

JUDGE WILKINS: Yes, I want to call the roll of you, now, because we have a fair idea of those of you who were present. I want to know from you whether you were present or absent.

Dr. Pohle, were you present this morning, and left the Tribunal?

DR. POHLE: Yes.

JUDGE WILKINS: Dr. Maschke?

DR. MASCHKE: No.

JUDGE WILKINS: Maria Kaldemorgen?

(No Answer)

JUDGE WILKINS: Kurt Gollnick?

DR. GOLLNICK: I was absent this morning.

JUDGE WILKINS: DR. Gerhard Weiz?

DR. WEIZ: I was not present.

JUDGE WILKINS: Ursula Eberhardt?

(No Answer)

JUDGE WILKINS: Dr. Kurt Peschke?

(No answer)

JUDGE WILKINS: Dr. Aenne Kurowski-Schmitz?

DR. KUROWSKI-SCHMITZ: Not present.

JUDGE WILKINS: Otto Pleimann?

(No Answer)

JUDGE WILKINS: Dr. Klaus Hennig?

DR. HENNIG: Not present.

JUDGE WILKINS: Marianne Hanselmann?

(No answer)

JUDGE WILKINS: Dr. Alfred Schilf? You can't very well deny that you were present this morning.

Dr. Viktor von der Lippe?

(No answer)

JUDGE WILKINS: Fanny Sigmund?

(No answer)

JUDGE WILKINS: Dr. Erich Wandschneider?

DR. WANDSCHNEIDER: Not present.

JUDGE WILKINS: Dr. Erhard Heinke?

DR. HEINKE: Also not present.

JUDGE WILKINS: Stand up, please, so that we can see who you are.

DR. HEINKE: I was not present.

JUDGE WILKINS: Erna Kummer?

(No answer)

JUDGE WILKINS: Dr. Walter Ballas?

(No answer)

JUDGE WILKINS: Ursula Heermann?

DEFENSE COUNSEL: That's a secretary.

JUDGE WILKINS: Pardon?

DEFENSE COUNSEL: That's the secretary, the lastmentioned lady.

JUDGE WILKINS: Dr. Alfred Behringer?

(No answer)

JUDGE WILKINS: Dr. Oskar Stuebinger?

(No answer)

JUDGE WILKINS: Ruth Mobiltz?

(No answer)

JUDGE WILKINS: Dr. Gerhard Weise?

DR. WEISE: I was not present, your Honor. My name is Weise.

JUDGE WILKINS: Thank you. Heinz Wolf?

DR. WOLF: Not present.

JUDGE WILKINS: Elsbeth Fahrenthorn?

(No answer)

JUDGE WILKINS: Dr. Kurt Behling?

DR. BEHLING: I was not present.

JUDGE WILKINS: Guenther Wendland?

DR. BEHLING: That is my assistant, who was not present either.

JUDGE WILKINS: Magda Sahorski?

(No answer)

JUDGE WILKINS: Heinrich Link?

(No answer)

JUDGE WILKINS: Otto Reitzenstein?

DR. REITZENSTEIN: I was present.

JUDGE WILKINS: Rose Pregler?

(No answer)

JUDGE WILKINS: Dr. Bernd Vorwerk?

DR. VORWERK: I was not present.

JUDGE WILKINS: Johannes Schmidt?

(No answer)

JUDGE WILKINS: Charlotte Kaiser?

(No answer)

JUDGE WILKINS: Dr. Wecker:

DR. WECKER: I was present.

JUDGE WILKINS: Dr. Geisseler? Were you present?

DR. GEISSELER: Yes, I was present.

JUDGE WILKINS: Now, are there any here whose names I didn't call?

DR. BEHLING: Your Honor, I beg your pardon --

JUDGE WILKINS: It is very apparent that some of the German members of the Bar do not hesitate to falsify to the Court. Five have responded, only five out of the group have responded that you were present this morning - whereas there were a considerable number of you who go up and left at the same time....Just one minute. Now, I will go down the line, starting with Dr. Wecker. As I call on you I want you to stand and state to the Court your name, whether you left with the group this morning, yes or no.

