

International Military Tribunal



THE NUREMBERG TRIALS

Complete Tribunal Proceedings

(V. 21)

International Military Tribunal

The Nuremberg Trials: Complete Tribunal Proceedings (V. 21)

**Trial Proceedings from 12th August 1946 to 26th
August 1946**

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TABLE OF CONTENT

PREFACE

TWO HUNDRED AND FIRST DAY, Monday, 12 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND SECOND DAY, Tuesday, 13 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND THIRD DAY, Wednesday, 14 August 1946

Morning Session

TWO HUNDRED AND FOURTH DAY, Thursday, 15 August 1946

Morning Session

TWO HUNDRED AND FIFTH DAY, Friday, 16 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND SIXTH DAY, Monday, 19 August 1946

Morning Session

TWO HUNDRED AND SEVENTH DAY, Tuesday, 20 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND EIGHTH DAY, Wednesday, 21 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND NINTH DAY, Thursday, 22 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND TENTH DAY, Friday, 23 August 1946

Morning Session

Afternoon Session

TWO HUNDRED AND ELEVENTH DAY, Monday, 26 August 1946

Morning Session

Afternoon Session

PREFACE

[Table of Contents](#)

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.

TWO HUNDRED AND FIRST DAY,

MONDAY, 12 AUGUST 1946

[Table of Contents](#)

MORNING SESSION

[Table of Contents](#)

[The witness Von Manstein resumed the stand.]

DR.FRITZ SAUTER (Counsel for Defendant Funk): Mr. President, I beg to be granted permission to submit to the Tribunal an urgent application on behalf of the Defendant Funk.

On Monday, 5 August 1946, that is to say a week ago today, the Prosecution submitted an affidavit of the former SS Obergruppenfuehrer Oswald Pohl, Document Number'4045-PS, alleging certain connections between the Defendant Funk and the SS, particularly with reference to the so-called "gold deposits" of the SS in the Reichsbank; I was unable immediately to object to the use of this affidavit during the session of last Monday since I was absent on that day because of illness. I had reported my absence in the appropriate manner to the General Secretary. On the same day, 5 August, Dr. Nelte, in an application to the Tribunal on my behalf, asked for permission to interrogate the witness Oswald Pohl in prison in order to obtain an affidavit from

him. On 7 August 1946 I myself repeated that application, asking at the same time for permission to call the witness Oswald Pohl for cross-examination, and also to recall the Defendant Funk himself to the witness stand to VON RUNDSTEDT: In our opinion, or in the opinion of the memorandum, the German Army was in no position. whatever to wage give testimony with reference to these new accusations.

Since the submission of these applications of mine the SS judges Dr. Reinecke and Dr. Morgen were heard as witnesses for the SS here in Court. Both of these witnesses have raised the gravest accusations against Oswald Pohl, although he was their SS comrade. The testimonies of these two witnesses, Dr. Reinecke and Dr. Morgen, have furnished proof that the former Obergruppenfuehrer Oswald Pohl, a witness of the Prosecution, first ...

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): Are you applying to cross-examine Pohl or what?

DR. SAUTER: No. If you will permit me, Mr. President, I shall in a moment give you the reason why I do not wish to do so. I have just said that the examination of the witnesses Dr. Reinecke and Dr. Morgen has furnished proof, first, that this witness of the Prosecution is a millionfold murderer; secondly, that he was the head of that clique of criminals which carried out the atrocities in concentration camps; thirdly, that Pohl, by every means at his disposal, attempted to prevent the discovery of these atrocities and even committed new murders for this purpose.

All that has been ascertained from the testimony given under oath by the witnesses Dr. Morgen and Dr. Reinecke.

Under these circumstances, Gentlemen of the Tribunal, the defense of the Defendant Funk refuses to employ such a monster as a means of evidence. Therefore, as counsel for the Defendant Funk, I desist from calling this witness of the Prosecution, Oswald Pohl, to the witness stand, because testimony coming from a man who murdered millions of innocent people ...

THE PRESIDENT: Dr. Sauter, I understand that you are not making an application of any sort now; you are making what is in the nature of a ...

