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# The Nuremberg Interviews

AN AMERICAN PSYCHIATRIST'S  
CONVERSATIONS WITH THE  
DEFENDANTS AND WITNESSES

LEON GOLDENSOHN

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CONDUCTED BY LEON GOLDENSOHN  
EDITED AND INTRODUCED BY ROBERT GELLATELY

## **THE NUREMBERG INTERVIEWS**

*An American Psychiatrist's Conversations  
with the Defendants and Witnesses*

Dr. Leon Goldensohn was an American physician and psychiatrist who joined the U.S. Army in 1943 and was posted to France and Germany. He died in 1961.

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How the Nuremberg Interviews Were Obtained and Preserved

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## Nuremberg—Voices from the Past

Leon Goldensohn was an American physician and psychiatrist at the time the United States entered the Second World War. In 1943 he joined the U.S. Army and was soon posted to France and Germany, where he served in battles in the European theater. Not long after the war ended, he became prison psychiatrist at Nuremberg, the location of the first postwar trials of the major Nazi war criminals. Goldensohn arrived in Nuremberg in early January 1946, about six weeks into the trials, and remained there until late July of that year. As a trained psychiatrist he had responsibility for the mental health of the nearly two dozen German leaders who had survived the war and who were now fighting for their lives before the International Military Tribunal. As a medical doctor who saw the prisoners nearly every day, he also kept careful track of their physical problems. Over a period of seven months in Nuremberg prison he spoke on a regular basis with many of the twenty-one prisoners who were there when he arrived, and he carried out formal and extended interviews with most of them. In addition, he interviewed a large number of defense and prosecution witnesses, some of whom had also been significant Nazi officials.

This book publishes for the first time a broad selection of the interviews Goldensohn conducted during his time in Nuremberg. They represent an important addition to the record of the trials and of the Third Reich. They are unique in that they are systematic interviews conducted by a trained psychiatrist, and they offer new testimony about the mentality and motives of the major Nazi perpetrators.

### Background to the Nuremberg Trials

The Nuremberg trials came into existence out of a multitude of political and judicial concerns but are seen by many today as a landmark in international law. They were by no means inevitable, however, and might never have taken place. During the war, as Allied leaders learned about the vast scale of the Nazi atrocities, President Franklin D. Roosevelt of the United States, Prime Minister Winston S. Churchill of Great Britain, and General Secretary Joseph Stalin of the Soviet Union at one time or another all considered summary execution as the more appropriate response to Nazi crimes.

The concept of the trials was apparently first suggested by Soviet foreign minister Vyacheslav Molotov as far back as October 14, 1942. On that date Molotov wrote to several East European governments in exile in London about Moscow's inclination to try the most prominent leaders of "the criminal Hitlerite government" before a "special international tribunal."<sup>1</sup> Moscow was evidently upset that Britain was not willing to try Rudolf Hess, Hitler's deputy, who had flown to Scotland in May 1941, and the Soviets harbored fears that their allies might even conclude some kind of deal with Germany. For their part, the western Allies gave little thought to postwar trials, but continued to lean toward some kind of summary execution. Their immediate priority was winning the war.

Nevertheless, on November 1, 1943, all three Allies finally issued a joint statement about what should happen to the war criminals, in the so-called Moscow Declaration. It stated several general principles. For example, the declaration laid down that those who had committed crimes would be returned to the localities where these had taken place and be “judged on the spot.” Trial and punishment would follow the laws of the land in each locality. There would be different treatment for the major war criminals, however, whose crimes were seen as not restricted to any particular geographic area. The Moscow Declaration left up in the air precisely what ought to happen to these men and did not say whether there would be a trial or summary execution.<sup>2</sup>

Churchill’s own views were far from benign. He thought, as he said behind closed doors at a cabinet meeting on November 10, 1943 — just prior to the Tehran Conference — that there was some point to drawing up a short list of specific war criminals. He was inclined to believe that dealing with this group summarily might shorten the war insofar as the named individuals would become isolated figures in their own country. This strategy required that the Allies avoid the entanglements of legal procedures, and Churchill himself favored a list of perhaps fifty to one hundred or so Nazi leaders. Once the list was reviewed by some sort of international committee of jurists, these men would be declared “outlaws” and thus fair game for anyone who wished to kill them. For Churchill, if there was to be anything like a trial for the major war criminals, its job would be to verify the identity of these “outlaws.”<sup>3</sup>

One of the most remarkable exchanges on the topic of summary executions took place at the Roosevelt-Churchill-Stalin meeting during the Tehran Conference (November 28–December 1, 1943). Over dinner on November 29, Stalin suggested in passing that if at the end of the war about fifty thousand leaders of the German armed forces were rounded up and liquidated, then Germany’s military might would be ended once and for all.<sup>4</sup> Churchill was taken aback by the scale of the liquidations envisioned by Stalin. He said simply that the British Parliament and public would never accept such mass executions. But Roosevelt responded to Stalin more warmly, and when Churchill became upset (or so Churchill recalled), FDR said that the Allies should execute not fifty thousand, but “only 49,000.” Elliott Roosevelt, the president’s son, who happened to be present, chimed in to say he was sure the United States Army “would support it.”<sup>5</sup>

The drift of this conversation bothered Churchill so much that he left the room, but he was chased down by a jovial Stalin, who said that he was, of course, only joking. If we look at the evidence of later discussions, however, and consider that Stalin had already instigated the liquidation of thousands of his own people and even many in the Soviet officer corps, there is reason to believe that had Churchill been in agreement that evening, an important decision might have been taken. Whether this step would have culminated in a large number of executions remains open to speculation and debate. Certainly, Churchill had his doubts that Stalin and Roosevelt were just pulling his leg on the evening in Tehran. Although he let himself be persuaded by Stalin to return to dinner, he was not “fully convinced that all was chaff and there was no serious intent lurking behind.”<sup>6</sup>

Inside the government of the United States there was deep division about what should be done about Nazi war crimes. One of the most powerful voices in favor of executions over a trial of any kind was articulated on September 5, 1944, when Secretary of the Treasury Henry Morgenthau Jr. proposed a plan that would have permanently crippled Germany.



the context of that plan he wanted Nazi leaders summarily executed, and on a scale that looked closer to what Stalin had mentioned at Tehran, and not the more “modest” one that Churchill had in mind. U.S. secretary of war Henry L. Stimson, fortunately, offered a voice of reason on the American side.

