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Testimony of Hans Michael Frank, taken at Nuremberg, Germany on 1 September 1945, at 1320 - 1425, by THOMAS A. HINKEL, Lieutenant Colonel, IGD, OUSCC. Also present: S/Sgt. William A. Weigel, Court Reporter; and Cpl. W. Magnus, Interpreter.

COLONEL HINKEL TO THE INTERPRETER:

Q What is your name, rank and organization?

A W. Magnus, Corporal, F-211, Company C, Third Military Government Regiment.

Q What is your present duty?

A My present duty is that of interpreter, sir.

Q Do you solemnly swear that the interpretation you make of my questions from English to German and the answers of the witness from German into English will be truly correct to the best of your knowledge and belief?

A Yes, sir.

TO THE WITNESS THROUGH THE INTERPRETER:

Q Do you solemnly swear that the testimony you are about to give, will be the truth, the whole truth, and nothing but the truth, so help you God?

A I do.

Q What is your name?

A Hans Michael Frank.

Q When were you born?

A 23 of May 1900.

Q Are you married?

A Yes.

Q Do you have any children?

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A 5 children.

Q What was your last position in the German Government?

A Minister without Portfolio.

Q During what period of time did you hold that position?

A I was called after being called away from my position as Bavarian Secretary of Justice, which must have been about December 1934.

Q You had been in that position since 1934?

A Yes, sir, since 1934.

Q What other positions have you held?

A You mean in the Government, don't you?

Q In the Government.

A That was the only position I had, Minister-without-Portfolio. During the war I was Governor General in Cracow. This was not part of the Government.

Q In what connection did you hold that position, Governor General of Poland?

A It was a special mission. It had nothing to do with the Government of all Poland. I was the Governor at Cracow, which is a big difference. May I add the following?

Q Yes.

A After we had occupied Poland in the Fall of 1939, the whole of Poland was separated into German and Russian zones, and the part going to Germany was split again. The bigger part of this division was incorporated into the German Reich and a small remnant remained, the so-called Government General. This I want to say because I have always been referred to as General Governor of Poland. Of those

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parts which were incorporated into Germany there were Upper Silesia, Pozen, Danzig, West Prussia and the southern part of East Prussia. This was the border. The total size of the general government was an area of 90,000 square kilometers with about ten and a half million inhabitants. This was less than a quarter of the former old Poland. This I wanted to bring up because I am always being referred to as Governor General of Poland.

Q In other words, you were Governor General of that part of Poland which had not been incorporated into the German Reich or given to the Russians?

A That is right.

Q In what city did you have your seat of government?

A In Cracow.

Q Was Warsaw under your jurisdiction?

A Yes. Only in the City of Warsaw. The border was very near the city.

Q When did you join the Nazi party?

A I've been a member of the Nazi Party for a very short time in 1926, but in October of the same year I quit the party. And in 1927 at the request of Hitler, I rejoined the party in my position as lawyer.

Q This request was made to you personally by Hitler?

A To be able to state before a court I am a member of the party, yes. Hitler expected from that a great effect on the court due to the fact that I was a member of the party.

Q I don't quite understand what you mean. My question was in 1927 did Hitler ask you personally to rejoin the party?

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A Yes. May I add something to this?

Q Yes.

A At the time I was a young lawyer and I quit the party again in 1926 because of certain things about the party I did not like. I was active at the time at the law section of the technical school, the School of Technology at Munich, to become a teacher of law, but I was registered as a lawyer at the same time. Then one day I saw in the newspaper the following ad: "We seek one lawyer to defend members of the party without means before a German court to make it possible to give them a legal defense." This was a trial held in Berlin. And I told Hitler I would like to defend those young people. And therefore the first trial ever held was this trial in Berlin. It happened this way that Hitler learned that here is a young lawyer ready and willing to defend members of his party. In this way Hitler took up connections with me in Munich and when he met me one day at the party office which was at the Schilling Strasse he asked me if it was a good idea for me to work for the party. I told him at the time that my object was not to become a lawyer, but rather to pursue an academic career, but I told him, "If you need me, I'm willing to do it." Officially I remained with the School of Technology in Munich until 1929, but at time the trials became so numerous that I had to make a new decision. I joined the Hitler movement as a lawyer and I worked in the party as a lawyer.

