the Swedes".

Bernadotte recalls: "He assured me that if the Reich lost the war, the Russians would bomb Stockholm within six months and shoot the Swedish royal family, including myself."

At the same time, Ribbentrop had recourse to flattery. He swore that Hitler "had always had the most friendly feelings for Sweden, and the only person he really respected was the Swedish King."

\* \* \*

May 1945 came. Germany's collapse was near at hand. Hitler and Goebbels had committed suicide. There was every reason for Ribbentrop to follow their lead. But the former master of the Wilhelmstrasse was in no hurry to go to the other world.

He had worshipped his idol for many years and the latter had paid him back with base ingratitude. The reader already knows that Ribbentrop's name did not figure in the new Government that was to be formed after Hitler's death: the Führer had given him the boot. The affronted "super-diplomatist" lamented: had he not telegraphed Hitler on April 27 and requested his permission to return to the capital to die beside him? His only consolation was that Hitler had not personally replaced him with Seyss-Inquart; Bormann and Goebbels had had a hand in it. These scoundrels had unquestionably taken advantage of the Führer's insanity and made him sign that testament.

But whatever the cause, he nursed a grudge against Hitler for a long time. Even in the Nuremberg prison he complained to Dr. Douglas M. Kelley:

"It makes me very bitter. I gave him everything. . . . I always stood up for him. . . . I stood his temper . . . and then he just chucked me out."

As a matter of fact, it did not prove to be very simple to chuck Ribbentrop out. He was tenacious and did not give up immediately. He still hoped to cling to power and hurried to Flensburg, where Hitler's successor Grand Admiral Doenitz was forming the new Government.

Doenitz was likewise cherishing the hope of coming to terms with the West and to this end he was looking for a

suitable Foreign Minister. He realised perfectly well that Ribbentrop could not fit into his scheme: his name was associated with the war Germany had started. With studied courtesy the Grand Admiral asked Ribbentrop if he could recommend somebody for the post of Foreign Minister.

Ribbentrop promised to think it over. On the next day he told the new Führer that he saw no candidate other than himself. Doenitz had to show him the door. By that time he had appointed former Finance Minister Schwerin von Krosigk to the post.

\* \* \*

We have mentioned that when Ribbentrop was arrested in Hamburg a letter addressed to Churchill was found on his person. He naively expected that the old political die-hard would believe his crocodile tears. After what had happened in the world during the war, Ribbentrop wrote to the British Prime Minister that he and Hitler had always wanted rapprochement with Britain. On top of that, he said he regarded Britain as his "second motherland".

The reading of that letter in Nuremberg evoked laughter and genuine amazement. It seemed inconceivable that in 1945, after the war had ended and after the atrocities of the criminal Hitler gang had come to light, there was still a man who tried to persuade Churchill that "Hitler was a great idealist". Ribbentrop's letter was full of this and similar expressions.

It ended with the words: "I put my destiny into your hands."

Goering, we can see, was not alone in imagining he was Napoleon captured on the *Bellerophon*. Ribbentrop was obsessed with the same idea. As a matter of fact, if the "Hamburg hero" knew any history at all he would have recalled that the British Empire had never been sentimental about its enemies. As regards Sir Winston Churchill, he could in no way be classed as a spineless liberal.

Upon receiving Ribbentrop's letter Churchill at once informed Moscow of its contents. The gesture was meant to convey that the British Prime Minister had no secrets from his gallant ally!

Panic completely deprived Ribbentrop of the ability to assess the situation and people realistically. This state, which

took possession of him at the time of the Third Reich's collapse, did not pass during the many months of the Nuremberg trial.

He was suddenly seized by the desire to bring as many witnesses as possible to the trial. He petitioned the court to subpoena his wife, private secretary and a number of British statesmen with whom he had had business during his tenure as Foreign Minister. In particular, he named Winston Churchill. He calculated that Churchill would have to recall and tell the Tribunal of a piquant conversation he had had with him; to admit publicly that he, Churchill, had lauded the Reich Chancellor Adolf Hitler. No more and no less!

Ribbentrop's logic was simple: if Churchill himself had that opinion of Hitler, who would dare to stigmatise him, Ribbentrop, for co-operating with his Führer? But summoning up this application, Sir David Maxwell-Fyfe said, without going into the substance of the matter, that when the defendant was the German Ambassador in London, Churchill was "a gentleman who at that time was in no official position in England". And ended with the words:

"The prosecution has the honour to consider that the relation of this conversation with the questions being examined at this trial is not only unapparent but completely lacking."

Ribbentrop beckoned to Horn and whispered something in his ear. The attorney at once asked to be heard and with the air of a man striking an annihilating blow declared:

"Against this statement of Sir David, I want first to point out the following:

"Prime Minister Winston Churchill was at that time Leader of His Majesty's Opposition in Parliament. . . . He . . . as Leader of the Opposition is even paid a salary."

The British Prosecutor calmly went to the stand and began patting himself where the back loses its noble name. This did not augur anything good for Horn. It had long ago been noted that Sir David acted in this way when he got ready to KO his adversary. The KO came.

"I am sure," he said, "that Dr. Horn would be the last person to rely on a point on which he has been misinformed."

After this, in popular language, Sir David explained to Ribbentrop and Horn that when either the Conservative or

Labour Party was in power, the other formed the Opposition. When Ribbentrop was Ambassador in Britain, the Conservative Party was in power and Chamberlain was Prime Minister. Churchill, also a Conservative, held no official position. As a member of the Conservative Party and as a rank-and-file MP representing that party, he could not be in the Opposition, much less be its leader in Parliament. And, finally, to satisfy the curiosity of the erstwhile Reich Foreign Minister, Sir David informed him that at the time "Mr. Attlee was the Leader of the Opposition".

But the point was, of course, not in this striking example of Ribbentrop's ignorance. This was not the least of his faults. Much more amazing was his confidence that Churchill would come *post-haste* to Nuremberg and upon his arrival would be most anxious to save the former German Ambassador in London.

The long list of British witnesses whom Ribbentrop asked to be summoned to the Nuremberg Palace of Justice included the Duke of Windsor, the Duke of Buccleuch, Lord and Lady Astor, Lord Beaverbrook, Lord Derby, Lord Kemsley, Lord Londonderry, Lord Simon and Baron Vansittart of Denham. There is no need to speak of all of them here. As an example, let us mention only Vansittart, who was at the time Permanent Under-Secretary of State for Foreign Affairs.

I. M. Maisky, who was the Soviet Ambassador in London, notes that this man was one of the few British politicians who, guided by sober political calculations, spoke in favour of friendly relations with the Soviet Union. During the war Ribbentrop was the only person who failed to see that Vansittart was the leader of the Germanophobist movement in Britain and preached open chauvinism. The whole world knows that it was Vansittart who said it was necessary to punish not only those Germans who were guilty of fiendish crimes but the whole German nation.

Naturally, Vansittart did not go to Nuremberg, but he agreed to reply in writing to questions asked by the Tribunal and by Ribbentrop. Formulating his questions to Vansittart, Ribbentrop accompanied them with a letter in which he reminded Vansittart of their meetings. Vansittart replied without delay. This more than strange correspondence resulted in the following:

*Question:* "Is it true that these talks gave the witness the impression that Ribbentrop was perseveringly and sincerely

striving to establish lasting friendship between Germany and Britain?"

*Answer:* "I have always tried to discharge my diplomatic duties conscientiously and in accordance with the established rules of formal courtesy. I have, therefore, heard many statesmen and ambassadors. It was not my function nor my habit to believe all of them."

*Question:* "Is it true that at the time von Ribbentrop tried to convince the witness of the need for developing these friendly relations into an alliance between Germany and Britain?"

*Answer:* "I least of all recall a suggestion to turn this allegedly existing friendliness into an 'alliance'."

*Question:* "Is it true that in a private conversation with the witness in Berlin in 1936 Hitler himself had spoken in this spirit?"

*Answer:* "I did indeed have a conversation with Hitler during the Olympic Games. It would be more correct to say that I heard his monologue. I did not listen attentively, since I found it more interesting to observe this man rather than listen to his prattle, which, probably, followed the usual pattern. I do not remember the details."

*Question:* "Is it true that the witness believes von Ribbentrop devoted many years of his life to this goal [the establishment of lasting Anglo-German friendship—*A.P.*] and that according to his repeated statements he saw the attainment of this goal as the purpose of his life?"

*Answer:* "No. I do not think this was the purpose of Ribbentrop's life."

I was told that on the day Vansittart's replies were read in court, the defendants had a good time at dinner. In the prison dining-room, the only place where they could volubly state their opinions, Ribbentrop was ridiculed on all sides.

But how did he react to Vansittart's replies? It was only in his final statement that he tearfully complained of the esteemed baron's "hard-heartedness and ill-will":

"I have devoted more than twenty years of my life to the elimination of this evil [hostility between Britain and Germany—*A.P.*], with the result that foreign statesmen who know about this today write in their affidavits that they did not believe me."

Against the background of many disappointments of this kind, the few pleasant moments experienced by Ribbentrop



were particularly vivid. He had those moments. One of them was when Horn appeared with a copy of the *New York Herald Tribune* in his hands. He held it in such a way as to allow Ribbentrop to read it. Ribbentrop's face brightened as he read the newspaper. He nudged Goering. The latter turned his attention to the newspaper, undisguised joy written all over his face. A rare unanimity!

This happened in June 1946, when the press reported an anti-Soviet speech by James F. Byrnes, then US Secretary of State. In the British Parliament he was supported by Ernest Bevin.

Ribbentrop was virtually transfigured with joy. During the intervals he commented on the ideas put forward by Byrnes and Bevin. And in the evening when Dr. Gilbert saw him in his cell, he gloatingly asked:

"Doesn't it matter to America if Russia guzzles up the whole of Europe?"

In the speech of the US Secretary of State Ribbentrop saw a crack through which the Nuremberg trial could easily fall. Even his tiny brain could understand that imperialist America was not indifferent to the direction in which postwar Europe would develop. But what he never understood was that the ruling circles of the USA were totally indifferent to how Themis decided his, Ribbentrop's, fate in Nuremberg. They could easily manage without him, even in pursuing in Europe the policy that he had followed.

#### THE DROWNING MAN CLUTCHES AT A STRAW

Joachim von Ribbentrop could not complain of insufficient attention to his person on the part of the Tribunal. It scrupulously went into all the details of each stage of his life. Not a single phase of his career was overlooked.

He was fantastically vainglorious. But in Nuremberg he did not insist on the Tribunal spending time studying the aspect of his activities which sprang more from his high rank in the SS than from his position as Foreign Minister.

He was reluctant to admit knowledge of the existence of death camps. But it turned out that to get to his own estates at Sonenberg and Fuschl he had to drive through a zone of these camps. He was shown this on a map and he did not argue.

"The Theresienstadt camp was an old people's home for

Jews," this former SS Gruppenführer said about one of these camps, although every rank-and-file SS man knew that prisoners left the camp only through the chimneys of the crematorium.

He was even more reluctant to admit that he had helped to fill these camps with victims. At the trial he repeatedly insisted that he was no anti-Semite, that many of his "best friends were Jews". More than that, he told the Tribunal that in his conversations with Hitler he tried to prove that there was no foundation for anti-Semitism. He claimed he endeavoured to make Hitler see that Britain had entered the war against Germany "not through pressure from Jewish elements" but by virtue of the "striving of the British imperialists to preserve the balance in Europe".

"In my conversations with Hitler," he maintained, "I reminded him that in the day of Napoleon, when Jews had no influence in Britain, the British nonetheless fought the French Emperor."

But, alas, the prosecution was not moved by this testimony and put on the judges' table a mass of documents showing Ribbentrop as an active executor of the Nazi racist plan.

Take the official minutes of a conference Hitler and Ribbentrop had with the Hungarian regent Horthy on April 17, 1943. Hitler and Ribbentrop demanded that Horthy "carry to completion" the anti-Jewish actions in Hungary. The minutes stated in black and white: "To Admiral Horthy's counterquestion as to what he should do with the Jews, now that they had been deprived of almost all possibility of earning their livelihood—he could not kill them off—the Reich Minister of Foreign Affairs declared that the Jews should be exterminated or taken to concentration camps. There was no other possibility."

By these methods the Reich Foreign Minister tried to solve not only the Jewish but many other "problems". He upbraided the Italian Ambassador for the insufficient brutality on the part of the Italians against partisans and earnestly advised that these "partisan gangs had to be exterminated, including men, women and children, as their further existence imperilled the lives of German and Italian men, women and children".

Neither did he hesitate when the question arose whether some or all downed British and American pilots should be hanged. He categorically insisted on the latter.

He hoped the prosecution would confine itself to his diplomatic activities. But they considered that Ribbentrop's portrait as a criminal in politics would be incomplete if the Tribunal were not shown some other, purely SS doings of the Reich Minister.

The months of the Nuremberg trial went on as all the evidence was minutely studied.

The concluding stage finally arrived: the defendants were given the right to make their last statement.

As in the case of others, no time limit was established for Ribbentrop. He spoke long, but there was nothing new he could say. Again and again he insisted on his peaceableness, that he had wanted lasting peace on earth: it was not his fault, he said, but his misfortune that people failed to understand him or that they misinterpreted his actions.

He wanted to live and like a drowning man he clutched at a straw. While making his last statement he believed that in a certain sense it might be a first statement.

"Before the establishment of the Charter of this Tribunal," he declared, "even the signatory powers of the London Agreement must have had different views about international law and policy than they have today. . . .

"... the primary problem for Europe and the world: Will Asia dominate Europe, or will the Western powers be able to stem or even push back the influence of the Soviets at the Elbe, at the Adriatic coast, and at the Dardanelles?

"In other words, practically speaking, Great Britain and the United States today face the same dilemma as Germany faced."

In the autumn of 1946 these words of Ribbentrop were already finding a sympathetic ear in some quarters. The political climate in the world had indeed changed. Yet Ribbentrop miscalculated. He failed to understand that in Nuremberg it was not simply a trial but a Tribunal of Nations, that it was closely and vigilantly followed by world public opinion, which restricted the field for the political manoeuvres of the reactionaries.

On October 1, 1946, Ribbentrop was told that the Tribunal had found him guilty on all the counts of the indictment. The denouement came on the next day: the Tribunal President proclaimed that for his long criminal activity against the peace and tranquillity of the peoples, for his complicity in monstrous crimes against mankind the former Reich

Foreign Minister was sentenced to death by hanging.

Ribbentrop listened to this Judgment with a pale face, his lips compressed. At that moment his whole life probably flashed past his eyes. He could only regret that he had exchanged the quiet life of a wine-dealer for the turbulent post of nazi Foreign Minister, for a life packed with fatal surprises.

After the sentence was passed, Ribbentrop had 13 days of life left to him. But he did not know it. Dr. Gilbert continued visiting him in his cell as before. A priest also began to see him. This new visitor, naturally, brought him no joy.

He sent in a plea for a pardon and informed Dr. Gilbert that for the edification of future generations he was prepared to write several volumes on the mistakes and miscalculations of the nazi regime. He tried to make Dr. Gilbert see that it was important for the USA to make an "historic gesture" and solicit for a mitigation of his sentence or, at least, for a postponement of its execution until he had completed the work he had in mind.

Soon afterwards he saw a ray of hope: he was told that "an American" wanted to see him. That American had travelled across the whole of Asia and Europe. He had come from Tokyo, where the trial of the principal Japanese war criminals was in progress.

His name was Cunningham and he was one of the defence attorneys at the Tokyo trial. His purpose in coming to Nuremberg was to obtain proof that "no co-operation existed" between the governments of Japan and the Third Reich in the pursuance of a policy of aggression. Understanding the mental state of the "witness", Cunningham did not trouble Ribbentrop. All he asked him was to sign a prepared affidavit. Ribbentrop hastened to do as he was asked, expecting that his services to an American would be properly assessed. But on the very next day he saw that he had played the role of a Moor, who had done what was required of him and could now depart from the scene. The "witness" did not outlive his affidavit by even 24 hours.

The key of the cell of the former Reich Minister of Foreign Affairs was turned for the last time in the night of October 16. He was escorted along the prison corridor. This was the road to the scaffold. A few hours previously he had been informed that his plea for a pardon had been declined.

It is said that a man dies in the same way as he had lived.

Before his execution Ribbentrop was in a state of total prostration. He had to be dragged to the scaffold.

There was a time when Ribbentrop imperturbably read the Gestapo reports of the execution of patriots fighting fascism. These were people with great and lofty ideals. Their ideals gave them strength and infused them with courage even on the threshold of death. But Ribbentrop, an unprincipled politician and intriguer, left life exactly in the same way as he lived it.

## IV. WILHELM KEITEL AND ALFRED JODL

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### A COLONEL SETS HIMSELF UP IN THE WORLD

Keitel's turn came after Ribbentrop's. Before the International Tribunal stood the man who headed the nazi military hierarchy. Of the Generals he was closest to Hitler.

Funk told one of his interrogators that whenever he wanted to enter the room where policy was framed the door would be closed in his face. Keitel could say nothing of the sort: the doors to the highest circles of the Third Reich were always wide open to him. He soared to assured popularity in nazi Germany and that predetermined his notoriety at the Nuremberg trial. None of the defendants were spoken of so much as Goering and Keitel. None was so firmly linked with numerous disgraceful documents of the nazi Government as Keitel.

This hardened war criminal had a worthy colleague—General Alfred Jodl. When the trial opened I was not surprised to see Field Marshal Keitel sitting in the front row near Goering, and Jodl taking his seat somewhere in the second row. Keitel had been continuously in the limelight, while Jodl's name was almost new to me. In many ways General Jodl seemed to be only the Field Marshal's shadow. Keitel was Chief of the Wehrmacht High Command (OKW)\*, while Jodl was Chief of Operations at OKW and nominally came under Keitel's command. But if at the Nuremberg trial it was possible to change the places of the defendants in the dock on the basis of the role each played in planning and carrying out the nazi crimes, I would, without second thoughts, have given Jodl the honour of sitting beside Keitel.

Scion of an old Junker family that for generations had been big landowners and Army officers, Wilhelm Keitel

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\* As already mentioned, the OKW was actually Hitler's military headquarters.

launched out on an Army career in 1901 as a candidate for an officer's commission in an artillery regiment. The end of the First World War saw him holding the relatively modest rank of Chief of Staff of a naval corps in Flanders and until the nazis seized power his advance up the service ladder was slow indeed. Among the senior German generals it was no secret that Keitel was not distinguished by any talent as a military leader. But this shortcoming was more than made good by strong pro-nazi feelings, and in 1933 the unknown section chief of an organisational division of the War Department shot into prominence. In 1938 he was Wehrmacht Chief of Staff, in 1939 he was an infantry General, and after the Western campaign of 1940 he was given the rank of Field Marshal.

In Nuremberg I saw and heard many German military leaders. I heard Field Marshals Rundstedt, Manstein and Brauchitsch. There I learned of Blomberg, Fritsch and Beck. Prior to the Second World War each had an established reputation as a strategist. Nevertheless, in 1938, when the leadership of the German Armed Forces was reorganised, Hitler unhesitatingly chose Wilhelm Keitel as OKW Chief. This choice was not so much due to the fact that Hitler regarded himself as a brilliant strategist and felt that Keitel's mental resources were quite adequate for him to occupy the post of OKW Chief. There were two other weighty considerations.

Hitler considered that he alone had the first and last say in major political problems. Any objection and criticism of his "great plans" was regarded by him as an act undermining the foundations of the nazi regime. Inexplicably to Hitler's mind the Generals I have just mentioned did not always regard his instructions as gospel. It was not that they did not approve Hitler's plans for a big war. He knew that nobody wanted revenge more than these Generals. Numbskulls were the only ones who did not suspect that all of Hitler's speeches in which he propounded the idea of aggressive strategy were inspired, in particular, by senior German Generals. All this was a fact. But Hitler was irritated by what he felt were the superfluous doubts and caution of some of these old gentry. The words, "The bad thing is not what we're doing but how we're doing it", spoken by Beck, possibly reached his ears.

Alongside this, there was something else that bothered Hitler, and it made him look with disfavour on Beck, Fritsch

and other Generals of the "old school". They wanted war as much as Hitler, of course. In that sense they did not regard the Weimar regime as the most suitable. The nazi party, which spoke openly of revenge as a key component of its programme, gave the impression of being a much better ally of the German General Staff. Initially, the old militarist diehards believed that if they helped the nazis seize power they would make Hitler a "tame Führer" and become masters of the situation. But this was exactly what least of all suited the insatiably ambitious Hitler.

And not only Hitler. The blindly vainglorious Goering was quite certain that he was the only man capable of worthily heading the Wehrmacht. As the reader already knows, his steps to achieve this goal caused Blomberg and Fritsch to lose their jobs. The next step was to be Goering's appointment to the post of Germany's military chief. But close as he was to that goal he never attained it. Hitler preferred to keep his "faithful paladin" at arm's length from that much too influential post. Agreeing with Goering that the leadership of the Armed Forces had to be reorganised and that the inflated Kaiser Generals had to be removed, Hitler chose to appoint himself and not Goering to the post of Supreme Commander-in-Chief, and he did so on February 4, 1938.

All that now remained was to select a suitable Chief for the Wehrmacht High Command. In that post Hitler wanted a man who was not simply a military specialist but who boundlessly and unreservedly believed in his, Hitler's, genius as a leader and was, therefore, content to remain his shadow and think in the same nazi ideological categories as Hitler himself.

He found such a man in Wilhelm Keitel.

Among the German Command Colonel Keitel was known to be a rabid nazi. He had proved his unwavering loyalty and, above all, his complete submission to Hitler over many years of colourless service. Even in Nuremberg, at a preliminary interrogation on August 3, 1945, he declared:

"In my innermost thoughts I was a faithful supporter of Adolf Hitler and my political convictions were National Socialist. When the Führer accorded me his confidence, my personal contact with him further influenced me towards National Socialism. Today I am still a firm partisan of Adolf Hitler, which does not imply that I adhere to all the points of the programme and policy of the party."



His National Socialist convictions and his unreserved obedience to Hitler tipped the scales in his favour and he found himself Chief of the OKW.

#### **A FLUNKY OR A MOLTKE!**

From the outset of the trial, when Keitel's role in the crimes was mentioned, I tried to picture in my mind what real power and influence Keitel wielded among the military. Keitel himself did his best to make the Tribunal believe that although his was the second post to Hitler's in the military hierarchy of Nazi Germany, his powers as OKW Chief were rigidly limited. He very much wanted to portray himself as nothing more than the chief of Hitler's War Office.

Attempts to portray Keitel as an unimportant official with no influence on military policy were made in some West German literature after the trial. On the other hand, the German Generals, about whom it is said that each won a battle and together they lost the war, were prepared to swear that along with Hitler, Keitel was the actual and complete master of the Wehrmacht. Their unanimous opinion was that as a strategist he was a complete washout. He was, therefore, a ready-made scapegoat and the Generals were quick to declare that but for him they would have won the war. The entire blame for Germany's collapse was put on Hitler and Keitel.

This did not suit Keitel at all, naturally. Nor was he happy about Rudenko's arguments that with his military knowledge and experience he had had the "opportunity of influencing Hitler, very considerably, in solving questions of a strategic and military nature, as well as other matters pertaining to the Armed Forces".

His line at the trial was that although he was a professional soldier, Hitler's genius was such that any advice he, Keitel, might have offered was superfluous.

"No," he replied ingratiatingly to a question put by Rudenko. "I have to declare in that respect that, to a degree which is almost incomprehensible to the layman and the professional officer, Hitler had studied general staff publications, military literature . . . and that he had a knowledge in the military fields which can only be called amazing."

I cannot say if as he spoke he glanced at the other defendants and saw the sardonic grins on the faces of Jodl, Goe-

ring and Raeder. But his retreat was cut off and he doggedly continued:

"May I give an example of that which can be confirmed by the other officers of the Wehrmacht. Hitler was so well informed concerning organisation, armament, leadership and equipment of all armies, and what is more remarkable, of all navies of the globe. . . . During the war, while I was at his Headquarters . . . Hitler studied at night all the big General Staff books by Moltke, Schlieffen and Clausewitz and from them acquired his vast knowledge by himself. Therefore, we had the impression: only a genius can do that."

I watched Keitel throughout the trial and frequently caught myself thinking how well he realised that his notoriety was not serving him well at all in the dock. But there was nothing he could do about it. His name was mentioned every day, almost every hour: "Keitel ordered", "By Keitel's instructions", "Keitel demanded" and so on. He had been in the limelight of the developments during the Second World War, for he had been constantly in Hitler's entourage, accompanying him everywhere and, essentially, being his shadow.

He realised the danger of this situation and therefore energetically pursued his chosen line of defence. In reply to a question by the Soviet Chief Prosecutor, he said:

"I must admit openly that I was the pupil and not the master."

This statement was greeted with jeers by the other defendants. Some of them felt that he was showing false modesty, that in the choice of the means and methods of defence there were limits which should not be overstepped. This must have dawned on Keitel a few days later when he witnessed Ernst Kaltenbrunner, his neighbour in the dock, setting a record in lies. A detached view revealed so much more!

During a recess Dr. Gilbert asked Goering what he thought of Keitel's testimony. Goering, naturally, discounted the absurd invention about Hitler's genius, but quickly agreed with Keitel's second assertion, saying:

"I've already told the court he had no command function."

The reader undoubtedly remembers that Goering sometimes had no objection to shouldering the responsibility for the activities of one or another defendant. But where Keitel was concerned he held his tongue. This was dangerous ground on which to swagger!

What conclusion can one draw after contemplating Keitel's real position in Hitler's Headquarters? After studying the evidence, none of the Judges was of the opinion that Keitel was a key figure in the German High Command. On the contrary, as the trial progressed it became obvious that the principal kitchen of the nazi war strategy was the OKW's Operations Staff, where the master was not so much Keitel as Jodl. Hitler knew that his flunkey was no Moltke or Scharnhorst. He was not required to decide operational problems. For this Hitler had Jodl.

What was Keitel's job? In a state machine having a General Staff and a War Ministry, Keitel would be described as the War Minister and Jodl as the Chief of the General Staff. This is conditional, of course, because the functions performed by Keitel and Jodl intertwined and supplemented each other.

The OKW had an Armed Forces Administration, an Armaments Administration, an Intelligence Service and a Counter-Intelligence Service. Their work was directed by Keitel. But this was not his main job. The alpha and omega of nazi war strategy was to attack foreign countries without declaring war, to launch provocations as the excuse for aggression. This was where Keitel demonstrated outstanding ability.

He was well aware that the special purposes of nazi aggression would undoubtedly affect the methods of warfare. The aim was to exterminate peoples regarded as racially inferior, weaken some nations biologically, and pillage and Germanise all conquered territories. It was planned to reduce whole countries to rubble and turn them into deserts.

These diabolical aims could not be achieved by purely military means. Provision had to be made beforehand for an entire system of war crimes. Henceforth war crimes became an essential component of strategic plans and were linked closely with operational plans, synchronised, so to speak, with military operations. The nazis believed they would be in eternal occupation of conquered territories, that nothing would stop them from crushing all resistance in these territories, and exterminating the civilian population and prisoners of war in places of the Oswiecim and Majdanek type.

The new situation required that the person representing the Wehrmacht should be, first and foremost, unscrupulous in his choice of means. Field Marshal Keitel had that quality in full measure.

But when he found himself in the dock he had to explain his criminal activities somehow and he put everything down to his "fanatical sense of duty" in carrying out orders. However, the International Tribunal proved that Keitel did not carry out Hitler's orders blindly. He whole-heartedly approved them and considered them necessary.

#### PAST MASTER OF MILITARY PROVOCATIONS

Keitel saw Goering and Ribbentrop driven to the wall by the evidence on aggression against a number of countries. He drew practical conclusions for himself. Let Goering and Ribbentrop refer to all sorts of pacts and treaties and recall Munich. It was not his business to argue. He was a soldier, not a politician, and as such, the Judges had to believe it, the word "aggression" did not figure in his vocabulary.

"As a soldier," he told the Judges, "I must say that the term 'war of aggression'... is meaningless as far as I am concerned. We learned how to conduct actions of attack, actions of defence and actions of retreat. However, according to my own personal feelings as a military man, the concept 'war of aggression' is a purely political concept and not a military one."

This argument, he believed, quashed any attempt to accuse him, a soldier, of aggression.

This line of defence evoked interest among the defendants: it was a new idea, whichever way you looked at it. Doenitz and Raeder conferred with Jodl, debating whether to adopt the same tactics. But before they reached a decision, Keitel's attorney Otto Nelte asked his client a question which made Keitel and the other defendants realise that this "new idea" produced no effect on the attorney, much less on the Judges:

"But you are not only a soldier, you are also an individual with a life of your own. When facts brought to your notice in your professional capacity seemed to reveal that a projected operation was unjust, did you not give it consideration?"

This was a question sooner to be asked by the prosecution rather than by a defence attorney. But Nelte could not be accused of stinting his energy in defending his client. He put up a stronger defence than many of the other attorneys. What happened was that he realised at once that Keitel's

version would only convince the judges that he was determined to make believe he knew nothing of politics. It was not likely that anybody would believe that this old wolf of German militarism did not know the meaning of aggression.

Alas, Keitel did not understand the warning and to his attorney's obvious disgust replied:

"I believe I can truthfully say that throughout the whole of my military career I was brought up, so to speak, in the old traditional concept that one never discussed this question. Naturally, one has one's own opinion and a life of one's own, but in the exercise of one's professional functions as a soldier and an officer one has given this life away, yielded it up."

But very soon Keitel saw that his "new idea" did not move the Judges. For some reason he could not understand they were deeply convinced that the functions of soldier and officer did not prevent Keitel from knowing the meaning of aggressor and victim of aggression. Once this dawned on him he resorted to the most banal plagiarism, using the battered arguments offered by Goering and Ribbentrop. He suddenly seized on the Versailles Treaty and felt it would be most appropriate to speak of this with the Soviet Chief Prosecutor: after all, the country represented by Rudenko had qualified the Versailles Treaty as being piratical. He told Rudenko that the aim of German foreign policy, which, he could not see why, was being called aggressive, was to eliminate the injustice of that treaty with regard to Germany. But with a single question Rudenko dampened Keitel's interest in the subject of Versailles:

"When testifying before the Tribunal you very often referred . . . to the Treaty of Versailles, and I am asking you, were Vienna, Prague, Belgrade and the Crimea part of Germany before the Treaty of Versailles?"

Keitel forgot about Versailles after this. But Rudenko had a mortal grip and it was not easy to escape it.

Jodl was put in the witness stand. A document was submitted which showed that after the conquest of the Soviet Union, which neither Keitel nor Jodl questioned, the German High Command intended to send an expeditionary corps in the direction of the Persian Gulf, Iraq and Syria via the Transcaucasus. Jodl spread his hands, saying that "the General Staff officers did entertain such ideas in the first flush of optimism because of the big victories". But the de-

cisions were "made by the older and more level-headed men". The prosecution could not seriously consider the theoretical exercises of the inexperienced young officers from the General Staff. "Older and more level-headed men" like Keitel and Jodl could not contemplate adventures of this kind.

These gentlemen were greatly disconcerted when the prosecution decided to prove that those who called themselves "older and more level-headed men" were actually the most dangerous. The prosecution began by showing that Keitel was a past master at military provocations.

In fact he became OKW Chief as a result of a provocation. It was a provocation not against some country but against his own chief, War Minister Blomberg. There was a time when Keitel was eager to become related with Blomberg, and he blessed the marriage of his son to the latter's daughter. But times changed and people changed with them. Keitel did not mind taking his relative's place. Blomberg had done much to push Keitel up the service ladder, but he was unaware that the latter had obligingly turned over to Goering material compromising him in that affair with Erika Gruhn.

Soon after becoming Chief of the Wehrmacht High Command Keitel had another opportunity to earn the Führer's good will. He knew that Hitler did not require him to sit up nights poring over strategic plans. To each his own. Keitel was no strategist. He was a skilful organiser of what is meant by the word "aggression", now so unpleasant to him.

Keitel was asked if he had taken part in diplomatic negotiations with foreign statesmen. And he modestly replied:

"I was present at the receptions for statesmen."

What sort of "receptions" were these?

On February 12, 1938, Hitler gave a reception for the Austrian Chancellor Kurt von Schuschnigg at Obersalzberg.

The purpose was to force Schuschnigg to sign Austria's death warrant. Hitler demanded that Schuschnigg put nazis in the key posts in the Austrian Government and give free rein to nazi propaganda and terror. Schuschnigg realised that this was a death sentence with only a slight delay of execution. He made an attempt at resistance, saying:

"I cannot sign this agreement."

Hitler raised his voice:

"You must."

Schuschnigg repeated his objection. Hitler was furious:

"I have only to give one order and there'll be no frontier in a single night."

With these words Hitler got up, strode to the door and flung it open:

"Keitel!"

The OKW Chief, out of breath, appeared on the threshold accompanied by Generals von Reichenau and Sperrle.

Why had Hitler needed this grand escort? When Keitel was asked this question in Nuremberg, he claimed he never did understand why the Führer "invited" him. But after a few more questions and after the affidavits of participants in that reception were read, the Field Marshal sang small:

"In the course of the day the reason for the presence of the three representatives of the Wehrmacht naturally became clear to me. In certain respects they represented a military demonstration."

He admitted that his appearance in Hitler's office crushed Schuschnigg, and the latter signed the "agreement" without further argument.

But this was not yet the seizure of Austria. Some further action had to be taken to subdue the Austrian Government and compel it to conduct the *anschluss*. Keitel went to work on this. On his orders rumours were circulated to the effect that the German Command had halted all leave for the officers and men of the 7th Army and was concentrating a mobile railway unit on the German-Austrian frontier. This rumour was spread by the network of nazi agents in Austria and by customs officials.

On March 12, 1938, Austria capitulated.

The Czechoslovak events followed. The General Staff had completed its preparations under Fall Grün. But backed by the Munichites, Hitler decided to seize that country without firing a shot. The Czechoslovak Government was given the same treatment as its Austrian counterpart. President Hacha was summoned by Hitler in March 1939. A worthy "reception", the details of which were worked out in advance, awaited him in Berlin. Keitel, who did not try to grasp the fact that Hacha was prepared to capitulate, told Hitler that while Schuschnigg was only threatened with an invasion something more drastic had to be demonstrated in Hacha's case—the seizure of two Czechoslovak towns.

On March 14, 1939, Hacha made the journey to Berlin.

On that day Keitel ordered the seizure of Moravska Ostrava and Vitkovice.

"Yes, but during the same time, President Hacha was on the way to Berlin to negotiate with Hitler?" Rudenko asked.

"Yes, that is correct," Keitel admitted.

"This is treachery!" Rudenko said, qualifying the action. Keitel maintained a sullen silence.

He was forced to recall another episode linked up with Czechoslovakia. The reader already knows that to create a pretext for an invasion they decided to murder their Minister in Prague. Keitel was asked about this. He could not deny this fact but tried to give the impression that he was poorly informed about it.

"I was told it might happen that the Minister was assassinated, whereupon I asked which Minister, or something similar. Then, as I recall it, Hitler said that the war of 1914 also started with an assassination at Sarajevo and that such incidents could happen."

Stuff and nonsense! Keitel, the man who directed the entire preparations for the invasion of Czechoslovakia, could not understand what assassination Hitler had in mind!

In the summer of 1939, when Austria and Czechoslovakia had ceased to exist as independent states, the German General Staff completed its preparations for Fall Weiss—the attack on Poland. Keitel did his utmost to ensure the success of that action, going ahead with a new provocation. He stage-managed the Polish "attack" on the radio station in the German town of Gleiwitz. This attack was made by members of the SD and also, a number of German concentration camp convicts dressed in Polish uniforms. This took place on August 31, 1939, and on the next day, September 1, German troops invaded Poland. On the same day all newspapers carried the following agency report from Breslau, date-lined August 31:

"At about 8 p.m. today the radio station in Gleiwitz was attacked and captured by the Poles. They broke into the building and read an appeal to the population in Polish and partially in German. The police had to resort to firearms. Several of the invaders were killed."

Everything then proceeded as in a play. The nazis shouted for all the world to hear that simultaneously with the attack



on the radio station, Polish troops had crossed the German frontier in several places, in view of which the Wehrmacht had to take retaliatory measures.

In Nuremberg Keitel was asked about the Gleiwitz provocation. He made believe he knew nothing about it. Then a member of the OKW, Major-General Erwin Lahousen, who was Assistant Chief of OKW Intelligence (Abwehr), was called upon to testify.

"The affair on which I am now giving testimony," he said, "is one of the most mysterious actions. . . . It was the middle of August . . . Abwehr Division I, as well as my division, Abwehr Division II, were given the task of providing Polish uniforms and equipment, such as identification cards and so on, for an Undertaking Himmler. . . . Canaris informed us that people from concentration camps had been disguised in these uniforms."

The testimony poured in, and Keitel without whose instructions no German soldier could move against Poland, the man who along with Hitler approved Fall Weiss, could no longer deny complicity in the Gleiwitz provocation.

"He (Admiral Canaris)," he finally admitted, "told me at that time that he was to make available a few Polish uniforms. . . . We both agreed that this was intended for some illegal action."

#### THE DIE IS CAST

Every new provocation brought him a new Order for his uniform and a higher rank.

Norway, Belgium, the Netherlands and France lay at Nazi Germany's feet. Keitel was a Field Marshal.

The year was 1941. Nazi Germany ruled almost the whole of Europe. Keitel's breast was adorned with several more decorations. From Hitler he received steadily increasing "subsides". The hereditary landowner rounded off his possessions—he was presented with a large estate.

Keitel was by no means tired of glory. The laurels he had won were not burdensome. But with all his lack of political and military foresight he gradually began to realise that along with possible new successes the further enlargement of the programme of expansion harboured surprises that might imperil everything already achieved by Germany and by him personally (which was just as important!). While

subscribing to the adventurism intrinsic in German militarism, he would have chosen to dig in in the positions that had already been occupied, at any rate to do nothing that might jeopardise these positions. However, as early as the close of the summer of 1940 Hitler informed him of his decision to attack the Soviet Union and ordered preparations for a new operation.

At the trial in Nuremberg Keitel declared:

"When I became conscious of the fact that the matter had been given really serious thought I was very surprised, and I considered it most unfortunate. I seriously considered what could be done to influence Hitler by using military considerations. At that time, as has been briefly discussed here by the Foreign Minister, I wrote a personal memorandum containing my thoughts on the subject, I should like to say, independently of the experts working in the General Staff and the Wehrmacht Operations Staff and wanted to present this memorandum to Hitler."

Curiously enough, according to Keitel, his memorandum to Hitler contained a reminder of the non-aggression treaty between Germany and the Soviet Union. The past master at abominable provocations, the man who had been expert at organising piratical attacks on neighbouring countries (which also had treaties of non-aggression with Germany), suddenly began to wave an olive branch.

It will be recalled that war against the Soviet Union was the cornerstone of Nazi Germany's foreign policy. Nonetheless, Keitel was dumbfounded when this war was put on the agenda by Hitler. In the months preceding the invasion of the USSR, Keitel had frequent conversations with other senior Generals, and here in Nuremberg he recalled that some of them did not go into raptures over the idea.

A war was being planned into which it would be easy to slide but from which nobody could forecast how and in what shape you would drag yourself out. Even some of the German diplomatists, notably the Ambassador in Moscow Schulenburg and the Military Attaché Koestring, who saw much with their own eyes, were against the war.

Hidebound as he was, Keitel did not offer the banal argument that Germany was not prepared for the Second World War. He had seen what came of such arguments when they were put forward by other defendants and their witnesses, who futilely tried to prove that Germany did not dream of

aggression if only because she was not prepared for war. Keitel had before him the results of such attempts, one of which was made by Field Marshal Erhard Milch.

The following is an extract from the Tribunal records:

*Prosecutor:* "And now you come here to testify, as I understand your testimony, that the regime of which you were a part put Germany into a war for which she was in no way prepared. Do I understand you correctly?"

"... Do you know of any occasion when any one of the defendants in the box ever took a public position against going to war?"

*Milch:* "Publicly, no; I cannot remember any occasion. But I rather think that also to the gentlemen who now stand accused the whole question of the war came as a great surprise."

*Prosecutor:* "You would like to believe that?"

*Milch:* "I do believe it, yes."

*Prosecutor:* "You do believe it. How long did it take the German Armed Forces to conquer Poland?"

*Milch:* "To conquer Poland—18 days, I believe."

*Prosecutor:* "Eighteen days. How long did it take to drive England off the Continent, including the disaster of Dunkirk?"

*Milch:* "I believe six weeks."

*Prosecutor:* "How long did it take to overrun France and take Paris?"

*Milch:* "Two months in all."

*Prosecutor:* "And how long did it take to overrun Denmark and take possession of Norway?"

*Milch:* "Also a short time. Denmark took a very short time, because Denmark gave in immediately, and Norway gave in in a few weeks."

*Prosecutor:* "And you testify, and you want this Tribunal to understand you, as an officer, as saying that there was no preparation known to the officers in advance of those movements? Is that your testimony as an officer?"

*Milch:* "Pardon me, I did not understand you."

Yes, the wars Milch spoke of were magnificent, and as Keitel and his ilk saw it, they could be started with every confidence in a quick victory. But war against the Eastern colossus was a horse of quite a different colour. This was realised by Keitel and by some other nazis for all their adventurism.

Asked about what happened to his memorandum to Hitler, Keitel replied:

"Some time later at the Berghof, after a report of the situation had been given, I handed him that memorandum when we were alone. I think he told me at the time that he was going to study it. He took it, and did not give me a chance to make any explanations."

Keitel did not expand any further on this point, giving the impression that his talk with Hitler about the invasion of the Soviet Union ended on that note.

But, obviously, he passed something over in silence. This became known much later. When the trial ended and the Judges retired to consider the sentence, Otto Nelte had a meeting with his client. This happened on September 25, 1946, several days before the sentence was pronounced. The attorney suggested that Keitel write his reminiscences of the war. The relationship between the two men was not restricted to the fact that one was a defendant and the other a lawyer. They had known each other for many years and were even related. Keitel liked the suggestion, and he got down to work in his cell, completing the reminiscences in that week before the sentence was passed and giving them to Nelte.

That is where we find new details about the memorandum handed to Hitler in the Berghof. Keitel recalls that for several days he waited for a reply in vain. Then he reminded Hitler of the memorandum and in August 1940 they talked it over. Keitel asserts that this was an "instructive" talk. Hitler, he writes, told him: "Russia is at the stage where she is only building her military-industrial basis, but is still far from being prepared in that respect." What Hitler meant was that on the whole Russia was a weak country and in this situation they could be certain of the success of their planned invasion.

Keitel listened to his Führer attentively and servilely, but could not free himself from his own impressions of that country. While he listened, his memory took him back to the not too distant past, to 1931. That year he had taken advantage of the spirit of good relations between the Weimar Republic and the USSR to go to the Soviet Union and closely observe the life of that country. As he spoke to Hitler ten years after that trip, he could not help remembering his observations: "Unheard-of expanses, the existence of all

sorts of raw materials as a requisite for building an independent economy. The people's unshakable belief in restoration and in the five-year plan. The uncommonly swift rate of construction. Western Russia resembled a mammoth building site. Every factory had its own five-year plan, which it was vigorously fulfilling in competition with the others. Money played no role. The Red Army was the favourite child of the Communist Party."

The more Hitler argued about Russia's internal weakness, the clearer Keitel visualised all that he had seen in that country which he found enigmatic.

This was a long talk and Keitel was impressed. If it is borne in mind that what he doubted was not whether Germany should invade the Soviet Union but only whether the invasion should be started in 1941 or whether it was advisable to launch it later, it will not be difficult to see how simply the two reached a unanimous opinion.

Hitler was secure in his belief that the Soviet Union was easy prey. Once more Keitel was assailed by doubts, this time about his recent misgivings. If Germany was victorious, if Hitler, Jodl and the young generals proved to be right, what picture would he, Keitel, cut? In the end he devoted himself body and soul to the preparations for the invasion of the Soviet Union.

But when Keitel and Jodl found themselves in the dock their views about the war in the East suddenly diverged once again. Jodl maintained that it was a preventive war, while Keitel was certain nobody would believe that assertion. It would make it incomprehensible why in the beginning he, Keitel, had opposed the war, why Goering had insisted on delaying the attack on the USSR until the end of the war against Britain and why Raeder supported Goering.

Jodl cited data purporting to prove that Soviet troops had been massing on the German frontier, that the Red Army was preparing to attack Germany. Pressured by facts, Keitel had to refute this.

#### **BEHIND THE SEA LION CURTAIN**

The principal aim of the preparations against the USSR was that the attack should be strategically sudden.

This was a time when the nazis spoke openly of their preparations to invade the British Isles. Indeed, they even

had a plan—Operation Sea Lion. But on September 17, 1940, in connection with the decision to prepare for the invasion of the Soviet Union, Hitler ordered Operation Sea Lion to be postponed indefinitely. On October 12 of the same year, all preparations for the invasion of Britain were halted.

In Nuremberg Keitel and Jodl admitted, of course, that from September 1940 onwards Operation Sea Lion continued to exist only as a grandiose military provocation. During the tense months of preparations for the attack on the USSR Keitel decided that there should be more talk about Operation Sea Lion than before. There was only one major change: the plan was transferred from the General Staff Operations Department to another department that would use it to mislead the country that was to be attacked.

A secret directive on misinforming the enemy was signed by Keitel on February 15, 1941. It stated: "The purpose of misinformation is to conceal the preparations for Fall Barbarossa. This principal aim shall underlie all the actions taken to deceive the enemy."

The propaganda campaign against Britain was stepped up. In every speech which they made in this period Hitler, Rosenberg, Goering and Ribbentrop denounced the "British plutocracy" and promised to deal summarily with it. Operation Barbarossa was already approved, German troops were massing in the East, Hitler had received a report on the state of the preparations for the attack on the USSR, and Goebbels and Fritzsche were still shouting hysterically about the coming invasion of Britain. But the more they shouted, the more Goering diminished the bombing raids against the British Isles. In fact, the raids diminished to such an extent that at the close of January 1941 the *Daily Telegraph and Morning Post* correspondent offered the conclusion that the lull was almost certainly linked up with German preparations for a new large-scale offensive, that "Germany was building up her reserve of veteran pilots".

Another large-scale offensive? That was true. But against whom? Against Britain, of course, it was doggedly asserted in Berlin.

In February 1941 the German official bulletin *Dienst aus Deutschland* wrote: "In Berlin it is felt that the possibilities for an invasion are so varied that the British will find it extremely difficult to divert Germany's attention from this action by false demonstrations. German circles point to the

error committed by Ludendorff, who found himself short of manpower and material reserves for a blow in the main direction when in the West the moment for decisive battles came. This happened because he scattered his forces in remote theatres. Germany, military circles declare, will not permit a repetition of that error."

Hitler presently tried to thicken the curtain of fog with a speech in Munich on the occasion of the anniversary of the founding of the Nazi party. In this speech he attacked Britain time and again, promising an early invasion of that country:

"From March and April onwards the British will have to prepare for totally different things. They will then learn whether we spent the winter in hibernation and who had made better use of time."

Meanwhile there was a steady flow of German troops to the East, and it was no longer possible to conceal this concentration. Keitel had to issue a new order stating that the "strategic deployment of forces for Operation Barbarossa is to be represented as the greatest misleading manoeuvre in the history of wars with the purpose of diverting attention from the final preparations for the invasion of Britain. . . .

"Even those troops designated for action directly in the East," the order underlined, "are to be kept in ignorance, as long as possible, of the actual plans."

On orders from Keitel and Jodl rumours were spread about an airborne task force which was only temporarily stationed in the East, where, of course, it was training for a landing in Britain. They ordered English-language interpreters to be sent to the troops being massed in the East.

The spring of 1941 set in. X-Day, the fatal day of the invasion of the Soviet Union, drew ever nearer. The misinformation acquired increasingly more subtle forms. Keitel ordered the publication of huge editions of topographical maps of Britain and their distribution among the troops concentrated in the East. Some areas along the coast of the English Channel, the Strait of Dover and in Norway were urgently cordoned off and the rumour spread that German missile batteries had been set up there.

The secret of the imminent invasion of the USSR was closely guarded.

There was an extremely interesting episode in this connection. One of the witnesses in Nuremberg was Moritz von

Schirmeister, who was a high-ranking official of the Propaganda Ministry. He related how Goebbels backed up the efforts made by Keitel and Jodl to mislead the enemy. In the spring of 1941 he called a conference of his underlings and told them:

"Gentlemen, I know that some of you think that we are going to fight Russia, but I must tell you today that we are going to fight England; the invasion is imminent. Please adapt your work accordingly. You, Dr. Glasmeier, will launch a new propaganda campaign against England."

