

INTERNATIONAL MILITARY TRIBUNAL



THE NUREMBERG TRIALS

VOL. 7

International Military Tribunal

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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.

FIFTY-FIRST DAY

Tuesday, 5 February 1946

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Morning Session

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MARSHAL (Colonel Charles W. Mays): May it please the Court, I desire to announce that the Defendant Kaltenbrunner will be absent from this morning's session on account of illness.

M. EDGAR FAURE (Deputy Chief Prosecutor for the French Republic): One of the counsel would like to address the Tribunal.

DR. HANS LATERNSEER (Counsel for the General Staff and High Command of the German Armed Forces): In the name of the organization I represent, I make application that the testimony of the witness, Van der Essen, who was heard yesterday should be stricken from the Record for this reason: That the witness made declarations, firstly, concerning the alleged wanton destruction of the library in Louvain; secondly, concerning the treatment of the local population during the Rundstedt offensive, which led him to the conclusion that orders to this effect must have been received from higher quarters.

I wish that this testimony should be stricken from the Record for these reasons: Firstly, as regards yesterday's

testimony there was no question of testimony by a witness. A witness should base his testimony on his own knowledge, which can be based only on his own observations. These prerequisites are not present in the points to which objection is made. For the most part the witness repeated statements made by other people, some of them actually made by people whom he himself did not know. The knowledge of this witness can consequently be ascribed only to a study of the documents.

Secondly, any third party is in a position to give similar testimony as soon as the documents to which this witness had access are put at his disposal, and if he is also in a position to talk to the people to whom the witness talked and who gave him his information. It is consequently proved that this witness, Van der Essen, was not a genuine witness at all, because such a witness cannot be replaced by a third person who may happen to come along.

Thirdly, although the Tribunal, in accordance with Article 19 of the Charter, is not bound by the ordinary rules of evidence, this evidence must be rejected because it has no probative value which can be determined by the Court. This emerges of necessity from the fact that the sources of the witness' testimony cannot be taken into consideration.

I regard it as my duty to point out that the introduction of such indirect proof cannot lead to the discovery of the truth regarding the points in dispute.

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): The Tribunal would like to hear, M. Faure, what you have to say in answer to the motion which has just been made.

M. FAURE: Gentlemen, Your Honors, I should like, first of all, to observe that, as already indicated by the counsel who has just spoken, the Charter of this Tribunal provides that it shall not be bound by the formal rules concerning the burden of proof. But, apart from this, I consider that counsel's objection cannot be upheld; this objection being based on three considerations which he has enumerated but which, as I understand, boil down to one single objection, namely, that this witness was an indirect witness. I would like to emphasize the fact that I called Mr. Van der Essen as a witness precisely because of his capacity as a member of the official and governmental Belgian commission of inquiry into the study and research of war crimes.

It is in conformity with all legal procedure with which I personally am acquainted that a person who has made investigations in connection with criminal matters may be called before a court of justice to state the conditions under which the inquiry was made and the results arrived at. It is therefore not necessary that the witness who has just testified regarding an investigation should have been himself an eye-witness of the criminal activities which this investigation is intended to bring to light.

Mr. Van der Essen, therefore, in my opinion, testified to facts of which he has personal knowledge, to wit, as regards the matter of Stavelot, he stated that he himself had heard witnesses and that he verified the authenticity of this testimony. As concerns the matter of the Library of Louvain, he testified as to the existing minutes of the commission of which he is a regular member.

I add that this procedure appears to me to have the advantage of avoiding the necessity of calling a large number of individual witnesses to the witness stand. However, in order to have every possible guarantee regarding the facts laid before the Tribunal in evidence, I have decided to bring here the briefs, the texts of the testimonies to which the witness referred. I shall then be able to communicate to the Defense the affidavits of the witnesses who were mentioned yesterday, and I think that this will give the Defense ample guarantee.

