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DR. VON STEIN: Your Honor, I have no further questions on direct examination.

THE PRESIDENT: Any defense counsel desire to cross examine the witness?

CROSS EXAMINATION

DR. GICK: DR. Gick for the defendant Strauch.

BY DR. GICK:

Q. Witness, were you in the beginning of November 1941 when Strauch was ordered to take up duties in Riga, leader of Special commando I-A with headquarters in Reval?

A. Yes.

Q. Could Strauch, who had been appointed commander of the security Police in Riga have, in your opinion, lead the Einsatzkommando II from Riga?

A. In this time, in November 1941, this was not possible. In the course of the summer 1941 Stahlecker had collected all parts of Ein-satzkommando [sic] II and III. All those who were not needed to fill the positions of command in Estonia and Latvia had been put into the combat area of the 4<sup>th</sup> Army, and later into the 16th and 18th Armies; later on these elements of Einsatzkommandos II and III were committed with the 16th and 18th Armies, that is to say, also in the areas south of Lenin-grad [sic], and in the area of Locknia, north of Welirie Luki. These commandos were lead directly by Einsatzgruppe-A, and not from the rear area in Riga or anywhere else.

Q. The Staff of Einsatzgruppe-A was in Krasnbgvardeisk?

A. The Staff of Einsatzgruppe-A was in Krasnbgvardeisk, yes.

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Q. Witness, when was the agency of command of the Security po-lice [sic] and SD for Latvia installed in Riga?

A. That was automatic together with the introduction of the civil administration. When that happened in Latvia, I don't know exact-ly [sic]. It must have been around July or August.

Q. July or August 1941?

A. Yes, 1941.

Q. Since Latvia is the southern neighbor of your area, Estonia, you probably knew the name of the then commander in Riga. Did you know at this time that Strauss was commander of the Sipo and the SD in Riga?

A. I must say here that during this entire period in the fall of 1941, that is also in November 1941, to which your question refers I was not in Riga and had no official contact with the agency of the command of the Security Police and SD in Riga. At that time in Novem-ber [sic] 1941, evidently through a coincidence, I didn't hear anything of Strauch being the commander there. My recollection is only that first Sturmbannfuehrer Barth was commander in Latvia, and then after him Dr. Lange.

Mr. Glancy: Just a moment. The witness is attempting to tes-tify [sic] to something which he has just admitted he couldn't possibly know. He is going by recollection. He says he had no contact with Riga at that time and he heard nothing about it; therefore, he cannot be qualified to answer.

THE PRESIDENT: What about that, Dr. Gick?

DR. GICK: The question refers to whether the witness had know-ledge [sic] of this and the witness has to give us the reasons for this, and the reasons are essential.

THE PRESIDENT: Ask him what is the basis of his knowledge.

BY DR. GICK:

Q. Witness, since Latvia was your neighboring area, would you have had to find out that Strauch was commander of the Security Police

and the SD in Riga if he had been commander there for a lengthy time?

A. Yes.

THE PRESIDENT: just a moment, Dr. Gick. I don't know why you put it in such a hypothetical form, "if" and "suppose." Just ask him if he did know that Strauch was in Riga and had charge of a certain out-fit [sic].

DR. GICK: Your Honor, I think the witness has already answered this question. He did not know. Thereupon, I made it hypothetical, would he have had to know it.

THE PRESIDENT: he answered that, "yes."

DR. GICK: Yes.

THE PRESIDENT: Well, then, in effect he didn't know but he should know.

DR. GICK: Actually, he didn't know; at least, that is what he says, but -----

THE PRESIDENT: Witness, did you know or didn't you know?

THE WITNESS: I did not know that in November 1941 Strauch was commander in Riga.

THE PRESIDENT: What furthermore do you want than that? That is very definite.

DR. GICK: Yes, the question suffices, but I only wanted to know why he did not know. The question was answered by the witness. I have no further questions in this respect.

BY DR. GICK:

Q, Witness, did you know that in Latvia all Jewish matters were in the hands of the chief of Department 4, with the commander of the Security Police and SD for the Eastern Area Lange?

DR. GLANCY: Just a moment. I would like to know which commando the witness was in command of. He can't be an expert on two. He tells us he was much occupied with many many different, diverse affairs in Estonia. He left Latvia, to the best of my knowledge, around the 4th of July, the 5th of July.

