

International Military Tribunal



THE NUREMBERG TRIALS

Complete Tribunal Proceedings

(V. 16)

International Military Tribunal

The Nuremberg Trials: Complete Tribunal Proceedings (V. 16)

**Trial Proceedings from 11th June 1946 to 24th June
1946**

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TABLE OF CONTENT

PREFACE

ONE HUNDRED AND FIFTY-SECOND DAY, Tuesday, 11 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-THIRD DAY, Wednesday, 12 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-FOURTH DAY, Thursday, 13 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-FIFTH DAY, Friday, 14 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-SIXTH DAY, Monday, 17 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY- SEVENTH DAY, Tuesday, 18 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-EIGHTH DAY, Wednesday, 19 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND FIFTY-NINTH DAY, Thursday, 20 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND SIXTIETH DAY, Friday, 21 June 1946

Morning Session

Afternoon Session

ONE HUNDRED AND SIXTY-FIRST DAY, Saturday, 22 June 1946

Morning Session

ONE HUNDRED AND SIXTY- SECOND DAY, Monday, 24 June 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.

ONE HUNDRED AND FIFTY- SECOND DAY,

TUESDAY, 11 JUNE 1946

[Table of Contents](#)

MORNING SESSION

[Table of Contents](#)

[The Defendant Seyss-Inquart resumed the stand.]

MR. THOMAS J. DODD (Executive Trial Counsel for the United States): Mr. President, I should like to clear up the matter that I raised yesterday with respect to the notes of the conference between this defendant and Hitler. I had the investigation made and I think these are the facts. Apparently, Colonel Williams of our staff, who interrogated this defendant late ~ October, was handed these notes by the defendant; and somehow or other they never did reach our files and have been misplaced. So the defendant was quite right in saying that he turned them over, but I think in error in saying that he turned them over to me.

DR. GUSTAV STEINBAUER (Counsel for Defendant Seyss-Inquart): Yesterday we had reached one of the most important points in the Indictment, the question of the evacuation of Jews from the Netherlands. Witness, what did you do when you learned of this removal of the Jews from the Netherlands? Did you write any letters?

ARTHUR SEYSS-INQUART (Defendant): Yesterday I stated that I had people sent from the Netherlands to the Auschwitz Camp in order to ascertain whether there were accommodations and, if so, what kind. I have given you the result of this inspection. I asked the Security Police, that is, Heydrich, whether it would not be possible for the evacuated Jews to keep up correspondence with the Netherlands. This concession was made. For about three quarters of a year or a year correspondence was maintained; not only short post cards but long letters were permitted. I do not know how the camp administration did this; but the letters were identified as authentic by the addressee. When the number of letters dropped off later-it never stopped completely-the Security Police told me that the Jews in Auschwitz now had fewer acquaintances in the Netherlands, meaning other Jews, because most of them were already in Auschwitz.

DR. STEINBAUER: Witness, did you turn to Bormann, too?

SEYSS-INQUART: Yesterday I stated that, after learning of Heydrich's order, I requested Bormann to inquire of the Fuehrer whether Heydrich actually had such unlimited power. Bormann confirmed this. I admit frankly that I had misgivings about the evacuation.

DR. STEINBAUER: Did you do anything to alleviate these misgivings?

SEYSS-INQUART: My misgivings-which increased in the course of the war-were that the hardships of the war would be a heavy burden, above all for the Jews. If there were too little food in the Reich, the Jewish camps in particular would receive little, while probably the Jews would be treated

severely and for comparatively slight reasons heavy punishment would be imposed upon them. Of course, I also thought of the unavoidable tearing apart of families, to a certain extent, at least, in the case of labor commitment. That also was the reason why we brought forward difficulties for 3 or 4 months.

The decisive argument, however, was the declaration of the competent authority, the Security Police, that in case of a landing attempt the Jews were not to be in the immediate theater of operations.

I ask the Court to consider that the most important and most decisive motive for me was always the fact that the German people were engaged in a life-and-death struggle. Today looking at it from another perspective the picture looks different. At that time, if we told ourselves that the Jews would be kept together in some camp, even if under severe conditions, and that after the end of the war they would find a settlement somewhere, the misgivings caused by this had to be cast aside in view of the consideration that their presence in the battle area might weaken the German power of resistance.