In his turn, Keitel called a press conference—on March 2, 1941—which was addressed by General Bate of the OKW. He sought to convince the press that the German Command would never make the same mistake as Wilhelm II by fighting on two fronts. He called a war on two fronts a "tragedy", and said that such a war was "oppressive". He spoke of the Battle of the Marne, when everything seemed to go in favour of Germany, but "the Russian offensive in East Prussia snatched the victory out of our hands". He said the war on two fronts "increasingly deprived" the German Command "of freedom of action".

He reached pathological heights when he stated that "in military histories the Russians have been greatly underrated. What the Russian soldier, the huge Russian Army had done for the British and the French in 1916 has not been fully recognised. . . . The Brusilov offensive put us in mortal danger on the Eastern Front."

One of the concluding discussions of the impending campaign was held in the German General Staff on June 6, 1941. Keitel submitted a schedule of offensive operations against the USSR. The days of peace were numbered.

A report on the final stages of the preparations for the invasion under Operation Barbarossa was made at a conference in the Reich Chancellery in Berlin on June 14, 1941.

On June 22 German troops attacked along the entire front. It was all Keitel could do to move the flags on his map. He went so far as to order an engineering unit to be prepared to destroy the Kremlin. He expected Moscow to be captured at any moment.

This was when he abundantly demonstrated his devotion to Hitler, as though asking forgiveness for his wavering in the past. A golden opportunity afforded itself on July 16, 1941, when the nazi gang held a conclave to discuss the



annexation of Soviet territories. Keitel joined actively in the discussion. But now, in Nuremberg, he huddled himself up and made believe he did not remember anything about this conference. But Rudenko reminded him:

"But you do remember that even then, on July 16, the question was already being advanced about the annexation by Germany of the Crimea, the Baltic States, the regions of the Volga, the Ukraine, Byelorussia and other territories?"

Keitel dropped his eyes. He could not remember if he was at that conference at all. But on second thought he recalled that he had been detained somewhere and arrived after they had discussed the question mentioned by the Prosecutor.

"Questions of personnel were discussed, that is, certain personalities who were to be appointed."

He failed to see that these words betrayed his knowledge not only of the planned annexation of the above-mentioned territories but of the appointment of high commissioners for them as early as July 16, 1941.

#### HIMMLER'S MASTERPIECES AND JODL'S LIES

Both Keitel and Jodl were well aware of the gravity of the charge of preparing and starting wars of aggression. It would, however, be a mistake to think that they feared this count most of all. Whichever way you looked at it, the unleashing of war was a complex process involving the entire machinery of state, and, essentially, every one of the defendants in Nuremberg had this charge brought against him. Besides, the defence attorneys had put forward the shrewd argument that nobody had yet proved that aggression was a crime.

Keitel and Jodl were more worried by another accusation. You could not call it a moot point, nor could you wrap a fog around it.

This was the charge of war crimes, of crimes against humanity. On this count everything was much more clear and simple. On this count the defence could not refer to League of Nations resolutions and plead that they had not been ratified. And you could not refer to the Briand-Kellogg Pact, which some people called a "vision of peace throughout the world", and others christened "an international kiss". On the other hand, there were international conven-

tions, reminding one of criminal codes. They established what actions of the belligerent powers, of their governments, were violations of international law, i.e., international crimes.

As soon as the prosecution went over to evidence of war crimes, Keitel felt as though he had been cast adrift in a frail boat on a heavy sea.

Did he know the meaning of international law, of the Hague and Geneva conventions? Of course, he did. Like all the other defendants, he did not conceal this from the Tribunal. He went to the extent of explaining to the Tribunal that in the modern world every military clash was accompanied by violations of the laws and customs of warfare. Modern armies consisted of millions of men and you couldn't very well keep an eye on each of them, to see that in a fit of temper they did not kill a prisoner of war, or rob a civilian. Besides, it was universally acknowledged that the conditions of armed struggle had changed radically; and in themselves these new conditions made it difficult to adhere to the laws and customs of warfare. Conventions prohibited the killing or wounding of civilians. But how were you to prevent such killing when you used bomber aircraft and long-range artillery. Aircraft now carried hostilities over the heads of the armies locked in combat, bombing factories which in many cases were sited in densely populated cities. Was it possible under such conditions to avoid killing civilians? And who was it that said that to a country fighting a total war a soldier was more dangerous than the steelmaker making armour for tanks?

This was the kind of theoretical armament that the Wehrmacht chiefs used in face of the charge of revolting war crimes. Another argument was that in the wars preceding the nazi aggression, laws and customs had been also violated.

Still, Keitel could boast that under him the Wehrmacht High Command introduced something fundamentally new into the practice of violating the laws and customs of warfare. They turned this into an organised system sanctioned by the state. We have already mentioned that Keitel did not particularly interfere in the planning of operations—that was the job of Alfred Jodl, Walter Warlimont and others. He saw his task chiefly in evolving a system of methods of warfare that would ensure the attainment of the

criminal military and political aims of aggression. In this sphere Keitel was unsurpassed.

Those who served Hitler could not fail to share his basic ideas and principles. Keitel knew perfectly well that Hitler demanded "devising a technique of annihilating people". It was Hitler who coined the word "depopulation". Keitel was no theoretician either in the military or the political sphere, but that was not required of him—to understand that the system of depopulation sprang from the race doctrines of German nazism. He had attended many conferences in which Hitler expounded his programme: some peoples—Poles, Czechs, Jews—were to be totally exterminated, others were to be undermined biologically. He knew of Operation East, which called for the physical extermination of 30 million Slavs. Hitler spoke openly of his intention to turn a number of European countries, including, of course, the Soviet Union, into German colonies.

Comprehending all this, Keitel undertook to draw up a series of bloodthirsty orders that were unprecedented in the history of wars, and planned war crimes.

As early as March 1941 the OKW had prepared an Order of the Day on the mass slaughter of Soviet war prisoners. On May 12 this diabolical document was supplemented with an order on commissars, on the killing of all political officers of the Soviet Army.

It was obvious even to the rank-and-file German soldier that he was required to commit crimes for which he would possibly have to answer. Keitel was fully aware of this and on May 13, 1941, providentially signed a new Order of the Day absolving Wehrmacht soldiers of responsibility for any, even criminal, violations of the laws and customs of warfare.

How was it possible to justify orders of that sort? Not only the dullish Keitel, but even the astute Jodl was unable to answer that question.

\* \* \*

A film showing nazi brutalities was screened in the courtroom of the Palace of Justice.

No, no, the Wehrmacht knew nothing of this. Neither Keitel nor Jodl had anything to do with all these atrocities.

It was not that they denied the very fact of these crimes. They did not argue: perhaps there had been places like

Oswiecim and Majdanek, where millions of people were put to death. But they begged the Judges to believe them that the military were not only kept in ignorance of all this but could not even imagine such things were taking place.

Jodl declared at the trial:

"The secrecy concerning the annihilation of the Jews, and the events in the concentration camps, was a masterpiece of secrecy. It was also a masterpiece of deception by Himmler, who showed us soldiers faked photographs about these things in particular, and told us stories about the gardens and plantations in Dachau, about the ghettos in Warsaw and Theresienstadt, which gave us the impression that they were highly humane establishments."

I should like to repeat: whatever his morals, Jodl was an intelligent person. That made his statement all the more astonishing. It was a ludicrous statement to make in view of the virtually tons of documentary evidence proving the indisputable fact that Himmler was least of all worried about producing masterpieces of secrecy where Keitel and Jodl were concerned.

In the evening after the showing of a documentary about nazi atrocities, Dr. Gilbert made his usual round of the cells. He found Keitel dining.

"It is terrible," Keitel said about the film. "When I see such things, I'm ashamed of being a German."

He explained to Gilbert elaborately that the German General Staff was not implicated in all this. He did not question the film's authenticity. Everything they said about the SS and the Gestapo was true. They were fiendish organisations. He, Keitel, had no complaint to make against the investigators, the prosecutors or the judges. He had not seen such a normal, unbiased court for a long time. Nonetheless, here in Nuremberg they were treating him very unfairly in just one respect: they had made him sit next to that fiend Kaltenbrunner, to that personification of Oswiecim and Dachau. He wanted Dr. Gilbert to believe that when he had demonstratively turned away from Kaltenbrunner that first day in the dock, and had refused to shake hands with him, it was not a theatrical gesture. It was the natural reaction of a man of lofty traditions, a man who was unwilling to smear his reputation even by touching that butcher.

The Wehrmacht chiefs went on clowning in this way. But not for long. The prosecutors unmasked them with little effort.

Operation East envisaged the extermination of 30 million Slavs, to say nothing of the annihilation of the entire Jewish people. Who specifically had the task of carrying out this programme? This question was deliberated in all its aspects at talks between the OKW and the Reich Security Office, i.e., those organisations whose chiefs were in the dock in Nuremberg. The talks were between Quartermaster-General Wagner representing the OKW and Reinhard Heydrich, then chief of the Gestapo, and then Ernst Kaltenbrunner, who replaced him.

Keitel and Jodl did not feel quite themselves when the Tribunal went into all the details of this agreement, which was concluded virtually two weeks before the Soviet Union was invaded. One of its provisions was that the Wehrmacht Command, being informed of the establishment of Einsatz groups attached to armies and corps, would co-operate with them in the mass extermination of the Soviet population. In those days Keitel was not worried about "smearing his reputation" by collaborating with hangmen.

The clouds were gathering rapidly: Otto Ohlendorff of the SS was put in the witness stand. As the reader already knows he headed Einsatz Commando D in Southern Ukraine, where this pack of cut-throats put to death 90,000 Soviet people. Ohlendorff declared that the Wehrmacht Command co-operated most loyally with his unit. This co-operation led to friendship between him, Ohlendorff, and Field Marshal Erich von Manstein, 11th Army commander. Ohlendorff felt he had to tell the Tribunal that he held the Field Marshal in the greatest esteem and, in particular, acceded to his request to avoid mass shootings closer than 200 kilometres to 11th Army Headquarters. He took this idiosyncrasy into account, although Manstein never refused to accept hundreds of watches from the Einsatz Commando and present them to his officers. Manstein put soldiers at Ohlendorff's disposal to act as executioners, while for his part Ohlendorff punctiliously sent Manstein watches and other valuables taken from the victims. As a matter of fact, Manstein admitted this in his affidavit. One marauder was worth the other.

Keitel could go on repeating "those SS swine". Jodl could go on talking about Himmler's "masterpieces of secrecy". But both were caught red-handed. This first painful blow was followed by others with mounting force.

Keitel was shown an Order of the Day bearing the sinister

heading "Nacht und Nebel" ("Night and Fog"), which cost hundreds of thousands of people their lives. With the aim of intimidating the population of the occupied territories, this order prescribed the secret transportation of men and women to Germany, where they were subjected to the most inhuman treatment and in the end were destroyed in death camps. Ask Keitel how this barbarous document tied in with the total war doctrine, with the statement that "large numbers of casualties are inevitable in war as a consequence of progress in military technology"? He will not answer that question. Then why did he, a man of "old and lofty tradition" sign such a cruel sentence on hundreds of thousands of innocent people?

He admitted that he was aware that this order was criminal. He claimed he had even delayed its publication.

"My efforts were in vain," he added. "The threat was made to me. . . ."

So that was it! He was threatened! But what kind of threat? Perhaps death, a concentration camp, or at least a demotion? Nothing of the sort.

"The threat was made to me," he said, "that the Minister of Justice would be commissioned to issue a corresponding decree."

Indeed, a most horrifying threat. Keitel ran the risk of losing the Führer's trust. To preserve it was so simple—all he had to do was to sign the "Nacht und Nebel" order. He promptly signed it.

Hundreds of thousands of victims! But what of it? The compensation was that his relations with the Führer would continue to be good.

That was what Keitel thought at the time. But how all this boomeranged in Nuremberg.

\* \* \*

The time was October 1939. The Wehrmacht's guns had done their grim work on tormented Polish soil and were now silent. Keitel was telling the Führer what he thought the occupation policy should be in Poland.

Unfortunately for him, the Tribunal was in possession of the minutes of this conversation, and they contained the following words:

"The Polish intelligentsia must be prevented from forming

a ruling class. The standard of living in the country is to remain low. We want only to draw labour forces from there."

Keitel spoke to Hitler of mass persecution of the Polish intelligentsia, of the shooting of its most prominent representatives. They were determined to render the Polish people intellectually leaderless.

At the trial Keitel could not deny that these minutes were authentic, but he tried to extricate himself from this extremely unpleasant situation. He pleaded that these were all Hitler's ideas and that the Wehrmacht knew nothing about them. But the next question knocked the bottom out of this plea. The prosecution asked him if he saw Admiral Canaris at the time. Of course, he saw him. The prosecution followed this up by stating that it had the minutes of a conversation between Keitel and Canaris during which the Admiral informed the OKW Chief of the mass shooting of Poles, of the slaughter of Polish intellectuals. Naturally, he spoke impassively, without suffering the least remorse. But being an intelligent person and one who was familiar with international law, the Abwehr Chief voiced the apprehension that "some day the world will make the Armed Forces, under whose eyes these events have occurred, responsible for these events".

The Soviet Prosecutor submitted a document bearing the heading "Instructions on Military Jurisdiction in the Barbarossa Region and on Special Measures To Be Taken by the Armed Forces". These instructions, signed by the OKW Chief six weeks before the invasion of the USSR, envisaged the most brutal reprisals against the Soviet civilian population. Further testimony of Keitel's efforts to carry out the Hitlerite programme most scrupulously came when Rudenko read an OKW Order of the Day of September 16, 1941, in which it was stated in black and white that "in the countries affected human life has absolutely no value". Keitel, who had so strongly assured the Tribunal that the "Wehrmacht had nothing to do with it", demanded in this order:

"To atone for the life of one German soldier, 50 to 100 Communists must, as a rule, be sentenced to death. The method of execution should strengthen the measure of deterrent."

Perhaps Keitel did not recall this order or disavowed it?

By no means. He argued about the figures in it. The following is an excerpt of the minutes of the hearings:

*Keitel*: "I signed the order but the figures contained in it are alterations made personally by Hitler himself."

*Rudenko*: "And what figures did you present to Hitler?"

*Keitel*: "The figures in the original were 5 to 10."

*Rudenko*: "In other words, the divergence between you and Hitler consisted merely in the figures and not in the spirit of the document?"

*Keitel*: "The idea was that the only way of deterring them was to demand several sacrifices for the life of one soldier."

\* \* \*

Keitel's line of defence at the trial was thus gradually demolished under pressure of incontrovertible documentary evidence. This evidence cut the ground from under the position adopted by the defenders of German militarism, who tried to impute the blame for the atrocities to the new conditions springing from the development of new armaments.

Thus fizzled out yet another "line of defence". At the outset of the trial the defence felt it possible to say that "it was all the handiwork of the SS and the Gestapo" and that the "Wehrmacht had nothing to do with it". But when documents unmasking the OKW and Keitel personally rained down, Keitel had recourse more and more frequently to standard, primitive excuses to the effect that he had acted as a subordinate, that he carried out orders from his superior. He explained that in nazi Germany the Führer's orders were law. That was not new. The principle of the highest duty had been enunciated by Immanuel Kant. Keitel maintained that obedience, blind obedience had become a national quality of the German people. Had the world not had sufficient proof that for Germans it did not matter if their work did not serve a worthy aim?

The purpose of these arguments was to convince the Tribunal that he, Keitel, and all other Germans served their suzerain, Adolf Hitler. He did not argue. He was prepared to admit that he had possibly served an evil cause well. He had nonetheless served it, unquestioningly carrying out orders even when in spirit they clashed with his convictions. Orders are orders—such is the code of honour of a hereditary officer. What a pity he could not call in the Königsberg philosopher as a witness.



"I did nothing more or less than write down a decree by the Führer," Keitel replied to a question by the Soviet Prosecutor about the OKW directive envisaging Yugoslavia's destruction as a state.

"That was an order which was given to me by Hitler. He had given me that order and I put my name under it," he doggedly reiterated when he was questioned about the order empowering German officers summarily to shoot "suspected" Soviet citizens.

"I merely passed on the orders received from the Führer," he repeated, when Roman Rudenko exposed him as Goering's accomplice in issuing the directives on the looting of the occupied regions of the USSR.

But maybe he had, after all, adopted decisions independently, without consulting Hitler? He rubbed his forehead. He "honestly" tried to remember, but there really didn't seem to be anything to remember.

The prosecution again refreshed his memory. They reminded him that where the nazi satraps were not sure about what reprisals to take they invariably sought his, Keitel's, advice. He wrote his resolutions on their written inquiries. There were many of these inquiries, but the nature of this admirer of Immanuel Kant was such that he forgot what he wrote down on paper even before the ink dried. Some of these resolutions were shown to Keitel at the trial. This unnerved him. Like Goering, he put all this down to "momentary fits of passion". But neither Goering nor he could state a single instance when they had done something good in a "fit of passion".

The resolutions penned by Keitel could only have been written by a man who was absolutely certain that the fortunes of war would not let him down. And if they were ever destined to become public, it would only be in a museum of military glory. There they would perpetuate the memory of the determination and colossal energy displayed by Wilhelm Keitel in leading Germany to victory.

But the fortunes of war were unkind to him. Instead of a museum of military glory he and his resolutions found themselves in the museum of eternal ignominy.

The French air squadron Normandie-Niemen was part of the Soviet forces locked in combat with the German Army on the Eastern Front. The French flyers fought courageously, understanding that this was a struggle for the freedom and

independence of their homeland. Keitel could not put his hands on these French lads. But he knew that their fathers and mothers, that their relatives resided in occupied territory, and he wrote one of his infamous resolutions: detailed investigations are to be made against "relatives of Frenchmen who fight for the Russians". The same Keitel, who in Nuremberg spoke of the "dirty SS swine", ordered the German commander in France to co-ordinate his actions against the families of anti-fascists with the SS and the Gestapo. The British Prosecutor Sir David Maxwell-Fyfe read this order and asked:

"Can you imagine anything more dreadful than taking severe measures against the mother of a young man who has helped him to go and fight with the Allies of his country? Can you imagine anything more despicable?"

To which, after a silence, Keitel replied:

"I can think of many things since I have lost sons of my own in the war."

Sir David cut short this attempt to evade responsibility:

"You appreciate the difference, defendant, between the point which you made and the point which I make. Losing sons in a war is a terrible tragedy. Taking severe measures against a mother of a boy who wants to go and fight for his country's Allies, I am suggesting to you, is despicable. The one is a tragedy; the other is the height of brutality."

Sir David let Keitel read yet another document. Keitel glanced at the signature. It belonged to Terboven, the German governor of Norway.

Had he written anything to this one also which had proved to be worthy of attention in Nuremberg? Yes, he had. Terboven wrote to Berlin stating that he had received a telegram from Keitel "asking for a regulation to be issued, making members of the personnel, and, if necessary, their relatives, collectively responsible for cases of sabotage occurring in their establishments". Terboven gave his opinion that death was the best and, essentially, only form of punishment for suspects and their relatives.

The Prosecutor drew Keitel's attention to his own resolution, which states: "Yes. That is best. Keitel." Terboven got what he wanted—the OKW chief's agreement to summary execution. And not only of partisans but of their relatives.

In face of incontrovertible evidence, Keitel admitted:

"I did make that marginal note."

He did not like the word "resolution", much preferring the innocuous words "marginal note".

He knew perfectly well that international law demanded the humane treatment of prisoners of war, that it prohibited the killing or humiliation of war prisoners. Yet on September 15, 1941, he signed a new order on the mass extermination of Soviet POWs. The mammoth scale of the crimes envisaged by this order frightened even the Abwehr chief Admiral Canaris. He feared that in reprisal the enemy would treat German POWs similarly. Canaris wrote to Keitel that since the 18th century the general principles of international law on the treatment of prisoners of war "have gradually been established along the lines that war captivity is neither revenge nor punishment, but solely protective custody, the only purpose of which is to prevent the prisoners of war from further participation in the war. This principle was developed in accordance with the view held by all armies that it is contrary to military tradition to kill or injure harmless people. . . . The decrees for the treatment of Soviet prisoners of war enclosed are based on a fundamentally different viewpoint".

Keitel wrote the following "marginal note" on this document:

"These objections arise from the military conception of chivalrous warfare. We are dealing here with the destruction of an ideology and, therefore, I approve such measures and I sanction them."

Submitting these documents to the Tribunal, Roman Rudenko turned to Keitel:

"I am asking you, defendant Keitel, known as Field Marshal and one who, before this Tribunal, has repeatedly referred to yourself as a soldier, whether you, in your own bloodthirsty decision of September 1941, confirmed and sanctioned the murder of the unarmed soldiers whom you had captured. Is that right?"

Keitel was silent for many minutes. In this case he could not even plead "duty", or refer to "an order from Hitler". He could do nothing save declare:

"I signed both decrees and I, therefore, bear the responsibility within the sphere of my office; I assume the responsibility."

Once more Keitel shed his imaginary knight's armour, and instead of the hero of *Nibelungenlied*, such as the erst-while Field Marshal tried so vainly to make himself out to be, there was a pitiful figure of a man before the Tribunal. He had eagerly exchanged his honour as a soldier for the gold badge of the nazi party.

A rank-and-file soldier can sometimes plead that in carrying out the orders of his superior he was not conscious of the criminal nature of his actions. But what right had Keitel or Jodl to make statements of this kind? Had they not, being at the top of the military hierarchy, been in a position to see through the meaning of Hitler's orders?

The prosecution reminded them of Article 47 of the German Military-Criminal Code of 1940, which held the executor punishable as an accomplice in a crime if he was aware of the criminal nature of an order or exceeded the orders received by him.

Then followed yet another reminder: whenever they felt it was to their advantage, the nazi ringleaders unyieldingly rejected any attempt to justify actions by references to the "fulfilment of orders". They did not use that plea in 1940 when possessing overwhelming superiority in the air their aircraft piratically bombed peaceful towns in Europe. Goering and Keitel rubbed their hands in glee when they read the communiques on the destruction of scores of cities and many thousands of civilians. Warsaw, Belgrade, Rotterdam and London were subjected to criminal air-raids. The English town of Coventry was virtually wiped off the face of the earth, and the nazi war criminals coined the word "Coventririase".

But then came 1944. The Luftwaffe lost its superiority in the air. In spite of Goering's assurances that no enemy aircraft would appear in the sky over Germany, hundreds of US and British aircraft bombed German cities day and night. Keitel and Goering were unable to do anything to stop these total raids. Goebbels hastened to their rescue. In the *Voelkischer Beobachter* on May 28, 1944, he vented his spleen on the United States pilots who were bombing German cities. Having in mind the savage reprisals taken against captive pilots, Goebbels wrote:

"Pilots cannot plead that being soldiers they had obeyed orders. No military law absolves the soldier of a foul crime committed on the pretext of carrying out the orders of a

superior if this order is at variance with all the standards of humanity and all international customs."

The more these arguments were quoted by the prosecution the more Keitel became conscious of the futility of his attempts to plead "duty". It is unlikely that the Königsberg philosopher would have been pleased with an interpreter of his doctrine like Keitel: Kant's "categorical imperative" demanded of each person such norms of behaviour as he was prepared to adopt himself. That was the gist of Kant's maxim. But Keitel was far removed from that maxim. Goebbels was even farther from it than Keitel.

The final blow was struck when one of the prosecutors once again returned Keitel to the events of 1944.

The conspiracy against Hitler had failed. The conspirators, among whom were many generals, were arraigned before a "people's court". Some tried to save their skins by pleading they had acted on orders from their superiors.

Roland Freisler, the chief nazi judge, angrily pounded his fist on the table (all this was filmed) and shouted at the defendants:

"Who gave you the right to hide behind an order and thereby absolve yourselves of responsibility for this heinous crime, for this conspiracy against the head of state? No order can justify abominable crimes."

Hitler himself endorsed the sentence of the court, which rejected references to orders as a justification.

Keitel completely went to pieces after this reminder. His plea that blind subordination to orders was a "national feature" of Germans, an ineradicable even if distressing side of their nature, did not help. Johann Wolfgang Goethe, it will be recalled, angrily said of German philistines that "they ingenuously submit to any mad scoundrel who appeals to their lowest instincts, who confirms them in their vices and teaches them to conceive nationalism as isolation and brutality".

Keitel finally realised that his stake on "orders from above" had drawn a complete blank. Nobody could be convinced that a person occupying such a high post in the state was really fettered by "orders from above".

This prompted him and Jodl to adopt new tactics. They were conceived by Jodl, of course. Of the pair, he took the initiative by telling the Tribunal that he and Keitel, naturally, had realised that Hitler was compelling them to carry

out the most bestial, the most criminal orders, and they had, therefore, recourse to a camouflaged form of sabotage. What did this sabotage consist of? Keitel and Jodl felt that by adding their signatures to the decrees issued by Hitler they were intimating to the commanders on the spot that personally they would not insist on the fulfilment of these decrees. For that reason they included such prearranged phrases as "It is the Führer's long considered will" or "The attached directives. . . represent the Führer's views".

This was not the strongest of arguments. Nevertheless Otto Nelte quickly adopted it, and in his speech declared:

"Persons who received such letters knew from the wording that here was another order of the Führer which could not be evaded, and concluded that the order should be applied as leniently as possible."

However, neither the defence attorney nor the defendants could prove that these "prearranged phrases" in any way slowed down or mitigated the action of criminal, brutal decrees.

#### **A BUTCHER IN THE ROLE OF A HUMANIST**

Some time ago I read a book entitled *Fatal Decisions*, which gives the reminiscences of a group of German generals about the Second World War.

Today, when soldiers of the Bundeswehr hold exercises in Britain and other NATO countries, when attempts are being made to set up multilateral nuclear forces, some circles in the West are eager to eradicate the memory of the crimes committed by the nazi Wehrmacht and its leaders.

This purpose is served by opuses like *Fatal Decisions*.

The authors of *Fatal Decisions* assert that while in the East there were some violations of military ethic, in the West the war was conducted with every sign of chivalry. But the facts presented by the prosecution in Nuremberg completely refute assertions of this kind. Here's one of them.

The prisoners in the Sagan concentration camp included a group of British airmen. The conditions in the camp were horrible. Every day brought death and more death. The airmen made up their minds to escape by digging a number of tunnels under the fence, past the sentry posts. The tunnels were quickly completed. This was a titanic piece of work, and in March 1944 80 British flyers escaped.

The camp command reported the escape to Berlin. The police started a manhunt throughout Germany. Only three airmen made good their escape. Most were captured in Silesia. Some managed to get as far as Kiel and Strasbourg. Under heavy guard they were escorted in chains to the Hoerlitz prison.

Keitel called an emergency conference. He was prepared to take the sternest measures, in fact the measures he recommended were so stern that fearing future responsibility some of his subordinates doubted if they should be involved in this dangerous action. But Keitel insisted:

"Gentlemen, these escapes must stop. We must set an example. We shall take very severe measures. I can only tell you that the men who have escaped will be shot; probably the majority of them are dead already."

Major-General von Graevenitz, who attended this conference, objected:

"But, Sir, that is out of the question. Escape is not a dishonourable offence. That is specially laid down in the Convention."

Keitel stood in no need of explanations of this kind. He did not have to be told that international law regarded military captivity as a measure designed to prevent prisoners of war from further participation in battle, and that it did not make escape a punishable crime. On the contrary, throughout the world any attempt by a prisoner of war to return to his Army was always regarded as the fulfilment of patriotic duty. However, Graevenitz's objection exasperated Keitel.

"They will be shot..." he shouted, "and you will publish a notice in the prison camps where prisoners of war are held telling all prisoners of war what action has been taken in this case in order that it will be a deterrent to other escapes."

When Keitel was carefully reminded of the Geneva Convention, he lost all self-control and pronounced the words which later haunted him throughout the trial in Nuremberg:

"I do not care a damn. We discussed it in the Führer's presence, and it cannot be altered."

He sought to make his subordinates believe that in everything he did he acted confidently and, unquestionably, as a loyal servant of the Führer.

Actually, however, in 1944 doubts began to prey on him

and he decided that it would be wise to cover up as many of his tracks as possible. Evidence of this is provided by the following episode. Before posting the notice in the POW camps that escape was punishable by death, General Westhoff asked for a written confirmation of the order from the OKW Chief. But towards the end of the war Keitel had become more cautious, if not altogether cowardly. In the margin of Westhoff's report he wrote: "I did not definitely say 'shoot'; I said 'hand over to the police or hand over to the Gestapo'."

An astonishing piece of hypocrisy! As though Keitel did not know of the "Bullet Decree" (*Kugelbefehl*), which had long been in operation. Under that decree any war prisoner attempting to escape was subject to be turned over to the Gestapo, which had standing orders to shoot such prisoners. True, the *Kugelbefehl* only concerned Soviet prisoners of war. But Keitel's new decree covered all other prisoners of war.

The shooting of the British airmen had sharp repercussions in Nuremberg. Agitation gripped even the dock, particularly the military men in it. Keitel, Jodl, Goering and Doenitz, who had spoken so much of lofty military traditions, realised only too well that this brutality against unarmed prisoners of war had dealt their demagoguery a crushing blow.

The British Prosecutor G. D. Roberts asked Jodl:

"This was, would you agree with me—the word is not too strong—that this was sheer murder of these 50 airmen?"

Forgetful of his feeling of solidarity with his erstwhile chief, Jodl replied:

"I completely agree with you: I consider it sheer murder."

Keitel shot an angry glance at Jodl, although he realised that there was no other qualification for his behaviour.

At this point Goering suddenly intervened. As a former air ace he had no wish to be associated with the cold-blooded murder of captive airmen. Against the background of all the odious crimes committed by him it would seem that the murder of a few score of more men would make no difference. But the practised actor that he was, Goering was prepared to assume responsibility for the murder of millions of Russians, Jews, Poles and Czechs rather than admit the murder of British airmen, his "comrades-in-arms".

In his evidence about the conference held by Hitler where the fate of these unhappy men was decided, Keitel let



the cat out of the bag when he mentioned that Goering was one of the participants. This did not suit the former air ace at all. During the recess he pounced on Keitel like a hawk. It was related that he drove Keitel into a corner and extracted the promise that there would be a denial. Keitel kept his promise, but he did so with slow-witted bluntness.

"In this connection," he declared, "I must explain that Reich Marshal Goering was not present. If I was a little uncertain about that during my interrogation it was because I was told that witnesses had already stated that Goering was present. But right from the beginning I thought it improbable and doubtful. It is also incorrect."

It was not to be ruled out that he was putting on an act. By refuting his earlier evidence in this manner he possibly wanted to let the Tribunal know that he was being pressured by Goering.

Here is another example of Keitel's "humaneness".

The man in the witness stand was Maurice Lampe. To this day I see before me the sad eyes and emaciated face of this man, who had been a prisoner in Mauthausen. There was a tense silence when he spoke. The defence did not venture to pose any questions. Lampe related that a transport bringing 47 British, United States and Dutch officers arrived in the death camp on September 6, 1944. They were pilots shot down in battle. They were thrown into the camp prison. Shortly afterwards the camp commandant informed them that they had been sentenced to death. One of the American officers asked the commandant to be allowed to meet his death as a soldier. In reply he was bashed with a whip.

The 47 men, half-naked and barefooted, were led to a stone quarry. All the Mauthausen survivors remembered their execution. It was hell.

The doomed men were made to stand at the foot of a ladder and then forced to climb it with stones tied to their back. The initial load was from 25 to 35 kilos. As they climbed they were lashed with whips. Then the load was steadily increased and in addition to being whipped, they were kicked and beaten with rubber truncheons. Stones were thrown at them.

"This went on for several days," Lampe said. "In the evening when I returned from the gang with which I was then working, the road which led to the camp was a bath of

blood. . . . Twenty-one bodies were strewn along the road. . . . Twenty-six others died the following morning."

#### OPERATION GUSTAV

As the reader knows, many of the defendants quarrelled in the course of the trial, and some of these quarrels led to mutual denunciations. In this respect, Keitel and Jodl were, I think, exceptions. On only one occasion was it noticed that Jodl, who invariably dined with Keitel at one and the same table (which was called the "command table"), demonstratively refused to sit beside his former chief.

The reason, it was later learned, was that Keitel's role in the "Giraud Case" had come to light during the day's hearings. It so transpired that Keitel received a communication to the effect that the French General Maxime Weygand, who served the Vichy regime, was planning some mischief against the nazis. It might possibly be true that this betrayer of France's interests, a man who had made himself useful to Berlin and Keitel personally, decided that with Germany's defeat looming large it would be prudent to provide himself with a life buoy.

Keitel spoke of his apprehensions to Canaris and the latter's assistant General Lahousen, and ordered Weygand to be removed.

But at this juncture it was learned that General Giraud had escaped from a POW camp in Königstein. Who could have thought that the general, who was over 60, would climb down a rope from an elevation of 45 metres!

Cross-examining Lahousen, one of the prosecutors asked him to tell the Tribunal what was meant by Operation Gustav.

"Gustav," Lahousen replied, "was the expression used by the Chief of the OKW as a cover name to be used in conversations on the question of General Giraud. . . . The essential part of this order was to eliminate Giraud, in a fashion similar to Weygand."

*Prosecutor:* "When you say 'eliminate' what do you mean?"

*Lahousen:* "I mean the same as in the case of Marshal Weygand, that is. . . that he was to be killed."

The resourcefulness shown by Keitel in planning the capture and murder of Giraud came to light at the trial. This

came as a very unpleasant shock to the former Field Marshal. The man who entertained no doubts that the mass extermination of prisoners of war was quite justified by the "conditions of war", felt very awkward when the Tribunal went into the preparations for the elimination of Weygand and Giraud. Whichever way you looked at it, he, Keitel, was being accused of the attempted murder (without "orders from above") of men of his own profession. Here he could not refer to traditions of chivalry.

In the evening after Lahousen was cross-examined, Dr. Gilbert went to Keitel's cell and found him down in the mouth.

"I don't know what to say," he muttered, "that Giraud affair—well, I knew that was coming up. But what can I say? I know that an officer and gentleman like you must be wondering (*macht sich Gedanken*). These are things that attack my very honour as an officer. I don't care if they accuse me of starting the war. I was only doing my duty and following orders. But these assassination stories. I don't now how I ever got mixed up in this thing."

On the next day Keitel had his first experience of open condemnation by his fellow defendants: he was left alone at the "command table", which for months he had shared with Goering, Jodl, Raeder and Doenitz. Earlier it had never entered their heads to ostracise each other if suddenly it was proved at the trial that one of them was responsible for the slaughter of several million people in concentration camps (Goering), for the sinking of passenger vessels on the high seas (Doenitz), for the quartering of captive partisans (Jodl). All of them turned away from Keitel only when they learned of the role he had played in planning the assassination of the French Generals Giraud and Weygand.

Dr. Gilbert cautiously broached the subject to Jodl.

"There are certain things that one cannot reconcile with an officer's honour," Jodl said.

"Like assassination," Dr. Gilbert interjected.

Jodl hesitated, then answered very quietly:

"Of course, that cannot be reconciled to officer's honour. Keitel had told me that Giraud was under surveillance ... but never a word about assassination. Oh, such things have happened in military history.... But I never thought one of our own Generals...."

Without ending the sentence he looked at the floor.

"I notice you don't eat at the 'command table' any more," Dr. Gilbert remarked.

"Oh, did you notice that?" Jodl said on a more cheerful note. "Well, I don't want to hit a man over the head when he's down—especially when we're in the same boat."

It is hardly worth attaching any weight to these words. It was a burlesque if anything, that he should suddenly become astonished that "one of our own Generals" could be involved in that dirty business of planning Giraud's assassination. As though all the other countless actions taken by Keitel and Jodl himself against entire nations, as a result of which millions of people lost their lives, were any more compatible with the infamous "officer's honour".

Something else was much more important: although Keitel and Jodl "were in the same boat", their positions proved to be different by the time the hearing came to an end. Keitel admitted many things, and in doing so pleaded that he was carrying out orders. But even in cases when he denied his guilt, the amazing naiveté of his arguments only convinced everybody that he was guilty.

Jodl proved to be more subtle and more resourceful than Keitel.

#### ULYSSES OF THE 20TH CENTURY

Jodl was defended by Franz Exner, one of the few attorneys who wore a purple robe. It surprised me that this old scientist, as Exner liked to call himself, had been chosen to defend a man who was Chief of Operations and, in effect, the head of Hitler's personal staff.

Exner himself, evidently, felt he had to explain his position. But how bitterly and disgustingly ironical his words sounded as the trial progressed.

He began his speech quite effectively:

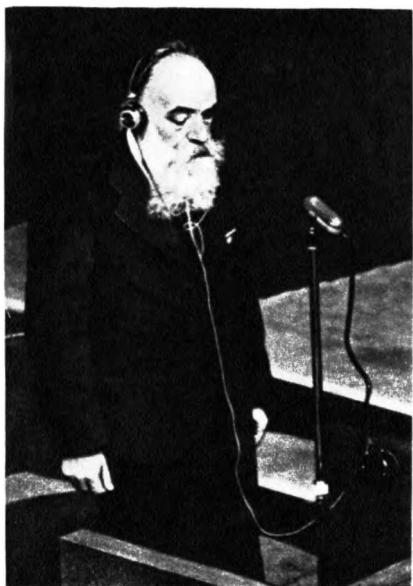
"I made his (Jodl's) acquaintance about 20 years ago in the house of his uncle, the philosopher Friedrich Jodl, in Vienna. There I had a conversation with him on training for the career of an officer. The young captain spoke with such moral earnestness, and what he said was so far from anything that could be called militarism, that I have always retained it in my memory. I then lost all contact with him until last autumn, when I received the surprising summons to defend him here. My first thought was: 'This gallant soldier must

Soviet Assistant Chief  
Prosecutor L. R. Sheinin



Soviet pressmen V. Vishnevsky, V. Sayanov, cartoonists the Kukryniksy and B. Yefimov, TASS correspondent B. Afanasyev, *Krasnaya Zvezda* correspondent P. Troyanovsky, and others





Academician I. A. Orbeli in the witness stand

They were the interpreters



be helped.' But I doubted whether I should undertake this, as I am not a professional attorney. But when I met him in the courthouse for the first time, he said something to me which swept away all my doubts: 'Rest assured, Professor,' he said, 'if I felt a spark of guilt in me, I would not choose you as my defence counsel.' Your Honours, I think words like these can only be spoken by a gentleman, not by a criminal."

The "gentleman" Alfred Jodl served in the artillery during the First World War, then became a General Staff officer. He was regarded as a very capable officer of the General Staff and was very soon appointed to a key post. As Chief of Operations of the OKW, a position specially created for him, the indefatigable Colonel-General directed the planning of all of the Wehrmacht's operations.

Caustic, quick and sufficiently well-read in his field to give him a ready tongue in his head, his line of defence differed from Keitel's. He made up his mind that the prosecution would not get a single admission from him. He believed Keitel was making a mistake by admitting some of his crimes, even if those admissions were made with reservations.

I have already mentioned that on the scales of justice in Nuremberg Jodl's guilt was, in principle, not less but, in some respects, even greater than Keitel's. A clever enemy is always more dangerous. In Jodl the peoples of the world should have seen the principal organiser of nazi Germany's military gambles. The plans for the piratical invasion of other countries were conceived by him. He planned the aggression against Austria and Czechoslovakia, against Greece and Yugoslavia. The peoples of the USSR "owe" Operation Barbarossa to him.

However, at the trial he sought to create the impression that he was nothing more than a strategist, that he had nothing to do with the enormous crimes committed by nazism. On top of that, he claimed that he had tried to stop them wherever he could.

He frequently drew on his fairly good knowledge of military history to prove that many of the provocations (Jodl called them "military ruses") resorted to by the military hierarchy of the nazi Reich had precedents. When they were asked to explain the provocations organised by the OKW against Austria, Keitel pleaded that he was obeying Hitler's orders, but Jodl quoted history.

"It seems to me," he said, "that such ruses do not in any way clash with the law. Generally speaking, marked cards are always used in the gambling house of history, both in politics and in war."

Franz Exner, the old professor and friend of the philosopher Friedrich Jodl, backed up his client. He asked the Tribunal to believe him that "such ruses have been used ever since the Greeks built their Trojan Horse. Ulysses, the initiator of this idea, is praised for this by the ancient poets as a 'man of great craft', and not branded as a criminal. I do not see anything unethical in Jodl's behaviour either. . . . In the relations between states somewhat different ethical principles obtain than are taught in Sunday schools."

The only merit of these arguments is that they require no comment.

Jodl was asked about the provocations against Czechoslovakia. With undisguised cynicism he called them simply "incidents", "considerations of the General Staff" to which he, Jodl, would not have attached any significance if they were resorted to, say, by the French.

He agreed to anything except to admit his guilt. In the courtroom his face twisted with rage when his chief was compelled to make an admission. He was quite certain in his mind that admission was not the best means of defence although he knew that many of the documents signed by him were in the hands of the prosecution. But in all cases he had been more cunning and prudent than Keitel and had rarely written unambiguous marginal notes such as the former Field Marshal permitted himself to make.

One of the counts against Jodl was that captive partisans were shot in cold blood on orders from the General Staff. The prosecutor cited excerpts from this order, which stated, in part, that "all resistance is punished not by legal prosecution of the guilty, but by the occupation forces spreading such terror as is alone appropriate to eradicate every inclination to resist". Then the prosecutor read another order, signed by Jodl, prescribing "more vigorous action against gangs", i.e., partisans. "The security forces and the secret field gendarmerie shall be used for this purpose," the order stated. It decreed "collective measures against the rural population, including the burning down of population centres".

When a document of this nature was shown to Keitel, he



either remained silent or said that he had acted as a subordinate. His answers could be guessed before he gave them. They followed a set pattern:

"I signed this order, but I was carrying out instructions."

Or:

"I signed it, and I admit it here."

Or, lastly:

"I cannot say more than that I signed this order and thereby assumed a certain responsibility."

Jodl acted differently. He seized every opportunity to start an argument, sometimes displaying a good knowledge of international law (he was, evidently, prompted by Exner).

After reading the order prescribing the death penalty for partisans, the prosecutor turned to Jodl:

"That is a terrible order, is it not?"

"No," replied Jodl, "it is not at all terrible for it is established by international law that the inhabitants of an occupied territory must follow the orders and instructions of the occupying power, and any uprising, any resistance against the army occupying the country is forbidden; it is, in fact, partisan warfare, and international law does not lay down means of combating partisans. The principle of such warfare is an eye for an eye and a tooth for a tooth, and this is not even a German principle."

Odious and cynical as this tirade was, it showed that Jodl was abreast not only of international law but also of what is called the doctrine of international law. In bourgeois jurisprudence there was a long debate over whether the Hague Convention allowed partisan warfare in occupied territory. The German school of international law, which mirrored the aggressive ambitions of the Prussian Junkers, did not recognise the legality of partisan warfare. Jodl referred to this debate to start a discussion at the trial.

However, even the clever Jodl misfired now and then. He had just tried to substantiate the summary treatment of captive partisans, arguing that partisans had to be regarded as rebels subject to be shot. His was a purely police stand, but it was an attitude all the same. But the prosecutor unexpectedly launched an attack from a new direction, showing that Jodl had systematically initialled orders contravening international law. The new accusation dislodged the arguments Jodl had prepared, and he began remembering in-

stances when he abided by the laws and customs of warfare. He had a good memory. Small wonder that during interrogations Keitel often said:

"I don't remember. Ask Jodl. He has a better memory."

Jodl recalled that after the shooting of the British airmen he was "determined to put an end to patent and demonstrative violations of international law". To this end in the summer of 1944 he drew up a document under the heading "Directive on the Measures Against Gangs" (the nazi name for partisans), in which he ordered that partisans should be regarded as regular troops and granted POW treatment upon their capture.

"I did not submit this directive either to Field Marshal Keitel or to the Führer," he boasted, "because it was a contradiction of all existing orders."

He mustered all his resourcefulness in an effort to prove that in nazi Germany he alone respected the human concepts of law: "... after May 1944... the Canaris department had been dissolved and the foreign section, together with the international law department, had come under my command. I was resolved not to tolerate and not to participate in any such violations of international law on our part, and I acted accordingly from that day up to the end of the war. In this order ('Directive on the Measures Against Gangs'—A.P.) I declared all partisans and those supporting them, and even those wearing civilian clothes, to be regular troops and prisoners of war."

Jodl pinned much of his hopes on this document. Nobody could deny that it had appeared over his signature. But had the General Staff really gone to such a great risk in putting it out?

The largest partisan movement was in occupied territories in the Soviet Union. By the summer of 1944—this was admitted by Jodl himself—the "Russian partisan areas adjoined the firing-lines". In other words, by that time most of these territories had been liberated and the majority of the partisans had joined the regular Army. Actually (this was also admitted by Jodl himself), the "Directive" meant the "gangs existing at the time in France and Yugoslavia". But in the summer of 1944 the German divisions in France were unreluctantly retreating before the Allied forces. A similar situation soon took shape also in Yugoslavia, from where the invaders were driven out jointly by the Soviet and the Yu-

goslav People's Liberation Armies. The Jodl "Directive" thus had no practical importance. Actually, it rescinded nothing and changed nothing, and for that reason could play no role for Jodl at the trial. By recalling it, Jodl simply gave further proof of his resourcefulness and foresight. Even in the most complicated situation he did not forget to cover up his tracks. That was what distinguished him from Keitel with his one-track mind. It would never have entered the latter's head to engage in this sort of artifice.

We already know of Keitel's directive of May 12, 1941, ordering the execution of all captive commissars and political officers of the Red Army. Political officers and commissars were regular troops, with nothing to distinguish them from any other. Naturally, they wore uniforms and in the event of capture were entitled to be treated as prisoners of war. But, as Keitel put it himself, he "did not give a damn".

Neither did Jodl show any mercy to this category of Soviet prisoners of war. He went so far as to recall that Germany had had dangerous experience with commissars in the period of the Bavarian Republic.\* However, arguing that in reprisal the Russians might apply analogous methods to German airmen, Jodl suggested side-stepping Hitler's demand by withholding the publication of such an order. He felt it would be much more expedient simply to shoot commissars and proclaim this a repressive measure, i.e., a counteraction to alleged violations of international law by the Russians. Either way the wolves were satiated. Meanwhile, the archives contained a document written in Jodl's hand, which the defence, naturally, tried to interpret as confirmation of his negative attitude to the decree demanding the killing of commissars.

These alibis prepared in advance and a fair knowledge of international law unquestionably helped Jodl to pursue his special line of defence.

There is hardly a person today who would venture to justify the practice of taking hostages. A hostage is an innocent person who must pay with his life for the actions of other people or by his death intimidate others into obedience to invaders. This brutal practice has been denounced by the entire civilised world.

When Keitel was shown the OKW orders on the shooting

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\* Bavarian Soviet Republic (April 13-May 1, 1919).

of hostages he was silent for an agonisingly long time before he finally came out with his stereotype:

"An order is an order."

What about Jodl? What was his reaction to this charge? Either on his own or prompted by the experienced Exner he started an argument on whether international law unconditionally prohibited the taking and shooting of hostages. The following is an extract from the minutes:

*G. D. Roberts:* "I suggest to you, as you raise that point, that nowhere in international law will you find the shooting of hostages legalised at all."

*Jodl:* "Then it is not with certainty prohibited anywhere in international law."

In this case, strangely enough, both the prosecutor and the defendant were right. Roberts—in substance, and Jodl formally. We have no intention of going into a legal analysis, but any conscientious interpretation of the Fourth Hague Convention of 1907 leads to the conclusion that the taking of hostages is illegal.\*

Here is yet another example of how Jodl used every possibility and every nebulous point of international law to justify his brutal crimes.

On October 18, 1942, the OKW issued an order, signed by Hitler and Keitel, on the summary shooting of troops of commando units.

These were groups of daredevils which the British dropped by parachute or landed from ships for special assignments, usually of a subversive nature, in occupied territories. They wore military uniform and that alone should have given them the status of regular troops. Nonetheless, Keitel signed the order for their execution.

What was Jodl's attitude? He had armed himself with an alibi against this charge, too. It turned out that before this order was issued, Jodl's Headquarters had submitted to Keitel a memorandum urging that some points should be cleared up before any action was taken:

"1) Have we ourselves the intention of dropping sabotage units in the zone of rear echelons of the enemy, or also far back in the interior?

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\* The experience of the Nuremberg trial is taken into account in the 1949 Geneva Convention on the protection of the civilian population: it clearly and unequivocally forbids the taking of hostages.

"2) Who will drop more sabotage troops, the enemy or we?"

Jodl tried to convince the Tribunal that in this case also he was in the opposition because he strove to be guided by international law. But was the principle "who will drop more?" the highest criterion for an assessment of the legality of repressive measures?

It is said that a drowning man clutches at a straw. At the very last moment Jodl saw such a straw in the above-mentioned memorandum. Insisting that he was against issuing the order for the summary shooting of commando troops, he referred to the following words in his memorandum:

"Do we attach importance to first arresting the single members of this group for interrogation by Counter-Intelligence and not killing them immediately?"

He had, it turned out, advised that before prisoners were killed they should be interrogated.

This was supposed to whitewash him!