The seventy-six-year-old Stimson would not accept the notion that Germany’s economy should be deindustrialized or destroyed, supposedly in order to save the world from another war, and he was also completely opposed to Morgenthau’s approach to war criminals. Stimson insisted, to the contrary, on the need for due process, which had to embody “the rudimentary aspects of the Bill of Rights.” In a memorandum of September 9, 1944, he sagely noted that it was not a matter of being hard or soft on Germany, but of adopting an appropriate method for dealing with the Nazi criminals. The approach had to be a product of “careful thought and well-defined procedure.” He believed the United States should participate in some kind of international tribunal, one that would charge the main Nazi officials with offenses against “the laws of the Rules of War in that they committed wanton and unnecessary cruelties in connection with the prosecution of the war.” He noted that these rules had been upheld by the U.S. Supreme Court and ought to be “the basis of judicial action against the Nazis.”<sup>7</sup>

Roosevelt, however, much to Stimson’s consternation, continued to side with Morgenthau — who was also a personal friend — and the position of summary execution, without trial, by the military. Indeed, in the wake of the Quebec Conference (August 11–24, 1944) Roosevelt and Churchill issued a statement that said a judicial process was inappropriate for “arch-criminals such as Hitler, Himmler, Goering, and Goebbels.” As they put it, “Apart from the formidable difficulties of constituting the Court, formulating the charge, and assembling the evidence, the question of [the Nazi leaders’] fate is a political and not a judicial one. We could not rest with judges however eminent or learned to decide finally a matter like this which is of the widest and most vital public policy. This decision must be ‘the joint decision of the Governments of the Allies.’ This in fact was expressed in the Moscow declaration.”<sup>8</sup>

Roosevelt and Churchill came to the conclusion that on balance it would be best to execute certain Nazi leaders without any trials, and this was a point of view that Stalin also seemed to share. Churchill was somewhat surprised, therefore, to learn on a visit to Moscow in October 1944 that evidently Stalin had changed his mind. He and other Soviet leaders now favored a trial, along the lines of an international tribunal as originally suggested by Molotov. It is also possible that once Stalin saw for himself that Churchill would never go along with the liquidation of tens of thousands of the German elite, he went over to the idea of holding a trial of the major war criminals, which could be used for propaganda purposes. Perhaps Stalin also thought that in advocating trials, he might be able to polish his tarnished image in the West.<sup>9</sup>

In the meantime the Soviets were taking steps of their own to settle scores with their invaders. As they liberated their land from the Nazi yoke in the summer of 1943, they began carrying out their own trials, including trials of their own citizens, for participation in Nazi war crimes. In the first such trial (July 14–17, 1943), at Krasnodar, the Soviets made public to the world one of the first cases of mass murder of the Jews. There were eight death sentences, which were carried out in the city square in front of a crowd estimated at thirty thousand people.<sup>10</sup> In August and September some smaller Soviet trials followed, but

Kharkov on December 15–18, another large and public trial took place, with a similar result. It culminated in the hanging of those found guilty, in the market square before an estimated fifty thousand. The event was widely publicized by special news films as well as on the radio and in the press. Such proceedings reminded some western observers, as well they might, of the show trials that were a prominent feature of the Soviet Great Terror in the late 1930s. The Soviets used these first trials of Nazi sympathizers to appeal to world opinion as well as to strengthen morale. Soviet practice, therefore, began to favor some kind of trial over summary execution. The Soviets' intention, of course, was to use the format of a trial to demonstrate the guilt of the accused.

The governments of the United States and Great Britain were concerned about these Soviet show trials just behind the lines. They were especially worried lest the proceedings set off Nazi retaliations and lead to the execution of American and British prisoners of war who were in German captivity. Indeed, Hitler was incensed, and in response he ordered his own show trials, not of Soviet prisoners of war but of what he called "English-American war criminals" and especially "Anglo-Saxon terror bombers."<sup>11</sup> Hitler's orders were in fact followed up, but eventually came to nothing, as often happened to many of his more destructive orders by the war's end.

The U.S. government, prodded by Stimson, gradually came to accept the view that judicial proceedings were preferable to summary executions. Stimson could not simply voice his opposition to Morgenthau, who seemed to have the support of President Roosevelt; he had to come up with an alternative. In September 1944 he gave the task of looking into such a plan to his assistant secretary John J. McCloy, who passed it down the chain of command. Eventually Colonel Murray C. Bernays produced what turned out to be a key document in the evolution of American policy.

Bernays was a lawyer in civilian life. He drew up a paper on what he called the "trial of European war criminals," in which he made strong arguments in favor of due process. He claimed that a trial would have enormous advantages over mere political condemnation - such as had followed the end of the previous war. Bernays argued that the Nazis could and should be charged with conspiracy to commit crime. Moreover, he maintained that certain organizations (such as the Nazi Party, the Gestapo, and the SS) could be indicted, not just a few individual leaders. Such organizations would also be charged with being part of a criminal conspiracy. It would not be necessary to charge every single person in the organization, just "representative individuals." Once the organization was tried and convicted, an individual member could be judged as a criminal coconspirator, and given a summary trial by the Allies. It is important to note, however, that contrary to what some of the defendants said when they spoke with Goldensohn, Article 10 of what became the charter of the International Military Tribunal did not simply declare certain Nazi organizations to be criminal. That decision was left to the tribunal to determine. Moreover, any particular member of those organizations that the tribunal eventually found to be criminal was not automatically deemed to be criminal. Each had the right to a trial.<sup>12</sup>

The political and judicial position of the American administration in favor of trials, along with the conspiracy/organizations approach, was endorsed by Secretary of State Cordell Hull, Secretary of the Navy James Forrestal, and Stimson. On November 11, 1944, they sent a memorandum to President Roosevelt with a view to providing him with guidance for the

upcoming Yalta Conference.<sup>13</sup>

Roosevelt was surprisingly slow to come around, however. At Yalta (February 7–12, 1945) the president apparently made no mention of the changed position of his administration. F and Churchill still seemed to prefer summary executions, but no decisions were taken.