In the course of 1943 I spoke with Hitler and called his attention to this problem in the Netherlands. In his own convincing way he reassured me and at the same time admitted that he was thinking of a permanent evacuation of the Jews, if possible, from all of Europe with which Germany wanted to maintain friendly relations. He wanted to have the Jews settled on the eastern border of the German sphere of interest insofar as they were not able to emigrate to other parts of the earth.

At the beginning of 1944 I spoke with Himmler, whom I happened to meet in southern Bavaria. I asked him in a determined manner about the Jews in the Netherlands. The fact that our Eastern Front was being withdrawn meant that the camps would be in the battle area in the course of time, or at least in the rear area. I was afraid that the lot of the Jews would become even more serious then. Himmler said something to the following effect: "Do not worry; they are my best workers." I could not imagine that the Jews capable of labor were working while their relatives were being destroyed. I believed that in that case one could expect nothing else than that every Jew would attack a German and strangle him.

DR. STEINBAUER: Witness, so you did learn of these evacuations? In your capacity as Reich Commissioner did you help carry out these evacuations through your administration?

SEYSS-INQUART: Since the evacuation was a fact, I considered it proper to concern myself with it to the extent that was possible for me as Reich Commissioner. I gave my deputy in Amsterdam, Dr. Boehmke, power to carry out the evacuation, to exercise control, and to take steps if excesses occurred other than unavoidable difficulties, or to report such to me. Dr. Boehmke was in constant opposition to the so-called Central Office for Jewish Emigration. We had to intervene again and again, but I am convinced that we did not put an end to all hardships.

The Jews were collected in the Westerborg Camp. When the first transports left, I received a report that the trains were overcrowded. I vigorously remonstrated with the

commander of the Security Police and asked him to see that the transport was carried out in an orderly manner. The Netherlands Report states that at the beginning the transports were made under tolerable conditions; later, conditions generally became worse. But that such excessive overcrowding of trains occurred as indicated in the report did not come to my knowledge. It is true that the Security Police made it very difficult to have the execution of these measures controlled. At the suggestion of some Dutch secretaries general, especially Van Damm and Froehlich, I effected an exception for a number of Jews. One could effect individual exceptions; the basic measures could not be changed. I believe that the number of exceptions is greater than indicated in the Netherlands Report, at least according to my reports.

These Jews were, in the final stage, in the Westerborg Camp. When the invasion began Himmler wanted to remove them. Upon my objections this was not done. But after the battle of Arnhem he removed them, as he said, to Theresienstadt; and I hope that they remained alive there.

DR. STEINBAUER: Did you also release property on this occasion?

SEYSS-INQUART: These Jews who were made exceptions retained control of their property.

DR. STEINBAUER: In closing this chapter I should like once more to call the attention of the Tribunal to Document 1726-PS, USA-195,

in the document book of the Prosecution. This document sums up the whole Jewish problem in the Netherlands, and on Page 6 it gives all the agencies which dealt with the

Jewish problem. Under Number 3 you will find the General Commissioner for Security, the Higher SS and Police Leader H. Rauter, General of Police. Under Number 4 is the Central Office for Jewish Emigration, Leader Aus der Funte-under the "General Commissioner," as under 3. The report says about this:

"Apparently an organization for Jewish emigration; in reality, an organization to rob the Jews of their rights, to segregate them, or to deport them."

This was the most important office, which was directly under Himmler's Higher Police Leader, and not under the defendant.

SEYSS-INQUART: I should like to point out that Rauter functioned as Higher SS and Police Leader in this case, and not as "General Commissioner for Security," for the measures were carried out by the German Police, and not by the Netherlands police.

DR. STEINBAUER: The witness in a speech also spoke about his views on the Jewish problem at one time The Prosecution has submitted a part of this speech.

THE PRESIDENT (Lord Justice Sir Geoffrey Lawrence): Dr. Steinbauer, you are putting this Document 1726-PS to the witness, which contains a historical statement, apparently. Does the witness agree that the historical statement is accurate?