\* \* \*

The day was February 21, 1945. The Soviet Army was drawing ever closer to Berlin. The brutality of the nazis reached unprecedented heights. A conference was in progress at Hitler's Headquarters. They were considering whether Germany should openly repudiate the Geneva Convention. It was a strange question altogether. The whole world knew that throughout the war the German Command had flouted every convention that fettered its actions.

Judging by the minutes of that conference, the participants took the Geneva Convention to mean the entire body of international laws. Doenitz and Jodl spoke of the war at sea, of the possibility of sinking merchant vessels without warning and for some reason they looked back apprehensively at the Geneva Convention although it only concerned the treatment of prisoners of war and wounded troops. But there was something else on their minds. Let us focus our attention on the attitude adopted by Jodl at the time.

It will be recalled that he told the Tribunal that after the killing of the British airmen he was resolved to prevent any further violations of international law. In February 1945 he had indeed objected to an open renunciation of the limitations imposed by international law. He explained to Hitler

that Germany had been more provident in the past, and referred to 1914: "...We ourselves solemnly declared war on all the states... and through this took the whole guilt of the war on our shoulders before the outside world." He insisted that when some foreign country was attacked there always had to be a pretext for ascribing the initiative for the invasion to the victim of aggression. After stating his stand, he offered the conclusion that "it would be a mistake now [1945—*A.P.*] to repudiate openly the obligations of international law which we accepted and thereby to stand again as the guilty party before the outside world". To leave nobody in any doubt as to his, Jodl's, standpoint, he specified: "Adherence to the accepted obligations does not demand in any way that we should have to impose on ourselves any limitations which will interfere with the conduct of the war."

Thus, "break the Geneva Convention, but do not tell the world that we are doing so". These words, uttered by Doenitz, characterised Jodl's stand, and at the trial the cunning Colonel-General confirmed that the Grand Admiral understood him correctly.

That was what Jodl's "concern" for international law looked like in practice.

\* \* \*

Earlier I spoke of Ribbentrop's conduct at the trial, of his disgusting efforts to ingratiate himself with the prosecutors. For some reason this "past master at realistic politics" believed that if he kept up these efforts throughout the ten months of the trial, the moved prosecutors would be prepared to overlook all his crimes of the past ten years.

Jodl thought differently. Despite all the subterfuges of the defence and despite the skilfully built up alibis, he realised that his fate depended least of all on how he answered the questions of the prosecutors and judges, on whether he comported himself with dignity or humiliation. He preferred to be dignified and used every opportunity to employ "offensive tactics". In many ways this resembled the behaviour adopted by Schacht. In the same way that Schacht adroitly used the Munich undertones of British and French policy in the interests of his defence, Jodl was able to utilise some not very seemly aspects of the operations of the British and United States armed forces.

The British Prosecutor G. D. Roberts charged Jodl with the responsibility for the barbarous bombing of Belgrade, which was undertaken without warning. But in asking this question he failed to take into account what Jodl had noted long ago. The caution shown by the United States Chief Prosecutor Robert Jackson in his cross-examination of Goering had escaped his notice. In the course of several days Jackson had plied defendant No. 1 with questions, but avoided mentioning the massed air-raids by the Luftwaffe.

This circumstance, I remember, astounded me at the time. After Goering was cross-examined I asked the United States Prosecutor why the bombing of peaceful towns was not among the counts against Goering. Jackson replied:

"It's a little awkward making that charge here in Nuremberg, where hardly a single building is intact."

In the final stage of the war British and United States aircraft bombed many German towns when there was no military necessity for these raids, as a result of which several hundred thousand German civilians perished. Suffice it to recall the bombing of Dresden, where many thousands of civilians were killed. Jackson had acted on the principle that even the most heinous crimes of the nazis had to be put on the scales of justice with "clean hands".

Roberts did not take this into account and asked Jodl:

"How many civilians, how many thousands, do you think were killed . . . in the bombing of Belgrade without warning?"

To which Jodl promptly replied:

"I cannot say, but surely only a tenth of the number killed in Dresden, for example, when you had already won the war."

Jodl took similar advantage of another miscalculation by the British Prosecutor when the latter brought out a document headed *The Continuation of the War Against England*. In this document, written by Jodl, it was stated: "If political means are without results, England's will to resist must be broken by force." One of these means, Jodl suggested, was "terror attacks against English centres of population".

After reading this document, Roberts asked Jodl:

"Terror attack against English centres of population—would you like to say anything to justify that sentence?"

"Yes," Jodl replied. "I admit having voiced a thought

which was later carried into practice with such perfection by the Anglo-American Air Force."

These outwardly effective replies to some questions from the British Prosecutor enabled Jodl, not for long it is true, to divert attention from the fact that German aircraft started the destruction of peaceful towns long before the Allied air-raids commenced. These were Jodl's rare moments of elation at the trial.

#### **JODL "IS SORRY"**

Soviet Prosecutor Yuri Pokrovsky took over from Roberts, submitting to the Tribunal an OKW document prescribing "the razing of Leningrad to the ground, its total destruction from the air and the ground". It was signed by Hitler and Jodl.

Had Keitel signed the document he would have replied to the Prosecutor that he had not, of course, approved such a barbarous act, but an order from the Führer had to be obeyed implicitly. Jodl likewise remained true to himself. He hunted for and found an explanation.

Heartened by his replies to Roberts (replies which, incidentally, pleased Goering), he made ready to deal with the Soviet Prosecutor in the same manner.

I watched him. His eyes shone. From time to time he cast a meaningful glance at his fellow-defendants. Pokrovsky was calm, although he knew that Jodl would not give up without a fight. Jodl explained that the plan for the destruction of Leningrad did not arise of itself, claiming that the Germans would never have thought of it had it not been for a circumstance that forced their hand. He said he would like to remind the Soviet Prosecutor of a regrettable incident that took place after the Germans entered Kiev. Having occupied the Ukrainian capital, the Germans established their headquarters and services in the centre of the city. All these houses (the houses taken over by the command, Jodl emphasised) were suddenly blown up. In their retreat from Kiev, the "Bolshevik fanatics" had mined many buildings, and the city was thus turned into a trap.

Pokrovsky and Jodl argued about the date on which the Germans captured Kiev. I listened to the argument and was not quite sure what they were getting at.

Jodl declared that the communication on the explosions



in Kiev was received by the German High Command from Field Marshal Wilhelm von Leeb early in September. Pokrovsky at once proved that Jodl was distorting facts: Kiev was captured later and for that reason Berlin could not have received such a communication from von Leeb early in September. Jodl insisted:

"As far as I remember, Kiev was occupied at the end of August. I believe it was on August 25 or about that date."

*Pokrovsky*: "Would you not remember the date when Hitler first declared that Leningrad should be razed to the ground?"

*Jodl*: "I beg your pardon. I have made a mistake all the time about the date. . . . The Führer's decree . . . is dated October 7. So, your statement may be correct. I was a month off in my calculations, and the taking of Kiev was actually at the end of September. The reports which we received from Leeb came in the first days of October. I made a mistake. I am sorry."

One might have thought that all Pokrovsky was concerned with was to demonstrate Jodl's ignorance of the date of the capture of Kiev. But that was not so, of course.

Jodl was prepared to acknowledge that the order for the destruction of Leningrad was signed by him on October 7, 1941. At any rate that was later than the date of the capture of Kiev and he could refer to the events in that city. Jodl willingly read excerpts from this document. Indeed, it contained a reference to a speech made by the Führer, who stated that the "capitulation of Leningrad or, later, of Moscow is not to be accepted even if it is offered by the enemy". Before these cities were taken "they should be reduced to ruins by artillery fire and by air-raids".

Only one word let Jodl down. The order to destroy Moscow and Leningrad begun with the words: "The Führer has again decided. . . ." "Again!" What had come before and where?

The Soviet Prosecutor helped to refresh Jodl's memory. He submitted a document bearing the number L-221—the minutes of a conference held by Hitler on July 16, 1941. The reader already knows that this was the conference at which Soviet territories were shared out. In the minutes it was stated that the "Finns are claiming the district of Leningrad". And further, in black and white, were the words

that "the Führer wants to raze Leningrad to the ground and then hand it over to the Finns".

Pokrovsky handed the minutes to Jodl, who closely scrutinised the text. Pokrovsky asked him if he had found the quoted passage and whether he agreed that this conference took place long before the explosions in the centre of Kiev.

*Jodl:* "Yes, it was three months before then."

*Pokrovsky:* "It was also long before the day when explosions and fires first occurred in Kiev. Is that correct?"

*Jodl:* "Quite correct."

This admission was testimony of Jodl's utter defeat. Like a small-time swindler, he had been caught by the hand. Perhaps that was when he remembered the old truth that a liar has to have a good memory, even better than Jodl's own. It was perhaps after this setback that Jodl began to feel that the line adopted by Keitel had its merits. In any case he realised that he had been floored by the Soviet Prosecutor. But this was far from being the last time.

Many witnesses passed before the Tribunal. The defendants relied on some of them. I have related some curious situations that arose when such witnesses overdid things. This happened in the case of Milch and Bodenschatz. Something of the sort happened in the case of a witness who was determined to whitewash Jodl.

That witness was Panzer General von Vormann. He had served with Jodl on the General Staff of the land forces. To help his former colleague he testified that before Hitler came to power Jodl had in private conversation called him a charlatan and a criminal. Vormann expressed the hope that the Tribunal would take Jodl's "anti-Hitler sentiments" into account.

Reading passages from Vormann's affidavit, Exner deliberately omitted the places where Jodl spoke of Hitler in the most unflattering terms. The Soviet Prosecutor, however, saw through this manoeuvre. During the cross-examination he reminded Jodl of this part of Vormann's affidavit and asked if he would confirm the evidence.

"I believe that he is confusing two things," Jodl said, trying to evade the issue. "In talking about the Führer, I very often said that I looked on him as a charlatan; but I had no cause or reason to consider him a criminal. I often used the expression 'criminal', but not in connection

with Hitler. . . . I applied it to Roehm. I repeatedly spoke of him as a criminal."

*Pokrovsky*: "That is to say, you considered Roehm a criminal and the Führer a charlatan? Is that correct?"

*Jodl*: "Yes, that is right, because at that time it was my opinion."

*Pokrovsky*: "Then how are we to explain that you accepted leading posts in the military machine of the German Reich after the man whom you yourself described as a charlatan had come to power?"

*Jodl*: "Because in the course of the years I became convinced . . . that he was not a charlatan but a man of gigantic personality."

Thus, in 1933 Jodl had called Hitler a charlatan. Then followed the suppression of democracy in Germany, the establishment of concentration camps, the execution of German patriots en masse, the planning of aggression and piratical attacks on many countries, and monstrous terror in the occupied territories. These were evidently the circumstances that induced Jodl to change his initial opinion and consider that before him was a man of "gigantic personality". As a matter of fact, all this was logical: Hitler was exactly the kind of charlatan and "gigantic personality" needed by the Prussian militarists. Frank Knox was right when as Chairman of the International Commission in the Saar he said:

"We have to realise above all that until it was picked up by the leaders of the Prussian Junkers the nazi party was only a miserable gang of pimps and tramps."

Knox did not mention the sinister role played by the leaders of the German monopolies, but it is quite obvious that had it not been for Ludendorff, Blomberg, Keitel, Jodl and their like the world would have been spared of Hitler. Jodl called Hitler a charlatan, but as soon as that successful charlatan came to power he hurried to join him in his harness.

We shall see how Jodl "saw the light" and again called his Führer a criminal. We shall see both him and Keitel simmering with fury because at the trial they would, as they put it, be forced to account not only for their own actions but for the crimes committed by Hitler.

**"HE DECEIVED US! WE ARE LEFT TO ANSWER FOR IT!"**

On August 8, 1945, when he was interrogated, Keitel assumed the pose of a man of principle and spoke of his devotion to Hitler. But at the trial he steered a different course and hurled abuse at his Führer. In particular, he denounced Hitler's suicide as a dishonest action.

"If Hitler wanted to be Commander-in-Chief," he said to Dr. Gilbert, "then he should have remained it to the bitter end. He gave us the orders. He said, 'I take the responsibility!' And then when the time comes to face the responsibility, we are left to answer for it."

Then he wailed:

"It is not fair. . . . He deceived us! He did not tell us the truth! That is my absolute conviction, and nobody can tell me differently! If he did not deceive us by deliberate lies, then he did it by deliberately . . . letting us fight under a false impression!"

What an appalling interlacing of hypocrisy and hysteria! Hitler deceived the gullible Keitel! The same Keitel, who according to his own evidence, demanded the extermination of hundreds of thousands of people and in reply to the warnings of his subordinates wrote: "I don't give a damn."

Keitel and Jodl defended themselves by different means. But there was one thing on which they concurred. Both sought to make the Tribunal believe that their many years of association with Hitler was nothing but a chain of tragic contradictions and hazardous attempts to cool Hitler's temper and mitigate the grave consequences of many of his directives.

In those circumstances why had these noble Siegfrieds not gone into retirement? Nelte claimed at the trial that Keitel tried to quit his post on five different occasions, and that he had even contemplated suicide. But the trial itself irrefutably demonstrated that Keitel had never entertained thoughts of this kind.

Much later, in the writings of Walter Görlitz, the West German historian, I came across a passage alleging that Keitel had not gone into retirement because he feared the Gestapo would take over the Wehrmacht leadership. That is a base lie! One must give Keitel his due—he did not stoop to such rot in Nuremberg. He could not have done so even if he had wanted to. After all, had not General Wagner

acted on his instructions when, on behalf of the OKW, he signed an agreement to co-operate with the SS in the mass extermination of Soviet civilians?

Jodl also tried to give the impression that he had opposed various directives issued by Hitler. He did not agree that it was impossible to argue with Hitler.

"Very many times I contradicted him most emphatically," he said.

But it always turned out that the arguments between Jodl and Hitler were mainly over operational or strategic problems.

In August 1942 Jodl took Colonel-General Halder under his wing. But even in this case, he admitted, it was over an operational problem. He achieved nothing. Hitler fumed with rage and, what was most terrible, "from that day on he never came to dinner". On top of that, Jodl maintained:

"At every report on the situation from that day on an SS officer took part. Eight stenographers were ordered to be there, and from then on they took down every word. The Führer refused to shake hands with me any more. He did not greet me any more, or rarely. . . . He told me, through Field Marshal Keitel, that he could no longer work with me and that I would be replaced by General Paulus as soon as Paulus had taken Stalingrad."

That was the extent to which their relations deteriorated! Did this disgrace last long? How long did the sword of Damocles hang over Hitler's Chief of Staff? Jodl reluctantly replied:

"This situation lasted until January 30, 1943."

What sacramental date was that? Oh yes, it was the tenth anniversary of Hitler's ascension to power. January 30 was a red-letter day in nazi Germany. On that day Hitler handed out awards to his immediate myrmidons. One of them was Jodl, that same Jodl who allegedly came to grips with Hitler to the extent of earning his hatred, that same Jodl who claimed that he was prepared to relinquish his post. On January 30, 1943, the Führer presented Colonel-General Alfred Jodl with the highest party (note: party, not military) decoration—the nazi gold badge.

He cut a sorry, very sorry, figure when, all his dignity gone, he had to admit this. All the arguments he had hitherto proffered in his own defence somehow wilted, and some appeared ludicrous.

Many nazi Generals were questioned in Nuremberg. None of them, not even those who stood up for Keitel and Jodl, denied that until the very last day these two men were Hitler's closest military advisers. When the roar of an explosion came from the bunker of the Reich Chancellery on July 20, 1944, Jodl was one of the first to congratulate Hitler on his miraculous escape. Yet in Nuremberg that same Jodl tried to prove that at Hitler's Headquarters he always felt he was an outsider. Why?

"Because it was not a military but a civilian Headquarters, where we soldiers were no more than guests. It is not easy to be a guest for five and a half years."

As I listened to Jodl make these "revelations" and heard Keitel, the question I wanted to ask was: when, at what stage did it become clear to them that Germany had lost the war, when did these "Teutonic Knights" cease to believe that victory was theirs?

"The war was obviously lost after the failure to take Stalingrad," said Jodl.

Keitel, it seems, came to that dismal conclusion even earlier. After the defeat near Moscow he realised that the war could not be won "by purely military means".

How did these German strategists behave after that realisation had dawned on them? Did they try to persuade Hitler (with whom, as Jodl claimed, "it was possible to argue") to take steps to end the bloodshed, to save millions of people from needless death? No, they made no such attempt. Together with Hitler, both Keitel and Jodl went on with their gamble. They continued to deceive their countrymen and doomed other peoples to incredible suffering. Rosenberg, Streicher and Goering were types who could still believe in a miracle (small wonder, too, in the light of the fact that Goering swallowed handfuls of heroin and visions of fantastic victories appeared before his eyes). But Jodl and Keitel were sober men and they had the training to foresee well in advance the terrible and inevitable catastrophe. Nonetheless, they continued to drive hundreds of thousands of Germans into the inferno of a lost war.

At Nuremberg Jodl was asked why they senselessly prolonged the slaughter, why they had to fight to the last man? It transpired that Jodl himself was "disturbed" by the same thought. He had a ready answer to that question. The nazi camarilla (to which Jodl, naturally, did not ascribe himself)



Guderian testifies

Before he is cross-examined Keitel consults his defence counsel Otto Nelte





Robert Ley on the road to Nuremberg



Defence counsel Fritz Sauter  
in conference with his client  
Walther Funk



had committed appalling war crimes (of which, allegedly, he had only learned at the trial) and thereby evoked the hatred of the whole world.

"Well, naturally," Jodl reasoned, "after what Hitler and Goebbels had on their conscience, it is no wonder that they insisted on fighting on. Now I can see it all clearly. They knew that they would be hanged in any case, and made up their minds that they would commit suicide if they lost. Under those conditions it is very easy to keep insisting on fighting on and on to total destruction."

Much of what he said here about Hitler and Goebbels was quite correct. But what about Jodl himself?

A conference of Gauleiters was held in Munich on November 7, 1943, when the Red Army had driven the nazi forces out of Kiev and was pressing inexorably forward. In his capacity of Chief of Operations of the OKW, Jodl addressed this conference. Before him sat the top leaders of the nazi party in the various localities. They were assembled to be apprised of the military situation and to be instructed on how to combat the "malign elements" who were engaged in "subversive activities" behind the firing lines. Is it not curious that the instructor was Jodl, not Goering, Goebbels nor Kaltenbrunner?

And this is what he told the Gauleiters:

"It is in your Gaue, after all, and among their inhabitants that all the widespread enemy propaganda, defeatism and malicious rumours are concentrated. Up and down the country the devil of subversion strides. All the cowards are seeking a way out, or—as they call it—a political solution. They say we must negotiate while there is still something in hand, and all these slogans are made use of to attack the natural feeling of the people that in this war there can only be a fight to the end. Capitulation is the end of the nation; the end of Germany."

The minutes of this speech did Jodl a bad service in Nuremberg. They utterly revealed his lying, Pharisaical nature and showed what he really was—a hardened war criminal.

#### **HISTORY SUMS UP**

The Tribunal finally completed its study of the evidence against Keitel and Jodl. Freed from the need to prepare and

conduct their defence, they could now sum everything up and give themselves up to reminiscences.

A curious point is that almost all the defendants recalled or, to be more exact, drew attention to how much they had done to establish understanding with the West. Goering repeatedly stated that he regretted his failure to come to an understanding with certain circles in the USA. He had faith in the "Western democracies" and had therefore surrendered to the Americans. Hess could plead that he had demonstrated his attachment to the West as early as 1941 by flying to the British reactionaries. Ribbentrop said his most cherished dream had been to establish friendship between Britain and Germany and, regarding Britain as his second homeland, he had addressed his last letter to Winston Churchill. And Kaltenbrunner? At the trial he spoke openly of his connections with the United States Intelligence.

Jodl believed that he had to remind the West of his own services. The following is a story related by him to Dr. Gilbert in the Nuremberg prison.

He signed the instrument of surrender at Rheims on May 7, 1945. At the ceremony he suggested recalling German troops from the Eastern Front to the West, so they should surrender "not to the Russians, but to the Western Allies", and requested that to organise this manoeuvre he should be given four days between the signing of the armistice and the date on which it was to take effect. "The troops would then carry out an organised withdrawal to the British and American zones."

For this operation, he said, he was given 48 hours. A colonel of the German General Staff drove along the firing lines on the Eastern Front in an American tank and ordered the various units to withdraw.

"In that way," he concluded, "I saved 700,000 men from capture by the Russians; if we had had the four days, I could have saved more."

As a matter of fact I personally had had occasion to witness these Jodl tactics and see the "loyalty" of the United States Command. It was on May 8, 1945. General Metalnikov, commander of the 19th Cossack Division, summoned me and two other officers to his Command Post. He told us that the German Command in Rheims had signed the instrument of surrender and that hostilities would cease on the same day at 23.00 hours. The troops opposing our

division were to surrender in the morning of May 9. The General authorised me to receive the capitulation in the sector held by the 36th Infantry Regiment.

That same evening I went to the designated sector. We arranged everything with the regimental commander Colonel Orlov and completed the preparations by morning. But representatives of the enemy failed to appear at the appointed time. We learned that the German units had secretly withdrawn to the West during the night. It was evidently one of the units visited by Jodl's emissary in the American tank.

\* \* \*

The time came for the defendants to make their last statements.

Wilhelm Keitel at once declared that he acknowledged his responsibility "in connection with my official position". Relative to his own complicity in the crimes of German fascism, the former Field Marshal said:

"It is far from my intention to minimise my part in what took place."

However, almost in the same breath he tried to extenuate his guilt.

"Human life was worth less than nothing in the occupied territories." While admitting that these were the words he used in his instructions to his subordinates, he called them "terrible", but asserted that they were only a synthesis of Hitler's directives.

However that may be, the former OKW Chief proved to be one of the few defendants who admitted his guilt. In his last statement to the Tribunal he formulated this quite clearly, saying that it was the result of all his reflections in Nuremberg.

In the course of the trial his answer to a question from his defence attorney as to whether he would have refused to participate in any part of the success in case of victory was:

"No, I should certainly have been proud of it."

Then followed another question by Nelte:

"How would you act if you were in the same position again?"

"Then," he replied, "I would rather choose death than to let myself be drawn into the net of such pernicious methods."

Nonetheless, in his last statement Keitel kept underscoring that he was only an obedient executor of orders.

"It is tragic to have to realise that the best I had to give as a soldier, obedience and loyalty, was exploited for purposes which could not be recognised at the time, and that I did not see that there is a limit set even for a soldier's performance of his duty. That is my fate."

To assess the hypocrisy of this seemingly sincere statement, I pictured to myself what would have happened if the surmise in the first question asked by Keitel's attorney had materialised. It was not difficult to foresee how Keitel—reaper of victor's laurels—would have behaved, his loyal submissiveness to Hitler, the ease with which he would have signed any directive and decreed any outrage and brutality. Conscience? There was no conscience to speak of! The Führer had declared that conscience was a chimera, and Keitel had long ago rid himself of it.

No, Keitel had not regarded his "obedience and loyalty" to Hitler as a tragedy, as he now claimed. He had regarded it as a merit for which he could have expected an unending stream of rewards from the Führer.

But disaster struck—the demolition squad formed to blow up Moscow's Kremlin found it had nothing to do. Germany lay in a mass of rubble. The Wehrmacht was crushed. Hitler was dead. Keitel was in the dock. And he had to answer for what had taken place. He found himself helpless against the frontal offensive of incontrovertible evidence. And he surrendered, just as the Wehrmacht had surrendered.

What of Jodl?

Even in his last statements he had recourse to odious lies. He spoke as though there had not been a Second World War, as though there had not been a Nuremberg trial, as though there had not been thousands upon thousands of documentary proofs, as though there had not been the horror of Oswiecim and Dachau, of Oradour and Lidice.

"Mr. President, may it please the Tribunal, it is my unshakable belief that later historians will arrive at a just and objective verdict concerning the higher military leaders and their assistants, for they, and the entire German Wehrmacht with them, were confronted with an insoluble task, namely, to conduct a war which they had not wanted under a commander-in-chief whose confidence they did not possess and whom they themselves only trusted within limits."

It was hard to say what was more in this last statement: sham pathetics or hypocrisy. Jodl, you see, suddenly realised that "this war would decide the life or death of our beloved fatherland". But the "beloved fatherland" could have existed without war. War was needed to destroy other fatherlands.

Jodl tried to convince the Tribunal that he and the other generals "did not serve the powers of Hell and they did not serve a criminal, but rather their people and their fatherland".

That was yet another lie. He had himself called Hitler a charlatan and criminal, but had served him nonetheless. One cannot serve a criminal and one's people at the same time!

### **"FOR WHAT WAS I BORN!"**

The reader knows that among the Tribunal Judges there were differences over the measure of punishment to be meted out to some of the defendants. But there was no disagreement over Keitel and Jodl. They had committed chilling crimes, and the sentence handed down to them was merciless. Orders from above could not be regarded as extenuating circumstances for those who had deliberately, ruthlessly and needlessly shed rivers of human blood.

The sentence was read: death by hanging. Keitel was led away. So was Jodl, likewise condemned to death.

But when the principal villains of this shameful, criminal drama were dead, the official Bonn historian Görlitz decided to lay a mine under the Nuremberg trial, at least where it concerned Keitel and Jodl.

"In Nuremberg," he writes, "the Judges tried to get at the truth. As regards the two soldiers, whom it committed to damnation, the question remains open whether an earthly court could gauge how they fulfilled their duty or whether the higher judge in the heavens would pass his unfathomable sentence on this as on a human delusion."

From beginning to end Görlitz's book is a cry from the heart of a confirmed militarist, an effort to save the reputation of the German Wehrmacht. Görlitz speaks at length of a "soldier's obedience", which Keitel declared was the main reason for his "tragedy". The publishers drew attention to this even on the dust-cover: "The fate of a German Field Marshal serves as an example enabling us to understand the meaning and limits of a soldier's fidelity to duty

in an age which to this day endeavours to safeguard discipline, law and order."

That is how in Bonn they are trying to make Keitel's obedience a model for the Bundeswehr, and his "unshakable devotion" to Hitler an example for officers now serving under nazis of yesterday.

It has certainly served humanity well that the Nuremberg trial showed the world the sources and real meaning of this fidelity and demonstrated that Keitel's obedience signified mountains of corpses, cities reduced to rubble, the suffering and death of millions of innocent people.

In Keitel's cell was found an undated note which he had evidently planned to use in his last statement. He sought somehow to explain his "obedience". The note stated: "Traditions and the special inclination of Germans have made us a militarist nation." What traditions and what inclination had Keitel in mind? What traditions forced him to carry out the most brutal orders?

General Paul Winter once reminded Keitel of words spoken by Georg von der Marwitz: "Choose disobedience if obedience brings no honour."

That was something Keitel was unable to do. It would have meant being untrue to himself.

What is National Socialism with its race theory? It was a programme of aggression, a programme of mass murder and genocide. In the note found in the cell (it is mentioned also in Görlitz's book), Keitel wrote: "We soldiers have furthermore recognised that National Socialist ideas have greatly facilitated the training of soldiers."

That, one can say, closed the circuit! In the evening of one of the grimmest days for Keitel, when Raeder's affidavit (exposing Keitel, among others) was read in court, he wrote to his defence attorney Nelte:

"You must know that I will understand if after what you heard about me you drop the defence of a man so sullied as I. I feel ashamed before you."

Thus twenty years earlier Keitel had unreservedly replied to the question which in 1963 Görlitz raised in the title of his book: *Field Marshal Keitel—Criminal or Officer?* Unquestionably a criminal, despite all the efforts in Bonn to whitewash the "old German Field Marshal, who died at the hands of a hangman".

On October 1, 1946, Dr. Gilbert paid his last visit to

Keitel's cell. The condemned man was sitting with his back to the door. He got up and paced the cell, then stopped in the far corner. There was stunned horror in his eyes.

"Death by hanging..." he muttered in a hoarse voice. "I thought they would spare my life."

He was offered a meeting with his wife. He refused:

"I cannot bring myself to see her."

But whom could he bring himself to see? His sons, who died in the war so eagerly prepared by their father? The German people, millions of whose sons died so that Colonel Keitel could become Field Marshal Keitel? The peoples of Europe? Had it not been Keitel who gave the order: "Germany, fire!"? His joy knew no bounds when the Wehrmacht overran Poland, Norway, Greece, Belgium, the Netherlands and France. He rejoiced when the blood of hundreds of thousands of Soviet people flowed. He cherished the hope of seeing his Command Post in the gold-domed Kremlin, from where he could order the Wehrmacht to march into India and Iraq, to open fire on the whole world.

Dr. Gilbert's notes also tell how Jodl reacted to his sentence.

In his last statement he put on a bold front, in many ways imitating Goering with his entire arsenal of hypocrisy and bluster. He told the Tribunal:

"I shall leave this courtroom with my head held as high as when I entered it many months ago."

Dr. Gilbert saw Jodl in his cell very soon after the sentence was passed. Nothing was left of his play-acting, irony and the insolent, complacent and mocking snigger of a brilliant General Staff officer.

"Death—by hanging! That, at least, I did not deserve. The death part—all right, somebody has to stand for the responsibility. But that..." his mouth quivered and his voice choked for the first time, "that I did not deserve."

Yet even at this dramatic moment Jodl still had strength enough for another hypocritical scene. This man who had demanded that partisans should be quartered or burned slowly at the stake, who drank a cup of coffee as he indifferently read reports of the destruction of the Warsaw ghetto and the slaughter of thousands of children, suddenly grew sentimental.

On the small table in his cell he put a photograph of his mother and of himself as a year-old baby.

"For what was I born?" he said contemplating the photograph and addressing himself to the German barber Witkamp, who had come into the cell. "Why didn't I die then? How much I would have avoided. Why did I live?"

When I was told of this shrill tirade, apparently calculated for the ear of future generations, I thought it was a pity I could not take Jodl to Oswiecim and show him the heaps of children's shoes, coats, baby's vests and even dolls, which the children played with until the last minute.

Keitel asked the prison surgeon Dr. Pflücker to tell the organist (there was an organ in the prison) to stop playing the tune "Sleep, Baby, Sleep" because it evoked disturbing memories.

Keitel's memories! He certainly had much to remember. The word "Junker" had long ago become synonymous with brute force and beastly ruthlessness. The great writers of France have described the vile "feats" of the Junkers during the Franco-Prussian War. The Prussian militarists bared their fangs during the heroic uprising of the Chinese people in 1899-1901. Their brutality knew no bounds during the First World War.

The reason I am speaking of these universally known truths is that these detestable features of the Junkers were strikingly embodied by Keitel and Jodl.

It is hard to say what memories passed through Keitel's mind in the Nuremberg prison when the organist played "Sleep, Baby, Sleep". Perhaps he thought of his fallen sons. Or in his mind's eye he saw one of the numerous photographs shown at the trial: German troops shooting down a long column of civilians, and in front of this dismal procession—a boy of about five with horror-filled eyes and hands in the air. This little boy had perhaps been used to falling asleep with the soothing melody of this lullaby in his ears. But now he and those who had sung this song to him were being driven to their grave by frenziedly yelling armed men.

Keitel had a lot to remember. His entire career, up till the last days of the war, was filled with cruelty.

The last days of the war. Hitler was dead. But Keitel went on sending more and more thousands of Germans, many of them still children, into the mincing-machine. He raced in a car along the front, now reduced to the utmost. Ahead of the car was a retreating unit. Keitel knew perfectly well that the war was lost, that Berlin had been taken by Soviet



troops, that resistance was not only useless but senseless and criminal. Every human life wasted during these hours before the Third Reich's total collapse was a new crime of the German Command. But Keitel stopped his car in the middle of the road and pounced on the officers of the retreating unit, threatening them with the most dire penalties if the troops did not turn and hurl themselves into the fire again. Keitel found himself face to face with young boys who had been torn away from their mothers only a few days before. They stood in the road frozen with fear as they watched this "old gentleman in the monocle" take to task those whom they had to obey slavishly.

How they wished the Field Marshal to take a close look at them and suddenly shout:

"What the hell are you children doing here? Home with you this minute!"

But Field Marshal Keitel sent these German children into the cauldron, to their death.

I doubt if the prison organist evoked in Keitel pity for the tens and hundreds of thousands of children killed or maimed by his orders. The melody and words of "Sleep, Baby, Sleep" rather evoked fits of blind fear. His nerve failed him and he asked the organist to stop playing.

Meanwhile, in the neighbouring cell, Jodl continued to gaze at the photograph. It was his last piece of hypocrisy.

The sentence passed by the Tribunal of Nations was executed on October 16, 1946. Wilhelm Keitel and Alfred Jodl were hanged.

This was a sentence passed not only on Keitel and Jodl. It was an historic sentence on the Prussian Junkers, on German militarism.

## V. THE MACABRE CAREER OF A VIENNESE LAWYER

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### BEWILDERMENT EVAPORATES

When I entered the courtroom for the first time and looked at the dock, my first question was: were these score of men alone responsible for all the nazi crimes? Julius Streicher sat in the dock, but Schwerin von Krosigk was not there. Detestable as he and his doings were, I do not think Streicher was as important in the nazi hierarchy as the Finance Minister. I saw Hans Fritzsche in the dock, but did not see the nazi Field Marshals Albert Kesselring and Karl Rudolf von Rundstedt. Although Fritzsche was one of the makers of the nazi man-hating propaganda and unquestionably deserved to be tried and punished, I would have preferred to see these Field Marshals at the first trial of chief German war criminals. Without them Hitler would not have come to power, prepared the Wehrmacht for war, blown up the frontiers of many neighbouring countries and reduced the flowering cities of Europe to rubble.

I remember I put the question worrying me to A. N. Trainin, who had represented the Soviet Government when the agreement on the International Tribunal was drawn up. I got what we lawyers call an authentic explanation. The Allied authorities decided that at the first trial of German war criminals the defendants would represent all branches of the nazi state machine: the principal leaders of nazi Germany (Goering, Hess), the architects of nazi foreign policy (Ribbentrop, von Neurath), the Wehrmacht High Command (Keitel, Jodl, Doenitz, Raeder), the top nazi ideologists (Rosenberg, Streicher), those who directed the economic preparations for aggression (Schacht, Funk, Speer), and those who had the unenviable reputation of founders of the brutal regime in the occupied territories (Frank, Seyss-Inquart).

But where were representatives of the Third Reich's punitive organs? Where were those who directed sinister bodies like the SS, the SD and the Gestapo? Where were they?

Himmler was dead. Unfortunately, the British officers to whom Soviet soldiers turned over a suspect, who proved to be Heinrich Himmler, unwittingly gave him the opportunity to swallow poison.

Ernst Kaltenbrunner, Himmler's first lieutenant, figured in the list of defendants at the International Tribunal. But he was absent during those first days.

With Himmler's death, Kaltenbrunner, naturally, moved into first place among representatives of the punitive organs in the dock at Nuremberg. After Heydrich he became chief of the Reich Security Main Office to which the Gestapo, the SD, the security organs and the police were directly subordinated.

It was no secret that he had been arrested. Then why was he not led into the courtroom? Had he followed the example of his chief? Had there been more negligence on the part of the security officers?

No. Everything proved to be much more simple: the Gestapo chief had a nervous breakdown and had to be put into the prison hospital where he was given a wheelchair. Brutal and arrogant when he was in power, he turned out to be a contemptible coward in defeat, unable to endure even the hardships of life in prison. As soon as his prison physician Dr. Kelley stepped across the threshold of his cell he ran to him in tears, shaken by sobs and gripped by fear.

It was awkward seeing this gaunt, six-foot giant with a heavy square jaw seeking consolation and compassion from the prison doctor. Some six months before he had not noticed the tears running from millions of eyes, not heard the moans and sobs shaking millions of human hearts!

Only recently Ernst Kaltenbrunner had been a powerful satrap, who by word and gesture took the lives of a vast number of people. Shortly before committing suicide, Hitler had vested him with new powers, appointing him commander-in-chief of the troops of the Alpine Fortified District with Alt Aussee as its centre. This fortified district never came into being. The Führer had planned to sit snug in it

in expectation of a favourable situation, but in the end he decided to take his own life. But Kaltenbrunner did not follow his example. On the contrary, he was determined to cling to this changeable world as long as he could.

His first action was to turn the rural hotel Am Zee into a hospital for wounded SS men. He intended to "get lost" among them until the arrival of Western troops. The success of this scheme was to be ensured by a plastic operation by his personal doctor, who had joined the hospital staff. In expectation of great changes, the Obergruppenführer adopted a new name and hid his face with bandages.

However, it soon transpired that it was not safe to remain in the hospital and, driven by panic, Kaltenbrunner fled to the mountains. By noon, completely exhausted, he came across a hut in the forest. This was the last refuge chosen by himself. There the fugitive was captured by an American patrol. It is believed that the patrol was put on his track by one of his own bloodthirsty henchmen, Otto Skorzeny, who saved his own skin at this price.

Thus, far up in the Alps, in a snow-blanketed hut the Chief of the Gestapo and other nazi punitive organs took the last step that brought him straight to Nuremberg, which for him had only one landmark—the scaffold.

#### **THE INQUISITOR VOWS "TO TELL THE TRUTH"**

Ernst Kaltenbrunner finally took his place in the dock, on Keitel's left, on December 10.

I have related the reception given him by his recent confederates and comrades-in-arms when they suddenly decided to stun the court by their undisguised contempt for the ober-butcher and demonstratively turned away from him.

Kaltenbrunner was not so stupid, of course, as to fail to understand the ominous implication of this reception. His depression turned into a nervous breakdown. Subsequently, he recovered from his initial fright and adopted tactics which he employed to the very end of the trial.

For a beginning this insatiate monster decided to deliver himself of a general statement to make it plain to the Judges that he appreciated the complexity of his position.

"In the first place," he said, "I should like to state to the Tribunal that I am fully aware of the serious character of the charges against me. I know the hatred of the world

is directed against me; that I—particularly since Himmler, Müller and Pohl are no longer alive—must here, alone, give an account to the world and the Tribunal. I realise that I shall have to tell the truth in this courtroom, in order to enable the court and the world to fully recognise and understand what has been going on in Germany during the war and to judge it with fairness.”

These words made an impression. After the testimony of Goering, Ribbentrop and Keitel, who went to all lengths to distort the truth, deny obvious facts and employ cheap subterfuges to achieve this end, Kaltenbrunner's stand seemed to promise something new. But that promise was never fulfilled.

The long, tense months of the trial passed. All the defendants and witnesses were heard and cross-examined, and countless documents were submitted as evidence. Then, as in any other court, the defendants were given the right to make their last statement. Kaltenbrunner's turn came, and the man who wanted “to tell the truth” to enable the court to judge “with fairness” declared:

“The prosecution holds me responsible for the concentration camps, for the destruction of Jewish life, for Einsatzgruppen and other things. All of this is neither in accord with the evidence nor with the truth.”

Trying the patience of the Judges and the prosecution, he began “smashing” the entire foundation of the charges against him:

“I emphatically and vehemently state that, contrary to public opinion, I learned only about a very small fraction of the activities of these offices, which were actually under Himmler.... In the Jewish question I was just as much deceived as other high officials. I never approved or tolerated the biological extermination of Jewry.”

He asked the Tribunal to believe him that as soon as he learned of “the abuses in the Gestapo” (he could not suspect it was anything else!), he tried to resign from his post and go to the front, but Hitler declined his request. He was not so naive as to deny the crimes themselves, his plea being:

“Today, after the defeat of the Reich, I see that I have been deceived.”

He did not take issue with the fact that millions of people were put to death by the nazis, but he personally denounced

that policy and at this historic trial all he wanted was a better future for people.

"I wholeheartedly welcome the idea," he went on, "that the extermination of peoples must be stigmatised by international agreement as a crime and that it must be punished in the sternest manner!"

Listening to him one might have thought that there had been a time when the destruction of millions of people was sanctioned, when the murder of even one man was not a heinous crime under any, including the German, criminal code.

Near the very end of his statement he shed another tear: today he was so cruelly charged here only because "substitutes are needed for the missing Himmler and other elements who were completely contrary to me".

What was one to think after hearing Kaltenbrunner's first declaration and his last statements? Kaltenbrunner wanted the Judges to believe he was pure at heart and that he had been guided by noble motives, in short, he wanted them to accept his alibi. Much was said at the trial about the crimes of the SS and the Gestapo. It was inconceivable that a man who had grown up in the home of a lawyer and who had devoted himself to that humane profession could have had anything to do with such abominable crimes. His father, Hugo Kaltenbrunner, one of the most esteemed attorneys in Vienna, had devoted (and not without success!) much of his time to bring up his son in the spirit of respect for the law and for the rights of citizens.

That was the portrait of Ernst Kaltenbrunner as painted by himself. But the Gestapo Chief's real portrait was quite different. This Viennese lawyer and Berlin butcher had none of the attractive qualities he attributed to himself in Nuremberg. The Judges formed their own opinion of him, an opinion diametrically opposed to his own. In fact the divergence was so great that the International Tribunal felt it would be well for mankind to be rid of this "hangman with a law degree" as Schacht once described Kaltenbrunner.

Earlier, I mentioned that Kaltenbrunner was perhaps the most difficult defendant in Nuremberg. The reason for this was by no means that it was harder to prove his guilt than say Goering's or Keitel's. The prosecution did not have to expend much effort to prove the charges against him. This was evident to all, including Kaltenbrunner himself. Kal-

tenbrunner realised that the prosecution had taken good care to prevent him from eluding punishment. As Gestapo Chief it was probably a strange experience for him to observe the meticulous way in which the evidence was collected. The entire atmosphere of a normal, public trial was obviously unusual for him.

In some respects he was in a more complicated position than Goering, Ribbentrop, Hess or Schacht. The latter were charged with crimes against peace, with the crime of aggression. They had some possibility for polemising (for instance, over whether the war of aggression was a crime at the time it was started by them). Together with their defence attorneys they could wrap everything in a fog in which they believed the prosecution and the Judges would lose their way. They had many reasons to clutch at Munich, at the policy of the Western powers and thereby try to build up a case of shared responsibility.

But Ernst Kaltenbrunner was in a different boat. His name was associated with Oswiecim and Majdanek, with Treblinka and Dachau. In his case the possibility for debate was extremely limited. Actually it was limited to the answer of "Yes" or "No". There was no other possibility. Kaltenbrunner was determined to clutch at any straw and he made his choice, deciding that admission would only accelerate the climax, which was inevitable in the given circumstances. Complete denial, he felt, would give him at least a slender chance.

Having made up his mind, he relentlessly drew on all his experience as a bourgeois lawyer. In the fight that began the range of means at the disposal of the defence was not very wide.

The Tribunal was not very interested in the details of Kaltenbrunner's genealogy. Nonetheless, he tried to speak as much as possible of his life in Austria, of his life as an ordinary bourgeois, of his upbringing in the family of a professional "champion of law and order", of his legal practice in Vienna.

The Prosecutors, for their part, did not totally overlook the Vienna period of Kaltenbrunner's life. But they selected only those episodes which most vividly portrayed Kaltenbrunner and which he himself was not loath to forget "in order to speed up the trial". The Prosecutors briefly (also, of course, to speed up the trial) reminded Kaltenbrun-

ner of the jail sentence he served in 1934 for complicity in a nazi conspiracy against the Dollfuss Government in Austria, and recalled that in 1935, as a leader of the Austrian SS, he was debarred from legal practice.

His star ascended rapidly after March 12, 1938. When Hitler decapitated the Austrian Republic, Kaltenbrunner was appointed State Secretary for Security in Seyss-Inquart's National Socialist Cabinet. A few hours after Austria was annexed, he welcomed Heinrich Himmler at the Vienna airport and assured the latter that the Austrian "SS was awaiting his further orders".

In recognition of Kaltenbrunner's services as leader of the Austrian SS, Hitler raised him to the rank of Brigadenführer and then Gruppenführer.

#### **"HE DID NOT LIKE A POLICE CAREER"**

January 1943 was the most noteworthy landmark of Kaltenbrunner's career. A few months earlier Czechoslovak patriots had killed Heydrich, and Hitler nominated his own compatriot to the highest police post in the Third Reich, putting him in charge of the Security Main Office.

When the prosecution got to this appointment, Kaltenbrunner made haste to "enlighten" the Judges about the actual role played by him in that post. The Security Main Office, he said, embraced the Gestapo, the SD, the police and the intelligence service. He claimed that he had agreed to head this sinister agency on the condition that he would concern himself solely with the foreign information service, i.e., the intelligence service (the former lawyer did not like the word "espionage"). He asked the Judges to believe him that when he took over his new job he made it plain to Himmler that he did not wish to undertake the functions of "executive power" (the Gestapo, the police, the SD):

"The policy with which he, Himmler, and Heydrich had already discredited the Reich could not be carried on by me. My name, my honour and my family were too sacred to me for that."

The information service and nothing more was thus Kaltenbrunner's modest realm. The post of Chief of Reich Security Main Office was only a nominal one.

But Kaltenbrunner did not labour under the delusion that the Judges believed this story. It had to be reinforced



with evidence. His experience as a lawyer told him that he had to have witnesses. One of them, a high nazi official named Hermann Neubacher "recalled" that Kaltenbrunner had told him that he had declined to take over the RSHA three times but had in the end been compelled to do so by an order.

"Kaltenbrunner told me," Neubacher said, "that he did not like a police career, that he did not understand anything about police work and, furthermore, had no interest for it. He was interested, however, in foreign political affairs."

Although Lord Justice Lawrence remarked: "It cannot affect his official position, the fact that he did not like it", Kaltenbrunner himself and his defence attorney continued to pursue their tactics. The next witness called at their request, one of Kaltenbrunner's close associates in the RSHA named Wilhelm Hoettl, repeated the testimony of Neubacher:

"Kaltenbrunner had neither technical schooling in police problems nor any interest in them. The intelligence service took up the main part of his attention and all his interest, especially insofar as it concerned foreign countries."

However that may be, Kaltenbrunner accepted the post of Chief of the RSHA. More than that, in one of his first affidavits he admitted that he knew what Himmler and Heydrich "had done" in the Reich.

He was reasonably asked why, if his "name, honour and family were too sacred", he went on heading such a horrible organisation like the RSHA after he saw the atrocities it was committing? The answer was later repeated with minor variations by Frank and Rosenberg and Schacht. Donning the toga of a righteous man, the nazi butcher told the Tribunal:

"The most burning question which I personally had to decide was: will conditions be thus improved, alleviated?... Or is it my personal duty in this position to do everything necessary to change all these sharply criticised conditions?... When I considered the possibility of exerting again and again influence on Hitler and Himmler and other persons, my conscience would not allow me to leave my position. I thought it my duty to take, personally, a stand against wrong."

"You may smile, you may be indignant," his whole posture seemed to say, "but it was only my concern for the victims

of nazi arbitrary rule that compelled me to remain in the post of Chief of the Gestapo."

Everybody in the courtroom did indeed smile.

Pursuing his tactics of growing angel's wings, Kaltenbrunner related how he had opposed the Bullet Decree ordering the shooting of prisoners of war:

"I replied to Himmler that I noticed in this Führer decree that again the most elementary principles of the Geneva Convention were violated. . . . I asked him to intervene with the Führer, and I attached to this letter the draft of a letter from Himmler to Hitler, asking the Führer. . . to cancel that decree."

Listening to him one could not help feeling astonished. The impression was created that the trial had begun with his testimony. He behaved as though he had not been present at the cross-examination of Goering, Ribbentrop, Keitel and many witnesses, as though he had not seen the Prosecutors time and again expose the attempts of these gentry to lie and distort facts.

Frequently he flaunted the fact that as distinct from the other defendants he was a lawyer. A hereditary lawyer! If one was to believe him, the main contradiction between him and Himmler was that he, Kaltenbrunner, thought and acted in terms of the law, while Himmler's narrow police mind hated the law, did not tolerate even the mention of the law. Kaltenbrunner boasted that he was the first lawyer to occupy the post of Chief of the RSHA. But nothing good came of it.

A devastating, relentless onslaught of documents and witnesses began and it lasted until the liar was cornered. Nevertheless, it would be unjust to say that the Prosecutors compelled him to surrender. Throughout the trial Kaltenbrunner fought hopeless rearguard actions, exactly like the SS during the last days of the Third Reich, firing senselessly to the very end.

With every new day of the trial and with every new blow by the prosecution Kaltenbrunner appeared more and more odious, and the defence methods to which he resorted evoked indignation in the courtroom more and more frequently.

United States Prosecutor Harris read the affidavit of a certain Hermann Pister. Who was he, this Pister? Perhaps, Kaltenbrunner did not remember him or simply never knew

him? By no means. He knew and remembered him well because a concentration camp like Buchenwald cannot be forgotten, and this Pister was commandant of that camp. Hermann Pister was a loyal menial, who did not lick the boots of the RSHA Chief only because the Chief thought it was superfluous. Or Willy Litzenberger, head of a department in the Reich Security Main Office? He had worked at Kaltenbrunner's side and on more than one occasion had opened the door for him with the adroitness of a trained valet.

