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Col Williams

Testimony of HANS FRANK, taken in
Nuremberg, Germany, from 1015 to 1200
hours, 6 September 1945, by THOMAS S.
HINKEL, Lt. Col., interrogator.
Interpreter: Herbert Sherman, OUSCC.
Reporter: Tec 4 R. R. Kerry.

TO THE INTERPRETER BY COL. HINKEL:

Q What is your name?

A Herbert Sherman, OUSCC.

Q What is your present duty?

A I am an interpreter on duty with the Office of U. S. Chief of Counsel
for Prosecution of Axis War Criminality.

Q Do you swear that you will truly and correctly translate from German
into English, and from English into German, the testimony to be given here
today, so help you God?

A Yes, sir, I do.

TO THE WITNESS THROUGH THE INTERPRETER:

Q What is your name?

A Hans Frank.

Q You have heretofore been interrogated?

A Yes, from you.

Q And at that time you were placed under oath?

A Yes.

Q You understand that you are still under oath and you have promised
to tell the truth, the whole truth, and nothing but the truth, so help you God?

A Yes.

Q Do you remember the subject of our last meeting?

A Generally, yes. I ask if it is possible to see the report, the end

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of all the interrogation. I don't know if it is usual, but I would like to see it. In Germany it is usual that we show the protocol and the end of the session.

Q That will be taken under consideration.

A Yes.

Q Now, do you have any statement you wish to make in supplement or in substitute for anything that you said at our other meeting?

A Not right away. Not just now.

Q You have previously testified that you became a minister without portfolio in 1934, I believe?

A That goes together with the fact that I as a minister of state of Bavaria was recalled from this post in Bavaria on the 31st of December 1934. In the month of December, I was appointed Reichminister without portfolio. This is only a title.

Q Prior to that, you were the Reichminister for Justice, is that correct?

A No, I never have been Reichminister for justice.

Q Just exactly what was your position before being minister without portfolio?

A Minister of State of Justice for the State of Bavaria.

Q What was your party post?

A Reichsleiter.

Q Reichsleiter for what?

A For the juridical section.

Q Most of your connection with the party has been of a judicial nature.

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is that correct?

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A Yes, I joined the party as a lawyer. Hitler asked me to represent him in cases and processes as a lawyer. This was nearly 1927 or 1928. I was the personal law counsel of Hitler. That was with the lawyer Roder in Munich. There were some cases of insult against Hitler where I defended him. But during 1923 and perhaps 1924 when Hitler was tried for his attempt to overthrow the government, it was the lawyer Roder who defended Hitler, not me. I was much too young at this time.

Q In the course of your duties, you made speeches from time to time, is that not so?

A Yes, naturally.

Q You remember making the address at the Nietzsche Archives in Weimar in 1934?

A That I did not as Minister of State for Bavaria but as president for the academy for German law. This speech was at a meeting of all the law professors in Germany--not all of them but only the law professors, law-philosophy professors, and I invited Rosenberg and some other professor. The reason that I had it there was that I knew personally very well the sister of Nietzsche who still lived at this time. It was Mrs. Foerster Nietzsche. That was the reason why we met at the house where Nietzsche spent the last years of his life.

Q Now, do you remember in the course of the speech that you made in Weimar at the Nietzsche Archives stating that the aims of the Nazi law was not the protection of the weak at the expense of the strong?

A That was just torn out of the whole speech. That is the idea of Nietzsche. Nietzsche said that.

Q Did you or did you not make that statement?

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A In the way it was shown here, I certainly had not said it although it might have been in the whole speech. Naturally the law always aims to help the strong and to develop the strength of the healthy part of the State. If you want to try to pose this little part of the whole speech in a way that I have said, you just eliminate the weak at the expense of the strong, then I am sorry to say that is entirely wrong.

Q How is it that you remember that particular extract or excerpt from your speech so well?

A I just have a good memory.

Q I am glad to hear that, to hear that you have such a good memory, and I don't want to hear that you don't remember because you have told me you have a good memory, and I have to believe that.

Q I hope that I will be able with my good memory to tell you everything. You can nail me on one word, but the general direction of my speeches and thinking naturally will never be denied by me.