DR. WECKER: I left with that group this morning.

DR. PESCHKE: I did not leave. I left before that.

DR. REITZENSTEIN: I left with that group.

JUDGE WILKINS: How do you spell your name?

DR. REITZENSTEIN: R-e-i-t-z-e-n-s-t-e-i-n.

JUDGE WILKINS: Will you spell it again for me?

DR. REITZENSTEIN: Yes, sir. (He spells the name again)

DR. SCHILF: I understood the Presiding Judge to say that I was to leave the Court.

JUDGE WILKINS: The question was whether you left with group this morning. Did you? Yes or no.

(Dr. Schilf nodded in the affirmative.)

JUDGE WILKINS: All right, sit down.

DR. VORWERK: I was not present this morning.

DR. BOLLNICK: I left the room with that group.

JUDGE WILKINS: How do you spell your name?

DR. GOLLNICK: G-o-l-l-n-i-c-k.

DR. WANDSCHNEIDER: I was not present with that group. I left prior to them.

JUDGE WILKINS: How long prior, what do you mean prior?

DR. WANDSCHNEIDER: A few minutes prior to the group. I did not stay long enough to see the group leave.

JUDGE WILKINS: Dr. Peschke, I will ask you the same -- how long before the group left did you leave?

DR. PESCHKE: I left during the recess, and I was upstairs.

JUDGE WILKINS: Very well. All right.

DR. WOLF: I was not present.

DR. WEISE: I was not present.

DR. MASCHKE: I was not present.

DR. HENNIG: I was not present.

JUDGE WILKINS: You're next.

DR. KUROWSKI-SCHMITZ: I was not present. Just as Herr Wandschneider, I left in order to get some files.

JUDGE WILKINS: How long before had you left?

DR. KUROWSKI-SCHMITZ: Perhaps five minutes before the incident.

JUDGE WILKINS: Very well. You may be seated.

DR. GEISSELER: Dr. Geissler. G-e-i-s-s-e-l-e-r. I was present, and I left the Court together with my colleagues.

DR. POHLE: I was present.

DR. BEHLING: I was not present, but I ask that you permit-----

JUDGE WILKINS: All right. You said you were present. That is all I am interested in now.

DR. BEHLING: I was not present. I previously testified that my assistant Wendland did not take part in the session either. I have not talked to my assistant until now, because he is on the way. He is doing some duties outside the Court, and I want to correct my explanation to include that I am not quite informed of what took place -- whether Wendland was present, or whether he left the Court together with the group of defense counsel.

JUDGE WILKINS: All right. Now I will ask another question, going down from here, of those of you who are the chief of defense counsel for any one of the defendants. Were any of your assistants here this morning; if so, give me the names. I mean the ones who were here this morning and left with the group.

Dr. Wecker:

DR. WECKER: I was, and my assistant Dr. Geisseler also was present.

DR. BEHLING: I was not present, and I can't say whether my assistant Wendland was present.

DR. PESCHKE: I was not present.

JUDGE WILKINS: I want to know whether any of your assistants were present who left with this group.

DR. PESCHKE: Frau Kurowski also came upstairs where I was working and wanted to get me to come down, and when we arrived downstairs we met the group leaving the Court.

DR. REITZENSTEIN: The main defense counsel is Heinrich Link, he is the main defense counsel. He was not present. I myself was present.

DR. SCHILF: I was present; my assistant von der Lippe was not present.

DR. VORWERK: I was not present. My assistant Dr. Schmidt was also not present.

DR. GOLLNICK: Gollnick, present. My assistant Dr. Weiz is away.

DR. WANDSCHNEIDER: (Not translated)

DR. POHLE: I was present. My assistant Dr. Maschke was not present. For the defendant Ihn, Dr. Hennig, not present.

