

# Cross Examination of Ernst Kaltenbrunner

Ernst Kaltenbrunner, (born Oct. 4, 1903, Ried im Innkreis, Austria-Hungary—died Oct. 16, 1946, Nürnberg, Ger.), Austrian Nazi, leader of the Austrian SS and subsequently head of all police forces in Nazi Germany.

Following the assassination of Reinhard Heydrich in June 1942, Kaltenbrunner was picked by Heinrich Himmler to head Germany's Reich Security Central Office (RSHA) in January 1943. As such, he was in charge of both the Gestapo and the system of Nazi concentration camps scattered throughout Europe.

Kaltenbrunner controlled the administrative apparatus for carrying out the extermination of European Jewry in 1943–45. He was taken prisoner by U.S. troops on May 15, 1945, and was indicted on charges of war crimes by the International Military Tribunal at Nürnberg.

Friday, 12 April 1946

THE PRESIDENT: Does the Prosecution wish to cross-examine?

COL. AMEN<sup>1</sup>: Defendant, in order to shorten as much as possible the time of this cross examination, I want to be sure that we understand each other as to just what your position is as to several specific items.

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Now, first, you concede that you held the title of Chief of the RSHA and Chief of the Security Police and SD from the end of January 1943 up to and including the end of the war. Is that correct?

KALTENBRUNNER: Yes, it applies with those limitations which I enumerated yesterday with regard to my authority in the State and Criminal Police.

COL. AMEN: And when you speak of those limitations, you are referring to this supposed understanding with Himmler? Is that correct?

KALTENBRUNNER: It was not a supposed understanding with Himmler but a well-established fact which existed from the very first day, that I had the task of establishing a centralized intelligence service in the Reich and that he would retain command in the other sectors.

COL. AMEN: Well, in any event, you concede that you held that title, but you deny that you exercised some of the powers? Correct?

KALTENBRUNNER: Yes.,

COL. AMEN: And this title which you held was the same title which was previously held by Heydrich, who had died on 4 June 1942? Is that correct?

KALTENBRUNNER: Yes.

COL. AMEN: There was no change in title?

KALTENBRUNNER: No.

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<sup>1</sup> Colonel John Harlan Amen (September 15, 1898 – March 10, 1960) was a lawyer and United States Army Intelligence officer, who served as Nuremberg Prison Chief Interrogator during the Nuremberg War Crimes Trials.

COL. AMEN: And you testified that you assume responsibility for all of the things which you did personally or knew about personally. That is correct, is it not?

KALTENBRUNNER: Yes. I could add one thing, that my title was extended on 14 February 1944, when the Military Intelligence Service of the OKW, Amt Abwehr, was transferred to Himmler by Hitler. Then my title as Chief of the entire Reich Central Intelligence Service became known in other departments.

And I might add also, perhaps, that the capacity of a man or his duties in an intelligence service which not only comprised a big country like the Reich but also extended to foreign countries were not made public. I might refer to England, where the Chief of the Secret Service over other...

COL. AMEN: Defendant, will you please try to confine yourself to answering my questions "yes" or "no" whenever possible, and making only a brief explanation, because we will come to all these other things in due time. Will you try to do that?

KALTENBRUNNER: Yes, very well.

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COL. AMEN: Did you have any personal knowledge or anything personal to do with any of the atrocities which occurred in concentration camps during the war?

KALTENBRUNNER: No.

COL. AMEN: And therefore you assume no responsibility before this Tribunal for any such atrocities? Is that correct?

KALTENBRUNNER: No, I do not assume any responsibility in that regard.

COL. AMEN: And, in that connection, such testimony as has been given here, by Hollriegel for example, to the effect that you witnessed executions at Mauthausen, you deny? Is that correct?

KALTENBRUNNER: I was already told yesterday of the testimony of Hollriegel. I consider the statement that I ever saw a gas chamber, either in operation or at any other time, wrong and incorrect.

COL. AMEN: Very good. You had no personal knowledge of and did nothing personal about the program for the extermination of Jews; is that correct-except to oppose them?

KALTENBRUNNER: No-except that I was against it. From the moment I knew of this as facts and had convinced myself of it, I raised objections with Hitler and Himmler, and the final result was that they were stopped.

COL. AMEN: And therefore you assume no responsibility for anything done in connection with the program for the extermination of the Jews, right?

KALTENBRUNNER: Yes.

COL. AMEN: And does the same thing apply to the program for forced labor?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies, does it not, to the razing of the Warsaw Ghetto?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies to the execution of 50 fliers in connection with Stalag Luft III?

KALTENBRUNNER: Yes.

COL. AMEN: And the same thing applies to the various orders with respect to the killing of enemy fliers, correct?

KALTENBRUNNER: Yes.

COL. AMEN: And, as a matter of fact, you made all these same denials in the course of your interrogations before this Trial, correct?

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KALTENBRUNNER: Yes.

COL. AMEN: And you still make them today?

KALTENBRUNNER: Yes. But as far as the preliminary interrogations are concerned, may I make a statement again in the course of the cross-examination?

COL. AMEN: Well, when we come to the proper place let us know.

Is it or is it not a fact that the Gestapo, Amt IV, RSHA, prepared reports on concentration camps which were submitted to you for signature and then passed on to Himmler?

KALTENBRUNNER: No. I do not recall any such reports. The normal channel was that Muller reported to Himmler directly.

COL. AMEN: Do you likewise deny . . .

KALTENBRUNNER: I would like to add that of course certain matters existed of which I had to be informed for several reasons, for instance the great domestic political event, the plot of 20 July 1944 of course; I was informed in such cases, not through Amt IV but through...

COL. AMEN: I am speaking of the general course of activity and not of any special exceptions, you understand.

KALTENBRUNNER: Yes.

COL. AMEN: You likewise deny that Muller, as chief of Amt IV, always conferred with you with respect to any important documents?

KALTENBRUNNER: Yes. I not only deny it but the facts speak against it. He had direct authority from Himmler. He had no reason to discuss this matter with me beforehand.

COL. AMEN: I ask that the defendant be shown a document, L50, which will become Exhibit Number USA-793.

*[The document was submitted to the defendant.]*

THE PRESIDENT: Hasn't this been put in before?

COL. AMEN: No, Your Lordship, I am told it has not.

*[Turning to the defendant.]* By the way, were you acquainted with Kurt Lindow, who makes this affidavit dated 2 August 1945?

KALTENBRUNNER: No.

COL. AMEN: Although he was an official in the RSHA until 1944? Let us read together Paragraphs 2 and 4 only. I won't take the time of the Tribunal to read Paragraphs 1 and 3. 2, you will note, reads as follows:

"On the basis of general experience as well as individual cases I can confirm that the Gestapo (Amt IV) wrote reports

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about practices of the administrative authorities in the concentration camps and that these were given by the Chief of Amt IV to the Chief of the Security Police who submitted them for signature to Reichsfuehrer Himmler."

KALTENBRUNNER: May I reply to that immediately? It might be important perhaps to read Paragraph 1, too.

COL. AMEN: Please make it as brief as you can.

KALTENBRUNNER: Paragraph 1 seems to be important to read, for in Paragraph 1 it is said that the witness Lindow, from 1938 until 1940, was in the section in which such reports were written. From 1940 to 1941 he was in counterespionage; in 1942 and 1943 he was in the section for combating of Communism; and later he was in the section for educational matters. I believe, therefore, that his testimony in Paragraph 2-that he knew of the custom of the State Police, that is that via the Chief of Department IV, through the Chief of the Security Police, reports were sent to Himmler about happenings in concentration camps-holds true only for the period 1938 to 1940. Judging from his own testimony, he has no personal experience about the later periods.

COL. AMEN: Well, in other words he is not telling. the truth as it was at the time when you were active in RSHA; correct?

KALTENBRUNNER: I have not read anything about that. He maintains that...

COL. AMEN: I am calling your attention to two paragraphs. We have already covered 2, and now we will read 4:

"To my knowledge no chief of office or any of the officials of the RSHA authorized to sign had the right to sign in any fundamental affairs of particular political significance without consent of the Chief of the Security Police, not even during his temporary absence. From my own experience I can furthermore declare that particularly the Chief of Office IV, Muller, was very cautious in signing documents concerning questions of a general nature of possibly greater importance, and that he put aside documents of such nature in most cases for the return of the Chief of the Security Police, whereby, alas, often much time was lost."-Signed-"Kurt Lindow."

KALTENBRUNNER: Yes. I would like to make two statements: First, this assertion is completely contrary to the testimony of several witnesses who spoke of the extraordinary authority and independence exercised by Muller and testified to it.

Secondly, the description of Lindow is applicable to that period of time in which Heydrich was active, that is, the time between 1938 and 1940, in which Lindow could obtain experience. But this

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does not apply to the period in which Himmler gave direct orders to Muller. That was Himmler's prerogative, for my tasks were of such scope that it was almost impossible for one man to handle the work that I did.

COL. AMEN: I don't want to spend too much time 'on it now, Defendant, but the paragraphs which I read you conform to the testimony of Ohlendorf before this Tribunal, do they not?

KALTENBRUNNER: The testimony as given by Ohlendorf was shown to me yesterday by my counsel. But also the testimony as given by Ohlendorf, I believe, leads us. clearly to see that any executive order, even for protective custody-and he used the term "down to the last washerwoman"-needed the direct consent of Himmler, who could delegate this authority only to Muller. He did add, however, that he did not know whether my authority suffered any such restrictions and whether, perhaps, I might not have had such powers, but he could not state that with certainty. And the rest of his testimony contradicts the assumption that I had such broad authority.

COL. AMEN: We all know what Ohlendorf's testimony was. I merely want to ask you if you accept the testimony of Ohlendorf. You told us in the course of interrogations that you had the most contact with Ohlendorf and that you would trust him to tell the truth before any of your other associates; is that not correct?

KALTENBRUNNER: I do not recall the last statement. The first statement, that he was one of my chief collaborators, is justified and is proved by the fact that he was chief of the Intelligence within Germany, which became a part of my Intelligence Service. All domestic political reports, reports about all German spheres of life, I received mostly from this Amt III, in addition to the news from the other departments which I organized myself.

COL. AMEN: Shortly after Easter 1934 you were under arrest in the Kaisersteinbruch Detention Camp?

KALTENBRUNNER: What year did you say, please?

COL. AMEN: 1934.

KALTENBRUNNER: Yes, from 14 January until the beginning of May.

COL. AMEN: Did you ever, in company with other SS functionaries, make an inspection of the Mauthausen Camp?

KALTENBRUNNER: With other SS officials, no. To my recollection I went there alone and had to report there to Himmler, who, as I stated yesterday, was conducting an inspection tour through southern Germany.

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COL. AMEN: And you went only in the quarry? Right?

KALTENBRUNNER: Yes.

COL. AMEN: Were you acquainted with Karwinsky, the State Secretary in the Dollfuss and Schuschnigg Cabinets from September 1933 to October 1935-Karwinsky?

KALTENBRUNNER: I saw Karwinsky once. I believe he visited us in the Kaisersteinbruch Detention Camp at that time during our hunger strike. Otherwise I never saw him. It might be that one of his representatives visited us. That I cannot say.

COL. AMEN: I ask that the defendant be shown Document Number 3843-PS, which will be Exhibit Number USA-794. I would like to say to the Tribunal that there is rather objectionable language in this exhibit but I do feel that in view of the charges against the defendant, I do feel it is my duty to read it nonetheless.

*[The document was submitted to the defendant.]*

If you will turn to Page 3, defendant.

KALTENBRUNNER: On Page 3 there are just a few lines. May I read the entire document first, please?

COL. AMEN: It would take much too much time, Defendant. I am only interested in the paragraph which is on Page 3 of the English text, and commences, "Shortly after Easter..." Do you have it?

KALTENBRUNNER: Yes.

COL. AMEN: "Shortly after Easter 1934 I received the news that the prisoners in the Kaisersteinbruch Detention Camp had gone on hunger strike. Thereupon I went there myself, in order to inform myself about the situation. While comparative calm and discipline prevailed in most of the barracks, one barrack was very disorderly. I noticed that one tall man seemed to be the obvious leader of the resistance. This was Kaltenbrunner, at that time a candidate for attorney-at-law, who was under arrest because of his illegal activity in Upper Austria. While all the other barracks gave up their hunger strike after a talk which I had with representatives of the prisoners, the barracks under Kaltenbrunner persisted in the strike.

"I saw Kaltenbrunner again in the Mauthausen Camp, when I was severely ill and lying on rotten straw with several hundred other seriously ill persons, many of them dying. The prisoners, suffering from hunger oedemata and from the most serious intestinal sicknesses, were lying in unheated barracks in the dead of winter. The most primitive sanitary facilities

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were lacking. The toilets and the washrooms were unusable for months. The severely ill persons had to relieve themselves in little marmalade buckets. The soiled straw was not renewed for weeks, so that a stinking liquid was formed, in which worms and maggots crawled around. There was no medical attendance or medicines. Conditions were such that 10 to 20 persons died every night. Kaltenbrunner walked through the barracks with a brilliant suite of high SS functionaries, saw everything, must have seen everything. We were under the illusion that these inhuman conditions would now be changed, but they apparently met with Kaltenbrunner's approval for nothing happened thereafter."

Is that true or false, Defendant?

KALTENBRUNNER: I can refute this document, evidently presented in order to surprise me, in every point.

COL. AMEN: I ask you-first, I ask you to state whether it is true or false?

KALTENBRUNNER: It is not true and I can refute each detail.

COL. AMEN: Make it as brief as possible.

KALTENBRUNNER: It is not possible to me to take less time in refuting it, Mr. Prosecutor, than you took in reading it. I have to refute each word which is incriminating me. Here Karwinsky maintains . . .

COL. AMEN: Just a moment. Perhaps you will wait until I have read to you two more exhibits I have along the same line. Then perhaps you can make your explanation of all three at the same time. Is that satisfactory to you?

KALTENBRUNNER: As you wish.

COL. AMEN: I ask that the defendant be shown Document Number 3845-PS, which will become Exhibit Number USA-795.

*[The document was handed to the defendant.]*

You have already denied, I believe, having visited or going through the crematorium at Mauthausen; correct?

KALTENBRUNNER: Yes.

COL. AMEN: Do you know Tiefenbacher, Albert Tiefenbacher?

KALTENBRUNNER: No.

COL. AMEN: If you have the document you will note that he was at Mauthausen Concentration Camp from 1938 until 1 May 1945 and that he was employed in the crematorium at Mauthausen for 3 years as carrier of dead bodies. You note that?

KALTENBRUNNER: Yes.

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COL. AMEN: Now, passing to the lower half of the first page, you will find the question:

"Do you remember Eigruber?

"Answer: Eigruber and Kaltenbrunner were from Linz. "Question: Did you ever see them in Mauthausen?

"Answer: I saw Kaltenbrunner very often.

"Question: How many times?

"Answer: He came from time to time and went through the crematorium.

"Question: About how many times? "Answer: Three or four times.

"Question: On any occasion when he came through, did you hear him say anything to anybody?

"Answer: When Kaltenbrunner arrived most prisoners had to disappear. Only certain people were introduced to him."

Is that true or false?

KALTENBRUNNER: That is completely incorrect.

COL. AMEN: Now I will show you the third document and then you can make a brief explanation. I ask that the defendant be shown Document Number 3846-PS which will become Exhibit Number USA-796.

*[The document was handed to the defendant.]*

I might ask you, Witness, do you remember ever having witnessed a demonstration of three different kinds of executions at Mauthausen at the same time? Three different kinds of execution?

KALTENBRUNNER: No, that is not true.

COL. AMEN: Are you acquainted with Johann Kanduth who makes this affidavit?

KALTENBRUNNER: No.

COL. AMEN: You will note, from the affidavit, that he lived in Linz; that he was an inmate of the concentration camp at Mauthausen from 21 March 1939 until 5 May 1945; that besides the work in the kitchen he also worked in the crematorium from 9 May, and he worked the heating for the cremation of the bodies. Now, if you will turn to the second page, at the top:

"Question: Have you ever seen Kaltenbrunner at Mauthausen on a visit at any time?

"Answer: Yes.

"Question: Do you remember when it was? "Answer: In 1942 and 1943.

"Question: Can you give it more exactly, maybe the month?

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"Answer: I do not know the date.

"Question: Do you remember only this one visit in the year 1942 or 1943?

"Answer: I remember that Kaltenbrunner was there three times.

"Question: What year?

"Answer: Between 1942 and 1943.

"Question: Tell us, in short, what did you think about these visits of Kaltenbrunner which you described? That is, what did you see, what did you do, and when did you see that he was or was not present at such executions?

"Answer: Kaltenbrunner was accompanied by Eigruber, Schulz, Ziereis, Bachmeyer, Streit-vieser, and some other people. Kaltenbrunner went laughing into the gas chamber. Then the people were brought from the bunker to be executed, and then all three kinds of executions: hanging, shooting in the back of the neck and gassing, were demonstrated. After the dust had disappeared we had to take away the bodies.