I therefore propose to the Tribunal to reject the objection as far as the admissibility of the testimony is concerned; it being understood that the Defense will discuss the value and probative force of this testimony as it sees fit.

THE PRESIDENT: M. Faure, you said something about the affidavits of witnesses which you could furnish to the Defendant's Counsel. I understand that you intended also to put in the governmental report or the committee's report with reference to which the witness had testified, did you not?

M. FAURE: Yes, Mr. President.

THE PRESIDENT: But you intended also, as a matter of courtesy, to furnish the affidavits which were before that committee to the Defendants' Counsel; is that what you meant?

M. FAURE: Yes, Mr. President; if this meets with the approval of the Tribunal.

THE PRESIDENT: The governmental report, I suppose, does not actually annex the affidavits, does it?

M. FAURE: Yes, Mr. President, precisely.

THE PRESIDENT: It does? The affidavits are part of the report, are they?

M. FAURE: The report which was submitted does not contain the elements on which the witness depended yesterday with regard to certain points, particularly because the investigation on Stavelot was very long and very conscientious and has not been summed up in time. I said, therefore, that I proposed to submit these complementary elements as evidence and in this way to communicate them to the Defense.

THE PRESIDENT: That is what I thought; that is to say, the report did not contain all the details which were in the affidavits or evidence?

M. FAURE: No, Your Honor.

THE PRESIDENT: Therefore, you thought it right, as a matter of courtesy, to allow the Defendants' Counsel to see those details upon which the report proceeded. The Tribunal understands that.

The Tribunal will consider the motion which has been made. We will consider the motion which has been made at a later stage. You can now proceed with your argument.

M. FAURE: Your Honors, I should like, first of all, to point out to the Tribunal that since a certain amount of time has been given to witnesses and discussions, and as I do not wish to exceed the time limit which was announced, I am compelled to shorten to a considerable extent the presentation of the brief which I am now presenting on the subject of propaganda. I shall therefore ask the Tribunal kindly to excuse me if I occasionally hesitate during this presentation, inasmuch as I shall not follow my brief exactly.

I indicated yesterday the method employed by the Germans with regard to the freedom of public meetings and of association, which they suppressed. When they did uphold these rights they exploited them to their own advantage. I should like now to say something about books and publishing.

The German authorities, first of all, issued an ordinance on 30 August 1940, published in the *Journal Officiel* of 16 September, forbidding certain school books in France. We have already seen that they had done the same thing in Belgium.

Another step taken by the Germans was to prohibit a certain number of books of which they disapproved. I present in this connection Document Number RF-1103, which is the “Otto” list, published in September 1940; it is a list of 1,074 volumes forbidden by the Germans. I shall not, of course, read it to the Tribunal. It appears in the document book under Document Number RF-1103, as I have just said.

A second “Otto” list, longer than the first, was drawn up later and published on 8 July 1942, and I present it as Document Number RF-1104. The conclusion to this second document, which is the last page in my document book, gives a clear indication of the principles on which the German authorities worked. I read a few lines:

“As a matter of principle, all translations of English books, except the English classics, are withdrawn from sale.”—And further—“All books by Jewish authors, as well as books in which Jews have collaborated, are to be withdrawn from sale with the exception of works of a scientific nature where special measures are anticipated. From now on biographies

of Jews, even if written by French Aryans, as, for instance, the biographies of the Jewish musicians Offenbach, Meyerbeer, Darius Milhaud, *et cetera*, are to be withdrawn from sale.”

This method of procedure may have appeared fairly harmless at first, since only about 1,200 volumes were involved, but one can see the significance of the principle itself. By this procedure the German authorities achieved the practical result they sought, which was essentially, apart from other prohibitions, the complete disappearance of serious and objective works permitting a study of German doctrines, the policy of Germany, and the philosophy of Nazism.

