

THE PRESIDENT: I call upon counsel for the defendant Hess.

DR. von ROHRSCHEIDT (Counsel for the Defendant Hess): May it please the Tribunal, I am speaking here as counsel for the Defendant Rudolf Hess.

The proceedings which have already been opened against Hess--the Court has to decide on the question whether the defendant is capable of being heard or not, and also whether the conditions are present which would make him entirely irresponsible.

Personally, the Court has laid down these juristic principles in the opinion, and has asked those who are expressing their opinion--the experts--to say whether, firstly, the defendant is in a state in which he can plead against the charge; secondly, about his mental stability. And the question here was formulated as to whether the defendant is mentally sound or not.

In respect to question 1, is the defendant in a fit state to plead, the Tribunal has asked the experts certain questions as to whether the defendant is sufficiently in possession of his mental faculties in order to understand the proceedings, and whether an adequate defense can be undertaken --that is, whether he can understand evidence given.

The experts to whom this task was entrusted have examined Hess on several different days and given their expert opinion to the Tribunal. I, as his defense counsel must, because it is my duty, after having studied these experts' opinions--I couldn't do it sufficiently thoroughly, because time was short--I personally, after having looked at these documents, and in conjunction with my experience with Defendant Hess in almost daily discussions, am of the opinion that the Defendant Hess is not capable of pleading.

I therefore consider it my duty, and I feel forced to make the following application:

Firstly, I should ask that the proceedings against Hess be temporarily quashed; secondly, in case his inability to plead should be admitted by the Tribunal, I should request the Tribunal not to carry out the proceedings if the Defendant is not there. But in case the Tribunal should consider Hess fit to plead, I should ask for an arbitral expert opinion in order to decide the question.

Before I come to the reasons for my application, I should like to say,

on behalf of the Defendant, that he, Hess himself, thinks he is fit to plead and would like to tell the Court so himself.

I would now like to give the reasons for my application:

If my defendant--my client, rather--should not be fit to plead, I should like the proceedings against Hess to be temporarily quashed.

I should like to refer to the opinions already submitted to the Tribunal. The experts come to the following result--I should like to call one of them the main expert. This was given by English, Soviet, and American experts, bearing the date of 15 November, 1945. I should like to cite textually from this. In this opinion it is said that the capacity of the Defendant Hess is reduced. That is to say, his capacity to defend himself and to face a witness and to understand the evidence. I have cited this formulation because it is closest to the question put to the experts by the Tribunal.

The opinion says that even if Hess' amnesia does not prevent the defendant from understanding what is going on about him and to follow the proceedings in Court--

THE PRESIDENT (Interposing): Would you speak a little more slowly? The interpreters are not able to interpret so fast.

Would you also refer us especially to those parts of the medical reports to which you wish to draw our attention?

Do you understand what I said?

DR. Von ROHRSCHEIDT: Yes.

I should like to observe that I haven't got the exact quotations according to the pages of the English text, as I only have the German translation, so I can only do it as I have just said.

The first quotation--

THE PRESIDENT (interposing): You can read the words in German, and they will be translated into English.

Which report are you referring to?

DR. von ROHRSCHEIDT: For the quotation that I gave I was referring to the expert opinion which was given on the 14th November 1945, which was drawn up by the English, Soviet and American delegations, and which included the report of the 17th of November 1945. What I quoted was the following -- may I repeat it?

The passage runs: "The capability of the Defendant Hess is reduced in respect of being able to defend himself, to face a witness, and to understand the details of the evidence given."

THE PRESIDENT: Can you say which of the doctors you are quoting?

DR. von ROHRSCHEIDT: It is the report which, in my copy, is dated the 14th of November 1945, and, as I said, was presumably signed by Soviet, American and English doctors.

Unfortunately, the original copy I did not receive again yesterday evening after I had given it back. That is, I was not able to obtain the original again.

THE PRESIDENT: Have the English Prosecutors got a copy, and can you tell us which it is?

SIR DAVID MAXWELL FYFE: I think I am in the same difficulties as your Lordship. I have copies of four medical reports. At the end of the document headed "Order", it says, "Copies of four medical reports are attached."

The first one of these is signed by three English doctors on the 19th of November.

The second is signed by three American and a French doctor,

30 Nov-A-JH-8.

dated the 20th of November.

There is a report signed by three Soviet doctors, dated the 17th of November.

There is one signed by three Soviet doctors and the French doctor dated the 16th of November.

These are the only ones which I have with the Court's order.

THE PRESIDENT: Yes.

I don't know what this report is that you are referring to.