THE PRESIDENT: Just what is your specific purpose here, Dr. Gick? What is it you are trying to get from the witness?

DR. GICK: I wanted to find out from the witness whether on the basis of his knowledge of the conditions in Latvia and in Estonia, which are after all connected, whether he knew or knows by whom the Jewish matters were handled, and the witness has this knowledge, and therefore he can answer the question.

DR. GLANCY: The witness has gone to great lengths in his di-rect [sic] examination to impress upon the Tribunal that he spent only an hour or so on the morning of the 4th of July with Stahlecker.

THE PRESIDENT: Fifteen minutes he was with Stahlecker.

DR. GLANCY: Thank you, Your Honor, fifteen minutes. In that time even a person of giant intellect cannot absorb so much.

THE PRESIDENT: How do you know he doesn't have a giant intel-lect [sic]?

DR. GLANCY: That I don't know, sir.

THE PRESIDENT: All right; now, if he knows, he will tell us; if he doesn't know then he can't tell us. So now ask the witness if he knows. If he knows about this Jewish situation in Latvia, he is qualified to answer. Find out if he knows.

BY DR. GICK:

Q. Witness, did you know how the Jewish questions were handled in Latvia, and by whom they were handled?

A. About conditions in Latvia itself during the time which you have in mind, I don't know any details. but with regard to the handling of the Jewish matters in the staff of Einsatzgruppe A in Riga or with the commander of the Security Police and SD in Riga, I know that the Chief of Departmental 4, Dr. Lange, apart of Stahlecker, was the driving force with regard to the Jewish question. And this was at the time when the first Einsatzkommando leader of Einsatzkommando 2 Bartach was in Riga. Otherwise, I don't know any more about this question.

Q, Do you also know that Dr. Lange, after he had become command-

er in Latvia, continued to handle these Jewish matters?

A. Do you mean in the staff of the B.D.S.?

Q. Yes, on the staff of the commander.

A. Yes, that is correct.

Q. Witness, in the Document Book 3 A, payee 17, Exhibit 110, Document [sic] No. 3872 – there is your affidavit of the 19th of November, 1945, --In this affidavit under No. 4, you said that Strauch had participated [sic] in the Jewish persecutions in Minsk. How did you come to make this statement?

A. This is an interrogation of November, 1945. During the course of which I was asked, among other things, for names of people who had anything to do with Jewish questions. During these interrogations [sic], we did not speak any specific events or of any occurrences apart from my own case, but we spoke exclusively of names. In this case, when the name Strauch was mentioned, there was no talk of any specific event.

Q. This affidavit was taken by Mr. Wartenberg. You heard here in court how Mr. Wartenberg described the procedure of taking down affidavits.

THE PRESIDENT: I think you are going to ask a long question on a fact which is not established. You said that this affidavit was taken by Wartenberg. It was not taken by Wartenberg. Do you have the affidavit [sic] there before you?

DR. GICK: Yes, I have it with me.

THE PRESIDENT: Well, who took the affidavit?

DR. GICK: I read here, English, "Subscribed and sworn to before us at Oberoursel, Germany, 19 November 1945. Signed, Rudolf Urbach and Rolf Wartenberg."

THE PRESIDENT: Well, it seems that Wartenberg only translated the document. Mr. Glancy isn't that the situation or isn't it? There is a phrase even in Wartenberg's declaration which is a little confusing, we must admit.

DR. GICK: Perhaps the witness can clarify the question.

THE PRESIDENT: Well, all right, who took this affidavit, wit-ness [sic], from you?

THE WITNESS: Both of these officers, Captain Urbach and 1st Lt. Wartenberg, were both present. Mr. Wartenberg had carried out the interrogation, the interrogation which led to the interview, and call-ed [sic] Captain Urbach in and both participated in the taking of the oath. They were both present.

THE PRESIDENT: I beg your pardon. You may proceed, Dr. Gick.

BY DR. GICK:

Q. Witness, would you please describe how this interrogation was carried on?

A. The procedure wasn't exactly the same as it was here in the courthouse and as it was described by Mr. Wartenberg; that is to say, no oath was taken before interrogation as it was done here, and it was not recognizable that this was a matter of an affidavit. It could not be seen either that the possibility would be granted to refuse the testimony or to refuse giving such an affidavit.