Apart from prohibiting works already existing, the Germans naturally established a censorship. At first they proceeded in a veiled manner by making a kind of agreement with publishers in which the publishers themselves were made responsible for indicating which of the books appeared to them to be subject to censorship. I submit this censorship agreement as Document Number RF-1105; and I wish, without reading it, to make but one observation in this regard which is highly characteristic of the invariable German method.

In the printed brochure of this agreement, of which the original is submitted, there appears, in addition to the agreement itself, a notice drafted in terms which do not reflect French feeling. This notice was not drafted by the publishers upon whom the agreement itself was imposed but was drafted by the Germans and published in the same brochure, which bears the words, “National Syndicate of

Publishers," so that one might think that the French publishers accepted the phrases occurring in this preamble. For that matter, the attentive reader has only to see that this brochure does not bear the printer's name to realize that this is a German publication and not one put out by French publishers, for only the Germans were exempted from the French rule requiring mention of the printer's name.

The Germans did not limit themselves to this procedure which was apparently rather liberal; and later an ordinance of 27 April 1942 entitled, "Concerning the Rational Use of Printing Paper," was published in the *Journal Officiel* of 13 May. This ordinance stated, on pretext of the rational utilization of paper, that all publications without exception should bear the German authorization number.

I point out in addition that in their control of paper the Germans had a very effective weapon with which to put a stop to French publishing. I submit as Document Number RF-1106 the affidavit of M. Marcel Rives, Director of Internal Commerce at the Ministry of Industrial Production. In order to shorten the proceedings I shall not read this document. I may say in short that this document makes it clear that the distribution of available paper stocks was made entirely under the authority of the Germans and that the Germans reduced the amount of paper placed at the disposal of publishers in a proportion exceeding that of the general reduction in paper quotas as compared with the prewar situation.

I must add that the Germans also took for their own propaganda publication a certain amount of the reduced

paper quota allotted to the French publishers. Thus, they not only used for their propaganda the paper which they themselves had in Germany, but they also took some of the small amount of paper which they allotted to the French publishers. I should like simply to read in this connection a few lines of the document which constitutes Appendix 2 of Document Number RF-1106, which I have just submitted. I merely read a few lines of this Appendix 2, which is a letter from the German Military Command to the Ministry of National Economy dated 28 June 1943:

“More especially during the month of March, which you particularly mention, it has been impossible to allot the publishers any quantity from current production, as this was needed for urgent propaganda purposes.”

The other aspect of this German activity in the publishing sphere was, in fact, the carrying on of an intensive propaganda by means of all kinds of pamphlets and publications. This propaganda literature is extremely tedious. I should like to mention only one detail, which shows the method of camouflage always employed by the Nazis. I have here a few German propaganda pamphlets which I shall submit, naturally without reading them, as Document Number RF-1106 (bis). The first ones are part of a series entitled *England Unmasked*. The first numbers of this series, taken at random, have on the flyleaf, “Office of German Information, England Unmasked Number . . .” *et cetera*. No attempt at concealment is made, and the reader knows what he has before him. But by some curious accident, Number 11 in the same series no longer bears the words, “German Office of Information,” and we see instead,

“International Publishing House, Brussels.” Here again, however, we are warned of its origin, for the author’s name is Reinhard Wolf, and this is a German name.

But here, by way of a final example, is a pamphlet entitled *The Pact against Europe*, which is also published by the International Publishing House, Brussels, (Document Number RF-1106(ter)). We know after seeing the other specimens that this publishing house is only a firm attached to the German office; but people who are not so well informed may believe the pamphlet to be a French or Belgian compilation, for in this case the name of the author is Jean Dubreuil.