It was Stalin and the Soviets who perhaps ultimately did most to persuade the other Allies that some sort of “judicial procedure was the way forward.”<sup>14</sup> Stimson and others kept trying to move the president in that direction. They continued to insist on the need to avoid the impression that the Allies were seeking vengeance. That view was accepted by the new president, Harry S. Truman, after he took over when Roosevelt died suddenly on April 12, 1945.<sup>15</sup>

The demands for summary execution came to naught, as Truman adopted the position in favor of a trial put forward in late 1944 and early 1945 by Stimson, Hull, and other high government officials.<sup>16</sup> In several meetings between the Allies in 1945, the Americans also convinced the reluctant British. By May 3 (at San Francisco), the western Allies and the Soviet Union, along with newly liberated France, all agreed in principle to judicial proceedings. By August 8, after still more months of negotiations in London, they finally worked out a charter for the trials. They established in detail how the court would be constituted and what rights the defendants would have. At the same time the Allies worked out and agreed to the four counts of the indictment: conspiracy to commit crimes, crimes against peace, war crimes, and crimes against humanity.<sup>17</sup>

Even after the Allies had agreed in principle to the trials, they had to overcome the last hurdles to holding them. Part of the difficulty lay in the fact that the liberal-democratic Anglo-American powers and the Soviet Union conceived of the trials in very different ways. The Soviets had endured extreme suffering at the hands of the invading Germans. Even by conservative and quite reliable estimates, the German-Soviet war had led to the deaths of around 25 million people in the USSR, most of whom were civilians.<sup>18</sup> For the Soviet leadership the trials would be more like grand show trials, designed to demonstrate the “measure of guilt” of each of the accused, after which each would get “the necessary punishment.”<sup>19</sup> For the United States and Great Britain, however, once they finally accepted the notion of a trial, it necessarily followed (at least in theory) that the defendants had certain rights of self-defense. There also had to be an assumption of innocence until they were proven guilty and the possibility that some or all of the accused might be set free or at least found not guilty on some counts.

It was also difficult for the Allies to reach agreement about the form and procedures of the trials because Anglo-American and continental legal traditions are quite different. The United States and Great Britain have an “adversarial” system, whereby relatively open cases go to trial, evidence is presented in court, and witnesses — sometimes also the accused — are cross-examined under oath by defense lawyers and the prosecution, who face each other in court and fight it out. On the European continent, however, there is more of an “inquisitorial” system, in which the investigative work is done by a magistrate who puts together a dossier based on the evidence. If a charge is warranted, copies of the dossier are given to the court and the accused. During the trial, it is the judges who decide whether to hear further testimony. It is they who question witnesses, but rarely cross-examine the accused, who may or may not make a statement at the end of the trial. The Soviet judge

Nuremberg — whose participation in the notorious show trials of the 1930s in Moscow was well known in the West — asked with some consternation at one of the last pre-Nuremberg meetings in 1945, “What is meant in the English by ‘cross-examine?’”<sup>20</sup>

The Americans and the British carried the day on how the trials would proceed. They worked out what is sometimes called a clever compromise with the Soviets and the French, but of course the accused had no say whatsoever in any of the pretrial discussions. They were also deprived of many of the most important rights enshrined in the American Constitution. For example, the accused could not invoke the Fifth Amendment, which would have permitted them to refuse to answer a question on the grounds that doing so might tend to incriminate them. The accused could be, and were, questioned in court, each in turn, and they could not decline to testify.

## The Charges

The defendants at Nuremberg were indicted on four counts, the first two of which proved to be particularly controversial for scholars of international law.

*Count one* alleged that the accused had “participated as leaders, organizers, instigators and accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes Against Peace, War Crimes, and Crimes Against Humanity as defined in the Charter.”<sup>21</sup>

*Count two* was related to the first and indicted the defendants and diverse others who, over many years, “participated in the planning, preparation, initiation, and waging wars of aggression, which were also wars in violation of international treaties, agreements and assurances.” This count thus indicted what were called “crimes against peace,” and obviously had to include acts of aggression like the German invasion of Poland on September 1, 1939, even though that act of war was clearly carried out as part of a joint conspiracy with the Soviet Union, which went unmentioned. The Nazi-Soviet Nonaggression Pact of August 23, 1939, not only opened the door to war but contained secret clauses about the division of Poland, which the Soviet Union also invaded from the east as Germany did so from the west.

Counts one and two, therefore, opened the tribunal to controversy, not least because they failed to indict the Soviet Union for these “crimes against peace” — which would have been politically unpalatable at the time. The very appearance of doing justice was colored also because the Soviets acted as judges and prosecutors at Nuremberg. On balance it might have been better not to have brought the first two counts at all, but to have focused instead on war crimes and crimes against humanity.

*Count three* accused the defendants of having a “common plan or conspiracy to commit War Crimes.” Carrying out this plan, it was alleged, involved the practice of “total war,” which exceeded “the laws and customs of war.” More particularly, this count in the indictment pointed to crimes such as the murder and mistreatment of civilian populations, the deportation and use of slave labor, the murder and mistreatment of prisoners of war, the killing of hostages, and the plunder and wanton destruction of cities, towns, and villages.

