

AFTERNOON SESSION

THE MARSHAL: Take your seats, please.

The Tribunal is again in session.

PAUL BURKHOFF a witness, took the stand and testified as follows:

JUDGE SPEIGHT: Witness, raise your right hand and repeat the oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and withhold and add nothing.

(The witness repeated the oath.)

JUDGE SPEIGHT: Now you may be seated.

DR. HOFFMANN: Hoffmann for Nosske.

REDIRECT EXAMINATION

BY DR. HOFFMANN:

Q Witness, please give the Tribunal your first and last name.

A Paul Burkhoff.

Q When and where were you born?

A On the 20th of December 1900.

Q What is your present address?

A At the time I am in Neuengamme.

Q Why are you in Neuengamme?

A As an SS Major I was arrested.

Q Witness, were you in 1944 with the State Police Office in Duesseldorf?

A Yes.

Q In what capacity?

A I 1941 I was transferred as a reporter for church questions for the SD Sector in Duesseldorf -- to the State Police Office in Duesseldorf, and I continued my activity there, the same activity as I had performed in the SD.

Q Did you in 1944 meet the defendant Nosske?

A Yes. Nosske was director of the State Police Agency in Duesseldorf.

Q Can you, Witness, remember an incident according to which in September '44 an order was received which said that Jews and their Aryan relatives were to be shot?

A Around the middle of September 1944 Mr. Nosske informed me of a top secret matter in which it was ordered that all Jews and their German blooded relatives were to be gathered and put in one building in order to have them shot when the code word was given without any commotion. This was to be done as soon as the Allied troops would push through from Aachen to Dueren.

Q Witness, did you see anything about this in writing?

A Yes. This order was put down in writing and I entered it into the record for top secret matters.

Q Can you remember what signature it had?

A It bore the signature of the Inspector of the Security Police and SD in Duesseldorf.

Q Witness, do you know for what reason Nosske showed you this order?

A I belonged to the Department II B. Department II B had diminished to three officials in '44 and one auxiliary employee. Before that the Jewish Department belonged to this department also. The Jewish Department no longer existed because in the area of the State Police Duesseldorf all Jews there lived in a [sic] approved mixed marriage and thus no longer came under the jurisdiction of the State Police measures.

Q Witness, in what condition was Nosske when he showed you this letter?

A Nosske was deeply moved and upset. To describe this condition today in words is impossible for me.

Q Do you know whether Nosske undertook anything against this order?

A Yes. Nosske immediately went with me to the inspector of the Security Police in Duesseldorf.

Q What happened there?

A Nosske had an introductory conference with the inspector. Then the inspector called me in and asked me whether these persons in the area near the front represented a danger. I denied this. He further asked me what was to be done. I answered it would be useful if one would leave them in their homes.

Q Did you get a decision from the inspector?

A The inspector let [sic] dismissed me and continued the discussion with Nosske alone.

Q Did the order continue to be valid, to your knowledge?

A The events came too quickly. This order was directed to the State Police Offices Cologne, Aachen, Duesseldorf and Dortmund. From Cologne we heard that the State Police there had taken all Jews, Jewesses and their German spouses and the mixed offspring of the first degree, had collected them all in an old fortress. Furthermore, alarm ing [sic] news came to the effect that the first tanks from the Aachen area had broken through in the direction to Dueren. Thereupon Nosske de-cided [sic] to send a flash telegram to the RSHA, to Berlin. In this flash teletype message, rather, Nosske confirmed the receipt of this top secret matter and he expressed his misgivings about the execution.

Q Witness, if you take all of the State Police Agencies in Duesseldorf, Aachen, and Cologne together, could you approximately tell the Tribunal the number of persons who would have been affected by this?

A This group of persons was not registered either in files or any other way. It is impossible to give exact figures there but, approximately it might have been between five to six thousand people.

THE PRESIDENT: Dr. Hoffmann, I would like to ask the witness something about this teletype message.

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BY THE PRESIDENT:

Q Did you see the teletype message yourself?

