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TRIBUNAL**



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TRIALS**

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INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

— *against* —

HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM VON
RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST
KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK,
WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR
SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH,
KARL DÖNITZ, ERICH RAEDER, BALDUR VON SCHIRACH,
FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ
VON PAPEN, ARTHUR SEYSS-INQUART, ALBERT SPEER,
CONSTANTIN VON NEURATH, and HANS FRITZSCHE,
Individually and as Members of Any of the Following Groups
or Organizations to which They Respectively Belonged,
Namely: DIE REICHSREGIERUNG (REICH CABINET); DAS
KORPS DER POLITISCHEN LEITER DER
NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI
(LEADERSHIP CORPS OF THE NAZI PARTY); DIE
SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN
DEUTSCHEN ARBEITERPARTEI (commonly known as the
“SS”) and including DER SICHERHEITSDIENST (commonly

known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER NSDAP (commonly known as the "SA"); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES, all as defined in Appendix B of the Indictment,

Defendants.

PREFACE

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Recognizing the importance of establishing for history an authentic text of the Trial of major German war criminals, the International Military Tribunal directed the publication of the Record of the Trial. The proceedings are published in English, French, Russian, and German, the four languages used throughout the hearings. The documents admitted in evidence are printed only in their original language.

The first volume contains basic, official, pre-trial documents together with the Tribunal's judgment and sentence of the defendants. In subsequent volumes the Trial proceedings are published in full from the preliminary session of 14 November 1945 to the closing session of 1 October 1946. They are followed by an index volume. Documents admitted in evidence conclude the publication.

The proceedings of the International Military Tribunal were recorded in full by stenographic notes, and an electric sound recording of all oral proceedings was maintained.

Reviewing sections have verified in the four languages citations, statistics, and other data, and have eliminated obvious grammatical errors and verbal irrelevancies. Finally, corrected texts have been certified for publication by Colonel Ray for the United States, Mr. Mercer for the United Kingdom, Mr. Fuster for France, and Major Poltorak for the Union of Soviet Socialist Republics.

SEVENTY-SEVENTH DAY

Friday, 8 March 1946

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Morning Session

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THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): I have three announcements to make.

First, to avoid unnecessary translation, Defense Counsel shall indicate to the Prosecution the exact passages in all documents which they propose to use, in order that the Prosecution may have an opportunity to object to irrelevant passages. In the event of disagreement between the Prosecution and the Defense as to the relevancy of any particular passage, the Tribunal will decide what passages are sufficiently relevant to be translated. Only the cited passages need be translated, unless the Prosecution require translation of the entire document.

Second, the Tribunal has received an application from Dr. Nelte, counsel for the Defendant Keitel, inquiring whether a defendant, in order to support his memory, may make use of written notes while giving oral evidence. The Tribunal sanctions the use of written notes by a defendant in those circumstances, unless in special cases the Tribunal orders otherwise.

Third, cases have arisen where one defendant has been given leave to administer interrogatories to or obtain an affidavit from a witness who will be called to give oral evidence on behalf of another defendant. If the witness gives his oral evidence before the case is heard in which the interrogatory or affidavit is to be offered, counsel in the latter case must elicit the evidence by oral examination, instead of using the interrogatory or affidavit.

That is all.

I now call upon counsel for the Defendant Göring.

DR. OTTO NELTE (Counsel for Defendant Keitel): Mr. President, in yesterday's afternoon session, you observed that application Number 2, which I had submitted as a supplement, had not yet been discussed orally. I was unfortunately not present at the afternoon session yesterday. It is a question of a subsequent, formal supplement to my applications regarding the witnesses Westhoff and Wielen. Both of these witnesses had already been granted me in the open Tribunal session. I submitted these names again only in order to complete my application.

As an addition I mentioned only State Secretary Stuckart, a witness who also has already been granted me previously by a decision of the Tribunal. I believe, therefore, that I do not need to discuss this supplementary application, and that the Prosecution have no objection to this action.

THE PRESIDENT: Yes, Dr. Nelte, General Westhoff and Wielen have already been granted to you, and there is no need for any further application.