Q When was this?

A It began in 1927 and the trials became more and more numerous. Since I was willing to do it without money, I did it.

Q I understand that, but my question is, as I understand my

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question: As I understand your statement you joined the party first in 1926, and then you became dissatisfied with something in connection with it and left it, and then in 1927 you answered an advertisement in the newspapers which sought a lawyer to defend party members and you there afterwards, while maintaining your private employment in this technical school, defended party members abroad.

A I believe it was the end of 1927.

Q And then during that time until 1929, you continued your defense of party members until the time came when so much time was necessary for this job that you had to decide whether to give up your private employment with the technical school or to give up the defense of the party members, and you decided then to give up your private employment, is that right?

A Yes.

Q Now, the question is this: Did you in 1927 when you accepted employment as defense counsel for party members rejoin the party you had left in 1926?

A As such I am a party member about 40,000 and since they realized I had been an earlier party member, I was given my old number again when I rejoined the party.

Q When did you rejoin it?

A This probably was 1928, dated back to 1926. May I add something to it?

Q Yes.

A When I made the decision in 1929, I told Hitler, "Either the time may come that you don't want me any more or the time may come when I may want to go back to my academic career and then

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you have to release me." And Hitler did not stick to this promise. When I had the tremendous difficulty with Hitler in 1942 about some speeches at the University, then I told Hitler, "Now keep your word until you have declared it and release me." I just wanted to add that.

Q Were you ever a member of the Reichstag?

A Yes.

Q When?

A Since September 1930. This was also in connection with such trials, because as a member of the Reichstag, I got a free ticket on the railroads and I could move easily. Therefore, the trial expenses were taken care of.

Q Were you not elected a member of the Reichstag as a member of the Nazi Party?

A Of course. I was on the party list.

Q And you sought election on the basis that you were a member of the Nazi Party?

A I hadn't sought it, but Hitler put me on the list. I was on a holiday trip, and when I returned my wife said, "Look here. You are on the list for members of the Reichstag."

Q Did you become the Reichsleiter from 1927 to 1928?

A I was the head of the organization of National Socialist law makers.

Q What was your first official position after the Nazi Party came into power?

A In March 1933, I was made Bavarian Secretary of Justice and

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remained there until December 31, 1934, and then I became Minister of the Reich.

Q Were you not also made Reich Commissioner for Justice at the same time that you were made Minister of Justice of Bavaria?

A A little bit later. It may have been in April of 1933. I was not re-elected commissar for General Justice. I was the commissar for equalizing the laws of the various countries with the Reich. By that I mean the reorganization of the law administration.

Q Do you mean by that that your position as Reich Commissioner of Justice required you to take the laws of the several different sections of Germany and to codify them or to make them uniform or just what did you do? I don't quite understand the term "equalize".

A No. It was only a matter of the administration of the justice, and the effect of this was the taking over of the justice administration of the German lands by the German Reich on January 1, 1935.

Q What lands do you have reference to?

A Prussia, Bavaria, Saxony, Thuringen, Anhalt-Lippe. There were about 18 lands altogether.

Q You mean there were minor variations in the laws of these several different parts of Germany, and it was your duty to harmonize them?

A This task was taken care of by the Secretary of Justice, Dr. Guertner. My job was the preparation of the reorganization of the administration of the various German countries which were taken over by the Reich January 1, 1935. May I add something?

Q Yes.

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A In this capacity I was responsible to the German Secretary of Justice, Dr. Guertner. I was a member of his special staff for this particular task. I was not a member of the cabinet.

Q Were you a member of the Reichstag in 1933?

A Yes.

Q What connection did you have with the fire that occurred in the Reichstag building?

A I don't know what you mean. I had no connection with this.