Q. Was this affidavit submitted to you after preliminary dis-cussion [sic], all written out [sic], ready for your signature?

A. It was brought in by Mr. Wartenberg in a typewritten form, like the others. He brought in four statements on that day.

Q. Therefore, you cannot and could not designate Strauch as being in connection with any definite measures concerning Jews in Minsk?

THE PRESIDENT: Dr Gick, that is not a question, it is a state-ment [sic]. You will have to put a question to the witness.

BY DR. GICK:

Q, May I ask you to drive an answer about this?

THE PRESIDENT: No, you can't, because' that was a very leading question. You practically gave the answer yourself. You must put a question to the Witness, not a statement.

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DR. GICK: Your Honor, am I not in cross examination? I am ask-ing [sic] the question in cross examination.

THE PRESIDENT: Very well, I beg your pardon. Dr. Von Stein has been here so long a time that I thought it was still the direct exam-ination [sic] in effect. The question will be permitted. You may answer that statement question.

DR. GICK: May I please repeat the question, Your Honor?

BY DR. GICK:

Q, Witness, therefore you couldn't and cannot mention Strauch in connection with any concrete measures against Jews in Minsk?

A. No, I cannot, and this statement was not supposed to ex-press [sic] that, either. During the interrogation, we did not speak of any definite fact, only of the fact that Strauch was commander in Minsk.

BY THE PRESIDENT:

Q. Witness, you signed this statement voluntarily, didn't you?

A. I wasn't under immediate pressure.

Q. You signed this statement voluntarily, didn't you?

A. In such a case, it is a relative question, this being volun-tary [sic].

Q. Did you sign this statement voluntarily?

A. I did not refuse because of force.

Q. Did you sign this interstate voluntarily?

A. Yes.

Q. All right, now. The fact that you were not sworn, although the statement very definitely indicates that you were sworn, would have no effect on your telling the truth, would it? Let me put it an-other [sic] way. The statement declares that you made the statement under oath.

A. Yes.

Q. Now, did you make it under oath?

A. Yes.

Q. Then what is declared here in this statement is correct, is

it not?

A. To the best of my knowledge.

DR. GICK: Your Honor, may I say here that the witness has made a statement about this matter which I was able to get from the witness by questioning him.

THE PRESIDENT: That is not quite clear to the Tribunal. Please make it a little clearer what you have in mind.

DR. GICK: I mean to say, Your Honor, that the witness here on my questions has given a clarifying answer about the point at issue in the affidavit is to be interpreted. And that was the purpose of my ques-tion [sic].

THE PRESIDENT: I still don't know what you are trying to put over to the Tribunal. You say you put him a question. Very well, and he answered it. Now, what is it you are complaining about? I don't quite understand you.

DR. GICK: I beg your pardon, Your Honor, I don't want to com-plain [sic]. I merely wanted to point out that today the witness has given us an explanation to this affidavit.

THE PRESIDENT: And the explanation is what he just told the Tribunal, that to the best of his knowledge and belief what he put into the statement is correct.

DR. GICK: Yes, that is what he said here.

THE PRESIDENT: Well, are you satisfied with that?

DR. GICK: Yes, of course.

THE PRESIDENT: All right then.

MR. Walton: Your Honor, it may shed some light on this. I gathered from the good Doctor's remarks that he was trying to plead entrapment.

THE PRESIDENT: Mr. Walton, Dr. Gick is satisfied; Sandberger is satisfied; the Tribunal is satisfied, so why stir up muddy waters?

MR. WALTON: Maybe he pleads entrapment on cross examination. I couldn't t tell him how to proceed.



THE PRESIDENT: You are entirely at ease? You are satisfied, Dr. Gick?

DR. GICK: Yes, Your Honor.

BY DR. GICK:

Q. Witness, over and about the mere knowledge of Strauch's pre-sence [sic] in Minsk – did you have yet any real knowledge about the condi-tions [sic] and circumstances in Minsk?

A. No, I had no such knowledgeable as I never was in Minsk, and Strauch was never in Reval. During the entire time during which Strauch was in Minsk, no mutual official conference ever took place with the B.D.S. in Riga where we might have been both present. During this en-tire [sic] period, I only met Strauch once or twice by coincidence in Riga. We only exchanged a few unimportant words; at any rate, we discussed nothing official. In other respects, I had no knowledge of events in Minsk either.