A Yes. I was present when Nosske wrote this teletype message.

Q Yes. Now please tell us as well as you can remember, just what the teletype message contained, rather than to give us an emotional

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conclusion as to what it contained, tell us objectively, as closely as you can, of course, just what the teletype message contained.

A. As an introduction Nosske said in this teletype that a top secret matter had been addressed to him in which it was ordered that all Jews living in the area of the State Police in Duesseldorf and all their German relatives were to be collected and put --- into one building in order to have them shot without anyone noticing it when a certain code word is to be given. The code word was to be given as soon as the Allied troops would break out of the Area Aachen in the direction of Dueren. The he mentioned misgivings about the execution.

Q. Now, it is just for that reason that I have asked you to tell us about the message. Now you say misgivings, Now, misgivings is an emotional conclusion. What did he say? Did he use the word "misgivings"?

A. I can not remember these details which Nosske stated there.

Q. Well, you remember in such precise detail what he said in reply to the order? You remember the message almost verbatim up to this point. Now, what did Nosske say about this order?

A. Nosske objected to this order for human reasons.

Q. Do you remember what, approximately -- of course, we don't expect you to remember verbatim, but approximately what lan-guage [sic] he employed?

A. Before this teletype message was written out we discussed the matter and it was emphasized especially that these were innocent people, that many brothers and fathers of the German elements had fulfilled their duties within the Party or in the Army, that the entire order, for purely humane feeling, was not possible of exe-cution [sic].

Q. Well, then, the objection went to the execution of these innocent relatives. Is that right?

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A. No, no, it was our effort to revoke the entire order be-cause [sic] not only the relatives were meant among the innocent people, but also the Jews themselves.

Q. What date was this?

A. On the 15th or 16th of September.

Q. '44?

A. Yes, 44. I remember this date because on the Sunday which was the 17th of September the great parachute jump of the Allied troops in Armheim and on the lower Rhine took place. That was in our area.

Q. Who issued the order in the first place?

A. As far as I was informed later, this order came from the Higher SS and Police Leader and came down via the inspector to the State Police Offices.

Q. All right, now, you were telling us about the message. You told us about the original teletype message and then Nosske's reply, and in his reply he repeated the message and then, as you told us, he objected to the execution of the order for humane reasons and pointed out that it would mean the execution of innocent people. All right, now proceed with what else was in the message.

A. Upon this teletyped message which Nosske addressed to the RSHA, the Office Chief IV sent a teletype reply. In this message ---

Q. Well, now, you have given us the text of Nosske's message as far as you recall it; is that right?

A. Yes. But what I mentioned now, that is still Mueller's teletype message.

Q. This is the reply to Nosske now?

A. Yes, this is what I was just going to give you.

Q. Very well.

A. This teletype message from the RSHA read as follows: "It is incomprehensible to me that such measures could even be considered

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there. Should the Jews in that area represent a danger, they are to be employed as labor in Central Germany."

Q. By this time there had been instituted an order suspending the execution of Jews, hadn't there? By September 1944, Himmler himself had ordered a suspension of execution of Jews, hadn't he?

A. I do not know that.

Q. Well, do you know when it was finally decided not to exe-cute [sic] any more Jews?

A. I have not been informed about this.

THE PRESIDENT: You may proceed, Dr. Hoffmann.

QUESTIONS BY DR. HOFFMANN (continued):

Q. May I immediately after this ask who was the highest bearer of command or authority at that time in this area Duessel-dorf [sic]?

A. The State Police was organically under the command of the RSHA. The inspector, as such, had supervising rights, but in my opinion, he had no objective right of issuing directives. Outside of this inspector, there was the Higher SS and Police Leader who, normally speaking, had no influence on the work of the State Police.

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Q But was it different now?

A Well, we had become an area close to the front and how the various commands were changed there, I do not know.

Q But would y u [sic] at that time have had to carry out an order by the competent Higher SS and Police Leader?

A I cannot answer that either.