Kaltenbrunner hoped these men would not let him down, that they would be cleverer than Bodenschatz or Milch. But they proved to be even cleverer than their Chief suspected. The very first words of their affidavits, read by Harris, dispersed all of Kaltenbrunner's illusions—like all the other nazi satraps he never knew what went on in the minds of his subordinates.

Like their chief, they were determined to save their hides at all costs. Naturally, they did not feel that false evidence in Kaltenbrunner's favour was the wisest road of salvation.

Kaltenbrunner maintained that he had had nothing to do with the orders for summary "protective custody" in concentration camps. But Hermann Pister informed the Tribunal that these orders were signed personally by Kaltenbrunner. And since they used to arrive from the RSHA straight into his, Pister's hands, he could even remind his former chief that there were special red forms for orders of that kind.

The testimony of the Buchenwald commandant was corroborated by Willy Litzenberger, who claimed that "all regulations and protective custody orders ... bore a facsimile stamp of Heydrich or Kaltenbrunner."

Then there was this man Adolf Putger. Who was he? Kaltenbrunner neither knew nor remembered him. So much the worse for Kaltenbrunner, because Adolf Putger, a guard of the Mauthausen death camp, knew him. He knew him not only by his written orders for the execution of prisoners, but by having seen him in person: SS and police General Kaltenbrunner had visited the camp a few times. Guard Putger remembered him as being about 40, 176-180cm tall, with several deep rapier scars on his face, marks left by duels.

It was unquestionably Kaltenbrunner's portrait. It did not, of course, befit the subject of the portrait to be the last to recognise himself.

A vast quantity of evidence was put before Kaltenbrunner during the period of preliminary investigation. But quite a lot was submitted during the trial, catching Kaltenbrunner by surprise, and he had to reply at once, without preparation. That evoked his "righteous" wrath.

"I ask you, sir," he exclaimed, "not to take me unawares and manoeuvre me into a position where I might go to pieces. I shall not break down. I swear to you and I have sworn that I want to help you establish the truth."

But these were empty words. Actually, he went on pursuing the line of a sly but primitive provincial lawyer who had firmly learned one thing, namely, that whatever the Prosecutor said had to be denied: deny everything, deny little things, simulate loss of memory, pick on trivial inaccuracies, feign outraged virtue when the evidence was about blood-chilling crimes.

United States Prosecutor Colonel John H. Amen spoke of the Warsaw ghetto tragedy. But for pity's sake, what had Kaltenbrunner to do with that? He admitted that there had been a tragedy, but the blame devolved squarely on Himmler.

Colonel Amen referred to the testimony of Karl Kaleske, adjutant to General Juergen Stroop, police and SS Chief in Warsaw. Kaleske declared that his chief received orders for "the action against the Warsaw ghetto" directly from Kaltenbrunner.

Who was this Karl Kaleske? Kaltenbrunner did not know him, had not even heard the name. He knew Stroop, but he certainly could not know all his adjutants.

Colonel Amen thoughtfully turned over the papers in his briefcase and then very slowly, as though regretfully, said:

"Well, if Stroop were here he at least would be in a position to tell the truth, would he not, about this Warsaw ghetto affair?"

Kaltenbrunner began to fidget, throwing a cautious glance at the door through which witnesses were led into the courtroom. He smelled a rat. There had been that case with Paulus, who appeared in the courtroom two or three minutes after his name was mentioned by Rudenko. His voice, so

cheerful and firm a moment before, now lacked spirit and sounded helpless. With ill-concealed duplicity he stated that he would be glad to see Stroop, adding that from the words of the Prosecutor he could assume that he was in Nuremberg.

But no miracle took place this time. Colonel Amen's question was no more than a neatly calculated tactical move. However, he had General Stroop's affidavit and he read it out with a glance at the defendant over his glasses:

"Obersturmbannführer Dr. Hahn was Commander of the Security Police of Warsaw at the time.... These orders were not given to Hahn by me, but came from Kaltenbrunner in Berlin.... In June or July of the same year, I was together with Hahn in Kaltenbrunner's office and Kaltenbrunner told me that while Hahn and I must work together, all basic orders to the Security Police must come from him in Berlin."

Kaltenbrunner knew perfectly well what these orders were. He remembered that thousands of people were killed in the Warsaw ghetto on orders from him.

But he was implicated not only in the bloody action in the Warsaw ghetto. He had kept tab on the destruction of Jews throughout Poland.

The next blow was dealt by Soviet Prosecutor Lev Smirnov. As soon as he mentioned the name of Krueger, who was SS and Police Chief in occupied Poland, Kaltenbrunner hastened to inform the Tribunal that this Krueger was subordinated directly to Himmler; he, Kaltenbrunner, had had no dealings with him, had always regarded him "a swine and criminal" and had therefore favoured "his transfer from the Government-General".

But Smirnov had up his sleeve a curious document for the liar. It was Frank's diary which contained a minute description of a conference in Warsaw at which the fate of the Jews surviving in Poland was discussed. Frank wrote that this conference was attended by both Kaltenbrunner and Krueger. The record left no doubt that Krueger had addressed Kaltenbrunner as his chief.

Kaltenbrunner tried to side-step the evidence in this document. He denied that Krueger had asked him to submit to Himmler a report on the measures that had been taken against the Jews. He ran from Krueger as the devil from the cross.

To give the reader a better idea of Kaltenbrunner's behaviour it would, I think, be worth quoting another excerpt from the minutes of the trial:

*Smirnov*: "One little moment. But why did Krueger act through you?"

*Kaltenbrunner*: "... as State Secretary for police matters in the Government-General, he was ... immediately subordinate to Himmler."

*Smirnov*: "I beg you to answer briefly: did Krueger ask you to report to Himmler on this subject or not? That is the only thing I am asking you."

*Kaltenbrunner*: "As far as I know, this meeting was a large meeting of administrative officials and everyone asked all those who were closest to the Führer or Himmler..."

*Smirnov*: "Tell me, 'yes' or 'no'."

*Kaltenbrunner*: "I do not know that."

*Smirnov*: "So you do not know. Then I will ask you a second question."

*The President*: (To Kaltenbrunner) "What did you say to the last question? (To the Prosecutor) Colonel Smirnov ... will you tell him what question you want him to answer.... Ask him one question, and ... get him to answer it."

It was easier said than done. Kaltenbrunner displayed a remarkable ability to run in circles round what he felt would benefit him.

He did his utmost to parry Smirnov's questions. He felt that the most terrible revelations lay ahead. The nazi concentration camps had played the premier role in the extermination of millions of people, and he, Kaltenbrunner, was being charged not only with knowing all the details of the programme of mass murder but of being one of the principal executors of that programme. He knew that the prosecution was in possession of evidence from witnesses, who testified that he had visited the death camps and had watched people put to death. However, it was not simple to make him admit all this.

"Testimony to that effect is entirely wrong," he declared without batting an eyelid. Himmler had, it seemed, invited him to inspect a couple of concentration camps. "I would not have attended such an inspection," he insisted, "for I knew very well that as far as I was concerned, he would,

as he did with others whom he had invited on such visits, show me 'Potemkin villages'."\*

The only reason no laughter greeted this monologue by the "angel in the flesh" Kaltenbrunner, whom the hangman Himmler had endeavoured to delude, was that it was impossible to laugh where it concerned nazi concentration camps.

On April 11, 1946, Dr. Gilbert spoke to Kaltenbrunner about the mass murders in concentration camps.

"I can prove that I had nothing to do with it," Kaltenbrunner bristled. "I neither gave orders nor executed them. You have no idea how secret these things were kept even from me."

"Frankly," Dr. Gilbert remarked, "I doubt if many people can believe that you, as nominal Chief of the RSHA, had nothing to do with concentration camps and knew nothing about the whole mass murder programme."

"But that is because of newspaper propaganda," Kaltenbrunner protested. "I told you when I saw the newspaper headline 'Gas Chamber Expert Captured' and an American lieutenant explained it to me. I was pale with amazement. How can they say such things about me? I told you I was only in charge of the Intelligence Service from 1943 on. The British even admitted that they tried to assassinate me because of that—not because of having anything to do with atrocities, you can be sure of that."

Kaltenbrunner doggedly clung to the role of sufferer and righteous man beset by ill fate. But nothing came of it. As the evidence piled up, the sentimental decorations dropped away and those who had the opportunity to observe him saw a frightened man who wanted nothing but to save his skin.

At the same time he was unfailingly courteous to the Judges and Prosecutors, expecting to impress upon them in this way that in his person they were dealing with a "colleague". Noting, for example, that the entire British personnel addressed the President as "My Lord", Kaltenbrunner aped them although this clearly irritated Geoffrey Lawrence.

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\* These were villages where a pretence was kept up that all was well. They were named after the Russian Prince Potemkin, who, when Catherine II visited the Crimea, set up show villages on her route in order to convince her that the peasants were prospering under him.

## KURT KAUFFMANN'S UNEXPECTED CONVERSION

For every defendant trouble usually began when the Prosecutor started his cross-examination. The cross-examination by the defence was, I would say, the most pleasant stage of the trial: summing it up, one could say that the defendant was not or was hardly guilty of anything. But in Kaltenbrunner's case, trouble started as soon as he was cross-examined by his own defence attorney.

I have already mentioned that his main line was to deny not only his complicity in the tortures and murders in the death camps but even any knowledge of such matters. But his attorney began the cross-examination with the question whether he knew of the existence of Oswiecim and whether he knew that innocent people sent by Eichmann were put to death there. He demanded a direct answer: "yes" or "no". This undoubtedly complicated Kaltenbrunner's position, for it deprived him of the possibility of running round in circles, of having recourse to cunning.

In Nuremberg it was well known that Eichmann was one of the most lurid figures of the Gestapo, one of the direct and principal executors of the programme of mass extermination of Jews, and any connection with that man did not much adorn the defendant. In any case, Kaltenbrunner made no haste to publicise his relationship with Eichmann. He would have been happy, of course, if he could have convinced the Judges that he had had nothing in common with "that Eichmann" either during his activities in Austria or later in Berlin, and that generally he knew very little about him. But his own defence lawyer put spokes in his wheel.

"I am asking you," Kurt Kauffmann insisted, "when did you get acquainted with Eichmann?"

It gradually came to light that Kaltenbrunner had no grounds whatever for disowning his connections with that odious personage—they were compatriots and old friends. Eichmann's father was the director of an electrical building firm, while Kaltenbrunner's father was the firm's legal adviser. Eichmann had gone to school with Kaltenbrunner's brothers.

The defence attorney's curiosity knew no bounds. His next question almost prostrated his client:

"When did you hear ... that the camp at Auschwitz



(Oswiecim) was an extermination camp? What was your attitude upon learning this?"

Recovering from his surprise Kaltenbrunner mumbled something about Himmler and Heydrich, but his defence counsel cut him short:

"Give a straight answer to my question. What was your attitude when you learned this? Answer clearly and briefly."

These were not very usual tactics for a defence attorney to adopt. Kauffmann possibly calculated that there was something to be gained from the answers. Possibly. But Kaltenbrunner was plainly not at all delighted with the questions.

In order to escape from the tenacious grip of his attorney, who unexpectedly turned into a meticulous prosecutor, Kaltenbrunner again resorted to verbiage. But Kauffmann stopped him:

"We still do not know what you really did when you learned of Auschwitz. What did you do? I am asking you for the last time."

It was a delicate situation. He never expected to tolerate so much from the prosecution. Besides, his own attorney had taken him by his throat!

The other defendants did not conceal their curiosity as they watched Kauffmann take his client to pieces. Goering shook his head in reproach. It was hard to say what he was censuring—Kaltenbrunner's ridiculous attitude or the behaviour of his attorney.

But Alfred Seidl openly waxed indignant over the attorney's strange behaviour. As soon as the recess was announced, he hurried over to Kauffmann and spoke with him for about ten minutes.

To be frank, I was also somewhat astonished at the tactics employed by the defence. At any rate, Kauffmann's last question was not the question of a defence attorney. Kaltenbrunner glared fiercely at his counsel. Plainly written over his face were the words: "Pity this Kauffmann did not fall into my hands earlier, in the Gestapo."

Dr. Gilbert told us that at breakfast Kaltenbrunner said to him:

"I saw Colonel Amen holding his sides for laughter. You can tell him that I congratulate him on his victory over me in getting me such a stupid attorney."

There will be more about Kauffmann's stand. At this

juncture it must be said in all justice that he was Kaltenbrunner's own choice. Colonel Amen had nothing to do with it.

#### SHADES OF OSWIECIM AND MAUTHAUSEN

Witnesses and documents pointed their finger at Kaltenbrunner. The documents all came from archives; the witnesses were of different kinds. Some had been associates and friends of Kaltenbrunner and would have gladly helped him, but fear for their own skins made them push him deeper into the mire.

One of them was Rudolf Hoess, former commandant of the Oswiecim camp. He had tried to go into hiding, but was captured and imprisoned. With the unconcealed cynicism of a professional killer, Hoess told the Tribunal of the advantages of his camp as compared with "backward" death camps like Treblinka. In Treblinka, for instance, ten gas chambers had to be operated to kill 2,000 people, but in Oswiecim one gas chamber did the work. In Treblinka the victims knew they would die.

"At Auschwitz," Hoess explained in a business-like tone, "we endeavoured to fool the victims into thinking that they were to go through a delousing process."

The very technology of selecting victims was incomparably more sophisticated at Oswiecim. New-arrivals were at once sent to the doctor, who decided there and then who were suitable for work in the camp: all the others were dispatched to the extermination factory.

There was nothing outwardly brutal about Hoess. His face was devoid of clear-cut signs of cretinism. But when Dr. Gilbert stepped in to his cell, he forestalled his question by saying:

"You want to know ... if my thoughts and habits are normal."

Indeed, what else was one to think of the killer of 3,000,000 people?

"Well, what do you think?" Dr. Gilbert queried.

"I am entirely normal. Even while I was doing this extermination work, I led a normal family life."

Dr. Gilbert asked if Hoess ever thought that the people he was destroying were guilty of anything and therefore deserved such a fate. Hoess shook his head:

"We SS men were not supposed to think about these things. . . . And besides, it was something already taken for granted that the Jews were to blame for everything."

Dr. Gilbert asked him to be more specific.

"We just never heard anything else," Hoess said in surprise. "Even our military and ideological training took for granted that we had to protect Germany from the Jews."

It would be unjust to state that only Kaltenbrunner was seized by harrowing fear at the sight of Rudolf Hoess in the witness stand. This man sent shivers down the spines of every defendant in the dock. He was the mark of Cain on the brow of each of them, the passport of the nazi regime as a whole, the living embodiment of Hitler's man-hating maxim: "Depopulation must be developed".

It may be safely stated that no document and no other witness dealt the defendants such a staggering blow as the evidence of Rudolf Hoess. That was when the possibility arose of learning the details about the nazi variant of the "Potemkin villages".

As I listened to Hoess, I thought how many times Count Grigory Potemkin would have turned in his grave if he learned with what his naive attempts to deceive Catherine were being associated.

In vain did Kaltenbrunner try to persuade the Tribunal that he knew nothing of what went on in camps like Oswiecim. The Prosecutors at once demanded that Hoess specify who ordered the arrest and dispatch of millions of people to concentration camps, their punishment and mass execution. The cold-blooded murderer replied without hesitation:

"After the organisation of the RSHA all these functions were carried on as before, but pursuant to orders signed by Heydrich as Chief of the RSHA. While Kaltenbrunner was Chief of the RSHA orders for protective custody, commitments, punishment, and individual executions were signed by Kaltenbrunner or by Müller, Chief of the Gestapo, as Kaltenbrunner's deputy."

Hoess thus corroborated the evidence of the former commandant of Buchenwald. As he spoke, Kaltenbrunner shrank, rubbing his temples and hiding his bony, equine face with sweaty palms.

The reader probably remembers that in Bonn it was announced that from May 1965 onwards all court proceedings against nazi war criminals would be stopped in the

Federal Republic of Germany. They invoked the time limitation clause. As a lawyer I know what this means. This clause is to be found in the criminal codes of all countries. But every lawyer knows that it covers crimes like stealing, hooliganism, robbery, bodily injury, murder. The criminal code of the FRG is no exception to this common rule, and the Bonn Government invoked Paragraph 67 of the code with the intention of granting amnesty to nazi war criminals.

But no lawyer in the world will venture to assert that the hideous crimes of Kaltenbrunner, Hoess and their ilk can come under the heading of ordinary crimes and that the time limitation clause can be applied to them. Hoess was caught. But he might not have been caught, as Eichmann was not caught for 15 years, and as thousands of other vicious war criminals have not been caught to this day. In Nuremberg Hoess admitted that he had directed the killing of almost 3,000,000 people. A muffled groan swept across the courtroom. This was perhaps as many people as have been murdered throughout the history of mankind.

Lesser butchers passed before the Tribunal. Of these I particularly remembered SS General Otto Ohlendorf, commander of Einsatzgruppen D, who declared that in the region of Nikolayev, South Ukraine, he had killed only 90,000 people.

Is there any lawyer who will venture to assert that those who drew up criminal codes, including the German Criminal Code, which was adopted in 1871, ever dreamed that crimes of such magnitude could be committed? What parliament adopting these codes surmised that the time limitation clause might be invoked to amnesty the killers of millions of people? One does not have to be a law expert to understand that this clause is applicable only in respect of crimes envisaged by the criminal code.

If the ordinary yardstick of criminal codes could be used to assess the crimes of the Hoesses and Ohlendorfs, jurists would not have had to draft new criminal laws, the subject of which, alas, is neither stealing, nor hooliganism, nor bodily injury, nor isolated cases of murder. It would not have been necessary to introduce into legal lexicology the term "genocide", that neologism born in the flames of the Oswiecim furnaces. It would not have been necessary to have recourse to the concept "crimes against mankind", hitherto unknown in jurisprudence, to gauge the scale of the nazi crimes.

It was because the nazi crimes did not fit into the framework of a conventional criminal code that it was found necessary to work a special jurisdiction into the Charter of the International Tribunal. What phenomenal disregard of legal norms must be displayed to set everything upside down and apply the time limitation clause to nazi criminals!

But let us return to the Nuremberg Palace of Justice. Rudolf Ferdinand Hoess was by far not the only witness whose testimony shattered the rickety defence put up by Kaltenbrunner. There were other death camps besides Oswiecim. There was the notorious Mauthausen camp, where the commandant was a certain Franz Ziereis.

Kaltenbrunner thought he heard wrong when that name was mentioned. There seemed to be some mystery over this, because as far as he knew Ziereis was dead. However, there proved to be no mystery—Colonel Amen read the affidavit of the butcher of Mauthausen. Kaltenbrunner vainly prodded his attorney to lodge a protest and inform the Tribunal that Ziereis was in his grave. But no protest was necessary. Colonel Amen declared that the Mauthausen commandant had been launched into eternity but that he had to disappoint Kaltenbrunner and inform the Tribunal that before he died Ziereis had written an affidavit. Asked on whose orders he was acting when he pushed thousands of people into the gas chambers, he replied:

"Everything that we carried out was ordered by the Reich Security Main Office, Himmler or Heydrich, also by SS Obergruppenführer Müller or Dr. Kaltenbrunner, the latter being Chief of the Security Police."

The "Kaltenbrunner villages" were thus demolished and in their stead those who were in the Nuremberg courtroom could picture the long grey barracks of the death camps, with their smoking chimneys and crematoria.

Ziereis' confession made before his death was augmented by another mute witness. Remembering Kaltenbrunner's ardent plea that he should be believed when he said he never visited the death camps, Colonel Amen produced a photograph—it showed Ziereis, Himmler and Kaltenbrunner in the Mauthausen camp.

Before Kaltenbrunner could recover from this blow, Alois Höllriegel was led into the courtroom. Kaltenbrunner looked closely at the witness but could not recognise him. What

were they planning to ask this man? What new danger lurked behind these questions?

After the first few questions it was ascertained that Höllriegel was an Austrian, who lived in Graz before the war. Kaltenbrunner was unable to remember this compatriot. Yet they had met—in Austria; and the place of their meeting was Mauthausen.

This witness, like Putger, whom the prosecution had already introduced to Kaltenbrunner, was a concentration camp guard—in Mauthausen. His testimony only added to what the Tribunal had already heard from Putger. Alois Höllriegel related in a calm voice:

"I believe it was in the fall of 1942, Ernst Kaltenbrunner visited Mauthausen. I was on guard duty at the time and saw him twice. He went down into the gas chamber with Zierys, commandant of the camp, at a time when prisoners were being gassed."

That seemed to be sufficient to make it clear how wantonly Kaltenbrunner had lied. It was obvious that the "Potemkin villages" were not built for him, but that he himself had tried to build them for the Judges of the International Tribunal. But the Prosecutors were determined to show him up. After Höllriegel completed his testimony, the prosecution read the affidavit of Johann Kanduth, furnaceman at the Mauthausen crematorium. He clearly remembered that on one of his visits "Kaltenbrunner went laughing into the gas chamber. Then the people were brought from the bunker to be executed, and then all three kinds of executions: hanging, shooting in the back of the neck and gassing, were demonstrated." Kanduth ended with the words: "After the dust had disappeared we had to take away the bodies."

Kaltenbrunner sprang to his feet, flatly denying this evidence. He reminded the Tribunal and the prosecution that it was hard to expect objectivity from a man who had himself been a prisoner in the concentration camp and had suffered all the privations of camp life. No court in the world would accept as unbiassed and conclusive the evidence of a witness interested in the outcome of a trial.

For a fleeting moment it seemed to me that Colonel Amen was confused. But I was mistaken. He had foreseen this sally on the part of the defendant and with accentuated calm, without pressure, specified Kaltenbrunner's position relative to Zierys. The latter had not been a prisoner of

Mauthausen but a jailer and, consequently, the defendant could not suspect him of bias.

Kaltenbrunner had a premonition that he had fallen into a trap but it was too late to retreat. He had no objection to the testimony on this score by Ziereis. And here it transpired that this testimony coincided entirely with the testimony of Kanduth.

"About 15 prisoners under detention," Ziereis recalled in his affidavit, "were selected by the detention chef, Unterscharführer Winkler, in order to show Dr. Kaltenbrunner three ways of extermination: by a shot in the neck, hanging and gassing. Women whose hair had been shorn were among those executed and they were killed by shots in the neck. . . . The 'corpse carriers' were present at the execution and had to carry the corpses to the crematorium. Dr. Kaltenbrunner went to the crematorium after the execution and later he went into the quarry."

I watched Kaltenbrunner twist his face, looking crestfallen, stupefied by the almost word-for-word coincidence of the testimony of the Mauthausen prisoner and commandant. In the next moment he looked about him anxiously and straightened his back: he had to go on playing the role of affronted virtue—his figure bent by the weight of evidence did not at all fit in with that purpose.

But Colonel Amen paid no attention to Kaltenbrunner's primitive subterfuges. There was unsympathetic reaction to his stupid tactics even in the dock. Keitel glanced at him, whispered something to Goering who only made a deprecating gesture with his hand, while the expression on his face seemed to say: "What can you expect from this thickheaded policeman!" Schirach laughed in his sleeve and exchanged a few words with his dock neighbours. But suddenly he gave a start as he heard his own name. Why was he brought into all this?

It turned out that the Prosecutor's curiosity was at the back of this. He casually asked Alois Höllriegel if in Mauthausen he had seen any of the defendants. The ex-guard calmly replied that Gauleiter of Vienna von Schirach had been one of the distinguished visitors.

*Amen:* "Do you remember what he looks like so that you could identify him?"

*Höllriegel:* "I think that he has probably changed a little in recent times, but I would certainly remember him."

*Amen:* "How long ago was it that you saw him there?"

*Höllriegel:* "That was in the fall of 1942."

*Amen:* "Will you look around the courtroom and see whether you can see Schirach in the courtroom?"

*Höllriegel:* "Yes."

*Amen:* "Which person is it?"

*Höllriegel:* "In the second row, the third person from the left."

At this point Baldur von Schirach stopped tittering, the snigger wiped clean off his face. It was Kaltenbrunner's turn to gaze at him with malicious glee.

Meanwhile Höllriegel went on with his testimony. He related that when Schirach was in Mauthausen he watched the execution of victims who were called "paratroopers". The name was given to those who were first beaten, trampled on and then ordered to jump from a precipice 40 metres high.

Clearly disturbed at this sudden turn, Schirach had a conference with his defence attorney, Fritz Sauter, during the recess. When the trial resumed Sauter attacked Höllriegel in an effort to discredit his testimony.

At first he set out to prove to the Judges that Höllriegel was clearly an SS man of the "prewar brand". The Tribunal had been under no delusion and had not taken Höllriegel for an anti-fascist.

Seeing that this was bringing him nothing, Sauter began to look for "contradictions" in the testimony. Having obtained from Schirach some details of the visit to Mauthausen, he asked Höllriegel:

"Was von Schirach alone at Mauthausen, or was he together with other people?"

The witness replied:

"Von Schirach was accompanied by other gentlemen. There was a group of about ten people, and among them I recognised von Schirach and Gauleiter Uiberreither."

This was where Sauter "caught" the witness, telling the Tribunal that Schirach was accompanied "not by ten but by 20 gentlemen".

The Mauthausen guard, however, had a sense of humour and noted:

"I did not know at that time that I might have to use these figures; I did not count them."

There were loud guffaws in the courtroom.

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There were, as I have mentioned, witnesses of different kinds: ex-prisoners and ex-guards, and men who had been high officials of the nazi machine. I could mention many others, and every new name would be another story of monstrous brutalities by the great inquisitor Kaltenbrunner, compared with whom the medieval hangmen were clumsy apprentices.

I could mention the Spanish press photographer François Boix, who was a prisoner in Mauthausen. His evidence was accompanied by the demonstration of hair-raising photographs, which showed two men as the most frequent guests at Mauthausen: Reichsführer SS Himmler and Dr. Kaltenbrunner wearing a nazi party gold badge—a presentation from the Führer's own hands "for special services". Boix said that when Kaltenbrunner was Chief of Police and the SS in Austria he frequently visited Mauthausen "to see how similar camps could be organised throughout Germany and in the occupied countries".

I possibly could quote from memory the horrible story of this witness about the captive Russian officers, who were one day given new clothes, made to lie down on cots with snow-white sheets, forced to hold a cigarette in their teeth, pose for photographs (must be for the Red Cross!) and then marched to the gas chamber. The comedy of humane treatment in the nazi camp lasted not more than a few minutes!

I could, finally, retell the shocking testimony of an SS judge and official of the Reich Police Department Georg Konrad Morgen, who related how thousands of people were put to death at Oswiecim with the knowledge and sanction of Kaltenbrunner. And in recalling this, I could add that Morgen was not one of those whom Kaltenbrunner could suspect of being biassed or motivated by a desire for revenge.

But no matter how many new names I could list and no matter what new facts I could mention, it would not change the general picture of Kaltenbrunner's conduct at the trial. Despite everything, he did not relinquish his chosen role and denied everything with phenomenal doggedness, with phenomenal stupidity.

His absurd tactics only evoked two types of reaction: nausea and laughter. Even his former colleagues, sitting next to him in the dock, could not understand this ludicrous stubbornness.

During a recess Fritzsche quite bluntly expressed his amazement:

"Yes, he is trying to make himself out as someone who could not hurt a fly; I am surprised his attorney even lets him use that line."

Hjalmar Schacht was not only shocked but disturbed by Kaltenbrunner's crazy tactics:

"But these flat denials and lies—ugh! Really it makes us all very uncomfortable because it throws a shadow over all of us."

Doenitz said to Goering in the tone of a martinet:

"He ought to be ashamed of himself."

The Admiral, naturally, had in mind not so much the crimes of the Gestapo and Security Service Chief as his wretched, imbecile line of angelic self-exculpation at the trial.

Soon after the failure of his attack on Höllriegel, Saukel asked von Schirach if there was any question he wanted to ask Kaltenbrunner. Schirach replied with ill-concealed annoyance:

"Don't bother. He can't help himself: how can he help anybody else?"

Such was the assessment of Kaltenbrunner's line even by the defendants.

Harrowing fear of death blinded the former Chief of the RSHA and brought to the surface only what really characterised him—the cowardly heart of a butcher, arrogant in his days of power and pathetically white-livered in face of the first real test.

#### **HIMMLER VERSUS KALTENBRUNNER**

I had grown accustomed to seeing the German Generals called by the defence shielding or, to be more exact, trying to shield Goering, Keitel, Jodl, Raeder and Doenitz. True, later, when they were cross-examined by the Prosecutors who bombarded them with incontrovertible facts these "witnesses" had to change their orientation, and beginning with laudations ended with prayers for the repose of the souls of those they had wanted to save. This happened in the case of Milch, Bodenschatz and others.

But there was that short-statured, well-dressed man. He looked timidly at the defendants. His appearance was quite

respectable and he had, I would say, pleasant features. Had I been asked to judge his profession by his appearance I would have said that he was a senior lecturer at some university. Many of the defendants gazed with interest, consuming interest at this man.

"Look at Kaltenbrunner," the US Captain Priceman, who was sitting beside me, whispered.

Kaltenbrunner's equine face seemed to grow longer, his jaw sagging. It was not difficult to see that he was greatly disturbed.

Yes, this was a very interesting witness—and he was not, of course, a senior lecturer, but a spy chief, head of the Sixth Department of the RSHA. His name was Walter Schellenberg, and he looked about 35. He had, it goes without saying, much to tell. The very fact that he was a witness for the prosecution and not for the defence did not, Kaltenbrunner could easily guess, augur well.

Yet, in the beginning, some hope burned in Kaltenbrunner. I write of this confidently because later, when all his illusions were dispelled, he was clearly overwhelmed and, with his head in his hands, wearily closed his eyes. What was it that gave Kaltenbrunner hope in the beginning?

In cross-examining Schellenberg Colonel Amen concentrated on a top secret agreement between the OKW (Quartermaster-General Wagner) and the RSHA (Heydrich). This agreement was concluded shortly before the invasion of the USSR. Under it all armies were to have Einsatzgruppen, whose direct task was to maintain a rein of terror and exterminate people en masse in occupied Soviet territory. This was a direct alliance between the Wehrmacht and the nazi punitive organs.

Speaking calmly, Schellenberg told of the course of the negotiations, in which he participated personally, and of the substance of the agreement. At first he did not, I think, suspect that he was striking a crushing blow at Keitel and Jodl and was, at the same time, pouring balsam on Kaltenbrunner's heart. This was sweet revenge for the unpleasant scene in the dock on December 10, when Keitel demonstratively turned his back on him. Schellenberg's testimony deflated the value of that hypocritical scene, whose purpose had been to show that the German Generals and the Wehrmacht as a whole were not implicated in the atrocities perpetrated by the SS and the Gestapo.

In cross-examining Schellenberg Colonel Amen did not go further than the agreement between the OKW and the SS. I regret very much that he limited his task to that extent. But evidently the American prosecution had its own considerations on that score.

The range of questions was unexpectedly enlarged by Kaltenbrunner's attorney Kurt Kauffmann. His goal was clearly to compel Schellenberg to admit that as Chief of the RSHA Kaltenbrunner was in effect nothing more than an intelligence man.

"Did Kaltenbrunner ever indicate to you," he asked Schellenberg, "that he had agreed with Himmler that everything concerning concentration camps and the entire executive power was to be taken away from him and that only the SD, as an intelligence service, was to be entrusted to him?"

"I never heard of any such agreement," Schellenberg replied categorically, "and what I found out later to be the facts is to the contrary."

The attorney incautiously began to draw the witness out, asking him to specify what he had in mind. Schellenberg willingly satisfied the attorney's curiosity. At the close of the war, the question of what to do with the concentration camps was considered in the RSHA because the Allied forces were drawing close to them: to evacuate them deep into Germany and go on with the extermination of the prisoners or to surrender them to the Allies.

"After the Reichsführer SS very reluctantly agreed, through my persuasion, not to evacuate the concentration camps," Schellenberg said, "Kaltenbrunner—by getting into direct contact with Hitler—circumvented this order of Himmler's and broke his word in respect to international promises."

Schellenberg was asked to explain what he meant by "international promises". Himmler, he said, had established contact with the Western powers and promised them that the concentration camps would not be evacuated. This Schellenberg regarded as an "international promise".

But why did the witness cast such slurs on his direct chief Kaltenbrunner? Not even the prosecution forced him to do that.

The casket, so mysterious-looking, so enigmatic at first glance, proved to be quite simple to open.

Throughout the years of their collaboration, Himmler and Kaltenbrunner regarded each other as rivals. Two warring parties—the Berlin and the Austrian—operated in the leadership of Nazi Germany's punitive organs. Himmler represented the Berlin group, while Kaltenbrunner, Hitler's compatriot, headed the Austrian group. We already know that Ernst Kaltenbrunner began his career among Austrian National Socialists, that on Hitler's personal instructions he was included in the Seyss-Inquart Government on March 13, 1938, and that in 1942, after Heydrich was assassinated, Hitler transferred him from Vienna to Berlin and appointed him deputy to Himmler. Himmler did not go into raptures over this appointment for he regarded Kaltenbrunner as Hitler's agent. This spy became particularly obnoxious to him during the last months of the war, when behind Hitler's back Himmler tried to establish contact with the Western powers. In early 1945 the Reichsführer SS admitted to his henchman Schellenberg that he could not receive an important foreigner because that would put him "at the mercy of Kaltenbrunner". In March of the same year he instructed Schellenberg to meet the former Swiss President Jean-Marie Musy and contact the Americans through him.

Incidentally, identical assignments were being carried out at the time in Switzerland by Kaltenbrunner's agents. But they acted through Karl Burckhardt, President of the Red Cross.

Hostile as these two cliques were, in these negotiations they used one and the same trump card: the life and fate of prisoners in exchange for concessions from the Western powers upon Germany's surrender, including, of course, the preservation of the lives of the SS elite.

Each of the chiefs of these two groups kept a vigilant eye on his rival and tried to forestall him in striking a bargain with reactionary circles in the West. But as soon as one felt that the other was close to the goal, everything was done to lay a mine under him.

Schellenberg counselled Himmler not to destroy the missile factories at the concentration camps in the south of Germany, but to turn them over intact to the advancing United States forces. Himmler agreed to this, feeling it would give him a stronger hand in talks with the Americans. But this project came to nothing as soon as Kaltenbrunner got wind of it. To the Chief of the RSHA it meant nothing

that tens of thousands of more people would perish as a result of his rivalry with Himmler. He got Hitler to order the evacuation of factories and concentration camps deep into Germany, which for the prisoners meant only one thing—the gas chambers. Kaltenbrunner could not let Himmler outstrip him in the negotiations with reactionary circles in the West.

The “high” warring parties were not in the least disturbed by the fact that in carrying on such negotiations they were selling their “adored Führer”. Both Himmler and Kaltenbrunner had long ago made up their minds that the saving of their own skins was more important than any decrepit oaths of allegiance, fidelity and so forth. As a matter of fact, the Führer had himself declared that conscience was a chimera and that the quicker one got rid of it the better. They had, therefore, no qualms that together with conscience, about which they knew only by hearsay, they would have to get rid of Hitler. Reichsführer SS Heinrich Himmler and Obergruppenführer Ernst Kaltenbrunner were agreed on this point, but at the same time they were eager to put paid to each other. It was, of course, a piece of grandiose hypocrisy on Kaltenbrunner’s part when he told the Tribunal that the enmity between him and Himmler was due to the fact that as a lawyer he, Kaltenbrunner, championed legality while Himmler flouted justice.

That clod of mud thrown at him by Himmler’s menial Schellenberg was no surprise for him, of course. And for his part, the “Grand Inquisitor” had something to say about this man.

“Schellenberg,” he told the Tribunal, “was Himmler’s most intimate friend.... He is the man who, on Himmler’s behalf, established contact with the Swedish Count Bernadotte.... He... at the very last minute, through M. Musy in Switzerland, established a connection which was used to permit a very few Jewish prisoners to go to Switzerland the purpose of which was to create quickly a favourable impression for Himmler and Schellenberg abroad.”

Through United States rabbis Schellenberg was busy arranging for the publication in leading American newspapers of articles showing Himmler to the best advantage. Kaltenbrunner maintained that he did everything in his power to open Hitler’s eyes to “these machinations”.

He feigned indignation over Heinrich Himmler’s tactics to obtain a separate peace. But he said nothing of his own

roving over the whole of Europe in search of contact with the Americans. It was none other than Wilhelm Höttl, a prominent figure in the Nazi Intelligence Service, who testified in court that Kaltenbrunner had spoken to him of "his willingness to travel to Switzerland . . . and start personal negotiations with an American representative". True, Höttl tried to convince the Tribunal that Kaltenbrunner was resolved to take this step solely "to avoid further senseless bloodshed". But we shall see how these words clash with the last actions of the Gestapo Chief.

Höttl spoke in glowing terms about his erstwhile chief, and Kaltenbrunner somewhat calmed down, believing that Höttl had managed to neutralise Schellenberg's evidence. In an effort to follow up on this imaginary success, he told the Tribunal that he had repeatedly risked his life in order to hasten the capitulation, claiming that after the defeat of Paulus' army on the Volga he saw that the "war had been unquestionably lost for Germany".

The dock reacted in its usual way to this empty verbiage. Goering cast a contemptuous glance at Kaltenbrunner and made a deprecatory gesture with his hand. Frank whispered in Rosenberg's ear, nodding at the latter-day peace-maker. That evening when Dr. Gilbert saw him in his cell, he said: "He says that . . . he knew the war was lost—and yet he persecuted thousands of Germans for defeatism; threw them into concentration camps."

While Kaltenbrunner was being cross-examined, the not unknown US Intelligence Service resident in Europe Allen Dulles must have had a bad attack of hiccoughs. His name was mentioned time and again by Kaltenbrunner and by the witnesses. He was the man Kaltenbrunner contacted for negotiations on a separate armistice in the West. It is hardly necessary to remind the reader that our war-time Allies kept this a closely guarded secret from the Soviet Union.

In Nuremberg the former Gestapo Chief spoke profusely of his contacts with the Americans during the war, feeling that this might now stand him in good stead.

"Yes," he said, "there was a large number of journeys, and indeed not only by Höttle but by several other persons. . . . I point out a discussion which I had with a Count Potocki, whom I asked to get in touch with such circles and forward the same information to Anglo-American circles in Switzerland."

But the Prosecutors and the Judges realised what lay behind these "revelations" and unerringly knew what Kaltenbrunner was driving at. The trial went on in its normal course.

When the affidavit by the Swedish Count Folke Bernadotte was read in court, Kaltenbrunner again heard the name of Schellenberg, which he hated so much. It turned out that Schellenberg had warned the Swede that "Kaltenbrunner wields enormous influence over Hitler, is extremely dangerous and should under all circumstances be given a wide berth".

Then followed the mention of a name which had an even more terrible connotation for Kaltenbrunner: Kurt Becher. That was the last straw. Or perhaps his hearing was playing tricks on him?

But there was the name Kurt Becher distinctly pronounced by the Prosecutor. With the permission of the Judge the Prosecutor began reading the Becher affidavit:

"I, Kurt Becher, former Standartenführer SS, declare the following under oath. Between mid-September and mid-October 1944 Himmler . . . issued a decree halting the extermination of the Jews. It is my belief that from that day on Kaltenbrunner and Pöhl bear the entire responsibility for the further killing of prisoners. . . . At 9 a.m. on April 27, 1945, when I visited the Mauthausen concentration camp, the commandant Standartenführer SS Ziereis told me in confidence that Kaltenbrunner had ordered him to put to death at least a thousand people daily."

While the Prosecutor was reading this affidavit I kept my eyes rivetted on Kaltenbrunner. He was on edge, worriedly glancing at the Judges, biting his lower lip and rubbing his square jaw. The affidavit totally demolished Kaltenbrunner's claim that in spite of Himmler's efforts he had tried to save the concentration camp prisoners at the end of the war. More than that. According to Kurt Becher, the guardian angel of the prisoners was Himmler.

But desperate as his position was, Kaltenbrunner had no intention of surrendering. He mustered his last reserves of chicanery in search of a way out and, seemingly, found what he wanted.

This, he assured the Tribunal, was the kind of evidence that warmed his heart. The Himmler decree mentioned by Becher was the result of his, Kaltenbrunner's, efforts.



This turn was so unexpected that even Kurt Kauffmann asked his client:

"Do you want to say that this was due to your intervention?"

"I am firmly convinced," Kaltenbrunner replied without hesitation, "that this is chiefly due to my intervention. . . . I do not think that there was anyone who kept dinning it into Himmler's ears . . . or that there was anyone who would have spoken so openly and frankly and with such self-abnegation to Hitler as I did."

But Becher had divulged that Kaltenbrunner had ordered Zierris to kill at least a thousand prisoners daily. That had to be explained somehow. With a look of triumph Kaltenbrunner declared that now that the Tribunal had learned (from his words, of course!) "what the real situation was", the time had come to say a few words about Becher. He was the man whom Himmler had used for the dirtiest work. On behalf of Himmler, Becher had negotiated a deal with representatives of the Western powers by which concentration camp prisoners were to be exchanged for lorries. To allay any fears the West might have had that the lorries would be used against the Western armies, Becher suggested fitting them with special devices to make them suitable for operation in Russia's snow-bound expanses. Moreover, Becher had tried to get some critical industrial raw materials in return for "live goods".

The Gestapo Chief burned with "righteous" wrath as he gave this evidence. He was, he told the Tribunal, always outraged by these commercial operations of Himmler and Becher, who thereby "impaired the Reich's prestige abroad".

I listened to Kaltenbrunner attentively and caught myself thinking: what is this man counting on. Was he seriously thinking that if he told the truth about Himmler the Tribunal would exonerate him?

#### **KALTENBRUNNER HITS KALTENBRUNNER**

What were the real facts when divested of the clothing in which Himmler's myrmidons sought to swathe them and of the screen which Kaltenbrunner and his ilk tried so zealously to build up?

The time was April 1945. Fighting was raging in the vicinity of Berlin. Hitler's days were numbered. His crea-

tures were scuttling in all directions, like rats from a sinking ship. Goering had fled southwards to surrender himself to the Western powers before the others in a bid to save his own neck. Robert Ley was already growing a beard in preparation for the role of the respectable burgher Ernst Dostelmeyer. Joachim Ribbentrop was busy looking for his former partners in the champagne business.

The Allied forces were drawing the ring tighter. They solemnly warned the concentration camp commandants to think of their responsibility to mankind at the last moment, at least, and stop the bloody crimes.

But what was running in Kaltenbrunner's mind at this time?

Let us first hear what he had to say. First and foremost, he maintained, he was occupied by the negotiations with the Red Cross President on the release of the Jews and other concentration camp prisoners. These talks were proceeding successfully, so successfully in fact that at 3 a.m. on April 19 he left Berlin and went via Prague to Linz, the "goal being Innsbruck where I wanted to meet Burckhardt's representative". The direct outcome of this trip was the release of many hundreds of prisoners.

That was Kaltenbrunner's story. But the Prosecutors doggedly clung to a different assessment of his last efforts. And once again an affidavit was put on the Judges' table—this time from a certain Bertus Gerdes.

Kaltenbrunner's attorney also referred to this affidavit. He quoted cautiously from it and asked Kaltenbrunner if the evidence was correct. Judging by the expression on his face and the intonation of his voice, Kauffmann was quite certain, even before he put his questions, that Kaltenbrunner would be unable to say anything really convincing in justification.

Bertus Gerdes was a Hauschtabsamtleiter under Giesler, Gauleiter of Munich. According to his affidavit, in mid-April 1945 he received a telephone call from his chief and was told to remain at his post. He spent the rest of the day and the evening waiting in suspense, and finally, during the night, Giesler notified him that instructions had been received from Kaltenbrunner ordering them forthwith to draw up a plan for the dismantling of the Dachau concentration camp and the labour camps for Jews in Landsberg and Muehldorf. It was recommended that the camps in Landsberg and

Muehldorf should be destroyed by German aircraft disguised as Allied planes. This bloodthirsty crime was code-named Wolke A-1 (Cloud A-1).

Gerdes said that at the time the operation was to be put into effect, "couriers from Kaltenbrunner kept arriving." They were mostly SS officers and all threatened "severe punishment including execution in case of disobedience". However, Gerdes preferred to go against the orders of his superiors.

Why? What made him do it?

He claimed that his conscience had not let him carry out the savage instructions, which later Kaltenbrunner supplements with orders to poison all the Dachau internees with the exception of Western Aryans.

From where did this butcher Gerdes suddenly acquire a conscience? He had never complained of having one before. True, he had never had to deal with a situation of this kind. But it was April 1945. The Allies could be expected at any moment. And although Kaltenbrunner's arm was still long enough to send a nonentity like Gerdes to join his ancestors, Gerdes nonetheless realised that the reach was growing hourly shorter and that the Russians and Americans were inexorably drawing nearer. He contrived to get out of the difficulty by pleading that he was short of petrol and aircraft bombs and that poison was not available.

"Then," Gerdes wrote in his affidavit, "Kaltenbrunner gave written instructions to Dachau that all internees who were members of the Western European powers were to be . . . transported to Switzerland, whereas the remaining inmates were to be marched afoot into the Ötztal territory (Tyrol), where the final liquidation of the internees was to be carried out."

Kaltenbrunner sat tensed as he listened to this evidence. He bent forward. The knuckles on his clenched hands showed white. There was a moment when it seemed to me that he was prepared if not to admit the whole business then at least to make a half-admission. But I was greatly mistaken. As soon as Lord Justice Lawrence called on him to reply, he at once began to deny everything, even giving "psychological motives":

"I could not even have carried such insane orders . . . in my heart when, at the same time, I was ordering exactly the opposite."

What was the truth? Had Kaltenbrunner really given orders to the contrary?

Yes, he had. It was part of the "Grand Inquisitor's" odious cunning. At one and the same time he ordered the extermination of hundreds of thousands of people and the preservation of the lives of a few hundred or thousand.

Kaltenbrunner squared his shoulders when Kauffmann began reading the affidavits of Red Cross officials—Professor Burckhardt, Dr. Bachmann and Dr. Meyer. They confirmed that in April 1945 they had signed an agreement with Kaltenbrunner under which hundreds of Frenchmen, Belgians and Dutchmen were sent home, that Kaltenbrunner had allowed them to visit the Jewish camp at Theresienstadt and had given permission for medicaments and food to be sent to other camps.

Kaltenbrunner cast a look of triumph at the Prosecutors and the Judges. It seemed to him that he had convinced the Tribunal and everybody else in the courtroom that during the last days of the Third Reich he had lived and acted with a clear conscience and clean hands. The Tribunal had to believe the Red Cross leaders, if it was to believe anybody!

The Tribunal, naturally, believed them, but did not believe Kaltenbrunner. Did it follow from these affidavits that he had indeed, even if it was during the very last days of the war, lived and acted with a clear conscience and clean hands?

Kaltenbrunner's elation was premature. After hearing the affidavits of the Red Cross officials, the Prosecutors were ready to deal the final blow.

Every nazi paradoxically combined a conscienceless criminal and a confirmed bureaucrat. Kaltenbrunner was no exception. Virtually until the very last hour he kept copies of the documents bearing his signature. He no longer had secretaries and stenographers. But as he rushed back and forth across Germany he carried his office in his pocket. And it was in this pocket office that the French investigator Henri Monneray found the document which Harris now submitted to the Judges:

"Radiogram to the Gruppenführer and SS Major-General Fegelein at the Führer's Headquarters. Please report to the Reichsführer SS and inform the Führer that all measures regarding Jews, political and concentration camp prisoners

in the Protectorate have been carried out by me personally today."

Yes, this was irrefutable evidence. It was Kaltenbrunner hitting Kaltenbrunner.

#### **PRIMITIVE SUBTERFUGES—A WASTED EFFORT**

Earlier I mentioned that during and after the trial I was frequently asked why it was so dragged out. The guilt of the nazi satraps was so obvious and there was such an abundance of incontestable evidence against them that in effect the defendants had no alternative but to plead guilty on all the counts against them.

To be quite frank that was what I at first thought would happen. But I was wrong. The trial developed into a duel between the prosecution and the defence, which used every opportunity to wrap every piece of damaging evidence in doubt, to give it an interpretation that would make it less devastating for the defendants.

One had to bear in mind, of course, that with all the cynicism of the nazi Government no official paper contained such unambiguous definitions as aggression (they spoke of the settlement of territorial disputes!) or the shooting of prisoners of war (they spoke of special treatment!). The defendants and their attorneys not only clung tenaciously to such ambiguities but made every effort to create new ones. The school and methods of bourgeois legal defence and the range of its pettifoggery proved to be so extensive that they left room for attempts to twist the truth even at a trial of this kind.

Kaltenbrunner's defence was the height of insolence even at Nuremberg, while his attorney Kurt Kauffmann was at the tail end in this field. Properly speaking, insolence was a distinguishing feature of all the defendants, but in none of them was it combined with such crass stupidity as in Kaltenbrunner.