DR. NELTE: Is State Secretary Stuckart also granted me, Your Honor?

THE PRESIDENT: Westhoff and Wielen have already been granted to you, and there is no need for any further application. I am afraid it is difficult to remember these names. I think that Stuckart has been granted to you.

DR. NELTE: Yes.

THE PRESIDENT: Yes, I am told he has.

DR. ALFRED THOMA (Counsel for Defendant Rosenberg): Mr. President, at yesterday's afternoon session my name was also mentioned in the following connection: I have hitherto submitted only written applications, and I must now present them orally. I assume that this refers to the written application which I handed in with my document and witness list, in which, in a rather lengthy written application, I requested that I might have permission to submit in evidence as historical documents of the time, quotations from theological and philosophical works which were considered important at the time of Rosenberg's public power. I beg Your Honor to inform me whether this is the application in question.

I should like to repeat: The President told me yesterday that I should repeat my written application orally. Therefore I should like to ask whether this refers to the written request that I handed in with my list of witnesses and documents.

THE PRESIDENT: Dr. Thoma, so far as the Tribunal knows, everything will be covered by the written order which the Tribunal will make upon your application. It is not convenient, really, to deal with these matters now by way of oral requests, but everything that is in your written application will be covered by a written order of the Tribunal. It will be subject, of course, to the order which I have

announced this morning, in order to assure that there will be no more translation than is absolutely necessary.

DR. OTTO STAHMER (Counsel for Defendant Göring): Mr. President and Gentlemen of the Tribunal, before I start with my presentation I beg to make two supplementary applications. I am aware of the fact that supplementary requests as such should be put in writing. But since it is a question of several requests, I should like to have your decision whether I should submit these applications now or whether the Tribunal desires a written request.

THE PRESIDENT: You may put your request now, verbally, but we would prefer to have it in writing afterwards as soon as possible.

DR. STAHMER: I name first Major Bütz, who is in custody here in Nuremberg, as a witness for the following facts: Reich Marshal Göring repeatedly opposed in the summer of 1944 the measures which Hitler had ordered against aviators taking part in terror attacks. Furthermore, he knows that no order was issued either by the Luftwaffe or by the Wehrmacht corresponding to Hitler's orders regarding terror aviators. Finally, he can give evidence in regard to the following: An officer of the Luftwaffe in May 1944 in Munich protected an airman, who had bailed out, from the lynching which the crowd wanted to carry out. Hitler, who had knowledge of this incident, demanded of Göring the name of this officer, and that he be punished. In spite of repeated inquiries on Hitler's part, Göring did not give the name of this officer, although he knew it, and in this way protected him. This is the application regarding the witness Bütz. Another supplementary request is concerned with the

following: In the session of 14 February 1946 the Soviet Prosecution submitted that a German military formation, Staff 537, Pioneer Battalion, carried out mass shootings of Polish prisoners of war in the forests near Katyn. As the responsible leaders of this formation, Colonel Ahrens, First Lieutenant Rex, and Second Lieutenant Hodt were mentioned. As proof the Prosecution referred to Document USSR-64. It is an official report of the Extraordinary State Commission of the Soviet Union which was ordered to investigate the facts of the well-known Katyn case. The document I have not yet received. As a result of the publication of this speech by the Prosecution in the press, members of the staff of the Army Group Center, to which Staff 537 was directly subordinate and which was stationed 4 to 5 kilometers from Staff 537, came forward. These people stated that the evidence upon which the Prosecution have based the statement submitted was not correct.

The following witnesses are mentioned in this connection:

Colonel Ahrens, at that time commander of 537, later chief of army armament and commander of the auxiliary army; First Lieutenant Rex, probably taken as a prisoner of war at Stalingrad; Lieutenant Hodt, probably taken prisoner by the Russians in or near Königsberg; Major General of intelligence troops, Eugen Oberhauser, probably taken prisoner of war by the Americans; First Lieutenant Graf Berg—later ordnance officer with Field Marshal Von Kluge—a prisoner of war in British hands in Canada. Other members of the units which are accused are still to be mentioned. I name these witnesses to prove that the conclusion as to the

complicity of Göring drawn by the Prosecution in the above-mentioned statement is not justified according to the Indictment.