DR. SAUTER: No, on the contrary, I refrain from doing so.

THE PRESIDENT: I see.

DR. SAUTER: Mr. President, I beg to have your permission to make another application. I said that the testimony of a man who murdered millions of innocent people, who made a dirty business out of murdering them, is in our conception completely without value for establishing the truth.

THE PRESIDENT: Dr. Sauter, the Tribunal thinks that this is an inappropriate time at which to make a protest of this sort, which is in the nature of an argument. If you are making an application,

you can make an application. If you want to make a protest, you must make it later when the case for the organizations is at an end.

DR. SAUTER: Mr. President, may I say the ~ following: We are now near the end of the submission of evidence, and I do not think that I can wait with this application until after the end of the Trial; the application which I was going to make must be made now, so that the Tribunal will receive it in good time.

THE PRESIDENT: Dr. Sauter, if you would only come to your application we should be glad to hear it.

DR. SAUTER: Very well, Mr. President, I will do so at once.

I herewith apply that the Tribunal decide, first, that the affi-davit of Oswald Pohl, dated 15 July 1946, namely, Document

Number 4045-PS, should not be admitted in evidence against the Defendant Walter Funk, and, secondly, that that part of the con-tents of the affidavit of Oswald Pohl, Document 4045-PS, which has reference to the Defendant Funk, should be stricken from the record of the session of 5 August 1946.

Furthermore, as an additional application and as a precautionary measure, I beg permission to apply for the Defendant Walter Funk to be recalled to the witness stand in order to give him an oppor-tunity to express himself on these completely new, assertions of Oswald Pohl.

Mr. President, I submitted this application to the General Sec-retary in writing this morning, but I do not know when the Language Division will pass it on to you. I' have therefore con-sidered it necessary to ask your permission to make this application orally during the proceedings in order to avoid being told that I should have done so in good time here during the session, but had failed to do it. That is the application, Mr. President, which I beg to make.

THE PRESIDENT: The Tribunal would like to hear the Prose-cution on this application.

DR. ROBERT M. W. KEMPNER (Assistant Trial Counsel for the United States): May I reserve our answer until I have an occasion to talk to the chief prosecutor, Mr. Dodd?

THE PRESIDENT: Very well.

DR. KEMPNER: I would like to state that even murderers some-times tell the truth.

DR. SAUTER: Thank you, Mr. President.

THE PRESIDENT: Do the Prosecution wish to cross-examine the witness any further?

MAJOR GENERAL G. A. ALEXANDROV (Assistant Prosecutor for the U.S.S.R.): Witness, I have two additional questions to ask you, both connected with the activities of the Einsatzgruppe D, You stated here that you exclude the possibility of your army group having participated in the shooting which was carried out by this group. Did you not know that the watches taken from those who were shot were sent to the Army, according to the order of the High Command?

VON MANSTEIN: No, I knew nothing about that. As far as the watches are concerned, the army administration officer on one occasion reported to me, as far as I remember, that he had procured a large consignment of watches from Germany. He showed me one of these watches; it was a completely new watch made in Germany. He wanted to issue these watches to the troops. I do not remember that confiscated watches were ever issued, and in no event have I heard of watches belonging to Jews who had been shot.

GEN. ALEXANDROV: And these watches were used for the supply of the German army, is that right?

VON MANSTEIN: This consignment of watches from Germany, yes.

GEN. ALEXANDROV: But you also spoke about watches which belonged to the Jews who were shot. That is the way I

understood you. Is that correct?

VON MANSTEIN: No, I did not say that. The subject was not mentioned at all. I only said that the army administration officer reported to me about a consignment of German watches. That is the only thing I can remember with regard to watches. That he could have spoken of watches belonging to Jews who had been shot is completely out of the question.

GEN. ALEXANDROV: Very well. Did you know that in Nikolaiev and Simferopol the executions were attended by representatives of the army command?

VON MANSTEIN: No.

GEN. ALEXANDROV: Do you know that these facts were brought out here in Court by the witness Ohlendorf? Do you think that Ohlendorf testified falsely here when relating these facts?