Q. Then I will ask you witness, couldn't Noske [sic] refuse to carry out this order on his own part?

A Well Noske [sic] did refuse to carry out this order for instance. In the area of the State Police Dusseldorf [sic] the Jews were not collected in one place. Thus Noske [sic] by this had already refused [sic] to carry out the order by not complying with the first directive which said that all these people were to be gathered together in one building, whereas the State Police Office in Cologne had already assembled all these people in an old fortress.

Q Witness, Noske [sic] was head of the State Police Office in Duesseldorf, is that right?

A Yes.

Q Thus he was a personality who was well known there, is that right?

A Yes.

Q Well, can you remember that Noske [sic] one day was no longer there and what do you know about it? Please tell that to the Tribunal.

A One morning I came to the office and there I was told that Noske [sic] had been relieved of his office, that his successor was already on the way, and that he himself had been recalled to Berlin and he had not even been permitted to hand over the old job to his successor as that is usually customary.

BY THE PRESIDENT:

Q Witness, do you remember the message sent by Mueller? Do you recall the text of that message?

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A Yes, in detail.

Q Well, give it to us in detail.

A RSHA sent the following measures, "It is incomprehensible to me that such measures could be considered there. Should the Jews in that area represent a danger they are merely (and this merely was underlined) to be sent to Central Germany for work."

Q The RSHA then supported Noske's [sic] position?

A The RSHA clearly made it understood that they considered such an order as incomprehensible.

A They supported Noske's [sic] position?

A Yes.

Q Then why did they permit him to be punished for doing something which they approved of?

A Perhaps I may continue with the report about Noske's [sic] dismissal.

Q No, but answer that question. If the RSHA supported Noske [sic] why did they permit him to be penalized?

A I do not know the reason. I merely know that when Noske [sic] returned from Berlin he came to see me and asked me for copies of these top secret matters and he told me that because of too lax, too soft, an attitude in the treatment of the Jewish question he had been dismissed from his job and that a proceeding was to be started against him before a Higher SS and Police Court.

Q Was he tried?

A I do not know.

MR. HOFFMAN [sic]:

Q Your Honor, may I just say something?

THE PRESIDENT: Certainly.

DR. HOFFMAN [sic]: In my case in chief the Higher SS and Police Leader will appear in an affidavit and he, namely the latter [sic], was angry at Noske [sic] because of military disobedience, which we have in the documents. But, the witness cannot give you this information and I merely want to say

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this so that it would be logical.

BY THE PRESIDENT:

Q Very well. Did you hear about these proceedings against Noske [sic], instituted by Higher SS and Police Leader?

A No.

Q Well wouldn't you have been interested in what happened to Noske [sic] after this rather serious incident?

A Noske [sic] was immediately transferred into the field. He was no longer in Duesseldorf and , therefore, I did not hear anything about how the matter progressed afterwards [sic].

Q Did you know Noske [sic] very well?

A Noske [sic] was my superior for [sic] about one year. Noske [sic] came from western Germany and knew the mentality of the western German population. I personally had to write reports about the religious life and this whole church program was rather a delicate problem in western German [sic]. Therefore, I had to negotiate with Noske [sic] very often.

Q Would you say that he was soft in his treatment of the Jews?

A Outside of this one case I never discussed any Jewish problem with Noske [sic].

Q Proceed, Dr. Hoffman [sic].

BY DR. HOFFMANN:

Q Why didn't you talk with Noske about Jewish problems?

A Because I had nothing to do with Jewish questions and during the time when Noske [sic] was there there was hardly any Jewish question to be handled.

BY THE PRESIDENT:

Q Well as a matter of fact now, witness, there weren't many Jews in that area, were there, in Duesseldorf there weren't many Jews?

A I do not know the number of Jews there, but I would estimate that in 1944 there were still one thousand Jews in approved mixed marriages.

Q Well, they were mostly part Jews?

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A No, these were Jews, full Jews, who were married to German spouses in an approved mixed marriage and the children of these families those were mixed off-springs of the 1st degree.

Q Yes, but out and out Jews without the relationship of marriage with an Aryan didn't exist in any appreciable number there?