Do you, Defendant, agree that this historical statement is accurate?

SEYSS-INQUART: May I see the document?

[The document was handed to the defendant.]

DR. STEINBAUER: It is Appendix 2. .

THE PRESIDENT: You see, Dr. Steinbauer, you put forward the document and it is for you to ascertain from the witness whether he agrees with the document or whether he challenges it.

SEYSS-INQUART: The presentation of facts is accurate, except for the addition of the correction which I made with reference to the "General Commissioner for Security."

THE PRESIDENT: There are certain passages in the document which your attention ought to be drawn to: February 1941, for instance. You have the document before you, Dr. Steinbauer?

DR. STEINBAUER: Yes.

THE PRESIDENT: Will you look at the last entry under the heading February 1941? Do you see that?

DR. STEINBAUER: Yes.

THE PRESIDENT: You have to put that to the witness. He said that the facts are accurate.

DR. STEINBAUER: Witness, you will find under "February 1941" a statement-I have only the English here-saying that Jews were arrested and then sent to Buchenwald and Mauthausen.

SEYSS-INQUART: I discussed this case yesterday. That was a measure at the direct order of Himmler, which only came to my knowledge after it had been carried out and against which I protested. To my knowledge, mass deportations to Mauthausen did not occur again after that.

THE PRESIDENT: Then what I understand the defendant to say is that that document is accurate except where you

referred to under the Numbers 3 and 4, on the last page. Is that right?

SEYSS-INQUART: In my testimony yesterday I confirmed the orders contained in this document, but not all the details of the actual events.

DR. STEINBAUER: The presentation on Page 6 of the individual agencies is correct?

SEYSS-INQUART: The actual presentation, too, is basically correct. Yesterday I spoke also of the burning of synagogues and of the prevention of the destruction of synagogues in The Hague and Amsterdam.

THE PRESIDENT: Very well, Dr. Steinbauer. Go on.

DR. STEINBAUER: Now, I should like to refer to Document 79, Page 203, from Exhibit Number USA-708. That is a speech which Seyss-Inquart made on the Jewish question. The Prosecution submitted this document. Since it needs a little explaining I shall begin by reading the last sentence:

"The only thing we can discuss is the creation of a tolerable transitional state while maintaining our point of view that the Jews are enemies, and thus applying every precaution customarily observed against enemies. As regards the time when Germany will not be here as an occupational force to maintain order in public life, the Dutch people will have to decide for themselves whether they want to endanger the comradely union with the German people for the sake of the Jews."

Witness, I should like to ask you about this speech. Were you thinking of the complete elimination and destruction of the Jews?

SEYSS-INQUART: I never thought of that at all, and in this speech I was not even thinking of evacuation. At that time I held the point of view that the Jews should be confined in the Netherlands, as is done with enemy aliens, for the reasons which are given in the preceding part of this speech, which the American Prosecution has submitted. The idea still prevailed of treating them as enemy aliens, even though Englishmen, for example, were also transported to the Reich. I have already pointed out that that viewpoint later changed to conform to the measures against Jews, which were customary in the Reich.

DR. STEINBAUER: We now come to . . .

THE PRESIDENT: What is the date of the speech?

SEYSS-INQUART: This speech is of March 1941. Only once again did I express my point of view, and that was on 20 April 1943, when I made the somewhat, I admit, fantastic suggestion that all belligerent powers should pool 1 percent of their war costs in order to solve the Jewish problem from the economic standpoint. I was thus of the opinion that the Jews still existed; incidentally, I never called the Jews inferior.

DR. STEINBAUER: I believe I can conclude this topic and go on to another charge which is made against you—violations of international law, the subject of spoliation.

Who confiscated raw materials and machinery in the Netherlands?

SEYSS-INQUART: The initiative for this, and the extent to which it was to be done, originated with the Reich offices. The operations were carried out either by my offices, by the Wehrmacht, by the armament inspection offices, or even by

the Police and the Waffen-SS; but from the middle of 1944 on they were carried out in the main by the office of the Armament Minister, which was also my office, and by the field economic commands of the High Command of the Army. At that time control was extremely difficult.

