

Exhibit 30

The Trial of German Major War Criminals

Sitting at Nuremberg, Germany

7th January to 19th January, 1946

Thirty-Fourth Day: Tuesday, January 15th, 1946

(Part 6 of 10)

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Now, in view of the maliciousness of this "Volkischer Beobachter" announcement, and in fairness to the men of the British Merchant Navy, I think it is proper that I should say, that contrary to the allegation in this Nazi sheet, the Athenia of course made repeated wireless distress signals which were in fact intercepted and answered by His Majesty's ship Electra, in escort, as well as by the Norwegian steamer Knut Nelson and the yacht Southern Cross.

I shall submit evidence to the Tribunal to establish that, in fact, the Athenia was sunk by the German U-boat U-30. So unjustifiable was the torpedoing of the Athenia, however, that the German Navy embarked upon a course of falsification of their records and on other dishonest measures, in the hope of hiding their guilty secret. And for their part, as the Tribunal has seen, the Nazi propagandists indulged in their favourite falsehood of seeking to shift the responsibility to the British.

The Captain of the U-boat 30, Oberleutnant Lemp, was later killed in action, but some of the original crew of the U-30 have survived to tell the tale, and they are now prisoners of war. And so that the truth of this episode may be placed beyond peradventure, I submit to the Tribunal an affidavit by a member of the crew of the U-30; as to the sinking of the Athenia and as to one aspect of the attempt to conceal the true facts. I refer to document C-654, Exhibit GB 219, at Page 106 of the document book. The affidavit reads:

"I, Adolf Schmidt, Official Number N 1043-33T, do solemnly declare that:
I am now confined to Camp No. 133, Lethbridge, Alberta.

On the first day of war, 3rd September, 1939, a ship of approximately 10,000 tons was torpedoed in the late hours of the evening by the U-30.

After the ship was torpedoed and we surfaced again, approximately half an hour after the explosion, the Commandant called me to the tower in order to show me the torpedoed ship.

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I saw the ship with my very eyes, but I do not think that the ship could see our U-boat at that time on account of the position of the moon.

Only a few members of the crew had an opportunity to go to the tower in order to see the torpedoed ship.

Apart from myself, Oberleutnant Hinsch was in the tower when I saw the steamer after the attack.

I observed that the ship was listing.

No warning shot was fired before the torpedo was launched.

I myself observed much commotion on board the torpedoed ship.

I believe that the ship had only one smoke stack.

In the attack on this steamer one or two torpedoes were fired which did not explode, but I myself heard the explosion of the torpedo which hit the steamer.

Oberleutnant Lemp waited until darkness before surfacing.

I was severely wounded by aircraft 14th September, 1939.

Oberleutnant Lemp shortly before my disembarkation in Reykjavik, 19th September, 1939, visited me in the forenoon in the petty officers' quarters where I was lying severely wounded.

Oberleutnant Lemp then had the petty officers' quarters cleared in order to be alone with me.

Oberleutnant Lemp then showed me a declaration under oath according to which I had to bind myself to mention nothing concerning the incidents of 3rd September, 1939, on board the U-30.

This declaration under oath had approximately the following wording: I, the undersigned, swear hereby that I shall keep secret all happenings of 3rd September, 1939, on board the U-30, from either foe or friend, and that I shall erase from my memory all happenings of this day.'

I signed this declaration under oath, which was drawn up by the Commandant in his own handwriting, very illegibly with my left hand.

Later on in Iceland when I heard about the sinking of the Athenia, the idea came into my mind that the U-30 on the 3rd September, 1939, might have sunk the Athenia, especially since the Captain caused me to sign the above-mentioned declaration.

Up to to-day I have never spoken to anyone concerning these events.

Due to the termination of the war I consider myself freed from my oath."

Donitz's part in the Athenia episode is described in an affidavit which he has sworn, which is D-638, Exhibit GB 220, at Page 102 of the document book. The affidavit was sworn in English, and I invite the Tribunal to look at it and observe the addition, in Donitz's handwriting, of four words at the end of the affidavit, the significance of which will be seen in a moment.

The defendant Donitz states:

"U-30 returned to harbour about mid-September. I met the captain, Oberleutnant Lemp, on the lockside at Wilhelmshaven, as the boat was entering harbour, and he asked permission to speak to me in private. I noticed immediately that he was looking very unhappy, and he told me at once that he thought he was responsible for the sinking of the Athenia in the North Channel area. In accordance with my previous instructions he had been keeping a sharp lookout for possible armed merchant cruisers in the approaches to the British Isles, and had torpedoed a ship which he afterwards identified as the Athenia from wireless broadcasts, under the impression that she was an armed merchant cruiser on patrol. I had never specified in my instructions any particular type of ship as armed merchant cruiser, nor mentioned any names of ships. I despatched Lemp at once by air to report to the S.K.L. at Berlin; in the meantime, I ordered complete secrecy as a provisional measure. Later on the same day or

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early on the following day, I received a verbal order from Kapitan zur See Fricke" - who was head of the Operations Division of the Naval War Staff - "that:

- (1) The affair was to be kept a total secret.
- (2) The O.K.M. considered that a court-martial was not necessary as they were satisfied that the captain had acted in good faith.
- (3) Political explanations would be handled- by the O.K.M.