Q When did you first visit Dachau?

A Only once, in connection with all the party leaders. This happened after a party congress in Munich. I don't know in which year it was. I think it was in 1935 or 36.

Q As a matter of fact, didn't you make a report on your visit to Dachau?

A On this occasion there was a parade of the police force in the camp. We saw the general set-up, but we didn't see actually the prisoners and so on.

Q To whom did you usually make reports?

A I don't believe that I made this visit during the time I was Minister

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of State of Bavaria.

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Q I don't care about that. Did you or did you not make it?

A I can not remember that I made any kind of report.

Q Didn't you order an investigation to be made of Dachau back in 1933 or 1934?

A That was just the discussion with General Von Epp which we discussed in our last session.

Q What did you discuss with General Von Epp?

A It was about the first event we had in the concentration camp of Dachau. The court of justice asked to make an investigation about several killings at Dachau. I asked General Von Epp to make an investigation about this case and to make the report at Munich. At the same time I addressed myself to Reichsminister of Justice Gurtner, and I asked him to come to Munich, and he came to Munich and I insisted that he himself has to talk to Adolf Hitler, to whom he had to report directly, and to explain those events. He took all available material with him. Later it was explained that those were only single cases and were taken care of and that no repetition of this kind of accident would happen again. With this kind of explanation we had to satisfy ourselves because there was no more we could do about it.

Q The fact of the matter is that you knew about Dachau back in 1933 and General Von Epp, or whoever made this investigation for you, told you about the conditions which existed, didn't he?

A Not General Epp, but my state prosecutor told me, and I reported to General Epp.

Q So you did make a report on Dachau, as I stated some time ago?

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A It was only a protest against this system they used at this time at Dachau.

Q What was the system they used at that time at Dachau?

A Just arresting people without court trial, without judgment, and intern them or even kill them and then explain that they only shot them in an attempt to escape. I made this protest and I always kept up my protests against this kind of unlawful dealing.

Q To whom did you make this protest?

A I protested every time I had the occasion.

Q To whom?

A I protested even to Adolf Hitler once, because he never received me more often.

Q What else did you do beside protest?

A You can ask everybody who is connected with the law in order to find out who else ^I tried to get to. I protested it was unlawful.

Q What did you do besides protest?

A The British Intelligence Service sent in the form of tracts parts of my speeches in Germany as a means of propaganda. Even the Archbishop of Carlen cited my speeches, and the British used my speeches as a means of propaganda, tracts containing my speeches. When the Gestapo found those tracts, they naturally began to develop a dislike toward me.

Q As I understand, you didn't approve of the Dachau concentration camp or the methods used in it, is that correct?

A I am against Dachau and against all concentration camps during all the time I lived because it is entirely against my convictions.

Q And you thereafter protested from time to time to various people

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about Dachau, didn't you?

A Yes, even in official speeches. It was a battle whether I survive against Himmler or whether Himmler would survive against me. Hitler was behind Himmler but not behind me.

Q As a matter of fact, wasn't the use of Dachau and similar concentration camps part of the general plan some of the people in the party had to control Germany according to their own dictates?

A My idea would have been--but I always wished--

Q Never mind about that. Answer my question.

A It was not my idea. You say the party. It was much more the SS than the party.

Q Well, the SS was part of the party, wasn't it?

A The SS was one organization of Himmler's and was at this time already the police.

Q But it was part of the party, isn't that right?

A Yes, but it was entirely separate.

Q Isn't it a fact that this system of concentration camps and system of setting up separate police forces and so on was a part of a general plan on the part of certain individuals to take over the German Government?

A You can not always connect the 200,000 or 2,000,000 of the party with the aims of Himmler or Hitler. Hitler was the night as the legal Reichs Chancellor. He got his position in a very legal way.

Q Just answer my question that I just asked you. Weren't these activities as well as other activities part of a general plan on the part of a few people including Hitler, including Himmler, and including other people to take over

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the German government?

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A Yes, Himmler and Hitler and Heydrich and perhaps even Goering certainly had this in mind and were aiming to get hold of the German government by this means. But these aims were developed in an "inner circle" and nobody else could have taken part, especially not because Hitler was at this time still under Hindenburg and had to keep faith anyhow on the exterior.