*Count four* dealt with “crimes against humanity,” which “included murder, extermination, enslavement, deportation and other inhumane acts committed against civilian populations before and during the war.” Count four also singled out “persecution on political, racial and religious grounds in execution of and in connection with the common plan mentioned

count one.”

None of the accused who were indicted before the International Military Tribunal was charged in a specific count for persecuting and murdering the Jews. Terms such as “genocide” or “the Holocaust” became current only later. “Genocide,” which was coined in 1944 by the Polish jurist Raphael Lemkin, was made into a crime by a special United Nations convention in 1948.<sup>22</sup> “Holocaust” had existed earlier, certainly before 1939, but it was not used during the trials.<sup>23</sup> But the unprecedented atrocities committed against the Jews across Europe were mentioned in passing under count three, and more extensively in count four, which charged that the “mass murder” of Jews involved “millions of persons.”

These four counts brought serious charges, all of them more or less without precedent in international law. The first two were especially problematical, and without them — also without the continuing and misplaced attempt to link all the crimes to an overall conspiracy — the trials might have been more fruitful for future prosecutions of war crimes and crimes against humanity. In an effort to make its case on all counts, however, and particularly on the first — the long-term conspiracy charge — the prosecution exaggerated the intentionality and coherence of Nazi planning and policy making. The United States was especially enthusiastic about the conspiracy charge, which was somewhat familiar in American law, even if it had previously been used far more restrictively. The idea of such a wide-ranging conspiracy certainly gave the British cause for concern, but from the Americans’ perspective it had the advantage of making it possible to link pre-1939 human rights and legal abuses inside Germany to the far more egregious kinds committed during the war.

The idea of a conspiracy — which in fact informed every count in the indictment — opened the door to the defense. The counsels took every opportunity to show, not without some plausibility, that there was enormous confusion of authority in the Third Reich. They said that the regime had a haphazard, incoherent, and inefficient system of administration and government. It became common for the accused to plead ignorance, and to point to the highly compartmentalized system of Nazi administration. The defendants all claimed to have had limited knowledge and to have played no part in any long-term conspiracy.

The prosecution, on the other hand, had to prove there was a clear plan, with shared aims among the accused from early on in the regime. They set out to show that there was a clear intention from the very beginning to commit specific crimes; that included long-term planning not only for a war of aggression, but for specific events like the murder of the Jews. The prosecution ended up overstating the intentionality, just as the defense unduly played down, the latter in order to paint a picture of administrative chaos, endless power struggles, and a system without a real leader. For the defense it was logical to insist that no one believed in Nazi ideology or had read Hitler’s book, much less Alfred Rosenberg’s books.

To this day there continues to be significant controversy among historians about the nature and extent of Hitler’s role and his relations to the Nazi leaders. The picture now supported by many historians is more complex and blends elements from both prosecution and defense claims.<sup>24</sup> However, the prosecution image of Alfred Rosenberg as the main Nazi “theoretician” or “philosopher” is without any merit whatever.

The International Military Tribunal responsible for trying the major war criminals was the product of long political and judicial debates. After a preliminary session in Berlin on October 18, 1945, the trials moved to the Palace of Justice in Nuremberg, where the sessions ran from

November 14. The main proceedings, comprising prosecution and defense presentation lasted just over nine months, from November 22, 1945, to August 31, 1946. The trials were a massive undertaking. There were four judges and four prosecutors (with alternates), each with a team of his own, all of them drawn from the victorious powers — the United States, Great Britain, and the Soviet Union, along with France. The court met in 403 open sessions, heard a total of 166 witnesses, and worked through literally thousands of written affidavits and hundreds of thousands of documents.<sup>25</sup> The trials were cumbersome and slow, not least because they were carried on in four languages and required enormous translation work just to record the testimony, the cross-examinations, the written submissions, and many other documents. A sense of the scale of the trials can be gathered from the fact that the transcripts and only a selection of the documents entered as evidence were published (also in four languages) in forty-two large volumes.<sup>26</sup>

Charges were initially brought against twenty-four men deemed on various grounds to be major war criminals. These included Robert Ley, the head of the Labor Front, who committed suicide on October 24, 1945, before the trials began, and the industrialist Gustav Krupp von Bohlen und Halbach, chosen by the Allies as “representative” of big business, who proved to be unfit. Included, in absentia, among the twenty-two defendants was Martin Bormann, Hitler’s private secretary. On September 30 and October 1, 1946, the court delivered its judgments. Twelve of the defendants were sentenced to death by hanging (Bormann in absentia, Hans Frank, Wilhelm Frick, Hermann Goering, Alfred Jodl, Ernst Kaltenbrunner, Wilhelm Keitel, Joachim von Ribbentrop, Alfred Rosenberg, Fritz Sauckel, Arthur Seyss-Inquart, Julius Streicher). Of the remaining ten defendants, three were found not guilty (Hans Fritzsche, Franz von Papen, Hjalmar Schacht), three were sentenced to life imprisonment (Rudolf Hess, Walther Funk, Erich Raeder), two got twenty years’ imprisonment (Baldur von Schirach, Albert Speer), one was sentenced to fifteen years (Constantin von Neurath), and one to ten years (Karl Doenitz).

Immediately after sentencing, counsels for two men condemned to hang (Jodl and Keitel) requested that their clients be granted the dignity of a military death by shooting. Counsel for Raeder also requested that he be shot, in place of his sentence of life imprisonment. All three requests were denied. On October 16, 1946, all those condemned to death (with the exceptions of Bormann and Goering) were hanged. Reich Marshal Goering had managed to defy the court by committing suicide in his cell just before the scheduled execution.