SIR DAVID MAXWELL FYFE: Dr. von Rohrscheidt seems to have an unsigned report of the 11th.

THE PRESIDENT: Dr. von Rohrscheidt, have you got the four reports which are really before us? I will read them out to you:

The first one I have got in my hand is the 19th of November, 1945, by Lord Moran, Dr. Reece, and Dr. Ruddock. Have you got that? That is the English report.

DR. von ROHRSCHEIDT: I only have this report in the German translation and not in the original.

THE PRESIDENT: But if you have got it in the German translation, that is quite good enough.

Then the next one is dated the 20th of November, 1945, by Dr. Delay, Dr. Nolan Lewis, Dr. Cameron and Colonel Paul Schroeder.

Have you got that?

DR. von ROHRSCHEIDT: Yes, I have that one.

THE PRESIDENT: That is two.

Then, the next one is dated the 16th of November, and is signed by three Soviet doctors and one French doctor, Dr. Delay, dated the 16th of November. Have you got that?

Then there is another report of the 17th, signed by the three Soviet doctors alone, without the French doctor.

Now, will you refer to the passages in those reports upon which you rely?

There is another report by the two English doctors which is practically the same. That is the one I have already referred to, that does not contain the name of Lord Moran on it, dated the 19th of November.

DR. von ROHRSCHEIDT: May the Tribunal please, I think I can shorten this speech to the Tribunal. My view is that all the experts' opinions agree that the capability of the Defendant Hess to defend himself, to face a witness, and to understand the details of the evidence given -- perhaps I should keep exactly to these words in my exposition:-

If we assume that all the medical opinions are agreed that the defendant Hess is reduced in his capacity for defense, I should, in my capacity as his defense counsel, be convinced that the ability to plead of the defendant Hess should be negatived. The reduction of the capability of the defendant in his defense, which is recognized as a mental defect, as amnesia, recognized by all the experts, shows a mental condition of a mixed kind but anyhow a mental defect, so he should not be considered as fit to plead.

I am of the opinion that this statement made by the medical experts shows, as was stated in the question to the experts, that on account of this mental defect, the amnesia, proper defense for the defendant Hess is not possible. The opinions also assume that the defendant is not actually insane. That is not the important point at the moment because according to the medical opinion it is affirmatively stated, in my opinion, that the defendant is not in a condition to follow everything in consequence of the reduction of his mental capacity.

I, personally -- and I think my own opinion agrees with the medical opinion -- think that the defendant is quite incapable of making himself understood to the extent that one would expect from a mentally normal person, to the extent that one would expect and demand from a mentally normal person.

I consider that the defendant -- I am basing this on my own experience with him -- is not capable of understanding what the Tribunal says to him in such a manner as is necessary for his defense, because his memory is very unreliable. Through his loss of memory he knows neither events which have happened in the past nor the persons who were associated with him in the past. I therefore am of the opinion that the opposite opinion of the defendant himself, namely, that he is fit to plead, is irrelevant. As the reduction of the defendant's capacity, according to medical opinion, will not soon be improved, I am therefore of the opinion

that the proceedings against Defendant Hess should be quashed.

Whether the treatment proposed by the medical experts, by narcotic analysis, would bring improvement is not certain, nor in what way nor at what time the health of the defendant can be restored. The medical opinions reproach the defendant with refusing to have such medical treatment. The defendant tells me, on the contrary, that he would be ready to undergo such treatment, but he refused the treatment in this case because, first of all, he thinks he is already fit to plead and therefore considers such a cure unnecessary, and also because he is an opponent of such forceful methods, and finally because he is of the opinion that such forced operation just at this time might make him unfit to plead, that is to say, would rather exclude him from the proceedings, which is just what he wishes to avoid.

If the defendant is not capable of pleading, incapable of defending himself, as medical opinion says, and if this state is likely to last for a long time, this would be a condition for temporary suspension of the proceedings against him.

My second application: In case this Tribunal should allow my application and declare the defendant Hess unfit to plead, then, according to Article 12 of the Charter, it is possible to proceed against the defendant in absentia. Section 12 provides that the Tribunal has the right to proceed against a defendant in his absence if he cannot be found, or if this is in the interests of justice or other reasons. Is it then in the interests of justice to proceed against the defendant in absentia? In my opinion, it is not in accordance with objective justice if actual proofs are available, as they are here, that the defendant's capacity is reduced because of illness and he is hindered in defending himself personally.