DR. STEINBAUER: What was your own attitude toward this problem?

SEYSS-INQUART: I was of the opinion that the provisions of the Hague Convention for Land Warfare applying to this were obsolete and could not be applied to a modern war because the labor potential of the civilian population is at least as important as the war potential of the soldiers at the front. How much could be demanded seemed to me to depend on the conditions prevailing in one's own country. These doubtlessly varied in each country. I therefore endeavored to obtain a statement from Reich Marshal Goering to the effect that the Dutch were to live under the same conditions as the German people. This promise, to be sure, was not kept completely in the ensuing period.

DR. STEINBAUER: How was the confiscation carried out? By what authorities?

SEYSS-INQUART: Until 1943, the Dutch offices carried out our assignments. The technical experts had to provide me with factual justification for confiscations, since I was not familiar with such matters. I took steps when complaints reached me. For example, I prevented the removal of margarine works in Dordrecht and of a brand new electrical works in Leeuwarden.

Reich Minister Speer issued an important order that only the machines from factories which delivered more than one-

half of their total production to the Reich, for example, Phillips in Eindhoven, could be transferred to the Reich.

DR. STEINBAUER: The French Prosecution charges that you favored the black market. What do you have to say about this?

SEYSS-INQUART: We combated the black market from the beginning. It was therefore always a so-called "gray market" with us. I had prohibited the purchase of food from the current production and likewise of other important consumer articles on the black market. Every case was investigated by the competent offices in conjunction with the Dutch offices. If it was a business which had been forbidden by me, the goods were confiscated and turned over to the Dutch offices. These measures were 100 percent for the benefit of the Dutch, for what the German Reich wanted officially it got anyhow. I see from the document that the turnover in the Netherlands was the lowest anywhere. The figures are deceptive, though, since prices on the black market were several times higher than those on the normal market, so that the actual amount of goods was much lower.

DR. STEINBAUER: In Document 1321-PS the charge is made that you turned medical instruments over to the SS.

SEYSS-INQUART: That is true. Please judge that in connection with my general statements. The SS needed microscopes for its hospitals at the front, for all its hospitals which had been destroyed by bombings. In the laboratories of the University of Utrecht there were microscopes which were not being used. I had the case investigated by my office and what seemed dispensable confiscated. In this

connection I refer to a case which was much more important for the Dutch. The Reich wanted to tear down the Kammerlingh Institute at Leyden, which is one of the most famous low temperature research institutes in the world. I believe only the Soviets and the Americans have one as well, especially suitable for atomic research. I prevented the tearing down of this institute which would have meant an irreparable loss for the Netherlands.

Experiments which seemed necessary were carried out by Professor Heisenberg himself in Leyden.

DR. STEINBAUER Document 1988-PS, RF-130, charges that you had the rolling mill in Ymuiden removed.

SEYSS-INQUART: This rolling mill in Ymuiden was built up after May 1941 by a German firm, which in exchange was given a partnership in the blast furnace joint stock company. The electrical installations of these works were repeatedly destroyed by the English, not without the aid of the intelligence service of the Dutch resistance movement. In my opinion the Reich Marshal was right in ordering that they be moved to the Reich. This was done. Why no indemnity was paid I do not understand, for I had issued an order that all such demands had to receive full indemnification, but perhaps the German concern relinquished its partnership.

DR. STEINBAUER: The charge is further made that you turned over the essential transportation means of the Netherlands to the Reich.

SEYSS-INQUART: I could not in substance dispose of the means of transportation; that was the concern of the transport command of the Armed Forces. Once I merely took part in demanding 50,000 bicycles-there were 4,000,000

bicycles in the Netherlands-for the mobilization of troops in the Netherlands themselves.

DR. STEINBAUER: Another charge is that you had art objects removed from public museums and collections.

