

Classics
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Highlights from the Direct and Cross Examination
of Herman Goering in
The Nuremberg Trial

with foreword by
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To:

and Cross-Examination
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Education Group, Inc.**

12401 Minnetonka Boulevard
Minnetonka, Minnesota 55305

Foreword

Atrocities committed by the Nazis during World War II are unquestionably the most extensive and cruel in reported history. The extermination of some six million Jews is generally accepted as the outcome of those crimes. In 1945, following the defeat of Nazi Germany by the Allies, the world waited in breathless anticipation as one of the most notable trials in history began. Taking its name from the city which hosted it, the Nuremberg Trial involved twenty-two high ranking Nazis as defendants, along with three organizations: the Gestapo, the Schutz-Staffel (Hitler's body guards known as the SS), and the Sturm Abteilung (storm troops known as the SA).

The transcripts of the proceedings at Nuremberg are among the most compelling legal and historical documents ever published. Excerpts of the direct and cross-examination of Herman Göering which follow were carefully selected to demonstrate the cunning and guile of the defendant and the contrasting styles and techniques employed by the most famous and highly regarded team of prosecutors ever assembled. The careful reader must bear in mind not only the legal, but the political and historical objectives of the participants.

Lobbying for this international tribunal began in the United States during 1943. President Franklin D. Roosevelt received two opposing proposals, each with features he found attractive. His Secretaries of War and State, Henry Stimson and Cordell Hull respectively, presented one plan focusing on the rehabilitation and "de-Nazification" of Germany. Its counterpoint, authored by Treasury Secretary Henry Morgenthau, advocated summary execution of captured major Nazi war criminals and further punishment of Germany through the orchestrated destruction of the German industrial complex.

British Prime Minister Winston Churchill received both plans from President Roosevelt in September, 1944. Though

Churchill clearly favored summary execution, the two leaders postponed their decision until Soviet Premier Joseph Stalin was consulted. In preparation for the Stalin conference, Stimson, Hull, and Attorney General Francis Biddle submitted a plan to Roosevelt which recommended an Allied military tribunal to try accused Nazi war criminals.

In February, 1945, shortly before his death, Roosevelt met with Stalin and Churchill in Yalta. He suggested the formation of the international tribunal to try the Nazis. Stalin favored a trial followed by execution. General Charles DeGaulle, of France, the fourth Allied leader, though not present, favored outcomes determined by trial. Churchill stood alone in opposition to a trial.

When the British finally agreed to the international tribunal and trial, Roosevelt was dead and President Harry S. Truman appointed Associate Supreme Court Justice Robert Jackson as Chief Counsel for the United States prosecution team. His Allied counterparts were Attorney General Sir David Maxwell-Fyfe (Britain); Francois de Menthon (France); and General Roman Rudenko (Russia).

In August, 1945, after extensive debate, the four Allied powers signed The Charter of the International Military Tribunal which established the rules for the trial. Four features formed the basis of their agreement: (1) an indictment with a comprehensive summary of evidence would be served before trial; (2) the accused would have the right to counsel; (3) the defendants would testify under oath and be subject to cross-examination; and (4) each defendant could give a final statement without challenge from the prosecutors.

The indictments presented to the defendants included planning and waging aggressive war, specific war crimes, and "crimes against humanity," the charge which included the attempted extermination of the Jewish race.

As trial preparation neared completion, Herman Wilhelm Göring was arrested in Salzburg, Germany. Göring was

Hitler's second in command and, not surprisingly, became the most notorious of the Nuremberg defendants. Göring had served as Commander in Chief of the Luftwaffe (German Air Force), Reichmarshal, President of the Reichstag, and Chairman of Council for Defense of the Reich.

His executive abilities were regarded as brilliant. During his tenure he developed the Luftwaffe from scratch and founded the Gestapo, the secret police known for their vicious treatment of those not sympathetic to Nazi views. Göring was also held responsible for establishing the first concentration camps in 1933. He is viewed by historians as a dominant figure in promoting the "master race" theory which ultimately led to mass extermination of the Jewish prisoners.

Göring's demeanor on arrest was reported as relaxed. He willingly surrendered his baton and was taken to the Grand Hotel in Mondorf, Germany, which had been remodeled to serve as a prison, for detention with the other Nuremberg defendants.