Q You remember the Reichstag building was burned, do you not?

A Yes.

Q What was your connection with that?

A I had no connection. I was once present at the trial at Leipzig, but only as a listener, because I was interested in it.

Q You didn't have any connection with the fire itself?

A No.

Q Are you sure of that now?

A I swear I had no connections.

Q Who did?

A I heard rumors that the Communists were tied up with it. They had the trial against van Lubbe and Dimitrov.

Q That is all you know about it?

A I could add what I learned at the trial. I was only one day at Leipzig. I was interested there because Lubbe was there and I was interested in Dimitrov. Dimitrov hinted that Goering had done it. Somebody else said during those trials Roehm had done it. Those were wild rumors. The matter did not become to me entirely clear as a

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lawyer. If I have to talk as a legal expert, the matter has not been cleared up yet. The chief accused, van Lubbe, made the impression of a completely irresponsible man, almost a sick man. I wanted to look at the documents one day, but they were not given to me.

Q Who had those documents?

A I assumed they were turned over immediately from the court, from the Reich court in Leipzig, to the Gestapo. I am not sure. That is what I was told. I never saw the documents.

Q You think about that incident tomorrow and I will ask you at some future time and see if you don't remember then when I ask you who is responsible for that fire.

A One never will get me with a different answer, because I have nothing to add.

Q When did you join the SS?

A I was not a member of the SS. I never was a member of the SS. I was the strongest opponent.

Q Did you know Himmler?

A Yes.

Q Is it your statement that you were never a member of the SS?

A Never. I was their most bitter opponent. This led to my downfall. In my speeches in 1942 I criticized this whole course so much that it led to my downfall.

Q Weren't you the SS Obengruppenfuehrer?

A Never. I was a member of the SA. I had the honorary title.

Q What was your position in the SA?

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A In the SA I had the honorary title of Obengruppenfuehrer. I never led a troop myself.

Q Who was the head of the SA?

A- There were several.

Q Who was head when you joined it?

A I was given the title when the successor of Roehm, Lutze, who was head of the SA, died in an automobile accident.

Q When did you join the SA?

A I did not enter the SA as a member. I was given this honorary title.

Q What duties did you perform for the SA?

A I had no duties. I had the right to wear the uniform.

Q Why were you given the honorary title?

A Because in former years I had defended many trials for members of the SA. Under Roehm I had the title of Gruppenfuehrer.

Q Did you get any money for this?

A No.

Q Did you wear the uniform?

A I only wore the uniform at special occasions during marches of the SA. If I have worn it often, I have worn it ten times.

Q You stated that the cause of your downfall was your opposition to the SS as expressed by speeches you made in the year 1942, is that correct?

A I have to say more about that.

Q Yes. What do you mean about that?

A This means in my position as a legal man in the party, I

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came more and more in conflict with the direction as represented by Himmler and Bohrmann. This whole development as to concentration camps and so on as also later adopted by Hitler himself was very much against the original Point 19 of the party program which talked of a common law for Germany. In addition, Hitler gave an oath before the Reich Justice court in Leipzig that he would come to power only legally and if he came to power he would govern legally. As long as the Fuehrer was in the position before he came to power to need lawyers and judges, he could need me, but once he had come to power, I felt more and more that he would drop these formalities and rule in an authoritarian way, as a dictator. This development can be traced in a constitutional manner. While before he came to power he told me continually how happy he was to have me, those ties were broken immediately when Hitler came to power. I noticed already in January 30, 1933, that he had promised me that I would become the Secretary of Justice, but then he must have made up his mind that I was too legally minded. Then in 1933 I began to notice this, because I founded the Academy of German law. This academy was a public corporation, and I called into this academy of German law all prominent German legal minds without respect to party connections. This academy was the center of the fight to maintain the idea of right in Germany. The development makes it clear that thereby I got more and more into a position of opposition. This is generally known in Germany. I don't want to say more about it. One should hear a lot of people in Germany who know these facts, for this was the content of my life.