Such terrible crimes are laid at the door of the defendant that even the death penalty is to be expected. It is therefore incompatible with objective justice if medical experts say he is not

capable of defending himself. And according to Paragraph 12 of the Charter, this right in Paragraph 16 of the Charter provides for a defense and also the possibility of bringing personal evidence for his defense, and cross examining any witness, and this is most important for the defense and any exclusion of such a possibility is, in my opinion, not right. Proceedings in absentia would preclude all this, and therefore could not

be considered just.

If the defendant is reduced in his capacity to defend himself for the reasons already stated, to such a degree then the defendant is not in a position to give his Counsel the necessary information and then to put his Counsel in a position to defend him in his absence.

As the charter has so precisely laid down the rights of the defendants to form their own defense, it seems to me as Defense Counsel unjust to deprive the defendant of these rights because he is hindered by reasons of illness from being there. The possibility of carrying out proceedings in absentia against a defendant must surely be looked upon as an exception which should only be applied against a defendant if he wishes to avoid the proceedings. But defendant Hess has told me and emphasized to me, and he will probably do it to the Tribunal, that he wishes to attend the proceedings, and he will certainly feel it is particularly unjust if he were ready to plead and should be excluded and the proceedings were carried out in absentia.

I therefore request the Tribunal, if it should declare the defendant not competent to plead, that it not proceed in his absence.

Now, one more application: if the Tribunal, against my own opinion and against the opinion which, in my view, is expressed in the medical statements, should consider he is fit to plead, I should ask for one more medical opinion and that this question may be investigated once more, because I have seen from the medical statements already available that the experts have only spoken with Hess for a short time, in one case only for two days, and in any case for a very short period. In a case of such world-wide importance it seems to me necessary that a complete picture should be given.

For this longer examination would be necessary, perhaps in a suitable hospital, and he observed for weeks at a time. The experts themselves are obviously not quite sure whether the Defendant Hess is mentally ill, even beyond what is admitted; that is, not capable of pleading that he is mentally deficient. This opinion I have gained because all the medical statements emphasize that the accused is not considered fit to plead, that he should be again subjected to a psychiatric examination. I think this suggestion should be followed in accordance with the suggestion made by the psychiatrists who have already examined him. I should therefore plead, if the Tribunal should consider the defendant fit to plead, that the suggestion of psychiatrists should be followed and that another opinion should be taken.

THE PRESIDENT: I want to ask you one question: Is it not consistent with all the medical opinions that the defendant is capable of understanding the course of the proceedings, and that the only illness from which he is suffering is his forgetfulness about what happened before he flew to England?

DR. von ROHRSCHEIDT: Mr. President, it is true that the experts say that the Defendant Hess is capable of following the proceedings. That is true. But they emphasize, on the other hand, that the defendant is not capable of defending himself. In the manner in which the questions were put to the experts, the Tribunal asked the experts to state their views on the following: Is the Defendant mentally sound or not? This question is answered by all experts in the affirmative, that he is mentally sound. But that does not exclude the fact that the Defendant might at the moment be incapable of pleading and in this respect the experts again, referring to the questions put to them -- the Tribunal would like to know whether the Defendant is capable of following the course of the proceedings, can he carry out adequate defense as a witness and understand the evidence?

And there I am of the opinion that the experts, keeping to the question, give the answer that the defendant is not capable of carrying out an adequate defense, to put objections to the witness, or to follow

the details of the evidence given. That is, I consider, contained in all the experts' opinions.

Looking at the opinion given by the French and American delegations, if I may submit that to the Court, the date 20th of November, "as a result of our said investigations, we find that Hess is suffering from hysteria and loss of memory." Now comes this passage, "The loss of memory is of such a kind that it will not disturb his understanding of the proceedings, but in respect to questions about his past, he will not respond and that would reduce the weight of his defense. Therefore the capability of the accused for defense is reduced."

So from that he should be considered as not fit to plead. And in the medical opinion of the French delegation, signed by Professor Delay, that too says that the defendant can understand everything that goes on around him, but that his amnesia has such an effect on his capability of carrying out his defense, and to understand all the details which refer to his past, that these facts must be looked upon as disturbing. I considered that if one interprets these statements as the experts intended, the experts mean that the Defendant is not insane, he can follow the proceedings but he cannot defend himself because he is suffering from a credible amnesia.

THE TRIBUNAL (Judge Biddle): Do you accept the opinion of the experts?

DR. von ROHRSCHEIDT: Yes.

THE TRIBUNAL (General Nikitchenko): I should like to know the translation. I should like to draw the attention of the defense that he is incorrectly referring to the experts' opinion of the Soviet experts and French expert. Very good translating; not quite correctly. It was a free translation.