He arrived as a 280 pound morphine addict with thousands of paracodeine tablets to support his addiction. In addition, he brought sixteen suitcases, jewelry, medals, and a personal adjutant. When his possessions and adjutant were taken from him, the Commander of the [Allied] Internal Security Detachment at Nuremberg, U.S. Army Colonel Burton C. Andrus, described him as a "simpering slob." Andrus was charged with the responsibility of guarding the infamous prisoners and assuring their physical and mental competence to stand trial. Under his regimen, Göring defeated his morphine addiction and lost 60 pounds. On November 20, 1945, when the trial began, Göring was physically strong and mentally alert.

Eight judges presided over The Nuremberg Trial, two representatives from each of the four Allied powers. Francis Biddle and U.S. Circuit Judge John J. Parker represented the United States. The Soviet representatives included I.T. Nikitchenko and A.F. Volchkov; France was represented by

Robert Falco and Henri Ponnédieu de Vabres. Britain's Sir Geoffrey Lawrence, President of the Tribunal, was paired with Sir Norman Birkett. Lawrence received universal praise for his efficient disposition of the challenging and novel issues presented to the panel of judges. Even the Nazi defendants, skeptical about the potential for a fair trial, highly regarded Lawrence's even-handed manner.

The prosecution case, though sometimes characterized as disorganized, repetitive, and lengthy, carefully exposed the cruel and senseless foundation of the Nazi ideology and atrocities. The four Allied prosecution teams presented evidence on each element of the case. Important factual points were supported by witnesses, film footage, and documents bearing the signatures of defendants. Certificates or affidavits of authenticity were provided for all documents. The prosecution's case consumed seventy-three days.

The following examples of content offered in the testimony of prosecution witnesses is representative of the substantive evidence which faced the defense counsel. Dr. Franz Blaha testified for the U.S. prosecution. He was a Czechoslovakian doctor, arrested by the Nazis in 1939. For the seven years of his internment he served as a doctor in German prisons and was at the Dachau concentration camp from 1941 until he obtained freedom during the Allied liberation in April, 1945. His testimony shed light on experiments with live prisoners including salt water ingestion, cold water immersion and typhoid vaccination tests. The salt water and cold water tests, he said, dealt directly with German airmen's potential for survival if shot down over large bodies of water (as the Luftwaffe leader, Göring had a vested interest in the results of those tests). As a camp physician, Blaha performed hundreds of autopsies confirming deaths caused by these experiments and was concise in identifying Nazi officials, including some Nuremberg defendants who were in the Dachau camp during his stay.

Several defense attorneys cross-examined Blaha, but the questioning was ineffective. Aided by an excellent memory, he would not falter in specifically recalling names and faces of high ranking Nazi officials who had toured the camp.

Samual Rajzman was a prosecution witness presented by the Russians. He was taken from a Warsaw ghetto to the German concentration camp known as Treblinka Number Two in August 1942. Rajzman, an accountant before the war, was spared death because he spoke several languages. As an internee, he witnessed the daily arrival of trainloads of Jews at the Treblinka station. They disembarked at a seemingly normal train depot, were forced to strip and march naked to the gas chambers along Himmelfahrt Street, known then as "the street to heaven." He estimated the process for the men and boys was complete in eight to ten minutes. For the women, five additional minutes were required to shave their heads so their hair could be used in the manufacture of mattresses. The daily death toll was calculated at ten to twelve thousand.

He was there only two days when he witnessed the arrival of his family. His wife, child, mother, sister and two brothers were led to the gas chambers. Later, going through discarded clothing, he found a picture of his wife and child. In testifying, Rajzman reflected on that single remnant of his family -- a photograph.

Not only did the defense elect not to cross-examine Rajzman, the record shows that when asked if they had any questions, they did not even respond.

The defense case opened with Göering's testimony. His counsel was Dr. Otto Stahmer, a German judge. The following transcript begins with excerpts from this testimony. His health revived, Göering's response on direct examination was organized, lucid, and occasionally reminiscent of Nazi propaganda speeches. He often gave long, narrative responses, which were allowed by the tribunal's judges, though frequently objected to by the prosecution. Göering repeatedly refused to implicate the other defendants and impressed the tribunal when

he insisted on assuming full responsibility for acts carried out pursuant to orders signed by him, though issued in response to Hitler's command. Even the strongest opponents of the Third Reich admired the courage he exhibited during his two days of direct testimony.