Q You were a party member from 1928 on, isn't that right?

A I explained the last time it was 1928 or 1926. I explained that to you.

Q And you knew all these people, didn't you? You knew them very well?

A No, my position was a very small one, and all those men had really a very high position. You must believe me. I never say anything which is not strictly the truth. It is not the question of whether I want to protect my life as a criminal. The bad thing is that we are always treated like criminals and what we say doesn't count because everything will be explained to be an excuse of a criminal.

Q Now, you knew these people, Hitler and Himmler and Goering and other important party members from 1928 on, didn't you?

A What do you mean by knowing?

Q Well, you knew who they were and they knew who you were.

A I was never a partner of Hitler's. I never was in his inner circle at Munich. I never had any very close connections to Hitler.

Q I didn't say that you had a close connection to Hitler. I said that you knew them and they knew you.

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A Yes. My name was just beginning to be known.

Q And you had discussions with these people from time to time, did you not?

A Only with Goering and Himmler at this time.

Q When did you have your conversations with Himmler and Goering?

A Only in 1933 when I became a member of the Reichstag I met Goering. One of the reasons I didn't see him much was because Goering lived in Berlin and I was in Munich.

Q Well, you think about these things some more. I will talk to you again about it and let's see if you can't remember a few more names and a few more events.

A Yes. In 1928 I was a very unknown man, but then naturally you make connections with the party and get to higher positions. I don't want to say that I am only a very small man. Naturally I grew with the party, but everything has a start, and with me I started in 1928 when I was a small man. But supposing I would have made the choice to become a dentist, I would never have become a party member. All that I say is that I started on a small scale in 1928. I don't intend to deny that I in the meantime became a big man in the party. I am sorry to say that at this time the name of Adolf Hitler was a very attractive thing for the German youth. We were young and we had no possibilities of developing ourselves, and here came a man who was for the social justice and who painted a future of Germany in a strong way and who was a very good man for speeches, and we were all anti-Communists.

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Q Didn't you discuss with these people, the various party members including men who later were very prominent in the party, the idea that you had as to what way the party would develop and what the party would do if it ever got into power, to take over the government and so on?

A Certainly I did. And Adolf Hitler even had to stick to the same idea when he was Chancellor of the Reich. I myself gave Hitler the oath that he will act only according to legal means and that once he got this office, he will continue to govern under German legal law. It was I who made him give this sworn statement.

Q Did Hitler do that?

A Yes. I asked Hitler if he would swear that way. It was the concept of mine and the others who believe in legal means.

Q Was the Government of Germany when Hitler did get into power according to the oath that you have just described?

A I myself was always bounded to this oath and I think Hitler had the intention to keep and live up to this oath too until the moment when his advisers told him to do otherwise.

Q Who were his advisers that you refer to?

A That was Himmler.

Q Who else?

A I am a prisoner and I ask that I not be required to testify against other prisoners who are here in the same place with me.

Q It is not a question of testifying against anybody. I am trying to get from you information of a factual nature, and I would like to have you answer the questions that I ask you.

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A Goebbels.

Q Who else? You know those people as well as everybody else. Come on, now, who were they?

A If you don't consider me a rascal because I give those names, then I am ready, but I don't want to change your mind about me because I give you these names of my comrades.

Q I can assure you that my opinion of you won't change one bit by your giving the names of these people.

A One of the principal men naturally was Goering. I am sure of that.

Q Who else?

A A leading SS member once told me it was Goering who started even before Himmler was in power this system of concentration camps.

Q Who else besides Goering?

A Streicher, Frick, Ribbentrop. Perhaps in the very beginning even Roehm. Heydrich.

Q Daluege?

A I don't believe so because he wasn't of any importance at this time.

Q Lammers?

A Lammers was always a man who was up to the end together with Hitler, and he had to make the formulation of law. I don't think that he was at the beginning in a very strong position but he became that only later when he was nominated Reichminister. At this time it was quite difficult for Hitler because he had his liaison with the German National Party, who had a direct connection with Hindenburg.

Q How about Ley?