"Question: When did you see the three different kinds of executions? Were these just demonstrations or regular executions?

"Answer: I do not know if they were regular executions, or just demonstrations. During these executions, besides Kaltenbrunner, the bunker leaders, Hauptscharfuehrer Seidel and Duessen, were also present. The last named then led the people downstairs.

"Question: Do you know whether these executions were announced for this day or if they were just demonstrations or if the executions were staged just for pleasure of the visitors?

"Answer: Yes, these executions were announced for this day.

"Question: How do you know that they were set for this day? Did somebody tell you about these announced executions?

"Answer: Hauptscharfuehrer Roth, the leader of the crematorium, always had me called to his room and said to me, 'Kaltenbrunner will come today and we have to prepare everything for the execution in his presence.' Then we were obliged to heat and to clean the stoves."

KALTENBRUNNER: May I answer?

COL. AMEN: Is that true or false, Defendant?

KALTENBRUNNER: Under my oath, I wish to state solemnly that not a single word of these statements is true. I might start with the first document.

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COL. AMEN: Could you note, Defendant, that none of these affidavits were taken in Nuremberg, but that they all appeared to have been taken outside of Nuremberg in connection with an entirely different proceeding or investigation. Did you note that?

KALTENBRUNNER: No, but it is irrelevant as far as the testimony itself is concerned. May I now start to talk about this document?

COL. AMEN: Yes, go ahead.

KALTENBRUNNER: The Witness Karwinsky states having seen me in the year 1934 in connection with the hunger strike in the Kaisersteinbruch Detention Camp. He singles out the barracks in which disorders were taking place at which a tall man, meaning myself, was present. According to him, I was interned there because of my illegal activity in Austria. As far as these statements are concerned, up to now, they are completely wrong.

First of all, I was not interned there because of National Socialist activities. The note of imprisonment we had received in writing, which must have been known to Herr Karwinsky, who was then Austrian State Secretary for Security, stated literally that we were arrested to prevent us from performing National Socialist activities. So there was no prohibited activity at this time charged against me. Then, further, when Karwinsky came, the hunger strike was in its ninth day. We had not...

COL. AMEN: May I interrupt you just a moment, Defendant. I am perfectly satisfied if you testify that these statements are false. If you are satisfied, I am perfectly satisfied with that answer. I do not need an explanation of all of these paragraphs when we have no way of Verifying what you say.

KALTENBRUNNER: Mr. Prosecutor, I cannot be satisfied if the High Tribunal and the whole world is presented with testimony and documents which are pages long and which you contend are the truth, and which incriminate me in the gravest manner. I must certainly have the opportunity to answer with more than "yes" or "no." I simply cannot just like some callous criminal only. ..

THE PRESIDENT: You'd better let him go on. We do not want to argue about it. Go on, make your comments on the document.

KALTENBRUNNER: Karwinsky arrived on the eighth day of the hunger strike. He did not come into our barracks, but we were brought on stretchers into the administrative building of this Austrian detention camp. None of us were even able to walk any more. And for this fact, there are a great many more witnesses-490 internees who had been confined in this camp with me. Karwinsky talked with us in this administration building and stated that if the hunger strike were to stop the Government would be willing to consider a dismissal of all internees. We had been interned without

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having committed any offense at all, and prior to that the Government had already given their promise three times to release us but had never kept these promises.

Therefore, we requested a written statement from Karwinsky, either signed by him or signed by the Federal Chancellor. We wanted this statement so that we could believe the promise, then we would immediately end the strike. He refused. The hunger strike went on and we were taken to a hospital in Henna. On the 11th day, the hunger strike stopped because even the giving of water was prohibited on that day. These were the facts, and not that we created disorder.

THE PRESIDENT: When I said you could make your comments, I did not mean you could go on giving the details of the hunger strike.

KALTENBRUNNER: My Lord, I just wanted to point out that what has been testified by the witness is incorrect-that I was the leader in the resistance and that I was still in my barracks. I had to be carried on a stretcher all through the camp; none of us could walk any more at that time.

Point 2; I talked with the cousin of Karwinsky again and again later on. His cousin was in charge of the social insurance department at Linz. He told me that his cousin, that is the witness mentioned here, never had been at Mauthausen, that he was at Dachau from the first day of his detention. There is a difference whether it is Mauthausen or Dachau, for he was sent there as a former member of the Austrian Government who had committed crimes against National Socialists. He was arrested by the RSHA, which already existed, I believe by Heydrich in Berlin, and not by some Austrian office. I also never saw this man afterwards. I also never visited Dachau. It should, therefore, be easy to ascertain whether this man was in Dachau from the beginning of his detention or in Mauthausen. If he was in Dachau, as I am charging, then everything is a lie. If he were in Mauthausen, it must be first proved whether he does not confuse me with another man. This first proof, whether he has erred in the person, is not up to me: If the Prosecution endeavor to find out whether he was in Dachau from the very beginning-for I know he was in Dachau; he was arrested in Innsbruck when trying to escape to Switzerland, his cousin had let me know that when asking me to intervene on his behalf. I could not intervene because the man was transported to Dachau directly via Innsbruck-Mittenwald. Thus, he was completely out of my sphere and power as the then State Secretary for Security of the Austrian Government.

THE PRESIDENT: We will adjourn now.

*[The Tribunal recessed until 1400 hours.]*

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*Afternoon Session*

THE PRESIDENT: Colonel Amen, I suppose the defendant wants to say something about these other documents. He had answered the one, had he not?

COL. AMEN: I do not know whether he had finished, Your Lordship.

THE PRESIDENT: *[Turning to the defendant.]* Had you finished with the affidavit or the statement of Karwinsky?

KALTENBRUNNER: Your Lordship, not quite.

THE PRESIDENT: Go on then.

KALTENBRUNNER: I have no longer the document before me and I request that it be given back to me. May I please ask you to return the document to me?

COL. AMEN: Yes, it is coming.

*[The document was submitted to the defendant.]*

KALTENBRUNNER: This document has not been shown to me during previous interrogations before the Trial. Otherwise, I would have immediately answered with a request that the cousin of the witness Karwinsky, who was chief of the Social Insurance Department at Linz and who bears the same name, be called as a witness and be asked whether it is correct that he expressly told me that this Karwinsky was detained at Dachau and never at Mauthausen. May I add that the witness Dr. Skubl, who will appear before the Tribunal in another matter, can probably make a statement on the same matter, particularly regarding the fact that this witness Karwinsky was arrested near the Swiss border when he escaped after the Anschluss and that he was taken from there to Dachau.

The reason he was taken to Dachau is not exactly known to me. but Dr. Skubl will be able to give information on that subject, presumably to the effect that the intention was to prevent any intervention from Austria in connection with this former member of the Austrian Government, since Himmler was of the opinion that something might be attempted by the new Austrian Government in favor of Karwinsky.

THE PRESIDENT: Your counsel can apply to call any witnesses that you want in rebuttal. He can make application for that request. It is not necessary to go into that now.

KALTENBRUNNER: Very good, Your Lordship. I should like to make the following statement regarding the other two documents. I declare their entire contents to be untrue and incorrect. Had they been put before me in the interrogations, then, as I did in other

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cases-I refer to the testimony of the witness Zutter-I would have made an urgent request that this witness be brought face to face with me. Regarding the witness Zutter, at least twice I have asked the prosecutor, who holds the rank of major and is sitting at the table over there next to Colonel Amen, that this witness who is making such serious statements against me be brought face to face with me. Today Prosecutor Colonel Amen was also present when I made that request at the time the question of Mauthausen was discussed. These gentlemen retired to consult with a third officer and discussed in English or not Ziereis and Zutter could be called in. Both are in this prison. All this was untrue.

THE PRESIDENT: I have already told you that your counsel can apply to call any witnesses that you wish in rebuttal.

KALTENBRUNNER: I shall ask my counsel to apply for the calling of those two witnesses.

COL. AMEN: Defendant, who was responsible for the order to kill all inmates at Mauthausen Concentration Camp shortly before the end of the war?

DR. KAUFFMANN: Mr. President, may I say a few words in connection with these two documents? Only now have they been introduced into the Trial for the first time, and only now is it possible for me to discuss these serious accusations with the defendant. He also said to me that he denies the truth of these statements. I think I should be neglecting my duty as a defense counsel if I did not ask immediately that these witnesses be heard. It might be that the Prosecution later on. . .

THE PRESIDENT: Dr. Kauffmann, what is the point of delaying the Trial? I have just said that you might make application and you know perfectly well that application has to be made in writing.

I have said twice to the witness that you, Dr. Kauffmann, his counsel, can apply for the calling of any witnesses you like in rebuttal. What is the good of delaying the Trial by getting up and making your application verbally now?

DR. KAUFFMANN: Far be it from me to cause delay, but I invented to state here and now that I want to call these witnesses and I shall certainly make application in writing.

COL. AMEN: Did you understand the question, Defendant?

KALTENBRUNNER: Yes. You asked me who had given the order for the killing of the inmates at Mauthausen at the end of the war, and to that I reply that such an order is unknown to me. I gave only one order with regard to Mauthausen and that was to the effect that the entire camp and all internees were to be surrendered to the enemy without any ill-treatment. This order was dictated by

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me in the presence of the witness Dr. Hottl, and taken to Mauthausen by a courier-officer. I draw your attention to the statement of Dr. Hottl in which he confirms that fact. A questionnaire has been sent to a second person by my Defense Counsel. I requested a similar statement from him, but it is still unanswered.

COL. AMEN: I did not ask you about that order. I asked you about an order to kill all inmates at Mauthausen Concentration Camp shortly before the end of the war. Who was responsible for that order? Were you?

KALTENBRUNNER: No.

COL. AMEN: You are acquainted with the person who tells the story, Ziereis?

KALTENBRUNNER: Yes, I knew Ziereis.

COL. AMEN: And you had your picture taken with him and with Himmler, and this is now in evidence before this Tribunal. Do you recall that?

KALTENBRUNNER: I have not seen the picture. It was handed to the Tribunal while I was in the hospital.

COL. AMEN: Well, never mind the picture then.

I ask to have the defendant shown Document Number 3870-PS, which will be Exhibit Number USA-797.

Now, if the Tribunal pleases, this is a fairly long document which I do not propose to read at length, but it is one of the more important documents in the case, and so I hope that the Tribunal will read the entire statement, even though I do not bring it all out today in the interest of saving time.

THE PRESIDENT: It is a new document?

COL. AMEN: A new document, Your Lordship.

THE PRESIDENT: Is it in German?

COL. AMEN: Yes.

*[The document was submitted to the defendant.]*

This, you will note, Defendant, refers to a dying confession of Zierys, as reported to the individual making the affidavit, and I call your attention first to the last two paragraphs on the first page, which we will read together:

"There was one SS man for 10 prisoners. The highest number of prisoners was about 17,000, not including the branch camps. The highest number in Mauthausen Camp, the branch camps included, was about 95,000. The total number of prisoners who died was 65,000. The complement was made up of Totenkopf units numbering 5,000 men, comprising guards and the command staff."

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And, now, at the middle of the next page, the paragraph begins:

"According to an order by Reichsfuehrer Himmler, I was to liquidate all prisoners on the instructions of SS Obergruppenfuehrer Dr. Kaltenbrunner; the prisoners were to be led into the tunnels of the Bergkristall works of Gusen and only one entrance was to be left open."

KALTENBRUNNER: I have not yet found the passage.

COL. AMEN: It is in the middle of Page 2. Have you got it?

KALTENBRUNNER: Yes, sir.

COL. AMEN: "Then I was to blow up this entrance to the tunnels with some explosive and thus cause the death of the prisoners. I refused to carry out this order. This meant the extermination of the prisoners in the so-called 'mother camp' c Mauthausen, and in the camps Gusen I and Gusen II. Details of this are known to Herr Wolfram and to SS Obersturmfaehrer Eckermann."

"A gas chamber camouflaged as a bathroom was built in Mauthausen Concentration Camp by order of the former garrison doctor, Dr. Krebsbach. Prisoners were gassed in this camouflaged bathroom. In addition to that, there ran, between Mauthausen and Gusen, a specially built automobile in which prisoners were gassed during the journey. The idea for the construction of this automobile was Dr. Wasiczki's, SS Untersturmfaehrer and pharmacist. I, myself, never put any gas into this automobile; I only drove it. But I knew that prisoners were being gassed. The gassing of the prisoners was done at the request of the physician, SS Hauptsturmfaehrer Dr. Krebsbach."

"Everything that we carried out was ordered by the Reich Security Main Office, Himmler or Heydrich, also by SS Obergruppenfuehrer Muller or Dr. Kaltenbrunner, the latter being Chief of the Security Police."

Then, passing on to Page 5, just below the center of the page, the paragraph commencing, "In the early summer of 1943 . . ." Have you the place?

KALTENBRUNNER: Yes.

COL. AMEN: "In the early summer of 1943, SS Obergruppenfuehrer Dr. Kaltenbrunner visited Mauthausen Concentration Camp. Camp Commandant Ziereis, Gauleiter Eigruber, Chief of the Detention Camp Bachmeyer, and several others accompanied Dr. Kaltenbrunner. I saw Dr. Kaltenbrunner and the people who accompanied him with my own eyes. According to the testimony of the 'corpse carriers' at that time, the

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former prisoners Albert Tiefenbacher"-whose affidavit has been read-"present address Salzburg; and Johann Polster, present address Pottendorf near Wiener-Neustadt, Austria, about 15 prisoners under detention were selected by the detention chief, Unterscharfuehrer Winkler, in order to show Dr. Kaltenbrunner three ways of extermination; by a shot in the neck, hanging, and gassing. Women whose hair had been shorn were among those executed and they were killed by shots in the neck. The above-mentioned 'corpse carriers' were present at the execution and had to carry the corpses to the crematorium. Dr. Kaltenbrunner went to the crematorium after the execution and later he went into the quarry.

"Baldur van Schirach visited the Mauthausen Concentration Camp in the autumn of 1944. He, too, went to the detention building and also to the crematorium."

Do you still say that you had nothing to do with the order referred to or the matters set forth in the affidavit?

KALTENBRUNNER: I maintain that most emphatically, and I want to draw your attention to the fact that you, sir, have said that this statement was taken when Ziereis was on his deathbed, but you did not say that what you read from Pages 7 and 8 does not come from Ziereis, but from Hans Marsalek, who is responsible for these statements. This Hans Marsalek whom, of course, I have never seen in my life, had been an internee in Mauthausen as were the two other witnesses. I have briefly expressed my views as to the value of a statement concerning me from a former concentration camp internee and my inability to speak face to face with this witness who now confronts me, and my application will be made through my counsel. I must ask here to be confronted with Marsalek. Marsalek cannot know of any such order. In spite of that he states that he did.

COL. AMEN: Defendant, Marsalek is merely the individual who took the dying confession from Ziereis. Do you understand that?

KALTENBRUNNER: No, I do not, because thus far it is new to me that the Prosecution were using internees from concentration camps for the interrogation of Ziereis, who had been shot in the stomach three times and was dying. I thought that such interrogations would have been carried out by a man who was legally trained and who would be in a position to attach the right value to such statements.

COL. AMEN: Well, perhaps, Defendant, if you were conducting the Prosecution, you would do it differently; but, in any event, your testimony is that everything in that affidavit which was read to you is false; is that correct?

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KALTENBRUNNER: It is false. I have never given an order to the Mauthausen Camp with the exception of that one order which I was entitled to do on the strength of special powers and for the contents and transmission of which I have offered sufficient evidence. Mauthausen was never under my jurisdiction in any other way, and I could not issue any such orders. The Prosecution know perfectly well,

and it must have been proved to them by dozens of testimonies, that I had never had any authority over Mauthausen.

THE PRESIDENT: Defendant, you do not seem to understand what this document is. It is an affidavit of Hans Marsalek, and Paragraph 2 shows the fact that he made the interrogation of Zierys, who was about to die, in the presence of the commander of an armored division; and he then sets out what Zierys said, and then he goes on to declare, in addition, what is contained in Paragraph 3; and it is perfectly obvious to the Tribunal that what is said in Paragraph 3 is not what Zierys said, but what Marsalek said—the person who was making the affidavit.

KALTENBRUNNER: My Lord, may I say in reply that Marsalek, as an internee in the camp, was of course not in a position to know that Zierys was never under my command. For that reason alone, it appears likely that Marsalek, when he questioned Zierys, could not possibly know the facts of the case. I have proved to the Tribunal, and proved it to the Prosecutor, that authority was not given to me until 9 April.

THE PRESIDENT: Yes, I know; that is only a matter of argument. I was only drawing your attention to the fact that it is perfectly obvious from the document itself that what Colonel Amen was reading was a statement of Marsalek and not a statement of Zierys, which was the point you were making.

COL. AMEN: Defendant, do you recall having given an order to the commandant of the Mauthausen Concentration Camp on the 27th of April 1945, that at least 1,000 persons should be killed at Mauthausen each day? Is that true or false?

