

DECLARATION

Concerning the treatment of parachuted Allied air crews I have experienced the following:

1) In 1943 or, at the latest, in the first half of 1944 HIMMLER as chief of the German police issued a secret order to all departments which told them not to initiate any police or court measures against compatriots (Volksgenossen) who commit acts of violence against parachuted Allied air crews. This secret order was also issued to the SS- and Police Courts. In May 1945 the ANTSRICHTER of BERCHTESGADEN told me that he, too, had knowledge of this order. From that I conclude that this order was also transmitted to all German prosecution agencies (STAATSBANWALTSCHAFTEN) and courts.

2) At an evening briefing in the FUEHRER Headquarters, about September 1944, at which I acted as a stenographer together with Mr. BUCHHOLZ and Dr. HAAGEN, the representative of the REICH Leader of the SS (HIMMLER) in the FUEHRER Headquarters, SS-GRUPPENFUEHRER FEGELEIN, reported that during an Allied day raid on MUNICH one or more Allied air crew members had parachuted within the city limits of MUNICH, that they had been assaulted by persons out of the mass of the people, that a soldier of the GAF and a party member had intervened and arrested the air crew members in order to make them Prisoners of War and at the same time to protect them from further acts of violence. SS-GRUPPENFUEHRER FEGELEIN, who according to his statement had received his knowledge from a member of the police, especially scorned the member of the GAF and declared that if he had been there, he would have liquidated the air crew members himself. I recall this evening more accurately since FEGELEIN was obviously intoxicated. Among other things, he often repeated that enemy aircraft had flown at an altitude of 5 m above the streets. This, however, does not necessarily indicate that FEGELEIN's statement in this case

corresponded with his real point of view. I cannot recall any more which side HITLER took. Because of his general outlook upon this question, it may be assumed that he agreed with FEGELEIN's exclamations. At least Col. Gen. (US Gen) GUDERIAN was present at the evening briefing besides HITLER and FEGELEIN. Field Marshal KEITEL was probably also present. The total attendance probably amounted to at least 10 persons.

3) At subsequent dates HITLER discussed the event FEGELEIN had told him of. During a conference he declared that he no longer doubted what FEGELEIN had told him, because he, HITLER, had spoken with the member of the police - I believe he spoke of a KRIMINALRAT - himself or had read his own report. This repeatedly caused him to speak in strong words against the GAF. He criticized the GAF for preventing the civilian population from carrying out stronger measures against parachuted Allied air crews. The GAF were scared, it were cowardly in that it thought of the time it would fly over enemy territory again. In other conferences HITLER inquired what measures would be taken against GAF members who had protected enemy air crews from the "furious mass of the people." He did not receive a positive reply in my presence. An utter silence of the representatives of the GAF almost lent the impression that one did not share HITLER's opinion. HITLER also remarked that the above mentioned party member had been ousted from the party. Perhaps, he also reported that he had been shot. This would have corresponded with HITLER's mentality.

4) During an afternoon briefing, approximately on 10 April 1945, a message - probably from a GAU Leader - was submitted according to which a member of the WEHRMACHT had again protected parachuted Allied airmen against acts of violence of compatriots. After the reading of this message HITLER became furious and declared that from now on he require that the parachuted airmen be delivered to the furious mass of the people or be subjected to an Allied bombing. He gave as his reason that they were criminals. Before anyone could say a word to this he changed his mind and said: "I want all American and English pilots liquidated."