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A Hey certainly possessed during a long period of time a tremendous influence upon Hitler. I don't think that he had any influence on the inner political set-up.

Q How about Hess?

A Hess in my opinion was never on the extreme side.

Q What do you mean by that?

A He never was in favor of, for instance, Himmler's ideas.

Q How about Von Papen?

A You are not talking about only the concentration camps?

Q No.

A I wouldn't say that Papen was part of this Himmler-Goering-Goebbels clique.

Q How about Rosenberg?

A Rosenberg is a professor, and he was never asked about things like that. He had the same fate as me.

Q You and Rosenberg were the two martyrs, I take it, to the Nazi cause?

A Do you mean that in a humorous way? It was tremendously difficult to retain my law against these kind of men who tried to build up their own law. I hope you take me seriously.

Q I am trying to take you seriously. I find it difficult to believe, however, that you made all this opposition you speak of now for the things that went on but still retained your very important post in the German government and the Nazi party.

A Yes, I consider myself as a martyr. I don't think it was very important to be a minister without portfolio. He gave that even to Schacht

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when he dismissed him in disgrace. Besides, whatever I said, wrote, or published in speeches is known and was known to everybody and is certainly known to you. I admit I did believe in Adolf Hitler until December 1939. During the first speech in Saarbrücken in December 1939, I started to be very melancholy about Hitler because I saw that he did not intend to stick to his agreement with Chamberlain.

Q Why didn't you quit the party and the government?

A I offered my resignation at least eight times. Hitler never accepted the resignation.

Q Who else knows about these resignations that you speak of?

A I asked to resign as Governor General.

Q I am not talking about that.

A As Hitler would not have accepted a resignation as a minister, I didn't even try. Why should I?

Q So the fact of the matter is that you didn't offer to resign any of your positions up until September, 1939, isn't that correct?

A I tried it once after the Röhm revolt in 1934.

Q Who knows about this resignation in 1934 that you offered?

A Secretary of State Buhler. He was my co-worker since 1930.

Q To whom was this resignation offered?

A To Adolf Hitler.

Q Was it orally or in writing?

A Orally.

Q Which one of your jobs were you offering to resign?

A Minister of Justice for Bavaria.

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Q As a matter of fact, you did leave that job and became minister without portfolio, isn't that right?

A That's right, but you are boring upwards instead of downwards. Adolf Hitler never freed anybody. I was never opposed to him to the point where he wanted to get rid of me. I only tried during all my speeches and writings to legalize the situation in Germany, to help him by making laws more legal than they were then. The only way I had of helping Hitler was to get a more sound and legal basis of law.

Q What did you consider illegal about the way Hitler was operating?

A There were different things to consider.

Q Let's consider them one at a time.

A The first illegal thing was the introduction of concentration camps. He had no right to do so because he was under oath as a Chancellor of the Reich and was bound to the law of Weimar, but he legalized that later by asking the Reichstag for this change of law.

Q Well, didn't you consider that in violation of the fundamental rights of the German people?

A Yes, very much so.

Q Did you as a member of the Reichstag vote in favor of that change?

A Those changes to the German republican law never referred to the introduction of concentration camps.

Q Well, you knew what they meant and for what?

A Hitler just asked the Reichstag by a majority vote to give him the right to change the German constitution so everything would be legal. At this moment we agreed to it.

Q Did you personally--

A We did not know to what extent Hitler would use his right.

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Q Did you personally agree to that change?

A Yes, even the members of the Center Party, the German Nationalist Party, too. We would never have voted for that if we would have known in advance what happened later.

Q You knew then, however, that Dachau was in existence?

A No, that was before. It was during the Reichstag session when Hitler for the first time appeared as Chancellor of the Reich. It must have been around March, 1933.

Q As a matter of fact, you knew that Hitler was going to ask for that power when he appeared before the Reichstag, didn't you?

A No, I did not, no. I wasn't even in Berlin. I was in Munich.

Q Wasn't that one of the subjects of discussion among party members before Hitler came into power?

A He never discussed it with me.

Q I am not saying he personally talked it over with you. What I am saying is wasn't that one of the things discussed among various members of the party, including yourself, before Hitler came into power.