KALTENBRUNNER: I have never given such an order. You know . . .

COL. AMEN: Were you acquainted with SS Colonel Zierys, the same person we have just been speaking of?

KALTENBRUNNER: Yes.

COL. AMEN: And were you acquainted with Kurt Becher or Becker, a former colonel in the SS?

KALTENBRUNNER: No.

COL. AMEN: I ask to have the defendant shown Document Number 3762-PS, which will become Exhibit Number USA-798.

*[The document was submitted to the defendant]*

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KALTENBRUNNER: You asked, sir, whether I knew an SS Colonel Becker, and I answered, "No"; but the man is Kurt Becher.

COL. AMEN: That is all the better. You do know him then, do you?

KALTENBRUNNER: I know him, yes.

COL. AMEN: Very good.

THE PRESIDENT: Colonel Amen, have these documents been translated into all languages?

COL. AMEN: I believe they have, every one of them, yes. No, I am told that all of them have not; some of them have. This one is in English and German, Your Lordship. We did not have time to get them translated into the Russian and French, although it is now in process.

THE PRESIDENT: Yes, then it will be done?

COL. AMEN: Yes, Sir; it is being done, yes.

THE PRESIDENT: Very well.

KALTENBRUNNER: May I reply to it?

THE PRESIDENT: In order that the record should be properly complete, the Tribunal would like the Prosecution to state when the translation has been done, so that the matter should be thoroughly in order.

COL. AMEN: Precisely.

Defendant, we will now read this document together:

"I, Kurt Becher, former SS Standartenfuehrer, born 12 September 1909, at Hamburg, declare the following under oath:

"1. Between the middle of September and the middle of October 1944 I caused the Reichsfuehrer SS Himmler to issue the following order, which I received in two originals, one each for SS Obergruppenfuehrer Kaltenbrunner and Pohl, and a copy for myself:

" 'By this order, which becomes immediately effective, I forbid any extermination of Jews and order that, on the contrary, care should be given to weak and sick persons. I hold you'- and here Kaltenbrunner and Pohl were meant-'personally responsible even if this order should not be strictly adhered to by subordinate offices.'

"I personally took Pohl's copy to him at his offices in Berlin and left the copy for Kaltenbrunner at his office in Berlin. Therefore, in my opinion Kaltenbrunner and Pohl bear the responsibility after this date for any further killings of Jewish prisoners.

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"2. When visiting Mauthausen Concentration Camp on 27 April 1945 at 0900 hours, I was told in the strictest secrecy by the camp commandant, SS Standartenfuehrer Ziereis, that 'Kaltenbrunner gave me the order that at least a thousand persons would still have to die at Mauthausen each day.'

"The facts mentioned above are true. These statements are made by me voluntarily and without any coercion. I have read them through, signed them, and confirmed them with my oath."

Is that true or false, Defendant?

KALTENBRUNNER: In part it is correct and in part it is not. I shall explain it sentence by sentence.

COL. AMEN: No, suppose you simply tell us what you claim to be false, because we must get on with this.

KALTENBRUNNER: I quite believe that you want to save time, but this is a question of establishing my guilt or my innocence and to

do that I must be given an opportunity to make a statement in detail. Otherwise neither you nor the Tribunal would know the truth; and that is what we want here, I hope. I am glad that this witness, Becher, was found and that this statement is available, because it proves, first that in September or October 1944 Himmler was forced to issue this order-that same Himmler about whom it has been definitely established that since 1939 or 1940 he had become guilty of the crime of killing Jews on the largest scale.

And now we must find out why in September or October Himmler had given such an order. Before I had seen this document I stated yesterday and today that this order was issued by Hitler on my representations, and obviously this order from Himmler is based on another order which he received from Hitler.

Secondly, it is clear to me that Himmler gave such an order to Pohl as the person responsible for those concentration camps in which Jews were kept; and thirdly, that he has informed me, Kaltenbrunner, of this as the person who opposed Himmler. As to Becher, I have to go farther back.

Through this man Becher Himmler did the worst things which could possibly be done and brought to light here. Through Becher and the Joint Committee in Hungary and Switzerland he released Jews in exchange, first, for war equipment, then secondly, for raw material, and thirdly, for foreign currency. I heard about this through the intelligence service and immediately attempted to stop this, not through Himmler because I would have failed but through Hitler. At that moment any personal credit of Himmler with Hitler was undermined, for this action might have changed the reputation of the Reich abroad in the most serious manner.

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At the same time my efforts in connection with Burckhardt had already been going on, and now you understand why the witness Schellenberg stated that Himmler had said to him, "I am alarmed; now Kaltenbrunner has got me under his thumb." This means that Kaltenbrunner had completely revealed all the things Himmler was doing in Hungary and had told Hitler about it.

By this order Himmler attempted to camouflage it and to get out of the whole thing by pretending that the responsibility rested on Kaltenbrunner and Pohl anyhow. Even according to this document the responsibility rested on Himmler and Pohl, but Kaltenbrunner had to be included and be told about it because otherwise he might bring the subject up with Hitler any day. That is the sense of the document.

This witness, Becher, is now in Nuremberg. I beg absolutely to be confronted with him here. I am quite able to prove to the public with the help of this witness how, starting with the transfer of the so-called Weiss A.G. in Hungary up to that day, Himmler, with Pohl and Becher and the two committees in Hungary and Switzerland were running this business. And I can prove how I fought against it.

There is yet another accusation in this document, that on 27 April I am supposed to have given a strictly secret order to Ziereis that 1,000 Jews had to be exterminated in Mauthausen every day. I ask you to have the witness Hottl, who is also here, called in immediately, so that I may ask him on what day I dictated and sent by courier-officer to Mauthausen the order that the entire camp with all its inmates be surrendered to the enemy. This witness will confirm to you that this order was given several days before 27 April and that I could not have given orders to the contrary on 27 April.

I ask you, sir, not to take me unawares and maneuver me into a position where I might go to pieces. I shall not break down. I swear to you and I have sworn that I want to help you establish the truth.

COL. AMEN: Defendant, you have heard evidence at this Trial with respect to the meaning of the phrase "special treatment," have you not? Have you heard that in this courtroom?

KALTENBRUNNER: The expression "special treatment" has been used by my interrogators several times every day, yes.

COL. AMEN: You know what it means?

KALTENBRUNNER: It can only be assumed, although I cannot give an accurate explanation, that this was a death sentence, not imposed by a public court but by an order of Himmler's.

COLT AMEN: Well, the Defendant Keitel testified that, I think, it was a matter of common knowledge. Have you not at all times

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known what was meant by "special treatment"? "Yes" or "no," please.

KALTENBRUNNER: Yes. I have told you; an order from Himmler-I am referring to Hitler's order of 1941, therefore also an order from Hitler-that executions should be carried out without legal procedure.

COL. AMEN: Did you ever discuss with Gruppenfuehrer Muller of Amt IV the application of "special treatment" to certain individuals? "Yes" or "no," please.

KALTENBRUNNER: No; I know that the witness Schellenberg said . . .

COL. AMEN: I ask to have the defendant shown Document Number 3839-PS which will become Exhibit Number USA-99. By the way, were you acquainted with Joseph Spacil?

THE PRESIDENT: Answer the question.

COL. AMEN: Were you acquainted with Joseph Spacil?

KALTENBRUNNER: Spassel? No.

COL. AMEN: He is the person who makes the affidavit now before you.

KALTENBRUNNER: The name which is mentioned here is Joseph Spacil, and that man I know, yes.

COL. AMEN: Now, will you look at the center of the first page, a paragraph commencing "In regard to 'special treatment' ... " Have you the place?

KALTENBRUNNER: Not yet, no. In order to understand the document I shall have to read all of it.

COL. AMEN: Well, if you have to read all of these documents, Defendant, we would never get through, because the first part has nothing to do with the part which I am interested in or with you.

KALTENBRUNNER: I beg your pardon, sir, I am sure that you are interested in expediting the procedure as far as possible as we defendants are anxious not to delay the proceedings; but it is necessary for my defense that I should at least be allowed to read a document on which I have to make a statement.

COL. AMEN: But, Defendant, your lawyer is receiving copies of all these documents, and I am sure that whatever is there, which should be brought out on your behalf, he will see to it that it will be brought out at the proper time, which will be after I get through asking you these questions. Is that not satisfactory?

KALTENBRUNNER: No, that is not enough for me. I must know, at any rate, What is contained in that document, since you are asking me to make a statement on it now.

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COL. AMEN: Well, go ahead and read it then.

THE PRESIDENT: Defendant, not only your own counsel will look after your interests, but the Tribunal will look after your interests; and you must answer the question, please.

KALTENBRUNNER: Yes.

COL. AMEN: Very well. Now let us read along in the center of the page, commencing with:

"In regard to 'special treatment' I have the following knowledge:

"On occasion of meetings of the office chiefs, Gruppenfuehrer Muller frequently consulted Kaltenbrunner as to whether this or that case should be specially treated or if 'special treatment' was to be considered. The following is an example of how the conversation went:

"Muller: Case Obergruppenfuehrer B. please, 'special treatment' or not?

"Kaltenbrunner: Yes, or submit it to the Reichsfuehrer SS for decision.

"Or:

"Muller: Obergruppenfuehrer, no answer has arrived from the Reichsfuehrer SS in regard to 'special treatment' for Case A.

"Kaltenbrunner: Ask once more. "Or:

"Muller handed a paper to Kaltenbrunner and asked for instructions, as described above.

"When Muller had such a conversation with Kaltenbrunner, he only mentioned the initials, so that the persons present at the table never knew who was involved."

And then the last two paragraphs:

"Both Muller and Kaltenbrunner proposed in my presence 'special treatment' or submission to the Reichsfuehrer SS for approval of 'special treatment' for certain cases which I cannot specify in detail. I estimate that In approximately 50 percent of the cases special treatment' was approved."

Are the contents of that affidavit true or false, Defendant?

KALTENBRUNNER: The contents are not correct, when given the interpretation you are giving to the document. You will see immediately that the tragic expression "special treatment" is given here an absolutely humorous turn. Do you know the meaning of Winzerstube in Godesberg, and of Walsertraum in the Walsertal, and their relation to the term "Sonderbehandlung"? Walsertraum is the smartest and most fashionable Alpine hotel of the whole German

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Reich, and the Winzerstube is a very famous hotel in Godesberg in which many international meetings were held. Especially qualified and distinguished personalities were accommodated there-I would mention M. Poncet and M. Herriot and many more. They had three times the normal ration for diplomats, which is nine times the ration of the ordinary German during the war. They were daily given a bottle of champagne. They were allowed to correspond freely with their families in France and to receive parcels. These

internees were allowed to receive visits on several occasions, their wishes were cared for wherever they were. That is what is meant here by 'special treatment.'

I can only state here that it may well be that Muller may have talked about this to me, since I was extremely anxious from the point of view of foreign policy and intelligence that the Reich should now follow my suggestion and treat foreign persons in a more humane manner. It is in this connection that Muller may have spoken to me, but Winzerstube and Godesberg, these two final achievements of this so-called "special treatment," were the places where political internees upon parole were accommodated and received preferential treatment.

COL. AMEN: Did you have frequent meetings with your section heads, including Muller, as indicated in this document?

KALTENBRUNNER: I stated yesterday and today that, of course, I met Muller when we were lunching together, which we had to do because all our 38 buildings in Berlin had been destroyed or damaged by bombs, but I did not talk to him about official matters concerning Amt IV.

This document makes it clear that these were matters of extreme interest to me as Chief of Intelligence.

May I ask you not to leave this document just yet. It must be put on record before this Tribunal that these two establishments are used as I wished for the preferential and better treatment than that enjoyed by the Germans. That is of great importance to me for my defense, and I am asking you-I shall ask you through my counsel- that you make detailed inquiries about these two hotels, and I also request that you ask M. Poncet, as the leader of the French detainees, about the treatment he received there. He had such a good time there that he gave French lessons to the wife of a criminal investigation official, and taught her French when they went for walks for hours without being guarded at all.

COL. AMEN: Defendant, did you or did you not issue instructions to Muller, as Section Chief IV, as to whether certain individuals who were in confinement at Berlin should be transported to southern Germany or be shot? And for your assistance, I will suggest to you

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that it was in February 1945 when the Russian armies were closing in on Berlin. "Yes" or "no", if you can.

KALTENBRUNNER: No, the Russian Army was not very near Berlin in February 1945. I think military persons here would be able to give you more precise information as to where the fighting was going on at the time. I do not believe that there was a reason for the evacuation of any camps to the south at that time.

COL. AMEN: Were you acquainted with Martin Sandberger, Group Leader VI A of the RSHA?

KALTENBRUNNER: Yes. He was the first assistant of this Schellenberg who has been mentioned several times, and he acted as intermediary with regard to intelligence news between Himmler and Schellenberg.

COL. AMEN: I ask to have the defendant shown the Document 3838-PS, which will become Exhibit USA-800.

*[The document was submitted to the defendant.]*

I call your attention only to the first two paragraphs of that affidavit:

"In my capacity as Group Leader VI A at the RSHA, the following became known to me:

"In February 1945 I was told by Group Leader VI B. SS Standartenfuehrer Steimle, that he had to represent Schellenberg at the daily office chief meetings. On that occasion, Muller, Chief of Amt IV, presented to Kaltenbrunner a list of persons who were in confinement in or close to Berlin, for Kaltenbrunner to decide whether they were to be transported to southern Germany or whether they were to be shot, because the Russian armies were closing in on Berlin. Steimle did not know who these people were. Kaltenbrunner made his decisions in an extremely hasty and superficial manner and Steimle expressed his indignation to me about the frivolity of this procedure. From this I inferred that Kaltenbrunner had ordered a number of shootings, because if evacuation had been ordered there would have been no talk about the frivolity of the procedure."

Is that affidavit true or false?

KALTENBRUNNER: The statement is not correct, and although it surprises me I can immediately refute it. Perhaps I may draw attention to the following points:

First, the document was prepared at Oberursel on 19 November 1945 by the witness Sandberger. In the second half of the first paragraph he states that he had been in England together with

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Schellenberg. I beg your pardon; he states this in the second paragraph. "As I was informed by Schellenberg at an internment camp in England when taking a walk...." You can gather from the second part that he, together with Schellenberg, was in an interrogation camp near London, in which I also was kept for 10 weeks, where they had detailed discussions. Therefore it is important, because something more will have to be said about this man Schellenberg, to know whether Sandberger received this information from Steimle before February 1945, or whether he got it through Schellenberg in London when they were interned together. That can be ascertained only by having Sandberger questioned here directly through my defense counsel. Until then, I must refute this statement altogether.

COL. AMEN: All right.

KALTENBRUNNER: No, sir; I have by no means finished what I have to say. Secondly, Sandberger states that he had heard from Steimle what Steimle had heard. Personally I would not attach too much credit to any information at third or fourth hand, and I would strongly challenge a statement such as Steimle has made. I had not the authority to make such decisions; nor could Steimle, Sandberger, or Schellenberg ever have had any doubt of the fact that only Himmler could have made such decisions.

Thirdly, only once did I hear of such treatment of witnesses. I personally intervened and made that known here. This was in the case of Schuschnigg, who was in one such camp which was threatened by the Russians. On 1 February 1945-I remember this date very well and it can be confirmed by another defendant here-I replied to this other defendant when he asked, "Could we not do something for Schuschnigg so that he will not fall into the hands of the Russians? Will you or shad I make the suggestion to the Fuehrer to have him released from detention or at least to take him somewhere where he will not fall into the hands of the Russians but rather into American hands?" Whereupon, one of us-I cannot remember who, possibly both of us-took this proposal to Hitler.

THE PRESIDENT: Surely you are

going very far afield. The Tribunal quite understands that you point out, which is obvious, that this is hearsay evidence. The only question for you is whether Muller did on this occasion present a list of names to you, and we understand that you say he did not. We do not want to hear argument about it.

KALTENBRUNNER: No, Your Lordship, Muller did not submit such a list to me, but I must define in some way my attitude to this document which has just been shown to me for the first time. I do not want it

to appear to the Tribunal that I can defend myself only after I have been in consultation with my lawyer for hours. I want

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to tell the prosecutor to his face that this is not true. And I do; somehow I must defend my veracity. I cannot give an answer straight away and I cannot make it easier for the prosecutor except by requesting him to bring this witness, Sandberger, into court; he can discuss with him at length in the meantime, so as to tell him why I do not consider it credible. I must tell the Tribunal beforehand why these things are untrue.

COL. AMEN: Defendant, are you familiar with the so-called "bullet" order that was directed to the Mauthausen Concentration Camp? "Yes" or "no"?

KALTENBRUNNER: I made a detailed statement on this bullet order yesterday and I stated that I did not know of that order.

COL. AMEN: Did you ever issue any oral orders supplementing the so-called "bullet" order-you yourself; did you ever issue any such?

KALTENBRUNNER: No.