## **The Goldensohn Interviews**

After the United States government finally decided, toward the end of 1944 and into 1945, that trials were necessary and preferable to summary executions, the Americans took the leading role. They insisted almost immediately, with British support, on moving the venue outside the Soviet sector of occupied Germany, and at the end of June 1945 decided on Nuremberg. The city had been nearly obliterated during the war, but it still had facilities where the trials could be held.<sup>27</sup> The occupying powers were very much drawn to the choice of Nuremberg. The city’s name was identified with the racist laws of September 1935, and beyond that it had hosted the annual Nazi Party rallies, when hundreds of thousands of people would fill the city and infuse it with wild enthusiasm for Hitler. Thus, holding the trials of the fallen Nazi leaders at Nuremberg had both political and symbolic value.

By September 1945 American prosecutors Robert H. Jackson and Thomas J. Dodd could call on a staff of two hundred. There were legal officers and experts of various kinds, as well as translators and stenographers. Jackson was by far the most active of the prosecutors, followed by Sir David Maxwell Fyfe of Great Britain. The British, however, had at most only thirty-four staffers and usually fewer, while the Soviet and French teams were smaller still. The Americans, therefore, tended to dominate the proceedings in nearly every way, and not only because the trials were held in the American sector of Germany.

In addition to a medical staff, the Americans generally had a psychologist and a psychiatrist on duty during most of the proceedings. The first prison psychiatrist at Nuremberg was Major Douglas M. Kelley, who had previously served at a holding camp for important Nazi prisoners at Mondorf-les-Bains, in Luxembourg. Most of the Nuremberg defendants had been kept there before the trials, and it was not without a touch of victor irony that the camp became known among the Allies simply as "Ashcan." It was run along spartan lines by the strict Colonel Burton C. Andrus, a man known to be a firm disciplinarian. Other Nazi bigwigs, notably Speer and Schacht, were kept in less stringent conditions at Kramsberg Castle near Frankfurt am Main, a camp nicknamed "Dustbin." All the leading Nazis were questioned either at Ashcan or Dustbin, and some of the information garnered from them has been preserved. Interesting selections of this material, much of it never used in the trials, have recently been published. Colonel Andrus and Major Kelley were sent from Ashcan to Nuremberg. Kelley stayed on duty for the first month of the trials, when he left and was replaced by Goldensohn.

Throughout the period of the incarceration, at Mondorf and later at Nuremberg, American guards communicated hardly at all with their prisoners, but maintained a permanent suicide watch. Initially, one guard was assigned to four cells, but after Robert Ley's suicide in October 1945, Colonel Andrus had a guard posted at every cell. They had to check on the prisoners more or less continuously through tiny portholes in each cell door. Before prisoners returned to their very sparse cells they had to remove belts, suspenders, shoelaces, and so on — in short, anything that might be used to commit suicide. Guards were ordered to keep the head and hands of prisoners in view at all times, including when they tried to sleep (on their backs only) during the night. Prisoners were generally isolated from the outside world and not allowed newspapers. Their mail, even with family members, was censored, and they were allowed to move outside their cells only for meals, talks with their lawyers, and a daily exercise period. During those times the defendants colluded whenever possible, in order to plan their strategies against the prosecution. Guards generally did not communicate with the prisoners, even though Colonel Andrus, unbeknownst to them, had recruited some German-speaking GIs for guard duty. They were to report to him anything they found suspicious or that might be useful in the trials. The prisoners were virtually cut off from human contact except for their defense attorneys, so that it is not surprising they were willing to talk to the psychiatrists and psychologists who worked in the medical detachment of the 685th International Security Detachment (ISD) of the U.S. chief counsel in Nuremberg. The doctors had more or less free access at all times.

When Leon Goldensohn was posted to Nuremberg, he was thirty-four years old. Born on October 19, 1911, in New York City, he received a B.A. from Ohio State in 1932 and an M.D. from George Washington University School of Medicine in 1936. He trained in neurology at Montefiore Hospital in New York City and in psychiatry at the William Alanson White

Institute of Psychiatry. At the end of the war, Major Goldensohn was assigned to the 121 General Hospital in Nuremberg, and on January 3, 1946, to the 685th Internal Security Detachment. He served as prison psychiatrist until July 26, 1946 — which was close to the end of the defense hearings.

In the immediate wake of the defeat of Germany in the spring of 1945, and into the summer, when the International Military Tribunal was announced, there was enormous interest in “what made those Nazis tick.”<sup>30</sup> Kelley referred to the “psychological treasure” he and psychologist Gustave Gilbert had at their fingertips, and initially the plan was to publish a Kelley-Gilbert book.<sup>31</sup> Captain Gilbert was an American intelligence officer. He was fluent in German and managed to get an assignment as translator for Major Kelley. He was also a trained psychologist and soon convinced Colonel Andrus to appoint him “official” prison psychologist. Gilbert was apparently of one mind with Kelley, and saw the war criminals “available to him as laboratory mice.”<sup>32</sup> In addition to reporters, psychiatrists and psychologists from around the world tried to gain access to the prisoners. Goldensohn, like Kelley and Gilbert, likely became the envy of his professional peers and the many reporters all eager to interview the defendants.<sup>33</sup>

The plan for the Kelley-Gilbert book never came to fruition. But Kelley published his own book in 1947. It remains useful in a limited way, though it is now quite dated.<sup>34</sup> His former coworker Gilbert also published a book, which appeared several months after Kelley’s. It took the format of a diary, and with it readers can follow the course of the trial from the author’s experiences and perspective.<sup>35</sup>

Goldensohn too had intended to write a book. He never wrote it, but his notes survived. Some of these transcripts were typed up not long after the interviews were held. Any plan for a book came to a halt when the doctor died prematurely at age fifty from a coronar heart attack, on October 24, 1961. But a few small notebooks were typed up later under the supervision of Dr. Goldensohn’s brother, Dr. Eli Goldensohn, who collated and organized all the original materials. What we have in this volume is an edited and abridged selection of some of Goldensohn’s interviews with nineteen defendants and fourteen witnesses.