DR. WEISE: Defense counsel for Dr. Heinrich Lehmann. My assistant Wolf. Shortly before the beginning of the session, I left, and my assistant Wolf came upstairs to meet me.

DR. MASCHKE: Assistant to Dr. Pohle. I was not present.

DR. HENNIG: Assistant to Dr. Kranzbuehler, in his representation-  
(remainder not audible in German)

DR. BEHLING: (Not audible in German)

JUDGE WILKINS: Now those of you who were not here this morning, and not left with the group, we noticed that you have not been here this afternoon. I want to ask you, starting with you, the second one, Doctor, did you deliberately absent yourself from this Court this afternoon? Yes or no, if you did.

DR. BEHLING: I was informed that the defense is trying to prepare an explanation, and I took part in the preparation of this explanation.

JUDGE WILKINS: The point is that you deliberately absented yourself, then, upon the advice of some of the other counsel?

DR. BEHLING: I besented myself in order to further the work of the Court in the preparation of the explanation of the defense, and in order to be informed in detail as to what happened this morning.

JUDGE WILKINS: Well, you deliberately, then, absented yourself from the courtroom? Just yes or no. For the purpose of preparing this statement, or anything else? Will you answer that?

DR. BEHLING: Mr. President, ever since Christmas I have not been in this Court at all because I was engaged with work in another case.

JUDGE WILKINS: Are you chief counsel for one of these defendants?

DR. BEHLING: Yes.

JUDGE WILKINS: Which one?

DR. BEHLING: For defendant Loeser.

JUDGE WILKINS: And who are your assistants?

DR. BEHLING: My assistant is Wendland.

JUDGE WILKINS: And he wasn't here today?

DR. BEHLING: I have already said that I am not informed about that.

JUDGE WILKINS: Well, you knew that he wasn't here this afternoon, didn't you?

DR. BEHLING: Wendland was given leave by me this afternoon because he had to go away from Nuernberg in order to accept an affidavit, and this request was made four days ago.

JUDGE WILKINS: Did you know that your client was here, then, without anybody representing him this afternoon?

DR. BEHLING: Yes.

JUDGE WILKINS: All right.

Now, Dr. Peschke, did you deliberately absent yourself from this Courtroom this afternoon?

DR. PESCHKE: Yes.

JUDGE WILKINS: And why?

DR. PESCHKE: In agreement with my colleagues.

JUDGE WILKINS: In agreement with your colleagues. And your assistant, the lady sitting across from you, also absented herself from this Court in line with that agreement?

DR. PESCHKE: Yes.

JUDGE WILKINS: Did you deliberately absent yourself from this Court this afternoon?

DR. REITZENSTEIN: I deliberately stayed away in order to work with my colleagues on the statement which is to be presented to the Court.

JUDGE WILKINS: And your name?

DR. REITZENSTEIN: Reitzenstein.

DR. SCHILF: I deliberately absented myself in order to shape a statement by the defense.

DR. VORWERK: I did not stay away deliberately. However, I appeared deliberately. I was working on the draft of this statement, and I appeared

with the defense. I probably would not have appeared in the Court if this incident hadn't happened. I am working on this statement.

JUDGE WILKINS: Whom do you represent, Doctor?

DR. VORWERK: The defendant Pfirsch.

JUDGE WILKINS: Are you the chief counsel for Pfirsch?

DR. VORWERK: I am the chief counsel.

JUDGE WILKINS: Was your assistant here this afternoon?

DR. VORWERK: No, he was not present.

JUDGE WILKINS: Did he deliberately absent himself in accordance with this agreement?

DR. VORWERK: He is working on defense material, and he knows nothing of the whole incident.

JUDGE WILKINS: We have noticed, anyway, that you have not been here very much, if any, since the Christmas holidays.

DR. POHLE, I assume that you deliberately absented yourself this afternoon also.