COL. AMEN: I ask to have the defendant shown Document 3844-PS, which will become Exhibit USA-801.

*[The document was submitted to the defendant.]*

Were you acquainted with Josef Niedermeyer, Defendant? Josef Niedermeyer?

KALTENBRUNNER: No, I do not recollect having known him.

COL. AMEN: Well, perhaps this will bring it back to you-Paragraph 1:

"From the autumn of 1942 until May 1945 the so-called call-barracks of the Mauthausen Concentration Camp were under my supervision.

"2. At the beginning of December 1944 the so-called 'bullet' orders were shown to me in the political department of the Mauthausen Concentration Camp. These were two orders, each of which bore the signature of Kaltenbrunner. I saw both of these signatures myself. One of these orders stated that foreign civilian workers who had repeatedly escaped from labor camps were, when recaptured, to be sent to the Mauthausen Concentration Camp under the 'bullet' action.

"The second order stated that the same procedure was to be followed with officers and noncommissioned officers who were prisoners of war, with the exception of British and Americans, if they repeatedly escaped from prisoner-of-war camps. These prisoners of war were also to be brought to the Mauthausen Concentration Camp. ~

"3. On the strength of the 'bullet' orders and the oral instructions of Kaltenbrunner which accompanied them, 1,300

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foreign civilian workers, of rickers, and noncommissioned officers were brought to the Mauthausen Concentration Camp. There they were lodged in Block 20 and fed so badly, according to orders, that they

had to starve. Eight hundred of them died from hunger and illness. The bad food and the lack of medical care were the result of the personal oral orders of Kaltenbrunner."

Is that statement true or false, Defendant?

KALTENBRUNNER: No, sir, that is not correct. I believe that I can invalidate this document right now. May I draw your attention to Page 2. On Page 2, Paragraph 3, it says in the third lines "1,300 foreign civilian workers, of ricers, and noncommissioned of ricers were brought...." From the words "civilian workers" ...

COL. AMEN: Defendant, I am primarily interested in Paragraph 2, which has to do with the fact that the person who makes the affidavit saw two "bullet" orders bearing your signature. Is that, so far as you know, true or false?

KALTENBRUNNER: No; I said yesterday, and I repeat it today under oath that these bullet orders were not known to me. To dispute the veracity of the witness and the evidential value of the document, I must be able personally to raise my arguments on those points where it is particularly obvious that the Prosecution is wrong, that is, in the third line of Paragraph 3. Here the witness-whose signature differs completely from the writing of the statement, and this is a fact to which I would like to invite the attention of the Tribunal-the witness completely forgot that the bullet orders, the text of which has been read here repeatedly, referred to officers and noncommissioned officers, but not to civilian workers. How, on the basis of a false order, could such a thing happen at ad? I cannot pass the death sentence for murder on the strength of a civilian paragraph such as 820 of BOB (Code of Civil Law), nor can I on the strength of the bullet orders lock civilian workers up in a camp. The witness, in his haste and anxiety to oblige, had forgotten these details.

Nor do I believe that this man has ever seen a document which bears my signature. Such a document was never submitted to me either.

Once again, I must ask that this witness-and I am sure there will be others on the Mauthausen question-that this witness and all the others should be brought here and questioned as to how their statements came to be made.

COL. AMEN: Defendant, do you recall the testimony of the witness Wisliceny with respect to your participation in the forced labor program on the defenses below Vienna?

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KALTENBRUNNER: I have not quite finished answering your last questions. Excuse me, but I still have something vital to say on this matter.

COL. AMEN: I thought you were through with that.

KALTENBRUNNER: Yes, I thought so, too, but I have just remembered something important.

COL. AMEN: All right.

KALTENBRUNNER: It is very relevant that I should refer you to what I said about the bullet orders yesterday. I stated that it became known to me in December or January 194445, and what my reaction was, and how I opposed it. These circumstances, too, explain the fact that I could not, shortly before that, have signed the order myself.

Apart from that, it is totally impossible for a Kaltenbrunner to sign a bullet order, when it's clear to the Prosecution here that it was signed already in 1941 by Hitler. This is why I wanted to make that final remark about the document.

Now, will you please be good enough to repeat the next question?

COL. AMEN: I want to call your attention to the testimony of Wisliceny with respect to your participation in the forced labor program on the defenses below Vienna. Are you familiar with what he said in this court?

KALTENBRUNNER: No.

COL. AMEN: Well, I will read it to you. It is very short:

"Question: With reference to the Jews who were left in Budapest, what happened to them?

"Answer: In October-November 1944 about 30,000, perhaps a few thousand more, were taken out and brought to Germany. They were to be used for work on the defenses in Vienna. They were mostly women. A large number of these people were put into the labor camps on the lower Danube, and they died there from sheer exhaustion. A small percentage, perhaps 12,000, were taken to Vienna, the western boundary, and about 3,000 were taken to Bergen and Belsen and then to Switzerland. Those were Jews that had come from Germany."

Now, Defendant, do you recall having had any correspondence with the Burgermeister of the city of Vienna with respect to the assignment of this forced labor in the city of Vienna?

KALTENBRUNNER: I have never written a single letter to the Burgermeister of Budapest, and I should very much like to ask you to show me any such letter.

COL. AMEN: I did not say Budapest; I said the Burgermeister of the city of Vienna, or I intended to, if I did not.

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KALTENBRUNNER: The Burgermeister of Vienna? I cannot remember having had any correspondence with him either. I think perhaps I can explain the matter to you by saying that these frontier fortifications which must be meant here did not come under the city of Vienna, but under the Gau of the lower Danube. I did not know that Vienna had a joint frontier with Hungary.

COL. AMEN: Well, you have already testified that you had nothing to do with participating in this forced labor program; is that not correct?

KALTENBRUNNER: Yes.

COL. AMEN: All right.

I ask to have the defendant shown Document 3803-PS, Exhibit Number USA-802.

*[The document was submitted to the defendant.]*

I call your attention to the first three paragraphs. You will note that the letter comes from yourself, and reads as follows:

"To the Burgermeister of the city of Vienna, SS Brigadefuehrer Blaschke.

"Subject: Assignment of labor to essential war work in the city of Vienna.

"Re: Your letter of 7 June 1944.

"Dear Blaschke: For the special reasons cited by you I have in the meantime given orders to direct several evacuation transports to Vienna-Strasshof. SS Brigadefuehrer Dr. Dellbruegge had, as a matter of fact, already written to me concerning the same matter. At the moment it is a question of four transports with approximately 12,000 Jews. They will reach Vienna within the next few days.

"According to previous experience it is estimated that 30 percent of the transport will consist of Jews able to work, approximately 3,600 in this case, who can be utilized for the work in question, it being understood that they are subject to removal at any time. It is obvious that these people must be assigned to work in large, well-guarded groups, and accommodated in secured camps, and this is an absolute prerequisite for making these Jews available.

"The women and children of these Jews who were unable to work, and who are all being kept in readiness for a special action and therefore one day will be removed again, must stay in the guarded camp also during the day.

"Please discuss further details with the State Police head office in Vienna, SS Obersturmbannfuehrer Dr. Ebner and

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SS Obersturmbannfuehrer Krumej of the Sondereinsatz kommando Hungary, who at present is in Vienna.

"I hope these transports will be of help to you in carrying out the urgent work you have in view.

"Heil Hitler. Yours, Kaltenbrunner."

Now do you recall that communication?

KALTENBRUNNER: No.

COL. AMEN: Do you deny having written that letter?

KALTENBRUNNER: Yes.

COL. AMEN: Well, I think, Defendant, that this time your signature is affixed to the original of this letter. Have you the original?

KALTENBRUNNER: Yes.

COL. AMEN: Is that not your signature?

KALTENBRUNNER: No, that is not my signature. It is a signature either in ink or it is a facsimile, but it is not mine.

COL. AMEN: Defendant, I want to show you samples of your signature which you gave in the course of your interrogations, and I ask you to tell me whether or not these are your signatures.

*[Documents were submitted to the defendant.]*

KALTENBRUNNER: I have already made hundreds of such signatures, and they are probably right. The one in pencil, the document signed in pencil, has been signed by me.

COL. AMEN: Well, will you indicate them in some way, so that the Tribunal can look at the signatures which you admit are your own, and compare them with the signature on this Document 3803-PS, Exhibit USA-802?

KALTENBRUNNER: The signatures on these papers which are written in pencil are mine; they are my own.

COL. AMEN: All of them?

KALTENBRUNNER: All three.

COL. AMEN: All right.

KALTENBRUNNER: But not those in ink.

COL. AMEN: Very good.

*[The documents were submitted to the Tribunal.]*

Shall I continue, Your Lordship?

THE PRESIDENT: One moment, please.

Go on, Colonel Amen.

COL. AMEN: Defendant, you have heard the evidence with respect to the establishment of the Warsaw Ghetto and the clearing of the ghetto.

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rim; PRESIDENT: Are you passing from this document?

COL. AMEN: Yes, Your Honor.

THE TRIBUNAL: We had better adjourn for 10 minutes.

*[A recess was taken.]*

DR. THOMA: Mr. President, I have to begin submitting my

evidence in the next few days, and I do not know yet whether my Document Book 1 is admissible. Will you please also tell me on what day and at what time this can be discussed.

*[There was a pause in the proceedings.]*

THE PRESIDENT: Dr. Thoma, the Tribunal think that, subject to anything you have to say, halfpast 12 tomorrow-that is Saturday morning-would be a good time at which we could decide The admissibility of your documents.

DR. THOMA: Thank you very much indeed.

COL. AMEN: If the Tribunal please, I want to revert for a moment to Document 3803-PS with the signature.

Defendant, have you the original of that exhibit before you?

KALTENBRUNNER: Yes.

COL. AMEN: Will you look at the signature and tell me whether you do not find, written by hand just above the signature, the letters Dein?

KALTENBRUNNER: Yes.

COL. AMEN: And as I understand it, that word means "yours"; in other words, it is an intimate expression used only between close personal friends, is that not correct?

KALTENBRUNNER: In German there are only two forms of concluding a letter: either "Ihr," Ihr, or "Dein," Dein. We use the latter, "Dein," if we are on close terms, friendly terms. Blaschke, the Mayor of Vienna, is a friend of mine and apparently...

COL. AMEN: Now, would it not be an absolutely ridiculous and unthinkable thing that a stamp or facsimile would be made up which contained not only a signature but the expression "Dein" above the signature?

KALTENBRUNNER: That would be nonsensical, I wholly agree with that; but I did not say that it must be a facsimile signature. I just said that it is not my Signature.

It is either a facsimile or it has been put underneath with another signature. The author of this letter-you did not allow me to finish before-as it can be seen from the code in the upper lefthand.

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corner, is to be found in Section IV A and B. Everyone in the department and the entire German Reich knew that the Mayor o, Vienna, Blaschke, and myself had been close personal friends since our common political activity in Vienna, that is for about 10 years, and had used the familiar form of address, "Du." Therefore, if, for instance, I had been absent from Berlin, and the letter was urgent- as I assume to be the case from the contents-the official might have considered it justifiable to write in this form. I did not authorize him and, of course, it is quite impossible, but that is the only way I can explain it.

COL. AMEN: Then, Defendant, at least you agree that it is not a facsimile signature, is that correct?

KALTENBRUNNER: It would be most unusual to have made a Ramp with the words, "Dein." It would be entirely out of the question. Therefore, the official himself must have written the signature. Everybody knew that I was on familiar terms with Blaschke and therefore the word "rein" had to appear, if he used my signature at all.

Please look also at the figure 30 on the top. From many samples of my writing you can see that I do not write like that at all.

COL. AMEN: Defendant, is it not equally ridiculous to think that a person, or an official, as you term him, in signing such a letter on your behalf would try to imitate your signature?

KALTENBRUNNER: Quite right, but, sir, it would be a matter of course, when writing to the Mayor of Vienna, a man with whom the official perhaps

knew quite well that I was on familiar terms, to put my name typewritten under a personal letter. That would be impossible as well. If I were not in Berlin he had only two possibilities open to him: either to type it in or to make it seem as though I, Kaltenbrunner, were actually there.

COL. AMEN: Is it not a fact that you are simply lying about your signature on this letter, in the same way that you are lying to this Tribunal about almost everything else you have given testimony about? Is not that a fact?

KALTENBRUNNER: Mr. Prosecutor, for a whole year I have had to submit to this insult of being called a liar. For a whole year I have been interrogated hundreds of times both here and in London, and I have been insulted in this way and even much worse. My mother, who died in 1943, was called a whore, and many other similar things were hurled at me. This term is not new to me but I should like to state that in a matter of this kind I certainly would not tell an untruth, when I claim to be believed by this Tribunal in far more important matters.

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COL. AMEN: I am suggesting, Defendant, that when your testimony is so directly contrary to that of 20 or 30 other witnesses and even more documents, it is almost an incredible thing you should be telling the truth and that every witness and every document should be false. Do you not agree to that proposition?

KALTENBRUNNER: No. I cannot admit that because I have had the feeling each time a document has been submitted to me today, that it could at first glance be immediately refuted by me in its most vital points. I ask, and I hope that the Tribunal will allow me, to refer to single points and to come into closer contact with individual witnesses, so that I may defend myself to the last. Throughout the preliminary interrogations your colleague has always adopted the attitude unjustly that I was refuting and opposing insignificant points. The conception of expeditious trial proceedings has been unknown to me in this form. Had he talked to me in broad lines about the ways to find out the real truth, I believe he would have sooner arrived at considerably larger and more important issues. I am perhaps the only defendant who, on receiving the Indictment and being asked, "Are you ready to make any further statements to the Prosecution," stated "Immediately," and I signed it-please produce the signature-"from today on after receiving the Indictment I am at the disposal of the Prosecution for any information." Is it not so?. Please confirm it. That gentleman [*pointing to an interpreter*] interrogated me. I have always been ready, that is, during the last 5 months, to give information on any question, but I have not been asked any more.

THE PRESIDENT: You must try to restrain yourself. And when you see the light, speak slower. You know about the light, do you not?

COL. AMEN: Is it not a fact, Defendant, that on the occasion of your last interrogation you stated that you did not wish to be interrogated any more because the questions seemed to be designed to help the Prosecution rather than to help your case, and that you were told that in that event you would not be questioned any more; that you were also informed that there were other documents and other material with which you had not been confronted and that if you desired at any time to come back and be interrogated with respect to those matters, you should tell your lawyers so and send a note and that the interrogator would be very happy to continue interrogating you? Is that not a fact, "yes" or "no"?

KALTENBRUNNER: No, sir, that was not the case. I made that statement repeatedly when I was being interrogated on points of detail. It was in the evening and it was getting very late. I believe it was about 2000 hours; I can remember the room very well I was led out of the room. This interpreter, whom I saw here this

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morning, I believe, was sitting at a long table with two or three other of finials. They said, "You have received the Indictment today," and I said, "Yes, I have." They said, "Are you aware that from now on you will have to speak with the General Secretary about your defense? Do you wish to be interrogated further?" To which I said, "Yes, certainly I am at your disposal at any time." Whereupon this officer here

looked at me in a very startled manner, for he did not expect that answer from me; obviously all the others appeared to have said, "No, we are glad that these interrogations have come to an end and we can work now on our defense."

COL. AMEN: Now, Defendant, I want to read to you from your last interrogation. After a question as to whether the testimony was being helpful to you sufficiently so that you wanted to continue, you spoke as follows:

"This would at least be as important for my defense as the material which is helping the Prosecutor's case and about which the Interrogator has asked me repeatedly; therefore, I have the feeling that I am still in the hands of the Prosecutor and not in the hands of a judge in charge of a preliminary hearing. As the Indictment has been served, I find myself now in a position where I can prepare my OWE defense, and I therefore do not find it proper that you continue to look for material which would incriminate me. Please do not regard this as any criticism or rebuttal, because I have never been informed about the procedure to be followed in these hearings and I do not know about it; but according to my knowledge of legal procedure this is incorrect. I have never been given the possibility of confronting other witnesses and of reminding them that this or that did not happen in this or that way, et cetera.

"Question: Is your statement made in the form of an objection to further questioning?

"Answer: If, as I stated it now, there is a possibility of my being confronted with witnesses and to do something about testimony in my favor, I would be very glad to continue, but even so I have the feeling that it would be better to do this during the evidence at the Trial itself. I believe I should discuss this first with my defense counsel.

"Question: Well, if there is any question in your mind about whether you should go further in any interrogation by the Office of Chief of Counsel, or the U.S. representative to the International Military Tribunal, I think you should talk to your counsel, too. You have never been under any compulsion to answer either before or since this Indictment was

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served. I think you will agree your treatment has been fair in all circumstances."

Is that not correct?