Q Do I understand from your statement that you were in

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opposition to the Fuehrer?

A Yes, on the field of law I was in opposition.

Q Well, how about the field of action? What did you do there?

A In that field I had little to say. I never was a member of the cabinet or ever had any real contacts with the affairs of Government.

Q As I understand your statement you had an intellectual opposition to the course which the Fuehrer's Government was taking?

A It was more than merely intellectual. Even if I could not stop Germany from becoming a state of terror, I saved the lives of hundreds of good men. I was the only one who dared to get up to say in 1940 that the Reich is going to perish because there is no law. I would like to have this speech used. It was a sensation in the public mind. I was discharged immediately.

Q Discharged from what?

A From all offices. I was discharged from offices that I had created myself.

Q But you were then reinstated, were you not?

A I was never reinstated to these offices.

Q But you were given other offices.

A No other office. Since that degradation which was published in a very cynical manner in the newspapers, I had been a simple party member. I was left only the Governor General. It was realized that this would be a greater burden and disadvantage for me than to let me go. I offered my resignation several times and asked to have the Governor General taken away from me, but this was one of the

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weapons of Himmler against me as I realize it now. I asked that this be accepted in the spirit of a man who says what is most sacred in his mind.

Q What were your duties as Minister without Portfolio?

A This was a title. That is the same idea as a title that Schacht and Neurath received and others.

Q What did you do from 1934 until you were appointed the Governor General of Poland?

A I helped the fight for law. I had organized three large legal sessions in Leipzig. I was the head of the academy. There was much interesting work because it became more and more difficult.

Q Did you retain your title as Reichminister of Justice of Bavaria at the same time you held the title of Minister without Portfolio for the Reich?

A No. This title was abolished December 31, 1934.

Q And your only title from the government then was Minister-without-Portfolio?

A Yes.

Q I still don't understand what you did from 1934 on. I understand that you were president of the Academy of German Law and that you organized three sessions of justice at Leipzig. But just what were your duties? What did you do?

A The daily work continued. For instance, for the Academy of Law I would take many trips. There is one big law the German Academy of Law was allowed to work out. This was a new corporation law. The Academy suffered greatly from the competition of the Ministry of Justice

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and the Party. I gave many speeches, particularly at universities, and also at legal meetings. I spoke to judges, lawyers, and so on. Then in 1942 I was left alone. Then everybody left me. If one had stood behind me then something could have been achieved. I was the only one left in Germany who still could go into other countries and discuss such matters of justice. It was always my last hope that maybe someday this course of terror could be overcome.

Q What was your party position from 1933 on?

A I had the title of Reichsleiter.

Q Reichsleiter for what?

A Reichsleiter for Law.

Q How long did you maintain that title?

A I likewise lost this job in 1942.

Q What were your duties as Reichsleiter for Law?

A They were very small, for when Hitler took power, the party wasn't involved any longer in trials, so I had a small office in Munich. It wasn't even in the Brown House, and I had about two or three people working there.

Q Weren't you the legal advisor to the Party?

A No. This wasn't necessary any more at that time. The Party was so enormous so that everyone had his own legal advisors. At the beginning before they took power they needed me as a legal advisor.

Q Considering your opposition to the course that the Party was taking under Hitler, how do you justify your remaining in it?

A Because it was necessary to stay with the ship if one still sees a goal.

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Q You told me yourself that the German Academy of Law didn't have any influence of any great consequence and that apparently was the principal position.

A I had the importance that if somebody came to me to find out about somebody -- maybe somebody who had gotten into a concentration camp -- I could give him the information. If somebody wanted information from me why somebody had gotten into a concentration camp, maybe in my position I was able to find out from details. I had still hoped at the time, it had been my goal, that maybe some day I would achieve this: someday I might be able to overthrow Himmler. I had a tremendous legal meeting in Leipzig shortly before the beginning of the war in which about 50,000 people took part. If you could read the book published about this, I had such a tremendous applause during this speech that I gave at that session that I still believe that if the war hadn't interfered I may have come out on top. And I am sure that if the war had not come, things would not be taking such a terrible turn.