This morning I received another communication bearing on the same question, which calls for the following request: Professor Naville, professor of forensic medicine at the University of Geneva, carried out, with an international commission at Smolensk, investigations of the bodies at that time. He established from the state of preservation of these corpses, from the notes found in the pockets of their clothes, and other means of evidence, that the deed must have been committed in the year 1940.

Those are my requests.

THE PRESIDENT: If you will put in those requests in writing, the Tribunal will consider them.

DR. STAHLER: And now I come to the . . .

THE PRESIDENT: Just one minute. Dr. Stahlmer, if you would communicate your written application to the Prosecution, they would then be able to make a written statement if they have any objection to it. You will do that as soon as possible. Let us have both your written application and the Prosecution's answer to it.

DR. STAHLER: The Tribunal has ordered in its decision of 11 December 1945 that the Defense is entitled to one speech only. This shall take place only after the conclusion of the hearing of the evidence. The Tribunal decided some time later that explanatory words may be permitted at the present stage of the proceedings in connection with the presentation of documents by the Defense. The witnesses have already been named by me. A decision has been made

concerning their admission except for today's request and, with the Court's permission, I shall call a witness shortly. Before I do that, I wish to make the following comments to the documents to which I shall refer during my final speech:

The Prosecution have charged the defendant repeatedly with the violation of the Treaty of Versailles. This charge is not justified in the opinion of the Defense. Detailed statements on this question belong to the concluding speech of the Defense and will therefore be dealt with there. The present part of the proceedings deals only with the production of documents which will be used to support the contention that the Treaty was not violated by Germany but that the German Reich was no longer bound by it. I submit that the Fourteen Points of the American President Wilson, which were the basis of that Treaty, are commonly known, and therefore do not need further proof, according to Paragraph 21 of the Charter.

The Treaty of Versailles has already been submitted to the Tribunal. It was published in the *Reichsgesetzblatt*, 1919, Page 687. Of this Treaty of Versailles, Article 8 and Part V are important for its interpretation. These provisions insofar as they are of interest here, read as follows—I quote the first four paragraphs of Article 8:

“The members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

“The Council, taking account of the geographical situation, and circumstances of each State, shall formulate

plans for such reduction for the consideration and action of the several governments.

“Such plans shall be subject to reconsideration and revision at least every 10 years.

“After these plans shall have been adopted by the several governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.”

The first paragraph of Part V reads:

“In order to render possible the introduction of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval, and air clauses which follow.”

These regulations infer, not only that Germany had to disarm, but also that the signatories of the pact were likewise bound to disarm. Germany, however, was committed to start disarmament first. Germany completely fulfilled this commitment.

On 17 February 1927 Marshal Foch stated, “I can assure you that Germany has actually disarmed.”

Therefore, the signatories of the pact had to fulfill their commitment to disarm. As they did not disarm, Germany was no longer bound by the pact according to general principles of law, and she was justified in renouncing her obligations.

This interpretation agrees with the point of view which has been expressed by French as well as by English statesmen. Therefore, I should like to refer to the speech made by Paul Boncour on 8 April 1927, in which Boncour stated as follows—I quote from Document Book 1, Page 28:

“It is correct that the introduction to Part V of the Treaty of Versailles concerns the limitation of armaments which was imposed on Germany as a prerequisite and as the forerunner of a general limitation of armaments. This brings out very clearly the difference between the armament restrictions of Germany and other similar armament restrictions which in the course of history have been imposed after the conclusion of wars. This time these regulations—and in this lies their entire value—have been imposed not only on one of the signatories to the Treaty, but they are rather a duty, a moral and legal responsibility, for the other signatories to proceed with a general limitation of armaments.”

Further, I should like to refer to the speech by David Lloyd George on 7 November 1927, in which he particularly describes the memorandum to the skeleton note of 16 June 1919, as—and I quote from the Document Book 1, Page 26:

“. . . document which we handed Germany as a solemn pledge on the part of Britain, France, Italy, Belgium, and 20 other nations to follow Germany’s example after she was disarmed.”