I had had no part whatsoever in the political events in which the Fuehrer claimed that no U-boat had sunk the Athenia.

After Lemp returned to Wilhelmshaven from Berlin, I interrogated him thoroughly on the sinking and formed the impression that, although he had taken reasonable care, he had still not taken sufficient precautions to establish fully the identity of the ship before attacking. Prior to the occurrence of this incident I had given very strict orders that all merchant vessels and neutrals were to be treated according to prize law. I accordingly placed him under cabin arrest, as I felt certain that he would be acquitted by a court-martial which would, however, entail unnecessary publicity" - and then Donitz has added the words "and too much time."

It is right, I think, that I should add that Donitz's suggestion that the captain of the U-30 sank the Athenia in mistake for a merchant cruiser must be considered in the light of a document which Colonel Phillimore submitted - Document C-191, Exhibit GB 193, dated; 22nd September, 1939 - which contained Donitz's order that "the sinking of a merchant ship must be justified in the War Diary as due to possible confusion with a warship or an auxiliary cruiser."

Now, the U-30 returned to Wilhelmshaven on 27th September, 1939. I submit another fraudulent naval document, Document D- 659, Page 110 of the document book, which will be Exhibit GB 221, which is an extract from the War Diary of the Chief of U-boats, and it is an extract for 27th September, 1939. The Tribunal will see that it reads:

"U-30 comes in.
She had sunk:
S.S. Blairlogies,
S.S. Fanad Head."

There is no reference at all, of course, to the sinking of the Athenia.

But perhaps the most elaborate forgery in connection with this episode was the forgery of the log book of the U-30, which was responsible for sinking the Athenia. I now submit that original log book to the Tribunal as Document D-662, which will be Exhibit GB 222, and an extract from the first and relevant page of it is found at Page 111 of the document book. I would like the Tribunal to examine the original, if you will be good enough to do so, because the prosecution's submission is that the first page of that log book is a forgery, but a forgery which shows a curiously un-German carelessness about detail. The Tribunal will see that the first page of the text is a clear substitute for pages that have been removed. The dates in the first column of that page are in Arabic numerals. On the second and more authentic looking page, and throughout the other pages of the log book, they are in Roman numerals.

The Tribunal will also see that all reference to the action of the sinking of the Athenia on 3rd September is omitted. The entries are translated in Page 111 of the document book for the Court's assistance.

The log book shows that the position at 14.00 hours, of the U-30 on 3rd September, is given as A.L. 0278, which the Tribunal will notice is one of the very few positions quoted at all upon that page, and which was, in fact, some 200 miles west of the position where the Athenia was sunk. The course due

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South, which is recorded in the log book, and the speed of 10 knots -those entries are obviously designed to suggest that the U-30 was well clear of the Athenia's position on the 3rd September.

Finally, and most curiously, the Tribunal will observe that Lemp's own signature upon the page dealing with the 3rd September differs from the other signatures in the text. Page 1 shows Lemp's signature with a Roman "p" as the final letter of his name. On the other signatures, there is a script "p", and the inference I submit is that either the signature is a forgery or it was made up by Lemp at some other, and probably considerably later date.

Now, in my submission, the whole of this Athenia story establishes that the German Navy under Raeder embarked upon deliberate fraud. Even before receiving Lemp's reports, the German Admiralty had repeatedly denied the possibility that a German U-boat could be in the area concerned. The charts which showed the disposition of U-boats and the position of sinking of the Athenia, which Colonel Phillimore introduced, have shown the utter dishonesty of these announcements, and my submission upon this matter is this: Raeder, as head of the German Navy, knew all the facts. Censorship and information control in Nazi Germany were so complete that Raeder, as head of the Navy, must have been party to the falsification published in the "Volkischer Beobachter," which was a wholly dishonourable attempt by the Nazi conspirators to save their faces with their own people, and to uphold the myth of an infallible Fuehrer backed by an impeccable war machine.

The Tribunal has seen that truth mattered little in Nazi propaganda, and it would appear that Raeder's camouflage was not confined to painting his ships or sailing them under the British flag, as he did in attacking Norway and Denmark. With regard to that last matter, the invasion of Norway and Denmark, I think it is hardly necessary that I should remind the Tribunal of Raeder's leading part in that perfidious Nazi assault, the evidence as to which has already been presented. I think I need only add Raeder's proud comment upon those brutal invasions, which is contained in his letter in Document C-155 at Page 25 of the document book, which is already before the Tribunal as Exhibit GB 214. That document, which is a letter of Raeder's to the Navy, part of which I have already read, states:

"The operations of the Navy in the occupation of Norway will for all time remain the great contribution of the Navy to this war."

Now, with the occupation of Norway and much of Western Europe safely completed, the Tribunal has seen that Hitler turned his eyes towards Russia. Now, in fairness to Raeder, it is right that I should say that Raeder himself was against the attack on Russia and tried his best to dissuade Hitler from embarking upon it. The documents show, however, that Raeder approached the problem with complete cynicism. He did not object to the aggressive war on Russia because of its illegality, its immorality, its inhumanity. His only objection to it was its untimeliness. He wanted to finish England first before going further afield.