DR. von ROHRSCHEIDT: May I read to the Tribunal what my translation says? The translation was made here in the Bureau and was given to me in this translation. May I repeat that the translation in my possession refers to the 16th of November 1945, and was signed

by the members of the Soviet delegation, and Professor Delay in Paris.

Sub-number three:

"At the present moment the Defendant is not insane in the strict sense of the word. His amnesia does not prevent him from following everything that is going on around him. But it affects his capability of carrying out the defense and of remembering all details of the past, and might be disturbing."

THE PRESIDENT: That is all we wish to ask you. Does the Chief Prosecutor for the United States wish to address the Tribunal?

MR. JUSTICE JACKSON: I think General Rudenko would like to open discussion, if that is agreeable.

THE PRESIDENT: Yes. Are you going on?

GENERAL RUDENKO: In connection with the statement made by the defense, and as a result of the Doctors' opinion, I am inclined to say the following: The condition of Hess was examined by experts. These experts appointed by the Tribunal have agreed that Hess is sane and can answer for his actions. The Chief Prosecutors have discussed the results of this according to the orders of the Tribunal and have answered the question of the Tribunal as follows:

One, we have no questions and doubts about the Commission's report. We are of opinion that

Hess can be tried.

That is the opinion of the Prosecutors. We are finding that the terms stated by the experts, that Hess can be considered sane --

THE PRESIDENT: (Interposing) Will you **speak** more slowly, please?

GENERAL RUDENKO: We considered that the experts' opinions are quite sufficient for carrying on the decision of the Tribunal to find Hess sane and subject to this Court, and we are asking the Tribunal to sign accordingly the following statement; and the Defense is asking to postpone the proceedings in view of his illness and state. I must say that Defense is citing -- I don't know why, not quite correctly. It is stated here by the Defense that Hess is not able and he is in such condition that he cannot defend himself and understand witnesses, and so on.

It is quite differently stated by the experts. The experts state that Hess is suffering from amnesia and it will not completely affect him in understanding the proceedings. It certainly won't interfere with his understanding of the witnesses. I think that the details of the past period, which Hess probably will not remember, will not interest the Tribunal. The main points which the experts have given in their reports, and which we do not doubt, and which don't raise any doubts by the defense, is that Hess is sane, and if he is sane Hess must be tried, and according to this I consider that the request of the Defense should be refused.

SIR DAVID MAXWELL-FYFE: May it please the Tribunal:

It has been suggested that I might say just a word, and as shortly as the Tribunal desire, as to the legal conceptions which govern the position with which the Tribunal and this Defendant are placed at the present time.

The question before the Tribunal is whether this Defendant is able to plead to the Indictment and should be tried at the present time.

If I might very briefly refer the Tribunal to the short passages

in the report, which I submit are relevant, it might be useful at the present time. According to the attachments to the Order, which I have, the first report is that signed by the British Doctors on the 19 November, 1945. And in that report, I beg the Tribunal to refer to Paragraph 3, in which the signatories say: "At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defense and to understand details of the past, which arise in evidence."

The next report is that signed by the American and French Doctors, and in Paragraph One, the Tribunal will see: "We find, as a result of our examinations and investigations, that Rudolf Hess is suffering from hysteria, characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past, and will interfere with his undertaking his defense."

If the Tribunal will proceed to the third report, signed by the Soviet Doctors, at the foot of Page 1, of the copy that I have, there is a Paragraph beginning "Psychologically--", which I submit is of importance -- "Psychologically, Hess is in a state of clear consciousness. He knows that he is imprisoned at Nürnberg, under indictment as a war criminal; has read and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent. His thoughts formed with precision and correctness and they are accompanied by sufficient emotionally expressive movements. Also, there is no kind of evidence of paranoia. It should also be noted here, that the present psychological examinations, which were conducted by Lt. Gilbert, Doctor of Medicine, and of the testimony, is that the intelligence of Hess is normal and in some instances, above average. His movements are natural and not forced."

Now, if I may come to the next report, I am sorry-- the report which is signed by the three Soviet Doctors, and Professor Delay of Paris, dated the 16, which is the last in my bundle, and that says in Paragraph 3:

"At present he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him, but it will interfere with his ability to conduct his defense and to understand details of the past, which would appear as factual data."

I refer, without quoting, because I do not consider that they are of sufficient importance on this point, to the explanation of the kind and reason of the amnesia which appeared in the Soviet report, dated the 17 November, under the numbers One, Two and Three, at the end of the report. But I remind the Tribunal that all these reports unite in saying that there is no form of insanity.

In these circumstances, the question in English law, and I respectfully submit that to the consideration of the Tribunal as being representative of natural justice in this regard, is, in deciding whether the Defendant is fit to plead, whether the Defendant be insane or not, and the time which is relevant for the deciding of that issue is at the date of the arraignment and not at any prior time.