A As far as I know they did not, no.

Q So that this question [sic] wasn't only a Jewish question, it was also a German question to a great extent?

A Yes.

Q Because it involved German wives or German husbands, depending upon which spouse was Jewish, and at least half German children, didn't it?

A Yes.

Q Proceed, Dr. Hoffmann.

THE PRESIDENT: You may proceed, Dr. Hoffmann.
BY DR. HOFFMAN:

Q Witness, in your opinion, was Noske [sic] dismissed from his State Police job in Duesseldorf, was he completely dismissed?

A Yes, that's definite.

Q How long was the period of time between his intervention in Berlin and his dismissal?

A His dismissal had already been announced when he was recalled to Berlin because it said that his successor was already on the way.

Q Then it was very shortly afterwards?

A He was dismissed from his job by teletype and he was called to Berlin and he never returned to his job.

BY THE PRESIDENT:

Q Who signed the telegram of dismissal?

A I did not see it.

Q. Well, you were interested in the episode, wouldn't you want to know who it was that fired him?

A Noske [sic] didn't tell me.

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Q How was it you saw all these telegrams and didn't see the most important of all? Here is someone you were working with, suddenly he is dismissed, is about to go away, and you don't see the telegram although you see all the other telegrams?

A I was not in the office when this message which called Noske [sic] to Berlin arrived. When I came to the office Noske [sic] was already on his way to Berlin.

Q And had taken the telegram with him?

A I don't know.

Q Wasn't a copy of the teletype there?

A No, I never saw this teletype and I can only say again what I have already said that when Noske [sic] came from Berlin he asked me for copies of these top secret matters and on that occasion he told me that he had been dismissed because of too lax conduct as far as the Jewish question was concerned.

Q Well, did he tell you who it was that dismissed him?

A No, he didn't tell me that.

Q Well now, witness, we will have to say it sounds very illogical that here you are interested in this episode of a grave nature. You see the telegram which arrived giving the order, you see the complaint, you see the reply to the complaint, you even tell us about words which are underlined in the telegram, then comes the explosion at the end with the dismissal of your own superior. You don't know who dismissed [sic] him, you don't know whom he saw, you never saw the message. It sounds a little incomprehensible, doesn't it?

A When Noske [sic] returned from Berlin his successor was already in the office and Noske [sic] was no longer my superior and I had no cause to ask for any details.

Q Did he come to the office?

A He came to see me in my office.

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BY THE PRESIDENT: (continued)

Q And you gave him all these telegrams?

A I gave him copies of them for his procedure.

Q And in all this conversation he never mentioned who it was that had dismissed him?

A No.

Q And you weren't curious enough to say to a man who had been your boss for a year, "I am very sorry, Dr. Noske [sic], that this happened to you. That they dismissed you. Who was it who did this dirty deed?" You didn't think of mentioning that to him?

A No, but that Noske [sic] was dismissed from Office I, that was a matter of course, that the Chief [sic] of Office (Office I) had charge of him as far as disciplinary measures was concerned so my questions would have been superfluous.

Q Well, the RSHA had approved his conduct and the RSHA dismissed him, is that right?

A Office IV, that is the office chief Mueller personally had revoked this order upon the teletype of Noske [sic]. Yes, he had approved of Noske's [sic] conduct and for the rest, as he told me, Noske [sic] was dismissed from the job because of too lax treatment of the Jewish question. He told me personally.

Q And he didn't mention any name who it was that told him that he had been too lax?

A No.

Q And you didn't ask him "Who was it who told you you were too lax"?

A That was a matter of course. We took it for granted that Office I handled these matters.

Q Well, Office I is an abstract designation. The whole office didn't tell him this. One individual spoke. Who was the individual who spoke. [sic]

A Noske [sic] did not tell me and I didn't ask him for it, either.

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Q Very well.
BY DR. HOFFMANN:

Q Witness, outside of what you have just told the President I would [sic] like to ask you: the fact that Noske [sic] was no longer in his position was known to you, too?

