

8 July-M-MJ-1-1-Love (Schaeffer)
Court V, Case VII

Official transcript of the American Military Tribunal in the United States of America against Wilhelm List, et al, defendants, sitting at Nurnberg[sic], Germany, on July 8, 1947, 0930, Justice Wennerstrum presiding.

THE MARSHAL: The Honorable, the Judges of Military Tribunal 5. Military Tribunal 5 is now in session.

God save the United States of America and this Honorable Tribunal.

THE PRESIDENT: Military Tribunal 5 will come to order.

The Tribunal will now proceed with the arraignment[sic] of the defendants in case number 7 pending before this Tribunal. The Secretary-General will call the roll of the defendants. The defendants will stand and answer their names when they are called.

(The Secretary-General then called[sic] the roll of the defendants.

WILHEIM LIST, MAXIMILLIAN VON WEICHS, LOTHAR RENDULIC, WALTER KUNTZE, HERMANN FOERTSCH, FRANZ BOEHME, HELMUTH FEINY, HUBERT LANZ, ERNST DEHNER, ERNST VON LEYSER, WILHEIM SPEIDEL, KURT VON GEITNER.

MR. DENNY: May it please your Honor, the prosecution has been advised by the custodian of the jail that since the serving of the indictment on the defendant Franz Boehme he has now become deceased, and with that in mind we would request that your Honors strike his name from the list of defendants.

THE PRESIDENT: It is the order of the Tribunal that the name of the defendant just mentioned by counsel be stricken[sic] from this indictment.

THE SECRETARY-GENERAL: May this Honorable Tribunal please the defendants are all present and in the dock.

THE PRESIDENT: Mr. Secretary-General and counsel, the Tribunal desires to make this comment and enquiry at this time. We are advised that at a previous session and proceedings the indictment

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has been read to these defendants. At this time, however, this Tribunal is desirous that a record be made at this time as to whether or not these defendants desire that the indictment be read again to them and unless each of the defendants waive the reading of the indictment it will be read again to the defendants at this time.

DR. LATERNSEER: I am authorized to declare in the name of the defense, I am Dr. Laternser, defense counsel for the defendants Fieldmarshsal von List and von Weichs, that the defendants waive the reading of the indictment.

THE PRESIDENT: May I enquire of counsel as to whether or not he is authorized to represent all the defendants in the waiving of the reading of the indictment at this time.

DR. LATERNSEER: Yes, Mr. President, I am.

THE PRESIDENT: The record may then show that each of the defendants, by their counsel, unless otherwise indicated here at this time waive the reading of the indictment again to them. There being no indication of the desire of counsel or defendants that the indictment again be read, the record may then show that the reading at this time is waived by all defendants. Mr. Secretary-General you will call the defendants one by one for the arraignment.

THE SECRETARY GENERAL: Wilhelm List.

BY THE PRESIDENT:

Q. Defendant Wilhelm List, have you counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. Have you read the indictment?

A. Yes.

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Q. Defendant Wilhelm List, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

THE SECRETARY GENERAL: Maximilian Von Weichs.

BY THE PRESIDENT:

Q. Defendant Maximilian Von Weichs, have you counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. Have you read the indictment?

A. Yes.

Q. Defendant Maximilian Von Weichs, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

THE SECRETARY GENERAL: Lothar Rendulic.

BY THE PRESIDENT:

Q. Defendant Lothar Rendulic, have you counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. Defendant Lothar Rendulic, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

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Be Seated.

THE SECRETARY GENERAL: Walter Kuntze.

BY THE PRESIDENT:

Q. Defendant Walter Kuntze, have you counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. Have you read the indictment?

A. Yes.

Q. Defendant Walter Kuntze, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

THE SECRETARY GENERAL: Hermann Foertsch.

BY THE PRESIDENT:

Q. Defendant Helmuth Felmy, do have[sic] counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. And have you read the indictment?

A. Yes.

Q. Defendant Helmuth Felmy, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

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THE SECRETARY-GENERAL: Hubert Lanz.

BY THE PRESIDENT:

Q. Defendant Hubert Lanz, do you have counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. And have you had an opportunity to read the indictment?

A. Yes.

Q. And have you read the indictment?

A. Yes.

Q. Defendant Hubert Lanz, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

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THE SECRETARY GENERAL[:] Ernst Dehner.

BY THE PRESIDENT:

Q. Defendant Ernst Dehner, do you have counsel?

A. Yes.

Q. And has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. Have you had an opportunity to read the indictment?

A. Yes.

Q. Have you read the indictment?

A. Yes.

Q. Defendant Ernst Dehner how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

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THE SECRETARY GENERAL: Ernst von Leyser.

BY THE PRESIDENT:

Q. Defendant, Ernst von Leyser, do you have counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. And have you had an opportunity to read the indictment?

A. Yes.

Q. And have you read the indictment?

A. Yes.

Q. Defendant, Ernst von Leyser, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

THE SECRETARY GENERAL: Defendant Wilhelm Speidel.

BY THE PRESIDENT:

Q. Defendant Wilhelm Speidel, do you have counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least 30 days ago?

A. Yes.

Q. And have you had an opportunity to read the indictment?

A. Yes.

Q. And have you read the indictment?

A. Yes.

Q. Defendant Wilhelm Speidel, how do you plead to this indictment, guilty or not guilty?

A. Not guilty.

Be seated.

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THE SECRETARY GENERAL: Kurt von Geitner.

BY THE PRESIDENT:

Q. Defendant Kurt von Geitner, do you have counsel?

A. Yes.

Q. Has the indictment in the German language been served upon you at least thirty days ago?

A. Yes.

Q. And have you had an opportunity to read the indictment?

A. Yes.

Q. Have you read the indictment?

A. Yes.

Q. Defendant Kurt von Geitner, how do you plead to this indictment? guilty or not guilty?

A. Not guilty.

Be seated.

THE PRESIDENT:

The pleas of the defendants as here made will be entered by the Secretary General in the records of this Tribunal. The Court or Tribunal desires to inquire if there are any other matters which are desired to be presented to this Tribunal at this time.

MR. DENNY: The prosecution[sic] has nothing to say.

THE PRESIDENT: Do counsel for any of the defendants desire to present any matters to the Court at this time?

DR. LATERNSEER: The defense likewise has no request to make at this time.

THE PRESIDENT: This Tribunal is advised that the Tribunal will be in recess now until the 15th of July, one week from today.

We wish to state,--and I am speaking for the Tribunal,-- that we are desirous that this Trial be expedited as promptly as possible. In making that statement, however, we do not intend, nor will it be our purpose, to in any way limit either the prosecution or

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counsel or any of the defendants. We ask, and it will be the intention of this Tribunal to carry on the proceedings as expeditiously as possible, keeping in mind at all times, that the rights of the prosecution and the defendants will be respected in every degree.

The Tribunal, therefore, will be in recess until Tuesday morning, July 15, 1947, at 9:30 o'clock in the morning.