SEYSS-INQUART: I most painstakingly took care that famous art objects, especially pictures, in the Dutch public museums of Amsterdam, Mauritshuis, and so forth were especially protected. But it is possible that loans to these museums which belonged to Jewish persons were claimed in connection with the liquidation of Jewish property. There was just one case. A Kruller Foundation existed in the Netherlands which was willed to the Netherlands State. Without my permission three pictures from this foundation were taken to the Reich, for which I later concluded a contract for sale with the museum authorities. I endeavored to replace these pieces for the museum. They procured some beautiful Van Goghs and a Corre from the German treasure list, and the head of the museum once told me that the new pictures fitted better into the museum than the old ones. The famous paintings were in a bombproof shelter on the Dutch coast. When the coast was declared a fortified area, I induced the Dutch authorities to have a new shelter built near Maastricht. The pictures were taken there, always under Dutch care. No German had anything to do with it. In the fall of 1944 Dr. Goebbels demanded that the pictures be taken to the Reich. I definitely refused this and had reliable guards placed at the shelter, and also sent an official from the Dutch Ministry who was authorized to hand over the pictures to the approaching enemy troops. I was convinced

that the Dutch Government in England would see to it that these pictures remained in the Netherlands.

DR. STEINBAUER: Did you yourself acquire any pictures?

SEYSS-INQUART: I did not buy any pictures for myself in the Netherlands, except for two or three small etchings by a contemporary artist. As Reich Commissioner I bought pictures by contemporary artists at exhibitions when I liked them and when they seemed worth the price and were offered for sale. I also bought old pictures and gave them to public institutions in the Reich, especially to the Museum of Art History in Vienna and the Reich Governor's office in Vienna. They were all purchases on the open market, as far as I am informed. Among them was a picture attributed to Vermeer, although it was contested. On the other hand I acquired an authentic Vermeer for the Dutch State by preventing its sale to the Reich.

THE PRESIDENT: Dr. Steinbauer, there is no specific charge against this defendant of having bought pictures.

DR. STEINBAUER: It was mentioned in the trial brief. May I continue? Let us conclude this question.

THE PRESIDENT: We do not want details about it. It is sufficient if he told us that he paid for the pictures. He need not give us details about the pictures.

DR. STEINBAUER: I will go on to the next question. I submit to you Document RF-136. It describes the confiscation of the property of Her Majesty, the Queen of the Netherlands.

SEYSS-INQUART: To tell the full truth, I must add something to the previous question. Pictures and art objects from Jewish fortunes or from enemy fortunes, when there

was a reason for it, were liquidated and sold in the Reich. In this connection a very lively free trade developed with the participation of the Dutch art dealers, doubtless favored by the free transfer of foreign currency.

DR. STEINBAUER: Now I should like to go on to the question of the royal property, RF-136. What do you know about the order for the liquidation of this property?

SEYSS-INQUART: I myself ordered this liquidation. In the Netherlands we, of course, had an order to confiscate enemy property, as in all occupied territories. When we came to the Netherlands, the royal property was merely placed under trusteeship, without any steps being taken to seize it. Right after the outbreak of the campaign in the East, the Queen of the Netherlands spoke personally on the radio in a very antagonistic manner, severely accusing the Fuehrer and making an express appeal for active resistance. In view of this state of affairs the property of any Dutch citizen might have been confiscated. I therefore decided to proceed in this case in the same way in order to prevent an excessive extension of this measure as had been demanded of me, while having the conviction that I could not make any exceptions. I myself, as I said, signed the order for confiscation, in order not to implicate anybody else.

DR. STEINBAUER: What instructions did you give in the course of the liquidation?

SEYSS-INQUART: I immediately issued liquidation orders which in practice prevented the liquidation being carried out. I ordered estates or castles to be turned over to the Netherlands State-with the exception of one apartment house, I believe-and likewise bonds and securities and

archives, and that all historic or artistic or otherwise valuable furniture be selected by a Dutch commission so that the Netherlands State could take it over. The commission included almost everything at all possible in its list. I realized that and did not strike out one piece. In particular, I had the historical installations at Soestdyk and Huis ten Bosch turned over in full, although Berlin wanted the Huis ten Bosch installation as a memorial to the people of Brandenburg. Finally, even the personal things...

THE PRESIDENT: I do not think that the defendant need make this quite so detailed, Dr. Steinbauer. He has made the point that some of the things were turned over to the Netherlands State.