I shall not dwell further on publishing, and I should like now to say a few words about the press. It is a matter of common knowledge that all the newspapers of the occupied countries were controlled by the Germans, and that most of these newspapers had been founded at their instigation by persons who were in their pay. As these facts are well known, I shall refrain from submitting documents on this point, and shall limit myself to the following remarks:

Firstly, restrictive measures—censorship. Although all these newspapers were practically “their” papers, the Nazis nevertheless submitted them to a very strict censorship. I shall submit, as evidence of this, Document Number RF-1108, which is a report of a press conference held on 8 January 1943 in the course of which the new censorship orders and regime are defined. I point out to the Tribunal that this document and others of the same nature were found in the archives of the French Office of Information, which was under German control. They have been deposited

either in the Bibliothèque Nationale in Paris or in the Document Library of the War Museum. These documents have been selected by us from the reports, either in the form of original documents, photostats, or from the French collection.

I should like simply to point out, by means of this Document RF-1108, that the Germans were concerned with the institution of a more liberal regime of censorship. On reading the document, however, it becomes evident that almost all news items and articles are subject to censorship, with the exception of serial stories, reviews of films and plays, items of scientific or university news, radio programs, and a certain number of completely trivial subjects.

The second aspect of the German interference, the positive aspect, appears in the directives given to the press; and these directives were given by means of press conferences such as that which I have just described.

I shall submit to the Tribunal, without reading them, a certain number of documents numbered RF-1109 to RF-1120. I produce these documents in evidence not for the sake of their contents, which are simply a repetition of German propaganda, but merely as proof of their existence, that is, continued pressure exerted on the press.

I should like to say, however, how this was done. The press conferences were held either in the Propagandastaffel, Avenue des Champs-Élysées, or at the German Embassy. The representatives of the press were summoned by the competent Nazi officials who issued directives. After the conference, the substance of these directives was embodied in a dispatch from the French Office of Information. The

Tribunal knows that agencies sent dispatches to the papers for their information. When a dispatch had been drawn up by the office it was submitted for checking to the German bureau, which affixed a seal to it. After that it could be distributed to the papers.

I stated that I would not read anything on these press conferences or on the agency's minutes and notes which form Documents RF-1109 to RF-1120. I should like to read only a very brief document, which I submit as Document Number RF-1121, the minutes of a press conference held on 16 April 1943 in the Propaganda-abteilung. I quote:

“At the end of the conference the German commentator declared that on Tuesday, 20 April—the Führer's birthday—the newspapers would consist of four pages instead of two, and on Wednesday, 21 April, they would consist of two pages instead of four. He asked the reporters present to stress the European orientation of the Führer's political personality and to treat Franco-German relations very generously. A great deal of tact and reserve are necessary, however, in order not to give the newspapers the appearance of being no longer French, and in this way shocking public opinion.”

I am not forgetting the fact that we are participating in a criminal trial and that we must select from the extremely varied facts which we have to present those elements characteristic of the intention and realization of an act condemned by criminal law. In consideration of this, I quote Document Number RF-1124, which I am also presenting and which is an attempt to promote, by means of press and propaganda, the enlistment of Frenchmen in the enemy

army. Article 75 of the French Criminal Code provides for this crime and I recall that in juridical theory proceedings can be taken even against enemy nationals for crimes of this kind. I read this document, which is extremely short:

“At the end of the military conference, Dr. Eich announced that the O.F.I. would broadcast this afternoon an article devoted to the necessity of the inclusion of French sailors in the German Navy. He asked the newspapers to add commentaries to this text in which, for instance, the following theme might be treated: ‘To be a sailor is to have a profession.’

“The article broadcast by the O.F.I. must appear tomorrow—a four-page day—on the first page, or the beginning, at least, must appear on the first page.”

Finally, I must point out that, apart from the press conferences proper, there were so-called cultural conferences at which the German authorities gave their orders on all subjects. I should like to read a few very brief extracts from one of these cultural conferences in order to indicate the general oppression resulting from the interference of the Germans in every field without exception. I present these Documents RF-1125 and RF-1126; and I read two sentences on Page 1 of Document Number RF-1125, which is a report of the minutes of the conference held on 22 April:

“Reproductions of paintings by Picasso have recently been made in spite of the directives to the contrary previously given.