VON MANSTEIN: I know Ohlendorf's testimony and I remember that he said that soldiers had participated in executions near Simferopol. But he also said that he did not know for certain what soldiers they were. He thought they were probably mostly subsidiary, technical units, that is, not regular troops of my army. In any event, while I was in the Crimea I never heard that any soldier participated in the execution of Jews.

GEN. ALEXANDROV: I would like you to answer my question. Do you call Ohlendorf's testimony false or do you consider it correct?

VON MANSTEIN: I assume that he made a mistake. At any rate, I am quite certain that regular units of my army did not

participate in these executions of Jews. What he means by sub-sidiary technical units, I do not know.

GEMALEXANDROV: He had in mind the troops of the 11th Army, which you were commanding. Now I am asking you this. Did you know that over 195,000 persons, inhabitants of Kiev, were exterminated by the German Army and the German Police, including over 100,000 people who were put to death in Babye Yar alone?

VON MANSTEIN: I heard of this for the first time from the document submitted by the Russian Prosecution.

GEN. ALEXANDROV: But you were aware of this type of mass extermination of the civilian population?

VON MANSTEIN: No, I did not know that, and at the time when these executions apparently took place Kiev did not belong to my sector.

GEN. ALEXANDROV: Had you knowledge of the OKW decree transmitted in August 1941 by Quartermaster General Wagner, forbidding the feeding of Soviet prisoners of war from Army supplies? Did not this decree result in mass starvation among Soviet prisoners of war?

VON MANSTEIN: I do not recall that order. In August 1941, I was the commanding general of an armored corps far ahead of the front, and I could not even have received that order. What is more, I cannot imagine that the order was given in that form, because at least in my area we always supplied food to the prisoners, and I do not believe therefore that in my area any prisoners died of starvation.

GEN. ALEXANDROV: But you yourself admit that there was a tremendous mortality rate from starvation among the

prisoners of war. You admitted so yourself here yesterday, did you not?

VON MANSTEIN: I did not say that that was so in my army, but that I could see from the documents of , the Prosecution that after the large battles of encirclement in the area of Army Group Center, in which hundreds of thousands of prisoners were taken, many apparently died from starvation, first, because they were half-starved when they emerged from the pockets, and secondly, because no army was in a position to take over the feeding and care of, let us say, half a million prisoners arriving quite suddenly. This naturally resulted in difficulties which in view of the physical condition of the Russian soldiers when they arrived very probably led to a large number of deaths. But when I said this before, I was referring to the prisoners taken in the battles of encirclement and not those in my area.

GEN. ALEXANDROV: It is not necessary to give such detailed replies to my questions. Would you kindly be more brief? Did you know of the operation called "Krimhild"?

VON MANSTEIN: The code name "Krimhild" for an operation is at the moment meaningless to me, nor do I know whether I ever heard it. Perhaps you can tell me when and what this is supposed to have been; then possibly I can recall it.

GEN. ALEXANDROV: I will help you. This operation provided for the transfer of German troops from the Kuban district to the Crimea in connection with the advance and the pressure of the Red Army. A special decree from Hitler was therefore issued and sent to all headquarters.

VON MANSTEIN: I did not quite understand that. Do you mean the transfer of the army from the Crimea to the Kuban district or the retreat from the Kuban district to the Crimea?

GEN. ALEXANDROV: The transfer, the retreat of German forces from the Kuban district to the Crimea.

VON MANSTEIN: I cannot say anything about that; I do not know details about it, because that was the area of Army Group Kleist and not my area.

GEN. ALEXANDROV: And where was your army at the time?

VON MANSTEIN: My army group was in the Southern Ukraine at the time. The southern border was evidently near Rostov.

GEN. ALEXANDROV: The retreat from the Kuban district was effected in connection with the army group in the southern sector of the front. You were handed this decree from Hitler; maybe you will be able to recall something in this connection. I would like to draw your attention to only one particular point in this decree.

[A document was handed to the witness.]

Do you remember this decree?

VON MANSTEIN: I must look at it more closely for a moment.

GEN. ALEXANDROV: If you please.