The Treaty of Versailles was felt not only by the German people to be a bitter injustice—there were numerous voices even in foreign countries that called the Treaty exceedingly unfair for Germany. I am quoting the following from Rothermere’s *Warnings and Prophecies*, Document Book 1, Page 30:

“Germany was justified in feeling that she had been betrayed in Versailles. Under the pretext . . .”

MR. JUSTICE ROBERT H. JACKSON (Chief of Counsel for the United States): [*Interposing.*] I call the Tribunal's attention to the fact that the documents which are now being read into the record are documents which, as I understand it, were excluded as irrelevant by the Tribunal when that matter was before it before. They are matters of a good deal of public notoriety and would not be secret if they were not in evidence; but I think the reading of them into the record is in violation of the Tribunal's own determination.

THE PRESIDENT: Dr. Stahmer, the Tribunal has suspected that these documents had been excluded, and they have sent for the original record of their orders. But I must say now that the Tribunal expects the defendants' counsel to conform to their orders and not to read documents which they have been ordered not to read.

[*At this point Defendant Hess was led out of the courtroom.*]

DR. STAHLER: Shall I continue?

THE PRESIDENT: Certainly.

DR. STAHLER: "Under the pretext that it was the first step to world disarmament, Germany was forcibly disarmed. Great Britain was, indeed, also deceived. She had actually continued to disarm for a period of 15 years. But from the day on which the various peace treaties were signed, France encouraged a number of small states to powerful rearmament and the result was that 5 years after Versailles, Germany was surrounded by a much tighter ring of iron than 5 years before the World War. It was inevitable that a

German regime, which had renounced Versailles, would at the first opportunity rearm heavily. It was evident that its weapons, diplomatically, if not in the true sense of the word, were to be directed against the powers of Versailles.”

In the same way the Locarno Pact is contested, with a breach of which the defendant is also charged, and, as far as the Defense are concerned, unjustifiably.

Germany renounced this pact and could do so rightfully because France and Soviet Russia had signed a military assistance pact, although the Locarno Pact provided a guarantee of the French eastern border. This act by France, in the opinion of Germany, was in sharp contrast to the legal situation created by the Locarno Pact.

In a speech of Plenipotentiary Von Ribbentrop before the League of Nations on 19 March 1936, this opinion was expressed in the following terms—I quote from Document Book 1, Page 32 . . .

THE PRESIDENT: Dr. Stahmer, I have before me now the order of the Tribunal of 26 February 1946, and Paragraph 4 of that order is in the following terms: “The following documents are denied as irrelevant,” and then the heading “Göring,” and the fourth of the documents is the speech by Paul Boncour on 8 April 1927; and the sixth is the speech by Lloyd George on 7 November 1927, which you have not read but which you have put into your trial brief. I would again call your attention, and the attention of all the Defense Counsel, to the fact that they will not be allowed to read any document which has been denied by the Tribunal. Go on.

DR. STAHLER: This quotation is as follows:

“. . . but it is also clear that if a world power such as France, by virtue of her sovereignty, can decide upon concluding military alliances of such vast proportions without having misgivings on account of existing treaties, another world power like Germany has at least the right to safeguard the protection of the entire Reich territory by re-establishing within her own borders the natural rights of a sovereign power which are granted all peoples.”

Before I take up the question of aggressive war in detail I have the intention, if I have the permission of the Tribunal, to call on the first witness, General of the Air Force Bodenschatz.

THE PRESIDENT: Yes, certainly.

[The witness Karl Bodenschatz took the stand.]

THE PRESIDENT: What is your name?

KARL BODENSCHATZ (Witness): Karl Bodenschatz.

THE PRESIDENT: Will you repeat this oath after me: I swear by God—the Almighty and Omniscient—that I will speak the pure truth—and will withhold and add nothing.

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHLER: General Bodenschatz, since when have you known Reich Marshal Göring?

BODENSCHATZ: I have known Reich Marshal Göring since June 1918.

DR. STAHLER: In what capacity did you get to know him?

BODENSCHATZ: I came to know him when he was the commander of the Richthofen Squadron. I was at that time the adjutant of Rittmeister Freiherr von Richthofen who had just been killed in action.