On this point I should like to recall the observations of the historian Yevgeny Tarle. Analysing the character of the Austrian Commander-in-Chief von Melas, who had had two encounters with Napoleon on the battlefield and had been beaten both times, Tarle wrote that one of the reasons for these defeats was, apparently, Melas' way of thinking. The tragedy of the slow-witted General Melas was that in

preparing for battle he imagined he was fighting a man of his own calibre. Napoleon, on the other hand, conducted his preparations on the calculation that the battle would be against another Napoleon.

Kaltenbrunner was a faithful image of Melas. Invariably he acted on the principle that his adversary's intellectual level was no higher than his own. His absurd confidence that the Prosecutors and the Judges would silently swallow any nonsense was written all over his countenance. Paradoxical as it may sound, he managed to surpass himself even in this. In truth, it takes stupidity to surpass stupidity.

... The evidence in hand was Hitler's order for the execution of commando troops. The order itself was a crime, for captive commandos wore military uniform and were entitled to be treated as prisoners of war.

Did Kaltenbrunner know about this order? Yes, he said, he did, and he had even tried to get it revoked, and he went on to describe what took place at Hitler's Headquarters on that day in February 1945:

"I did say in his (Hitler's) presence to the Chief of Staff of the Air Force and other officers: 'I will not obey such an order....' I could do no more than I did before this most powerful and almighty man Germany ever had."

Having made this fantastic admission, Kaltenbrunner proudly raised his head and eyed the Judges. He did not risk looking at the faces of the other defendants.

But what of them?

Nothing. They had long ago become used to these foolish vagaries. Possibly, Kaltenbrunner's denseness amused them. None of them would have ventured to indulge in such stuff and nonsense.

I remember Judge Jackson, sick of Schacht's attempts to pose as having been an adversary of Hitler's armament programme, hurling at him:

"Why did you not stand up and tell Hitler that you would not obey his orders to finance the armament programme?"

Schacht smiled meekly, let a few seconds slip by and said almost ingratiatingly:

"Had I made that reply we should not have had this possibility of a pleasant dialogue. There would, instead, have been a monologue. I would have been lying quietly in my grave, and the pastor would have been reading a prayer."

In this case Schacht did not lie, in the same way as Goe-

ring did not lie in reply to an analogous question put by Dr. Kelley:

"It's true, is it not, that in Germany you were called a yes-man?"

Goering, like Schacht, had smiled and sighed. He agreed that he was called a yes-man because he had always said "yes" to his adored Führer. Then, after a short pause, he remarked not without humour:

"That may well be, but please show me a 'no-man' in Germany who is not six feet underground today."

Willy-nilly, like Schacht, Goering thereby showed the nazi regime in all its brutality. The fact remains that neither the Führer's "faithful paladin", nor his "financial wizard", nor any other defendant except the former Chief of the Gestapo ventured to assert that he had openly opposed Hitler's orders. Statements of this kind could only be given birth by stupidity of the scale mastered by Dr. Kaltenbrunner.

As I have pointed out earlier, Kaltenbrunner's position was in a certain respect more difficult than that of any other defendant. Ribbentrop, for instance, could refer to Munich, the Generals to orders, Schacht to participation in the anti-Hitler conspiracy. This gave them a semblance of an alibi. But what could the Chief of the Reich Security Main Office refer to?

Of course, he might have chosen to be honest and make a clean confession. But that was exactly what did not suit him because it was the shortest route to the scaffold, and demanded courage and firmness, qualities that were totally lacking in this high-placed murderer.

What then remained? Only the cunning of a wild beast, only a twisting and turning in the labyrinth of court evidence. And Kaltenbrunner twisted and turned. He grasped at the least error, at the least slip of the tongue. He denied acquaintanceship with people he had known for years if the prosecution made the least mistake in the name. He wriggled most where it concerned the interpretation of nazi terminology, an element of nazi bureaucracy in which Dr. Kaltenbrunner felt like a fish in water. Once he achieved what remotely smacked of a triumph.

Colonel Amen submitted to the Tribunal an affidavit from a high-ranking SS officer named Joseph Spacil in which the question of "special treatment" was brought up. Two new

words—"Walzertraum" and "Winzerstube"—were mentioned. Everybody knew that in the nazi vernacular the term "special treatment" meant execution, extermination. The first impression was that "Walzertraum" and "Winzerstube" were the names of two other death camps. But at the mention of these words Kaltenbrunner brightened up and the alarm and wickedness that constantly shone in his eyes disappeared.

These words, it turned out, were the names of fashionable hotels for mountain-climbers in Walzertal and Godesberg. The political leaders of some of the occupied countries were kept under house arrest in these hotels. Kaltenbrunner eagerly explained that persons held in these hotels received treble the usual diplomatic food ration or nine times as much food as rank-and-file Germans, that each daily received a bottle of wine, could correspond freely with his family and enjoyed many other benefits. He ended on an almost triumphant note: The Tribunal could now, at last, clearly picture the meaning of the tragic words "special treatment" when they came from Kaltenbrunner personally. He did not deny knowledge that the orders of Hitler and Himmler on "special treatment" meant summary execution. But he personally never had anything to do with these orders. And if he used the term it was only in reference to the inmates of "Walzertraum and Winzerstube". If the Judges doubted his assertions about the regime in those places they could ask André François-Poncet,\* who was one of the inmates during the war.

The Joseph Spacil affidavit, submitted by the prosecution, unexpectedly played into Kaltenbrunner's hands. Naturally, this had no particular effect on the further course of the trial but it gave Kaltenbrunner some grounds for stonewalling. He virtually strove to seize the Judges by the throat:

"May I ask you not to leave this document just yet. It must be put on record before this Tribunal that these two establishments were used as I wished for the preferential and better treatment than that enjoyed by the Germans. That is of great importance to me."

I repeat, these invocations could not confuse anybody be-

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\* André François-Poncet (b. 1887)—French diplomatist and politician.



cause scores and hundreds of other documents exposed Kaltenbrunner as having been a zealous executor of the orders for "special treatment" in its true and not humorous sense. Colonel Amen submitted to the Tribunal a letter from Kaltenbrunner to Brigadenführer SS Blaschke, burgomaster of Vienna, informing him that a transport of 12,000 Jews was on its way to Vienna and that not more than 3,600 could be used as labour. What about the others? What had been planned for them? Kaltenbrunner obligingly informed Blaschke that all of them including "women and children . . . are all being kept in readiness for a special action".

It was quite obvious that this "special action" had nothing in common with the "special treatment" reserved for Monsieur François-Poncet. Kaltenbrunner categorically denied writing the letter.

"Well . . ." said Colonel Amen, "your signature is affixed to the original of this letter."

"No . . ." Kaltenbrunner insisted. "It is a signature either in ink or it is a facsimile, but it is not mine."

This was followed by a comparison of signatures, a process that took a long time, and in the end Kaltenbrunner "conceded" that the signature was his but that he had not penned it, that it was a facsimile which any official of the 4th Department might have used. At this point the Prosecutor drew Kaltenbrunner's attention to the fact that above the signature, in the same hand, was a word that ruled out the possibility of its being a facsimile. The letter was shown to Kaltenbrunner again and as he looked at the word in question he grew pale and then livid. Above the signature was the word "Yours".

"Now, would it not be an absolutely ridiculous and unthinkable thing," Amen said to Kaltenbrunner, "that a stamp or facsimile would be made up which contained not only a signature but the intimate expression 'Dein' above the signature?"

Psychologically this was a neat blow and it took a person like Kaltenbrunner to try and parry it. He went into a long and absurd discourse about everybody knowing his friendly relations with Blaschke and thereby some official might easily have added the ill-fated word "Yours".

The courtroom responded with an explosion of laughter to this mighty surge of Dr. Kaltenbrunner's intellect. Yet the defendant himself stuck to his denials as though nothing

had happened. And the usually courteous Colonel Amen lost his temper. He declared without beating about the bush:

"Is it not a fact that you are simply lying about your signature on this letter, in the same way that you are lying to this Tribunal about almost everything else you have given testimony about? Is not that a fact?"

These words were spoken so sharply and with such conviction that even Kaltenbrunner, that mountebank playing the role of virtue, did not venture to raise an objection.

#### **IN ONLY THAT SHAPE ARE THEY HARMLESS**

Towards the end of the cross-examination Kaltenbrunner could draw the conclusion that in the duel with the prosecution his defence had lost by a catastrophic score. It was not possible for him to fail to realise this, especially as at one time he had practised law himself.

But ahead there still was the concluding stage of the trial—the speech of the defence attorney and the last statement of the defendant. True to himself to the very end, the "Grand Inquisitor" still believed there was a spark of hope.

He realised, of course, that even if his attorney had been Cicero himself, he would have been unable to put up such an effective defence as say Rudolf Dix, Schacht's counsel. Kaltenbrunner was certain that Hjalmar Schacht had done more for Hitler than he as Chief of the RSHA. But look how that sly bastard Dix had presented Schacht to the Tribunal, how skilfully he had served that dish!

And the most harrowing thing about it was that Dix had counterposed Schacht to Kaltenbrunner from the very outset: he had called Schacht a self-abnegating fighter against Hitlerism, and spoke of Kaltenbrunner as of a butcher and gaoler, at whose hands his client had also suffered. In short, to save the "economic dictator" of Nazi Germany Dix did much to expose Kaltenbrunner.

A lawyer by training, Kaltenbrunner, given the chance, would have severely reprimanded Kauffmann and Dix. He would have reminded them of at least two of the "eternal problems of the legal profession". Was an attorney required and obliged to find his client guilty if the client himself denied his guilt? Was it ethical at a group trial to defend one of the defendants by shifting the blame on another? Most lawyers were agreed that such tactics were to be avoid-

ed. But Dix ignored these ethics and in defending Schacht had no compunctions about drowning Kaltenbrunner.

This added to the difficulties confronting Kauffmann, who, as it was, had all he could do to make a speech in defence of Kaltenbrunner.

Besides, Kaltenbrunner hardly believed that his attorney was very eager to make such a speech. At any rate, at all the preceding stages of the trial Kauffmann had been extremely cautious in his choice of words to assess his client's line of defence, in formulating questions to witnesses and in addressing the prosecution.

Indeed, Kaltenbrunner was under no illusions about his attorney. Speaking of this to Dr. Gilbert he said his defence counsel was a very conscientious man and had hauled him over the coals much more mercilessly than even the prosecution might be expected to. He seemed rather afraid of the forthright direct examination he expected from his attorney.

Kaltenbrunner took the point much too far, of course. On the whole, Kauffmann tried to build up some sort of defence. But from the purely professional angle, his was not an envious position. Since I have mentioned the "eternal problems of the legal profession", I must say that Kauffmann was confronted with one of them. It was, in effect, that same problem whether an attorney was justified in radically disagreeing with his client in evaluating the client's guilt. Was it permissible, when the defendant flatly denied his guilt, to declare in his speech that he considered his client's guilt as having been proved but felt that there were extenuating circumstances? Or, say, admit that his client's guilt had been proved only within certain limits and dispute individual counts of the indictment? On this point there are diverse views. Some authorities maintain that in the interests of his client the attorney may depart from the latter's stand if he feels it is unrealistic or is certain in his mind that an outright denial of the defendant's guilt may only lead to additional harm. Others feel that no attorney has the right to admit his client's guilt if the latter denies it, otherwise, essentially speaking, the attorney assumes the role of a second Prosecutor.

Judging by everything, Kurt Kauffmann had many tormenting moments before making up his mind. He was aware that his participation in the Nuremberg trial was giving him

wide publicity in Germany and abroad. However, he realised that there were different kinds of publicity. He was, whatever way you looked at it, defending a man who symbolised the most monstrous crimes, whose name stank in the world. As a professional, Kauffmann could not fail to feel that the defence had no leg on which to stand. Ultimately, he decided on no account to associate himself with his client's tactics. Kaltenbrunner cut a ludicrous figure, and his attorney was not at all inclined to join in his antics. If Kaltenbrunner liked the role he had assumed, it was his own business. Properly speaking, he had nothing to lose: one way or another it would be his last role. Kauffmann, on the other hand, had to think of his own future.

Finally, he sat down to write his speech.

What would it be like? What arguments could an attorney use to defend a man who had the blood of millions on his hands, a hangman who had a law degree? It was difficult to foresee what Kauffmann's line would be.

He began from afar, so much so that, closing my eyes, I could easily picture myself in some university auditorium listening to a lecture by a celebrated historian or literary critic. Kauffmann characterised the Renaissance, spoke of subjectivism, then went on to review the epoch of the French Revolution and analysed the sources of liberalism. Even the patient Geoffrey Lawrence, who was meticulous about guaranteeing the rights of the defence, began to display signs of bewilderment. His glasses slowly slid to the tip of his nose. He tactfully inquired when the attorney would go over from the Renaissance to Oswiecim. Kauffmann gradually descended from the clouds to the sinful earth. Stating that his cardinal aim was to analyse the psychology of his client, he spoke of the development of the history of intellectual pursuit in Europe and quoted Proudhon's famous postulate that "every great political problem contains within itself a theological one". However, these brilliant excursions into the history of the Renaissance and theology gave nothing but a flattering idea of Kurt Kauffmann's erudition. All this bore about the same relation to Kaltenbrunner as the mechanics of the divine to the foul preachings of Hitler or Streicher.

Finally the attorney mentioned his client by name. But he hastily followed this with the statement that much of what he would say he felt he had to say.

"I can well understand," he declared, "that I might be told that I should, in view of the sea of blood and tears, refrain from illuminating the physiognomy of this man's soul and character, but I am his counsel."

He complained that the trial had been organised hastily: "human beings, torn between . . . justice and revenge" did not yet, because the greatest of wars had only just ended, possess the calmness so necessary for unimpeachably objective judgments. With this he made a clean and open break with his client's favourite line, namely, that he was only an intelligence officer. Kurt Kauffmann said that Kaltenbrunner "might count on a milder judgment on his guilt . . . only if he could produce evidence that he actually effected a sharp separation from the Amt IV of the Secret Police (Gestapo), if he had in no way participated in the ideas and methods, which . . . led to the institution of this whole trial". But in view of the fact that nothing of the kind occurred and inasmuch as all of Kaltenbrunner's testimony proved to be untenable, Kauffmann admitted that he was helpless to do anything:

"I cannot deny that he did not undertake this separation. Nothing is clearly proved in this direction; even his own testimony speaks against him."

Nonetheless, Kauffmann was aware that regardless of his own feelings, he could not duplicate the Prosecutor. In tribute to his professional duty, he tried, naturally, to seek out extenuating circumstances. He acted as any intelligent attorney might have done in a hopeless case, when the guilt of his client was proved beyond all doubt.

Kauffmann said that his client had opposed the hanging of captive American airmen, that all the Jesuitical orders on executions, concentration camps and "special treatment" for the internees of these camps had been issued long before Kaltenbrunner became Chief of the RSHA, that the villain was really Himmler.

"Kaltenbrunner," Kauffmann said with emotion, "would like to be reborn, and I know that he would fight for that freedom with his life's blood."

This speech could win no plaudits from Kaltenbrunner. It jarred upon his ears when his attorney said that it was the bounden duty of every person to refuse to obey an order that sows evil and obviously insults the healthy sense of humanity. The nazi super-butcher was perceptibly nervous

when Kauffmann began to enlarge on this alarming idea: "Dr. Kaltenbrunner would not deny that he who stands at the head of an office of great importance to the community is obliged to sacrifice his life under the above-mentioned conditions."

After having presented a maxim of this sort, there was only one thing that remained for Kauffmann to do—to admit his client's guilt on all counts. And that is exactly what he did—clearly and unambiguously:

"Kaltenbrunner is guilty; but he is less guilty than he appears in the eyes of the prosecution. As the last representative of an ominous power of the darkest and most anguish-laden period of the Reich's history he will await your judgment."

The reservations about the dimension of Kaltenbrunner's guilt were stated by the attorney so quickly and indistinctly that many of the people in the courtroom did not even notice them. Those whose attention they attracted regarded them as a traditional plea. The attorney had, for appearances' sake at least, to cast some doubt on the client's guilt under the major count of the indictment. Nobody was surprised that Kurt Kauffmann sighed when he finished his speech. He sighed with obvious relief.

It now remained to hear Kaltenbrunner's last statement.

He finally realised that neither the prosecution nor his own defence counsel believed him and he therefore made some concession: yes, after the Reich's downfall, he now saw that in some instances his actions had been unrighteous. But, he added, this was due not to malicious intent but only to a misinterpretation of the sense of duty. Besides, "if I carried out orders, all of which, insofar as they are alleged to be cardinal orders, were issued before my time of office, then they are part of a fate which is stronger than myself and which is carrying me along with it".

Listening to him one could not help being amazed at the absurdity of the tactics which he pursued to the very end. Nobody had said that he was the author of these orders. What was said was that he had been the initiative and zealous executor of these orders. As a matter of fact, he knew quite well what he was being charged with, so well that he did not consider it possible to dodge examining his attorney's advice to prefer death to the perpetration of the heinous crimes attributed to him as the Chief of the RSHA. This

had, of course, a chivalrous ring about it. But Kaltenbrunner did not go very far and Kauffmann's idea of self-sacrifice did not linger long in his mind. The most he could think of was to feign some illness.

"Should I have shirked responsibility at that time by feigning illness," he said, "or was it my duty to fight with all my powers to have this unparalleled barbarity brought to a halt?"

He did neither the one nor the other. To do otherwise he had to stop being Ernst Kaltenbrunner, to disavow his own self.

He went on to declare that if he was to be judged then it should be for not having been shrewd enough to feign illness and opportunely resign.

"That is the only thing to be decided here as my guilt."

Kaltenbrunner's opinion of how and for what he should be judged was hardly of interest to anybody except Kaltenbrunner. The Tribunal saw in him a "Grand Inquisitor" alongside whom Ignatius of Loyola was a mere child. The Tribunal judged him as a murderer indicted by the millions who were burned, gassed, shot, buried alive or thrown from a cliff. The Tribunal judged the producer of the great tragedy of Mauthausen, Oswiecim, Buchenwald and Treblinka. On behalf of mankind it judged the man who flouted the very idea of a human trial by the most horrible of tortures in the Gestapo prisons.

On October 1, 1946, Ernst Kaltenbrunner was sentenced to death by hanging, and at 2 a.m. on October 16 he met his just end. When I was shown a photograph of the hanged Gestapo chief, a German correspondent standing next to me remarked:

"Nur so sind sie unschädlich."\*

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\* In only that shape are they harmless.

## VI. HJALMAR SCHACHT ESCAPES RETRIBUTION

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### "HE DECEIVED THE WORLD, GERMANY AND ME"

Rudolf Dix impatiently awaited the moment when he would at last take the floor and make a speech in defence of Hjalmar Horace Greeley Schacht. In their hearts many of the defence attorneys envied Dix—he was defending a man whose life and work, they felt, provided excellent material for self-publicity. The fate of his client was watched with the closest attention by business circles in Germany and abroad. The world of big business was by no means inclined to sacrifice Hjalmar Schacht to Themis in Nuremberg.

Dix was perfectly well aware of this and marshalled all his experience to rise to the occasion.

His energetic efforts and vivid eloquence in defence of Schacht were not forgotten. He has become one of the most successful lawyers in West Germany and has demonstrated to the Bonn Government that as a lawyer he can defend and prosecute with the same passion and talent, and successfully secure acquittal or conviction. It all depends on who he has to defend or prosecute. A few years after the Nuremberg trial Rudolf Dix made a thunderous speech as state prosecutor of the Bonn Government in a court action against the Communist Party of Germany.

But let us return to Nuremberg.

The long-awaited moment came. Rudolf Dix took the floor, turned to the dock, cast a casual glance over it and, finding his client, looked silently and with concentration at his face. This artistic pose and the mournful appearance affected by him seemed to say: "I should like all those present here today to feel with me the entire depth of the tragedy haunting this man, the cruel injustice of his lot."

He began his speech with the words:

"Mr. President, Gentlemen of the Tribunal. A mere glance at the dock reveals the singularity of Schacht's case and the



story of his imprisonment and defence. There in the dock sit Kaltenbrunner and Schacht. . . . It is surely a rare and grotesque picture to see gaoler and prisoner sharing a bench in the dock. At the very start of the trial this remarkable picture alone must have given cause for reflection to all those participating in the trial: Judges, Prosecutors and defence counsels."

Dix leisurely related that in 1944 Hitler put Schacht in a concentration camp and charged him with high treason.

"Since the summer of 1944 I was assigned to defend Schacht before Adolf Hitler's People's Court; in the summer of 1945 I was asked to conduct his defence before the International Military Tribunal. This, too, is in itself a self-contradictory state of affairs. . . . One involuntarily recalls the fate of Seneca; Nero, as a counterpart to Hitler, put Seneca on trial for revolutionary activities. After the death of Nero, Seneca was charged with complicity in Nero's misgovernment and cruelties, in short, with conspiring with Nero."

To make sure that the Tribunal saw his point he reminded it that Seneca was canonised in the 4th century A.D.

As I listened to Rudolf Dix I watched the defendants. By Goering's gestures as he exchanged a few words with Hess and Ribbentrop, then with Doenitz and Raeder, and by the understanding that he got from them it was not difficult to see that with the exception of Schacht none of the defendants were delighted by the attorney's eloquence.

But Rudolf Dix was least of all worried by the opinion of these once omnipotent men, whose future was now of the bleakest. Dix sought the sympathy of those who would decide the destiny of his client and ended his speech on the following note:

"Whoever would be found guilty of being criminally responsible for this war and the atrocities and inhuman acts committed in it, Schacht, according to the evidence which has been given here with minute exactness, can confront that culprit with the words which William Tell flings in the face of the Emperor's assassin, Parricida: 'I raise my clean hands to Heaven, and curse you and your deed!'"

Hjalmar Schacht was proud of his defence counsel. But the trial had entered its concluding stage and Rudolf Dix's eloquence could not mitigate Schacht's nervousness. In conversation with Dix and also with Dr. Gilbert and the few

defendants, whom Schacht regarded as "gentlemen among gangsters" (von Papen, von Neurath), he spoke of his resentment at having to sit on the same bench "with these degenerates". He demonstratively refused to speak with Goering, whom he called a "murderer and thief". He turned contemptuously away from the "butcher with the law degree" Kaltenbrunner. He desired to have nothing to do with the "upstart and careerist" Ribbentrop. With the profile of a kite, thin and pale, in an old-fashioned starched collar, he showed his unconcealed disgust for Streicher, the half-mad publisher of the racist leaflet *Der Stürmer*, the man implicated in the murder of 6,000,000 Jews.

What had he in common with this pack of thugs and vandals?

Schacht was one of the few men in the dock who, in pursuance of his own objectives, openly exposed the nazi regime at the trial. To him belonged the words:

"He (Hitler) had promised to fight against political lies, but together with his Minister Goebbels he cultivated nothing but political lies and political fraud. . . He despised and disregarded all laws of the Weimar Republic, to which he had taken the oath when he became Chancellor. He mobilised the Gestapo against personal liberty. He gagged and bound all free exchange of ideas and information. He pardoned criminals and enlisted them in his service. He did everything to break his promises. He lied to and deceived the world, Germany and me."

At the trial and later, after he regained his freedom, he tried to persuade everybody that his transfer from a nazi concentration camp to the dock in Nuremberg had been an act of gross error and injustice. In his memoirs he writes at length of his involvement in the anti-Hitler putsch of July 20, 1944, maintaining:

"In my own eyes I was guilty from the standpoint of the law. I committed high treason. I acted with the purpose of securing the overthrow and even the death of the tyrant and together with others I took an active part to achieve that purpose."

Why had this not been taken into consideration by Rudenko, Jackson, Shawcross and Champetier de Ribes? Why had the Prosecutors in Nuremberg been so relentless in their endeavour to prove that Schacht had no grounds for being ashamed of his dock neighbours. More than that,

they asserted that had it not been for Schacht there would have been no "murderer and thief" Goering, nor the butcher Kaltenbrunner, and Hitler himself would not have ascended to the summit of state power.

Schacht listened to the speeches of the Prosecutors and noted bitterly that they had no sympathy for his having been a victim of the nazi regime. Besides, from some of Jackson's remarks Schacht had no reason to expect anything different from what lay in store for Goering or Kaltenbrunner.

Nonetheless, there were disagreements about Schacht at the very outset and during the trial. Even the Judges, who were unanimous on most of the issues, were at odds over the assessment of this man.

In the dock Schacht occupied a special position. Of the defendants he was, perhaps, the most controversial figure. Few people had any doubts that an inglorious end awaited Goering and Ribbentrop, Kaltenbrunner and Frank. Their monstrous crimes were so self-evident that it seemed superfluous to try them. Every step of their political careers from the birth of nazism to the downfall of the Third Reich was marked by odious crimes.

But Schacht was in a different boat. The reason for this was not in the paradoxes accentuated by Rudolf Dix, although they did make this figure definitely colourful. Much more important was the unusual character of the charge made against the "financial wizard".

What were the counts against Goering and Ribbentrop? That for many years they had personally and directly weaved the net of a plot to plunge Germany and the whole of Europe into a terrible war. What was the charge against Goering and Keitel, Doenitz and Raeder, Frank and Kaltenbrunner? That they had grossly flouted the laws and customs of war, as a result of which there appeared Oswiecim and Buchenwald, Babiy Yar\* and Treblinka, Oradour\*\* and Lidice\*\*\*.

\* Babiy Yar—locality near Kiev, where the nazi invaders carried out mass executions of Soviet citizens.

\*\* Oradour—a small town in Upper Vienne Department, France, where in June 1944 the nazis shot the entire male population, and burned the women and children alive in a church.

\*\*\* Lidice—a village near Kladno, Czechoslovakia. In 1942 the nazi barbarians burned the village and shot all the men. All the other inhabitants were either sent to concentration camps or subjected to other repressions.

What was Schacht guilty of? He had not been personally and directly involved in planning aggression, or in ordering the murders and looting during the war. In a nutshell the charge against him was that as head of the Reichsbank and the Economics Ministry and having been personally and directly linked with the major German monopolies and knowing the aggressive programme of the nazi party, of its conspiracy against peace, he had, with the financial support of these monopolies, created the conditions for Hitler's ascension to power and then, with their assistance, carried out a series of measures with the purpose of speedily rearming the Wehrmacht as an instrument of aggression.

But is the rearmament of an army an international crime? The big capitalist firms usually participate in rearmament in one way or another. This means that the heads of these firms should likewise bear the responsibility for the purposes for which the weapons made by them are used.

Incidentally, Schacht knew that Goering and Ribbentrop were not the only persons in the same prison with him. It was not concealed from him that in the prison were many chiefs of the German war industry like Krupp, Flick, Ilgner and Schnitzler. The Soviet Union demanded their conviction. This demand was supported by the Prosecutors of the other countries represented on the International Tribunal.

Characterising the sinister role played by the big monopolies in the nazi state, the United States Chief Prosecutor declared at the trial that all the Krupps and the Flicks, the Ilgners and the Schnitzlers had "given their name, prestige and financial assistance to bring the nazi party to power . . . with a frank programme of renewing the war" and then "as soon as the war broke out, for which they were directly responsible, led the German industry into violations of treaties and international law".

What the prosecutor said was abundantly clear: along with the politicians and the military, those without whose assistance the politicians and the military would have been helpless, namely, the industrialists and bankers, had to pay the penalty for unleashing the war of aggression. That was the charge, unprecedented in the history of international law, that was made against Hjalmar Schacht. As one can well imagine, it frightened not only Schacht and not only the German armaments kings. If anybody, Schacht knew what close ties existed between the German monopolies and

the monopolies of other countries, above all the United States of America. He was perfectly well aware that his was not the only destiny which depended on the sentence. The American monopolies did not desire Schacht's total exposure and conviction according to his deserts.

Under a prearranged plan, providing, in particular, for the distribution of the defendants among the Prosecutors, Hjalmar Schacht "fell into the hands" of the US Prosecutors. To some extent, as we shall see further, this was an irony of history. In Nuremberg Schacht was questioned only on isolated issues by G. N. Alexandrov, one of the team of Soviet Prosecutors.

### **"GIVE HIM YOUR POSITON"**

From the very first days of his career, at the beginning of the 20th century, Hjalmar Schacht made up his mind once and for all that he would serve the class dominating the economy, those groups of people who owned all the wealth in the world and controlled all the fruits of human endeavour. The experience of decades had taught him that politicians came and went, that everything changed from time to time—the Hohenzollerns, the Eberts, the Scheide-manns, the Brünings and the Stresemanns, that the empire gave way to the republic, and the republic to a dictatorship. It was only that invisible conductor, His Majesty Capital, by whose will these magic transformations took place who remained unchanged.

Playing false with a series of regimes, Schacht remained true solely to the interests of capital, the interests of the big German monopolies. These were the interests that in the early 1930s saw the advantage of putting Adolf Hitler and his gang in power in Germany. They were the interests that determined Schacht's activities in clearing the road to the post of Reich Chancellor for the corporal of yesterday.

Adolf Hitler took a liking for Hjalmar Schacht. He needed a man in high economic office who had connections in the West and enjoyed credit there. Schacht fitted this requirement better than anybody else. It was not for nothing that he liked to describe himself as a cosmopolitan.

Every step of his career bore out his cosmopolitanism. In his testimony at the Nuremberg trial he said:

"The families of both my parents have lived for centu-

ries in Schleswig-Holstein, which until 1864 belonged to Denmark. My parents were both born as Danish citizens. After the annexation by Germany my father emigrated to the United States, where three of his older brothers had already emigrated, and he became an American citizen. My two brothers, who were older than I, were born there. . . . I was educated in Hamburg. I studied at universities in Germany and in Paris, and after receiving my doctor's degree I was active for two years in economic organisations. Then I began my banking career, and for 13 years I was at the Dresden Bank. . . . I then took over the management of a bank of my own. . . . In 1923 I abandoned my private career and went into public service as Commissioner for German Currency (Reichswährungskommissar). Soon afterwards I became President of the Reichsbank. . . . I had, and I still have, numerous relatives on my mother's side in Denmark and on my father's side in the United States, and to this day I am on friendly terms with them."

These were the highlights of Schacht's biography that attracted Hitler. He knew Schacht not only as an astute financier but also as a person who had the ear of the powers that be in the Breiterstrasse, Düsseldorf, in the heart of the Ruhr, in New York's Wall Street and in London City.

But what did Schacht see in Hitler? Why had he, with his keen political sense, stretched his hand out to the nazi ringleader? Why had he pulled every string to bring Hitler to power and then popularise his regime in "international salons"?

The years when the question of whether Hitler would or would not be the Führer of the German Reich bore the imprint of a severe economic crisis that had jeopardised not only the huge profits of the monopolies but the very power enjoyed by them in the country. The only thing that could save the domination of His Majesty Capital was to switch the entire economy to war production, start preparations for war and suppress the working-class movement by the most ruthless means.

Schacht had had his eyes for a long time on Hitler, his party and its programme. And the more he understood their substance the greater became his conviction that Hitler was just the kind of leader who could "save" Germany from the approaching "chaos".

On his own initiative Schacht had a series of meetings

with the nazi chief. Recalling one of them, he told the Tribunal:

"In social questions Hitler expressed a number of good ideas; he was especially intent on avoiding class struggle and on eliminating strikes, lock-outs.... There was no demand for abolishing private enterprise, but merely for influence in its conduct. It seemed to us these ideas were quite reasonable and acceptable."

It is not necessary, of course, to explain who Schacht meant by the pronoun "us".

Moreover, on the purely personal level it suited him entirely that Hitler "revealed practically no knowledge in the field of economy and financial policy". This, it goes without saying, held out the promise that in the future cabinet Schacht would have the monopoly in deciding all economic problems.

His tactics before the International Tribunal were calculated to demonstrate that he was a vigorous adversary of nazism. At the trial there were, as we shall see, many episodes that showed his hypocrisy. Nonetheless, after studying Schacht's personality, watching him in the courtroom over a period of ten months and listening to his testimony I had almost no doubts that he was sincere when he turned away from Kaltenbrunner and refused to speak to Streicher. These men were much too far apart in origin and upbringing to have anything in common on the purely personal, intimate level. It seems to me that at times Schacht was genuinely disgusted by the Jesuitical, openly racist hysterics of Streicher. But he was not so naive as to have failed to understand that by his activities Streicher was preparing the ground for the robbery of hundreds of thousands and then millions of people and that from this turbid source pure gold, so vital for the rearmament of the Wehrmacht, would flow into the safes of the Reichsbank. That was why the financial wizard decided to reconcile himself to Streicher's existence and his criminal activities.

At the same time, this "piece of starched respectability", as one of the Prosecutors so aptly called Schacht, mastered yet another unwritten rule of bourgeois politics: hangmen are used but are not invited to the table. This was the basis on which he built up his relations with men like Streicher and Kaltenbrunner.

To be sure, as Schacht saw it, nazism had always had its

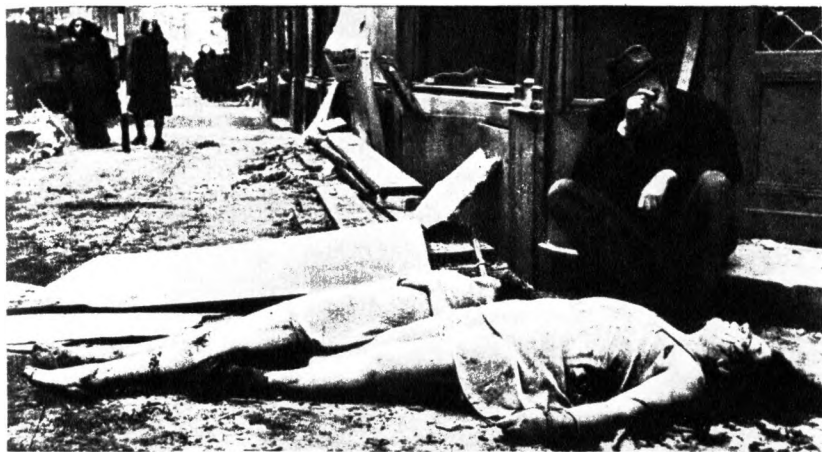
seamy sides. An open alliance with it, in full view of public opinion, was linked with certain sacrifices. This he knew perfectly well when he embraced Hitler, just as he knew that politics were heartless, having only a head. His mind told him that Hitler and his pack were incomparably more useful to the real rulers of Germany than all the parliamentary reasoners from the bourgeois parties. Actually, was it only in Germany that they appreciated the "merits" of the Führer? In his conversations with other defendants, with the defence counsels and with the United States personnel of the Nuremberg prison, Hjalmar Schacht often expressed his indignation over the fact that the Americans and British were stigmatising him for his many years' connection with Hitler, as though no panegyrics had ever come about Hitler from the USA or Britain. Through his counsel Rudolf Dix, Schacht reminded the Tribunal that in 1934 Lord Rothermere wrote an article for the *Daily Mail*, in which, among other things, he declared: "The most prominent figure in the world today is Adolf Hitler. . . . Hitler stands in direct line with those great leaders of mankind who seldom appear more than once in two or three centuries." And did not the eminent American politician Sumner Welles assert in his book *Time For Decision* that "economic circles in each of the Western European democracies and the New World welcomed Hitlerism"?

But if anybody, Schacht was aware that after the bloodthirsty history of Hitlerism was shown in all its horrible nakedness in Nuremberg, effective tactics could not be founded on these old quotations. He tried his utmost to dissociate himself from Hitler. At the trial and in his memoirs he claimed that at the 1932 elections he had "not written or spoken a single word publicly for Hitler".

Goering fumed as he listened to this. Though he hated Schacht he could not help envying him: he had to admit there was something in a man who could lie so serenely and in such a stately manner. Indeed, Schacht lied with great art, preserving the appearance of a man deeply shocked, of a man whose purity could not endure the least hint of complicity in the nazi crimes.

But in adopting these tactics, he obviously underrated the truly titanic work of the officers of the Allied armies who hunted for and studied German Government archives. And the Prosecutors in Nuremberg proved to be quite unres-





This grim photograph was taken in Prague

Death ditch near Dachau





Kaltenbrunner makes his last statement to the Tribunal

Keitel's last appearance



ponsive to emotion. Lawyers with vast experience and knowledge, they preferred incontrovertible facts to Schacht's psychological etudes. And on the basis of these facts G. N. Alexandrov and Robert Jackson gave the defendant many unpleasant minutes.

It came as a shock to Schacht to learn that the prosecution had put its hands on the minutes of a secret meeting in Harzburg, at which an agreement engineered by Schacht was signed between Hitler and Alfred Hugenberg, an influential representative of the heavy industry magnates, on aid to the nazis in their bid for power. This document alone exploded the Schacht legend. And the prosecution had other damaging evidence against him.

They produced the Goebbels diary. In the second half of 1932, when the nazis were defeated at the Reichstag elections, Goebbels wrote that because of the mounting crisis in the party "the Führer is contemplating suicide".

Reminding Schacht of this situation, the prosecution decided to establish Schacht's attitude to the developments of those days. When his official statements, made during the years he was a member of the nazi Government, were quoted in the courtroom, he objected with feigned bewilderment:

"That does not contradict the fact that in my heart I was an anti-fascist and was opposed to Hitler. I was forced to wear a mask."

To unmask the face of the liar, the prosecution compared the entries in Goebbels' diary with a letter from Hjalmar Schacht to Adolf Hitler. It was written in the second half of 1932, i.e., when Hitler was not yet in power, was only still trying to win power and, having been defeated at the elections, was close to suicide. There had been no reason for Schacht to wear a mask in those days. And this is what he wrote to Hitler at a time when the nazis were in difficulties:

"But what you could perhaps do with in these days is a kind word. Your movement is carried internally by so strong a truth and necessity that victory in one form or another cannot elude you for long.... Wherever my work may take me in the near future, even if you should see me one day behind stone walls, you can always count on me as your reliable assistant."

After this document was read, Schacht with all his resourcefulness looked confused. But the blows continued

to rain down on him. The prosecution read another excerpt from the Goebbels diary dated November 1932. It spoke directly of Schacht: "In a conversation with Dr. Schacht I found that he fully reflects our viewpoint. He is one of the few who fully agrees with the Führer's position."

The difficulty of Schacht's position, however, was not only that he had to parry the powerful frontal onslaught of the prosecution. He received frequent stabs in the back from his dock colleagues. Sometimes this had its own humour.

One day Schacht complained that the prison regime had somewhat changed, with the result that the defendants were restricted in their possibility of seeing each other. He did not regret that because of this change he would see less of the "bandit Goering" or of the "scoundrel Ribbentrop". But he was disappointed at the prospect of having less intercourse with the "decent gentlemen" von Papen and von Neurath.

"You have no right to deprive me of the possibility of talking to them" he said to the prison commandant Colonel B. C. Andrus.

The most interesting part of this business was that the "gentleman" von Papen showed no appreciation of these friendly feelings on the part of his dock neighbour. What he told the Tribunal tied in very poorly with Schacht's endeavours to portray himself as an opponent to Hitler's rise to power. He remembered Schacht's energetic efforts to remove the "gentleman" von Papen from the post of Chancellor and put the gangster Adolf Hitler there in his stead.

Von Papen told the Tribunal that during the decisive days in 1932 Schacht suddenly called on him and after a thinly disguised approach stated bluntly:

"Give him your position. Give it to Hitler. He is the only man who can save Germany."

In the same period, namely, on November 12, 1932, Schacht and the banker Schroeder, acting on behalf of the largest monopolies, wrote President Paul von Hindenburg a letter, in which they unequivocally demanded the transfer of power to Hitler. In addition to Schacht and Schroeder, this letter was signed by Krupp, Thyssen, Reinhardt and other leading industrialists. Schacht hastened to inform Hitler that he had "no doubt that the present development of things can only lead to your becoming Chancellor". He

ended this message with the following significant words: "It seems as if our attempt to collect a number of signatures from business circles for this purpose is not altogether in vain."

Schacht listened with mounting anxiety as the Prosecutors quoted from this sort of documents, which in the eyes of the International Tribunal by no means strengthened the reputation of an anti-nazi that he was so eager to acquire. Unquestionably, he envied the politicians of the past. In those days nobody save the people paid for war with their blood and property. There had never been a case of anybody poking their noses into Government archives, ascertaining the perpetrators of aggression and dragging them to the scaffold. In those good old days they answered only before God and history. But here in Nuremberg they felt that God and history were not enough, that there was a more radical, more specific and much shorter way—a human trial of inhuman crimes.

Moreover, Schacht was grieved by the metamorphosis which the people among whom he had lived, worked and prospered had undergone. They were, it seemed, serious people—big businessmen, who had controlled billions and shuffled Governments with the same ease that a card-sharper shuffles a pack of cards. He had had confidential talks with them without number and had never had occasion to reproach them of betraying his trust, let alone of indiscretion. What had happened to them now—in Nuremberg? Why had they suddenly gone soft and why had their memories grown so vivid when they were asked about Schacht, about his role in setting up the nazi regime? They suddenly began to recall everything, down to the smallest detail.

Hjalmar Schacht did not, of course, believe that these "gentlemen" had suddenly turned over a new leaf, that their conscience had awakened. Thank God, they had long ago rid themselves of that chimera. It was something quite different: his friends and associates of yesterday had found themselves confronted for the first time with the formidable anger of the people. They had clearly seen, for the first time, the finale of their criminal activities, and the stark reality of the hangman's noose. And they had found that it would be unjust to climb into that noose without Hjalmar Schacht.

This was, as the postwar developments showed, an exaggerated fear. Shock is not always fatal. But in this state of shock Hitler's satraps and those who brought them to power opened the eyes of the peoples to many things.

Georg von Schnitzler, one of the most influential directors of IG Farbenindustrie, gave Schacht a few unpleasant moments. Under oath he told the Tribunal of a secret conference held by Goering at the close of February 1933. It was Schacht's misfortune that of all the participants in that conference, Schnitzler remembered him best. Schnitzler did not by any means forget that it was attended also by Krupp, Albert Voegler and Stein. But he remembered Schacht best because he had "acted as a kind of host" and on his recommendation more than 3,000,000 marks were collected for Hitler's election fund within a few minutes.

Schacht thus gave Adolf Hitler his start. And soon his untiring efforts were crowned with success: the Reichstag elections were held on March 5, 1933. By forgery, bribery and the arrest of the Communist deputies after the election Hitler was able to get the majority in the Reichstag. Hjalmar Horace Greeley Schacht got his reward on March 17 of the same year: he again became President of the Reichsbank.

#### **"JUST LISTEN TO HOW HE LIES"**

These words were uttered with irritation by Hermann Goering on May 1, 1946, when Schacht was cross-examined by his defence counsel Rudolf Dix. To Dix's questions Schacht replied with epic tranquillity and accentuated confidence. It was quite obvious that the questions and answers were agreed on beforehand.

Jackson and Alexandrov, the United States and Soviet Prosecutors, who were scheduled to cross-examine Schacht after Dix, waited their turn calmly. They leafed through the documents lying before them, or asked for some new documents from the prosecution only when Dix or Schacht grossly distorted the facts.

Schacht spoke of his role in the nazi armament programme. It had already been proved by a mass of irrefutable documents that in the nazi Government he had been the man who had put the mammoth armament programme into effect

within a short span of time. This was chiefly what had enabled the nazis to start a series of aggressive wars.

But Schacht sought to refute the charges. If one were to believe everything he said, instead of being tried he should have had a monument erected in his honour for his dedicated struggle against the nazi regime. Talleyrand was called not simply a liar, but the father of lies. That was early in the 19th century. Some hundred years later that title was fully earned by Hjalmar Schacht.

The financial wizard started off by telling the Tribunal why he had joined the nazi Government. He realised, he said, how delicate the situation was. But something else was quite evident to him, namely, that if anybody had lost from it, it was only Hitler; the whole of mankind had benefited.

"All political opposition, without which no Government can thrive, had been prevented by Hitler through his policy of terror," Schacht explained. "There was only one possible way to exercise criticism and even form an opposition which could prevent bad and faulty measures being taken by the Government. And this opposition could solely be formed in the Government itself. Thus convinced, I entered the Government . . . with the intention . . . to act as a brake and, if possible, to direct his policies back into normal channels."

It is hard to describe the turmoil in the dock when these words were spoken. The defendants were the Government which Schacht had entered allegedly to "act as a brake". They fidgeted, gesticulated and spoke to one another. The most turbulent reaction came from the front row. The reason was not, of course, that Schacht had been particularly active as a "brake" on what each of them had worked in the sweat of his brow. This was precisely what neither Goering, nor Hess, nor any other defendant could hold against Schacht. Neither were they much surprised that the financial wizard was lying—glibly and with truly Olympian calm: in Germany lies had long ago become a method of state administration. What really outraged all of them was Schacht's attempt to separate himself from his colleagues, to give himself out for what he had never been—an opponent of Hitler from the very first day of his administration.

The storm in the dock was seen by everybody, including Schacht, but it did not disturb him at all. He firmly stuck to his tactics. Hitler offered him the post of President of the Reichsbank, he said, only in order to put into effect a pro-

gramme to abolish unemployment. (Many years later this claim was repeated in Schacht's memoirs, where he stated: "This task permeated my heart and occupied first place in it.") It was only to provide work for 6,500,000 unemployed Germans that Schacht agreed to finance the building of motor roads and new war plants.

This was when Goering could no longer contain himself. "Just listen to how he lies!" he exclaimed quite loudly to the other defendants.

Raeder chimed in at once:

"Who's going to believe that!"

More than anybody else Raeder knew of how much work Schacht had put in to rearm the Wehrmacht.

Goering found the dock much too small an audience. He bent over the bar to engage the defence attorneys in conversation. Later it was learned that he told one of them:

"He's lying! I was there myself when Hitler said we needed some more money for armaments and Schacht said, 'Yes, we need a big army, navy and air force'."

Hans Frank, too, gave rein to his feelings. During the recess he said in a deliberately loud voice so that the financial wizard could hear:

"If Hitler had won the war, Schacht would be running around with the loudest 'Heil Hitler!'"

The turn of the Prosecutors came at last. Robert Jackson went to the microphone and the duel began. It was by no means a game with only one goalmouth. Schacht was not an easy adversary. He had behind him his vast experience as a political arch-sharper, an exceedingly able financier and economist. However, the Prosecutors had not stinted their time to study intricate and sometimes deliberately entangled economic and financial questions. That was what in the long run decided the issue.

When Jackson began quoting from some of Schacht's speeches, which did not in any way portray him as a champion against Hitlerism, all the defendants, I would say, displayed a keen interest and even sympathy for the efforts of the Prosecutor. There had been a time when they had applauded Schacht as they watched him adroitly manipulate with the Reich's finances. "A real German", Goering had spoken admiringly of him. But now in Nuremberg, when Schacht gave himself out as having been a "fighter against nazism" and reviled the dead and living leaders of



the Third Reich, the same Goering and the other defendants were prepared to applaud Jackson for showing Schacht up as a liar.

On the evening of that day Dr. Gilbert made his usual round of the cells and each of the defendants had the opportunity of talking to him. Much of what he heard from them was quite interesting.

"When he tells what an enemy he was of National Socialism," Baldur von Schirach said to the prison psychiatrist, "I can only smile and call to mind certain scenes. . . . For instance, I remember a reception in the Reich Chancellery which my wife and Schacht's wife and many others attended. Do you know what his wife was wearing? A big diamond-studded swastika. . . . It was so out of place. . . . Even the regular nazis would not use their wives with such bad taste. We all smiled and thought it amusing that Schacht wanted to be the super-nazi in the crowd. And then his wife went and asked Hitler for his autograph. Now obviously there was just one reason why Schacht sent her to Hitler for his autograph at such a reception. He wanted her to attract Hitler's attention to the super-nazi Schachts."

But Schacht was already standing in high favour with Hitler. We have mentioned the hopes Hitler pinned on this man when he appointed him President of the Reichsbank. Schacht was intimate not only with the German monopolists but also with the business world in New York. This would, Hitler believed, give the nazis entry into the financial salons and bring them trust and moral and financial credit everywhere.

According to official German statistics, on February 28, 1933, Germany's foreign debt totalled 18,967 million marks, while together with foreign investments in German industry this debt amounted to 23,300 million marks. Every year Germany had to pay 1,000 million marks to cover the interest on foreign loans.

Schacht was determined to halt the payment of this enormous debt and, on top of that, to obtain further loans. To this end he adroitly used his position as member of the board of directors of the Bank of International Settlements, and even more adroitly—the anti-Soviet sentiments of the Western financial oligarchy.

As early as May 1933, soon after the nazis seized power, Schacht went to the United States of America. The purpose

of his visit was to enlarge the contacts between the leaders of Nazi Germany and the ruling circles of the USA. He had meetings with the President, with Ministers, and with the financial tycoons of Wall Street. With unalloyed enthusiasm and with no vestige of shame he assured his interlocutors that "in the world no Government is more democratic than the Hitler Government", that the Nazi regime "is the best form of democracy". And the United States untied its moneybags. Nazi Germany got new loans from it.