VON MANSTEIN: I can no longer tell you today whether or not I received a copy of this order; actually, it only concerns Army Group A. It is possible that I did receive a copy, but I can no longer remember. At any rate, I had nothing to do with it.

GEN. ALEXANDROV: This decree was sent to all headquarters, but that is not the point. I would like you to find the second paragraph of that decree which is entitled "Destructive Measures During Evacuations"; and please look at point "g" of that section; quoting: "The enemy must take over completely useless and un-inhabitable waste territory where mine detonations will continue to occur for months." Have you read that passage?

VON MANSTEIN: Yes.

GEN.ALEXANDROV: Now I am asking you: Was this decree, too, motivated in your opinion entirely by military considerations?

VON MANSTEIN: Yes, in my opinion, it was issued for purely military reasons; namely, because Hitler-as I know-wanted to free as many of the forces in the Kuban as possible in order to use them in other parts of the Eastern Front. He wanted to leave only a minimum of forces for the defense of the Crimea, and that of course was only feasible if the danger of a Russian attack coming from the Kuban could, if possible, be excluded for a lengthy period or at least made very difficult; and probably for that reason, these orders for destruction were issued, and in points a, b, c, d, e, and f, they do in fact only deal with objects which are of military importance; in other words roads, bridges, railroads, narrow-gauge railroads, corduroy roads, oil installations ...

GEN. ALEXANDROV: I know this decree, Witness, and you do not have to repeat it; I have it before me. I merely asked you to look at point "g" which does not mention roads and bridges and oil wells but deals generally with reducing the

territory of the enemy to complete waste so that it would not be usable for months to come. That is the subject here. I *am asking you as a soldier-since you call yourself one-do you approve of such a decree? Was it prompted entirely by military considerations? Please answer my question.

VON MANSTEIN: Yes, I am convinced that the order was given only for military reasons; and I am equally convinced that letter IV' means territory completely useless for the military purposes of war. I do not believe, therefore, that the purpose here was to lay waste the land and to, let us say, exterminate the population, but that the reason was a military reason in that the land was to be rendered useless for the continuation of military operations; that is what I believe.

GEN. ALEXANDROV: It states here clearly enough what was meant. The interpretation is a matter of opinion. I shall pass to the next question. Were you aware that in May 1944 a special conference was held at Sonthofen?

THE PRESIDENT: Are you passing from that document?

GEN. ALEXANDROV: I am passing to another question, My Lord.

THE PRESIDENT: I asked you if you were passing from the document.

GEN. ALEXANDROV: Yes.

THE PRESIDENT: I think you should put to him Paragraph 3 C.

GEN. ALEXANDROV: I will.

Please, Witness, look at Section 3 of the decree, Point c. I shall read it into the record:

"For this task ruthless conscription of the civilian population uninfluenced by any false leniency, the speedy commencement of work, and the establishment of construction battalions, including female construction battalions

, must be secured."

Do you consider this method of utilizing the civilian population, including the female population, as a method necessitated by military considerations?

VON MANSTEIN: As I see it, I do not doubt at all that it was necessary from a military standpoint; whether or not it was nice from a humane point of view, is another question. But I must point out that the use of the civilian population, including the women, was something we learned from the Soviet Union, which did just that to a large extent; otherwise the provision of Russian anti-tank ditches many kilometers long would not have been possible in a few days.

THE PRESIDENT: Witness, is it your contention that it is in accordance with the laws of war to turn the females of a country into a construction battalion for the purpose of your army?

VON MANSTEIN: I am not absolutely certain at the moment whether that is in accordance with the laws of war of 1939. That in this war international law was widely trespassed against in many cases is an established fact. That the use of labor, including female labor, is one of the rights of an occupying power, is, I should think, a fact.

GEN. ALEXANDROV: You have just stated that the Red Army widely used the civilian population for constructing anti-tank ditches, et cetera. I want to explain that to you.

That was really so, because the whole Soviet people, including of course, the Soviet women, participated in all possible actions against the Fascist invaders; but give me an illustration, just one illustration, of the Red Army utilizing German women for purposes of this kind.