On the 84th day of trial, Justice Jackson was the first of the Allied prosecutors to cross-examine Göring. Though historians are at odds about it, Jackson's cross is generally viewed as ineffective. It occurred over three days and was at its best only during the third day. The edited transcript includes examples from the first day, as well as the third. In Jackson's defense, the United States' prosecution team assumed the burden of proof on a greater share of the case than their Allied counterparts, which meant preparing and interpreting thousands of German documents.

The British followed the United States in cross-examination and concentrated on just a few general areas. Maxwell-Fyfe's effort is viewed by many as a textbook case of effective cross-examination. The excerpt from the transcript featured here focuses on Göring's knowledge of the execution of 50 Royal Air Force officers who escaped from a German prisoner of war camp, were subsequently captured and later handed over to the Gestapo.

The Russian cross by General Rudenko follows, with transcript excerpts that point to Göring's knowledge of affairs relating to the administration of the Third Reich. The reader will note that Rudenko's manner in questioning is harsh, assertive, and confrontational.

The transcript concludes with testimony offered five months later. Göring returned to the stand for direct and cross-examination concerning medical experiments performed on concentration camp internees. Maxwell-Fyfe's brilliant work on cross-examination left the tribunal with a clear message: Göring had known of these experiments and did nothing to stop them.

Verdicts were announced in court on October 1, 1946. Göering was found guilty on all counts and sentenced to hang. Eleven of the other defendants were sentenced to death, seven were sentenced to prison and three were acquitted. On October 19, 1946, just hours before his scheduled hanging, Göering committed suicide by ingestion of cyanide.

A handwritten signature in cursive script that reads "Irving Younger". The signature is written in dark ink on a plain background.

Irving Younger
Minneapolis, Minnesota
February, 1988

DR. STAHLER: If the High Tribunal agree, I wish to call the former Reich Marshal, Defendant Hermann Göring, to the witness stand.

[The Defendant Göring took the stand.]

THE PRESIDENT: Will you give your name, please?

HERMANN WILHELM GÖERING (Defendant):
Hermann Göring.

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

[The witness repeated the oath in German.]

THE PRESIDENT: You may sit down if you wish.

DR. STAHLER: When were you born and where?

GÖERING: I was born on 12 January 1893 in Rosenheim, Bavaria.

DR. STAHLER: Give the Tribunal a short account of your life up to the outbreak of the first World War, but briefly, please.

GÖERING: Normal education, first a tutor at home; then cadet corps, then an active officer. A few points which are significant with relation to my later development: The position of my father as first Governor of Southwest Africa; his connections at that time, especially with two British statesmen, Cecil Rhodes and the elder Chamberlain. Then the strong attachment of my father to Bismarck; the experiences of my youth, half of which was spent in Austria to which I already felt a close attachment, as to a kindred people. At the beginning of the first World War I was a lieutenant in an infantry regiment.

DR. STAHLER: With what rank did you participate in the first World War?

GÖERING: As I just mentioned, at first as a lieutenant in an infantry regiment in the so-called border battles. From October 1914 on I was an aircraft observer. In June 1915 I became a

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pilot, at first with a reconnaissance plane, then for a short time with a bomber and in the autumn of 1915 I became a fighter pilot. I was seriously wounded in aerial combat. After recovery I became the leader of a fighter squadron, and after Richthofen was killed I became the commander of the then well-known "Richthofen Squadron."

DR. STAHLER: What war decorations did you receive?

GÖERING: First the Iron Cross Second Class, then Iron Cross First Class, then the Zähring Lion with Swords, the Karl Friedrich Order, the Hohenzollern with Swords Third Class, and finally the Order Pour le Mérite, which was the highest decoration possible.

DR. STAHLER: Tell the Tribunal when and under what circumstances you came to know Hitler.

GÖERING: I should like to mention one basic fact in advance. After the collapse in the first World War I had to demobilize my squadron. I rejected the invitation to enter the Reichswehr because from the very beginning I was opposed in every way to the republic which had come to power through the revolution; I could not bring it into harmony with my convictions. Shortly afterwards I went abroad to find a position there. But after a few years I longed to get back to my own country. First, I spent quite some time at a hunting lodge in the mountains and studied there. In some way I wanted to participate in the fate of my country. Since I would not and could not do that as an officer for the reasons mentioned above, I had first of all to build up the necessary foundation, and I attended the University of Munich in order to study history and political science. I settled down in the neighborhood of Munich and bought a house there for my wife. Then one day, on a Sunday in November or October of 1922, the demand having been made again by the Entente for the extradition of our military leaders, at a protest demonstration in Munich—I went to this protest demonstration as a spectator, without having any connection with it. Various speakers from parties and organizations spoke there. At the end Hitler, too, was called for.