In June 1933 Schacht went to an international economic conference in London as a member of the German delegation. He and Alfred Rosenberg put their heads together and helped to draw up the so-called "Hugenberg Memorandum", which enabled them to hold the bogey of a "Bolshevik menace" over Europe and thereby strike a bargain giving Nazi Germany the possibility to rearm. In London Schacht had a conference with Montague Norman, Governor of the Bank of England, with the result that an agreement was signed under which Germany received British credits amounting to nearly 1,000 million pounds.

At the same time, with the blessing of the Western banks, the financial wizard diminished and then altogether stopped payments against old loans.

In August 1934 Schacht was appointed Reich Minister of Economics. On May 21, 1935, taking into account Schacht's conspicuous successes as President of the Reichsbank and Minister of Economics, Hitler raised him to the rank of Plenipotentiary for War Economy. A decree was issued giving Schacht unlimited powers. Under his charge he now had a number of other Ministries and one of his duties was to "place all the economic forces in the service of war".

With purely German pedantism, Schacht evolved a detailed system for the exploitation of the German economy in time of war, beginning with the utilisation of factories, raw materials and manpower and ending with the issue of 80 million food ration cards. Economic plans for the production of 200 key kinds of war materials were drawn up under his direction.

Schacht did not spare means for the building of war factories. The share of the national income allocated for war preparations was increased from six per cent in 1933 to 34 per cent in 1938. The Plenipotentiary for War Econ-

omy knew better than anyone that this was being achieved by intensifying the exploitation of the working people.

In a secret Memorandum to Hitler on May 3, 1935, Schacht wrote that the successful and swift accomplishment of the armament programme "is the problem of German politics, that everything else therefore should be subordinated to this purpose". The issue of paper money was increased to cover the expense of financing the arms race. Schacht threw even the foreign deposits in the Reichsbank into the "common pot" for the rearmament of the Wehrmacht and boasted: "Our armaments are also financed partly with the credits of our political opponents".

Schacht established a system of licences regulating imports: convertible currency was to be used solely for the import of strategic raw materials. Imports were likewise subordinated to the preparations for war.

The economic dictator of the Third Reich squeezed everything he could out of the German economy to finance the gigantic armament programme. Nevertheless, there was a palpable shortage of funds. But Schacht was a man who was consistent in his actions. The goal was the important thing, and he had not very many scruples about choosing the means to gain that goal. It was only before the International Tribunal that he vowed he was opposed to anti-Semitism. But under the nazi regime he had drawn money from that turbid source as well. He did not, of course, join Streicher in shouting anti-Semitic slogans in the squares of German towns, but he scrupulously counted the Reichsbank's income from the "Aryanisation" of Jewish property and lauded Goering for his happy idea of clamping a fine of 1,000 million marks on the Jewish population.

He swore again and again that he was no anti-Semite. In the course of many years he had done big business with Jewish bankers and his own experience had shown him that the "Jews do not cheat more than the Christians". That may all be true. But facts are inexorable and they show that when it was found possible to fill the safes of the Reichsbank by stripping the Jews during the early years of nazi rule, Schacht did not hesitate. Moreover, he suggested that an attempt should be made to rifle the pockets of the overseas relatives of German Jews. This was exceedingly important because in these pockets there might be the round sum in foreign currency so needed by Schacht for the arma-

ment programme. Schacht suggested convening an international conference in London and dictating the terms on which the German Government would allow the Jewish population to leave Germany. Underlying these terms was a most unscrupulous bargain: fork out your foreign currency if you want to leave the Third Reich!

As Goering informed the Reich Defence Council at the time, this sort of manipulation by the "confirmed opponent of anti-Semitism" alleviated the critical state of the Treasury caused by the rearmament. On "Aryanisation" Schacht made several thousand million marks.

On September 25, 1935, Hjalmar Schacht had a meeting with S. R. Fuller, President Franklin D. Roosevelt's personal representative. The subject they discussed was again Germany's policy of speeding rearmament.

Fuller remarked:

"You cannot go on making weapons endlessly if they will not be used."

Schacht's reply was both brief and significant:

"Quite right."

Schacht knew perfectly well that war was the objective of Nazi Germany's foreign policy. He went to all ends to find funds to finance the armament programme because he was quite certain in his mind that victorious wars of aggression would ultimately be a prolific source of additional revenue for the monopolies and the Government of the Third Reich. This was his strategic line in finances and in the economy as a whole. That was why he so boldly pursued a policy of banknote and credit emission. He believed that a victorious war would more than compensate for everything. This belief made him undertake appallingly risky financial operations, one of which was MEFO, a grandiose swindle involving the entire state apparatus.

MEFO operated as follows. The bills of the numerous firms manufacturing armaments and ammunition were accepted by the limited liability company Metallurgische Forschungsgesellschaft (hence the abbreviation—MEFO). In effect, this company had no capital, being simply a fictitious organisation. It paid the bills for armament solely with long-term promissory notes, which became known as MEFO bills. But these bills were accepted for payment by all German banks because they were guaranteed by the Reichsbank on behalf of the state. The secrecy of these

operations was ensured by the fact that MEFO-bills never figured in the published accounts of the Reichsbank or in the budget figures.

MEFO existed until April 1, 1938. The promissory notes handed out until that date amounted to 12,000 million marks. This mass of circulating securities, which had no real guarantee behind them, threatened the country with a terrible financial catastrophe. It would have been enough for private banks to present the MEFO-bills for payment for the Reichsbank to go bankrupt. However, Schacht did not lose heart.

Under normal circumstances the term of payment under the MEFO-bills would run out in 1942. The financial wizard, who was privy to the aggressive plans of the Nazi Government, calculated that by that time he would fill the depleted German Treasury by looting other countries.

Did this imply deception of the holders of the promissory notes? Yes, of course. But Schacht acted on the principle that the general, broadly understood interests of the monopolies demanded an early war, for the sake of which individual capitalists could make temporary sacrifices.

At the close of November 1938 Schacht declared with a note of pride:

"It is possible that no bank of issue in peacetime has carried on such a daring credit policy as the Reichsbank since the seizure of power by National Socialism. With the aid of this credit policy, however, Germany has created an armament second to none, and this armament in turn has made possible our political successes."

Schacht's services in arming the Third Reich were appreciated. As early as January 1937 *Militärwoche Blatt* wrote:

"The German Defence Force commemorates Dr. Schacht today as one of the men who have done imperishable things for it and its development in accordance with the directions from the Führer and Reich Chancellor. The Defence Force owes it to Schacht's skill and great ability that, in defiance of all currency difficulties, it, according to plan, has been able to grow up to its present strength from an army of 100,000 men."

It was then that Hitler decorated the financial wizard with the Nazi party gold badge. The latter, in turn, did not leave this unanswered: on April 21, 1937, he made a speech on the occasion of Hitler's birthday, in which he called

upon Germans "to remember with respect and love the man to whom the German people entrusted the control of its destiny more than four years ago. . . . Adolf Hitler . . . has won for himself the soul of the German people."

Schacht was reminded of all this at the Nuremberg trial. But by his evidence he gave the Western Prosecutors and Judges many unpleasant moments. He spoke of the services rendered him by some of their compatriots, who helped Germany to rearm.

Schacht was angry. He bore a grudge against the governments of these countries for yielding to the pressure of circumstances and arresting and arraigning him before a court. From time to time, when irritation got the better of him, he revealed the true substance of the policy of the Western powers towards nazi Germany.

"I must say . . . that Germany's rearmament," he declared, "was not in any way replied to by any actions from the Allies. This so-called breach of contract on Germany's part against the Versailles Treaty was taken quite calmly. A note of protest was all; nothing in the least was done, apart from that, to bring up again the question of disarmament. . . .

"Military missions were sent to Germany to look at this rearmament, and German military displays were visited and everything else was done, but nothing at all was done to stop Germany's rearmament."

He went on to recall his meetings with prominent Western leaders, who expressed their absolute satisfaction with the developments in Germany. His outpouring was cut short by United States Chief Prosecutor Robert Jackson:

"I cannot understand how the fact that prominent foreigners were taken in by the regime, which the defendant sought to publicise . . . can justify the actions of the defendant himself or help him."

There was a great deal of truth in this. Hjalmar Schacht had indeed advertised Hitler very zealously. More than that, he had helped him to seize power. As regards the "prominent foreigners", who, as Jackson put it, "were taken in by the regime", justice requires the admission that nobody wanted to be "taken in" so much in Munich as Chamberlain, Bonnet and their overseas stage-managers.

Small wonder that the economic dictator of nazi Germany went into a huff when the American Prosecutor began

to ascertain the role played by him in the dismemberment and pillaging of Czechoslovakia. Schacht resented the very idea that the British and Americans were trying to give themselves out as the defenders of that country, of its national wealth, of the interests of its people. If anybody, he well remembered that a few days before Munich the Western powers sent notes to Czechoslovakia demanding her capitulation to Hitler.

And therefore when Jackson reasonably reminded Schacht that immediately after Czechoslovakia was overrun Hitler confiscated all the securities of the Czechoslovak bank, Schacht also reasonably parried:

"But I beg your pardon. He did not take it with violence at all. The Allies presented him with the country."

Their dialogue ended as follows:

*Schacht*: "I cannot answer your question for the reason that, as I said, it was no 'taking over', but was a present. If someone gives me a present, such as this, I accept it gratefully."

*Jackson*: "Even though it does not belong to them to give?"

*Schacht*: "Well, that I must naturally leave up to the donor."

This hardly requires comment. There is no point in enlarging on Schacht's unbounded political cynicism. It is much more important to ascertain the nature of the generosity of those who presented Hitler with "gifts" of this kind.

If we dismiss Schacht's odious and importunate desire to use the Nuremberg trial as a rostrum for his own exoneration, to prove that he was an anti-nazi, it must be admitted that this arch-roogue was not far from the truth when he explained the policy of the West. Schacht's statement that the Weimar Republic did not suit certain circles in the West was not unfounded. Indeed, the Weimar Republic had signed the Rapallo Treaty\* with Soviet Russia in 1922 and traded extensively with her. This annoyed the reactionary circles in Britain, France and the USA and, to some extent, prevented them from coming to terms with the German ruling circles.

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\* This treaty, signed in the Italian town of Rapallo, settled mutual claims and established normal diplomatic and consular relations between the two countries.

"But everything changed when Hitler came to power," Hjalmar Schacht said. "Take the whole of Austria, remilitarise the Rhine, take the Sudeten region, take all of Czechoslovakia, take everything—we will not say a word. Prior to Munich Hitler did not dare even to dream of annexing the Sudeten region. All that he thought of was an autonomous status for that region. But then these blockheads Daladier and Chamberlain gave him everything on a silver platter. Why had they not extended even one-tenth of this support to the Weimar Republic?"

Schacht played the simpleton, of course, when he asked these questions. He knew the replies. He could not fail to understand that the Munich policy of the West had the objective of fattening Hitler and his regime, inflaming the nazi appetite and then setting nazi Germany against the Soviet Union.

#### **SCHACHT AND GOERING: THEIR RIVAL BID FOR POWER**

A detached observer following Schacht's career might have concluded that the sky over him was not marred by a single cloud. Everything seemed to be in his favour. Yet as early as the beginning of 1937 serious developments became imminent. The explosion occurred on November 16 of the same year: Hitler dismissed Schacht from the posts of Minister of Economics and Plenipotentiary for War Economy.

Why? For what? Schacht was eager to make the Tribunal believe that behind this was the steadily mounting differences between his policy and the policy pursued by Hitler and Goering. Hitler, according to Schacht, accused him that his economic policy was much too conservative and was doing little to facilitate the armament programme. Schacht alleged that he had demanded a reduction of that programme. The conflict between them grew from day to day, and Hitler became increasingly sharp in accusing Schacht of wrecking the nazi plans. The denouement came on November 16, 1937. On that day the economic dictator was stripped of his broad powers.

That is what Schacht said.

However, the International Tribunal had a vast array of evidence that completely refuted these claims.

Had there really been a fall-out between Schacht, on



the one hand, and Hitler and Goering, on the other, in 1937? Yes. Was there anything smacking of principle in these differences? Of course, not.

What was it all about?

Actually, in 1937, too, Schacht raised no objections to the intensifying rate of rearmament. His argument with Hitler and Goering was only about the methods of financing the programme. Schacht believed that as long as Germany was not ready to strike the decisive blow, the main stake should continue to be made on foreign trade as the surest source for covering the currency expenditures on strategic raw materials. Goering, for his part, with Hitler's backing, insisted on a policy of autarchy, i.e., on a policy of self-sufficiency.

Schacht was well aware of how much he had done for Hitler and did not conceal his satisfaction whenever his secretary obligingly put before him translations of foreign press articles in which he was called the "economic dictator of Germany". It was the easiest thing for Schacht to occupy such a position in Hitler's Government, which consisted of typical party bosses. He did indeed feel he was a dictator until Hermann Goering suddenly displayed the talent of a big-time economist. That was when the struggle gradually mounted between these two men, each of whom was certain he had to captain the country's economy.

After Goering became High Commissioner for the four-year plan, he began to interfere in the economic sphere which had been regarded as Schacht's sanctum sanctorum and issued one decree after another which reduced to nothing Schacht's powers as Plenipotentiary for War Economy. The conflict between these two powerful Ministers grew steadily. On August 5, 1937, Schacht wrote Goering a letter of criticism. On August 22, 1937, Goering replied, on 24 pages. In this long message he said everything he thought of Schacht, writing in part: "I deplore all the more having the impression recently . . . that you are increasingly antagonistic toward my work in the four-year plan. This explains the fact that our collaboration has gradually become less close."

At the trial one of the Prosecutors asked Goering if between him and Schacht there had been differences over the attitude to the rearmament programme.

To which Goering replied:

"I assume that Herr Schacht also, as a good German, was, of course, ready to put all his strength at the disposal of Germany's rearmament . . . and therefore differences could have occurred only in regard to methods."

The differences between the two men came to a head in a fresh exchange of letters in November 1937. It was then that they had a talk in which the squabble over power was summed up. Replying to a question from the prosecution on October 16, 1945, Schacht declared:

"The last conversation that I had with Goering on these topics was when Hitler for two months endeavoured to unite Goering and myself and to induce me to co-operate further with Goering and maintain my position as Minister for Economics . . . at the end of this talk Goering said, 'But I must have the right to give orders to you'. Then I said, 'Not to me, but to my successor.' I have never taken orders from Goering; and I would never have done it because he was a fool in economics."

Thus Schacht himself, to say nothing of Goering, confirmed that his retirement from the posts of Minister for Economics and Plenipotentiary for War Economy did not in any way imply a rupture with Hitler over the plans for aggression. It was simply that the hostility between Schacht and Goering was much too great to allow these two men to run in one and the same harness.

When he was interrogated Schacht gave vent to his feelings by saying:

"Whereas I have called Hitler an amoral type of person, I can regard Goering only as immoral and criminal . . . he was the most egocentric being imaginable. The assumption of political power was for him only a means to personal enrichment and personal good living. The success of others filled him with envy. His greed knew no bounds. His predilection for jewels, gold and finery, et cetera, was unimaginable. He knew no comradeship. Only as long as someone was useful to him did he profess friendship."

What was the attitude of the Hitlerite military to the conflict between Schacht and Goering? The German Generals, if anybody, had only one yardstick for their assessment of Ministers: those who responded best and most generously to the requirements of the Armed Forces and could do more to accelerate the build-up of the Wehrmacht.

In this conflict the military unhesitatingly sided with



The Judges in conference before passing the sentence. They conferred for a whole month



Nuremberg epilogue. The defendants hear the judgment



United States Army Sergeant John Wood, who put the noose round their necks

Schacht. This is clearly stated in a memorandum of December 19, 1936 to Hitler from the Military Economy Staff:

"The direction of war economy in the civilian sector in case of war can be handled only by the person who in peacetime has borne the sole responsibility for the preparations for war. The Military Economy Staff does not deem it compatible with the principle laid down in Number 1, Paragraph 1, if the Plenipotentiary-General for War Economy is now placed under the Minister-President General Goering's command."

But even the intercession of Blomberg and other Generals failed to break "Nazi No. 2". The fight between Goering and Schacht, each of whom claimed the position of economic dictator, was won by Goering. Schacht was forced to beat a retreat. And when the war ended, an end neither Schacht nor Goering had looked forward to, Schacht decided to use this squabble over power to represent himself as an adversary of war, as an opponent of nazism.

How did Schacht actually behave after his retirement from the posts of Minister for Economics and Plenipotentiary-General for War Economy? Neither better nor worse than before. Retaining the post of President of the Reichsbank he continued his active participation in preparing the German economy for war. Without the Reichsbank it would have been impossible to give effect to the programme of rearming Germany, and to start the planned series of wars.

Had Schacht desired somehow to show the world his negative attitude to the nazi policy of aggrandizement, the year 1937 was the best time for this. Germany was on the threshold of the anschluss and of Munich. But the crux of the matter was that Schacht was very far from an impulse of this sort. It was only at the trial in Nuremberg, in answer to questions from his attorney Rudolf Dix, that he dared to declare that he began sabotaging the nazi Government in 1936-1937.

But what actually was the case?

Hjalmar Schacht entered Vienna on the heels of the German Army. Hitler flew in to bring the Austrian people the "glad tidings" that they were no longer Austrians and should forget (the sooner the better!) that there had ever been a country with an anachronistic name like Austria. Himmler arrived to "purify" Vienna of those of its residents who stubbornly went on regarding themselves as

Austrians and for whom the title of Reich citizens held no attraction. But what did Hjalmar Schacht do upon his arrival in Vienna? This trip, it will be borne in mind, was undertaken after his quarrel with Hermann Goering, after his resignation from the post of Minister for Economics.

First and foremost, he went to the Austrian National Bank to lay his hands on the Austrian Treasury. A total of 400 million shillings in gold migrated to Berlin, to the safes of the Reichsbank.

All of Schacht's subsequent actions implied anything save opposition to the nazi regime. Gathering the staff of the Austrian banks in a spacious hall, he made them listen to an impassioned speech. Naturally, if he could have imagined that this speech would be copiously quoted by the prosecution at a special trial, he would undoubtedly have abstained from studding his speech with those emotional expressions of affection and devotion to Hitler. But at the time it never entered his head that there would ever be such a trial.

Robert Jackson asked him if the Reichsbank was a political organisation prior to 1933. Schacht replied in the negative. Then the meticulous Prosecutor requested the defendant to listen to a quotation from his own speech in the Austrian National Bank:

"The Reichsbank will always be nothing but National Socialist, or I shall cease to be its manager."

Left with no alternative save to admit this quotation, Schacht evidently thought how right Talleyrand was when he said that the tongue was the only organ a ruler had to use least of all. The former Reichsbank President would have been wise to have accepted this advice of the famous French diplomatist. But unfortunately he remembered it too late. He saw this with growing clarity when the Prosecutor picked out other gems from his speech. It had everything in it. Schacht told the Austrian bank officials that "Adolf Hitler has created a communion of German will and German thought". He warned them: "I consider it completely impossible that even a single person will find a future with us who is not wholeheartedly for Adolf Hitler". And in his closing words he went beyond all boundaries in his unrestrained panegyric:

"Now I shall ask you to rise. Today we pledge allegiance to the great Reichsbank family, to the great German community; we pledge allegiance to our newly arisen, powerful

Greater German Reich, and we sum up all these sentiments in the allegiance to the man who has brought about all this transformation. I ask you to raise your hands and to repeat after me: 'I swear that I will be faithful and obedient to the Führer of the German Reich and the German people, Adolf Hitler, and will perform my duties conscientiously and selflessly.' You have taken this pledge. A bad fellow he who breaks it. To our Führer a triple 'Sieg Heil'."

That was how Hjalmar Schacht sabotaged the Hitler Government in 1936-1938.

After Austria came the turn of Czechoslovakia. In this period also Schacht did not remain an indifferent contemplator of developments. On November 29, 1938, he delivered a speech in which he expressed his satisfaction that in Munich Hitler had used the German Armed Forces as one of his arguments. And as soon as the possibility arose, the financial wizard looted the Czechoslovak Bank, too.

In Nuremberg he had to answer for all this. The other defendants closely watched as Schacht squirmed under the weight of the evidence. Some sympathised with him, others envied him and still others gloated. Not every defendant could boast of episodes such as retirement from a ministerial post or an open quarrel with Goering. In the courtroom episodes of this kind looked as though they were heaven-sent. But the defendants knew that behind Herr Schacht's opposition there had been nothing but a furious bid for power, the power with which they were endowed by the nazi regime, the power that was so dear to the hearts of both Herman Goering and Hjalmar Schacht.

Schacht's statement that he would have killed Hitler with his own hands if he could, caused a virtual explosion of indignation in the dock. As these words were spoken, a mime was enacted, as I have mentioned earlier: Goering glanced at Schacht, shook his head in reprobation and then covered his face with his hands, affecting soul-racking pain and shame to hear a former Minister of the Third Reich admit high treason. As though he himself had not betrayed his "adored Führer" during the last stage of the war!

Scenes of this kind least of all expressed the true feelings of the former Hitlerite satraps. All of them had long before lost the most elementary sense of honour, devotion and truth. While resenting Schacht's cheek, each of them envied this sly fox who had been able to serve Hitler in such a

manner that in the event the Third Reich collapsed he would have some chance of dissociating himself from the "beloved Führer".

#### DOUBLE GAME

Indeed, where political camouflage was concerned all these Goerings and Ribbentrops ran a poor second to Schacht. They had neither his training nor his background. It only seemed to them that they saw through him. But Schacht, for his part, really knew the worth of each of them and saw much farther than they.

He gambled dangerously, for high stakes. He did all he could to bring Hitler to power. He helped Hitler build up powerful armed forces. He knew the nazi plans of conquest and that was why he sided with the nazis. It was only on the basis of these plans that an alliance was concluded between the Ruhr monopolies and the nazis.

Better than anybody else Schacht knew that war was lucrative business. At the same time, being a top-rank economist and financier, a politician with extensive experience, he easily saw that the nazi programme of conquest was founded on an adventurist calculation. True, Schacht himself, as we have seen, was quite willing to gamble in his own sphere—finances and economics. Nevertheless, he sometimes felt himself overwhelmed by doubts. The overestimation by the Third Reich of its own strength was so palpable that under an unfavourable concurrence of circumstances (anything might happen in war!) all of Hitler's plans might spell catastrophe for Germany.

In short, Schacht would have liked to believe in victory, for it would be his victory also. But fate had its whims. It had promised Germany victory in the First World War. But how had that war ended? In the Versailles Treaty, which reduced Germany to the status of a third-rate power. It was only then that an attempt was made to try the Hohenzollerns. But now?

True, Hjalmar Schacht's pessimism was strongly shaken by Munich and the blitzkriegs of 1939-1940. The incredible occurred. Blinded by their hatred of the USSR, the ruling circles of Britain, France and the USA were prepared to serve Hitler victory on a platter to the detriment of their own state interests. It sometimes seemed that Bismarck's



old formula that "Politics is the art of the possible" had indeed grown obsolete, and that this pompous and affected Alfred Rosenberg was right when he said that in the 20th century the task of politics was "to make the impossible possible!"

However, Schacht's thinking was sufficiently sober. He was not made dizzy by Hitler's initial spectacular successes. Ahead was the war against the USSR. He hated that country and would have been happy to see it destroyed. He had never understood what that state rested on, a state from which had been removed private ownership and enterprise, which Schacht regarded as the pivot and foundation of all that had been achieved by civilisation. And being incomprehensible, it frightened Schacht. What would happen to the armoured nazi columns in the boundless expanses of Russia? What was the real economic and military potential of the USSR? What were the real sentiments of its citizens? Those were the questions that made him ponder and assailed him with doubts.

Firmly rooted in Schacht's mind was the basic commercial rule that one always had to be reliably insured. That was why there were insurance companies in the world. It was a pity, though, that their regulations did not allow them to guarantee against everything. You could not, for instance, insure yourself against bankruptcy even if you offered to pay the highest insurance rates. As a matter of fact, politics were not an exact copy of business. Why not try to insure yourself against bankruptcy also in that field? All the more so when you knew quite well that you had tied your destiny up with an obviously hazardous gamble.

As I write these lines Schacht's face rises vividly before me. His expression was always somehow insincere, as was his entire nature and the whole life he lived. He gazed at you straight in the eyes, giving the impression that he was a kindly old man with age-softened features. There was nothing hard even in the line of the mouth and the contour of the chin. His grey hair was combed back and lay in a soft broad wave. Behind the glasses a smile played in the keen and intent eyes, which seemed to take in every detail.

He looked an old man like any other. But do not rush into conclusions. The moment he turns his profile to you

you are startled by the change, and you begin to study him again. You find the features of the face sharper, more severe, harder. Where is that roundness that you liked so much? The pattern of the mouth is now different, the thin lips compressed, the corners drooping. You feel as though the real Hjalmar Schacht—cruel, egocentric, wilful—has suddenly emerged from the outer shell of the body. There is something about him that reminds you of the head of a ferocious bird of prey.

Thus, Schacht decided to insure himself, and with this in mind he started a dangerous game—enlisting witnesses and protectors. He began having frequent meetings with representatives of the Western powers and moved gradually from ambiguous conversations to talk for which people paid with their lives in nazi Germany.

George S. Messersmith, US Consul-General in Berlin from 1930 to 1934, recalls:

"Dr. Schacht always attempted to play both sides of the fence. He told me, and I know he told both other American representatives in Berlin and various British representatives, that he disapproved of practically everything that the nazis were doing. I recall on several occasions his saying, after the nazi party came to power, that if the nazis were not stopped, they were going to ruin Germany and the rest of the world with it. I recall distinctly that he emphasised to me that the nazis were inevitably going to plunge Europe into war."

This was said at a time when he was giving Hitler the green light to supreme power and doing his utmost to finance the adventurist plans of the then newly-formed nazi Government. This duplicity might have been envied by Talleyrand or Fouché.

Schacht gave his attention also to the United States Ambassador William E. Dodd. A liberal professor, he was the Roosevelt Administration's first representative in Berlin. He knew German history well and spoke German. In Berlin he did not shun meeting the leaders of the Third Reich. Evidently, his interest in them was not only that of an Ambassador but of a historian. Dodd received visits from Goering, Hess, von Neurath and Rosenberg, and he called on them in return. But perhaps none of them got so close to him as Hjalmar Schacht. This was mostly due to Schacht having relatives in the United States and to his connections

with American businessmen. Besides, in the eyes of the liberal Dodd, Schacht was not so detestable as Hess, Rosenberg or Frank.

Very soon Schacht managed to make the American Ambassador believe he was opposed to the nazi regime. This is apparent from many of the entries in the Embassy log. There were only a few occasions when Schacht somewhat overdid it. This would momentarily open Dodd's eyes and make him doubt the sincerity of his pleasant interlocutor. But even on these occasions he paid tribute to Schacht's daring, although, properly speaking, the latter risked nothing because he was quite certain that the American Ambassador would not betray him to Himmler.

The following is a typical Dodd record about Schacht, dated June 21, 1935:

"I do not believe that in Germany or in the whole of Europe for that matter there is a cleverer man than this 'economic dictator'. He is in a very difficult and sometimes simply dangerous position. When I saw him early in June 1934 his first words to me were: 'I am still alive'. This seemed to me to be quite risky to say."

The most curious thing about all this is that in his lengthy testimonies in Nuremberg Schacht made no claim that he had any differences with Hitler or Goering already in 1935. In fact he said that he was on the best of terms with the entire nazi leadership until 1936-1937. What then is the explanation? Simply that there had never been any differences whatever between them. Schacht was only securing his rear in the event he had to retreat. He realised, as early as 1933, that he had thrown in his lot with a gang of criminals and decided that as a respectable politician he had to begin insuring himself as early as possible.

He pursued this line doggedly and consistently. When he was dismissed from the post of Minister for Economics he rushed to tell Dodd the news. Schacht made no mistake about the impression this would make on the United States Ambassador. In the Embassy log it is recorded that Dodd confidentially asked Schacht if he would accept the position of president of an American bank. The financial wizard did not hesitate, replying in the affirmative and saying that he would be delighted to be in a position where he would frequently meet with President Roosevelt.

"Poor Schacht," Dodd commented, "is the most able financier in Europe, but he seems so helpless and is in great peril if his intention to flee to the United States becomes known."

Schacht and the capital to which he had devoted all his life were cosmopolitan, of course. In principle, it would not be difficult to picture Schacht suddenly changing his place of residence and throwing in his further lot with American capital. But this is only a conjecture. Actually, it was never an issue, either in 1937 or in subsequent years right until the end of the war. Schacht would have been pleased, of course, if in those days he saw Dodd's entry. It would have shown him that he was playing his role well and had been able to make the United States Ambassador believe he was opposed to the nazi regime.

As a matter of fact, Dodd soon realised that the day was still very far distant when Schacht might need an American visa. He saw Schacht on December 21, 1938 and what the Reichsbank President told him was very far from implying that he was packing for a long voyage. The conversation was about the destiny of many countries and of the conditions that were needed to ensure peace in the world. Schacht defined these conditions quite laconically:

"If the United States would . . . leave Germany to have her way in Europe, we would have world peace."

A free hand for nazi Germany in Europe—that was what Hitler's "adversary" Hjalmar Schacht wanted. By this he meant Western sanction for Hitler's policy of aggression, for his conquest of a number of small countries and for his attack on the Soviet Union. Dodd ended this entry with the words:

"Much as he dislikes Hitler's dictatorship, he (Schacht) as most other eminent Germans, wishes annexation—without war if possible, with war, if the United States will keep hands off. Although I admire Schacht for some of his courageous actions I now fear that if he emigrates to the United States he will hardly become a good American."

There was no cause, of course, for Dodd's apprehensions, and not only because Schacht was by no means worse than many of the "good Americans" in Wall Street. Simply, Schacht had no intention of moving anywhere. He doubted the expediency of some of Hitler's actions. In many instances

he would have not acted as Hitler did or, particularly, as Goering, but on the whole he was solidly behind the nazi policy of aggression. Otherwise he would not have dedicated his strength and ability to finance German rearmament.

He knew there would be world-shaking developments and he waited and insured himself.

### THE SACK AGAIN

Nazi Germany was rearming feverishly. The war factories were working full-time. Airfields were under construction throughout the country. The rate of armament was such as to make it possible to prepare the country for a major war of aggression within five years.

In this period Hitler's political adventurism rested largely on Schacht's adventurism in finances. But the difference between Hitler and Schacht was, in particular, that the former acted with the bit between his teeth, and the latter was becoming increasingly more disturbed over the catastrophic deterioration of the Reich's financial position.

At the close of 1938 the Reichsbank found itself without convertible currency. The Finance Minister von Krosigk anxiously informed Hitler that while on December 31, 1932, the state debt totalled 12,500 million marks, by June 30, 1938, it grew to 35,800 million marks. Nonetheless, in that same year of 1938 the further colossal sum of nearly 11,000 million marks was invested in the armament programme.

On January 7, 1939, Schacht submitted to Hitler a memorandum in which he stated his apprehensions that inflation was in the air. He suggested measures to restrict spending by other state organs and establish rigid financial control by the Reichsbank over all expenditures. There was a stormy interview with the Führer, after which the Reichsbank President tendered his resignation.

In Nuremberg Schacht tried to make it seem that this retirement was yet another expression of his "opposition" to the nazi regime. Many years later he went to the extent of giving it as proof that Hitler was "opposed" by the German monopolies, alleging that they tried to prevent him from unleashing war.

Actually, Schacht's resignation had nothing to do with all this. The real reasons were stated clearly to the International Tribunal by Schacht's successor Emil Puhl:

"When Schacht saw that the risky situation [the impending inflation—A.P.] which he had sponsored was becoming insoluble, he was more and more eager to get out."

Further light was shed by von Krosigk, who told the Tribunal:

"I asked Herr Schacht to finance for the Reich for the ultimo of the month the sum of 100 or 200 millions. It was this quite customary procedure which we had used for years. . . . Schacht this time refused and said that he was not willing to finance a penny because he wanted . . . that it should be made clear to Hitler that the Reich was bankrupt."

The Prosecutor asked him:

"Did Schacht ever say that he wanted to resign because he realised that the extent of the rearmament programme . . . was in preparation for war rather than for defence?"

The reply was:

"No, he never did."

Goering was more emphatic on this point. The interrogator asked him to clarify:

"Was Schacht dismissed from the Reichsbank by Hitler for refusing to participate any further in the rearmament programme?"

"No," Goering replied, "it had no connection with the rearmament programme."

It would perhaps not have been worth devoting so much space to Schacht's second resignation if it did not help to get a better insight into the kind of man Schacht really was. In the given case he showed himself in a new angle, as it were, revealing yet another facet of his character.

He was able to do and actually did everything possible and impossible to help Hitler prepare for war. He was prepared to reap the fruits of victory. But when the financial machine adventurously set in motion by him proved to be on the edge of an abyss and only two possibilities remained—that of leaping over this abyss on the crest of a successful war (but there was no certainty that war would be successful) or of falling into it and achieving notoriety in the business world as a hopeless bankrupt, without wavering or regret Schacht turned over the reins of the Reichsbank to Emil Puhl. Schacht had always taken care to associate himself only with prosperous firms and people.

Schacht's resignation was yet another link of his policy of self-insurance. In the event of failure it gave him the opportunity of washing his hands. In the event of success he still had the post of Reich Minister Without Portfolio. He was quite sure that when the time came to share the pie (if only Hitler managed to bake it), he would get his share. He would unquestionably have tried to put his hands on as much of it as possible.

But Hitler also drew conclusions. After Schacht's resignation it began to dawn on him that the Reich's financial position was indeed catastrophic. The only judicious way out of the impasse was to reduce the expenditures on armaments and balance the budget. However, this solution would mean a retreat from the policy which was sustaining nazism and Hitler himself. Hitler therefore chose to hasten the outbreak of war, hoping that by pillaging other countries and peoples he would repair the Reich's position in all spheres, including the financial sphere.

This was apparently understood by the foreign diplomats who kept a close watch on the situation in Germany. On April 6, 1939, Victor C. W. Forbes, Counsellor of the British Embassy in Berlin, reported to London that on no account was it to be ruled out that Hitler might have recourse to war to end the unendurable situation in which he had placed himself by his economic policy.

Neither were there rhetoric questions in British Ambassador Neville Henderson's letter to Halifax of May 6 of the same year, in which he bluntly stated that if Nazi Germany went through another winter without collapsing Hitler might prefer war to economic catastrophe.

#### **SCHACHT BEFORE A CHOICE**

Matters were thus heading towards war. Schacht sat on the fence and watched.

He had done all that was required of him to find the funds for financing rearmament. The Wehrmacht had reached its planned dimensions. Earlier Hitler had procrastinated when Goering demanded Schacht's dismissal, but in 1939 he accepted the latter's resignation without a murmur. It was no longer those who financed rearmament who had the decisive say, but the Wehrmacht and its Generals.

Hitler was perfectly well aware of the significance of Schacht's connections with West European and United States financial circles. These were the connections that had yielded not a few credits for Germany. But Hitler also realised that the credits were not granted because of any affection for Schacht or for himself. Tangible action was expected from Germany, namely, an attack on the Soviet Union. This was what formed the kernel of the Munich policy. In the inner circle of his henchmen, Hitler once said that he would have to keep the "Versailles powers" in check with the spectre of Bolshevism and make them believe that Germany was the last bulwark against the Red flood. "Our only means of surviving the critical period," he declared, "is to put an end to Versailles and rearm."

It was in this gamble that Hitler received considerable assistance from Hjalmar Schacht. But no gamble can last endlessly. The time came when they had to make good their promise of "marching to the East", of destroying the Soviet Union.

Though Hitler was an adventurer to the marrow of his bones he could not fail to realise that he could not risk the newly created Wehrmacht in a fight with the most powerful country in Europe. War with the Soviet Union in 1939, when Germany had not yet subjugated the "Versailles powers", was fraught with too much danger. Hitler and his Generals were therefore more and more inclined to unleash aggression in the West before starting a "crusade in the East".

Did Schacht guess or know this? Naturally. He was well informed of all the basic guidelines of Germany's foreign policy. Did the "Western variant" of war suit him? It did not! The interests of the capitalist West were much too close to his heart. He was much too intimately connected with the US and British monopolies, and with such large German firms as Thyssen, who, like him, had always staked solely on the "Eastern variant". Schacht felt that German military strategy was making a mistake by plotting a new course, and he became increasingly more determined to move to the sidelines for a time and take up the position of an observer.

Meanwhile Hitler, who was burning his bridges in the West, clearly realised that henceforth he would have to pursue Schacht's economic policy with somebody else's



hands. To some extent this also explains why in 1939 Germany's political dictator so readily parted ways with the "economic dictator".

But Schacht only moved aside. He did not depart. He remained a member of the Government. In justice it must be noted that even after he adopted a wait-and-see attitude he missed no opportunity to be useful to Hitler. After all, in those days nobody could say exactly which way the wind would blow.

Until September 1939 Schacht tried his hand in diplomacy. In March he went to Switzerland to meet his English friends and endeavour to incline them towards an alliance with Hitler. Each side knew what the other wanted. Developments were clearly heading towards war, with Germany as one of the belligerents. But which way would the Wehrmacht move? Schacht arrived to explain authoritatively to a British Government agent that Poland would not escape conquest by Germany, but that Hitler wanted "not only Poland; he also wanted the Ukraine". He could not have put his case clearer. What he said could only mean that if the British struck the same kind of bargain with Hitler that was reached at Munich, Germany would start a massive "Drang nach Osten".

In order to come to an understanding with Britain (on an anti-Soviet basis, naturally), Schacht travelled back and forth between Berlin and Zurich and used his connections with the Bank of International Settlements. Then the indefatigable Minister embarked on a series of attempts to get in touch with the ruling circles of the USA. In that country he pinned his hopes on Leon Fraser, president of a leading New York bank, who had personal contact with Roosevelt. He asked Fraser to help him obtain an official invitation to visit the USA.

Schacht failed to get the invitation, but he was not altogether unsuccessful in his solicitations. In March 1940, when war was already raging in Europe, US Under-Secretary of State Sumner Welles arrived in Berlin where he had talks with Hitler, Goering and Ribbentrop. Nobody was surprised when the Washington emissary found it necessary to meet Schacht, whom he continued to regard as being extremely influential. It was to Schacht that Welles said the USA did not desire Germany's defeat.

In the summer of 1940 the Wehrmacht overran Norway,

Denmark, Belgium and the Netherlands. Within a matter of five or six weeks the victor had at his feet France, betrayed by its reactionary generals and politicians. Schacht strutted about the Reich Chancellory: he had contributed much to these startling successes. He was jubilant over the victory in France and wanted everybody to know it. He went out of his way to show Hitler his loyalty. He wanted the Führer to see that he had not changed since the memorable days of February 1933. He was prepared to bury his quarrel with Goering—in war they had to pool their efforts. Hadn't he, at the beginning of the year, offered to negotiate with the USA in order to secure the cessation of American aid to Britain?

The prosecution submitted documents to show that Schacht earned his salary as Minister Without Portfolio. After the rain of documents ceased the lights went out in the courtroom and on the screen, which had been unfolded early that morning, there appeared the streets of Berlin gaily decorated with posters and transparencies. Orchestras were playing military marches. The nazi capital was welcoming Adolf Hitler on his return from Paris, where he had signed the surrender terms.

The impartial camera showed Hitler with his entire gang—Goering, Himmler, Goebbels and all the others, with Schacht among them. Delight was written all over Schacht's face as he congratulated Hitler on the completion of one of the acts of aggression.

The newsreel was no laughing matter for Schacht, dispiriting him. But not so Goering, who turned to right and left to draw the attention of the defendants to his own person in the film.

It was the summer of 1941. Behind were a series of successful, lightning operations which brought almost the whole of Europe to the feet of the conquerors.

On June 22 Germany attacked the Soviet Union, and Schacht showed his eagerness to be useful to Hitler. In October he wrote a letter to Walther Funk, then Minister of Economics and Reichsbank President, in which he loyally stated his considerations for the most effective ways of exploiting occupied territories. But the initial successes of the Wehrmacht against the Soviet Union did not turn Schacht's head. He did not believe there would be a repetition of the French campaign in Russia.

The close of 1941 gave further food for Schacht's pessimism. The Soviet Army had driven the enemy hundreds of kilometres away from Moscow. This was the first herald of victory over fascism, the first telling blow that was not only of purely military but of tremendous moral and political significance.

Hjalmar Schacht anxiously watched the growing friendship between the Soviet people and the peoples of the United States and Britain. He clearly saw the threat to Germany harboured by the anti-Hitlerite coalition consisting of the USSR, the USA and Great Britain.

Finally, he completely lost his equilibrium at the sight of the flags of mourning in the streets of Berlin in the winter of 1943. The great battle on the Volga ended in a crushing defeat for the Third Reich.

This was what made Schacht realise that the Hitler cause, to which he had devoted so much strength, was lost. The time had come for him to be not with Hitler but against him. The faster the events developed on the Eastern Front the more imperious became the need to find a new way out. The Minister Without Portfolio made up his mind to quit the ship, which was beginning to be swept by a high sea.

In this period no member of the Nazi Government was so pessimistic as Schacht. In his dissenting opinion, the Soviet Judge on the International Tribunal correctly noted that Schacht realised earlier than many other Germans that the Hitlerite regime would inevitably collapse, and walked out on Hitler.

In 1943 Schacht provided further proof that he was an astute and experienced politician who knew that in international affairs and in all other cases you could not chop wood with a penknife, that there had to be flexibility. If a fox was nimble it could escape what seemed to be inevitable death. But a mortally wounded tiger, which doggedly closes in on the hunter who already has his finger on the trigger, achieves nothing with its dying snarls.

In 1938 Schacht made the employees of the Austrian National Bank pledge allegiance to Hitler and, as we already know, declared: "A bad fellow he who breaks it. To our Führer a triple 'Sieg Heil'." But now he did not care a hang about that pledge, and wanted to shout: "Damn the Führer for leading Germany into such a dead end!"—by Germany

meaning, of course, chiefly the German bankers, industrialists and big landowners.

He wanted to shout, but couldn't, not yet. His actions in starting a secret struggle against Hitler and using his connections with the enemy are called high treason in the language of criminal law.

He was called a traitor by the other defendants in Nuremberg when he spoke of his part in the plot. But he only laughed in his sleeve. These degenerates—Goering and Ribbentrop, Kaltenbrunner and Frank—could call him anything they wanted. Pygmies, they could not appreciate a real politician, a man who saw far into the horizon. Talleyrand was also regarded as a traitor when in 1807 he betrayed Napoleon by establishing secret contact with the Tsar Alexander. But had there not been people who at once went to his defence and justified his actions? A German publicist of those days wrote:

"I could never understand why people of all times failed to appreciate this man! The fact that they censured him was good but weak, virtuous but unwise; this censure does credit to mankind but not to people. Talleyrand is reproved for having consistently betrayed all parties and all governments. That is true: he abandoned Louis XVI for the Republic, which he renounced for the Directory, then quit the Directory for the Consulate, and foresook the Consulate for Napoleon, then pledged allegiance to the Bourbons and then left them to join Orleans, and perhaps before his death he will still go over from Louis Philippe to the Republic. But he never betrayed any of them. He simply left them when they were dying. He sat at the sick-bed of each period, of each Government, his hand always on the pulse and always being the first to note when their hearts stopped beating. Then he hurried from the corpse to the successor, while others went on serving the corpse. Was that treason?"

In some ways these words applied to Schacht. He abandoned the Weimar Republic without regret, knowing that a "strong man", a "strong power" was already waiting to take over. But where Hitler was concerned the case was somewhat different. Schacht and the others who backed him were not inclined to hurry, although history gave little time for meditation. A replacement had to be properly prepared for the compromised corporal. War was raging in the East, where the Soviet Army was advancing. Anti-nazi

organisations led by the Communist Party of Germany, which was growing stronger, were becoming increasingly more active in the underground. Schacht and the other plotters were determined to remove Hitler and thus save capitalism in Germany, save the rule of the monopolies, prevent any spontaneous development and retain power in their own hands.

The nature of this conspiracy of the German monopoly bourgeoisie and Junkers was vividly laid bare at the Nuremberg trial by Hans Gisevius, who was a high-ranking German police official and a secret agent of the US Intelligence at the same time. In looking for the ways and means of removing Hitler and keeping power, the conspirators contacted United States Intelligence agencies in Switzerland, headed at the time by Allen Dulles. There were some patriotic elements, men like Colonel von Stauffenberg, among the conspirators, but they could not change the basic aims of the plot. It was a conspiracy of vultures against a vulture, a plot of German reactionaries with the reactionary circles of the USA and Britain.

But at the trial Schacht tried to benefit even by the testimony of Gisevius. He wanted the Tribunal to recognise in him one of the leading figures in the plot, that he had been prominent in it even before the war.

This attempt angered the other defendants. The reason for this was by no means that Schacht was trying to save his own life. It vexed the others that they had not thought of providing themselves with a similar loophole during the last months of the Third Reich. Schacht, on the other hand, had managed to serve Hitler in such a way that in the event of victory he could always prove he had made a titanic contribution, while in defeat he could prove the opposite—that nobody had done more to destroy the tyranny. These diabolical, dual tactics evoked envy, which in its turn engendered hate.

During one of the recesses Baldur von Schirach told his fellow defendants how Schacht would have built up his defence if Hitler had won and he would have had to answer for his part in the conspiracy. He would most certainly have declared:

"How can you say I plotted against Hitler when I was always one of his most enthusiastic supporters? Just because Gisevius said so? Why, he was a traitor himself in contact

with the enemy during the war. Didn't you see in the 'Wochenschau' (newsreels) how wholeheartedly I greeted Hitler at the Anhalter Bahnhof? And then don't forget it was I who arranged the big businessmen's fund for the election in 1933. And how about the MEFO Exchange, which financed our rearmament? Do you think we would have won the war without me?... And you know my speeches after the *anschluss* and in Prague. Can you doubt my loyalty to the Führer?"

Schirach's listeners laughed. But Schacht remained imperturbable. He felt they could laugh all they wanted so long as Gisevius told the Tribunal what Schacht wanted him to say.

But what Gisevius said was not always what Schacht wanted to hear. He said, for instance, that General Franz Halder, one of the conspirators, had approached Schacht before the war and sounded him about the putsch. But in the next breath he made the reservation:

"However, I would like to emphasise that the problem of Schacht was confusing not only to me but to my friends as well; Schacht was always a problem and a puzzle to us."

The "puzzle" Schacht listened and grinned caustically. What puzzle was Gisevius talking about? There was no puzzle. Simply the political barometer had not indicated that the time to launch the mechanism of the conspiracy had come. It was the year 1938, and another mechanism known by the laconic name "Munich" had only just been put in operation. That too had been a plot but it was not aimed at Hitler, it was aimed at the Soviet Union with Hitler's assistance. It was found necessary to vitalise the conspiracy against Hitler only when the brilliant Munich plan collapsed with a resounding crash and the soldiers from the East were banging on the gates of Berlin.

At this stage Schacht actually joined the plot. But he managed to provide against any contingency in such a way that he calmly saw the ill-starred plotters off to the Himmler scaffold and sat snug in a concentration camp until the war ended.

In Nuremberg, naturally, he maintained that he was directly involved in organising the attempt on Hitler's life. But in reply to questions from the prosecution Gisevius had to admit that Schacht did not know even when the assassination attempt would be made.

Rudolf Dix waved this "detail" aside and delved deep into history, asking Schacht:

"Do you not know of many cases in history where persons holding high office in a state attempted to overthrow the head of the state to whom they had sworn allegiance?"

"I believe you find these examples in the history of all nations," Schacht replied meekly.

He was prepared to start a long excursion into history, but the Tribunal President cut him short, reminding both him and his counsel that the Tribunal could do without examples from history.

Nonetheless, Dix returned to this in his defence statement, evidently pursuing two objectives: first, to show that the purpose of Schacht's eulogies of Hitler and the Nazi regime was to screen the conspiracy; second, to exonerate Schacht morally in the eyes of those Germans who refused to justify a person in high office who made a deal with the enemy during the war and for that reason called Schacht a traitor.

"History teaches us," Dix said, "that conspirators, especially if they belong to the closer circle of dignitaries of the threatened head of state, show special devotion for the purpose of camouflage."

He referred to a play by Neumann which gives the story of the Russian Emperor Pavel's assassination by his Prime Minister Count Palen. To the very last the Emperor believed in the count's accentuated devotion. There was good reason for this. An extant document, written by Palen shortly before the assassination and addressed to the Russian Ambassador in Berlin, bears the words "Notre auguste Empereur" in reference to Pavel.

"Significantly," Dix pointed out, "this drama bears the title *The Patriot*. Certain sticklers for morality—of whom there are many today—who demand a steely hardness for the protection of principles, should not forget that steel has two qualities, not only solidity but also flexibility."