KALTENBRUNNER: Yes, Mr. Prosecutor, it confirms exactly what I have been telling you. The material that you just read states that I did not agree that interrogations and discussions should be broken off suddenly. I said that I had never had any opportunity of speaking with the witnesses with whom I was confronted. It confirms that I have asked you to bring me face to face with the witnesses, so that I might talk with them. I do not deny at all that I also said that I was glad that now I could start preparing my defense. Actually, that is so. But I did not say in the course of such a lengthy statement-it has not been read to me-and worded as no other interrogation has been worded with the exception of perhaps two or three, that I no longer place myself at the disposal of the interrogator. I stated just the opposite and you read that, too, that I am at the disposal of the interrogator.

COL. AMEN: Defendant, let us get to the Warsaw Ghetto. Do you recall from the evidence before this Tribunal that some 400,000 Jews were first put into the ghetto and then in the final action SS troops cleared out about 56,000, of which more than 14,000 were killed. Do you recall that evidence?

KALTENBRUNNER: I do not recall any details of this statement; what I know about this matter, I have already stated today.

COL. AMEN: Did you know that substantially all of these 400,000 Jews were murdered at the extermination plant at Treblinka? Did you know that?

KALTENBRUNNER: No.

COL. AMEN: What did you have to do with the final razing of the Warsaw Ghetto, nothing as usual?

KALTENBRUNNER: I had nothing to do with it, as I already stated.

COL. AMEN: I ask to have the defendant shown Document Number 3840-PS, which will become Exhibit Number USA-803.

*[The document was submitted to the defendant.]*

Were you acquainted with Karl Kaleske?

KALTENBRUNNER: No, that name is not known to me.

COL. AMEN: Does it help you to remember if I suggest to you that he was the adjutant of General Stroop?

KALTENBRUNNER: I do not know the adjutant of General Stroop; the name which you just mentioned to me, "Kaleske," I do not know either.

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COL. AMEN: Let us get to his affidavit. Have you got it before you now?

KALTENBRUNNER: Yes.

COL. AMEN: "My name is Karl Kaleske. I was adjutant to Dr. Von Sammern-Frankenegg from November 1942 until April 1943, while he was SS and Polizeifuehrer of Warsaw. I then became adjutant to SS and Polizeifuehrer Stroop until August 1943. The action against the Warsaw Ghetto was planned while Von Sammern-Frankenegg was SS and Polizeifuehrer. General Stroop' took over the command on the day of the commencement of the action. The function of the Security Police during the action against the Warsaw Ghetto was to accompany the SS troops. A certain number of SS troops were assigned to the task to clear a certain street. With every SS group there were from four to six Security Policemen, because they knew the Ghetto very well. These Security Policemen were under Dr. Hahn, Commander of the Security Police of Warsaw. Hahn received his orders not from the SS and Polizeifuehrer of Warsaw, but directly from Kaltenbrunner in Berlin. This applies not only to the Ghetto action but to all matters. Dr. Hahn frequently came to our office and told the SS and Polizeifuehrer that he had received such and such an order from Kaltenbrunner, about the contents of which he wanted to inform the SS and Polizeifuehrer only. He would not do this for every order but only for certain ones.

"I remember the case of 300 foreign Jews who had been collected in the Polski Hotel by the Security Police. At the end of the Ghetto action Kaltenbrunner ordered the Security Police to transport these people. During my time in Warsaw the Security Police were in charge of matters concerning the underground movement. The Security Police handled these matters independently of the SS and Polizeifuehrer, and received their orders from Kaltenbrunner in Berlin. When the leader of the underground movement in Warsaw was captured, in June or July 1943, he was flown directly to Kaltenbrunner in Berlin."

Are these statements true or false, Defendant?

KALTENBRUNNER: These statements are, without exception, wrong. I will...

COL. AMEN: Just like all the other statements of all the other persons that have been read to you today? Is that correct?

KALTENBRUNNER: This statement is not correct. It is not true and can be refuted.

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COL. AMEN: That is what you have said about all the other statements I read to you today, is that not so?

KALTENBRUNNER: Mr. Prosecutor, I must...

COL. AMEN: Is that so?

KALTENBRUNNER: Yes. If you bring false accusations against me I must declare them to be false. I cannot say "yes" to everything of which you accuse me just because the Prosecution is wrong in determining who is Himmler's representative here.

COL. AMEN: All right, go ahead and say whatever you want.

KALTENBRUNNER: I ask you to bear in mind what I have said about the competency and rules regarding subordination of all Higher SS and Police Leaders in the occupied territories. All of them were directly subordinated to Himmler. The SS and Police Leaders of a smaller territory were subordinated to the Higher SS and the Police Leader. The branches of the Order Police and of the Security Police were assigned to these SS and Police Leaders, who had the exclusive right to give them orders. The entire organization which thus operated in the occupied territories was excluded from the command jurisdiction of the central office of the Reich.

There are men here who can testify to the truth of what I have said. BACH-ZELEWSKI, who was questioned here, was only in the occupied territories and knows conditions there. There is also the Defendant Frank who had to work with such a Higher SS and Police Leader who later became his State Secretary.

COL. AMEN: Your lawyer can call these people. All I am asking you is whether or not this document is true or false and then asking you to make any brief pertinent explanation that you might wish to.

KALTENBRUNNER: This document is not correct. ..

COL. AMEN: We know about potential witnesses all over Germany, and we know all these defendants in the box have knowledge about most of these affairs, but that is not what I am asking you about.

I am merely asking you whether what was in that paper was true or false and you have said it is false; now, is there anything else you feel you have to say about it?

KALTENBRUNNER: It is not correct and this witness does not know . . .

COL. AMEN: Well, you said that six times.

KALTENBRUNNER: . . . does not know the conditions.

COL. AMEN: Well, how about General Stroop? Did he know anything about it?

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KALTENBRUNNER: If he was SS and Police Leader of Warsaw -and you have also shown me his diary and his filmreport-then, of course, yes. Stroop was subordinated to the Higher SS and Police Leader

of this place. Stroop had to carry out the action on the order coming from Himmler via the Higher SS and Police Leader.

COL. AMEN: Stroop was a pretty good friend of yours, was he not?

KALTENBRUNNER: I probably have not seen Stroop more than two or three times in my life, at Reichsfuehrer Himmler's.

COL. AMEN: Well, if Stroop were here he at least would be in a position to tell the truth, would he not, about this Warsaw Ghetto affair?

KALTENBRUNNER: He would have to confirm my statement at least that he was subordinated to the Supreme SS and Police Leader in the Government General and that he was not subordinated to me. I should be very glad if he could confirm that immediately. From your words I must assume that he is in custody here.

COL. AMEN: Well, he is not in custody here, but fortunately we have an affidavit from him on exactly these matters about which I have been questioning you.

I ask to have the defendant shown Document Number 3841-PS, which will become Exhibit USA-804.

We will find out whether Stroop confirmed what you are trying to tell the Tribunal. You will accept what Stroop says, will you, Witness?

*[The document was submitted to the defendant.]*

KALTENBRUNNER: I have not read the document.

COL. AMEN: No; but I say, knowing Stroop and knowing the position which he held, you do not question but what he would tell the truth about the happenings in the Warsaw Ghetto, is that not what you have just said, in effect?

KALTENBRUNNER: The truth of a witness' testimony has been questioned before and rightly so. But as I do not know the document I cannot define my position as to Stroop's statement.

COL. AMEN: All right, we will read it:

"My name is Jurgen Stroop. I was SS and PolizeiFuehrer of the Warsaw District from 17 or 18 April 1943, until the end of August 1943. The action against the Warsaw Ghetto was planned by my predecessor, SS Oberfuehrer Dr. Von Sammern-Frankenegg. On the day when this action started I took over the command and Von Sammern-Frankenegg explained to me what was to be done. He had the order from Himmler before

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him, and in addition I received a teletype from Himmler which ordered me to evacuate the Warsaw Ghetto and raze it to the ground. To carry this out, I had 2 battalions of Waffen-SS, 100 soldiers of the Wehrmacht, units of the Order Police and 75 to 100 men of the Security Police. The Security Police had been active in the Warsaw Ghetto for some time, and during this program it was their function to accompany SS units in groups of six or eight, as guides and experts in Ghetto matters. Obersturmbannfuehrer Dr. Hahn was Commander of the Security Police of Warsaw at that time. Hahn gave the Security Police their orders concerning their tasks in this action. These orders were not given to Hahn by me, but came from Kaltenbrunner in Berlin. As SS and PolizeiFuehrer of Warsaw I gave no orders to the Security Police. All orders came to Hahn from Kaltenbrunner in Berlin. For example, in June

or July of the same year, I was together with Hahn in Kaltenbrunner's office and Kaltenbrunner told me that while Hahn and I must work together, all basic orders to the Security Police must come from him in Berlin.

"After the people had been taken out of the Ghetto-they numbered between 50,000 and 60,000-they were brought to the railway station. The Security Police had complete supervision of these people and were in charge of the transport of these people to Lublin.

"Immediately after the Ghetto action had been completed, about 300 foreign Jews were collected at the Polski Hotel. Some of these people were already there before the action, and some were brought there during the action. Kaltenbrunner ordered Hahn to transport these people away. Hahn himself told me that he had received this order from Kaltenbrunner.

"All executions were ordered by the Reich Main Security Office, Kaltenbrunner.

"I have read this statement and I have understood it completely. I have made the statement freely and without compulsion. I swear before God that this is the full truth."- Signed-"Jurgen Stroop."

Do you say that that statement of Stroop is true or false?

KALTENBRUNNER: It is untrue and I request that Stroop be brought here.

COL. AMEN: You will find that instead of its bearing out your story it confirms in substantially every detail the story told by I

COL. AMEN: And now, Defendant, I want to refer you to Document 3819-PS, which is already in evidence as GB-306, which are notes of a conference in the Reich Chancellery on 11 July 1944, signed by Lammers and the subject of testimony before this Tribunal the other day. You recall having attended that meeting I presume.

*[The document was submitted to the defendant.]*

KALTENBRUNNER: I do not know yet. I do not know the purpose of that meeting.

COL. AMEN: You do not deny that you were there, do you?

KALTENBRUNNER: I do not know. This is the first time I have seen this document.

COL. AMEN: Now, look at Page 12, in the middle of the page, the sentence there, "In Paris, the evacuation of which was considered . . ."

DR. KAUFFMANN: Mr. President, may I ask for clarification of the question, whether it might have been more appropriate and correct if the Prosecution had questioned Lammers about this matter when Lammers was here on the witness stand.

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THE PRESIDENT: Was this put to Lammers?

COL. AMEN: Frankly, Your Lordship, I do not know. The document was introduced and identified, and I am not sure whether he was asked about it or not. Sir David says that he introduced the document with Keitel, at the foot of Page 9.

THE PRESIDENT: Very well, go on.

COL. AMEN: Have you found the place, Defendant?

KALTENBRUNNER: Yes, I have found the place.

COL. AMEN: "In Paris, the evacuation of which was considered, 100,000 to 200,000 workers could be recruited. In this connection . . ."

KALTENBRUNNER: No, Mr. Prosecutor, I have not found the place.

COL. AMEN: Well, it is just above the paragraph which commences, "The Chief of the Security Police, Dr. Kaltenbrunner." Can you find that spot?

KALTENBRUNNER: Yes, I have it now.

COL. AMEN: Well, passing to that sentence:

"The Chief of the Security Police, Dr. Kaltenbrunner, declared himself willing, when asked by the Plenipotentiary General for the Allocation of Labor, to place the Security Police at his disposal for this purpose, but pointed out their numerical weakness. For the whole of France he had only 2,400 men available. It was questionable whether entire age groups could be recruited with these weak forces. In his opinion, the Foreign Office must exercise a stronger influence on the foreign governments."

Is that a true reflection of what took place at that meeting, Defendant?

KALTENBRUNNER: I cannot say that concerning the wording of the document, but I might say in explanation that according to the introduction on Page 1 it was a "Cheftesprechung" (discussion of chiefs), and that does not mean me, for I was Chief of the Reich Security Main Office. "Chetbesprechung" means the ministries and the chief Reich departments.

By questioning the witness Lammers it would have to be determined whether I was there on the orders of the Ministry of the Interior and Chief of the German Police, Himmler. That would have been possible. That I was there on the instruction of Himmler seems to become evident for me from the number mentioned. It mentions here that only 2,400 men were at our disposal. Neither the Security Police nor the SD, nor both together, ever had any number like that at their disposal. It must have included all the

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forces, even the Order Police and other small organizations, which were subordinate to Himmler.

Therefore, one thing, at least, is missing in this document; that is the explanation that Kaltenbrunner, on orders of Himmler, was giving Himmler's views; that at least is missing. But by questioning the witness Dr. Lammers, I am sure we can clarify this matter.

In any case, I would like to point out that it was my opinion that I could not be helpful in this matter because, first of all, negotiations between the Foreign Office and the competent foreign—that is, the French Government, were necessary. Measures to be taken there could not be introduced without the consent of the French Government.

COL. AMEN: All right, Defendant. Now, do you recall evidence given before this Tribunal about efforts made by Germany to incite the Slovaks to revolt against Czechoslovakia and that Hitler used the insurgency of the Slovaks as one of the excuses for occupying Czechoslovakia in March of 1939?

KALTENBRUNNER: I do not know who testified to that.

COL. AMEN: Well, in any event, during the year 1938 to 1939 it is a fact, is it not, that you were the State Secretary for Security in Austria? Is that right?

KALTENBRUNNER: No, I was not State Secretary for the Security Police. I was State Secretary for the security system of the Austrian Government at, Vienna, and there is an essential difference, because the Security Police in Austria was instituted and directed from Berlin.

COL. AMEN: Well, all right.

KALTENBRUNNER: And in Austria I had not the slightest influence-nor even my Minister-on the Security Police.

COL. AMEN: When did you become Supreme SS and Police Leader for Upper Austria with your headquarters in Germany?

KALTENBRUNNER: That is a complete misstatement. In Upper Austria there was no Supreme SS and Police Leader, only in Austria.

COL. AMEN: Well, when was it?

KALTENBRUNNER: That was after the liquidation of the Austrian Government and after its affairs had been settled; that can be verified exactly from the Reichsgesetzblatt. It was probably in the summer of 1941.

COL. AMEN: And is it not a fact that you, yourself, directed the activity of the Slovakian rebels and assisted them with explosives and ammunition? Answer that "yes" or "no," please.

KALTENBRUNNER: No.

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COL. AMEN: Do you recall having participated in any conference with respect to a plan for instigating this revolt of Slovakia?

KALTENBRUNNER: It is not correct; I did not participate in instigating anything like that in Slovakia. I did take part in the first Government conferences in Slovakia and in the presence of the Delegate of the German Reich.

COL. AMEN: Did your friend Spacil assist you in carrying out these plans?

KALTENBRUNNER: That I cannot recall today. In any case, they were not German plans. If you investigate the political situation in Slovakia at that time, you will clearly see that it did not need any instigation on the part of the German Reich. The Hlinka movement then under the leadership of Dr. Tuka and also of Dr. Tiso, I believe, had made this decision a long time ago.

COL. AMEN: Were you acquainted with Obersturmbannfuehrer Fritz Mundhenke?

KALTENBRUNNER: I did not quite catch the name.

COL. AMEN: Well, you will see it on this exhibit which I ask you to be shown now, Document Number 3942-PS, which will become Exhibit Number USA-805.

*[The document was submitted to the defendant.]*

Defendant, this is a fairly long exhibit, which I do not want to go through in detail; but I first call your attention to the opening lines:

"With respect to the occupation of Czechoslovakia, I recall that there were two different actions taken: the first one for the occupation of the Sudetenland and the border districts inhabited by German nationals; the second one for the occupation of Czechoslovakia proper...."

And the following lines:

"Some time before the second action, officers of Hlinka Guard (the illegal organization resembling the SS in the Slovakian part of Czechoslovakia) came to the office of SS Corps Area Danube, which at the time may still have had its original name of SS Oberabschnitt Osterreich."

Then follow the details of the plans for inciting this revolt. Then, coming to the end of the first paragraph, you will find the following:

"There were secret meetings to which I was not invited. I felt that I was not fully trusted. I saw the gentlemen only in Kaltenbrunner's anteroom and, as far as I can remember, in the dining room. I was told nothing about the object of the discussions which referred, without doubt, to the imminent action."

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Then he gives his reasons. And, passing to the second page, in the center, you will find the following:

"Kaltenbrunner alone was responsible for this action. In charge of the action was SS Standartenfuehrer Spacil (nicknamed Spatz) as far as the General SS is concerned. He was chief of the administration of SS Corps Area Danube and was called later on by Kaltenbrunner to Berlin and made administration chief at the Reich Security Main Office. Spacil was one of Kaltenbrunner's most intimate friends."

Then, at the close, Paragraph 1 and 2, and subdivisions:

"I have made this statement:

"(1) Not from a feeling of revenge or because I want to be an informer, but in the knowledge that in so doing I can serve in detecting crimes which I, as a German, am ashamed of;

"(2) With the full consciousness that because of my statements I will be slandered by the other side. I know the men who for years have been after me. But this shall not deter me from helping the spirit of justice to a victorious end."