Q How often did you see Hitler?

A During any particular period?

Q Right from the beginning, as long as you have known him. How often did you see him during the various periods?

A Well, I want to divide this answer into various periods. During the time he needed me, I could see him every day. This was the time during the fight for power. The first conflict arose over the concentration camp Dachau, in Bavaria.

Q When was this?

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A It may have been May or June of 1933. I was at that time Secretary of Justice for Bavaria, and Himmler was not as powerful as yet, and I stated then that this was the beginning of the end of government by law. I protested and therefore the Reich Secretary of Justice, Doctor Guertner, came to Munich. I discussed the matter with him, and he told me, "Leave the matter to me, I will straighten it out."

Q To whom did you make these protests?

A The first protest I made to the man I was responsible to, the Reichstatthalter. A Bavarian cabinet meeting was called and I made a suggestion that a battalion of police could immediately liquidate the camp. The matter was then further taken up by Doctor Guertner in Berlin, but he was an old and weak man and couldn't do much about it, but I knew it at the time and I am sure that Hitler himself was behind the idea of concentration camps.

Q That is a little far off my question. The question was, how often did you see Hitler during these various periods?

A During the fight for power I saw him relatively often.

Q During what period of time?

A Between 1929 and 1933. I had to go and see him about the trials and I had to get the necessary authority for these trials from Hitler. I wanted to mention the matter of concentration camps which I brought up before in connection with the question of the Colonel, for from this period on I noted that the Fuehrer avoided to talk things over with me. And the second period of conflict was the Roehm Putsch, during which time as the Secretary of Justice I had to sit

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with the arrested men to avoid to have them shot by SS. This made Hitler very furious. Hitler called me in personally and said, "I demand that you hand these men over immediately for execution." I was sitting in the room of the prison director. I told Hitler, "I am the Secretary of Justice in Bavaria, and without legal authority I cannot hand these men over." Then he said, Hitler said, "I am the Fuehrer of all constitutional and political matters in Germany, and I take the responsibility that these men be handed over." Then I said under reservations of Reich law which Hitler had promised to proclaim, I told him to hand me a list of the men who had to be surrendered. While originally there was a list of two hundred names, after long hours of consultation, the list was reduced to eighteen names, so that my interfering in this matter on that day saved the lives of over two hundred men. That was the beginning of the end for me as Justice Official and the law was proclaimed and all the steps taken by Hitler were legalized. Hitler had said, "I believe we have made an entirely wrong man the Bavarian Secretary of Justice."

Q Did he remove you from that position?

A Yes, on the 31st of December 1934. Therefore it happened that as far as legal matters were concerned I was the red cloth to the bull. And there never again was any intimate interchange of thoughts between him and me.

Q How often did you see Hitler after December 31, 1934?

A You mean by seeing him, talking to him, don't you?

Q Yes.

A Between 1933 and 1939 I did not talk once to Hitler in an official manner about matters on law. I was invited by him a few

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times to dinner in a large social circle. I was present at meetings. I talked to him at Party meetings.

Q About what? What did you talk to him about?

A Only about law. It was always a matter of law or the development of law. Already for the Reichsparteitag 1939 I was crossed off the list of speakers. It didn't take place because the war broke out. In the time between 1939 and 1945 as General Governor I talked to the Fuehrer three times; once in 1940; the second time in the summer of 1943; and the last time the 7th of February 1944, but during all these times Bormann was always present to prevent any matter that would come up that was against the Fuehrer's ideas. This is the answer to your question.

Q By whom were you paid between the period 1927 to 1945?

A At the beginning I only got my travel and hotel expenses paid by the movement.

Q How long did that last?

A Maybe a year and a half. Then I received monthly the sum of roughly one hundred marks for expenses.

Q How long did that last?

A This lasted maybe one year.

Q This brings us up to 1930.

A And then as a member of the Reichstag I got my salary.

Q When was that?