A Yes, of course, because his successor was in office.

Q Witness, were you already interrogated about this incident by English authorities?

A When I was arrested I was asked about the Jewish question but not about the Noske [sic] incident.
BY THE PRESIDENT:

Q What did the successor to Noske [sic] do which Noske [sic] hadn't done?

A AS [sic] a supplement of this teletype message instructions arrived later from the RSHA to the effect that those Jews who were fit to work were to be sent to Central Germany to work in the OT; that those who were not fit to work, and the Jewesses, were to be sent to Berlin where they would be housed in Jewish families and that is how the problem found its solution.

Q Do you tell us there were Jewish families in 1944 with quarters and homes that were capable of housing other people?

A I told you what the teletype message contained. What the conditions were in Berlin I do not know.

Q Proceed.
BY DR. HOFFMAN [sic]:

Q But, Noske [sic] was no longer there in the State Police Office was he?

A The first transport took place when Noske was still in office, because that happened soon after the teletype came.
BY THE PRESIDENT:

Q Well, then he did remain in the office after he was dismissed?

A No, that was before his dismissal, this decision.

Q I understood you to say that that message came afterwards. Very well.

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BY DR. HOFFMANN:

Q Witness, let's get this quite clear. Now, Noske [sic] sent a teletype to the RSHA, is that right?

A Yes.

Q Then the RSHA sent back a teletype?

A Yes. And that was the one from Mueller.

Q And when did the dismissal come off?

A Some time elapsed there but how much time it was I do not know.

Q Were there three months, three days or what?

A I cannot give you any period of time. I don't remember any more.

BY THE PRESIDENT:

Q Well now just a moment. You can't dismiss a very reasonable question like that. When Dr. Hoffmann asked three months or three days you can tell us approximately the period of time. If you can't tell us that then one might question whether you remember anything about it. Certainly you would know how quickly [sic] came the order of dismissal of the man for whom you worked for a year. You certainly didn't have much love for him if you could forget him that quickly. Now how soon did this message from the RSHA indicating what should be done with these half Jews that the order come [sic] through dismissing Noske [sic]?

A The reply message from Mueller came around 16 September and the dismissal of Noske [sic] perhaps happened at the end of October, but I must say that with reservations because I do not remember the exact time Noskewas [sic] dismissed.

Q All right so that your best estimate is that about six weeks went by?

A Yes, the end of October.

Q Yes, now it is possible in these six weeks that he could have been dismissed for something else, couldn't it?

A I do not know.

Q So that you don't know why he was dismissed?

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A I merely know what Noske [sic] told me personally. I did not see the teletype message. I wasn't present when Noske [sic] talked with the officials in Berlin. Therefore I don't know what the reasons were.

Q Proceed, Dr. Hoffmann.
BY DR. HOFFMANN:

Q Your Honor, I have no longer any questions.

THE PRESIDENT: All right, Dr. Hoffmann.

Any other defense counsel desire to examine? Apparently not.

CROSS EXAMINATION

BY MR. WALTON:

Q Witness, I believe you stated on direct examination that you were an SS Major?

A I was an SS-Sturmbannfuhrer [sic].

Q And the regularly employed member of the Gestapo at the period about which you testified?

A No, I was a member of the SD and had only been detailed to the State Police on temporary duty. I was paid by the DS and my personal files were with the SD.

Q And your duties with the Stapo office in Duesseldorf were reporter on church questions, is that correct?

A Yes, that's correct.

What qualifications did you have that would cause them to appoint you as a reporter on church questions? Were you a member of the Ministry?

A No I was a correspondent for church questions in the SD from SD Sector Duesseldorf No, [sic] I was not a member of the ministry.

Q Were you an expert in the theological questions from your studies and practice in life prior to the time you were in Duesseldrof [sic]?

A Not as a result of a study but because of a personal inclination. Before I started working for the SD Sector Dusseldorf? [sic] I was active in church affairs. And, because I am an expert on Catholic and protestant matters the SD Sector employed me as a correspondent on