DR. STAHLER: Were you taken into the Reichswehr at the end of the first World War?

BODENSCHATZ: At the end of the first World War I was taken into the Reichswehr as a regular officer and remained from the year 1919 until April 1933.

DR. STAHLER: When, after the completion of the World War, did you resume your connection with Göring?

BODENSCHATZ: In November 1918 I was with Göring at Aschaffenburg, at the demobilization of the Richthofen Fighter Squadron, and later in the spring of 1919 I was with him again for several weeks in Berlin. There our paths separated. Then I met Göring for the first time again at his first wedding, and I believe that was in the year 1919 or 1920. I cannot remember exactly. Up to 1929 there was no connection between us. In the year 1929, and until 1933, I met Hermann Göring several times here in Nuremberg where I was a company commander in Infantry Regiment 21. My meetings with Göring here in Nuremberg were solely for the purpose of keeping up the old friendship.

DR. STAHLER: And then in the year 1939, you entered the Luftwaffe?

BODENSCHATZ; In 1933 I reported to Hermann Göring in Berlin. At that time, Göring was Reich Commissioner of the Luftwaffe and I became his military adjutant.

DR. STAHLER: How long did you retain this post as adjutant?

BODENSCHATZ: I retained this post as adjutant until the year 1938. Later I became Chief of the Ministerial Bureau, 1938.

DR. STAHLER: And what position did you have during the war?

BODENSCHATZ: During the war, I was liaison officer between the Commander-in-Chief of the Luftwaffe and the Führer's headquarters.

DR. STAHLER: Were you at the headquarters, or where?

BODENSCHATZ: I was alternately at the Führer's headquarters and at the headquarters of the Commander-in-Chief of the Luftwaffe.

DR. STAHLER: When did you leave that position?

BODENSCHATZ: I left that position on 20 July 1944, because I was seriously wounded that day.

DR. STAHLER: And what was the cause of your being wounded?

BODENSCHATZ: The plot against Hitler.

DR. STAHLER: You were present?

BODENSCHATZ: Yes.

DR. STAHLER: And what were your tasks at the Führer's headquarters?

BODENSCHATZ: It was my duty in the Führer's headquarters to report on special events, special matters, inquiries, and desires of the Reich Marshal if he were absent, and to transmit them. I also had to transmit inquiries from the Führer's headquarters direct to Hermann

Göring. Then I had to inform Hermann Göring early, that is, not through official channels, regarding all that took place in the Führer's headquarters insofar as it was of interest to him in his capacity as Reich Marshal.

DR. STAHMER: Did you take part regularly in the conferences?

BODENSCHATZ: I was a listener at these conferences.

DR. STAHMER: From what time onwards did Reich Marshal Göring lose his influence with Hitler?

BODENSCHATZ: According to my personal opinion and conviction, Hermann Göring began to lose influence with Hitler in the spring of 1943.

DR. STAHMER: And what were the reasons?

BODENSCHATZ: That was the beginning of large-scale air attacks by night by the R.A.F. on German towns, and from that moment there were differences of opinion between Hitler and Göring which became more serious as time went on. Even though Göring made tremendous efforts, he could not recapture his influence with the Führer to the same extent as before. The outward symptoms of this waning influence were the following:

First, the Führer criticized Göring most severely. Secondly, the eternal conversations between Adolf Hitler and Hermann Göring became shorter, less frequent, and finally ceased altogether. Thirdly, as far as important conferences were concerned, the Reich Marshal was not called in. Fourthly, during the last months and weeks the tension between Adolf Hitler and Hermann Göring increased to such a degree that he was finally arrested.

DR. STAHLER: Do you know anything about this arrest? What was the cause?

BODENSCHATZ: I have no exact information about it. I can only tell you what I heard. I was at that time in Bad Reichenhall in the military hospital. I merely heard that Reich Marshal Göring had sent a telegram to the Führer, and in this telegram Göring requested that, since the Führer no longer had freedom of action, he might act himself. As the result of this telegram, which was sent by wireless to Berlin, the arrest took place. I would like to emphasize that I only heard that. I have no proof of any of these statements.