We are indebted to Goldensohn for his conscientious note taking. Whereas psychologist Gilbert would jot down his impressions at the end of the day, and in that sense relied more on his memory to reconstruct conversations and impressions, psychiatrist Goldensohn insisted on taking detailed notes. Although he spoke little German himself, some of his interviewees knew English and he was able to converse freely with them. However, in his former interviews he wanted to have the defendants and witnesses express themselves fully in their own language, and so he strongly preferred to employ the services of Howard H. Triest, a translator. He duly recorded both his questions and the defendants’ answers, writing them down as he went.

Gilbert’s fluency in German would have facilitated conversation with the prisoners, most of whom were talkative and eager for human contact. And yet some prisoners felt that Gilbert hated them, certainly that he entertained dark thoughts about them. One said he taunted them — for example, with pictures of hanged Nazi war criminals in *Stars and Stripes*, assuring them they were going to get the same treatment. The prisoners generally seemed to have had a kindlier attitude toward Goldensohn, whom they considered more detached and more professional. On some occasions he and Gilbert made their rounds together, with Gilbert



acting as translator.

Goldensohn shared the belief of the times in the “pathology” of the leading Nazis and though gentle in his approach, was especially interested in trying to account for the “depravities.” There was never any pretense of doctor-patient confidentiality, and none was apparently expected by the prisoners. Not all of them were happy with this situation, but the majority seemed resigned to the fact that they were “material” for various book projects. Today, with our concerns about privacy, it might seem troubling that a medical doctor would openly and repeatedly ask one prisoner what he thought of another. On occasion an interviewee might ask Goldensohn to keep something in confidence, but he was not inclined to give any such assurance. Like the other doctors on the American team, Goldensohn saw the Nazi prisoners as subjects to be studied, and rather secondarily, if at all, as patients. He explicitly referred in his interview notes to the “subjects” of his investigations. The prisoners on the other hand, used their conversations with the doctors as an opportunity to make statements or approaches they would soon use in their defense before the tribunal. Goldensohn was certainly aware of that and even encouraged it. In conversation with the Americans, the defendants rarely let their guard down, especially when it came to confessing to crimes as charged, because they worried that what they said could be used against them in court. Prisoners who resented these professionals accused them of being more interested in collecting material for the books they were all writing than in providing care.<sup>36</sup>

Goldensohn saw the defendants almost every day, but what sets his record apart from the others is his persistent effort to hold formal and often extended interviews. He recorded everything he could of psychiatric and human interest. We can read what the accused and the witnesses had to say about the role of a given defendant in certain specific events, all the way down to details about his family and medical history. Goldensohn asked them what they thought of certain leaders, like Hitler, and even how they regarded one another and the crimes, as well as how they performed before the tribunal on any given day. He followed up with many questions, sometimes to the point of infuriating his subjects, but he kept digging and digging. He claimed he did not want to cross-examine the defendants, but in fact during these one-on-one encounters, he sometimes did. He often went over a defendant's testimony in court, noting, for example, parts of it that he did not find credible or difficult to understand. In some of these exchanges, Goldensohn was harder to satisfy than the prosecutor in the court.

Goldensohn generally did not record casual conversations, only his formal interviews through the medium of a translator. The note taking and translation meant that the defendants rarely got carried away. Instead, they had plenty of time to think rationally about how to answer Goldensohn's questions, and perhaps that was precisely what the doctor wanted.

A crucial point to keep in mind is that each of the accused was on trial for his life. Like anyone indicted on serious crimes, these men were determined to exculpate themselves. (In at least one important philosophical tradition, every person, no matter how heinous his crimes, reserves a natural right to fight for his life.) For most of the defendants, who were essentially deprived of most legal rights (certainly as these are commonly understood under the United States Constitution), the note taking of Goldensohn must have set off alarm bells. The accused were not protected against self-incrimination, nor were their lawyers present.

and it was not unreasonable for them to assume that they might end up in court being faced by their very own words as noted by Dr. Goldensohn. That never happened, but at the very least we have to keep in mind that the defendants would have been uncertain about the status of these interviews, which were not protected by doctor-patient confidentiality. Goldensohn may have regarded himself as a doctor and a scientist first, but from the point of view of any of the accused, he was one of the victors, while they were the vanquished, and so they had to treat him as if he were a member of the prosecution's team. He assured them they had nothing to worry about and that they could talk freely, but he could not give them any real basis for believing him.

The defendants generally tried to get away with everything they could, and as one of them suggested, they sometimes succeeded. That claim was made by Hitler's architect Speer, often regarded as the shrewdest observer among the defendants. He was not pleased at the end of the trial when he saw that Fritzsche, Papen, and Schacht got off, while he was given twenty years. He noted in his diary that their "lies, smokescreens, and dissembling statements had paid off after all." Speer resented not being exonerated by the court, but it was certainly not because he had failed to lie or to cover up the truth.<sup>37</sup> Speer and no doubt other defendants resented people like Goldensohn and Gilbert. So far as we can tell, Speer gave Goldensohn no more than a brief and tersely worded statement (included in this volume). He accused Gilbert of being "always eager to add to his psychological knowledge." In answer to Gilbert's question about his sentence, Speer lied when he said the twenty years he got "was fair enough. They couldn't have given me a lighter sentence, considering the facts, and I can't complain."<sup>38</sup> By his own later admission, Speer was not telling the truth, for in fact he felt unjustly treated by the court.

We can multiply such examples of the cover-ups many times, but they do not mean that everything said by the defendants and witnesses is a pack of lies. In fact what is remarkable is how often the interviews are candid accounts and sometimes even shockingly truthful. At various points at least some defendants and witnesses admit the commission of heinous crimes, even if they also try to offload the guilt to someone else. Their excuses, reasoning, and attempts to avoid the legal consequences of their actions are of interest in their own right. Sometimes we can see that Goldensohn was misled, did not fully grasp the importance of some piece of information, or missed telling clues. In spite of everything, the defendants revealed a great deal about themselves and what attracted them to Hitler and Nazism.