Different views have been expressed as to the party on whom the onus of proof lies in that issue, but the latter, and logically the better view, is that the onus is on the Defendant, because it is always presumed that a person is sane until the contrary is proved.

Now, if I might refer the Court to one case which I suspect, if I may so use my mind, has not been absent from the Court's mind, because of the wording of the notice which we are discussing today, it is the case of Pritchard in 7 Carrington and Pike, which is referred to in Archibold, Criminal Pleading on the 1943 edition, at page 147:

In Pritchard's case, where a prisoner arraigned on an indictment for felony appeared to be deaf, dumb, and also of non-sane mind, Baron Alderson put three distinct issues to the jury, directing the jury to be sworn separately on each: Whether the prisoner was mute, of malice, or by the visitation of God, (2) Whether he was able to plead; (3) whether he was sane or not. And on the last issue they were directed to inquire whether the prisoner was of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense, to challenge a juror, that is, a member of the jury, to whom he might wish to object and to understand the details of the evidence; and he directed the jury that if there was no certain mode of communicating to the prisoner the details of the evidence so that he could clearly understand them, and be able to properly to make his defense to the charge against him the jury ought to find that he was not of sane mind.

I submit to the Tribunal that the words there quoted, "to comprehend the course of the proceedings of the trial so as to make a proper defense", emphasize that the material time, the only time which should be considered, is whether at the moment of plea and of trial the defendant understands his charge against him and the evidence by which it is supported.

THE PRESIDENT: And does not relate to his memory at that time.

SIR DAVID MAX ELL-FYFE: That is, I respectfully agree with your Lordship, it does not relate to his memory. It has never, in English jurisprudence, to my knowledge, been held to be a bar either to trial or punishment, that a person who comprehends the charge and the evidence has not got a memory as to what happened at the time. That, of course, is entirely a different course which does not arise either on these reports or of this application.

As to what was the defendant's state of mind, no one here suggests

that the defendant's state of mind and the action charged were committed was abnormal, and it does not come into this case.

THE PRESIDENT: He will, it seems to me, be able to put forward his amnesia as part of his defense.

SIR DAVID MAXWELL-FYFE: Certainly my Lord.

THE PRESIDENT: And to say, "I should have been able to make a better defense if I had been able to remember what took place at the time".

SIR DAVID MAXWELL-FYFE: Yes, sir. If I might compare a very simple case within my experience, and I am sure within the experience of members of the Court where this has arisen scores of times, in English courts, after a motor accident when a man is charged with manslaughter or doing grievous bodily harm, he is often in the position of saying, "because of the accident my memory is not good, or fails as to the exact charge". No one has ever suggested that it could be a matter of relief from criminal responsibility. I hope that the Tribunal will not think that I have occupied too much of their time, but I thought it was useful just to present the matter on the basis of the English law as I understand it.

THE TRIBUNAL (Mr. Biddle): So I can understand you, one of the tests under the Pritchard case is whether or not the defendant can make a proper defense?

SIR DAVID MAXWELL-FYFE: With the greatest respect, will the doctor read the preceding words. They say, "When the prisoner was of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense."

THE TRIBUNAL (Mr. Biddle): And would you interpret that to mean that this defendant could make a proper defense under the procedure of the trial if you also find it a fact, which you I think, do not dispute, and which you quoted in fact, that although not insane -- now I quote: "He did not understand, or rather his amnesia does not prevent him completely from understanding, what is going on around him but it will interfere with his ability to conduct his defense, and understand details of the past." You don't think that is inconsistent with that finding?

SIR DAVID MAXWELL-FYFE: I am submitting it is not. It is part of his defense, and it may well be "I don't remember anything about that at all".

And he could actually say from my general behaviour or from other acts which I undoubtedly have done, it is extremely unlikely that I should do it. That is the defense which is left to him. And he must take that defense, and it is my submission.

THE TRIBUNAL (Mr. Biddle): So even if we assume for the

... I am not putting that as the Tribunal, I wanted to put before the Tribunal the legal basis on which this application is based. Therefore I cannot really say that the Tribunal is not bound to take into account the evidence which is put before it.

THE TRIBUNAL (Mr. Biddle): I did in that period the full records of the Tribunal. It appears to have forgotten facts which occurred some time fifteen days ago. It may be a mistake to say, as they say in the report, it may be not a mistake. I would like to know if according to the evidence there has really been the history of facts, which are referred to in the indictment.