DR. STAHLER: And who made the arrest?

BODENSCHATZ: I cannot tell you about that because I know nothing. I heard, however, that a Kommando of the SS from Obersalzberg made the arrest.

DR. STAHLER: Did Field Marshal Göring have any previous knowledge of the incidents against the Jews which took place during the night of 9 to 10 November 1938?

BODENSCHATZ: Göring had no previous knowledge of these incidents. I inferred that from his demeanor—how he acted towards me with regard to these incidents. He acted in the following manner: When he heard of these happenings he was dismayed and condemned them. A few days later he went with proof to the Führer and complained about the people who had instigated these incidents. Captain Wiedemann, the adjutant of the Führer, can give you further particulars on the subject on oath.

Several weeks later, Hermann Göring called all the Gauleiter to Berlin, in order to make clear his attitude regarding the incidents of the 9th and 10th. He was

violently opposed to these individual acts of barbarism. He criticized them severely as unjust, as economically unreasonable and harmful to our prestige in foreign countries. The former Gauleiter, Dr. Uiberreither, who took part in this conference of Gauleiter, has already given further particulars on oath.

DR. STAHLER: Were you present at a conference which took place in the beginning of August 1939 at Soenke Nissen Koog near Husum?

BODENSCHATZ: Yes. I personally took part in that conference.

DR. STAHLER: Who was present there?

BODENSCHATZ: As far as I remember the following were present: Hermann Göring; Herr Dahlerus, from Stockholm; six to eight English economic experts, whose names I do not recall; I was present, and there was an interpreter, Ministerialrat Dr. Böcker.

DR. STAHLER: Can you tell us about the subject of this conference?

BODENSCHATZ: I cannot remember it word for word, but as far as I can tell you Hermann Göring made the following statements . . .

THE PRESIDENT: Dr. Stahmer, did the witness say where this conference took place?

DR. STAHLER: Yes.

THE PRESIDENT: Would you tell us where it was?

DR. STAHLER: [*To the witness.*] Please repeat where this conference took place.

BODENSCHATZ: The conference took place at the beginning of August at Soenke Nissen Koog near Husum, Schleswig-Holstein.

DR. STAHMER: Please continue. You were going to tell us about the subject of this conference.

BODENSCHATZ: I repeat, in substance, Göring made the following statement: At that moment relations between England and Germany were very tense. Under no circumstances should this tension be increased or peace be endangered. The welfare and the trade of our two countries could only flourish and prosper in peace. It was to the greatest interest of Germany and Europe that the British Empire should continue to exist. Göring emphasized that he himself would do his utmost for the maintenance of peace. He requested the British business leaders, on their return home, to use their influence in authoritative circles for that purpose.

DR. STAHMER: Did Göring give you his opinion on how the foreign policy of the Reich should be carried out? When and on what occasions did conversations take place?

BODENSCHATZ: Hermann Göring often discussed these topics with me, in 1938 and 1939, especially during the period following the Munich agreement. These conversations would take place perhaps in connection with a report, or perhaps in his special train. Hermann Göring was always of the opinion that the policy of the Reich must be directed in such a way as to avoid war if possible. Hermann Göring dealt with this topic at particularly great length in a conference with the Gauleiter in the summer of 1938 in Karin hall. Dr. Uiberreither, whom I have previously

mentioned, has already given further sworn testimony to this effect.

DR. STAHLER: Did Field Marshal Göring speak to you before leaving for Munich in September 1938?

BODENSCHATZ: Before Hermann Göring left for Munich, he told me he would do everything within his power to effect a peaceful settlement. He said, "We cannot have war." He exerted his influence on the Führer to this effect, and during the negotiations in Munich, he worked decisively for the preservation of peace. When he left the conference hall after the conference at Munich he said to us spontaneously, "That means peace."

DR. STAHLER: Did he often discuss with you for what reason he was against a war, and on what occasions?

BODENSCHATZ: We talked about this topic very frequently. He always said to me:

"In the first World War as an infantry officer and as an air force officer I was constantly at the front. I know the horrors of a war, and, therefore, my attitude is to preserve the German people from these horrors if possible. My ambition is to solve conflicts peacefully."