VON MANSTEIN: I cannot give you an instance from the war.

GEN. ALEXANDROV: Because there were none; but this decree of Hitler talks of utilizing Soviet women for erecting defense constructions for German forces. That is what I am speaking about. Now we will go on to another question. Did you know that in May 1944 a special conference of generals was held in Sonthofen on the subject of National Socialist education of the army units?

VON MANSTEIN: In May 1944 I was no longer in service, and therefore did not hear anything about this conference.

GEN. ALEXANDROV: You never heard anything about the conference?

VON MANSTEIN: I did not hear anything about that conference, no.

.GEN. ALEXANDROV: I should like to mention one fact in connection with that conference. You probably know that at that conference the Defendant Keitel, among others, stated as follows: "Any officers who express doubts about victory or who criticize the Fuehrer I shall have shot."

THE PRESIDENT: The witness says he knows nothing about it. Is this a new document you've got or not? Is it some new document?

GEN. ALEXANDROV: No. We do have a document on which I think it is necessary to ask the witness some

questions, but we are not submitting this document immediately, because we have only just received it and it has not yet been translated. It is an affidavit by Lieutenant General Vincent Mueller of the German Army, in which he mentions Keitel's remark at this conference. If the Tribunal considers it necessary, this document will be put in at the end of this afternoon's session, or at the latest tomorrow morning.

THE PRESIDENT: Yes, all I mean is this: If you aren't putting in the document and the witness says he wasn't at the conference and never heard of the conference, I don't think you can put to him what was stated at the conference in order to get that in evidence.

GEN. ALEXANDROV: I understand, Mr. President. In that case I will ask another question.

[*Turning to the witness.*] Witness, are you aware that the High Command of the German Navy suggested a plan for the invasion of Norway already in October 1939? Were you aware of that?

VON MANSTEIN: No. I knew nothing about that. I heard of the entire Norwegian affair only when it had become an accomplished fact. I learned the details only from the Indictment, before that I did not hear a word about it.

GEN. ALEXANDROV: What do you know about the plan for an operation under the code name "Jolka"?

VON MANSTEIN: I did not understand the code name.

GEN. ALEXANDROV: Under the code name "Jolka" -- that means "Christmas Tree" in English or "Tannenbaum" in German.

VON MANSTEIN: Tannenbaum? No, it does not convey any-thing to me; I do not know.

GEN. ALEXANDROV: I shall point out to you a few details relating to the plan. In the middle of July 1940, after the armistice with France, the chief of the German General Staff, General Halder, visited Von Leeb's Army Group Headquarters in Dijon. General Halder told Von Leeb to prepare a plan for the occupation of Switzerland, taking into consideration the fact that the Swiss would resist. This plan was worked out under a code name and submitted to the OKH. Do you know anything about it?

VON MANSTEIN: No, I was commanding general at the time, and in the summer I was transferred to the Channel Coast. I heard nothing about this plan.

GEN. ALEXANDROV: You frequently emphasized here in your answers that the war against the Soviet Union was a "special war," and that you, as other German generals, acted only as soldiers, and that the so-called "ideological war" was conducted by Hitler and his colleagues. Did I understand that correctly?

VON MANSTEIN: Yes.

GEN. ALEXANDROV: My American colleague reminded you yesterday about your own decree in which you spoke about the annihilation of the Soviet political system and other measures to be taken in the occupied territories. You also stated that you were aware of the decree of Field Marshal Von Reichenau about the conduct of the troops in the East. Witness, was such a decree, in your opinion, prompted by a military sense of duty, or by any other consideration?

VON MANSTEIN: No, it was certainly issued only out of a military sense of duty. In connection with this, I should like to add that these ideas were appearing in every newspaper and were, of course, promoted by higher authorities. They certainly did not originate with us. We, together with our soldiers, conducted the war in a military manner.

GEN. ALEXANDROV: Do you not think that such decrees can only be explained by the fact that their authors were not generals brought up in the military tradition, but in the Hitlerite tradition?

VON MANSTEIN: I did not quite understand that. May I ask you to explain the meaning of the question again.