“Theater: Certain press publications have seen fit to praise the operetta *Don Philippe* to an extent belied by the reception given to this work by the general public. This goes beyond the bounds of the permissible.”

I shall read a little further, on the top of Page 2:

“The press has lent an obviously exaggerated backing to jazz concerts, particularly those of Fred Jumbo. This shows a lack of tact which is all the more regrettable in that a very minor place has been accorded in general to concerts of real value.”

Finally, at the end of this document, there is a general note which is interesting:

“The nationality of persons of standing in the world of science, art, *et cetera*, whose names occur in articles appearing in the press, is to be given as that of the Greater German Reich in the case of those born in any of the countries which have been restored to the Greater German Reich or incorporated into it.”

We thus see that even in what might seem to us the most fanciful connections we can find evidence of the will to enforce Germanization and of the criminal will to strip men of the nationality which they have the right to retain.

I shall now say a few words about the cinema. The Germans, to do them justice, have never failed to understand the exceptional importance of the cinema as a means of propaganda. In France they devoted to this subject seven ordinances or decrees.

You must know that, in the first place, the Germans prohibited the showing of films of which they disapproved

. . . .

THE PRESIDENT: M. Faure, don't you think that evidence that the Germans used the cinema as a method of propaganda is really somewhat cumulative? You have shown already that they forbade a great number of books which they considered hostile to their ideology, and that they controlled the press, and is it not almost cumulative and a matter of detail that they also controlled the cinema?

Unless there is some evidence on behalf of the defendants contradicting the evidence which you have given, I think the Tribunal will be satisfied that the Germans did adopt all these methods of propaganda.

M. FAURE: When a brief is presented it sometimes does produce the impression that the arguments contained in it are cumulative, although that may not have been so apparent when the preparation was going on.

I shall not speak, then, on the subject of the cinema. I wish simply to point this out to the Tribunal. We thought that with regard to these questions of propaganda with which we are dealing in the abstract it would perhaps be as well to provide concrete illustrations of a few of the themes of German propaganda, and to this end we propose presently, with the permission of the Tribunal, to project very briefly a few of the themes of German propaganda. I wish to point out that these themes are taken from archives which we found. On the other hand, we intend to present, for one minute each, two pictures taken from a German propaganda film produced by a Frenchman at the instigation and with the financial support of the German office.

As we are now going to present these pictures, with the permission of the Tribunal, I consider it indispensable to present just one document, Document RF-1141, since it is the interrogation of the producer of the film and establishes the fact that this film was made by order of the Germans and paid for by them. I therefore present in evidence this Document Number RF-1141, which is necessary for the presentation which we are about to make. Since it seems to me that sufficient evidence has already been advanced concerning the various methods of propaganda, I shall apply the same line of reasoning to the part anticipated for broadcasting.

Here I merely wish to present a document which goes beyond the field of pure propaganda. This is Document Number RF-1146. I must point out, first of all, that as regards broadcasting, the Germans obviously encountered an obstacle which was not present to the same degree in other fields. This obstacle lay in the transmissions broadcast by the free radios which, as the Belgian witness said yesterday, were followed with the greatest enthusiasm by the inhabitants of the occupied countries. The German Command then had the idea of penalizing the persons who listened to these broadcasts. In the document which I am going to quote, the Military Command went to the length of asking the French authorities most urgently to institute the most stringent penalties, even going so far as to prescribe the death penalty for persons repeating news heard on the foreign radio service.

I think it will be useful, if I deposit in evidence this document emanating from the Military Command and

signed by Stülpnagel, which demonstrates the criminal intentions of the German staff. I should like to read this document, RF-1146. I read from the beginning of the third paragraph:

“The French law of 28 October 1941 does not provide for special sanctions for the broadcasting of news from foreign stations calculated to endanger order or public security, although this offense constitutes a particularly grave danger. It is indispensable that the dissemination of such news should be punished by hard labor and in particularly serious cases by the death penalty. It is immaterial whether the disseminator of the news was listening in himself or obtained knowledge by other means.