A But after 1929 the regular trial expenses were paid me, for the financial situation of the party had improved.

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Q How much was your salary in the Reichstag?

A Six hundred marks a month.

Q How long did that last?

A Ten percent of this had to go into the party fund.

Q How long were you a paid a salary by the Reichstag?

A I received those continually up to the end.

Q That was in May 1945. That was up to the end of the war you mean?

A Yes. In 1942 Hitler could not remove me as a member of the Reichstag because I had been officially elected.

Q What other sources of income did you have besides the Reichstag?

A Of course, I always was a lawyer. In connection with this work at the School of Technology at Munich I was a lawyer.

Q We are now up to 1930 when you were elected to the Reichstag. What other money did you receive from either the government or the Party from 1930 on?

A The Party first of all made good for my trial expenses, and for other legal advice I gave the party, I was paid between five hundred and eight hundred marks a month.

Q How long did this last?

A Because those consultations shouldn't be paid exactly according to tariff expenses. It was a retainer fee.

Q When did this start and how long did it last?

A This lasted until I became Bavarian Secretary of Justice.

Q When was that?

A This was in March, 1933. I believe that this retainer fee has been raised from 500 to 800 to 1000 marks a month. This was in

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the last year.

Q When was the last time you were paid?

A For the month when I was elected Bavarian Secretary of Justice.

Q That was in 1934?

A That was in 1933. I said at the time, "Now I will receive my salary as Bavarian Secretary of Justice and I no longer need the Party income."

Q How much did you receive as Secretary of Justice of the Bavarian government?

A My income then was about 2400 marks a month, of course taxes deducted.

Q How long did that last?

A Until I became Reichminister-without-Portfolio, January 1, 1935. Then the Bavarian income stopped.

Q How much were you paid as Reichminister-without-Portfolio?

A It wasn't much more than what I had received in Bavaria, about 2500 marks.

Q How long did that last?

A Up to the end. The salary of the Minister has been raised in the course of the years.

Q Didn't you tell me that you lost all your positions in 1942 except Governor General of Poland and member of the Reichstag?

A I lost all except the membership of the Reichstag, Reichminister without Portfolio. All those jobs which had directly something to do with law.

Q What jobs were those? What jobs did you lose?

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A I lost the job of Reichsleiter in the Party. I lost the job as the President of the Academy for German Law and the head of the organization of National Socialist lawyers and judges.

Q How much were you paid for Reichsleiter for Law?

A Nothing.

Q Nothing?

A I only received a housing support of 100 marks a month up to 1942, which was paid by the party.

Q How much were you paid as President of Academy of German Law?

A I was paid for expenses for representation and other purposes the sum of one thousand and later fifteen hundred a month. I later stopped this amount because I did not need it any longer.

Q By whom was that paid?

A This was paid by the Academy for German Law as a Public Corporation.

Q What do you mean, "a public corporation?" Supported by the German government?

A Later it was supported by the government.

Q When?

A This possibly occurred in 1938. Before that I was dependent on contributions from individuals, and at that point when the expenses of the German Academy of Law were met by the Reich, at that time I stopped that expense account, as I was already an official of the government.

Q And so when you lost that job in 1942 you didn't lose any monetary income did you?

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A No, but this did not matter to me.

Q How much were you paid as Governor General for Cracov, Poland?

A This was a separate budget. It was paid in Polish zloty.

Q Translate it into Marks.

A I did not have an income but an expense account for representation and so on of about 30,000 marks - of exactly 30,000 marks. This was fixed in the budget.

Q How much did the Fuehrer give you in money gifts?

A I never received a thing from the Fuehrer, neither a picture, book or automobile. I did not even get a picture.

Q He gave money to other people. Why didn't he give it to you?

A Just for that particular reason, because this is the worst expression of corruption.

Q You wrote a book in 1938, didn't you?

A I published many books. Unfortunately I published these books in vain.

Q I was thinking a book concerned with the juridical foundation of the National Socialist State.

A Yes.

Q What was that book about?