A I admit that a talk like that took place. It was not a surprise to me. That is not the question. I just found a paper on my desk when I came back to Munich about the Reichstag session. I thought that was nothing. Besides from a purely judicial point of view, the thing was entirely legal because it was done by majority vote.

Q Let's go back to my question: Wasn't it a matter of discussion among party members prior to the time that Hitler became Chancellor that one of the means whereby the power of the party would be effectuated was that Hitler

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would become the absolute ruler of Germany.

A From my point of view, the very fact that Hitler became Chancellor of the Reich was quite sufficient for the aims of the party.

Q My question still is: Was it not a matter of discussion prior to the time that Hitler became Chancellor that he would take over complete power in Germany?

A I don't know if this was discussed in party circles. In my circle of party lawyers it was not discussed.

Q Well, isn't it a fact that the whole aim of the party was to put Hitler into power?

A What do you mean by power? If you mean Chancellor of the Reich, yes. The aim was only the Reichstag.

Q Yes, but in order to effectuate the policies of the party, it was necessary, was it not, that Hitler as Reichschancellor have complete control, isn't that correct?

A Yes, and he got this power.

Q And so the means whereby he got the power, whether by asking the Reichstag to give him the power or whether he had the Weimar constitution changed or by any other means was just the mechanics, the means, by which the results you wanted were achieved, isn't that right?

A Yes. After the death of Hindenburg, ordinarily Germany would have had to have an election to elect a president. The fact that Adolf Hitler did not do that at that time but instead put himself in this position, that certainly was the abolition of the German constitution. But later on he legalized that by asking the German people to vote for it, and the vote of the German people gave him the legal right. The influence of the German people

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was tremendous.

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Q And so when you came back to Munich and found on your desk a notice to the effect that, as I understand your words, the Reichstag had voted power to Hitler, that wasn't any great surprise to you, was it?

A No, that's just a law like every other law. Why shouldn't he have the might? If it is only done in a legal way, why shouldn't he?

Q In other words the voting of that power to Hitler was the realization of a party aim, isn't that right?

A It was not a party aim but Hitler's personal aim.

Q Well, weren't Hitler's personal aims really the party aims?

A Yes, but he never pronounced all his aims in the open.

Q You read "Mein Kampf." didn't you?

A I read it once.

Q When did you read it?

A In 1928 or '29.

Q Did you believe then what was stated in "Mein Kampf"?

A Yes, I did believe it.

Q And weren't these things which we have been discussing stated in "Mein Kampf" in one way or another?

A Yes, certainly.

Q And so as I have said, the things which did occur should not have been and actually were not a surprise to you?

A In "Mein Kampf" nothing is mentioned about concentration camps.

Q Well, you are not a fool and neither am I.

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A Even in the party program it wasn't mentioned that he intended to introduce concentration camps. I was always sure that Hitler would get his power only in a legal way and once in possession of this power would govern and act only in a legal way.

Q Well, did that happen?

A No. That was just the reason why I was fighting him. He had the confidence of the German people. Why did he invent the concentration camp? The millions of the German masses believed in him, and I think it was the personal influence of his intimate friends.

Q Who were these intimate friends?

A I already mentioned them: Himmler, Bormann, Goering, Goebbels, especially Heydrich.

Q Who else?

A Those men day and night were around him who always said, "Those lawyers are just reactionary formalists." They always said everything must be replaced by the SS.

Q Well, the question that is pending is your statement of the phases of the Hitler regime which you considered to be illegal and to which you say you were opposed. You have covered the first part thereof, that is, concentration camps. Now, I presume that you have other phases in mind, and during the lunch hour I want you to think over in your mind the remaining phases that you have to tell about so that when we return this afternoon, you can state clearly and succinctly what you have to say with reference to those other phases.

A I want to help you find the truth about Germany. I don't want to

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defend myself. The sacrifice of my person over the others is not important.

I hope to help you understand Germany and to help the German people.

Thereupon at 1200 hours, 6 September 1945, the interrogation was adjourned.

APPROVED:

INTERROGATOR

W. R. Kerry

REPORTER

INTERPRETER

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