Q. What does the question mark mean after the name "Strauch" where the designation "SS and Police leader" occurs under No. 4 of the document?

A. This questing mark means that here; at the request of Mr. Wartenberg, the name of the SS and Police Leader in Minsk was to be put in as being mainly responsible for the orders of Jeckeln. But I could not remember the name, so that this space had to remain blank.

Q. In Document Book 3 A, German page 15, Document No. 3681 – I don't know the exhibit number—how did this statement come about with regard to agencies of the Security Police and SD in the Ostland in which it is noted commander in White Buthenia, Strauch ----

MR. GLANCY: May it please the Tribunal, if he is adapting this as his own testimony, I wish he would introduce it. We have never introduced this document. It is not before the court; however, we have no objection to its introduction by the defense.

THE PRESIDENT: Well, Dr. Gick, you will be permitted to cross examine from the document, but if you intend to have the Tribunal

accept it as a document, then you would need to introduce it yourself, because it has not been introduced.

DR. GICK: I beg your pardon, I did not know that this had not yet been introduced as an exhibit of the Prosecution

THE PRESIDENT: No, it has not been introduced, but we will allow you to question from it since it bears Sandberger's name and therefore is relevant

DR. GICK: May I repeat the question then?

BY DR. GICK:

Q. Witness, in this document which is in document Book 3 A, Ger-man [sic] Page 15, and which bears the number 3681, there is a sketch on which it is noted "Commander of the Security Police for White Ruthenia, Strauch, around the first of November, 1942." How was this sketch made out?

A. During an interrogation, I was asked for about five or six names of leading personalities in the area of the Eastern Area, and the interrogation officer took them down and put them in to a sketch which he was making at the same time. As far as I remember, the name Strauch was not mentioned. During the next interrogation, the sketch as it is submitted here, was submitted to me for my signature and then the name Strauch was put in in the box headed Einsatzkommando 2. I objected to this, that as far as I knew Strauss was not the commanding officer of Einsatzkommando 2, but that he was commander of the Security [sic] Police for White Ruthenia. Thereupon, I was requested by the in-terrogating [sic] officer to put the name Strauch into the box headed White Ruthenia and I was also requested to give the dates which have refer-ence [sic] to this sketch. I answered that this sketch the way it is now refers to many various dates, and therefore I was requested to speci-fy [sic] the various dates and put them in, I answered that I really could not remember from when on Strauch has been commander in White Ruthenia, that I could only remember that it was--must have been--sometime in the winter of 1941 to 1942. The interrogating officer said that the exact

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date was of importance and we agreed that we would put in about from the first of January, 1942.

But I must emphasize that I expressly said at the time that I only had a very general recollection that somewhere in the winter, '41-'42 Strauch was there.

DR. GICK: Thank you, I have no further questions.

DR. SCHWARZ: Dr. Schwarz for the Defendant Jost.

BY DR. SCHWARZ:

Q. Witness, I would like to ask you a few questions. Mr. Jost was your commander and Einsatzgruppe chief, I think, from the end of March to August or beginning of September, 1942. When was your first official contact with Jost?

A The first time it was in May, 1942.

Q The conversation which took place at that time, did this also refer to the treatment of Jews?

A Yes. We briefly mentioned the Jewish question also.

Q Do you have any recollection of what Jost told you about this question at the time?

A He told me that by discussing it with superior agencies he wanted to make the attempt to achieve that an exception be made for the Reich Commissioner Eastland or the Baltic States as far as the Jewish measures or the Hitler Order were concerned. Therefore, right from the beginning he wished that for the time being nothing should happen to the Jews.

Q What did you say yourself to this?

A I told him that in Estonia at that time, in May 1942, no more Jews existed., I briefly implied to him how this had happened, and I also told him that from my part I considered this Jewish order as impossible.

Q Witness, did you hear anything at the time that Jost had a conversation with the Higher SS and Police Leader, Jeckeln?

A Yes, Jost and I once spoke about Jeckeln, and Jost told me of a statement made by Jeckeln to the effect that Jeckeln would possibly