Just at that moment I looked up from my writing and looked into the faces of the persons standing around HITLER in order to see the reaction of HITLER's words. I remember with complete certainty that Gen. (US Lt. Gen.) KOLLER, the Chief of the General Staff of the LUFTWAFFE, stood to the left of HITLER, who sat in a chair. He, who never excelled in discussions and almost regularly made a helpless stand against HITLER's reproaches, is the first to ask a question. "From when on?" he asked. With that he meant whether all parachuted Allied airmen were covered by this order of the FUEHRER or only those who had parachuted since a certain date. HITLER's reply was: "Since I have issued the order." Since I have always paid special attention to the breaches of International Law which were ordered or tolerated by the leading element, I at once tried to think which order could have been meant. I had no knowledge of a further order than that mentioned under 1) and believed that it could only be this order. I cannot say whether KOLLER and the other participants of the briefing also thought only of this order. Neither Gen. KOLLER nor the rest of the participants asked any question for elucidation. Gen. KOLLER's attitude distinctly showed that he did not like this new order, and he probably remained silent because of that. HITLER soon turned around and addressed the chief of the Security Police and SD, SS-OBERGRUPPENFUEHRER Dr. KALTENBRUNNER, who was standing behind him. He ordered him to take care that the liquidation of the afore-mentioned airmen be executed and to report this to him. Dr. KALTENBRUNNER did not reply to this order and thus accepted it. I do not recall with certainty HITLER and the other briefing participants made any further remarks about this point immediately after the briefing. I recall only somewhat vaguely that the possibility of reprisals by the enemy side had been mentioned and that HITLER had ordered the arrest of 100,000 French civilian workers for that case. I believe that this directive was given in connection with the order concerning the parachuted Allied airmen, however, I cannot say so with certainty.

I do not recall with full certainty which persons were present in the above mentioned briefing, approximately on 10 April 1945, besides HITLER, KOLLER, and Dr. KALTENBRUNNER. The participants of the briefings, who usually amounted to 25 persons, changed not only daily but also during each briefing. It is therefore possible that one or the other participant, who was present at the beginning and whose name was listed, was not present in the War Room - an air raid shelter room of 4x4 m - during the decisive minutes. One may assume almost certainly that Field Marshal KEITEL was present. He has left the War Room only seldom. Of the better known personalities Col. Gen. (US Gen.) JODL, Gen. (US Lt. Gen.) KREBS, perhaps Grand Admiral DOENITZ may be mentioned as possible further participants.

I expected that after the afore-mentioned briefing Dr. KALTENBRUNNER would take steps to carry out HITLER's order. It often occurred that HITLER declared what was to be done in this or that matter, but that these declarations were not really regarded as orders by his adjutants or the representatives of the WEHRMACHT. In this case there could be no doubt for anyone familiar with HITLER's mentality and considering the attitude of the men addressed by him that this was a strict order. Although the stenographers were strictly forbidden to discuss anything overheard in the briefings, even among themselves, I told this matter and my point of view to my colleague Dr. JONUSCHAT, whom alone I trusted, because I had convinced myself that he was an opponent on Nazism and was able to take a criticizing stand. Dr. JONUSCHAT shared my opinion that HITLER had become completely insane. I, myself, regarded it as my duty to undertake something in this matter. On the next day or the day thereafter, having completed the dictation of my stenographic notes, I went to a man I knew in BERLIN, in whom I could trust in every respect, and of whom I knew that he had good connections in BERLIN. He was the director of the GAUSS School

(for engineers) in BERLIN, Dr. KURT GEHLHOFF, BERLIN-TEGEL, MYRTENWEG 19. Dr. GEHLHOFF, whose acquaintance I made as the friend of a priest well known to me and who had connections with higher Protestant circles in BERLIN. I could not discover whether Dr. GEHLHOFF had been able to undertake anything in this matter, because the connections with TEGEL were interrupted a few days later, and I have not seen Dr. GEHLHOFF again. About 20 May 1945, Mr. Huss, the representative of the Hearst press with the Seventh U.S. Army told me that an American representative of the Red Cross had sent a report to a high American office, according to which HITLER had ordered the shooting of a great number of parachuted Allied airmen. I have made no statement to Mr. Huss concerning this matter.

I have not heard anything about the execution of HITLER's order in later briefings. I then lived in the hope that the ordered measure had become outdated by the unexpectedly quick run of events.

As a second stenographer, either Mr. HEINZ/SUCHHOLZ or Dr. KURT HAAGEN may be able to make further statements about the conversation reported under 4). About the attitude of the LUFT-WAFFE in this case Gen. KOLLER, who must be in captivity, and about possible measures by the GESTAPO SS-OBERGRUPPENFUEHRER Dr. KALTENBRUNNER, who, according to press reports, was captured by the Seventh U.S. Army, should be able to give information.
BERGHEGADEN, 19 July 1945.

/s/ GERH. HERRGESELL

/t/ AMTSGERICHTSRAT

(Judge)