I ask you whether the substance of that document, as I have given it to you, is true or false?

KALTENBRUNNER: Neither true or false; it is ridiculous and consequently untrue. The document can best be characterized by drawing attention to the fact that on the first page in the introduction it says:

". . . the second one for the occupation of Czechoslovakia proper (called afterwards the Protectorate of Bohemia-Moravia and the Slovakian State)."

The fact that the Republic of Slovakia has never, in the course of history, been occupied by the German Reich is sufficient to reveal the ignorance of this witness, Mundhenke, who comes from North Germany and knows nothing about history or about politics. But this document contains so many details which can be clarified almost humorously that it becomes utterly worthless.

I would like to call your attention to Page 3 of the German text and explain to you who were the men responsible for the individual big political actions which led to the occupation of Czechoslovakia.

The first is a Franz Kourik who was a chauffeur. The second is Karl Spitt also a chauffeur. The third is an SS man whose name is Apfelbeck, son of an innkeeper and a butcher by trade, and who worked as an assistant official in the administration after he had suffered a grave skull injury in a motor accident. Stadler, a small bookkeeper, and the man Petenka are unknown to me.

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These men are supposed to have prepared, with me, the occupation of Slovakia by the Reich. That is utter nonsense. Excuse me for calling it so, Mr. Prosecutor, but it is and remains...

COL. AMEN: Very good, Defendant. All right. That is nonsense.

KALTENBRUNNER: One thing is true in this document and I want to come to that. I was with members of the Hlinka Guard in this house in Vienna, Park Ring 8, and I did hold a conference with them. This dealt with the union of the group of racial Germans in Slovakia and the Hlinka Guard, with a view to nominating joint candidates in the Slovakian Government. Documents prove it and files, in Pressburg at least, where my name was sufficiently known. Everybody knows it there and can confirm it, including this man Mundhenke, the leader of the racial group. But as an occupation of Slovakia never took place at all, in my opinion there is no need for me to defend myself against this accusation.

COL. AMEN: Defendant, in the course of this Trial the order of Himmler to the effect that the civilian population should not be punished for lynching Allied airmen has been introduced in evidence, and you have heard the sworn statement of Schellenberg and Gerdes to the effect that you, in your capacity as Chief of the Security Police and SD, issued such instructions to your subordinates. Do you deny these statements? "Yes" or "no," please.

KALTENBRUNNER: I do not wish to deny them, but I emphatically state that I never gave any such instructions, and I ask the Tribunal to allow my counsel to read the paper which I gave to him at the beginning of the session. This contains literally the testimony of the witness Koller, the Chief of Staff of the Luftwaffe, defining my general attitude towards this problem-that even in the presence of Hitler I declared, "I will not obey such an order." That took place somewhat later, but it shows my own personal feelings about the matter. I made a statement to my counsel already yesterday about this question.

COL. AMEN: All right, Defendant; now take a look at Document Number 3855-PS, which will become Exhibit Number USA-806. This bears your own name at the bottom, whether it be a signature, facsimile, or anything else you choose to call it. Have you the document before you?

KALTENBRUNNER: Yes.

COL. AMEN: You will note that it comes from the Chief of the Security Police and of the SD, and according to the notes in the upper lefthand portion was prepared for your signature by Amt IV A 2 B. Number 220/44 g RS.

KALTENBRUNNER: That is, Mr. Prosecutor, the first and a very grave mistake.

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COL. AMEN: All right.

"a) To all commanders and inspectors of the Security Police and the SD (for oral communication to the subordinated of fires);

"b) To Groups IV A and IV B. Sections IV A 1, IV A 3, IV A 4 IV A 6, IV B 1 IV B 4;

"c) To Office V, Reich Criminal Police Office, for information to the Higher SS and Police Leaders, to the Chief of the Under Police;

"d) To Chiefs of Offices III and IV of the Reich Security Main Office.

"Subject: Treatment of enemy airmen who have bailed out.

"Reference: none.

"A series of questions dealing with the treatment of enemy airmen who have been shot down needs clarification:

"I. As a general rule captured enemy airmen are to be shackled. This measure is necessary and is made with the full consent of the Chief of the High Command of the Armed Forces; a) in order to prevent frequent escapes, and b) in view of the severe shortage of personnel at the collecting stations.

"II. Enemy air crews, who a) offer resistance when captured, or b) wear civilian clothes under their uniforms are to be shot at once when captured.

"III. Most enemy airmen, especially of the Anglo-American air forces, carry with them escape bags filled with daggers, various kinds of maps, ration coupons, tools for escape, et cetera.

"It is absolutely necessary that escape bags be secured by the Police, as they are of the greatest assistance when making a search. They must be given to the Luftwaffe..

IV. The order of the Reichsfuehrer SS of 10 August 1943" -which I believe you also testified you know nothing about\_ "is not being carried out in full, as it has probably not been passed on orally, as ordered, to the subordinate police offices.

"It is therefore repeated: It is not the duty of the police to interfere in conflicts between the Germans and English and American 'terror-fliers' who have bailed out.

"V. Near the body of an English airman who had been shot down a brassard with the inscription 'Deutsche Wehrmacht' and an official stamp was found. This brassard is only worn by combat troops, and it gives the bearer access to all military and strategically important points in the various operation

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zones. Parachuted enemy agents will probably make use of this new means of camouflage.

"VI. During the past months individual cases have shown that the German population does seize enemy airmen but afterwards, while waiting for them to be handed over to the police or the Armed Forces, it does not use the proper restraint. Too strict measures on the part of the State Police against these citizens would keep them from seizing enemy airmen without restraint, since these cases must not be confused with the criminal act of helping escaped enemy airmen.

"Reichsfuehrer SS has ordered the following measures to be applied to citizens who conduct themselves in a dishonorable manner towards captured enemy airmen either out of bad intentions or misunderstood pity:

"1) In especially severe cases, transfer to a concentration camp; announcement in the newspapers of the district

"2) In less severe cases, protective custody for not less than 14 days at the competent State Police office; employment in the clearing of damaged areas. Should there be no damaged area affording such

employment within the jurisdiction of one State Police office, the short term protective custody sentence is to be served at the nearest State Police office, et cetera.

"The Reichsfuehrer SS has contacted Reichsleiter Bormann in this matter and has pointed out that it is the duty of the Party officials to instruct the population to observe absolutely necessary restraint towards enemy airmen.

"3) I leave it to the commanders and inspectors of the Security Police, and the SD to notify in writing the subordinated offices of Sections V and VI of the above decree.

"Signed: Dr. Kaltenbrunner; Certified: Rose, of lice clerk."

Do you deny having had anything to do with the issuance of that document? Do you deny that you signed it?

KALTENBRUNNER: This order was never submitted to me. I refer you to what I said yesterday concerning questions of direction and issuing of orders in the Secret Police office, Amt IV A which appears at the head of the letter indicating that it formulated it. In these matters this Amt was directly subordinated to Himmler.

THE PRESIDENT: I have not heard the answer to the question. Did you sign it?

KALTENBRUNNER: No.

COL. AMEN: You deny your signature and you deny knowing anything about this document bearing your name, is that correct?

KALTENBRUNNER: Mr. Prosecutor, I . have . . .

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COL. AMEN: Will you answer that, Defendant? You deny this document just like you have denied every other document that has been shown to you today, is that correct?

KALTENBRUNNER: I already stated yesterday, and also told my defense counsel, that these documents were never submitted to me. I should know it today. To a certain degree I am to blame for not having paid more attention as to whether such orders were issued in my name. I never denied yesterday that I was partly to blame in this respect but my position to this question can be clearly seen from Koller's testimony.

THE PRESIDENT: I do not understand. Are you saying that the signature on the document is not yours, or that you may have signed it without looking at the decree? Which are you saying?

KALTENBRUNNER Your Lordship, this document and this decree were never submitted to me. To sign such a document would have been completely against my inner attitude towards the entire problem. My attitude in this matter can be seen from Koller's testimony.

THE PRESIDENT: I am not asking you what your inner attitude is. I am asking you whether the name on it is written by your hand.

KALTENBRUNNER: No.

THE PRESIDENT: The Tribunal would like to look at the document.

COL. AMEN: It is a typewritten signature, Your Lordship.

THE PRESIDENT: Yes; let us look at the document.

Defendant, who is Rose?

KALTENBRUNNER: I do not know, Your Lordship.

THE PRESIDENT: Colonel Amen, can you give any idea how long you will be with your cross-examination?

COL. AMEN: Perhaps half an hour, depending on the answers of the defendant.

THE PRESIDENT: Very well. Then the Tribunal will adjourn. We will sit tomorrow at 10 o'clock to continue this part of the case, and will adjourn at half past 12 in order to hear Dr. Thoma and the Prosecution upon his documents.

*[The Tribunal adjourned until 13 April 1946 at 1000 hours.]*

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## **ONE HUNDRED AND SEVENTH DAY Saturday, 13 April 1946**

### **Morning Session**

COL. AMEN: Defendant, as I recall, you have testified that you had no knowledge of the Hitler Commando Order of 8 October '42 until some time in 1945. Is that not correct?

KALTENBRUNNER: I do not think that I said so. I believe that concerns the order...

COL. AMEN: Well, that was your testimony yesterday, according to the record, that you had no knowledge of the Hitler Commando Order of 8 October '42 until some time in the year 1945. Is that not correct? Is that not now your position?

KALTENBRUNNER: I do not believe that I made such an answer. The order is...

COL. AMEN: Well, what is the fact? When did you first have knowledge of the Hitler Commando Order of 8 October 1942? I am speaking of the order of 18 October '42, not 8. When did you first have knowledge of that?

KALTENBRUNNER: I cannot tell you that now, exactly.

COL. AMEN: All right.

KALTENBRUNNER: In any case, this order, if it were read to me, would probably be the same one which appeared in a Wehrmacht report or in the press.

COL. AMEN: All right. And you have also denied the testimony of your own witness, Mildner, concerning the existence of a decree issued in July or August '44, under which the Security Police were to execute members of Allied commando groups after questioning them. That is correct, is it not?

KALTENBRUNNER: I was never asked about that.

COL. AMEN: Well, I beg your pardon; but never mind, anyway. I will show you Document Number 535-PS, which will become Exhibit USA-807; and, before anything else, I want to ask you whether it is your own signature, in your own handwriting, that appears at the bottom of that document.

*[The document was submitted to the defendant.]*

KALTENBRUNNER: Yes. That is my signature.

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COL. AMEN: Oh, it is your signature, is it?

KALTENBRUNNER: Yes.

COL. AMEN: You admit that? Is that right?

KALTENBRUNNER: That is my signature, yes. ~

COL. AMEN: Now, when you were interrogated before this Trial, you denied that that was your signature, did you not?

KALTENBRUNNER: No, I do not believe so.

COL. AMEN: Well, I will read you your testimony on that point,

to see whether that helps you to remember whether you denied it or not.

"Answer: 'From that it can only be seen that the Wehrmacht intended to write a letter to me; whether rightly or wrongly, and whether I was the right authority to write to is very questionable. In any case, the Wehrmacht wanted to get in touch with the Gestapo, as can be seen from this exchange of letters, and I am convinced that an officer of the Gestapo, namely, the one mentioned at the beginning of the letter, is the one who wrote this document.'

"Question: 'Well, this is the letter that you know nothing about, but which, nevertheless, established just how you accomplished your desires by writing to the Supreme Command of the Armed Forces. That is very clear.'

"Answer: 'But I deny that I wrote this letter.'

"Question: 'Just a moment ago, you didn't know about it, but now you deny it?'

"Answer: 'I not only did not know about the Hitler Order, but I also knew nothing about this letter.'

"Question: 'But you acknowledged your signature?'

"Answer: 'I did not say that this is my signature. I only said it resembles my signature; and I also said it is possible that it is only a facsimile. I cannot recall a letter of such contents signed by me.'

"Question: 'Would it be any more convincing to you if you saw the original letter, signed in ink?'

"Answer: 'It would certainly be more convincing, but it still would not prove that I signed in ink.'"

Did you make those answers to those questions, Defendant?

KALTENBRUNNER: Naturally, I do not remember whether I

made these answers literally. But, I would like to make the following remarks to you. Questions concerning my signature have

naturally always been put to me hundreds of times during interrogations, especially to confuse me Today-I believe this is the first

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time I have seen this document-I immediately declared, "Yes, this is my signature." I certainly know my own signature; I can recognize it. However, you have also shown me signatures which certainly were not mine.

Besides, you can see from the date of the letter, 23 January 1945, that it is correct that I learned about it in 1945, as you have already stated. I could not have the faintest notion of a Hitler order issued in the year '42. And if, in your interrogation which you just read to me, I stated that I did not write this letter, then this is confirmed by the very figures which appear on top, where you read IV A 2 a, plus numerals and letters which obviously indicates that the letter was written in a section which was in charge of these matters.

That is what I mean when I say that I did not write this letter. That it may have been submitted to me for my signature among thousands of other papers which I might have had to look into possibly in the course of one day, I cannot, of course, deny. From this, however, you cannot draw the conclusion that I undoubtedly knew about the matter. You cannot imagine the extent of the official functions which I took over in complete ignorance of police background, without instructions for carrying out police functions, but rather for organizing and directing the vast intelligence service.

THE PRESIDENT: Answer questions and do not make speeches.

COL. AMEN: Defendant, is not the signature on that document before you, Document Number 535-PS, USA-807, precisely the same and identical with your signature as it appears on Document Number 3803-PS, USA-802? Just look at the two signatures, and tell the Tribunal if they are not identical.

KALTENBRUNNER: No, I never signed in that way. I always signed, "Dr. K.," as on this document, even in informal letters.

COL. AMEN: How about the handwriting? Does that look the same to you, Defendant, or does it look different?

KALTENBRUNNER: Yes, certainly there is a kind of resemblance, but I think it has happened to every person in this courtroom that in his absence any one of his assistants at times signed a particularly urgent letter using his name.

THE PRESIDENT: Colonel Amen, the Tribunal will be able to see the signatures and judge for themselves.

COL. AMEN: Very good, Sir. Now, do you have the exhibit before you, 535-PS?

KALTENBRUNNER: Yes.

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COL. AMEN: You will note that that emanates from IV A 2 a, as appears in the upper corner under Chief of the Security Police and of the SD.

KALTENBRUNNER: Yes, and at the beginning you said the letter was written by me.

COL. AMEN: That it is addressed to the High Command of the Armed Forces, right?

KALTENBRUNNER: Yes.

COL. AMEN: And that it refers to the Fuehrer Order of 18 October '42, as well as to the other Fuehrer orders referred to in the testimony of Mildner, namely, the Fuehrer orders of 18 August '44 and 30 July '44, correct?

KALTENBRUNNER: I did not know that Mildner testified on this point. Such a statement is not known to me, nor has it been submitted to me. But, I believe, it proves.. .

COL. AMEN: All right. Do you note that this document refers to the Fuehrer decrees of 18 October '42, 18 August '44, and 30 July '44. Yes or no, please.

KALTENBRUNNER: Yes. It says so here.

COL. AMEN: So that on 23 January '45 when you wrote this letter, you obviously had knowledge of those decrees, right? I mean...

KALTENBRUNNER: That is incorrect inasmuch as, in my opinion, the most important item in this letter is contained in the sixth, fifth, and fourth lines from the end: Here it says that they can make no claim upon the allowances for prisoners of war in accordance with the Geneva Convention. If, then, under the pressure of work this letter was submitted to me, it is evident that my eyes would first fall on the spot where I had to sign and also on the last lines. Here...

THE PRESIDENT: Defendant, that is not an answer to the question. The question was whether you knew the order of the 18th of October '42, of 30 July '44, and 18 August '44, when you wrote this letter. Did you know?

KALTENBRUNNER: No, I did not know of these orders, Mr. President.

COL. AMEN: All right...

KALTENBRUNNER: But please, would you let me defend myself on this point. It was clear to me that this dealt with the treatment of agents to whom the provisions of the Geneva Convention for prisoners of war are not applicable; and you cannot deny a power

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at war the right to let its security police take in hand those men who do not come under the regulations of the Geneva War Convention. That is the perfect right of any power at war. There there also German agents who were engaged in hostile activity in England and other countries.

THE PRESIDENT: Defendant, you are not here to argue your case now; you are here to answer questions.

COL. AMEN: Defendant, you testified, did you not, that you first acquired knowledge of the case of the British fliers who escaped from Stalag Luft III in March of 1944, some 6 weeks after the escape occurred; is that not correct?

KALTENBRUNNER: Yes, now I assume it was about 6 weeks afterwards; at any rate, it was just when, in consequence of the speech in the House of Commons, the Foreign Office took a stand. The department chiefs turned to me, but I in turn sent them to Himmler.

COL. AMEN: But when you were interrogated about this matter before the Trial, you testified as follows, did you not?

"Question: 'You remember the case of the 80 British fliers who escaped from Stalag Luft III, which took place in March '44?'