GEN. ALEXANDROV: I will repeat it. Do you not think that such decrees, political decrees really -- I mean the order issued by Reichenau --do you not think that such decrees can only be explained by the fact that their authors were not generals brought up in the military tradition, but generals brought up in the Hitlerite tradition?

VON MANSTEIN: I can only speak for myself, for my own order. That I personally was nothing more than a soldier, to that I think every one of my subordinates and my superiors can testify. I was not a political general, nor was I, shall we say, a National Socialist general in the sense in which you mean it. This order was a consequence of the growing danger of the partisans, and of the necessity to make it clear to our soldiers that they could not afford to be so careless, and that they must be aware that the fight on both sides was an ideological fight. The order itself is composed of two entirely different parts. Part One, which deals with the necessity of safeguarding the rear against attack, et

cetera, and with the alertness of the soldiers, contains some ideas about the meaning of this struggle. When the order speaks of the extermination of the system, then it means the political system, and not human beings, it means exactly what is today meant when the other side speaks of the extermination of National Socialism. Part Two I would say contains my own ideas, it states what has to be done positively, and it also states quite clearly that the soldiers must avoid all arbitrary action, and that any violation of soldierly honor will be punished. I believe that this order is evidence of the fact that I conducted the light as a soldier, and not as a politician.

GEN. ALEXANDROV: What you were during the war is best shown by your own decree, and the Tribunal will be able to judge it.

My last question. Did you know what measures the High Command of the Armed Forces initiated for the purpose of conducting biological warfare?

VON MANSTEIN: Biological warfare? I do not know at the moment what you mean by the expression "biological warfare." Would you explain that, please?

GEN. ALEXANDROV: The use of various types of dangerous bacteria in warfare. That is what I mean by "biological warfare."

VON MANSTEIN: No. I knew nothing about it. I have never heard of a bacteriological war or of poison warfare.

GEN. ALEXANDROV: You will now be shown several details of this plan for biological warfare, and you may then be able to recall it. I am submitting to the Tribunal Document USSR-510, which consists of the affidavit of the

former Major General and Professor of the Military Medical Academy in Berlin, Walter Schreiber. I am reading it into the record.

"In connection with the Trial of the Major War Criminals in Nuremberg, 1, as Professor of Hygiene and Bacteriology of the Military Medical Academy in Berlin and former Major General of the Medical Corps of the German Army, consider it my duty to our people who have undergone such severe trials and to the whole world, to disclose one more page of Germany's preparation for war which has not been touched upon in Nuremberg. Aside from the former political and military leadership of Germany a large part of the guilt is borne by German scientists and particularly by German doctors. Had that type of weapon which was being prepared been used, it would have meant putting to a shameful and evil use the great discoveries of Robert Koch, whose native country was Germany and who was a great teacher..."

THE PRESIDENT: Dr. Laternser, counsel for the Defense, would like to say something.

DR. HANS LATERNSE (Counsel for General Staff and High Command of the German Armed Forces): I should like to raise an objection. On looking through the document, I have discovered that the author of this affidavit is raising particularly grave accusations. -I do not know against whom these accusations are directed, but I should like to ask that the author of this document appear as a witness, so that I may cross-examine him.

THE PRESIDENT: Where is he?

GEN.ALEXANDROV: I can answer that, Mr. President. The former Major General Walter Schreiber is now in the Soviet

Union_ as a prisoner of war. If the Tribunal think it necessary to have Walter Schreiber testify here as a witness, the Prosecution will not object.

DR. LATERNSEER: I think that if he is making such a serious allegation he should appear here in person.

THE PRESIDENT: General Alexandrov, could you inform the Tribunal how long it would take to get this witness Schreiber brought here for the purpose of cross-examination?

GEN. ALEXANDROV: We shall take all steps to get the witness here in the shortest possible time, but I cannot guarantee that or state a number of days, since the distance is rather great. I would like the Tribunal to take this into consideration. However, regard-less of whether the witness is going to be brought here or not, I request the permission of the Tribunal to have this document pre-sented in this cross-examination.