SIR DAVID LAWRENCE: The facts which are included in the indictment, the allegations that the doctor gave aid to the accused, are most clearly set out in these paragraphs of the Soviet report, that is the third report dated the 17th of October 1945, page two, and the numbered paragraphs one to three. They say first:

"In the psychological personality of these three are no changes typical of the progressive stages of schizophrenia. On the other hand, there are changes typical of a progressively stable personality developing from which is suffered periodically since is known. I am sorry, therefore, the delusion from which he suffered periodically since is known can not be considered as manifestation of a schizophrenic psychosis, and must be recognized as the expression of a psychogenic personal reaction, that is, the psychologically appreciable reaction."

Now I ask the learned French doctor to state the next sentence. "On an unstable personality in the situation, the failure of his clinical, scientific and experimental work is the inevitable result of the delirious character of his psychosis as compared to the schizophrenic psychosis, and the delirious character of his psychosis is the inevitable result of the delirious character of his psychosis."

purpose of argument that his amnesia is complete, and that he remembers nothing that occurred before the indictment though not understanding the proceedings, you think he should be tried?

SIR DAVID MAXWELL-FYFE: I submit he should be tried. That is my submission as a legal position. I especially didn't discuss--of course the Tribunal will appreciate that--I didn't discuss the quantum of amnesia here because I am not putting that to the Tribunal, I wanted to put before the Tribunal the legal basis on which this application is posed. Therefore I accept readily the extreme case which the learned American judge put to me.

THE TRIBUNAL (Mr. DeVabres): I ask in what period the real amnesia of Hess applies. He pretends to have forgotten facts which occurred more than fifteen days ago. It may be simulation or, as they say in the report, it may be real simulation. I would like to know if according to the reports Hess has really lost his memory of facts, which are referred to in the Indictment.

SIR DAVID MAXWELL-FYFE: The facts which are included in the Indictment, the explanations that the doctors give as to his amnesia, are most clearly set out in these paragraphs of the Soviet report, that is the third report dated the 17th of November 1945, page two, and the numbered paragraphs one to three. They say first:

"In the psychological personality of Hess there are no changes typical of the progressive schizophrenic disease. That is, there are no changes typical of a progressive double personality developing from which he suffered periodically while in England. I am sorry, therefore, the delusions from which he suffered periodically while in England can not be considered as manifestations of a schizophrenic paranoia, and must be recognized as the expression of a psychogenic paranoia reaction, that is, the psychologically comprehensible reaction."

Now I ask the learned French judge to note the next sentence. "Of an unstable personality to the situation, the failure of his mission, arrests and incarceration. Such is the interpretation of the delirious statements of Hess in England as bespoken by the disappearance, appearance, and repeated disappearance, depending on external circumstances which affected the mental

state of Hess."

Paragraph two: "The loss of memory by Hess is not the result of some kind of mental disease, but represents hysterical amnesia, the basis of which is a subconscious inclination towards self defense." Now I ask the learned French judge to note again the next words: "As well as a deliberate and conscious tendency towards it. Such behavior often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore the amnesia of Hess may end upon his being brought to trial.

Three: Rudolf Hess, prior to his flight to England, did not suffer from any kind of insanity, nor is he now suffering from it. At the present time he exhibits hysterical behavior with signs of--and again I ask the learned French judge to note this point--with signs of a conscious intentional simulated character which does not exonerate him from responsibility under the Indictment."

The last sentence is a matter for the Tribunal. But in these circumstances it would be impossible to say that the amnesia may continue to be complete or is entirely unconscious. That is deliberately avoided by the learned doctors. Therefore the prosecution do not say that that is the case, but they do say that even if it were complete, the legal basis which I have suggested to the Court is a correct one for action in the matter.

THE PRESIDENT: Thank you, Sir David. Would Doctor Rohrscheidt like to add anything by way of reply? One moment: Mr. Justice Jackson, I gathered from what Sir David said that he was speaking on behalf of you ~~and~~ of the French prosecution, is that correct?

JUSTICE JACKSON: I intend to adopt all that he said. I would only add a few more words, if I may.

THE PRESIDENT: Doctor Rohrscheidt, Mr. Justice Jackson has something to say first of all.

JUSTICE JACKSON: I adopt all that has been said, and will not repeat. We have three applications before the Tribunal. One is for another examination. I will spend very little time on that. I think that we have made, up to this point with these examinations, medical history in having seven

psychiatrists from five nations who are completely in agreement. An achievement of that kind is not likely to be risked.