A This didn't mean anything else but to tie up the idea of law with the Reich, and the most important chapter in this book is a chapter about the independent judge. Later on all my books, if one may call it so, were put upon the index. They were not

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listed among the Party books.

Q Well, didn't you set forth the thesis in this book of yours that the Nazi State had a sound juridical foundation?

A I just said that Point 19 of the party program had foreseen a common law and this was my anchor.

Q Did you emphasize that common law, Point 19, in this book?

A If I had not had this Point 19 in the Party program, I would not have any claims against Hitler.

Q I don't understand that.

A In the book I cite repeatedly this Point 19 of the Party program.

Q The fact of the matter is, that in 1938 the Point 19 had not been carried out, had it?

A This was my sadness, but I still had hoped that someday it would come about. If this point 19 had not been a part of the party program, I could not have acted at all in a public official position.

Q Why do you say that?

A I would have been hanging in the air without this Point 19. I told him if you had promised to people concentration camps and all the things instead of some of the things in Point 19, then you would have had a leg to stand on, but you did promise them Point 19, the common law, and you have been elected on the proposition of this law. This was our obligation to the German people because they believed in it and this was the oath of Adolf Hitler.

Q Did you set that all out in the book?

A Of course I could not pose it in such a manner in this book, but the content is in the book. One might consider that during the last

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years I was absolutely stopped from speaking in Germany. It was an expressed order of Hitler that none of my speeches were supposed to be printed in books or newspapers, and I wasn't even allowed to speak. Secretary Lammers gave me this order in a written form in 1942.

Q Didn't you tell me that from 1933 on you opposed Hitler's extension of power into a dictator form of government?

A I always tried that such and such a decision would not be taken or that such and such a law was not made. I always spoke of a legal state in my speeches. I always have said that Germany always was a state of law, not a state by police force.

Q Didn't you tell me - -

A The fact I mentioned all these things in my articles that I wrote, this was my continuous effort, but I failed. Things would have been different if Hitler had stuck to his word, but he never did.

Q Didn't you also tell me that you considered that Hitler's actions in making himself into a dictator were opposed to the principles of the Nazi Party and to the German law as it stood?

A For instance - -

Q Just answer my question.

A In my opinion, yes.

Q How do you account for the fact that you wrote a book in 1938, five years after you say you started to oppose Hitler and his ideas of Dictatorship, and in this book you set forth a juridical, a legal foundation for the Nazi Party state?

A Hitler had been legally elected the head of the German Reich after the death of Hindenburg. In this capacity one cannot say

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he was a dictator. He was not a dictator. In a constitutional way he was not a dictator. He simply had united in one person the head of the State, the head of the Government and the head of the Party.

Q Did he do all that legally in your opinion?

A It was legal since it had been consented by the German people, by vote, through a vote. What I accuse him of is the doing away of the independence of the court and judges, the introduction of concentration camps and the loss of the individual legal rights.

Q All these things happened before 1938, didn't they?

A Yes. They happened before 1938 but I still had the hope to be sometime able to force him back again.

Q Why then did you write a book in 1938 wherein you spoke of the juridical or legal foundation?

A Because they existed. There were ample Reich laws which had been arrived at in a completely legal manner. It was a development of the coming into the foreground of Himmler and Bormann when things were not expressed any more in formalized law.

Q The fact of the matter is, that while there may be laws, the execution of those laws was not in conformity with the terms, isn't that right?

A Then in individual cases one had to make corrections.

Q Why did you write the book at all?

A Because in any way possible I tried to bring the idea of justice before the people. I was the only one who could talk on that matter. I wrote several books, not only this, one about criminal court procedure, one on administrative law.

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Q We are talking about this book.

A It is always the same thought.

Q That is all for the present. Between now and the next time I talk to you, I want you to think over the things we have been talking about and if you would like to write out a statement and additional remarks feel free to do so.

A Good.

APPROVED:

(Interrogator)

Wolfgang Meyer

(Interpreter)

William G. Weigel

(Reporter)

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