I was contacted by the publisher and asked to edit the interviews. I have done so as carefully as possible. I corrected obvious mistakes, such as dates, and errors in the spelling of names, places, and ranks, all of which were sometimes quite garbled.<sup>39</sup> Goldensohn never reached the stage of checking for and correcting errors in the facts, dates, and names mentioned in an interview, and I have tried to verify everything possible. He sometimes made simple mistakes when taking notes about an interviewee's social, educational, and military experiences. I have put right obvious slips in so far as I could identify them, but some inaccuracies undoubtedly remain. These I trust are not the kinds of mistakes that would detract from the substance of the testimony provided in the interview.

Whenever it has been possible to do so, I have tried to keep the text as close as possible to the original. However, I have also had to make many stylistic changes in order to clarify the prose. I cut the interviews in places where there were obvious repetitions and overlaps, such

as when one session went over the same ground as an earlier one. In order to keep the manuscript to a manageable size I also had to exclude entire interviews with some defendants and many witnesses, but my intention was to include whatever was of more importance for the historical record. Sometimes I had to make extensive changes, in order to be true to the substance of what was being communicated by the defendants. Some problems arose from translation difficulties, others from Goldensohn's misinterpretation of what he was being told, for example about the operation of the German political system. Like every editor, I have had to rely on my professional judgment, based on my own and others' research, when trying to resolve issues of interpretation that were not clear-cut.

I have not tried to correct every error or obvious untruth that Goldensohn unwittingly recorded. Sometimes the interviewees played down their own role or their knowledge, or simply tried to rationalize the crimes. Some also tried to minimize their own crimes by maintaining that they were fighting a defensive or preventive war. Some reminded Goldensohn of what the Allies, especially the Russians, did to the Germans during the latter part of war. It is not possible to deal with every single such episode, but we have to be aware of the problem of deliberate falsifications and unconscious untruths.

In the notes to the interviews I provide some guidance and references for readers. I also supply basic information on notable figures and events mentioned in the text when I feel it is necessary. As well, I address the most obvious and important falsehoods, denials, and fabrications, or the repetition of unfounded myths and rumors. I provide more accurate information on some important issues, for example, on the Nazi takeover of power and the number of Jews who were murdered.

Some of the interviewees and Goldensohn himself mention that 5 million Jews were murdered in the Third Reich. Where did they get that number? In fact, that was the figure usually put forward by the prosecution at Nuremberg. For example, American prosecutor Jackson mentioned in his opening statement to the tribunal that out "of 9,600,000 Jews who lived in Nazi dominated Europe, sixty percent are authoritatively estimated to have perished, 5,700,000 Jews are missing from the countries in which they formerly lived, and over 4,500,000 cannot be accounted for by the normal death rate."<sup>40</sup> Later in the trial itself the prosecution tended to round off the number at 5 million.

At various points during the trial, as well as in Justice Jackson's final remarks and in the tribunal's judgment, the larger figure of 6 million victims was also used. One notable witness on this topic was Wilhelm Hoettl, whose testimony appears to have been followed in the judgment. However, he had at best secondhand knowledge. He said in court (and added in a separate affidavit) that he had asked Adolf Eichmann at the end of August 1944 about the number of Jews who had been killed.<sup>41</sup> Eichmann replied that he had recently reported to Himmler that around 4 million Jews had been killed in the camps and another 2 million had died in various ways, especially by shooting. According to Hoettl's recollection of what Eichmann said, Himmler had guessed that even more Jews had been killed by that time. Today most historians would suggest that the numbers apparently given by Eichmann and repeated by Hoettl in court were likely too high, certainly for the period ending in August 1944.

Several historians, most importantly Raul Hilberg in his definitive account of the destruction of the European Jews, put the figure at just over 5.3 million.<sup>42</sup> Hilberg shows that

number of those murdered at Auschwitz at around 1 million, which is staggering, but well below the figure estimated at the trial by Commandant Rudolf Hoess. That larger figure — between 2.5 million and 3 million — though unreliable, continues to be cited, even in scholarly studies of Auschwitz, up to the present day.<sup>43</sup> We need to get the figures as accurately as possible and thereby close the doors to the deniers and the revisionists.

We can also read the interviews from the point of view of what they tell us about the general understandings of Nazism and the Third Reich that existed at that moment on the American side. Goldensohn, for example, fully accepted one of the key American charges — namely that the Nazis had engaged in a wide-ranging conspiracy to commit various crimes — including crimes against peace, war crimes, and crimes against humanity, as these were defined in the charter of the trial. He accepted the view that a vast conspiracy began more or less at the beginning of the Third Reich and continued into the war years. Few historians today would agree with such an “intentionalist” approach to the Third Reich, and most subscribe to the view that many policies, including the policy to murder all the Jews in Europe, were improvised and decided only well into the Second World War. We have had a great deal more time to carry out research into the decision-making process, but beyond that, most of us now have different understandings of the Third Reich than did Goldensohn and his contemporaries.

Newer research has made it possible for us to see some of the important documentation presented at Nuremberg in a fuller light and from new perspectives. Sometimes we can see far more in certain documents today than could the Nuremberg prosecution or the judges who were at times overwhelmed. One of many clever tactics of the defense was to bury the tribunal in a sea of documents, affidavits, and eyewitness testimony.<sup>44</sup> Only much later have we been able to figure out what was meant by some of those who testified at the trial — and others repeated the point in the interviews with Goldensohn — that the Nazis had plans to wipe out 30 million people. There would have been in fact not one, but serial genocides. Key documents about these plans were submitted at the trial, but the whole matter was not fully comprehended.