In general, his opinion was that war is always a risky and unsure business. Even if you win a war, the advantages are in no relation whatsoever to the disadvantages and sacrifices which have to be made. If you lose the war, then, in our position, everything is lost. Our generation has already experienced the horrors of a great World War and its bitter consequences. To expect the same generation to live through another war would be unthinkable.

I would like to add that Hermann Göring, according to his inner thoughts and character, was never in favor of war. Nothing was further from his mind than the thought of a war.

DR. STAHLER: Did Göring converse with you about what were, according to his wish, the aims to be accomplished by the rearmament which Germany had undertaken? When and on what occasion?

BODENSCHATZ: Hermann Göring spoke with me about these matters in the year 1935 after the Wehrfreiheit had been proclaimed. He described Germany's rearmament, after vain attempts to achieve general limitation of armament, as an attempt at equality with the armament of other countries, in order to be able to collaborate with other powers in world politics with equal rights.

DR. STAHLER: Did conversations of this kind take place after 1935 also?

BODENSCHATZ: Yes. Now and then we resumed such conversations and he spoke in a similar vein.

DR. STAHLER: Did you find out through Reich Marshal Göring what purpose the Four Year Plan was to serve?

BODENSCHATZ: I happened to speak with Göring about this matter in the year 1936, and that was after the Four Year Plan had been announced. He explained it to me as follows: That in this plan he saw a means of securing for Germany those raw materials which she could not import in peacetime because of the lack of foreign exchange or whose import in an emergency might possibly be cut off.

DR. STAHMER: When and on what occasion did Göring give you his opinion on the Russian campaign?

BODENSCHATZ: Towards the end of 1941, after the first reverses in the Russian campaign, Hermann Göring talked with me about the fighting in the East. He said to me:

“Adolf Hitler foresaw a very hard battle in the East, but he did not count on such reverses. Before the beginning of this campaign I tried in vain to dissuade Adolf Hitler from his plan of attacking Russia. I reminded him that he himself, in his book *Mein Kampf*, was opposed to a war on two fronts and, in addition, I pointed out that the main forces of the German Luftwaffe would be occupied in the East, and England, whose air industry was hit, would breathe again and be able to recover.”

THE PRESIDENT: Would that be a convenient time to break off for 10 minutes?

[A recess was taken.]

THE PRESIDENT: The Tribunal has observed that the witness is using notes whilst giving his evidence. The ruling which I announced this morning was confined to the defendants and did not extend to witnesses. Nevertheless, the Tribunal will allow the same rule to be applied to witnesses. But the evidence must not be read, the purpose of the rule being merely to assist recollection in giving evidence.

[Turning to Dr. Stahmer.]

Yes, Dr. Stahmer.

DR. STAHLER: Do you know whether people turned to the Reich Marshal with the request that their relatives should be freed from concentration camps or to help them in their difficulties with the Gestapo?

BODENSCHATZ: The Chief of Staff is the person who can answer that question. I myself only heard that such requests

were made to the Reich Marshal.

DR. STAHLER: Did you not have to deal with such requests in the military section?

BODENSCHATZ: In the military section I had to deal with the requests which were concerned with the Luftwaffe. But they were only requests regarding the arrests of German citizens who stated that they had not been given the reason for their arrest. We also received communications regarding detention, grievances, and also regarding arrests of Jews. Requests of this kind came to me only from Luftwaffe sources or from my immediate circle of acquaintances.

DR. STAHLER: How were such requests treated?

BODENSCHATZ: Such requests were always treated as follows:

Most of the requests, which came from the broad masses of the people, were submitted to the Reich Marshal through the Staff. Those requests that came from the Luftwaffe were presented through my office, and requests that came from the Reich Marshal's relatives or friends, they themselves presented. The Reich Marshal did not refuse his help in these cases. In individual cases he asked the Führer personally for a decision.

In all the cases that I dealt with help could be given.

DR. STAHLER: Did many Jews turn to Göring with requests for help?

BODENSCHATZ: Yes, Jews, and particularly Jews of mixed blood applied to Reich Marshal Göring.

DR. STAHLER: How were these requests handled?