The only reason suggested here is that a relatively short time has been devoted to the examination, but I suggest to your Honors that that is not the situation, because there have been available the examinations and observations and medical history during the incarceration of Hess in England, extending from 1941, and the reports of the psychiatrists of the American Forces since he was brought to Nurnberg, and they all agree. So that there is a more complete medical history in this case than in most cases.

The next application was as to trial in absentia. I shall spend no time on that, for there seems to be no occasion for trying Hess in absentia if he shouldn't be tried in his presence. If he is unable to be tried why he simply shouldn't be tried at all. That is all I can see to it.

I would like to call your attention to the one thing in all this, the one thing, on which any case can be made here for postponement. That is the statement with which we all agree: That Hess' condition will interfere with his response to questions relating to his past and will interfere with his undertaking his defense. Now, I think it will interfere with his defense if he persists in it, and I am sure that counsel has a very difficult task. But Hess has refused the treatment, and I have filed with the court the report of Major Kelly, the American psychiatrist, in whose care he was placed immediately after he was brought here.

He has refused every single treatment that has been suggested. He has refused to submit to the ordinary things that we submit to every day, blood tests, examinations, and says he will submit to nothing until after the trial. The medication which was suggested to bring him out of this hysterical situation--every psychiatrist agrees that this is simply a hysterical situation if it is genuine at all--was the use of intravenous drugs of the barbital series, either sodium amytal or sodium phenotal, the ordinary sedative that you perhaps take on a sleepless night. We did not dare administer that, to be perfectly candid, against his objection, because we felt that however harmless--and in over a thousand cases observed by Major Kelly there has been no ill effect although some cases are reported where there has--we felt that if should be struck by lightning a month afterward it would still be charged that something that we had done had caused his death; and we did not desire to impose any such treatment upon him.

But I respectfully suggest that a man cannot stand afar from the Court and assert that his amnesia is a defense to his being tried, and at the same time refuse the simple

medical expedients which all agree might be useful.

He is in the volunteer class with his amnesia. In England, as the reports show, he is reported to have made the statement that his earlier amnesia was simulated. He came out of this state during a period in England, then went back to it. It is now highly selective. That is to say, you can't be sure what Hess will remember and what he will not remember. His amnesia is not of the type which is a complete blotting out of the personality, of the type that would be fatal to his defense.

So we feel that so long as Hess refuses the ordinary, simple expedients, even if his amnesia is genuine, that he is not in a position to continue to assert that he must not be brought to trial. We think he should be tried, not in absentia but in these proceedings.

THE TRIBUNAL (Mr. Biddle): Isn't Hess asserting that he wants to be tried?

JUSTICE JACKSON: Well, I don't know about that. He has been interrogated and interrogated by us, as have the co-defendants, and I wouldn't attempt to say what he would now say he wants. I haven't observed that it is causing him any great distress. Frankly, I doubt very much if he would like to be absent, but I wouldn't attempt to speak for him.

THE PRESIDENT: Does Mr. Debest wish to add anything?

DR. ROHRSCHEIDT: May I just say a few words to the Tribunal to make my point of view clear once more?

As defense counsel of the defendant Hess this is my point of view. First, factually, the defendant Hess, according to the reports of the doctors which all agree, has a mental defect.

Secondly, the accused Hess is suffering from amnesia, which again all medical experts admit exists. This is merely remarked in the report, whether this amnesia is paranoiac or psychogenetic. They are all agreed that this amnesia is on a pathological basis. The result is that the defendant is not insane but has a mental defect. From that emerges, I think, in a legal sense

that the defendant cannot state that he cannot be made responsible for his actions, but presumably, when the deeds were committed he was certainly not mentally insane. But there is a difference, according to German law at any rate, whether the defendant is at the moment in a position to follow the trial, that is, whether he is fit to plead. This question should, in my opinion, as I have already said, on the basis of the medical reports, be negatived. He is not capable of being tried.

The Tribunal may be doubtful of the answers of the experts. It is difficult to understand whether the defendant is actually restricted in his capability of defending himself or whether he can have an adequate defense. I think that possibly this point should be stressed: The loss of memory is affirmed by all the experts, and it would seem to me that he is not capable of making adequate defense.

One other point: He may be able to defend himself, and seem externally, he can follow the course of the proceedings, but he cannot defend himself adequately, that is, in the same way as a person who is in full possession of his normal senses.

May I perhaps add one word. I have already explained that the defendant has expressed the wish to me that he would like to attend the trial, as he does not feel himself unfit to plead, but that, in the opinion of the defense, is completely irrelevant.

In respect of the consequences as foreseen by the American prosecutor, that the defendant has refused to be treated by narcotic means, that is not a question of truculence, but he refused it because he was afraid that the intravenous injections at this particular moment might, in his weakened state, make him incapable of following the proceedings, which is exactly what he did not want.