“The possibility of legally prosecuting the mentioned offense by the state tribunal does not suffice to hinder the population from listening to the British radio and spreading the news. Since the law regarding the state tribunal does not mention listening to foreign stations there is no direct relation between listening in and dissemination on the one hand and punishment by hard labor or death sentence on the other. The population has, therefore, no idea that such acts are already punishable by hard labor or the death penalty.

“For this reason I request a draft to be submitted, amending the law of 28 October 1941 with deadline 3 January 1943.

“For your instruction I am adding, as an appendix, a draft of the German decree relating to extraordinary measures about broadcasting, by which you may learn the details of the German regulation.”

I shall now submit a document bearing the Document Number RF-1147. I think this document may interest the Tribunal. It presents quite a different character from that of the documents which I have produced up to now. This document consists, firstly, of a letter from Berlin dated 27 October 1941, the subject of which is an agreement relating to collaboration with the Ministry of Foreign Affairs. I read this letter, which is very short, and which authenticates our document:

“By authorization of the ministry, we enclose for your information, as a secret matter of the Reich, a copy of the agreement relating to collaboration with the Ministry of Foreign Affairs, as well as a copy of the agreement of execution. The agreement itself is not confidential, but details of the contents must not be given.”

The document enclosed with this is the full text, which I shall not read, of the agreement made between the Ministry of Foreign Affairs and the Ministry of the Reich for Public Enlightenment and Propaganda relating to collaboration between their respective branches. I think that this document is of some interest, and that is why I submit it. I shall simply point out to the Tribunal that it shows at once the extent of the hold which the Germans wished to make sure of possessing over the minds of the populations of occupied and even foreign countries and the way in which they organized this.

Chapter I of this document is entitled, “Collaboration by Branches.” Letter “a” concerns the cinema, the theater, music, and exhibitions. Letter “b” concerns publications.

I think it might be interesting to read the first few lines of letter “b,” for after expounding the propaganda from the point of view of the receivers, it is worth while looking at the question from the point of view of the persons who put out this propaganda. And, on the other hand, I think we must not lose the opportunity of observing the extraordinary variety and skill of the German methods. This quotation is very brief:

“The Foreign Office and the Ministry of Propaganda are operating jointly a holding company, the Mundus A.G., of which they have equal shares and in which the publishing houses controlled by both ministries at home and abroad are combined, as far as they are concerned with the production of publications for abroad or their export to, and distribution in, foreign countries. All firms or partnerships which will be founded or acquired in future for this purpose by both ministries will be incorporated in this company.”

On Page 3, Paragraph 4, I should like also to read a sentence:

“Both ministries participate in the drawing up of propaganda matter issued by them or upon their initiative, at home, but intended for distribution abroad.”

Finally, on Page 4, I shall read a sentence in the second last paragraph, and I quote:

“In order to consolidate the broadcasting stations and the partnerships openly controlled by Germans, the Foreign Office and the Ministry of Propaganda are jointly operating a holding company, Interradio A.G., Berlin, each owning 50 percent.”

The Tribunal has noticed the phrase “openly owned by the Germans.”

This will be completed by a final quotation of a sentence on Page 5 at the beginning of Paragraph 2:

“The camouflaged (not apparent) influence exercised upon the foreign broadcasting stations must not be mentioned in connection with the joint holding company.”

I should like, in concluding this brief on propaganda, to present Document Number RF-1148, which is a message circulated to all the propaganda offices. I think a very brief quotation from this document will be interesting for the definition of the very general use of propaganda as the tool of one of the most premeditated and most serious enterprises of Nazism, namely, the extermination of nationality and existence of a country. In this case Czech culture and tradition are involved.

I quote from Paragraph 4:

“The close relationship of the Czechs and European culture must always be pointed out in a positive manner. The fact of the far-reaching influence of German culture on Czech culture and even the latter’s dependence on the former has to be stressed at every opportunity. The German cultural achievements in Bohemia and Moravia and their influence upon the cultural work of the Czechs are to be mentioned particularly.