DRY STEINBAUER: Then I should like very briefly to ask in this connection: Do you know to what extent the property was actually liquidated?

SEYSS-INQUART: I had a survey given to me. It was reported to me that 3, or at the most, 5 percent of the property was actually liquidated.

DR. STEINBAUER: Thank you, that is enough.

SEYSS-INQUART: The proceeds were turned over to a fund for the repairing of war damages.

DR. STEINBAUER: Now I shall proceed to the question of the confiscation of factories and raw materials. Who undertook this confiscation?

SEYSS-INQUART: I may refer to my previous statements. From the late summer of 1944 on, this was done primarily by the economic field commands. There are individual documents available with notations referring to me. There were many unauthorized confiscations. People came from

the Reich with trucks and began to take away machinery. Together with the Armed Forces commander and the Higher SS and Police Leader I ordered that the strictest measures be taken against these methods.

DR. STEINBAUER: In this connection I should like to refer to two documents which I submitted but which I shall not read in order to save time. These are Documents Number Wand 81, Pages 205 and 208. It can be seen from these that this was a task of the Armed Forces; that these confiscations were all carried out by the occupation forces.

In Document RF-137, Witness, the charge is made that the removal of furniture and clothing from Arnhem was sanctioned by you.

SEYSS-INQUART: The charge is correct. The situation was as follows: The front was directly south of Arnhem. There were three or four resistance lines built in Arnhem proper. The city had been completely evacuated. It was being shelled and installations and goods in Arnhem were gradually being ruined in the course of the winter. The Fuehrer ordered at that time through Bormann that textiles, particularly, be brought from the Netherlands for German families who had suffered bomb damage. Without any doubt the furniture and the textiles in Arnhem would probably either have been looted or would have been ruined by the weather or would have been burned in a battle at Arnhem. Although it was not in my territory but at the front and the executive power thus lay with the Armed Forces, I gave my approval that under the circumstances furniture and textiles be brought to the Ruhr area. I ordered at the same time that

the items be listed for indemnification claims. I believe that Dr. Wimmer can confirm this as a witness.

DR. STEINBAUER: I believe we can conclude that.

SEYSS-INQUART: The charge is also raised against me that I blew up safes. I opposed this most strongly. When such a case was reported to me, I had my prosecuting authority issue the indictment and the order for arrest.

DR. STEINBAUER: Now I shall go on to the next question. How about the blowing up and destruction of ports, docks, locks, and mines in the Netherlands?

SEYSS-INQUART: Blastings were undertaken at the moment when the Netherlands again became a theater of war. As for port and dock installations and shipyards, the following is important: The port of Antwerp fell almost undamaged into the hands of the enemy. I believe that that was of decisive importance for the further development of the offensive. Thereupon the competent military authorities in the Netherlands began to blow up such installations as a precautionary measure. I am only acquainted with the fact, not with the details; and I refused to watch the explosions. But my commissioner and I intervened with the Armed Forces offices, and I believe that in Rotterdam half of the installations were not blown up. This is shown by the Dutch reports. I had nothing whatever to do with the matter, aside from this intervention.

When the English reached Limburg, an order was issued to blow up the mines as being vital for war. I inquired with Reich Minister Speer about this, and he issued an order not to blow them up but only to put them out of commission for

3 or 4 months. The orders were issued to this effect. I hope that they were not violated.

DR. STEINBAUER: We have heard in this Trial of "scorched earth" policy. Did that apply to the Netherlands also?

SEYSS-INQUART: I received a "scorched earth" order from Bormann. Without there being a military necessity for it, all technical installations were to be blown up. That meant, in effect, the destruction of Holland, that is, the western Netherlands. If explosions are carried out in 14 or 16 different places in Holland the country will be entirely flooded in 3 or 4 weeks. I did not carry out the order at first; instead I established contact with Reich Minister Speer. I had a personal meeting with him on 1 April in Oldenburg. Speer told me that the same order had been given in the Reich; but that he was frustrating it, that he now had full authority in this matter, and that he agreed that the order should not be carried out in the Netherlands. It was not carried out.

DR. STEINBAUER: Now, to another chapter. Floods did occur. Did you have anything to do with them?