DR. LATERNSEER: May I be allowed to reply to that?

THE PRESIDENT: Dr. Laternser, you can make your objections, if you wish to do so now, and then the Tribunal will consider the matter when they adjourn. We don't propose to allow the document to be presented now at the moment. We will consider the matter when we adjourn.

DR. LATERNSEER: I request that the Tribunal decide that the document must not be read until Walter Schreiber can appear here as a witness.

THE PRESIDENT: Your application is that the document should -not be admitted unless the witness is brought here for further examination?

DR. LATERNSEER: I should like to go even further, Mr. President, and apply that the document should not be admitted at all, since the witness is now going to be produced by the Prosecution, and- can then state these facts under oath.

GEN. ALEXANDROV: Mr. President, may I oppose the application of the defense. It seems to me that the affidavit of Walter Schreiber could and should be read during the cross-examination of the witness Von Manstein, regardless of whether Walter Schreiber will or will not appear here as a witness. A photostat of his affidavit is before the Tribunal; it is certified by the Extraordinary State Commission, which is the plenipotentiary of the Soviet Government. Therefore, regardless of what the Tribunal may decide about calling Walter Schreiber as a witness, I insist that the document, which I put in as USSR-510, be accepted by the Tribunal and that I be given an opportunity of reading it into the record during the present cross-examination.

THE PRESIDENT: No, General Alexandrov; the Tribunal has said that they will not admit the document at this stage. We propose to adjourn at 11:30 and will then consider the application. I observe that the affidavit was made in April 1946 and there was plenty of time to bring the witness here.

GEN. ALEXANDROV: The question of bringing the witness here has never had to be considered up to now. If the Tribunal commands me not to use the document, I shall not be able to ask the witness the questions which arise out of the affidavit of Walter Schreiber. Moreover, I shall thereby be prevented from putting questions on Walter Schreiber's affidavit at another stage of this Trial.

THE PRESIDENT: General Alexandrov, you will be able to ask him the question after the Tribunal has decided upon the admissibility of the document; that is to say, if it is decided as to its admissibility, can you not ask him then? But he has already said he knows nothing of biological warfare.

GEN. ALEXANDROV: He does not know what is in the affidavit of Dr. Schreiber. I have no further questions at the moment, Mr. President.

THE PRESIDENT: Is there any further cross-examination?

DR. LATERNSEER: Field Marshal, you were questioned about the order, or alleged order, by Quartermaster General Wagner, which prohibited the feeding of prisoners of war from supplies of the Armed Forces. I would like to ask you, do you know that Generaloberst Halder, during a visit to the front on the occasion of a conference at Orsha, actually ordered that the food supplies to the troops should be cut so that prisoners of war could be better fed?

VON MANSTEIN: That is not known to me, because it did not take place in my area. I do know that in the winter of 1941-42 I had to reduce the rations for my army in the Crimea since supplies from home did not arrive in sufficient quantity on account of the shortage of railroad transportation, and also since we could not completely strip the country of all food reserves to feed the population and the prisoners. As far as I can recollect, we reduced the meat ration at that time, and I know that I expressly prohibited that the one cow which would have remained the farmer's own property even under the Soviet Government should be taken away from him, even though the army needed the

meat. I also remember that when the food situation became critical at times during that winter, we sent flour down to the South coast, although hundreds, in fact thousands, of horses belonging to our army on the South coast perished at that time because the lack of transport space prevented us from bringing hay and straw for them.

DR. IATERNSEER: The order USSR-155 was submitted to you. Who signed that order?

VON MANSTEIN: I do not know which one you mean, USSR...

DR. LATERNSEER: I mean Document Number USSR-115.

VON MANSTEIN: I do not have the number.

THE PRESIDENT: We can see for ourselves by whom it is signed.

DR. LATERNSEER: I merely want to know by whom it is signed.

VON MANSTEIN: Oh, yes, I see; it is signed by Adolf Hitler.

DR. LATERNSEER: Yes, that is the order. You were questioned with regard to Figure 2 g. It says there that "the land should be made useless and uninhabitable." Do you know, Field Marshal, if that was actually carried out?