DR. POHLE: Yes. In order to prepare the explanation by the defense.

JUDGE WILKINS: And you knew that your assistant was absent also, Doctor?

DR. POHLE: Yes.

JUDGE WILKINS: And that your client was not defended by anybody during that time?

DR. POHLE: Yes.

DR. GOLLNICK: I absented myself in order to prepare the explanation by the defense. My assistant is not here.

JUDGE WILKINS: And you knew, Dr. Gollnick, that your assistant was not present also?

DR. GOLLNICK: I knew that my assistant was not present.

JUDGE WILKINS: And whom do you represent?

DR. GOLLNICK: I represent Eberhardt.

JUDGE WILKINS: And you knew that he was here without any lawyer to represent him this afternoon?

DR. GOLLNICK: I knew that.

DR. WANDSCHNEIDER: For Dr. Korschau. I did not leave with the group this morning. However, I should like to be put on the same footing with the other of my colleagues who left this morning, and who left deliberately this morning. My assistant knew nothing of the matter.

DR. WOLF: I did not leave with the group this morning. However, I stayed away from the session this afternoon, as did the other colleagues.

DR. WEISE: I did not leave with the group this morning, but I stayed with my colleagues this afternoon in order to prepare that explanation. We listened to the film, and then worked on that explanation.

DR. MASCHKE: I was not present this morning, and I did not appear at the afternoon session because I, also, participated in the explanation of the defense.

DR. HENNIG: I was not present this morning, and I took part in the preparations of the explanation of the defense.

JUDGE DALY: Well, do you mean by that that you deliberately stayed away?

DR. HENNIG: I probably wouldn't have appeared at the session anyway, because of something I had to do.

JUDGE DALY: Well, then, you didn't absent yourself deliberately?

DR. HENNIG: I want you to put me on the same footing as all my other colleagues. I helped in preparing this explanation.

JUDGE DALY: All right.

DR. KUROWSKI-SCHMITZ: The same goes for me as Dr. Hennig just now said.

JUDGE WILKINS: Did you deliberately absent yourself this afternoon?

DR. GEISLER: I left the Court this morning for the reasons which we should like to present to the Court. Dr. Pohle has prepared the explanation. I deliberately stayed away from the proceedings this afternoon until we should have an opportunity to make our explanation.

THE PRESIDENT: Counsellor, now let me ask you a question. I believe you were here this morning and left with the others.

DR. WECKER: Yes.

THE PRESIDENT: Those of you who were here deliberately got up while the trial was in progress, left the courtroom without conferring with each other at all about the matter, didn't you?

DR. WECKER: Yes, that was a spontaneous move.

THE PRESIDENT: Had that been agreed upon?

DR. WECKER: No, I just said it was a spontaneous action.

THE PRESIDENT: Well, you did that without giving the Court any notice of what your intention was in leaving?

DR. WECKER: Yes. We did not give any notice to the Court.

THE PRESIDENT: You did that with the knowledge and intention of leaving the defendants here without any representation at all?

DR. WECKER: No, not with the intention. With the knowledge, but not with the intention. Our intention was different.

THE PRESIDENT: Well, you knew that the defendants were left here without any counsel representing them at all?

DR. WECKER: Naturally.

THE PRESIDENT: You didn't ask the Court for permission to leave. You didn't ask the Tribunal for permission to leave, did you?

DR. WECKER: No, your Honor.

THE PRESIDENT: You didn't, no one else did, did they?

DR. WECKER: I don't think so.

THE PRESIDENT: You didn't ask the Court for time within which to prepare for any explanation or any statement, did you?

DR. WECKER: No.

THE PRESIDENT: And no one else did?

DR. WECKER: No.

THE PRESIDENT: It is true, isn't it, that every member of the defense counsel who was present here this morning deliberately got up and left the courtroom without notifying the Court, without the permission of the Court, without notifying the Court, as to the reason for it, is that correct?