"Answer: 'That case is unknown to me.'

"Question: 'General Westhoff attempted to find out from the Gestapo what had happened to these men.'

"Answer: 'If he had negotiations with the Gestapo, he did not negotiate with me.'

"Question: 'What do you say about the general proposition that escaped prisoners were turned over to the Gestapo?'

"Answer: 'Such cases are not known to me.' "

Did you make those answers, yes or no?

KALTENBRUNNER: It is possible that I did; but I wish to point out to you that naturally I was completely confused by the manner in which these questions were put. I never really heard of 80 escaped airmen. Here, too, mention was made of 50 only.

COL. AMEN: For your information, 80 escaped and 50 there killed.

KALTENBRUNNER: And in addition, General Westhoff stated here that he did not discuss the Sagan case with me, but that he tried to obtain information from the State Police, that he spoke to me about the transfer of prisoner-of-war affairs to Himmler, who was the Commander of the Reserve Army, and that Sagan was referred to on this occasion.

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COL. AMEN: Now, Defendant, you testified that you had no knowledge whatever of the fact that Einsatz groups of the Security Police and SD were operating in the U.S.S.R. until long after you had become Chief of the RSHA in January '43, is that not correct?

KALTENBRUNNER: Yes.

COL. AMEN: And you still say that that is correct?

KALTENBRUNNER: Yes.

COL. AMEN: You deny that you ever knew that these Einsatz groups carried out the extermination of Jews in the U.S.S.R. until long after you had become Chief of the RSHA?

KALTENBRUNNER: I only discovered this during the arguments I had with Himmler and Hitler-I believe later in 1943- probably in November.

COL. AMEN: And you admit, I take it, that you were a Higher SS and Police Leader in Austria in 1942, right?

KALTENBRUNNER: Yes.

COL. AMEN: And Schirach was a Reich Defense Commissioner in Vienna at that time, was he not?

KALTENBRUNNER: I do not know when he was appointed, but I must point out that the Higher SS and Police Leaders received those powers with which they finally were invested in three different stages. In 1941, when I became Higher SS and Police Leader, the authority of such a leader was considerably less than it was at the end of the war.

COL. AMEN: Now, if the Tribunal please, I have a document which arrived by airplane yesterday, of which there is only one original copy and which, therefore, we have not been able to get translated. So I have arranged, if it is satisfactory to the Tribunal, for the interpreter to read the excerpts from that original document, which was taken from Schirach's personal files in Vienna, and then submit the original document to the Court and have it processed just as quickly as we are able to do so. Or perhaps the Tribunal would like to see the document first. It is an original document.

THE PRESIDENT: You will read it so that it will go through into German?

COL. AMEN: Yes, Your Lordship.

THE PRESIDENT: Very well.

COL. AMEN: This is Document Number 3876-PS. It is a report issued by Heydrich to all the Higher SS and Police Leaders and Reich Defense Commissioners on the activities of the Einsatz groups in the U.S.S.R. during the month of January 1942, and on the distribution list appears the name of this defendant.

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Will you read the Exhibit USA-808?

THE INTERPRETER: The righthand side of the document bears the initials in ink, "Sch." and then several symbols, "ZRVK 4030519/41 g," and below that, "1320C." At the left on top:

"The Higher SS and Police Leader attached to the Reichsstatthalter in Vienna and in Upper and Lower Danube, within Wehrkreis XVII; the Inspector of the Order Police."

Below that there are several file numbers. The document bears the heading, "Secret." It is dated, "Vienna, 14 October 1941... Subject: Technical report on the battles in the East."

THE PRESIDENT: Is that right, 14 October 1941?

THE INTERPRETER: Yes, 14 October 1941.

THE PRESIDENT: The previous date that was given was January 1942. What is the explanation of that?

COL. AMEN: It covers the month-I think there are two different documents there. You are giving the date on one. There is a different date on the other. Is that not correct?

THE INTERPRETER: That is correct.

COL. AMEN: Well, give us the date on the other document so the record will be clear.

THE PRESIDENT: Colonel Amen, we shall be able to understand when we see the document.

COL. AMEN: Yes, Your Lordship. *[Turning to the interpreter.]* Go right ahead.

THE INTERPRETER: The date of the other document is April 23, 1942.

COL. AMEN: Go ahead.

THE INTERPRETER: I continue:

"Subject: Technical report on the battles in the East. Reference..."-and then come series of file numbers-

"The above decree of the Reichsfuehrer SS and Chief of the German Police in the Ministry of the Interior, and also one copy each of the technical reports of the Army Command North and the SS Police Division, are herewith forwarded to you for your information and use."

The order is signed "Miegel."

COL. AMEN: Now, will you just go on to the distribution list and read, if you find it on the list, this defendant's name.

THE INTERPRETER: The name of the defendant is not on this distribution. I am coming to the next document.

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COL. AMEN: Well, it is!

THE INTERPRETER: No, it is not contained in this document, and I am now reading the second document:

"Berlin, 27 February 1942. The Chief of the Security Police and the SD, IV A 1 ..." -and then several different file references- ~

"Top secret. Subject: Activity and situation report Number 9 of the Einsatzgruppen of the Security Police and the SD in the U.S.S.R. Attached hereto..."

COL. AMEN: Just a minute. He is reading the wrong document, Your Lordship. We will have it straight in a minute.

THE INTERPRETER: I am told I am reading the right document. It is the right document, I continue:

"Herewith attached, I submit to you the ninth comprehensive report regarding the activities of the Einsatzgruppen of the Security Police and of the SD in the U.S.S.R. In future these reports will be sent to you currently as they appear. Signed, Heydrich." .

Then there is a stamp, "The Reich Defense Commissioner for the Wehrkreis XVII, received 5 March 1942;" and then follows the distribution, of which Number 13 reads, "To the Higher SS and Police Leader, SS Gruppenfuehrer, Dr. Kaltenbrunner."

COL. AMEN: His name is on the list, is it not? Now, if you will skip to "C" on that document.

THE INTERPRETER: I now read from Page 9 of the document, an extract under the heading "C. Jews:"

"The attitude of the Jews towards the Germans is still clearly hostile and criminal. It is our aim to cleanse the Eastern countries of Jews as completely as possible. Everywhere the executions are to be carried out in such a manner that they will hardly be noticed by the public. Among the population,

. and even among the remaining Jews, the conviction is widespread that the Jews have merely been resettled. Estonia has already been cleared of Jews. In Latvia the 29,500 Jews who remained in Riga have been reduced to 2,500. In Dunaburg there still live 962 Jews who are urgently needed for work." I am now skipping several paragraphs and I continue:

"In Lithuania there are now in Kaunas still 15,000 Jews, in Schaulen 4,500, and in Vilna another 15,000 who are also needed for work. In White Ruthenia the Jews are being cleared out. The number of Jews in the part of the country which has so far been turned over to the civilian administration amounts to 139,000. In the meantime 33,210 Jews have

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been shot by the Einsatzgruppen of the Security Police and the SD."

I now skip the rest of this extract and continue by reading another document. This is dated, "Berlin, 23 April 1942," and shows an illegible initial in ink. It bears the heading, "The Chief of the Security Police and the SD, IV A 1," and several file numbers. It bears the designation, "Top secret." This document, which is signed by Heydrich and which shows as the date of receipt 28 April 1942, lists in the distribution in the 14th place, "To the Higher SS and Police Leader, SS Gruppenfuehrer, Dr. Kaltenbrunner, Vienna."

I now read from Page 11 of the report, and I read an extract headed "C. Jews":

"Different methods were used in solving the Jewish problem in the various front sectors. Since the greater part of the Eastern territory is free of Jews, and since the few remaining Jews, who are required for most urgent work, have been put into ghettos, it was the task of the Security Police and the SD to round up those Jews who were hiding mainly in the country. Many times Jews who had left the ghetto without permission or who were not wearing the Jewish Star have been arrested. Among others, three Jews who had been sent from the Reich to the ghetto in Riga and who had escaped, were captured and publicly hanged in the ghetto. During large-scale anti-Jewish operations 3,412 Jews in Minsk, 302 in Vileika, and 2,007 in Baranowicze were shot."

I now skip three paragraphs and continue:

"In addition to taking action against individual Jews who were known for their political or criminal activity, it was the task of the Security Police and the SD, to clean up generally the larger towns in the remaining territories of the Eastern Front. Thus, in Rakow alone 15,000, and in Artenowsk 1,224 Jews were shot, so that now there are no more Jews there. In the Crimea 1,000 Jews and Gypsies were executed."

That is all.

COL. AMEN: Defendant, do you still have the temerity to tell this Tribunal that you knew nothing about the operations of these Einsatz groups until after you took over as Chief of the RSHA?

KALTENBRUNNER: At the top left hand corner of the document can clearly be read, "The Higher SS and Police Leader..."

THE PRESIDENT: Answer the question and then you can look at the document afterwards. Do you still say that you knew nothing about these Einsatzgruppen?

KALTENBRUNNER: I have no knowledge of the contents of this document. I want to point out that the Office of the Inspector of

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the Public Police dispatched this letter on 22 October 1941. Technical reports on the fighting on the Eastern Front and on the operations of the Security Police and SD, which were drafted at that time, are based on orders issued by Himmler or Heydrich and not on my orders. In no way can this document show how I regarded the entire question. If the distribution lists all the Higher SS and Police Leaders and all the offices to which these technical reports were sent, I do not regard that as proof that these offices, that is to say all the men who were working in these offices-must necessarily have known of it. You cannot assume that cognizance was actually taken of reports concerning territories over which the official in question had no jurisdiction or influence whatsoever. There is no doubt at all today that these crimes were committed in the East. But it is to be proved whether they are in any way due to my influence, either intellectually, legislatively, or administratively, and whether I approved of them, and whether I could have stopped them; all this I must absolutely deny.

COL. AMEN: Defendant, that was just one of a regular series of monthly reports, a copy of which went to you every single month. Is that not a fact, yes or no?

KALTENBRUNNER: I do not know how often such reports came. I see this report today for the first time. Of course, it cannot be denied that such technical reports from all battle zones concerning either the Security Police, or the Order Police operations, or the experiences of the Wehrmacht were issued and distributed all over the Reich.

COL. AMEN: All right, that is enough for me. Did you know about a letter written by your attorney, seeking evidence on your behalf at this Trial?

KALTENBRUNNER: I have not yet discussed such a letter with my Defense Counsel. Please ask him if he has informed me of this letter.

COL. AMEN: Well, are you not familiar with the fact that he wrote a letter to the Mayor's office in Oranienburg near Berlin and received a reply to that letter to be used on your behalf?

KALTENBRUNNER: No. Please ask him. He has not told me anything about it.

COL. AMEN: Now, then I will refer you to document number. ..

THE PRESIDENT: Colonel Amen, are you entitled to go into professional matters between the defendant and his counsel?

COL. AMEN: I believe so in this instance, Your Lordship, because the letter was sent to us directly by the recipient of the letter, with the expectation that it would be used by us. This is no confidential communication. It was a letter...

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THE PRESIDENT: Will you let the Tribunal see the letter?

COL. AMEN: Yes, Sir.

DR. KAUFFMANN: Mr. President, this is the first time that I have heard of this matter. If the document is addressed to me, may I perhaps have a look at it before it becomes an item in this Trial?

COL. AMEN: Sure.

THE PRESIDENT: Yes, certainly, let him look at it first.

COL. AMEN: If Your Lordship please . . .

DR. KAUFFMANN: May I explain it, Mr. President?

THE PRESIDENT: Well, we had better hear from Colonel Amen first because he wants to introduce the document.

DR. KAUFFMANN: May I say something first?

THE PRESIDENT: Yes, Dr. Kauffmann, what do you want to say now?

DR. KAUFFMANN: Perhaps the Tribunal has already noticed that I...

THE PRESIDENT: We have not seen the document.

DR. KAUFFMANN: I have seen the document.

THE PRESIDENT: I said we have not seen it yet. We have allowed you to see it first in order that you can make any objection to it that you want to make before we see it, and then we will look at it.

DR. KAUFFMANN: Yes, I see. Mr. President, I am of the opinion that this is an unfair infringement on the rights and duties of the German Defense. The whole world may read this document. It is an inquiry which is addressed to the Mayor's office at Oranienburg. Oranienburg was a large concentration camp. Since, according to an agreement with my colleagues, I had the task of clarifying the question of the "awareness of the German people," I sent this letter containing questions which everybody may read to the Mayor's office and requested that these questions be answered. It was my intention to submit these answers, if the occasion arose, to the Tribunal. The same questions have been sent out to other towns, and I have already submitted these documents for translation and shall later submit them to the Tribunal. But it is an impossible state of affairs that a letter of a defense counsel and the reply given to that defense counsel should be disclosed here by the Prosecution.

THE PRESIDENT: Wait a minute, Dr. Kauffmann. But the document that Colonel Amen was offering in evidence was not your letter to the Mayor of Oranienburg nor his answer to you.

COL. AMEN: Yes, it was.

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THE PRESIDENT: I beg your pardon, I thought you said it was a letter that has been sent to the Prosecution.

COL. AMEN: I said that a copy was sent to the Prosecution: As I understand it, not only by the person who received it-there was no covering letter-but also turned over to the British Prosecution in a letter dated '46 from Major Wurmser.

THE PRESIDENT: I understand now. I do not think you said before it was a copy. What I understood was it might have been sent to you by mistake. If it were a copy of a letter which was sent to Dr. Kauffmann, then the position is clear as to what it was.

COL. AMEN: That is my understanding of it, Sir. And, of course, it is a copy of his letter but I know of no privilege whatsoever of a confidential...

THE PRESIDENT: What do you mean by "a copy of his letter"? A copy of the letter sent to Dr. Kauffmann?

COL. AMEN: Sent by Dr. Kauffmann to the Mayor of Oranienburg and a copy of the reply made by the Mayor to Dr. Kauffmann; and I think you will see, if Your Lordship reads the reply, how it is that it came directly to our attention.

DR. KAUFFMANN: May I add one more thing, only two or three sentences, please? I consider the presentation of these two documents a particularly severe infringement of the rights of the Defense.

The Defense has had no opportunity to look at the documents of the Prosecution, and it would never have occurred to us to submit to the Tribunal documents of the Prosecution which are to our advantage. This is exclusively a matter between me, the sender of the letter, and the office answering it; how is it possible for the Prosecution to be allowed to interfere in such entirely personal matters? I do not think that is fair.

COL. AMEN: Now, if Your Lordship pleases, I think I can clear the whole thing up. This is a letter dated 2 April '46 from Major Wurmser to the British Prosecution, and it reads as follows:

"Attached please find the original correspondence regarding Oranienburg. In accordance with your request, I have ascertained that this correspondence was received in the following way. It came addressed to the Prosecution and was delivered to the General Secretary. The original was apparently sent directly to Dr. Kauffmann and the sender, the Mayor of Oranienburg, a Mr. Klausmann, dispatched at the same time a carbon copy to the Prosecution which not only consisted of his answer but also of the letter which was sent to him by Dr. Kauffmann."

THE PRESIDENT: Yes, I think we understand the circumstances now.

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COL. AMEN: So I think it was sent to the Prosecution for the very purpose for which I am now endeavoring to utilize it.

THE PRESIDENT: Colonel Amen, apart altogether from the question of privilege between counsel and his client, how do you say that this document, which is a letter apparently from a private individual addressed to Dr. Kauffmann, copy of which is sent to you, is evidence at all?

COL. AMEN: Because, Your Lordship, there is included in this defendant's document book a letter which is on precisely this same point. In other words, this defendant has raised this point in his own defense. He did not read the letter.

THE PRESIDENT: That is not quite the point. This letter to Dr. Kauffmann, of which you have a copy, is not as I understand a sworn statement.

COL. AMEN: It is not sworn; no, Sir.

THE PRESIDENT: How does it become evidence then? The witness is not here.

COL. AMEN: It has the same probative value that many letters introduced here in evidence have. In fact, I think it has considerably more than many of them, because it is a letter from an official, from the mayor who has conducted an inquiry and has ascertained what I consider to be one of the most important matters in the case—namely, whether...

THE PRESIDENT: No, I do not want to hear at the moment what is in the letter.

COL. AMEN: I cannot think of a thing that was more pertinent than this letter, or more important, to be brought out at this Trial, particularly when it—well, you do not want me to go into that—particularly when it is something which the defendant has sought to interpose as his own defense, and which now turns out...

THE PRESIDENT: But he has not sought to introduce it for his own defense.

COL. AMEN: Well, I say he has sought to introduce that issue by the letter in his document book so that, even were it not otherwise perhaps relevant, it surely becomes so when the defendant has raised that precise issue in his own documents. But even aside from that, it seems to me that it is one of the most important issues in this case.

I will not characterize it in words since Your Lordship does not wish me to, but I can hardly think of anything more pertinent than the matter set forth there in the form of an official communication.

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THE PRESIDENT: Colonel Amen the only question I was asking you was how the particular document, which IS unsworn document, came to be competent evidence. Has it been seen by the witness who is under crossexamination?