Although Goldensohn generally kept a neutral demeanor during the interviews, he definitely made his own judgments clear, including his profound skepticism regarding many of the explanations offered by the defendants. Some of his offhand reactions could be quite sharp, as we learn from another source.<sup>46</sup> For example, he interviewed Otto Ohlendorf, who was not among the major war criminals, but who appeared as a witness at this trial. (He was later tried and executed.) Ohlendorf had been head of Action Group D — that is, Einsatzgruppe D — which by his own testimony was responsible for the murder of at least ninety thousand people, most of them Jews.<sup>47</sup> This was one of four such Nazi death squads in the East, but in fact there were many more.<sup>48</sup> He liked to regard himself as one of the “intellectual” leaders of the Security Service (SD), and also thought of himself as an “idealist” and not even an anti-Semite. Therefore, he was particularly bothered one day when Goldensohn accused him of being some kind of sadist, pervert, or lunatic. What other explanation was there, the doctor asked, to explain how Ohlendorf — a man who prided himself on such “integrity and incorruptibility” — could have ordered the murder of so many completely innocent men, women, and children?<sup>49</sup>

As readers will see from the interviews, Goldensohn was not usually quite so blunt, but he

does seem to have arrived at Nuremberg convinced that some, perhaps many, Nazis were sadists, even those who did not engage directly in cruel actions. Goldensohn, who wanted answers to his queries about the nature of Nazism, could also be somewhat intrusive in his interviewing technique. He was certainly not shy about trying to pin down defendants when he found their statements unsatisfactory or contradictory, though generally he pulled back when he found himself engaging in too much cross-examination.

With the exception of Rudolf Hess, and in the later stages of the trials, possibly Hans Frank, the defendants at Nuremberg were anything but mentally ill. Alas, most of them were all too “normal,” and excluding Hess, they were mentally competent throughout their careers. Most of them turned out to be “good family men,” and many had been highly educated and had received some kind of professional training. An intelligence test administered by Dr. Gilbert showed that all defendants but one (Streicher) “were above average intelligence” — average being an IQ that measured between 90 and 110. Of the twenty-one tested, seven had IQs as high as the 130s and two more reached the 140s.<sup>50</sup> These once all-powerful “Reich leaders” resented the idea of being examined by their captors in this way, but as soon as the intelligence test started each of them strove “to do the best he could on it and see his abilities confirmed.”<sup>51</sup>

## Nuremberg as Unfinished Project

There were an additional twelve follow-up trials at Nuremberg between December 1946 and April 1949. Whereas, in the first great trials, the judges and prosecution were drawn from the three Allied powers and France, in the follow-up trials, the United States acted alone against specific individuals and groups who were accused of actually carrying out the crimes.<sup>52</sup> These latter trials were particularly important for bringing to light the broader social participation in human rights abuses and involvement in war crimes and mass murder. Still more trials took place over the years in Germany as each of the occupying powers — the United States, Great Britain, the Soviet Union, and France — prosecuted the Nazis on various counts.<sup>53</sup> The Germans themselves have also prosecuted various crimes committed in the Third Reich, and even though the “politics” of war crimes trials was and remains extremely complex, they have intermittently continued to do so right up to the present.<sup>54</sup>

It was the first great Nuremberg trials of the major war criminals, however, that really shocked public opinion. Although Allied governments had publicized examples of Nazi atrocities during the course of the Second World War, including the mass murder of the Jews, there was a tendency to write off many of these stories as similar to the exaggerated propaganda that was heard about the Germans in the First World War. At the very least, therefore, the massive documentation presented at Nuremberg made the crimes abundant and clear.

The general public, including people inside Germany, were unprepared for what they learned, but on balance favored the trials and learned a great deal from them.<sup>55</sup> We still find it difficult to believe the full extent of the human rights abuses, the sheer scale of the murderousness, and the depths of the unspeakable cruelties.

In the United States, Great Britain, and elsewhere, legal positivists have generally maintained that the trials were invalid because they were not based on existing international law. This position was rejected by pragmatic natural law theorists, who insisted, to the

contrary, that the trials were necessary in that civilization had to protect itself in the face of such unprecedented criminality. These two approaches continue to be used in the scholarly debate and they are important for our understanding of contemporary issues such as the debates about the new International Criminal Court (ICC) in The Hague.<sup>56</sup> In 1945, all legal and philosophical objections were overruled, and the trials went ahead, more or less as the pragmatic natural law theorists wished.<sup>57</sup>

—ROBERT GELLATE

Leon Goldensohn's extensive notes, taken in the prisoners' cells during the Nuremberg interviews, were handwritten in notebooks. Each interview was typed within a few days. When Leon left the Army in 1946, he brought his papers back and kept them in his New York City apartment until 1950 and subsequently in his Tenafly, New Jersey, home until his death in 1961.

For many years after Leon's death, his widow, Irene, kept the notebooks, the typed interviews, the lecture notes, and other related materials (including his personal correspondence) intact in their home.

In 1970, when she moved to a small apartment in nearby Fort Lee, she sold most of her library to a dealer from Englewood. Inadvertently included in this lot were several books written by some of the defendants and purchased by Leon in a Nuremberg store. The books were autographed — some authors had written short messages addressed to Leon on the frontispiece; others simply signed their names. These books were purchased later from the Englewood dealer by Dr. John Lattimer (a colleague of mine at the Columbia-Presbyterian Medical Center in New York City). Dr. Lattimer asked if I could tell him about the "Major Goldensohn" on the frontispieces. I explained to him that Leon was my brother, and we had several pleasant meetings, in which I supplied him with information about Leon. Dr. Lattimer sent me photocopies of the frontispieces for my possible use.

In 1983 Irene gave all the remaining Nuremberg materials to her children. In 1994 — responding to my long-standing offer to review the work and discuss possible publication for it — two of Leon's children (Daniel, of San Francisco, California; and Julia, of Jackson, Wyoming) agreed to send me all their material, which arrived piecemeal over a period of several months.

The original typed interviews and original carbon copies are now in my safe deposit box at the M&T Bank in Nyack, New York. Leon's plans for publication, discussed in his letters from abroad, his later lecture notes, and six of his many notebooks are also in my care.

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PART ONE

**DEFENDANTS**



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