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I had heard his name once before briefly and wanted to hear what he had to say. He declined to speak and it was pure coincidence that I stood nearby and heard the reasons for his refusal. He did not want to disturb the unanimity of the demonstration; he could not see himself speaking, as he put it, to these tame, bourgeois pirates. He considered it senseless to launch protests with no weight behind them. This made a deep impression on me; I was of the same opinion.

I inquired and found that on the following Monday evening I could hear Hitler speak, as he held a meeting every Monday evening. I went there, and there Hitler spoke in connection with that demonstration, about Versailles, the treaty of Versailles, and the repudiation of Versailles.

He said that such empty protests as that of Sunday had no sense at all—one would just pass on from it to the agenda—that a protest is successful only if backed by power to give it weight. Until Germany had become strong, this kind of thing was of no purpose.

This conviction was spoken word for word as if from my own soul. On one of the following days I went to the office of the NSDAP. At that time I knew nothing of the program of the NSDAP, and nothing further than that it was a small party. I had also investigated other parties. When the National Assembly was elected, with a then completely unpolitical attitude I had even voted democratic. Then, when I saw whom I had elected, I avoided politics for some time. Now, finally I saw a man here who had a clear and definite aim. I just wanted to speak to him at first to see if I could assist him in any way. He received me at once and after I had introduced myself he said it was an extraordinary turn of fate that we should meet. We spoke at once about the things which were close to our hearts—the defeat of the fatherland, and that one could not let it rest with that.

The chief theme of this conversation was again Versailles. I told him that I myself to the fullest extent, and all I was, and all I possessed, were completely at his disposal for this, in my

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opinion, most essential and decisive matter: the fight against the Treaty of Versailles.

The second point which impressed me very strongly at the time and which I felt very deeply and really considered to be a basic condition, was the fact that he explained to me at length that it was not possible under the conditions then prevailing to bring about, in co-operation with only that element which at that time considered itself national—whether it be the political so-called nationalist parties or those which still called themselves national, or the then existing clubs, fighter organizations, the Free Corps, *et cetera*—with these people alone it was not possible to bring about a reconstruction with the aim of creating a strong national will among the German people, as long as the masses of German labor opposed this idea. One could only rebuild Germany again if one could enlist the masses of German labor. This could be achieved only if the will to become free from the unbearable shackles of the Treaty of Versailles were really felt by the broad masses of the people, and that would be possible only by combining the national conception with a social goal.

He gave me on that occasion for the first time a very wonderful and profound explanation of the concept of National Socialism; the unity of the two concepts of nationalism on the one hand and socialism on the other, which should prove themselves the absolute supporters of nationalism as well as of socialism—the nationalism, if I may say so, of the bourgeois world and the socialism of the Marxist world. We must clarify these concepts again and through this union of the two ideas create a new vehicle for these new thoughts.

Then we proceeded to the practical side, in regard to which he asked me above all to support him in one point. Within the Party, as small as it was, he had made a special selection of these people who were convinced followers, and who were ready at any moment to devote themselves completely and unreservedly to the dissemination of our idea.

He said that I knew myself how strong Marxism and

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communism were everywhere at the time, and that actually he had been able to make himself heard at meetings only after he had opposed one physical force disturbing the meeting with another physical force protecting the meeting; for this purpose he had created the SA. The leaders at that time were too young, and he had long been on the lookout for a leader who had distinguished himself in some way in the last war, which was only a few years ago, so that there would be the necessary authority. He had always tried to find a "Pour le Mérite" aviator or a "Pour le Mérite" submarine man for this purpose, and now it seemed to him especially fortunate that I in particular, the last commander of the "Richthofen Squadron," should place myself at his disposal.

I told him that in itself it would not be very pleasant for me to have a leading part from the very beginning, since it might appear that I had come merely because of this position. We finally reached an agreement that for 1 to 2 months I was to remain officially in the background and take over leadership only after that, but actually I was to make my influence felt immediately. I agreed to this, and in that way I came together with Adolf Hitler.