COL. AMEN: Well, as an official communication, Sir, to his counsel. In the course of the discharge of his official duties as a mayor-it is a part of his job.

THE PRESIDENT: Yes, Dr. Kauffmann.

DR. KAUFFMANN: Mr. President, I do not wish to speak now about the question of procedure. I merely want to mention that this letter . . .

THE PRESIDENT: Wait a minute.

DR. KAUFFMANN: I do not want to deal at great length with the question of procedure which we touched upon just now, but I wish to emphasize that these two documents have nothing to do with the case of Kaltenbrunner as such. As I have just said, anyone may look at the document; but, since this document has nothing to do with Kaltenbrunner, it has from the very outset no value as evidence.

COL. AMEN: Well, it has even further probative value, Your Lordship, in that, if the matters referred to in this letter were known, as described in the letter to the people in Oranienburg, surely the person who occupies the position as Chief of the RSHA in Germany must certainly have the knowledge which the smallest local civilian appears to have.

THE PRESIDENT: The Tribunal will adjourn.

*[A recess was taken]*

THE PRESIDENT: The Tribunal rules that the document is inadmissible.

COL. AMEN: That was to have been my last document, Your Lordship; so that concludes the crossexamination, except for one point. There is a witness named Hoess, who is called on behalf of the defendant, and through whom I would like to introduce two exhibits. If he is not to be called, however, then I would like to introduce those exhibits through the defendant. So I am wondering whether we could obtain a definite statement as to whether or not the witness Hoess is actually to be called by the Defense.

THE PRESIDENT: Dr. Kauffmann, are you proposing to call Hoess?

DR. KAUFFMANN: Yes.

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THE PRESIDENT: You are.

DR. KAUFFMANN: I have no further questions to put to the defendant.

THE PRESIDENT: I am afraid I did not hear what you said, Dr. Kauffmann.

DR. KAUFFMANN: I have no further questions.

THE PRESIDENT: Then the defendant can return to his seat. Wait a minute, wait a minute!

CHIEF COUNSELLOR OF JUSTICE L. N. SMIRNOV (Assistant Prosecutor for the U.S.S.R.): Just a minute-stay! Mr. President, we have a few questions to put to the defendant.

THE PRESIDENT: Colonel Smirnov, we understood the other day that the Counsel for the Prosecution had agreed that there should be only one cross-examination of the Defendant Kaltenbrunner.

MR. COUNSELLOR SMIRNOV: We wish to request the Tribunal to allow us to put to the defendant a few questions, which will not take very long but which are quite indispensable for further questioning.

THE PRESIDENT: In the opinion of the Tribunal, I think you know counsel ought to settle beforehand what questions are indispensable and then have them put by the counsel who cross-examines. That is the whole object of the scheme.

Sir David, when we saw you on this subject, did you not tell us that all the prosecutors had agreed that so far as this defendant was concerned he should only be cross-examined by one?

SIR DAVID MAXWELL-FYFE: My Lord, that was the position. I understand that the Soviet Delegation have some special points, and they were going to ask, as a matter of grace of the Tribunal, whether they could put them. That is what my Soviet colleagues have informed me.

THE PRESIDENT: M. Dubost?

M. CHARLES DUBOST (Deputy Chief Prosecutor for the French Republic): My explanation will be very brief, Mr. President. In principle, the Prosecution entrusts one man to ask all these questions. It is impossible, however, for the entire investigation and examination to be carried out by one member of the Prosecution only because we do represent four different nations which have not divergent but certainly individual interests. The only person qualified to speak in the interests of a nation is the representative of that nation. I think, therefore, that the Tribunal should permit us to ask questions from time to time when we ask to be allowed to do so.

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THE PRESIDENT: M. Dubost, you are not applying now, are you, for leave to have a third cross-examination; you are just speaking on general principles?

M. DUBOST: Mr. President, it is a question of principle. The Prosecution has limited itself in order to economize on time, but it requests the Tribunal for authorization to intercede when it is necessary to do so in order to represent the interests of a country.

I will not ask any questions which might have occurred to me following the interrogation by my colleague of the United States; I do not wish to retard the proceedings. I think, however, that the Tribunal could tell us that in principle we remain free to ask questions which concern our countries, especially since we alone are competent to represent the interests of our countries and cannot transfer this competency to one of our colleagues.

THE PRESIDENT: Colonel Smirnov, could you inform the Tribunal upon what questions, what points you want to cross-examine?

MR. COUNSELLOR SMIRNOV: Yesterday, when the defendant was replying to Colonel Amen's questions and denying his participation in the extermination of the Jews in the Warsaw Ghetto, he stressed that the Chief of Police in occupied Poland, Kruger, was allegedly directly subordinated to Himmler and had no connection with Kaltenbrunner at all. In the Polish documents which have just reached me, and in connection with which the Soviet Delegation has changed the order which it has primarily intended to observe, in these Polish documents there is...

THE PRESIDENT: I understand that point. Are there any other points?

MR. COUNSELLOR SMIRNOV: The second point refers to another document already submitted by the Soviet Delegation, and this point has not been covered by the preceding question; but it is of intense interest from the viewpoint of the documents previously presented. It is in regard to these two questions that I wish to examine the defendant.

THE PRESIDENT: You are aware that we are going to adjourn at half past 12 for the purpose of dealing with the documents of the Defendant Rosenberg, but you may certainly cross-examine upon these points if you will do it as shortly as you can.

MR. COUNSELLOR SMIRNOV: I believe, Mr. President, that we shall be able to finish the cross-examination in 15 minutes.

THE PRESIDENT: Very well.

MR. COUNSELLOR SMIRNOV: Witness, Colonel Amen yesterday submitted to the Tribunal a document which disclosed your

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active participation in the liquidation of the Warsaw Ghetto. Perhaps you can tell us under whose orders the police were. Rebutting this document you dwelt at great length on the fact that the Police Chiefs in the occupied territories were directly subordinated to Reichsfuehrer SS Himmler and had nothing to do with you.

Do you stick to this statement?

KALTENBRUNNER: Yes, but it should be supplemented. I also said yesterday that the Higher SS and Police Chief in the Government General was subordinate to Himmler and that, in turn, the SS and Police Leaders of the smaller districts were subordinate to him.

MR. COUNSELLOR SMIRNOV: Perhaps you can tell us to whom the police officials were subordinate?

KALTENBRUNNER: The commanders of the Security Police, the Order Police, and the Waffen-SS were subordinate to the Higher SS and to the Chief of Police. They were also subordinated to the Chiefs of Police and SS in the smaller districts.

MR. COUNSELLOR SMIRNOV: Perhaps you can remember your second statement as well, when you declared yourself opposed to Kruger's extreme tendencies towards the Polish Jews, and that you had even attempted to restrain him?

KALTENBRUNNER: I have stated that I agreed with Frank in favoring the release of Kruger-that is, his transfer from the Government General.

MR. COUNSELLOR SMIRNOV: I would like to hand Frank's diary to the defendant.

*[The document was submitted to the defendant.]*

Let him turn to Page 13, where Kruger is mentioned, and then to Page 16. From this Page 16, I shall read three paragraphs. Read and follow if it has been carefully translated, "There is no doubt"- says Kruger-"that the removal of the Jews has had a favorable effect on pacification..."

KALTENBRUNNER: That passage has not been submitted to me here. I have Page 13 of the document in my hand.

MR. COUNSELLOR SMIRNOV: Well then, we shall show you Page 16, beginning with the words "There is no doubt..." I begin again:

"There is no doubt but that the removal of the Jews has also had a favorable effect on pacification. It was for the police one of their gravest and most unpleasant tasks; but it had to be carried out by order of the Fuehrer, since it was necessary in the interests of Europe."

I omit one paragraph and would ask you to do the same:

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"One was forced to remove the Jews from the armament industries and from all industries and factories of military and economic interest unless they are exclusively employed on important war work. In such cases the Jews were collected in the large cam-PS and from there sent by day to the munition factories. The Reichsfuehrer SS, however, desires that the employment of these Jews stop, too. He had a long conversation on this subject with Lieutenant General Schindler and is of opinion that this wish of the Reichsfuehrer SS cannot be carried out in full. There are among the Jewish workers specialists, skilled mechanics, and other qualified artisans who cannot at present be replaced by Poles."

I draw your attention to the next sentence:

"He therefore requests the SS Oberguppenfuehrer, Dr. Kaltenbrunner, to describe the situation to the Reichsfuehrer SS and. to request him to refrain from removing these skilled Jewish workers. The physically best conditioned of the Jews had been retrained by the industries, the so-called 'Maccabeans,' who worked magnificently, as well as female workers who had proved physically stronger than the male Jews. We experienced the same conditions in the clearing of the Warsaw Ghetto. By the way, this task had been very difficult."

I omit a sentence and quote the following:

"It has been proved that here, too, the Jewesses, arms in hand, had fought the men of the Waffen-SS and the police to the end."

Do these passages not prove that Kruger considered you as his commanding officer, and that when the majority of Jews had already been murdered in Poland and only a very small number of good specialists were left, Kruger appealed to Himmler-through you, as his chief-to allow these Jews to live? Does this not bear witness to the fact that Kruger considered you as his chief and acted through you?

KALTENBRUNNER: No, Mr. Prosecutor. This document, on the contrary, proves something quite different. In the first place, he himself says here that the evacuation of the Warsaw Ghetto had previously taken place; in the second place, he says that he begs me to go to Himmler and to remonstrate with him. What I said to Himmler is not contained in the document; and the fact that, on that occasion, I told Himmler for the first time, "Now I know what is going on," and protested against it, does not appear in this

document. But surely I must be given the opportunity to declare and prove here that I took steps against this action; and if you cross-examine Frank or the witnesses...

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MR. COUNSELLOR SMIRNOV: One moment, you have already mentioned this, Defendant.

KALTENBRUNNER: I have not finished. I have not yet finished this point. If you question the witnesses on the subject of "Government General," you will discover exactly how, on that occasion, I paid my first and only visit to the Government General, and that what I experienced and learned there became the subject of a discussion with Himmler. You cannot accuse me, on the one hand, of knowing of all these things without giving me, on the other hand, the opportunity to describe what were my reactions. In the last 2 years of the war, circumstances placed me in a position where I was able to see what was happening in the Reich and later on, near the end, in the Government General as well. But you are not giving me an opportunity to explain how I reacted, I the man who had the misfortune to get such a position at the end of the war

MR. COUNSELLOR SMIRNOV: One little moment. But why did Kruger act through you?

KALTENBRUNNER: And further, this document does not indicate in any way in what capacity I was there; not once does he mention that I was there as his police superior. He knows only that naturally, as Chief of the Intelligence Service, I had to report very often to Himmler. So he asked me on this occasion to make these reports. But Kruger was-as it surely appears in the document-State Secretary for the security system in the Government General. He Divas State Secretary there, and as State Secretary he was subordinate to the Governor General, and as State Secretary. ..

THE PRESIDENT: You are going too fast, and you are making far too much of a speech.

KALTENBRUNNER: . . . and as State Secretary for police matters in the Government General, he was, of course, immediately subordinate to Himmler. That must be...

MR. COUNSELLOR SMIRNOV: I beg you to answer briefly: Did Kruger ask you to report to Himmler on this subject or not? That is the only thing I am asking you.

KALTENBRUNNER: As far as I know, this meeting was a large meeting of administrative officials and everyone asked all those who were closest to the Fuehrer or Himmler...

MR. COUNSELLOR SMIRNOV: Tell me, "yes" or "no": Did he ask you to report, or not?

KALTENBRUNNER: I do not know that.

MR. COUNSELLOR SMIRNOV: So you do not know. Then I will ask you a second question.

KALTENBRUNNER: From the wording I can only take...

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MR. COUNSELLOR SMIRNOV.: One moment.

KALTENBRUNNER: You are not allowing me to finish.

THE PRESIDENT: What did you say to the last question? Was not the question, "Did you go there?" Colonel Smirnov?

MR. COUNSELLOR SMIRNOV: I had another question to put, Mr. President.

THE PRESIDENT: I am asking you what your last question was.

MR. COUNSELLOR SMIRNOV: I asked the following question, Mr. President: Did Kruger report to Himmler through Kaltenbrunner? I was asking the defendant to answer "yes" or "no" and to abstain from making speeches.

THE PRESIDENT: What was your last question?

MR. COUNSELLOR SMIRNOV: Did Kruger ask Kaltenbrunner to report to Himmler on this subject. My second question-Mr. President, are you asking about my second question?

THE PRESIDENT: I wanted him to answer your question. Will you tell him what question you want him to answer. Don't ask him two; ask him one question. Can't you hear what I said?

MR. COUNSELLOR SMIRNOV: Yes, Mr. President.

THE PRESIDENT: Ask him one question, and see whether you can try and get him to answer it.

MR. COUNSELLOR SMIRNOV: Did Kruger ask for this tome reported to Himmler, and what did he say?

KALTENBRUNNER: It is possible that he did ask me but not as a superior. You must realize what type of assembly it was; that must also become apparent from the diary. I did not go there as the Chief of the Security Police, or as Kruger's superior; but Kruger, like dozens of other people, reported on the food situation, the administrative system...

MR. COUNSELLOR SMIRNOV: I would ask you to refrain from further explanations. You answered my question, and it is not worth continuing on the subject.

THE PRESIDENT: What is the matter, Dr. Seidl?

DR. SEIDL: Mr. President, a quotation from Frank's diary has been read to the Defendant Kaltenbrunner. Franks diary consists of 42 volumes and I should like to suggest that the prosecutor give the place and the volume and the date of the entry, so that one can determine in what connection that occurred.

THE PRESIDENT: Certainly, yes.

MR. COUNSELLOR SMIRNOV: Here we have a precise indication: This is a conference of 31 May 1943 in Krakow. There it is

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headed "Technical Conference..." The document is registered as Exhibit Number USA-613, Document 2233 (aa)-PS.

THE PRESIDENT: This diary presumably got a date.

MR. COUNSELLOR SMIRNOV: That is correct. This conference took place on 31 May 1943; there is the date.

THE PRESIDENT: That is what Dr. Seidl wants to know.

MR. COUNSELLOR SMIRNOV: I have a second question to put to the defendant.

THE PRESIDENT: Go on.

MR. COUNSELLOR SMIRNOV: If, as the defendant says, he was exclusively employed on intelligence work and with nothing else, then did he consider the buying over of the Iran elections and the receipt from Ribbentrop of 1 million tomans to send to agents as entering purely within the scope of intelligence work?

KALTENBRUNNER: I certainly had nothing to do with the Buying of votes in Iran; but I admit, of course, that agents of my Intelligence Service did work in Iran.

MR. COUNSELLOR SMIRNOV: You did not ask Ribbentrop for 1 million tomans for bribery?

KALTENBRUNNER: No, I had sufficient means to pay my agents myself.

MR. COUNSELLOR SMIRNOV: This letter bearing Kaltenbrunner's signature has already been submitted to the Tribunal as Exhibit Number USSR-178, during Ribbentrop's cross-examination. Mention is made in this letter of the allocation of 1 million tomans. Does the defendant deny this evidence which Ribbentrop, himself, has admitted?

KALTENBRUNNER: I believe that I did not demand any money from Ribbentrop because I had enough money. Show me this letter. It might be quite possible. I had sufficient funds at my disposal for the intelligence service.

MR. COUNSELLOR SMIRNOV: The original of this letter has already been submitted to the Tribunal during Ribbentrop's interrogatory. We have only the copy but the original, of course, can be brought immediately from the document room. It is said here that:

"In order to exert a decisive influence on the election results, 400,000 tomans would be needed for bribes in Teheran and at least 600,000 tomans for the rest of Iran."

The letter ends as follows:

"I request you to tell me briefly if it would be possible to obtain 1 million tomans from the Ministry of Foreign Affairs.

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It would be possible to transfer this money by people whom we are sending there by airplane.

"Hell Hitler. Your devoted Kaltenbrunner, SS Obergruppenfuehrer."

The contents of this letter are quite definite. Ribbentrop acknowledged the letter. Are you denying Ribbentrop's evidence?

KALTENBRUNNER: Not in the least, but I would like to add the following as far as this document is concerned. I cannot remember it easily because it was written in Office VI. I do not know the contents-did not know them until now. I am absolutely sure that I signed it, because it is a letter to a Minister of the Reich which, of course, for reasons of tact, I had to sign personally. As to the subject itself, I am grateful that the last question in this cross-examination is a question which actually refers to my sphere of activities proper. You are the first prosecutor to whom I must be grateful on that account, and who at last can no longer conceal the fact that my agents and my activities extended as far as Iran.

MR. COUNSELLOR SMIRNOV: Is that your signature?

KALTENBRUNNER: Yes.

MR. COUNSELLOR SMIRNOV: I have no further questions to put to this defendant, Mr. President.

[ ... ]

<https://avalon.law.yale.edu/imt/04-12-46.asp>