SEYSS-INQUART: I know about this, and in a certain connection I did have something to do with it.

There were previously prepared floodings by the Armed Forces for defense purposes and there were so-called "battle" floorings, which suddenly became necessary in the course of battle. The prepared ones were carried out in closest contact with my office and the Dutch offices. Through their intervention, about half of the area demanded was spared and saved. The flooding was done mostly with fresh water so that less damage would occur, and the outer dikes were spared. There were two battle floorings in

Holland, at the order of the commander of Holland. The Wieringer Polder was mentioned in particular. At that time there was great danger of a troop landing from the air which would outflank the Dutch defense front. I was not actually informed of the execution of the battle floorings. The commander had decided on it overnight.

When, on 30 April, I talked to Lieutenant General Bedell Smith, General Eisenhower's Chief of the General Staff, he told us: "What has been flooded so far can be justified from the military point of view; if you flood any more now, it is no longer justifiable."

After 30 April there were no more floorings.

DR. STEINBAUER: In this connection I should like to refer to Document 86, Page 221, without reading it. It shows that these floodings were of a purely military character.

Another charge which was made against you, Witness, is the question of the food supply for the Netherlands population. What measures did you take to maintain the food supply of the Dutch people?

SEYSS-INQUART: The food question in the Netherlands was doubtless the most difficult question of the whole administration; and I believe, because of the special aspects of the case, it was one of the most difficult in all the occupied territories.

In the Netherlands there is a density of population of 270 people per square kilometer, in Holland specifically there are more than 600 per square kilometer to be fed. The food economy is highly cultivated as a processing economy dependent upon the importation of hundreds of thousands of tons of food. With the occupation and the blockade all

that had disappeared. The whole food economy had to be put on a new basis, as well as the production of food for immediate human consumption. It was certainly a great achievement of Dutch agriculture and its leadership that this was successful. However, I may say that my experts aided very effectively, and we got a great deal of support from the Reich.

Food distribution in the Netherlands was also very carefully regulated, more so almost than in any other occupied territory. The most important thing for me was to maintain this food system, although its leader, Generaldirektor Louwes, and his entire staff of helpers were definitely hostile to the Germans. Against the will of the Reich Central Office, I nevertheless retained him, because otherwise I would not have been able to bear the responsibility for the nourishment of the people.

DR. STEINBAUER: Did you also deliver food to the Reich?

SEYSS-INQUART: Yes, the troops, above all, claimed the right to live off the land, I believe, but grain was supplied from the Reich to an extent of 36,000 tons, vegetables being demanded in exchange. The Reich demanded in addition more vegetables and also the delivery of cattle, canned meat, seeds, and some other products. Vegetables and meat would not have made so much difference, but the seeds caused trouble. I am convinced that the Dutch food system did its utmost to prevent deliveries.

DR. STEINBAUER: I believe that that is enough on this theme, and I should like to ask how the general food situation was in the fall of 1944?

SEYSS-INQUART: During most of the occupation period we had a caloric value at first of 3,000, and then of about 2,500 calories; and in 1944 about 1,800 calories. Experience today will show what that meant.

In September of 1944 the Netherlands became a theater of war again. At about the time that the first British airborne divisions landed at Arnhem, a general strike of the Dutch railroads began on order of the Dutch Government in England; and it was carried out almost completely. At the same time ships vanished from the internal waterways. It was not a formal strike, but it amounted to the same thing.

Through this situation the defense possibilities for the German Armed Forces were most severely endangered. The German Armed Forces then began to confiscate ships and, in effect, interrupted all traffic. I got in touch with the Armed Forces and was told that if the railroad strike stopped they would not have to proceed so rigorously. I reported this to Secretary General Hirschfeld and Generaldirektor Louwes. No result was achieved, and I had to consider how I could restore shipping. I discussed it with the Armed Forces, and I suggested that I would give them 3 or 4 weeks' time in which they could secure their necessary shipping space. Out of about 2 million tons available, they needed 450,000 tons. During this time I forbade all ship traffic, because the Armed Forces was confiscating all ships anyhow. I permitted traffic of small ships in Holland.