I cannot say if these words convinced any Germans. But the Western Judges sympathised with the argument presented by Schacht and his attorney, an argument founded on Schacht's participation in the conspiracy of July 20, 1944. As a result in the judgment it was stated that the Hitler clique regarded Schacht "with undisguised hostility" and that Schacht's arrest "was based as much on Hitler's

enmity towards Schacht growing out of . . . suspicion of his complicity in the bomb plot".

Schacht could see that he had enacted the last scenes in the drama of the Third Reich much better than his neighbours in the Nuremberg dock.

#### WHY THE JUDGES DISAGREED

No impartial observer, had he been in the courtroom when Schacht's case was examined, would have had even a fleeting doubt that Schacht would escape the heaviest sentence. But new indications appeared as the trial came to a close: many people began to guess that fate might unexpectedly be kind to Schacht.

Apparently, he, too, began to see that there was hope of a happy ending. This could be easily discerned in his mood and behaviour.

During a recess the American officer of the guard noted that Speer, who was an architect, was busy drawing something.

"What are you drawing?" the officer asked sternly.

"You mean this drawing?" Speer replied. "You see Schacht asked me to design a villa which he plans to build after the trial."

Schacht nodded to confirm that he had indeed asked Speer for a design.

Several days later there was a significant dialogue in the courtroom between Schacht and Robert Jackson. Repeating, as he had been doing endlessly, the argument that he had been opposed to nazism, Schacht referred to his resignation from the post of Reichsbank President and declared that as Minister Without Portfolio he had practically no duties, the position being purely a nominal one. Appropriately, Jackson reminded Schacht that even in that "nominal position" he continued getting a salary of 50,000 marks a year from Hitler.

"I hope," Schacht responded brazenly, "that I shall still receive my pension; how else should I pay my expenses?"

To this the American Prosecutor acidly replied:

"Well, they may not be very heavy, Doctor."

In the Court minutes this exchange of courtesies was followed by the words: "Laughter in the courtroom". The stenographer neither did nor could indicate what the laugh-



ter was about. I clearly remember the atmosphere in which this exchange took place. There were all sorts of people: from prominent lawyers and wealthy American tourists to well-known newsmen representing the Hearst and McCormick chains. It was not very easy to say what these people laughed at: Schacht's self-confidence or the Prosecutor's optimism.

But very soon it became clear that Schacht had some grounds for optimism. He felt that in addition to Rudolf Dix he had other defenders incomparably more powerful than the defence counsel. There was a time when Schacht helped them to fill their safes. Now the time came when they could do him a good turn.

Schacht had always been up to his neck in work, and this was the first time that he had so much leisure. The long winter evenings in the solitude of his cell in the Nuremberg prison put him into a mood for reminiscences and analysis. Whatever way you looked at it, many of those who were now so influential across the Atlantic owed much to him.

Had he not helped Morgan and Dillon when the Dawes Plan was conceived, a plan that put hundreds of millions of dollars in the pockets of the American bankers? Had he not enabled the American industrialists to make big money out of the German rearmament programme? Lastly, he had not been alone in facilitating Hitler's seizure of power. When he went to the United States it did not require much effort to persuade the New York Stock Exchange and the officials in Washington that "order in Europe" and a "crusade against the USSR" could only be ensured by putting power into Hitler's hands. Schacht endeavoured to get new American loans for Germany. He knew, and knew very well, that the New York businessmen were not indifferent as to who would be in the saddle in Germany. Huge American investments were tied up in German industry, and God was not alone in his knowledge of the extent to which Ford and General Motors through their branch factories in the Third Reich had helped to create the motorised units of the Wehrmacht and how Morgan had helped to build up Goering's Luftwaffe.

Neither could it be forgotten that in 1942-1943 Schacht had had many meetings with American bankers in Basle, offering them peace in the West. The American moneybags

had lent a sympathetic ear to his proposals and everything had been progressing quite satisfactorily until the nazi invaders ran aground in Stalingrad. The nazi defeat on the Volga seriously affected Schacht's position at these negotiations.

Tireless in serving the interests of the USA, he began to suggest that the German industry should become the joint property of American and German monopolies, and in compensation for this the Wehrmacht should be given the possibility of continuing the war against the USSR while halting hostilities in the West. Schacht's American friends liked this idea, and Allen Dulles even made an attempt to put Schacht at the helm of state power in Germany. But the Soviet Army continued shaking and then completely smashed the stage on which Schacht planned to act.

Hjalmar Schacht remembered all this, but the thing he could not fathom was whether the Americans really wanted him to make an open-hearted confession here in Nuremberg. Why were they letting these men in Judges' gowns dig into the affairs of banks and concerns? Was the United States Prosecutor Robert Jackson sent to Nuremberg only to expose IG Farbenindustrie's ties with the United States concern Standard Oil and generally show ordinary mortals the great smithy where wars were forged?

During the trial Schacht kept a close watch on the American press and now and again found answers to the questions torturing him. But this was not the main thing. Far more important to Schacht were the hints in the press that the machinery that could shield him had been finally set in motion. However, to be on the safe side, he decided to remind the American Judges publicly (who could tell if they would come to it themselves!) of a promissory note received by him on the very eve of the war:

"The United States Chargé d'Affaires, Mr. Kirk, sent me his regards before leaving his Berlin post, adding that after the war I could be counted on as a man free from guilt."

Then, one evening in May 1946 in a conversation with Dr. Gilbert in his cell, Schacht bluntly declared:

"Oh, I tell you, it would be an eternal disgrace to this Tribunal and to international justice if I am not acquitted."

The International Tribunal passed its judgment on October 1, 1946. Schacht, von Papen and Fritzsche were acquit-

ted and the Tribunal President Geoffrey Lawrence ordered their immediate release.

All the defendants turned their faces to the left where the three fortunate men sat. A recess was announced before the rest of the judgment was read. Von Papen was jubilant and, as he himself admitted, surprised:

"I had hoped for it," he said, "but did not really expect it."

He then made his last theatrical gesture in the courtroom—he took from his pocket an orange that he had saved from his breakfast and asked Dr. Gilbert to give it to von Neurath. Fritzsche gave his orange to Schirach. Hjalmar Horace Greeley Schacht ate his orange himself.

This acquittal shocked the broadest sections of public opinion. The most amazing part of it was Schacht's acquittal. The Soviet Judge I. T. Nikitchenko did not subscribe to this part of the judgment and stated his dissenting opinion.

The further course of events is described in Hans Fritzsche's memoirs. When the acquitted war criminals were about to leave the prison, Rudolf Dix went to them and said that the court building was surrounded by German police and all of them would unquestionably be arrested as soon as they were released by the Americans.

"We were advised," Fritzsche writes, "to remain in the building and await further developments. Colonel Andrus told us we could stay the night in the building and requested that we sign a document to the effect that we had decided to remain in the prison temporarily of our own free will. On the next day, at about midnight, two American lorries drove into the prison courtyard. Schacht sat in one of them, and I climbed into the other."

Under cover of darkness the two lorries raced out of the prison courtyard and sped in different directions. Nevertheless, Schacht was soon found and arrested. The same thing happened to von Papen.

What did all this mean? Why were the German police after men who had been acquitted by the International Tribunal? Even the Judges representing the USA, Britain and France had recorded in the judgment:

"It is clear that Schacht was a central figure in Germany's rearmament programme, and the steps which he took, particularly in the early days of the nazi regime, were respon-

sible for nazi Germany's rapid rise as a military power."

Schacht might have added to this that he had had the backing of the Ruhr tycoons, who saw in the rearmament of the Wehrmacht the promise of fantastic profits, and still greater returns from the major war the nazis were planning. What they had been unable to achieve in the course of ordinary competition in the European markets the nazis promised to get for them with the aid of bayonets.

Schacht might have related how energetically the Ruhr monopolies had joined the war preparations. He might have recalled how he or his representatives had participated in all key conferences of the big industrialists with Hitler and Goering, how these magnates had applauded Hitler in 1936 when he said that the "German economy must be ready for war in four years".

Schacht did not have to strain his memory to remember the numerous agreements between the Wehrmacht High Command and the leading monopolies on the latter's cooperation in espionage abroad; the special agencies set up by IG Farbenindustrie and other concerns to conduct economic espionage against the countries earmarked as victims of nazi aggression.

Having been a member of the nazi Government until 1943, Schacht might have related how after a series of acts of aggression that Government had generously rewarded the Ruhr magnates. He did not forget, of course, IG Farbenindustrie's long and bitter fight in the European markets with Pulverfabrik, the Austrian chemical trust, and how everything was easily settled when Austria was seized by the Wehrmacht (the Austrian trust was simply absorbed by the German chemical octopus).

Then there were the Skoda factories. Had they not been a thorn in the side of Krupp in the world market? And how easily everything fell into place when the nazi boot stepped into Prague.

Schacht had a good memory. He might have told of countless examples, when the Ruhr wolves following in the baggage train of the Wehrmacht seized hundreds of factories in Europe. They applauded enthusiastically when on June 22, 1941, the Wehrmacht flung wide open the gates to enable them to ransack Soviet territories. He might have described the joy of the Rhine brigands when they read the decree stating that "ultimately the territories now being

occupied in the East shall be exploited as colonies by colonial methods”.

That was exactly what Schacht had promised the Ruhr overlords when in 1932 he called upon them to open their purses to Hitler. And the time came when Hitler decided to honour the promissory note he had given them. New monopoly associations were swiftly formed. One of them was Continental Oil AG, which aimed to exploit Soviet oil, and another was Berg- und Hüttenwerke, which exploited and dismantled Soviet mining and metallurgical enterprises.

Hundreds of trains loaded with Soviet raw materials, finished products and equipment moved from East to West. And on their return to the East they brought “managers” for the captured Soviet factories. IG Farbenindustrie hastened to appoint its “managers” in advance for the synthetic rubber factories not only in Yaroslavl and Voronezh, but the more distant cities of Yerevan, Sumgait, Kazan and even Chelyabinsk, Novosibirsk and Aktyubinsk. Small wonder that in its business correspondence this concern insolently referred to the USSR as “the former Soviet Union”.

Then there was slave labour. The nazis gave the German monopolies millions of slaves. Had not the agreements between the Ruhr concerns and Himmler on the building of factories in Oswiecim and other death camps figured at the trial in Nuremberg? Had not hard labour killed hundreds of thousands of people at these factories? Schacht pretended to be shocked when the prosecution produced a document showing that IG Farbenindustrie profited by the direct extermination of millions of people in these camps, selling Cyclone-B poison to the SS. He pretended to shudder when Soviet Prosecutor Lev Smirnov submitted the correspondence of Topf and Sons, offering the SS its “modernised” crematorium equipment for the concentration camps in Oswiecim and Treblinka.

Schacht knew that for the Ruhr kings all this was the natural outcome of the policy he had pursued for a number of years. And it was astonishing that the Western Judges on the International Tribunal should have suddenly become assailed by doubts about Schacht’s guilt. It was unnatural, to say the least, to assume Schacht was unaware that war, a predatory war of aggression, was the sole objective of his policy of arming the nazi Wehrmacht.

Yet this was the argument of the Western Judges in

acquitting Schacht. Although they recognised that he was "a central figure in Germany's rearmament programme", they immediately made the reservation:

"But rearmament of itself is not criminal under the Charter. To be a Crime against Peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the nazi plans to wage aggressive wars."

In other words, in the judgment it was alleged that Schacht armed the Wehrmacht without knowing that Hitler was planning to use it for war. We are asked to believe that he "took part in the rearmament programme only because he wanted Germany to be strong and independent".

However, we have already seen that the huge arsenal of evidence presented by the prosecution and closely studied by the International Military Tribunal gave absolutely no grounds for assumptions of this kind. Moreover, even without the trial it was quite clear that Hitler's aggressive plans were no more a secret than *Mein Kampf*, the nazi bible, 6,000,000 copies of which were circulated in Germany.

In a conversation with the United States Ambassador in Berlin William E. Dodd on September 19, 1934, Schacht admitted that "Hitler's party is fully determined to start war, the people are prepared for war and want it".

In Schacht's presence at a sitting of the Council of Ministers on May 27, 1936, Goering declared:

"All measures are to be considered from the standpoint of an assured waging of war."

Was this not enough to understand why Hitler wanted rearmament?

As a matter of fact, the Western Judges were evidently very much impressed by the documentary proof of Schacht's guilt. Otherwise, it would be hard to explain why the following assertion figured in the judgment:

"Schacht, with his intimate knowledge of German finance, was in a peculiarly good position to understand the true significance of Hitler's frantic rearmament and to realise that the economic policy adopted was consistent only with war as its object."

If all that was true, why was he acquitted?

The answer must be sought not in the eloquence and aphorisms of Rudolf Dix, but in something much more tangible.

While the trial in Nuremberg was under way, the Allied investigating agencies were preparing evidence for other trials, in particular, for the trial of the leaders of the German monopolies. The charge against Krupp, Flick, Schnitzler and the other magnates was that they helped Hitler to seize power and supplied him with armaments, thereby making it possible to unleash wars of aggression in the course of which they engaged in unbridled looting in the occupied countries and committed war crimes.

Schacht had already been interrogated about this. He quickly realised and later recorded in his memoirs that the organisers of the Nuremberg trial planned "to indict the entire Germany industry and financial world on a charge that the industrialists and financiers supplied Hitler with the means of waging war". It seemed strange to him that the Americans were involved in a case like this, which, as far as they were concerned, was not only serious but dangerous. During one of his talks with Dr. Gilbert, Schacht burst out laughing and in a few words explained what tickled him:

"If you want to indict industrialists who helped to rearm Germany, you will have to indict your own too."

Dr. Gilbert did not catch Schacht's meaning, and the latter explained:

"The Opel Werke, for instance, who did nothing but war production, were owned by your General Motors."

Schacht might easily have given many other examples. He might have, for instance, recalled that throughout the war Morgan financed the output of Focke-Wulf aircraft, that under cartel agreements with IG Farbenindustrie Standard Oil Company of New Jersey supplied nazi Germany with aircraft petrol and lubricating oil for the Wehrmacht. He might easily have calculated to a cent the profits of the US monopolists under these agreements.

Did the United States Prosecution seriously want him to dig in his memory and relate how the businessmen of New York and Düsseldorf sincerely co-operated not only before but also during the war?

But he did not have to worry so much. Articles denouncing the persecution of the German industrialists began to appear more and more frequently in the American press. Certain circles in the West were clearly interested in Schacht's own destiny. As though by command the Ameri-

can press suddenly began to speak of him as of an exception in the dock.

Schacht was acquitted, and in his memoirs he says why:

"If the prosecutors had obtained my conviction at the Nuremberg trial, it would have been easy to pillory other leaders of the German industry."

Expanding on this, he wrote:

"The prosecution was extremely disappointed when I was acquitted because this made it very difficult to hold the German financial and business world criminally responsible for the war."

Indeed, where it concerned Schacht, the judgment was worded in such a way as to provide grounds for generally absolving the German monopolies of responsibility for the nazi aggression. They were not tried, and the reason for this was certainly not, as Robert Jackson later wrote, that "the trial would be a very expensive one". Jackson was much more sincere when in a conversation with Martin Popper, Secretary-General of the National Confederation of American Lawyers, he said public opinion "demanded a full revelation of the ties between these nazi industrialists and some of our own cartel bosses". That, it turns out, was why Washington did everything to deliver the Ruhr magnates from trial.

In violation of Allied agreements, the United States, in whose hands most of the German monopolists were, prevented them from being tried by an international tribunal. Instead of an international trial, the United States authorities decided to hold a series of individual trials with only American Judges in attendance. The Washington authorities ordered the American tribunals to use as a precedent the judgment under which Schacht was acquitted.

This resulted in the acquittal of all the leaders of the big German monopolies under the heaviest count of the indictment—participation in starting and waging a war of aggression. On all the other counts the punishment meted out to them was so light that they very soon regained their freedom and returned to their criminal trade. Criminals, who were a menace to peace, thus escaped just retribution.

As regards Schacht himself, he had many unpleasant moments after the Nuremberg trial. He was arrested by the German police, tried by a German court and sentenced to eight years' imprisonment for "participation in the creation



and activity of the National Socialist state of violence, which brought suffering to many millions of people in Germany and throughout the world". However, the sentence was soon afterwards commuted and some time later Schacht was declared innocent and released. The radical change of the political climate in Western Germany clearly benefited people like him.

In the 1950s he was a travelling salesman for the German monopolies. He visited India, Indonesia, Pakistan, Iran, Iraq and Egypt, paving the way for German exports and capital investment. He did not forget to feather his own nest. After turning 80 this arch-financier headed the large banking house of Schacht & Co. in Düsseldorf, which he founded after his release from prison.

In 1959 he clinched an important deal with the Italian financier Enrico Mattei for the building of the Genoa-Munich oil pipe-line. He does not, of course, belong to the West German financial elite, but that elite continues to regard him as an agent and as kin in spirit.

On April 1, 1963, France Press reported from Düsseldorf: "Dr. Hjalmar Schacht, former Minister of Economics and former Reichsbank President, has retired at the age of 86. He has turned over his shares and directorship of the bank to his partner and taken up residence in Bavaria."

Thus ended the career of Hjalmar Schacht.\* This man, who disliked floodlights, was for several decades one of the stage-managers of world-wide developments and catastrophes.

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\* Schacht died on June 5, 1970.—*Ed.*

## VII. THOSE WHO DISGRACED THE PROFESSION OF ARMS

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### 131 ON THE LIST

The summer of 1946 had set in. The case of Schacht had been examined. The interrogations had been completed and the defendants Doenitz, Raeder, Schirach, Sauckel, Seyss-Inquart, Speer, von Neurath, von Papen, Jodl and Fritzsche had returned to their places in the dock. The Prosecutors and defence counsels had delivered their speeches.

In any court in the world this was the moment when the Judges would have retired to consider and pronounce the sentence. But in Nuremberg the trial went on.

When the cases of all the defendants had been disposed of, there still were counsels who were only preparing their cases. One of them was Hans Laternser, who had been appointed to defend the German General Staff and the Wehrmacht High Command.

Most of the criminal organisations put on trial before the International Tribunal emerged under the nazis. These were the nazi party itself and the SA, the SS, the SD and the Gestapo. All owed their origin and growth to National Socialism. Only one criminal organisation anticipated Hitlerism, becoming its powerful ally. This was the German General Staff. It was not Hitler who created the General Staff, but rather the General Staff which created Hitler. In Germany politicians came and went, wars were won and lost, regimes changed, but the German General Staff remained. It remained in order to play the sinister role of organiser of a piratical, aggressive policy. For that very reason one of the cardinal tasks proclaimed by the Yalta Conference of the Heads of Government of the anti-Hitlerite coalition was to "break up for all time the German General Staff that has repeatedly contrived the resurgence of German militarism".

At the Nuremberg trial the prosecution correctly underscored that for mankind the fate of the German General Staff was much more important than the fate of individuals dressed in military uniform. Keitel and Jodl, Raeder and Doenitz, Kesselring and Manstein had left the scene and would never again lead German legions into battle. But not so the General Staff.

The prosecution demanded that the International Tribunal indict it together with the Wehrmacht High Command as a criminal organisation and thereby provide the grounds for punishing the top echelon of the Wehrmacht. In the list submitted by the prosecution there were the names of 131 Field Marshals and Generals who were the backbone of the General Staff and High Command (107 were alive at the time the trial took place). But recognising this organisation as criminal the International Tribunal would have enabled the judiciary of the countries of the anti-Hitlerite coalition to mete out stern punishment to any of them (up to the death penalty) as having been a member of the General Staff.

But this was not yet all. Recognition that the German General Staff was a criminal organisation would have created not only a legal but a serious moral and political obstacle to its restoration in the future. The United States Prosecutor Telford Taylor said:

"Little will be accomplished by shaking the poisoned fruit from the tree. It is much harder to dig the tree up by the roots, but only this will in the long run do much good."

True words, these! But they were not heeded by the Western Judges.

#### **HANS LATERNSEER LOOKS FOR ALLIES**

How did it happen that as early as 1946 there were circles which raised formidable barriers to recognising the General Staff as a criminal organisation, and the United States Prosecutor General Telford Taylor was soon put on the retired list and made the target of shameless attacks in his homeland?

Defence attorney Laternseer, who had been a nazi officer and a member of the nazi party, devised a strategy whereby the defence of the German General Staff would be an inter-

national task of the world officers' corps. He was a regular reader of American newspapers and magazines, of the *Army and Navy Journal* in particular, which expressed the resentment of the United States Generals that the Nuremberg Tribunal had raised its hand against persons "of the honourable profession of arms". At the trial Laternser declared:

"If the German military leaders are today indicted before this court as an alleged 'criminal organisation', this indictment does not only apply to them, but is in fact directed—however strongly it may be desired to deny this publicly—at the soldiers in general, or at least at the military leaders as a class."

He sought to depict the case of the General Staff as an attempt of the Nuremberg Prosecutors to organise the most banal murder of their adversaries:

"To find examples for the latter case, one must go back into history by more than 2,000 years. The Romans strangled their enemy Jugurtha in jail, and persecuted Hannibal with their vengeance until they were able to force the cup of poison into his hands at the court of his host."

He went all out to erect a Chinese Wall between the case of Goering and Ribbentrop and the case of the German General Staff. There were many indications, one of which was Churchill's Fulton speech, to make him feel that in his defence of the General Staff he would have the support of certain circles in the West.

Even before the Tribunal started its examination of the evidence of the General Staff's criminal activities, Laternser observed with ill-concealed pleasure the course of the case of Hitler's successor Doenitz. One of the counts against the Grand Admiral was that on his orders hundreds of merchant vessels were piratically sent to the bottom of the sea, while the survivors of these attacks were machine-gunned. Pinned to the wall by irrefutable evidence, the nazi Grand Admiral was obviously sinking. But this was the very moment when a life-belt, prepared beforehand, was thrown to him.

In the long history of the British Admiralty there had probably been no case of a foreigner, let alone a recent enemy, being allowed to burrow unhindered in military archives. And the purpose? To find documents, even at the price of compromising the British Navy, to save the prestige of the German Navy that had filibustered under the maxim:

"God punish Britain!" Such permission was granted to Doenitz's defence counsel.

Otto Kranzbuehler put the "evidence" he had obtained in Britain on the table of the Tribunal. What these secret documents of the British Admiralty revealed was that during the war the British Navy had also been far from impeccable in its attitude to the norms of international law.

But matters did not end there. It was seen that during the recesses the US Naval officers in the courtroom had frequent conversations with Kranzbuehler, while Doenitz watched from his seat in the dock. The mystery soon cleared up. Through Kranzbuehler the adjutant of the American Admiral present at the trial informed Doenitz that US naval officers were prepared to testify that under Doenitz the German Navy had acted honourably, and if there had been some departures from the letter of international law, the German Navy had not committed more of them than the United States Navy. It was recommended that on this score Kranzbuehler should apply on Doenitz's behalf to Admiral Chester W. Nimitz, commander of the US Fleet in the Pacific. The attorney promptly acted on this kind advice, and the US Admiral responded immediately, sending to the Nuremberg Tribunal an affidavit that was extremely reassuring for Doenitz. In effect, he admitted that in the Pacific American submarines operated exactly as the German U-boats had operated in the Atlantic, and that on this point there were special instructions, dated December 7, 1941, which ordered total submarine war against Japan.

"It is a wonderful document!" Doenitz exclaimed when he read Nimitz's affidavit.

Needless to say, the case of Doenitz inspired the militarists with hope and lent Laternser wings.

#### **WHAT HITLER'S COUNSEL WOULD HAVE SAID IN NUREMBERG**

The day came when the Tribunal began examining the charges against the German General Staff. There was a perceptible increase of the number of United States military in the courtroom. The United States Secretary of War Robert P. Patterson sat in the guest gallery surrounded by Generals. The American reactionary press was in a rage. The

US military attacked the Nuremberg Prosecutors for what they termed as lack of respect for the military profession and for those who must prepare for war.

Referring to the indictment, which demanded that the General Staff should be recognised as a criminal organisation, the American *Journal of Criminal Law and Criminology* wrote at the time that on the basis of this theory of law the graduates of West Point and other military academies and schools, and of course officers of the General Staff and mobilisation departments, might one day be imprisoned or executed if, God forbid, the USA ever lost a war.

The situation favoured Laternser. His witnesses included Brauchitsch, Manstein, Kesselring, Rundstedt and many other nazi Generals who were on the General Staff list and would have been subject to trial and punishment if the latter were indicted as a criminal organisation.

Laternser's speech before the Tribunal was applauded by the entire imperialist military clique. He set out to persuade the Tribunal that the German General Staff had never had anything to do with the nazi policy of aggression.

"If a man becomes a soldier," Laternser said quoting Thomas Carlyle, "his soul and his body thereby become the property of his commanding officer. He is not allowed to decide for himself whether the cause for which he fights is good or bad. His enemies are selected for him, and not by him. It is his duty to obey and to ask no questions."

These words, the attorney felt, aptly characterised the position of the German Generals. They were only subordinates and their great misfortune was that they had had to take orders from a wretch like Hitler. He gave the orders and bore the responsibility for everything. Hitler and his sycophants had planned aggression and the Generals had had no choice but to carry out these plans.

"Hitler's character," the attorney insisted, "is truly comparable with that of Lucifer; just as Lucifer starts out on his radiant course of light with tremendous speed and immense momentum, gaining the highest pinnacle before falling into utter darkness, so Hitler followed a similar course. Whoever heard that Lucifer needed assistants, advisers, helpers in his lightning ascent? Does he not rather by the force of his personality carry with him to the dizzy heights all the others, and then pull them down into the depths with the same force? Is it imaginable that a man of this kind

should have engaged in a long-term preparation of a plan, surrounded himself with a circle of conspirators, and sought their advice and assistance for his ascent?"

What Laternser said in 1946 has become the official propaganda line in Bonn.

But let us for a moment picture a situation where Hitler would have been in the dock in Nuremberg along with the other principal German war criminals and would have had, like them, a defence counsel. The position of this counsel would have been truly unenviable, for never before had crimes of such a scale and brutality been attributed to one man as at the Nuremberg trial. Hitler foresaw the finale and had for that reason escaped responsibility in such a cowardly manner. All that was true. Nonetheless, it is not hard to imagine how this monster's attorney would have begun his defence. He would in all probability have attempted to refute that all the guilt devolved on Hitler. Having no possibility to afford any essential assistance to his client, he would have had at his disposal a wealth of proof to show that it was not so much Hitler who found the Generals as the Generals who found him, that the corporal, as his low rank demanded, actually decided nothing in the military sphere without the Generals.

The attorney would have reminded the Tribunal that as early as September 1923, when the nazi party had only been formed, Ludendorff marched side by side with Hitler at the military parade. Then there was the Munich putsch of November 1923. There again Hitler and Ludendorff were at the head of several thousand nazis.

In the tense political struggle that took place in Germany in December 1932-January 1933 the central issue was whether or not the nazis would seize power. Once again the German General Staff influenced the course of events. In the parade ground in Fürstenberg Hitler had a talk with General von Schleicher, the Reichswehr Commander-in-Chief, and found a reasonable ally in him. Schleicher promised to use all his influence to instal the "people's tribune" into the Chancellor's chair. Hitler was so pleased with this talk that he said to the General:

"On the road intersection here we must put up a plaque with the words: 'A memorable talk took place at this spot between Adolf Hitler and General von Schleicher'."

Filled with hope after this conversation, Hitler hurried

back to Berlin. He was quite certain that he would become Chancellor.

"We are looking for a Chancellor," von Schleicher told von Papen in the crucial days preceding the nazi putsch.

"We" meant the German military, who in those days were headed by Schleicher. At the time he declared that a new Government had to be set up by "uniting the Reichswehr with the NSDAP".

#### THE GENERAL STAFF RELIES ON THE LEAGUE OF NATIONS

Many Field Marshals and Generals were interrogated during the proceedings against the German General Staff in Nuremberg.

I had heard about Brauchitsch before the war. I now saw him in the courtroom as a witness.

Former Commander-in-Chief of the land forces, he did not surpass the other German Field Marshals in their striving to represent themselves almost as pacifists. He asked the Tribunal to believe him that the German General Staff had always been peaceably inclined, that the German Armed Forces existed in line with "the principle *Si vis pacem para bellum*", that "German soldiers of every rank had been trained to defend and protect their homeland. They did not think about wars of conquest, or the expansion of German domination over other peoples". He claimed that the German Generals did not interfere with politics, that they had no interest in politics and lived in an ivory tower. If anything disturbed them it was that Hitler should not draw them into a war.

Brauchitsch only started this primitive line of defence of the German General Staff. It was continued by other witnesses for the defence.

One of them was Field Marshal Erich von Manstein, who was brought into the courtroom under guard. He believed that he had been invited to read a lecture for raw recruits instead of testifying before the International Tribunal, whose Judges knew the entire history of the First and, particularly, the Second World War. He talked himself into all sorts of absurdities. It appears that the German Generals had always feared "an unprovoked attack on the part of any one of our neighbours".



"After all," he declared, "since all our neighbours had certain designs on German territories, we had to reckon with such a possibility at all times."

Further, he completely entangled himself in lies, telling the Tribunal that Germany had always hoped that the League of Nations would intervene if she were attacked.

"Practically speaking," he asserted, "we were relying upon the League of Nations."

This delirium, this impudent and helpless lie, requires no comment. Not many of the others were so crude.

Nonetheless, I would say that predominant in the testimonies of the German General Staff was the assertion that all the wars in the period from 1939 through 1945 were forced, defensive and preventive wars.

Germany was accused of attacking Poland? But had not the Poles themselves attacked the German town of Gleiwitz and seized the radio station there? They had been the ones who began the war and Germany had had no other recourse than to defend herself and attack them. Generally speaking, it was not the business of Generals to argue whether a war was one of aggression or non-aggression. In this situation it was much more to the point to recall the words of Napoleon, who said: "You must remember, Gentlemen, that in war obedience comes before courage."

The attack on Norway? But was it not obvious that the operations of the German Navy in the north of Europe had pursued the objective of preventing Norway's seizure by Britain?

The invasion of Belgium and the Netherlands? But wasn't it well known that the British and French General Staffs had long before planned to use these countries as a springboard for an attack on Germany? Had the German forces not entered Belgium and the Netherlands, these countries would have been seized by the enemy.

The witnesses in the uniform of Field Marshals and Generals lied without scruple. And their preposterous lies were quick to boomerang.

The prosecution produced the official minutes of a conference presided over by Hitler on May 23, 1939, at which he bluntly said:

"We are left with the decision to attack Poland at the first suitable opportunity."

Perhaps no member of the General Staff was present at

this conference? By no means. The list of participants, appended to the minutes, contained the names of Brauchitsch, Milch, Bodenschatz, Warlimont and other high-ranking members of the General Staff named by the prosecution in the List of 131.

Hitler, thus, demanded an attack on Poland. How did the "peace-maker" Brauchitsch react to this demand? Very simply. In mid-June 1939 he issued a directive to the commanders of armies and army groups ordering them to consider the means of dealing "heavy *surprise* blows". Brauchitsch underscored: "The army group commands and the army commands will make their preparations on the basis of *surprise* of the enemy."

The Field Marshal did not have to be told that "surprise" did not mean defence. This was the reverse of what he had futilely sought to prove to the International Tribunal. But in those days it never entered his head that there might be anything like the Nuremberg trial.

What about the Generals to whom Brauchitsch's directive was addressed? They naturally contributed their bit with no illusions about the nature of the planned war. For instance, General Johannes Blaskowitz, 3rd Army Group Commander (his name was among those who, the prosecution believed, personified the German General Staff), issued an order on June 14, 1939, which stated in part:

"The Commander-in-Chief of the Army has ordered the working out of a plan of deployment against Poland which takes into account the demands of the political leadership for the opening of war by *surprise* and for quick success."

#### PAULUS STRIKES A BLOW

The "preventive" tune was particularly loud in the testimonies of the witnesses for the defence when the subject of the attack on the Soviet Union was brought up. Here, they said, everything was crystal clear. The Soviet Command, they maintained, had concentrated huge masses of troops along the frontier and was on the point of ordering the invasion of Germany. Here again the German forces only forestalled the enemy assault.

These, too, were shown to be utter lies, and one of the most telling blows was struck at these concoctions by Field Marshal Paulus.

The reader already knows of the circumstances under which Paulus appeared in the courtroom and remembers the reaction of the defence. In 1940-1941 Paulus had, after all, been in effect Deputy Chief of the German General Staff, and Jodl's defence counsel at once sought to add his voice to the chorus singing the "preventive war" song.

His question to Paulus was:

"In February of 1941 our transports to the East began. Can you say how strong at that time the Russian forces were, along the German-Russian demarcation line and the Rumanian-Russian border? Did not Halder at that time talk to the Führer frequently about the strength and deployment of the Russian forces?"

But the defence failed to get the answers it wanted to these and many other similar questions. The historical truth was on the side of the prosecution.

To Roman Rudenko's question:

"Please, tell us, witness, what you know regarding the preparation by the Hitlerite Government and the German High Command of the armed attack on the Soviet Union."

Paulus replied:

"On September 3, 1940, I took office with the High Command of the Army as Chief Quartermaster of the General Staff. . . . When I took office I found in my sphere of work . . . a still incomplete operational plan dealing with an attack on the Soviet Union. . . . The Chief of the General Staff of the Army, General Oberst Halder, turned over to me the continuation of the work which was ordered by the Supreme Command of the Armed Forces. . . . The operational plan . . . was completed at the beginning of November and was followed by two military exercises with the command of which the General Staff of the Army entrusted me. Senior officers of the General Staff of the Army were also assigned."

Who were these senior officers? One of them, it turns out, was Colonel Adolf Heusinger, that same Heusinger who subsequently played such a prominent role in building up the West German Bundeswehr and called upon it to go into action in the "wide expanses of Russia". In those faraway years, Paulus tells us, he "assumed the further working out of Fall Barbarossa".

Paulus was asked if the nazi Command was in possession of any information regarding preparations by the Soviet

Union for an attack on Germany. The reply, given promptly, was:

"No reports about any visible preparations for war on the side of the Soviet Union were ever made known to me."

Nothing was known, yet the attack on the Soviet Union was planned as early as the autumn of 1940. The General Staff decided to set the plan in motion in May 1941. But no command was given in May. Why? After all, if the witnesses for the defence were to be believed, the Russians were on the point of launching their attack. The reason, we learn, is that at the time the General Staff had to conduct a secondary operation to establish the New Order in Yugoslavia.

The prosecution submitted to the Judges yet another "top secret" document. It bore the No. 444228/41 and the signature of Keitel. It contained the following instructions:

"1. As a consequence of the operation in the Balkans, the beginning of Operation Barbarossa is postponed for at least four weeks.

"2. Despite the postponement, the preparations shall continue to be camouflaged by all possible means and explained to the troops as a measure covering the rear on Russia's side."

Paulus commented on this document and related that "a large-scale diversion" was organised in Norway and along the coast of France, its purpose being "to simulate an invasion of Britain in June 1941 and thus divert Russia's attention".

Paulus' testimony utterly demolished the claim that the war against the USSR was a preventive one. The defence winced in perturbation. Usually, if a cross-examination held out any promise of inflicting a counterblow, the defence counsels would pitch into the witness hammer and tongs. But in this case the attorneys and the defendants had nothing to say.

However, court procedure could not be changed, and when the Soviet Prosecutor stepped down from the stand the Tribunal President told the defence that it could begin the cross-examination. Laternser rose slowly from his seat. There was not a trace of enthusiasm on his face. Turning to the Tribunal President he said:

"Mr. President, as counsel for the General Staff, I ask you to afford me the opportunity to examine the witness

tomorrow morning. The presentation of the witness by the prosecution came as a surprise to the defence counsel, at any rate."

But the recess produced nothing for the defence. Laternser was unable to pierce Field Marshal Paulus' testimony.

#### **MORE LIES BY "SENIOR SOLDIERS"**

Aggression was not the only count against the German General Staff. Practically speaking, the General Staff was the centre organising the entire monstrous programme of war crimes.

But the nazi Field Marshals questioned in Nuremberg vehemently protested against this "unprecedented and contemptuous charge".

Field Marshal Erich von Rundstedt was one of them. I can still see the expression on the face of this supercilious Prussian Junker, the oldest diehard of the German General Staff. I vividly remember the pose assumed by him as, raising his bony hand with two fingers outstretched, he took the oath, saying: "I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing."

Laternser said to him:

"You know, Field Marshal, that the prosecution have asked that the body of military leaders be declared criminal. As the senior officer of the German Army, you know the attitude of these leaders toward military and international law."

And this "senior officer of the German Army", who had sworn to "speak the pure truth" told the Tribunal:

"The rules of warfare and of international law as set down in the Geneva Convention and the Hague Rules of Land Warfare were always binding for us older leaders. Their strict observance by the troops was demanded, and very severe measures were taken in case of excesses."

There was no holding this "senior officer" back. He tried to make the Tribunal believe that the General Staff did all it "could do to support the inhabitants of enemy countries affected by the war" and claimed the General Staff had "ordered that the battle itself was to be fought chivalrously". He ended with the grandiloquent words: "As senior soldier of the German Army, I will say this: we accused leaders

were trained in the old soldierly traditions of decency and chivalry. We lived and acted according to them, and we endeavoured to hand them down to the younger officers."

Laternser was highly pleased with this testimony. There was still the testimony of Field Marshal Manstein to come. Laternser was quite certain that the Field Marshal would win the confidence of the Judges.

Presently Manstein was escorted to the witness stand. He looked calm and, I would say, even self-confident. He was aware that on his testimony depended not only his own destiny—he was a witness for the defence of the German General Staff.

"I have been a soldier for 40 years," he said with a kind of solemnity. "I come from a family of soldiers and I have grown up with military conceptions."

He went on to paint an idyllic picture of the German General Staff's devotion to peace, and spoke at length of the aversion that he and other senior Generals had for war:

"Our ideal . . . did not lie in the conduct of war, but in the education of our youth to be honourable men and decent soldiers . . . that we, the old soldiers, should have led into war for a criminal purpose that youth of ours . . . would far exceed any wickedness of which man could be thought capable."

The senior German Generals usually did not argue the point that unfortunately in Hitler's entourage there were a few Generals who were confirmed nazis. They were the ones who had to bear the responsibility. But the crimes of these degenerates could not stain the reputation of the German General Staff as a whole. This was a broad hint at Keitel and Jodl. But Jodl was of a different mind and in conversation with his defence counsel, livid with anger, he declared:

"Then those Generals who are squealing on us as witnesses to save their damn necks ought to see that they are just as much criminals as we are, and just as liable to hang! They needn't think that they can buy themselves off by testifying against us and then saying that they were only little clerks!"

I have already quoted from the testimony of the Gestapo General Otto Ohlendorf, who confirmed that the mass extermination of people in occupied territories was conducted

by the SS with the close co-operation and support of the Wehrmacht Command. This was corroborated by General Hans Röttiger, who said:

"The special tasks of the SD units were well known and appeared to be carried out with the knowledge of the highest military authorities."

The prosecution followed this up by reading the affidavit of Police General Ernst Rode:

"The SD Einsatzgruppen with the individual army groups were completely subordinate to them, that is to say, tactically as well as in every other way. The commanders were therefore thoroughly cognizant of the missions and operational methods of these units. They approved of these missions and operational methods because, apparently, they never opposed them. . . . Frequent mention of these methods were naturally made in my presence at the OKW and OKH. . . . I am of the firm conviction that an energetic and unified protest by all Field Marshals would have resulted in a change of these missions and methods. If they should ever assert that they would then have been succeeded by even more ruthless commanders, this, in my opinion, would be a foolish and even cowardly dodge."

By an irony of fate the allegation that the German Command, the German General Staff had nothing to do with the Nazi brutalities nor even knew of them had to be exposed by many senior SS and General Staff officers. The reader is well-acquainted with the names of SS General Erich von dem Bach-Zelewski and General Adolf Heusinger, Operations Chief of the General Staff.

Bach-Zelewski was the officer authorised by Hitler to direct the fighting against the partisans on the Eastern Front. To Laternser's dissatisfaction, for he was trying to shift the responsibility for the brutal treatment of partisans on the SS, Bach-Zelewski declared that for "anti-partisan activities formations of the Waffen-SS, of the Ordnungspolizei, and above all, of the Wehrmacht were used".

Nor did Laternser fare any better at Heusinger's hands. Heusinger was still in a state of shock and did not therefore venture to lie so brazenly as he did when his fright passed and he suddenly found that there were people who still needed him. I remember his affidavit, written in 1945, which was read at one of the sessions of the International Tribunal. As in the case of Bach-Zelewski, Heusinger was

asked to say who ordered and who carried out the operations against the Resistance. Heusinger replied:

"Directives as to the manner and methods of carrying on counter-partisan operations were issued by the OKW—Keitel—to the OKH upon orders from Hitler and after consultation with Himmler."

Further, he admitted that the General Staff and the Wehrmacht directed by it perpetrated the most abominable crimes against the civilian population:

"The OKH was responsible merely for the transmission of these orders... establishing the basic principles governing reprisals against the inhabitants."

Heusinger displayed consummate understanding of the objectives pursued during the war by the nazi party and, with it, by the General Staff. He asserted:

"It had always been my personal opinion that the treatment of the civilian population and the methods of anti-partisan warfare in operational areas presented the highest political and military leaders with a welcomed opportunity of carrying out their plans, namely, the systematic extermination of Slavism and Jewry."

But perhaps in his heart of hearts Heusinger condemned these actions and regarded them as impermissible? No, General Heusinger regarded them merely from the practical point of view, which he expressed in the following words:

"I always regarded these cruel methods as military insanity, because they only helped to make combat against the enemy more difficult."

This testimonial of the German General Staff came from one of its direct leaders. The General Staff gave itself the same character insofar as from it came the most criminal orders, which in their totality comprised an entire code of war crimes.

It demanded that the army commands should "display broad initiative" in the discharge of these orders. Such initiative was, naturally, displayed. At the Nuremberg trial reference was made time and again to an order by General Field Marshal von Reichenau, in which he set the task of completely destroying the Soviet state and instructed his soldiers to treat the population mercilessly. "The supply of food for the local inhabitants and prisoners of war," this order stated, "is unnecessary humaneness." This order was



regarded as a "model" and was sent as such to the other armies.

In Nuremberg Field Marshal Manstein tried to dissociate himself from it, saying:

"I personally turned down the order."

The reader probably expects that having the materials of the trial at my disposal I shall show that this Junker had applied the Reichenau order in his own army. No. In this particular instance the "senior soldier" told the truth.

Manstein felt affronted when he received the Reichenau order. He had himself issued orders that went one better. But in Nuremberg he was eager to create a somewhat different impression of his attitude to the Reichenau order, to give the impression that it clashed with his ideas of military tradition. But the Prosecutor cut short his outpourings. He put another order beside the Reichenau order and inquired:

"Tell us if this is not a document issued out of your headquarters and signed with your facsimile signature, on November 20, 1941?"

"I must first read the document thoroughly," Manstein replied worriedly. "I do not recollect this order."

And this man, who had taken such great pains to stress his "chivalrous traditions", to make out that the Prussian Generals did not accept the nazi ideology and kept aloof from politics, suddenly read in an order issued by himself:

"Since June 22 the German people have been engaged in a life-and-death struggle against the Bolshevist system."

Further Manstein, who claimed he had been indifferent to politics, underscored in this order that in this struggle no references could be made to international law: "This struggle is not being carried on against the Soviet Armed Forces alone in the established form laid down by European rules of warfare." And he ended the order with the words: "The Jewish-Bolshevist system must be exterminated once and for all."

With facts pinning him down, Manstein continued to dodge. He did not argue that the signature on the order was his, but asked the Tribunal to believe him when he said he did not remember under what circumstances the order was issued.

"After all, that is not surprising, because that is a number of years ago, and during these years I have signed

hundreds, if not thousands, of orders, and I cannot possibly remember every detail."

What horrible words, what consummate cynicism! "I cannot possibly remember every detail." But these were the very details that cost the lives of millions of people.

Manstein's place in the witness stand was taken by another German Field Marshal—Albert Kesselring. He was deeply resentful that the Prosecutors were not very inclined to believe his testimony. He gave vent to this resentment by saying:

"You must finally believe me when I say that as a soldier."

But Sir David Maxwell-Fyfe, to whom these words were addressed, refused to yield to emotion.

"You remember," he said, "the orders with regard to partisans in Italy during the time of your command?"

"Certainly," Kesselring replied.

Next Sir David asked if Kesselring was acquainted with Keitel's order of December 16, 1942, demanding the mass killing of members of the Italian Resistance. Kesselring had to admit that he was acquainted with it, but in the next breath said it was an order from Keitel. All the German Generals, he said, were to blame for having turned these orders over to their subordinates for execution, but they had never prescribed anything of the kind themselves, and their hands were cleaner than the snow on the Alpine summits.

Sir David was much too familiar with these standard tactics of the defence and he wasted no time telling Field Marshal Kesselring that Keitel would bear the responsibility for his order, while Kesselring would be held responsible for his. The Prosecutor reminded Albert Kesselring of an order issued by him on June 17, 1944, in which it was stated in black and white:

"The fight against the partisans must be carried on with all means at our disposal and with the utmost severity. I will protect any commander who exceeds our usual restraint in the choice of severity of the methods he adopts against partisans. In this connection the old principle holds good that a mistake in the choice of methods in executing one's orders is better than failure or neglect to act."

This was Field Marshal Kesselring, one of the Wehrmacht leaders, in action.

I could cite many other documents revealing the criminal nature of the nazi General Staff. I could refer to the testimony of Field Marshal Milch, who related that it was the German General Staff jointly with the Gestapo that organised the brutal experiments on prisoners of war and concentration camp internees. I could reproduce the testimony of Major-General Walter Schreiber, who spoke of the General Staff's preparations for a chemical war.

But, it seems to me, the sinister picture of the crimes of the German General Staff is quite obvious without this.

### THE GENERAL STAFF SPLINTERS

As I mentioned at the beginning of this chapter, recognition by the International Tribunal that the General Staff and the Wehrmacht High Command were criminal organisations would have, in practice, meant that more than a hundred Field Marshals and Generals, among whom were 78 Army Group and Army commanders, 15 Admirals and 11 Luftwaffe commanders, might be punished for the mere fact of having been members of these organisations. This would have deprived the revanchist forces in West Germany of that nucleus which they required for the postwar restoration of German militarism.

This was the consideration that caused such a stormy reaction in Western military circles. Already then they saw as future allies those very nazi Generals who were liable to punishment.

Hans Latenser appreciated, of course, that he could try to dispute the crimes of the German General Staff, but that this would be a hopeless attempt. He, therefore, had to look for other ways. Evidently not without advice from the side, he put forward the following main argument:

"If even the incriminating charge against the General Staff is recognised as having been established, it should be borne in mind that the crimes were perpetrated by its representatives as *individuals* and not as members of a criminal association such as they wish to make the General Staff appear to be at Nuremberg."

Latenser argued that the German General Staff was nothing more than a body of men who had at various times occupied various posts in it, and, therefore, it could not be said that this organisation was solidly united. However,

even this argument did not prove to be more convincing than all the others offered by the defence.

The Nuremberg trial made it quite plain that as an organisation the General Staff had given Hitler its backing when he was climbing to power. It had acted as an organisation when it planned and carried out aggression. As an organisation it had ordered ruthless measures against entire peoples. As an organisation it had concluded criminal agreements with the SS and the Gestapo.

Besides, the senior Generals themselves considered they belonged to the General Staff, as a united organisation. An interesting point is that even as witnesses at the Nuremberg trial they spoke, by force of habit, not as individuals but as a caste. In reply to questions from the prosecution, each spoke as though on behalf of the whole General Staff.

"We all considered ourselves the trustees of the unity of Germany," said Manstein.

"Hitler produced the results which all of us warmly desired," Blomberg testified.

"The National Socialist ideas . . . were usually ideas which were carried over from old Prussian times and . . . we had known already without the National Socialists," Rundstedt maintained.

United States Prosecutor Taylor showed figuratively what it meant in practice to represent the General Staff as some arithmetical community of men. When it was called to answer for its crimes as an organisation, the notorious German General Staff split into 130 parts, as though it were a child's toy that had been thrown on the floor. But time would pass and at the needed moment these pieces would be put together again, as though by a wave of the wand, and the old pattern would re-emerge.

A sinister pattern, indeed!

Hans Laternser doggedly pursued his tactics of breaking the General Staff up into separate units. For his speech he saved a legal loophole to enable those who wanted it, without disputing the evidence produced by the prosecution, to save the reputation of the German General Staff and, at the same time, safeguard a hundred nazi Field Marshals and Generals from deserved punishment.