DR. STAHLER: And when was that?

GÖERING: The end of October or the beginning of November 1922.

DR. STAHLER: The end of October?

GÖERING: Either the end of October or the beginning of November 1922.

DR. STAHLER: And then you officially entered the Party?

GÖERING: Yes, that was the same date. Just a few days after that I signed up.

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DR. STAHLER: Had the Party come to power in a legal way, in your opinion?

GÖERING: Of course the Party had come to power in an entirely legal way, because the Party had been called upon by the Reich President according to the Constitution, and according to the principles in force the Party should have been called upon much earlier than that. The Party gained strength and came to power only by way of normal elections and the franchise law then valid.

GÖERING: In conclusion I wish to say: 1) It is correct that I—and I can speak only for myself—have done everything which was at all in my personal power to strengthen the National Socialist movement, to increase it, and have worked unceasingly to bring it to power under all circumstances and as the one and only authority. 2) I have done everything to secure for the Führer the place as Reich Chancellor which rightfully belonged to him. 3) When I look back, I believe I have not failed to do anything to consolidate our power to such an extent that it would not have to yield to the chances of the political game or to violent actions, but would rather in the further course of reconstruction, become the only factor of power, which would lead the Reich and lead it—as we hoped—to a great development.

DR. STAHLER: Did you in your capacity as Prussian Minister of the Interior create the Gestapo and the concentration camps which have so often been mentioned here? When and for what purpose were they established?

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GÖERING: I mentioned before that for the consolidation of power the first prerequisite was to create along new lines that instrument which at all times and in all nations is always the inner political instrument of power, namely, the police. There was no Reich police, only provincial police. The most important was the Prussian police. This had already been filled by our predecessors, the former parties, with their own people, according to their political attitude. I have mentioned the filling of the posts of police commissioners and those of the chiefs of the main police offices within the Prussian Ministry of the Interior. Thus it was that our opponents, our most bitter opponents, who up to then had always opposed us most vigorously with this police power, were still in the regional offices.

A slight loosening up had taken place before I took charge, during the time when the Social Democratic Braun-Severing government was replaced by the government of Herr Von Papen. At that time the bitterest opponents were also removed from the police. Nevertheless the most important positions were still in the hands of definite political opponents. I could not very well expect that those who until yesterday were ready to employ the police with particular severity against us, would today show the same loyalty to the new state.

Before our time there was also a political police in Prussia. That was Police Department Ia, and its task was first of all the supervision of and the fight against the National Socialists, and also, in part, against the Communists.

Now, I could have simply put new people into this political police and let it continue along the old lines. But the situation had changed because of our seizure of power, for at this time, as I have mentioned before, the Communist Party was extraordinarily strong. It had over 6 million voters, and in its Red Front Organization it had a thoroughly revolutionary instrument of power. It was quite obvious to the Communist Party that if we were to stay in power for any length of time, it would ultimately lose its power.

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Looking back, the danger positively existed at that time of political tension, and with atmosphere of conflict, that revolutionary acts might have taken place on the part of the Communists, particularly as, even after we came to power political murders and political shootings of National Socialists and policemen by that party did not stop, but at times even increased. Also the information which I received was such that I was made extremely fearful of a sudden swing in that direction. Therefore with this department as it was, I could not ward off that danger. I needed reliable political police not only in the main office, but also in the branch offices. I therefore had to enlarge this instrument.

In order to make clear from the outset that the task of this police was to make the State secure I called it the Secret State Police, and at the same time I established branch offices of this police. I took in a great number of political officials who were experienced, and at the beginning took fewer people from the Party circles because for the time being I had to attach importance to professional ability.

I also wanted this police to be concerned exclusively with protecting the State, first of all against its enemies. And the leader whom I selected for this police force was not from the Party but came from the former police. He, Diels, was already there at that time as Oberregierungsrat and later as Ministerialrat, and likewise the main chiefs of the Gestapo were officials who were not from the Party. Later the Party element appeared in the police more and more. Their mission was first of all to create as quickly as possible all assurance of security against any action from the left.

I know—as was afterwards proved—that the headquarters of the Communists in Berlin, the Liebknecht House, was strongly fortified and contained very many arms; we had also at that time brought to light very strong connections between the Russian Trade Delegation and the German Communist Party. Even if I arrested, as I did, thousands of communist functionaries at one blow, so that an immediate danger was