THE PRESIDENT: How is all this relevant to the charges made against the defendant?

DR. STEINBAUER: The Report of the Netherlands Government, which the Prosecution also mentioned, states

in great detail that the defendant, as Reich Commissioner, is responsible for the famine which began in September of 1944 and lasted until the spring of 1945 and for the great mortality, especially of children-whole tables of statistics have been submitted-because, on the occasion of the shipping and railroad strike, he prohibited the importing of food. That is one of the most important and serious charges made against him. I have asked for witnesses on this subject, and perhaps I might cut it short now so that the witnesses may speak about it.

SEYSS-INQUART: I should like to be allowed to comment on this matter. This is the charge which seems the most serious to me, too.

DR. STEINBAUER: Perhaps we can have a brief recess now, if Your Honor agrees.

10E PRESIDENT: Very welt

[A recess was taken.]

DR. STEINBAUER: In the Government Report it is asserted that at the time 50,000 Dutch people died of starvation; and, therefore, I should like to ask you what reason you had for establishing this traffic embargo at that time?

SEYSS-INQUART: I believe I have already explained that in the main. The traffic situation was such that the Wehrmacht had to make sure of its shipping space. As long as it did that there was no ship traffic as such possible. I wanted to limit this to as short a period of time as possible so that afterwards ship traffic could again be assured and Holland regularly supplied with food. Ship traffic was not interrupted primarily by my embargo, but rather-the witnesses will

confirm this-by the fact that all ships that could be found were confiscated. Naturally, I asked myself whether the Dutch food supply would be endangered; and I said to myself that the Dutch people themselves were responsible for this state of emergency, and that the military interests of the Reich were, anyhow, equally important. I thought that if in the second half of October I could establish an orderly ship traffic, then, according to my experience, I would have 2 months' time in which to take care of the food supply for the Dutch people. Then I could bring in between 200,000 and 250,000 tons of food. And that would be sufficient to maintain rations of 1400 to 1800 calories. I believe I can recollect that between 15 and 20 October I gave the order to establish ship traffic again.

DR. STEINBAUER: And what did you do?

SEYSS-INQUART: Ship traffic was not established because the Dutch traffic authorities, for the most part, had disappeared, perhaps because they were afraid that they would be made responsible for the general railroad strike. For weeks on end our efforts were fruitless; and finally I talked with Secretary General Hirschfeld and gave him complete authority, particularly...

THE PRESIDENT: Dr. Steinbauer, the Tribunal does not think that this matter can be gone into extreme detail like this.

DR. STEINBAUER: Witness, perhaps you can be very brief about this and tell us what you did to alleviate conditions.

SEYSS-INQUART: I am practically finished. I gave Secretary General Hirschfeld full authority in the field of transportation. He then, although very hesitantly, re-

established traffic. He will confirm that I supported him in every possible way. Food supplies were brought into Holland. But many weeks had passed in vain. Within my sector, I then provided additional aid, about which witness Van der Vense and, I believe, witness Schwebel can give you information in their interrogatories.

DR. STEINBAUER: Now, I should like to submit as the next document an affidavit deposed by the witness Van der Vense. It has just arrived, but the translations are already finished and will probably be given to the Tribunal this afternoon or tomorrow morning. I shall now submit the original I do not believe it necessary to read this document which has been translated into four languages. It describes exclusively the food situation in this critical period of time.

SEYSS-INQUART: May I also call your attention to the fact that the Dutch Government...

THE PRESIDENT: What is the number of it?

DR. STEINBAUER: Number 105.

SEYSS-INQUART: . . . that the Dutch Government changed the figure of 50,000 deaths to the correct one of 25,000.

DR. STEINBAUER: Now I shall turn to the last period of your activity as Reich Commissioner. I should like to ask you, when did you realize that military resistance in the Netherlands was in vain?

SEYSS-INQUART: That we had to reckon with the possibility that Germany might not win the war will be seen in my letter to the Fuehrer in 1939. Actual fear that this might happen arose at the time of Stalingrad. Therefore one had to consider that possibility, and in due time I feared that things would take this turn; I definitely and reliably knew it