“Attention has always to be paid to the fact that although the Czechs speak a Slav language, they are subject to German culture by virtue of their living together for centuries with superior German peoples in German-directed

states, and have scarcely anything in common with other Slav peoples.

“From the historical point of view, attention has always to be focused on the periods or personalities by which the Czechs sought and found contact with German culture: St. Wenceslas, the time of Charles IV, of Ferdinand I, Rudolf II, Bohemian baroque, *et cetera*.”

Finally, I submit, without reading it, Document Number RF-1149. I was anxious to include this document in our document book for it constitutes a report of a year’s propaganda activities in one of the occupied countries—Norway, to be exact. I have spoken at some length of this country, and that is why I do not wish now to quote the text of this document; but I do wish to mention that German propaganda formed the subject of extremely regular reports and that these reports touched on every subject: press, cinema, radio, culture, theater, schools, education.

This propaganda, then, as I have already stated, is something which covers a much wider range than that previously ascribed to it. No aspect of our life is unknown to it; it respects none of the things that are precious to us; it can become a real penitentiary for the spirit, when even the idea of escape is imprisoned.

If it please the Tribunal, may I suggest that the session be suspended now, so that the films may be shown immediately after this presentation.

My only purpose in showing these films is to illustrate one of the most common and disagreeable features of life in the occupied countries, the fact that wherever we went we

were always compelled to see before us the stupid and ugly German propaganda pictures.

THE PRESIDENT: The Court will adjourn for 15 minutes.

[A recess was taken.]

THE PRESIDENT: With reference to the motion which was made before the adjournment by counsel for the General Staff, the opinion of the Tribunal is this:

In the first place the Tribunal is not confined to direct evidence from eyewitnesses, because Article 19 provides that the Tribunal shall admit any evidence which it deems to have probative value.

Secondly, there is nothing in Article 21 of the Charter which makes it improper to call the member of a governmental committee as a witness to give evidence with reference to the governmental committee's report. But the Tribunal considers that if such a witness is called the governmental committee's report must be put in evidence; as a matter of fact, the Counsel for the Prosecution have offered to put the committee's report in evidence in this case and not only to do that, but also to make available to Counsel for the Defense the affidavits of witnesses upon which that report proceeded.

Thirdly, there were other matters upon which the witness, Mr. Van der Essen, gave evidence which was altogether outside the report or so it appeared to the Tribunal.

As to the weight which is to be attached to the witness' evidence, that, of course, is a matter which will have to be considered by the Tribunal. It is open to the Defense to give

evidence in answer to the evidence of Mr. Van der Essen and also to comment upon or criticize that evidence, and so far as his evidence consisted of his own conclusions drawn from facts which he had seen or evidence which he had heard, the correctness of those conclusions will be considered by the Tribunal, conclusions being matters for the final decision of the Tribunal.

For these reasons the motion of counsel is denied.

It is suggested to me that I did not in that statement say that the report was to be filed in evidence. I intended to say that. I thought that I had said so. The report must be filed in evidence and the affidavits, as they are to be made available to the defendants' counsel will, of course, also be made available to the Tribunal.

M. FAURE: If it please the Tribunal, M. Fuster is going to project the films of which I spoke just now.

M. SERGE FUSTER (Assistant Prosecutor for the French Republic): Mr. President, I am to show you a few examples of direct propaganda in the occupied countries.

During the whole period of the occupation the inhabitants of the occupied countries had the walls of their houses covered with enormous posters, varying in color and text. There was very little paper in any of these countries, but there was always enough for propaganda; and this propaganda was carried on without regard for probability or moral considerations. If the Nazis thought any sort of campaign would prove effective, no matter in how small a degree, they immediately launched this campaign.

In France, for instance, the most illustrious names in history appeared on posters and were made to proclaim