At the decisive moment he threw on the scales his last and weightiest argument. He was magnanimous. He was prepared, for the moment, to admit everything that the prosecution

had said about the German Field Marshals and Generals. But where were all these men? In jail, of course. The prosecution was demanding that the German General Staff should be branded as a criminal organisation in order to punish its members. Would it not be simpler "for the four great victorious nations in practice to reach a similar decision in 107 individual trials on the individual guilt or innocence of these 107 living men?"\*

He calculated correctly. The Field Marshals and Generals were indeed in prison, but by a "lucky coincidence" most of them were in American jails. It was the autumn of 1946. Churchill had delivered himself of a speech in Fulton. In the German issue the political line of the Western powers was clearly swinging to the right. All the indications were that time was working for Rundstedt and Manstein, for Guderian and Heusinger. Every effort had to be made to delay a decision on their destiny, to let the storming passions subside. After that the American Themis would have its say.

Regrettably, the International Military Tribunal, to be more exact, its bourgeois majority, allowed itself to be led by the defence and proved unable to withstand the mounting pressure of the new international situation. As a result it did not recognise the German General Staff as a criminal organisation. The judgment stated:

"On such a theory\*\* the top commanders of every other nation are just such an association rather than what they actually are, an aggregation of military men, a number of individuals who happen at a given period of time to hold the high-ranking military positions."

The Western representatives on the Military Tribunal most unfortunately paid no heed to the protest of the Soviet Judge. Accepting Laternser's insidious advice, they recorded in the judgment:

"The Tribunal believes that no declaration of criminality should be made with respect to the General Staff and High Command. The number of persons charged, while larger than that of the Reich Cabinet, is still so small that individual trials of these officers would accomplish the purpose here sought better than a declaration such as is requested."

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\* The 107 who were alive in 1946 out of the list of 131.

\*\* The indictment.

It is hardly worth speaking here in detail of the fact that the situation that subsequently took shape in West Germany turned the "individual trials" of the nazi Generals into a farce. Ultimately, all the nazi Generals were released and many of them were used to build up the Bundeswehr.

Did this mean that the arraignment of the German General Staff before the International Military Tribunal was a waste of time? Not at all. The very fact that Prussian militarism was tried was of tremendous moral and political significance. Confronted with a mass of irrefutable evidence, the International Tribunal could not help recognising as criminal the role which the German General Staff played in the history of the nazi policy of aggression. The judgment states that the Generals and Field Marshals of the Third Reich "are largely responsible for the misery and suffering of millions of men, women and children. They disgraced the honourable profession of arms. Without their military leadership the aggressive aspirations of Hitler and his nazi accomplices would have been abstract and fruitless. . . . They were, unquestionably, a ruthless military caste. Modern German militarism flourished briefly with the help of its last ally, National Socialism, similarly or better than in the history of past generations."

Pressured by incontrovertible facts, the Western Judges who accepted Laternser's advice could not help stating in the judgment what they personally thought of the senior officers of the defeated Wehrmacht:

"Many of these men made a mockery of the soldier's oath of obedience to military orders. When it was in their own interests, they declared that they had to obey. When they were confronted with horrible nazi crimes, which, as has been established, were generally known to them, they declared that they did not obey. The truth is that they were active participants in the perpetration of all these crimes."

But even before 15 years elapsed one of these men went on an official visit to Washington as the authorised representative of the newly restored German General Staff. That man was General Hans Speidel. On August 8, 1960, he was given the floor at a sitting of the US Army Association. He did not dig into history, of course. He preferred to omit mentioning the Second World War, speaking of something altogether different:

"Allow me to begin by expressing my heartfelt grati-

tude. . . . The fact that we Germans have taken our place in the European Community and have undertaken to defend that Community alongside our Allies is due largely to the moral, spiritual and material assistance that we have received from you, the United States of America. Without that assistance we should never have been able to create, organise and train the Armed Forces of the Federal Republic. . . . We shall always be grateful for this and shall never forget this demonstration of friendship and magnanimity on your part."

This was no magnanimity. Those to whom Speidel addressed his words should have felt nothing but shame. This was further mockery by German militarism. But this time it was a mockery not of the oath of the soldiers of their country but of the soldiers of America, who had shed their blood and sacrificed their lives on the battlefields of the Second World War.

When I read Speidel's speech I could not help recalling words spoken by the Soviet Chief Prosecutor Roman Rudenko. He spoke of the grave danger inherent in the possibility of a resurgence of the German military. As though glancing into the future, he said:

"Almost every student of European politics since the First World War knows that the Generals and officers of the Kaiser's Army were only too ready to play again the game they had once lost. For the German military defeat they blamed everything and everybody—except themselves. Meanwhile they worked on creating undercover military organisations, dreamed of revenge, and appeared prepared to offer their honour and their swords to any political adventurer who would not stop until another world war had been started."

It is hardly necessary to look for other words to comment on the speech made by Speidel and, at the same time, the attention he was accorded in Washington.

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Despite the dissenting opinion of the Soviet Judge, the International Tribunal did not find that the OKW and the General Staff were criminal organisations.

This was unquestionably a mistake, but it does not obscure the great political and juridical significance of the Nurem-

berg judgment, which recognised as criminal such organisations as the leadership of the nazi party (NSDAP), the SS, the SD and the Gestapo.

The exposure of these organisations and their monstrous criminality is of tremendous moral, political and juridical importance, particularly in face of the resurgence of various neo-nazi organisations in the Federal Republic of Germany. The criminality under international law of these organisations, which propound revenge and are active in the aggressive policy of the reactionary circles of the FRG, comes strikingly to the fore against the background of the Nuremberg judgment.

To this day the Nuremberg judgment helps us to arrive at a correct assessment of the National Democratic Party as a neo-nazi organisation whose aims, in effect, differ little from those of its predecessor, the National Socialist Party. The NDP programme reproduces, with some changes, the phraseology of the nazi programme—the same revanchist spirit, the same demagoguery, the same racism, the same ugly cry about the “return of territory”, the same encroachment on the territory of other countries. In short, everything that the Prosecutors spoke so much about at the Nuremberg trial in characterising the substance and activities of the nazi party and everything recorded in the corresponding sections of the judgment in summing up the evidence of the criminal nature of the NSDAP leadership. That is why for the democratic circles of West Germany and for progressive public opinion in other countries the judgment of the International Military Tribunal, which exposed and recognised as criminal a number of nazi organisations, is a powerful instrument in the struggle against neo-nazism in the Federal Republic of Germany.



## VIII. AT THE DRAWING OF THE LINE

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### CONFESSIONS OF BIGOTS AND HYPOCRITES

The flywheel of justice was accomplishing its last revolutions. The long trial was nearing its end.

Before retiring to the conference room, the Judges had to listen to the last statements of the defendants.

When the Charter of the International Tribunal was being drawn up, the US and British representatives felt this would be superfluous. As distinct from the continental European practice, British and American practice made no provision for this sort of procedure. Nevertheless, on the recommendation of the Soviet and French representatives, it was decided in London to give the Nuremberg defendants the possibility to make a last statement.

Judicial practice shows that in his last statement the defendant rarely introduces anything new. Every more or less experienced Judge is aware of this. The rare cases are when a defendant who had doggedly denied his guilt suddenly makes a full confession in his last statement. The motives vary: sincere repentance, a last bid to secure a mitigation of the sentence. But psychologically this stage of the trial is always interesting. It is a sort of last confession. And, as in any confession, it may be sincere or hypocritical.

For that very reason we looked forward to hearing the last statements of men who for nine months had categorically denied their guilt. Did many of them realise that this would indeed be their last statement? Naturally. But did this induce them to change their tactics? By no means.

It was the same sordid bigotry, which had become habitual. In their last statement they dissembled in the same way as they had done during the nine months of the trial. It was a masquerade, a crude masquerade in which the erst-

while overlords of the Third Reich made another attempt to give themselves out for statesmen.

They shifted and dodged, lied, piled one falsehood on another, and the longer they spoke the more the courtroom became filled with the stench of crematoria. I listened closely and thought: "How cruelly the German people were punished for having had these men as their leaders for many years, men who led them to catastrophe and shame."

As a matter of fact, in their last statement, these "leaders" did not forget the German people. After having plunged the nation into awful privation and suffering, they suddenly felt they needed its intercession before the International Tribunal. Goering was the first to hold forth on the destiny of "ordinary Germans", saying that the Tribunal was trying him and other German "statesmen" but that the "German people must not be punished". With specious pathos calculated to win him a "marble casket", Nazi No. 2 exclaimed:

"The German people are innocent!"

As though it were not clear that in the dock in Nuremberg were not the German people but only their criminal leaders, who were tried for crimes against many peoples, including the German people.

Baldur von Schirach behaved in exactly the same manner. This man, who had poisoned the minds of German youth, suddenly decided to act as its champion. In his last statement he requested the Tribunal "not to condemn the German youth", to remove "the distorted impression gained of it".

The defendants were clearly seeking to escape their own sinister shadows, which had crawled all over Europe. Goering again brazenly declared: "I did not want war, and I did not help to start it." Ribbentrop tearfully pleaded that he was being "held responsible for directing a foreign policy that was directed by another man", i.e., by Hitler.

As for Kaltenbrunner, we already know what was said in the last statement by this butcher of the peoples of Europe, whose hands and arms were steeped in blood. Yes, the Gestapo had committed monstrous crimes, but this gang of vicious criminals had been chieftained not by him—the wanted man was Himmler. Personally, Kaltenbrunner had done his utmost to be sent to the firing lines to avoid seeing all this infamy.

Little Funk struck a philosophical note in his last statement:

"Human life consists of error and guilt. I, too, have made many mistakes. I, too, have let myself be deceived in many things and I frankly acknowledge . . . that . . . I have been too unconcerned and too gullible."

But was that the sum total of his guilt? It seemed the wisest course for him was to say nothing about the Reichsbank safes stuffed with gold teeth, and he only mumbled a single indistinct phrase: "I was . . . deceived and imposed upon by Himmler."

In their last statement some of the defendants kept to the pose of denouncers, which they had affected throughout the trial. They were willing to expose anybody except themselves. That same Funk wailed:

"These criminal deeds fill me . . . with deep shame."

"My political mistake," Schacht forced himself to say, "was not realising the extent of Hitler's criminal nature at an early enough time."

The nazi slave-trader Sauckel likewise blamed everything only on Hitler and Himmler. Breaking all records of hypocrisy, he declared:

"Gentlemen of the Tribunal: I have been shaken to the very depths of my soul by the atrocities revealed in this trial. In all humility and reverence, I bow before the victims and the fallen of all nations, and before the misfortune and suffering of my own people."

What about Keitel? What words had that man chosen to explain the full measure of his crimes? What shield did he select to make another effort to pave a way to life?

He said: "The best I had to give as a soldier, obedience and loyalty, was exploited for purposes which could not be recognised. . . . I did not see that there is a limit set even for a soldier's performance of his duty. That is my fate."

There were among the defendants those who, even with the grave yawning before them, found the role of preacher and mentor of the German people most attractive. With spurious sadness in his voice Frank said:

"I beg of our people not to continue in this direction, be it even a single step."

Only Seyss-Inquart said something which evoked no objection at the time and sounds significant to this day:

"From the point of view of her own interests Germany cannot desire any war. She must even see to it that no weapons are forced into her hands."

But how late in the day this was perceived by Seyss-Inquart himself! It came to him only after a life-time devoted to the criminal trade of kindling wars, after he had loosed rivers of blood in Poland and the Netherlands where he was the Hitlerite viceroy.

I was quite impressed by Speer's last statement.

"Hitler and the collapse of his system," he began, "have brought a time of tremendous suffering upon the German people. . . . After this trial, the German people will despise and condemn Hitler as the proven author of its misfortune."

Then followed a monologue about the role of technical means in politics:

"Many of the facts about the establishment of the dictatorship, brought to light at this trial, would never have come to pass had it not been for the help of technical means. . . . Hitler not only took advantage of technical developments . . . to dominate his own people—he almost succeeded, by means of this technical lead in subjugating the whole of Europe. . . . The more technical the world becomes, the greater this danger will be, and the more serious will be an established lead in the technical means of warfare."

Speer followed this up by speaking of the horrors of a war in future:

"In five or ten years the technique of warfare will make it possible to fire rockets from continent to continent with uncanny precision. By atomic power it can destroy one million people in the centre of New York in a matter of seconds with a rocket operated, perhaps, by only ten men."

As I listened to these words of the former nazi Minister of Armaments, I could not help thinking again of the great feat performed by the Soviet Army, which destroyed the aggressive Hitlerite state!

Meanwhile, Speer continued:

"As a former Minister of a highly developed armament system, it is my last duty to say the following: a new large-scale war will end with the destruction of human culture and civilisation. . . . This trial must contribute towards preventing such degenerate wars in the future, and towards establishing rules whereby human beings can live together."

These words were spoken by a man who had helped Hitler

carry out a programme of horrible crimes against mankind and turn millions of people into slaves of the Third Reich. He, too, came to his senses only after a staggering number of men and women had been worked to death to provide Germany with munitions, after the revelations about the gas chambers and the iron "torture boxes", after the Hitlerite Reich had begun to shriek in the agony of death. Only at the very last moment did he try to put the gears in reverse, so to speak, in an effort to save his own life. This man's life is a further demonstration of what even an initially promising career can lead to when the specialist places his knowledge and organisational ability in the service of imperialist aggression, and binds himself to the chariot of the dark forces of reaction that dream of subjugating other nations and dominating the world.

### THREE ARE ACQUITTED

The defendants completed their last statements. The Tribunal retired to the conference room after adjourning proceedings for nearly a month.

The atmosphere in the Palace of Justice somehow underwent an instantaneous change. Most of the correspondents departed. These migratory birds were not ones to lose time, and they pushed off to other hot spots. Such spots had sprung up in many places. Churchill's Fulton speech had been the spark setting off the flame of cold war that enveloped the whole world.

James F. Byrnes, then US Secretary of State, arrived in West Germany. In Stuttgart he made a speech which might have won the plaudits of all the Nuremberg defendants. The few Western journalists still in Nuremberg were quite certain that the impact of Fulton would penetrate the closed door separating the world from the Nuremberg Judges and invade the pages of their judgment. As the finale drew ever nearer, the number of sceptics increased in Nuremberg.

Naturally, it was hard to count on the International Tribunal passing a similar sentence on all the defendants, although the four-Power prosecution had demanded that all should be found guilty. None of the Prosecutors had any doubts about the measure of punishment.

The United States Chief Prosecutor Robert Jackson ended his final speech on behalf of the prosecution with the words:

"They stand before the record of this trial, as blood-stained Gloucester\* stood by the body of his slain king. He begged of the widow, as they beg of you: 'Say I slew them not.' And the Queen replied, 'Then say they were not slain. But dead they are.' If you were to say of these men that they are not guilty, it would be as true to say that there has been no war, there are no slain, there has been no crime."

Roman Rudenko analysed all the evidence submitted to the Tribunal and formulated his conclusion in the words:

"In the name of the sincere love of mankind . . . in memory of the millions of innocent human beings slaughtered by a gang of murderers . . . in the name of the happiness and the peaceful labour of future generations, I appeal to the Tribunal to sentence all the defendants without exception to the supreme penalty—death."

The British Chief Prosecutor Sir Hartley Shawcross spoke in the same unambiguous manner. At the end of his speech he asked the question: have all the defendants earned the death sentence? And he replied:

"Some, it may be, are more guilty than others; some played a more direct and active part than others in these frightful crimes. But . . . when the consequences of the crimes are the deaths of over 20 million of our fellow men, the devastation of a continent, the spread of untold tragedy and suffering throughout the world, what mitigation is it that some took less part than others, that some were principals and others mere accessories? What matters it if some forfeited their lives only a thousand times whilst others deserved a million deaths?"

All the other Prosecutors were in solidarity with Shawcross on this point. It now remained for the Tribunal to say its last word, to determine the fate of each defendant.

The Tribunal completed its work on September 30, 1946, —the judgment was written and signed by all the members of the Tribunal. On that day I arrived very early at the Palace of Justice. At the entrance there were a larger number of heavy police cars than usual. All the checkpoints were reinforced. The guards inspected the contents

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\* Duke of Gloucester, one of the central personages in Shakespeare's tragedies *Henry VI* and *Richard III*. Jackson quotes from a dialogue between Gloucester and the widow of Henry VI in the tragedy *Richard III*.

of briefcases, looked closely at the passes and compared them with the proffered passports. Everybody had to go through this check: pressmen, Tribunal personnel, attorneys and guests.

Among the guests I recognised many who had been at the trial only during its first weeks. They had now returned. Once again there was a babel of voices in the courtroom—representatives of almost all the countries of the world were there.

The defence counsels occupied their seats at about half past nine. Then the stenographers and interpreters appeared. The translation system was checked, the technicians were in the glassed cabins. The press box was filled to capacity. Cameramen readied their cameras.

The defendants were led in one after another with intervals of half a minute or a minute. They looked tense as never before. It seemed as though in the dock were men who were total strangers to each other.

The Nuremberg trial was entering its last and decisive phase. There was a hushed silence.

Everybody got up as the Judges emerged from the conference room. The Tribunal President Lord Justice Geoffrey Lawrence carried a thick file with the text of the judgment.

Hour after hour the Judges, replacing one another, read this historical document. A whole day went by but the sentence was yet to be passed.

On October 1 the Judges continued the reading. They finally reached what is called the formulas of the individual responsibility of each of the defendants.

I watched the defendants. When the formula concerning Hermann Goering was read, he bent his head and pressed his earphone closer to his temple with his fingers. He wore dark glasses. There was a hardly perceptible smile on his lips. He tried to continue the posture he had affected earlier, but he was not managing it well.

Goering's neighbour, Rudolf Hess, remained apathetic as though what was happening around him did not concern him in the least. On his knees were several sheets of foolscap and he busied himself writing. He did not even put on his earphones.

Keitel sat stiff as a ramrod. Kaltenbrunner worked his jaws as though he were having difficulty chewing something. Rosenberg shrank within himself in expectation of the

inevitable blow. Funk sprang to his feet as soon as the Judge spoke his name. Frank mournfully nodded. Streicher folded his arms and perhaps for the first time in all the months of the trial had no chewing-gum in his mouth. Walther Funk worriedly moved back and forth; he lowered his head so that his shoulders came up to his ears.

Schacht, von Papen and Fritzsche were acquitted. A rumble mounted in the courtroom when the formula of their acquittal was read. This reaction seemed to me to be heterogeneous, as heterogeneous as the courtroom which contained representatives of the progressive press and rabid reactionaries. The latter would undoubtedly have reacted more enthusiastically if the list of acquittals was not confined to these three names.

I cannot say that these acquittals came as a surprise to me. At the organisational sittings of the Tribunal, which were not open to the public, the repeated discussion of the questions linked with the responsibility borne by Schacht, von Papen and Fritzsche quite clearly revealed the attitude of the different judges. At these sittings the Soviet Judge had time and again to counter the arguments of the Western Judges, whose opinion was ultimately expressed in the verdict of acquittal on the three men.

I am quite sure that the bourgeois Judges in Nuremberg were not free from the influence of certain circles in the West. The United States Judge Francis Biddle, for instance, speaks in his reminiscences of a meeting he had with the Pope before the trial began.

He says that the Pope gave him an audience which lasted for 15 minutes and during that audience requested Biddle, on behalf of von Papen's wife, to do everything in his power to secure von Papen's acquittal. Biddle assured the Pope that he would do his best.

But it would be wrong to overestimate the results of this kind of pressure from without. On the whole the International Tribunal passed a stern and just sentence. There is something more than meets the eye in the fact that later some of the Western Judges had the experience of seeing how distasteful the judgment was to some influential circles in the West. Francis Biddle describes in his reminiscences how Robert McCormick, a leading reactionary publisher in the United States, reacted when he received an invitation to a luncheon in honour of Biddle. Through his secretary he



turned down the invitation on the grounds that he did not desire to sit at the same table with a "murderer". It is hardly necessary to explain that the murderer in McCormick's eyes was Francis Biddle, United States member of the International Tribunal.

But let us return to the courtroom of Nuremberg's Palace of Justice.

Thus, three of the defendants were acquitted. The Tribunal commandant was ordered to release them. Fritzsche and von Papen took their leave of their neighbours, shaking hands with Goering, Doenitz and some of the others. Only Schacht went past Goering without so much as a glance at him.

The others remained in the dock. After the recess they were to hear their sentence, which did not promise to be so happy.

Intense animation reigned in the Palace of Justice. This was going to be the most spectacular morning and the world press waited to report it to the world. It was rumoured that the acquitted men were giving a press conference in one of the rooms. I went there. The room was filled with correspondents, mainly American and British. Questions were fired in quick succession. They were replied by the acquitted men with self-satisfied expressions on their faces. They lied just as they had lied in the dock.

Von Papen was asked what he now planned to do, if he was going to return to politics. The old diehard Hitlerite shook his head:

"No, my political life has ended."

Perhaps in this lie was an iota of sincerity—his political career had ended much too scandalously after the First World War and then after World War II. Prison, a solitary cell, the stigma of a ruthless war criminal, plus his age, which was almost 70, hardly inclined him towards continuing his political life.

That is what was felt at the time, at least. But finding himself in the atmosphere of the revanchist passions seething in West Germany, the hardened political intriguer and confirmed militarist von Papen could not, even in the twilight of life, remain harmless to the peace and tranquillity of the peoples. The statement that he would not return to political activity was retracted by him as soon as he was released from prison. He toured Western Europe, frenziedly cam-

paigning for the restoration of the Third Reich. He visited Ankara and Madrid. In the Spanish capital he lectured on the subject "The Situation in Western Europe Between the USA and the Soviet Union", and Franco's entire camarilla listened admiringly.

"Dialectical materialism," hissed the 84-year-old von Papen, "will undermine the whole of Western society if the peoples of the Western countries do not awaken and put up an energetic resistance to its pernicious influence."

And Fritzsche? This man, once Goebbels' lieutenant, likewise vowed at the press conference that he would never again be enmeshed in politics. At first he did indeed work as a travelling salesman for a Paris cosmetics firm. But he soon found his new job tedious and once again felt the drag of the whirlpool of new militarist political passions. He wrote book after book, quasi-fascist publishers brought them out and they merged into the general turbid stream of neo-nazi literature that again called for war and violence. Poisoned by revanchism, Fritzsche's pen was stopped only by death: he died in 1953.

The reader already knows of the postwar activities of Schacht, the third of the acquitted men.

The press conference given in the Palace of Justice by the three acquitted criminals was filmed by many press photographers. On the next day in the photo-laboratory of the Palace of Justice I was given a photograph showing the end of the press conference. There was something sickening about it. Men in United States Army uniform, delight written all over their faces, were shaking hands with Schacht and von Papen, congratulating them as one congratulates a very dear person after he has recovered from a serious and dangerous surgical operation.

As I gazed at the photograph I thought again how just, historically and juridically, was Soviet Judge Nikitchenko's dissenting opinion, in which he protested against the acquittal of Schacht, von Papen and Fritzsche.

This protest evoked a response throughout the world. The correspondents representing progressive newspapers and journals at once went to the offices of the Soviet delegation to state their solidarity with the attitude of the Soviet Judge. Many asked me for copies of the dissenting opinion in order to inform world public opinion of it. Two or three days later, newspapers arrived in Nuremberg with the first com-

mentaries on the judgment as a whole and on the Soviet Judge's dissenting opinion in particular.

"The Russian reservations regarding the judgment of the Tribunal are attracting a great deal of sympathy and understanding", stated an editorial in the Swedish *Aftontidningen*.

"The viewpoint stated by the Russian representative on the Tribunal is eliciting wholehearted sympathy in countries which had been occupied by the Germans," noted the Norwegian *Arbeiderbladet*.

The Secretary-General of the National Confederation of American Lawyers Martin Popper wrote at the time that the only interpretation of Schacht's acquittal was that the "nazi industrialists and financiers, who had subsidised the nazi party and built the economic basis, without which Hitler would have been helpless, do not share the guilt for aggression and crimes against mankind. . . . The significance behind the Schacht acquittal reveals itself only if it is regarded as part of US and British policy in regard to Germany".

The Soviet Judge's dissenting opinion received massive support among the broadest sections of the people also in Germany. In Leipzig a hundred thousand people demonstrated with placards bearing the words: "Death to the War Criminals!", "We Want Lasting Peace!", "A People's Trial for von Papen, Schacht and Fritzsche!", "We Want Tranquillity and Peace!" Similar demonstrations were held in Dresden, Halle and Chemnitz.

#### THE TRIBUNAL'S LAST SESSION

It was October 1, 1946. At 14.50 hours the Tribunal opened its last session.

The situation in the courtroom had changed drastically.

The floodlights, which had been switched on from time to time to enable cameramen to work in the curtained courtroom, had been removed (no photographs were allowed during the last session). Only the bluish light of the neon lamps fell shadowlessly on the walls and the faces of the Prosecutors, defence counsels, members of the Tribunal Secretariat and the numerous guests.

The dock was empty. In the courtroom it was as quiet as in an operating theatre. Now and then somebody coughed, and it sounded like a battleship unexpectedly firing a broadside.

Everybody waited for the Tribunal to pass its sentence on each of the defendants separately. All eyes were fixed on two doors—the door through which the Judges would enter and the door through which the defendants would be led singly into the courtroom.

The Judges entered. At a slight nod from Lawrence they took their seats.

The last, sentence-containing part of the judgment was to be read by the President himself. With a habitual movement he adjusted his glasses, and in that instant, as though without being touched by anybody's hand, the door behind the dock slid open. Out of the dark cavity the familiar figure of Hermann Goering stepped into the lighted courtroom. On either side of him was a soldier.

Goering swept an anxious glance over the tensely quiet courtroom, at the Prosecutors and stopped at the Judges. He was pale, his face had grown more pinched than before. The month spent in waiting for the sentence had not passed in vain! The bravado, which he had endeavoured to preserve throughout the trial, had vanished. He was given earphones, although his knowledge of English was adequate to enable him to understand the few words of the sentence: death by hanging.

After hearing it, he cast a vindictive glance at the Judges and the courtroom. There was a world of hatred in his eyes. Silently he removed the earphones, turned and walked out of the courtroom. The door closed behind him, only to open again in a few seconds.

Hess appeared. He did not take the earphones proffered to him. Even at this solemn moment he looked a mountebank. The President read the sentence: life imprisonment.

Once more the door closed, and opened again. This time it was Ribbentrop who walked through it. His face was ashen. His eyes were laden with fear and were half-closed. I was astonished to see him carrying a briefcase. He did not need it any longer.

"Death by hanging," Lawrence read.

Ribbentrop's legs sagged. An effort was required by him to turn and walk back into the darkness of the corridor.

Keitel was led into the courtroom. He walked with his back straight. His face was inscrutable.

"Death by hanging," said the voice in the earphones.

Rosenberg completely lost his self-control when he heard the same sentence.

Then Frank came through the door. The expression on the face of this butcher, who had promised to "make mincemeat out of all Poles", begged for pity. He even stretched out his hands as though that gesture could change the signed sentence: death by hanging.

The next was Julius Streicher, who rather ran than walked into the courtroom. Standing with his legs apart and his head stretched forward, this killer and seducer of the minds of thousands upon thousands of Germans gave the impression of a man expecting a blow. And he received it, hearing the same few words that Frank heard.

Streicher was followed by Sauckel. He got his due: death.

Jodl was led in next. Hearing of the noose prepared for him, he tore off his earphones, said something venomously and walked out, treading heavily on legs that seemed to have turned wooden.

After Jodl came Walther Funk. He remembered the gold teeth wrenched out of the mouths of the Oswiecim victims and kept in the safes of the Reichsbank, and therefore did not expect any other sentence save death. But unexpectedly he heard the words, "life imprisonment". He looked bewildered. It seemed as though he were sobbing and making a hopeless attempt to bow to the Judges.

The door behind the dock opened and closed eighteen times. I glanced at the watch. The silver hands showed that it was 15.40 hours. The trial had ended. The Judges were leaving the courtroom.

The corridors of the Palace of Justice were filled with a swelling hubbub. This was the multi-lingual crowd of journalists rushing to the telegraph office and the telephones. Overtaking one another and nearly knocking each other over, they hurried to report the sentences to their newspapers and agencies: twelve of the defendants—Goering, Ribbenrop, Keitel, Rosenberg, Kaltenbrunner, Frick, Frank, Streicher, Sauckel, Jodl, Seyss-Inquart and, *in absentia*, Martin Bormann—were sentenced to death by hanging; three—Hess, Funk and Raeder—were sentenced to imprisonment for life; two—Schirach and Speer—to twenty years' imprisonment, von Neurath to fifteen years, and Doenitz to ten years.

Meanwhile, Dr. Gilbert attentively observed the conduct

of the sentenced men, and the results of these observations were given in his diary.

As soon as Goering was escorted back to his cell he threw himself on the cot. Nothing remained of his bluster. It seemed that he had only this minute realised the horror of the words: "Death by hanging." He gazed into Dr. Gilbert's face and wheezed: "Death!"

Ribbentrop returned soon after Goering. With fearful glances about him he walked nervously up and down his cell, which was his last "lebensraum", and wailed:

"Death! Death! . . . So much hatred!"

When Dr. Gilbert walked into Keitel's cell, the latter turned and exclaimed with a voice filled with horror:

"Death—by hanging! . . . That, at least, I thought I would be spared."

Why? What grounds had Field Marshal Wilhelm Keitel for believing he would be spared? Had he not with his own hand signed scores of directives ordering murders on a massive scale? Had he not recommended using "all means without restriction" against even women and children, "if only these means facilitate success". In the margin of a report from one of his subordinates about the brutal extermination of Soviet people he had written with his own hand: "We are dealing here with the destruction of an ideology and, therefore, I approve such measures and I sanction them."

And this man expected mercy from the Tribunal of Nations!

But he was not alone in his delusion. Strange as it may seem United States General Dwight D. Eisenhower thought along the same lines as Keitel. When he was informed of the fate awaiting Keitel, he remarked:

"I'm surprised the Judges so easily found it possible to condemn a soldier. I believed the life of soldiers would be a matter of special concern by the Tribunal."

This American General, a man who only a short time before had personified the Supreme Command of the Allied armies in the West, would have thought ever so much more highly of the Judges of the International Tribunal if instead of passing the death sentence they would have let Keitel and Jodl go and, on top of that, with the halo of martyrs over their heads.

A group of Colombian senators went further than that.

Integrating the bigotry of Tartuffe, Judas Golovlev and Job Trotter, they hypocritically urged the mitigation of the sentences of all the men condemned to death, pledging the assurance that a "mitigation of the punishment would be admired by future generations as the greatest act of magnanimity". However, world public opinion showed nothing but disgust with this shameful recommendation. All the peoples of the world regarded the judgment of the International Tribunal as the highest embodiment of humanity.

### THE CURTAIN RINGS DOWN

On October 9 and 10 the Control Council for Germany examined and denied the petitions from the condemned men for a pardon. Everything was now in the hands of Sergeant Wood, who had been assigned to execute the sentence. I saw him in Nuremberg. Of medium height, thickset, with large features, he did not conceal his heartfelt satisfaction that the choice had fallen on him. He bitterly regretted that he had been deprived of the possibility to string up Hermann Goering, who, it will be recalled, had chosen to join Hitler, Goebbels, Himmler and Ley with his own hand.

The sentence was executed in the early hours of October 16, 1946. The execution was witnessed by representatives of each of the four Powers. The press was represented by only eight newsmen—two each from the USSR, the USA, Britain and France. Nobody was allowed to take photographs.

The Soviet pressmen who witnessed the execution were TASS correspondent Boris Afanasyev and Army cameraman Victor Tyomin.

I saw Boris Afanasyev immediately after the execution and we talked almost until dawn. He gave me a mass of details.

At 20.00 hours the newsmen arrived at the Palace of Justice and were taken to the rooms where the defendants usually conferred with their defence counsels and where those of them who were condemned to death were allowed to see their relatives for the last time. The newsmen were ordered not to speak to anybody until the sentence had been executed. After they gave their word Colonel Andrus took them on a tour of the prison and requested them to make absolutely no noise.

They descended down the narrow iron stair. It was semi-dark in the prison corridor. Electric lamps burned only over eleven doors. These were the cells of the condemned men. The guards vigilantly watched them through the peep-holes.

The newsmen stopped at the door of each cell and looked through the peep-hole.

In the first cell was Keitel. He was tidying his cot, smoothing out the folds of the blanket.

Ribbentrop, with the light shining brightly on him, was talking to a priest.

Jodl was sitting at the table with his back to the door and writing. On the table in front of him was a pile of paper and books.

Goering, it seemed, was asleep. Funk, covered with a blanket, was reading. Kaltenbrunner was also reading. Streicher was asleep. Sauckel was nervously walking up and down his cell. Frank was sitting at the table and smoking a cigar. Rosenberg was asleep. Seyss-Inquart was getting ready to turn in—he was cleaning his teeth.

At 21.30 hours the gong went softly—it was the signal for sleep. The lamps were turned off and it grew quite dark.

Colonel Andrus led the journalists across the prison yard to a small brick building standing deep in the garden where the execution was to take place. Three scaffolds, painted dark-green, had been erected. Twelve steps led up to them. Thick ropes were hanging from them. At the foot of two of the scaffolds lay straps and black hoods, which would be thrown over the heads of the condemned men at the moment of execution. Nothing lay at the foot of the third scaffold, which Colonel Andrus described as having been set up in reserve.

At about 23.00 hours the journalists were escorted back to the rooms they had first been shown into and requested to wait. They waited for nearly two hours. At 0.55 hours they took up their stations at a distance of three or four metres from the scaffolds.

The first man to be escorted to the scaffold was Ribbentrop. He was in a state of complete prostration and could hardly pronounce his name. The priest read a short prayer and then Ribbentrop was hanged.

Sergeant John Wood did his work efficiently. In ninety minutes all the principal nazi war criminals sentenced to



death were dead. The bodies were taken to a crematorium in Munich and the ashes were scattered. Rudolf Hess, Walther Funk, Karl Doenitz, Erich Raeder, Baldur von Schirach, Albert Speer and Konstantin von Neurath were taken to Spandau to serve their prison sentences.

\* \* \*

Situated in West Berlin, the grim prison-fortress of Spandau was built to hold many hundreds of people. In it were incarcerated seven of the principal nazi war criminals. A quadrilateral administration was set up in Spandau, and the guards—Soviet, United States, British and French—changed in rotation once every month.

Each prisoner was given a number. Rudolf Hess became No. 7, and Baldur von Schirach No. 1. This was a great disappointment to Hess. Like Goering in the dock, he tried to play Führer in the prison. He felt it was an injustice that he, Hitler's deputy in the nazi party leadership, should have been given the last number!

The reader will remember that during the trial Hess was frequently absent from the dock on the plea of illness. It was said that he had cancer. I must admit that when I watched him during the minutes that he began to convulse with pain I was not at all sure that it was a pretence. Cancer is a terrible disease that knows neither geographical nor political boundaries. Its only boundary is that of time. But after some twenty years in Spandau, Hess was still alive. It was only when he was given the No. 7 that he felt worse and again complained of pain in the stomach. The doctors gave him injections. Hess was sure they were morphine, little suspecting that the syringe was filled with ordinary sterilised water. After every injection Hess quickly fell asleep.

The nazi criminals in Spandau were not forgotten by their foreign friends. In *Seven in Spandau* Jack Fishman writes that the prisoners were deprived of the possibility of harming peace and engaging in political subversion only during the month when the prison had Soviet guards. Fishman relates the numerous attempts made by them to revive and vitalise neo-nazism in Germany, and reproduces a letter written by Doenitz. It was addressed to his wife, but actually meant for his friends in Bonn, telling them how to remilitarise the country.

The British journal *New Statesman and Nation* gladly accorded space for subversion and propaganda by Hitler's imprisoned sycophants and for wire-pulling to secure their exoneration. There proved to be tender-hearted ladies and gentlemen in Britain who deluged the journal with letters expressing sympathy for the "prisoners in Spandau". One of these ladies, who nonetheless preferred to remain anonymous, wrote an open letter to von Neurath's wife stating her sympathy for von Neurath and telling the world that his early release would only please the British Government. In another letter of the same mould, addressed to the wife of Doenitz (the same Doenitz whose only concern throughout the war had been to kill more British sailors—and who had been quite successful in this), it is stated in categorical terms that Doenitz was one of the victims of the currently unfavourable political situation. To round off the picture of this journal's credo I shall refer to one more letter published by it. Unequivocally, this letter urged that the concept of German war crimes should be expunged from historical archives and that since Bolshevism was recognised as the enemy of "Western civilisation", the stain on the honour of the German Army should be removed.

The wives of the imprisoned chief nazi war criminals were not inactive, either. Elsa Hess, for instance, published a book *Britain-Nuremberg-Spandau*, in which her lord and master abandons himself to sweet memories of his sojourn in the British Isles.

"Lord Hamilton . . . had me transferred to a good military hospital (Hess injured his leg upon landing—*A.P.*). It was situated in a rural locality half an hour's drive from the city, in beautiful Scottish suburban surroundings."

Further, he describes the magnificent country houses where he stayed after his discharge from hospital, and drew the following idyllic picture:

"My commandant, a professional musician in peace-time, played Mozart for me. I frequently took long walks and sometimes drove in a car."

Could any British Tommy suspect that while he was courageously fighting the nazi hordes in Europe, Hitler's deputy was indulged to that extent in his homeland?

Years passed. The Nuremberg trial receded into history. The principal nazi criminals were dead. By every law—human and divine—Hess should have hanged beside them.

This was demanded by the Soviet Judge. But the Western Judges paid no heed to this demand. Hess was now in Spandau, where he was not having such a bad time. On February 12, 1950, he wrote to his wife.

"The tunes of *Parsifal* floated through my window. This was Funk playing on the harmonium.... He also played Bach, a beautiful concert by Mozart, and Schubert. It was wonderful. Sweet music, it was as though God were talking to us."

Cannibals, it seems, also like music! I have already mentioned that Rudolf Hess, Oswiecim commandant, had a camp orchestra consisting of the finest musicians in Europe. Wearing camp uniforms, these unhappy men indulged their torturer and his pack of wolves when they returned home after their "day's work", still smelling of the insatiable crematorium flames. Or, say, the monster Heydrich. In the nazi camarilla he had the reputation of a passionate musician. Eichmann, too, loved to play in the intervals while the crematorium furnaces were charged.

How horribly grotesque, what hideous incompatibility—music and nazism!

Many years after the Nuremberg trial I read a novel by the West German author Heinrich Böll entitled *Wo Warst du, Adam* (*Where Were You, Adam*) which portrays one such "votary of the Muses"—an SS man named Filskeit. As distinct from the Oswiecim commandant, he adored choral singing and evolved a special system of selecting singers. "Every new prisoner was brought to him for a voice test. In the card-index Filskeit noted the vocal abilities of the new prisoner with a mark from zero to ten. He awarded the zero mark to only a few—they were immediately enrolled in the camp choir, and those who received a ten mark had only a day or two of life left to them." Singers lived slightly longer.

Is it, therefore, much cause for wonder that Rudolf Hess, that most sinister figure of the nazi regime, likewise proved to be a lover of music and thrilled with delight when he listened to Mozart and Schubert as played by Funk? However, this is all a thing of the past: Funk was released from Spandau in 1957 after serving 11 years.

Still earlier, in 1954, the Allied authorities pardoned and released 81-year-old von Neurath. At the time of his release he received telegrams of congratulations from the then FRG

President Theodor Heuss and Federal Chancellor Konrad Adenauer; he died two years later.

Raeder was released in 1958 at the age of 80. His successor to the post of Commander-in-Chief of the Nazi Navy Doenitz served his entire term of imprisonment and left Spandau in 1956.

For years the huge Spandau prison remained the refuge of three criminals—Hess, Speer and Schirach. The sentence of the latter two expired in 1966. Hess is to stay there for life. But the West German revenge-seekers refuse to reconcile themselves to this. As early as 1954 the journal *Nation Europa* carried an article entitled "Warm Greetings to Rudolf Hess", in which it was stated in part:

"The fact that no European statesman has demanded the release of Rudolf Hess is evidence of Europe's deep decline. It is also proof of how few Europeans we have. . . . We pray to God that Hess is released. He requires no amnesty: all that is wanted is that justice should prevail. Rudolf Hess no longer belongs to Germany alone, he belongs to all of us, to Europe."

Is better proof required to show that fascism is resurging in West Germany and that peace is threatened by the policy of revanchism? However, Hess remains incarcerated. This, too, is proof, striking proof of the growing strength of world public opinion, which the enemies of peace and mankind cannot afford to ignore. All the attempts of the modern neo-nazis to secure Hess' release have been futile.

Baldur von Schirach, who was Führer of the Hitlerjugend, spent many years in Spandau together with Hess. I have already written about him and there would probably have been no need to draw further attention to him if it had not been for one circumstance. It so happened that during his fifth year in Spandau Hess very nearly lost his neighbour. Schirach tried to commit suicide. But do not draw the hasty conclusion that his conscience finally reasserted itself. The reason was much more trivial: all that happened was that his wife Henrietta informed him that she wanted a divorce.

Baldur von Schirach and Albert Speer were relatively young men when they were taken to Spandau. They were under 40. Today they are nearly 60.

Justice was merciful to these criminals: they were not executed. But their names, like those of the other men sen-

tenced in Nuremberg, were accursed by all mankind. They had become synonyms of gruesome barbarity and misanthropy.

As the years went by the peoples hoped that the terrible lesson of the Second World War would not pass in vain, that mankind would not permit a repetition of the tragedy. This hope was fostered not only by the Soviet Union's consistent and determined policy to prevent a revival of German militarism and fascism. Outstanding Western statesmen were of the same mind.

On December 24, 1943, US President Franklin D. Roosevelt declared that after the armistice of 1918 the world thought and hoped that the spirit of German militarism would be uprooted. In the course of the next fifteen years the world disarmed, but the Germans raised such a piteous howl that they were not only allowed but also helped to rearm. The well-wishing but unsuccessful attempts of the previous years proved to be useless. Roosevelt said he hoped they would never be repeated, and then went on to express himself in stronger terms that as President and Supreme Commander-in-Chief of the United States Armed Forces he intended to do all that was humanly possible to avoid a repetition of that tragic mistake.

Roosevelt did not live to see V-Day. The struggle to avoid a repetition of that tragic mistake was started without him. Everybody knows the stages of that struggle. Once more, as after the First World War, some Germans raised a piteous howl, and New York, Paris and London not only allowed but helped them to rearm. Truman, Eisenhower, Churchill, Attlee, Dulles, Macmillan and many others of their kind did all that was humanly possible to repeat the tragic mistake (if only it could be called a mistake!) that Franklin D. Roosevelt had warned against and which had cost mankind millions of lives.

The world was once more confronted with the reality of a resurgence of German militarism. Keitel and Jodl are gone, but the German Bundeswehr has been built up and is rattling its sabres. Hitler and Himmler are gone, but in West Germany nazi organisations have flowered luxuriantly.

Does this mean that the Nuremberg trial played no role in the struggle against aggression, against German militarism and fascism? Does it mean that its function was limited to the punishment of the Hitler clique? Does it

mean that the materials of that trial now belong only to archives?

Not at all. The materials of the Nuremberg trial remain a sharp weapon in the struggle for peace, against aggression. The concept "archive" is alien to them.

I have mentioned that the Nuremberg trial should and has indeed become a watershed in the history of international law. The judgment cut short the careers of the most dangerous war criminals and, more important still, it put an end to the age where aggression and the aggressors went unpunished.

During the turbulent days of October 1917 the whole world heard the famous Decree on Peace, where Lenin in his own hand wrote the unforgettable words that a war of aggression is the "greatest crime against humanity". These words virtually rang in my ears when I sat in the Nuremberg courtroom and listened to the judgment, which so vividly embodied the Leninist principle that aggression is punishable.

Frederick Engels once noted that it is intrinsic to the bourgeoisie "to falsify any commodity: it also falsified history. After all, those writings were best of all remunerated in which the falsification of history conformed most to the interests of the bourgeoisie".

"Books" of various colours (blue, red, white and so forth) are frequently used as a means of such falsification. In them bourgeois statesmen select and arrange suitable documents to justify their policy and lay the blame for international conflicts on somebody else. As distinct from these cunningly prepared "documentary proofs", the Nuremberg trial has become a most authoritative source of the history of the Second World War. It brought to light the most secret documents of the aggressor state, its entire archive, and declassified the methods that were used by the German militarists to prepare war. Do these materials not help us today to perceive the speciousness of the official communiques of NATO, SEATO and CENTO sittings, in which sinister steps towards the preparation of another world war are given out as purely "defensive measures"?

The International Tribunal in Nuremberg tried only the principal German war criminals. It was intended that smaller fry would be tried and sentenced by other courts. But the Western powers preferred to save and turn them into

allies. Thus, Heusinger, Kammhuber, Speidel and other nazi Generals were put at the helm of the Bundeswehr. And in order to silence public protests against these appointments, the NATO ringleaders have made an attempt to white-wash the reputation of these loyal servants of nazism, to give them out not only as having had nothing in common with the nazi terrorist regime but also as having been rabid adversaries of Hitler. Imperialist propaganda might perhaps have achieved its end if there had been no barrier in the shape of mankind's memory, of the mountains of corpses, of the devastated cities, of the groans of the victims of Babi Yar and Majdanek, in short, of all that the International Tribunal turned into a historical indictment in the hushed stillness of the Nuremberg courtroom.

The materials of the Nuremberg trial are tenacious of life, indeed. This was felt by Erich Koch, butcher of Poland and the Ukraine, Theodor Oberländer, who had likewise committed atrocities on temporarily occupied Soviet territories, and Adolf Eichmann, who had six million murdered Jews on his conscience. On the evidence produced at the Nuremberg trial Erich Koch and Adolf Eichmann were sentenced to death. Under pressure of the documents of the Nuremberg trial Konrad Adenauer was compelled to sack the war criminal Oberländer, who had wormed his way into a Ministerial post in Bonn, and send him into retirement. The beam of the Nuremberg searchlight picked out yet another Bonn Minister—Hans Globke. In 1963 the Supreme Court of the German Democratic Republic sentenced him *in absentia* as a dangerous nazi war criminal, and under pressure of irrefutable evidence Bonn had to dismiss him. Some time later the incriminating evidence turned over to Bonn by the Procurator's Office of the GDR compelled the new Chancellor Ludwig Erhard to dismiss the nazi Hans Krüger, who also held a Ministerial post.

Herr Wilhelm Fränkel, Procurator-General of the FRG, likewise found that the Nuremberg evidence was viable. A check showed that he had also been a nazi and had been a senior official of the Reich Court in Leipzig under the Hitler regime.

Thus even as decades pass by the Nuremberg trial still strikes down enemies of peace and democracy. It had by no means been the aim of the Nuremberg Prosecutors and Judges to indict capitalism as a whole. That could never have

happened if only for the reason that of the four powers represented on the International Tribunal three were capitalist powers. But such is the logic of historical development, and the logic of a public trial, that even bourgeois Judges and Prosecutors, witnesses and defendants, regardless of their views and intentions, found themselves up against incontrovertible and devastating facts, which compelled them to make statements and admissions that dealt the entire capitalist system staggering moral and political blows.

The autopsy conducted on the policies of the nazi regime at Nuremberg was yet another act laying bare the man-hating character of imperialism and its constant companions—aggression and reaction. The ulcers of the capitalist world were, perhaps, never displayed so openly as at Nuremberg.

Early in the book I mentioned that I was with the Army in the field when news came from London that the International Tribunal had been formed. I at once pictured the enormous difficulties involved in preparing and holding the trial. This became all the more evident to me when destiny brought me to Nuremberg. First and foremost, it was an international trial. This was unprecedented. Different law systems—continental European and Anglo-American—had to be co-ordinated. But, more important, a common language had to be found by the Soviet and bourgeois systems of law, and common political and juridical principles had to be established. The International Tribunal was to be the first in history to implement the principle of criminal responsibility for aggression. An exact course had to be steered amidst the underwater reefs of the swiftly changing international situation and the ill-intentioned elements had to be given no opportunity of provoking a conflict between the Soviet and Western delegations.

All these complex problems were ultimately solved. It may be safely said that although the judgment of the International Tribunal was not devoid of certain shortcomings, which were noted in the dissenting opinion of the Soviet Judge, the Nuremberg trial was marked by unity among the four powers—USSR, USA, Great Britain and France. The menace hanging over all mankind united people of different countries and continents, of different social systems and views not only on the battlefield but also at the table of the International Tribunal.



That is why the Nuremberg trial is regarded throughout the world as a Tribunal of Nations, a Tribunal of the whole of mankind, called upon to strengthen international security and promote unity among people in the struggle to uphold their most treasured possession—peace.

The Nuremberg judgment is a sword of Damocles that will everlastingly hang over the heads of those who make another attempt to disturb the tranquillity of the peoples and plunge mankind into a new war.

After this judgment was read and the courtroom was cleared, a French journalist photographed the empty dock. On the next day he called on me and gave me a copy of this photograph. Both of us gazed at it, and it seemed to say:

“Remember the lessons of history! Do not forget Nuremberg!”

### REQUEST TO READERS

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# ERRATUM

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