DR. WECKER: Yes, your Honor.

THE PRESIDENT: And it is also true that by common agreement no member of the defense counsel appeared after the noon recess? Is that ture?

DR. WECKER: Yes, your Honor.

THE PRESIDENT: And that was deliberately done, wasn't it?

DR. WECKER: Yes, your Honor.

THE PRESIDENT: Without any notification to the Court, or the Tribunal, that you would not appear?

DR. WECKER: Yes.

THE PRESIDENT: And did you expect the trial to proceed?

DR. WECKER: I don't know what we expected.

THE PRESIDENT: Well, what did you expect when you got up, when all of you got up and left the room this morning -- that the court was going to stop the trial?

DR. WECKER: No, your Honor.

THE PRESIDENT: Well, did you do that for the purpose of obstructing the course of the Tribunal?

DR. WECKER: In no event.

THE PRESIDENT: Well, why didn't you ask permission if you wanted to prepare a statement for the defense counsel? Why didn't you ask permission of the Tribunal to leave?

DR. WECKER: We felt that an injustice had been done to our honor. The honor of our revered fellow colleague had been slighted.

THE PRESIDENT: Well, you heard your revered fellow colleague deliberately refuse to obey the order of the judge who was presiding this morning, didn't you?

DR. WECKER: Yes, your Honor.

THE PRESIDENT: All right. That's all.

Now, we don't care to hear anything from any of the defense counsel. Those of you who were present and deliberately left this Tribunal this morning, leaving these defendants here un-represented by any counsel, without any notice to the Tribunal that you were going to leave, the reason why

you were going to leave, without the permission of the Tribunal, each and every one of you is in contempt of this Tribunal, and you are going to be dealt with accordingly. And I say to you again, once and for all, that each and every one of you, and this goes for the defendants also, may as well make up their mind that they are not running this Tribunal, and there is nobody else going to run it, either, in this country or anywhere else. Now, the sooner that you counsel that want to stay here -- you were appointed by the Court, you are officers of the Court, and your action this morning was treating the Court with the greatest disrespect, something that we had no reason to expect from you at all, and was premeditated, obviously premeditated, and by a concert of action, without any consultation among you at all here at the tables, and it was a deliberate disrespect accorded this Tribunal. We are not going to stand for it.

Now, Mr. Marshal, you take these men -- if Judge Daly will assist me in calling the names -- into custody, -- I mean Judge Wilkins--and you hold them until further orders by the Court.

The Tribunal will stand adjourned--

All right. You call these names, please.

JUDGE WILKINS: Dr. Wecker; Dr. Reitzenstein; Dr. Schilf; Dr. Gollnick; Dr. Geisseler; Dr. Pohle.

DR. GEISSELER: Your Honor, may I say something?

JUDGE WILKINS: Take your place with the Marshal.

THE PRESIDENT: Those whose names have just been called, those who admitted that they were present this morning and left the courtroom without the permission of the Court, we find these--

DR. GEISSELER: Your Honor, I want to say something--

THE PRESIDENT: Just a moment. Mr. Marshal, hold those men until we get through with them. Bring them back to the courtroom.

Now, what was that you said?

THE INTERPRETER: He said, your Honor, "I want to say something."

THE PRESIDENT: No, you are not going to say anything. You are in

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contempt of this Tribunal and you're not going to say anything until you've purged yourself. Hold him there, Mr. Marshal, until we get through with them.

Now, each and every one of you is adjudged in contempt of this Tribunal, as I said before.

Now, with respect to the balance of you who deliberately absented yourself, who were not present this morning, and who did not leave this morning but who deliberately absented yourself from the afternoon session of this Tribunal, we reserve our judgment until Monday morning.

And you are ordered to be here at nine-thirty o'clock on Monday morning.

The Tribunal will recess until that time.

(The Tribunal adjourned until 0930 hours, 19 January 1948)