VON MANSTEIN: I cannot give information about the Kuban district, because I was not there, and it did not belong to my area.

DR. LATERNSEER: Were explosives, mines, and troops available in large numbers at that time, that is, in 1943?

VON MANSTEIN: Yes, of course we had mines and explosives, but they were certainly not sufficient for such purposes.

DR. LATERNSEER: Were not these supplies very short at that time, in 1943?

VON MANSTEIN: Yes, at any rate we never had enough mines to lay mine fields in sufficient numbers ahead of our positions.

DR. LATERNSEER: The Russian Prosecutor went on to ask you about Number 3 c, about the ruthless conscription of the civilian population, particularly the women. You did not answer the question of the Russian Prosecutor, whether you had ever heard that similar or other measures of force were applied to German women?

VON MANSTEIN: Yes. I know that that happened during the war, but even now women are conscripted for all sorts of work. My wife, for example, has been put to work collecting potato beetles.

DR. LATERNSEER: I mean, what happened in East Prussia in 1944?

VON MANSTEIN: I cannot say that from my own observation, as I was not there, but I am sure that the civilian population had nothing to laugh about.

DR. LATERNSEER: The American Prosecution submitted to you Document Number C-52, Exhibit Number GB-485. Will you please once more look at Figure 6. Is this a directive or an order?

VON MANSTEIN: That is a directive, but not an order.

DR. LATERNSEER: So that, if "draconian measures," as this directive says, were to be enforced, orders to that effect from the commanding generals were necessary?

VON MANSTEIN: Yes, of course, it was said that they were not to ask for security forces but to find a means

themselves by taking draconian measures; and so further orders from the commanders were necessary.

DR. LATERNSEER: Do you know of any orders which were issued on the basis of this Figure 6?

VON MANSTEIN: No, I do not recall any order issued on the basis of that paragraph.

DR. LATERNSEER: Now, I have one question regarding Document Number 447-PS. Please look at Page 2, 2b. Does not Figure 2b show, first, that the Reichsfuehrer SS was given special tasks in the operational zone, and secondly, that in discharging -these tasks he acted independently and on his own responsibility?

VON MANSTEIN: Yes, the order says so quite clearly:

DR. LATERNSEER: Then it follows that the special action groups, the Einsatzgruppen, were not 'tactically under the commanding generals?

VON MANSTEIN: No, tactically they were, at most, under the local commanders, for instance in the fight against the partisans or in the battle zone at the front, but in any case as far as their police tasks were concerned they certainly were not under them.

DR. LATERNSEER: Document Number R-102 was also submitted to you-that is a Top Secret matter. What does that mean?

VON MANSTEIN: A Top Secret matter is, I think, an order or a directive or an announcement which is issued only to the highest authorities in the Reich or to certain specified persons, and which is not allowed to be generally known.

DR. LATERNSEER: Is the distribution indicated on this document?

VON MANSTEIN: No, it should be noted at the end, but it is not.

DR. LATERNSEER: So you cannot determine if this document also went to offices of the Army?

VON MANSTEIN: No, that cannot be determined, but quite certainly it did not go to offices of the Army, because we never received such reports.

DR. LATERNSEER: During your examination last Saturday, you said that you were convinced that the other commanding generals would also have taken steps against mass executions, had they been reported to them?

VON MANSTEIN: Yes, naturally.

DR. LATERNSEER: Is it known to you that when Field Marshal Von Kuechler, during the Polish campaign, heard of the execution of Jews, he used every means at his disposal to prevent it?

VON MANSTEIN: Yes, I heard of that here in Nuremberg. I did not know of it at the time.

DR. LATERNSEER: It is known to you that the mayor of Marinka, who was a racial German, was sentenced to death by court-martial for a crime against a Jewish woman? '

VON MANSTEIN: I cannot recollect that. I do not know either whether it happened in my area; if it had, been in my area, it would have been reported to me, but I cannot remember it.

DR. LATERNSEER: Do you know that General Von Knobelsdorff, an officer also affected by the Indictment, had an SS leader arrested because he wanted to carry out executions?