I have already mentioned that he himself thinks he is sane, and therefore he did not need any intravenous treatment. The defendant Hess also told me that he has an internal abhorrence of such means, and Hess, in the unhappy times of the National Socialist regime, was always for the natural methods of healing. He even founded the Rudolf Hess Hospital in Dresden, which is conducted on natural, not medical, means.

JUSTICE JACKSON: May I make one observation, Your Honors?

THE PRESIDENT: Yes.

JUSTICE JACKSON: The argument illustrates the selectivity of the memory of which I spoke to you. Hess apparently can inform his counsel about his attitude toward this particular matter during the National Socialist regime. His counsel is able to tell us how he felt about medical things during the National Socialist regime, but when we ask him about anything in which he

participated that might have a criminal aspect, the memory becomes bad. I hope that the Court has not overlooked the statement of the matters that he does well recollect.

DR. ROHRSCHEIDT: May I make a correction?

THE PRESIDENT: It is unusual to hear counsel in a second reply, but as Mr. Justice Jackson has spoken again we will hear what you have to say.

DR. ROHRSCHEIDT: I would merely like to observe that I was misunderstood. It was not the defendant who told me that he was an adherent of natural medicine, and in such a way proved that he had retained his memory, but it was I who, from my own memory, ascertained this, and I know that he was. I gave that as my opinion and my experience in order to show that he has an intellectual aversion to medical operations, but, this remark was not based on memory of the defendant Hess but on my own memory.

THE PRESIDENT: Dr. Rohrscheidt, the Tribunal would like, if you consider it proper, that the Defendant Hess should state what his views on this question are.

DR. ROHRSCHEIDT: As his defense counsel, I have certainly nothing to say against it, and I think it would be the defendant's own wish, and the Tribunal would then be in a position to judge what mental state the defendant is in. He can speak as to whether he considers himself fit to plead from where he is.

THE DEFENDANT HESS: Mr. President, I would like to say this: At the beginning of the trial of this afternoon's proceedings I gave my defense counsel a note that I am of the opinion that these proceedings could be shortened if one would allow me to speak myself. What I say is as follows:

In order to anticipate any possibility of my being declared incapable of pleading, although I am willing to take part in the rest of the proceedings with the rest of them, I would like to give the Tribunal the following declaration, although I originally intended not to make this declaration until a later point in the proceedings:

My memory is again in order. The reasons why I simulated loss of memory were tactical. In fact, it is only that my capacity for concentration is slightly reduced. But in consequence of that, my capacity to follow the trial, my capacity to defend myself, to put questions to witnesses or even to answer questions--these, my capacities, are not influenced by that.

I emphasize the fact that I bear the full responsibility for everything that I have done or signed as signatory or co-signatory. My attitude, in principle, is that the Tribunal is not competent--is not affected by the statement I have just made. Hitherto in conversations with my official defense counsel I have maintained my loss of memory. He was, therefore, in good faith when he asserted I lost my memory.

THE PRESIDENT: The trial is adjourned.

(Whereupon at 1830 hours the hearing of the Tribunal adjourned to reconvene at 1400 hours on 1 December 1945).

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al

Defendants

ORDER

1. Counsel for the defendant Hess has made application to the Tribunal to appoint an expert designated by the medical faculty of the University of Zurich or of Lausanne to examine the defendant Hess with reference to his mental competence and capacity to stand trial. This application is denied.

2. The Tribunal has designated a commission composed of the following members:

Eugene Krasnuchkin, M.D., Professor Psychiatry,
Medical Institute of Moscow, assisted by
Eugene Sepp, M.D., Professor Neurology,
Medical Institute of Moscow
Member, Academy of Medical Sciences, USSR; and
Nicolas Kuraskov, M.D., Professor of Medicine
Medical Institute of Moscow,
Chief Internist, Commissariat of Public Health, USSR.

Lord Moran, M.D. F.R.C.P.
President of the Royal College of Physicians, assisted by
Dr. T. Reece, M.D. F.R.C.P.
Chief Consultant Psychiatrist to the War Office, and
Dr. George Ruddock, M.D. F.R.C.P.
Director of Neurology to the London Hospital and
Chief Consultant Neurologist to the War Office

Dr. Nolan D. C. Lewis, assisted by
Dr. D. Ewen Cameron and
Col. Paul Schroeder, M.D.

Professor Jean Delay

The Tribunal has requested the commission to examine the defendant Hess and furnish a report on the mental state of the defendant with particular reference to the question whether he is able to take his part in the trial, specifically: (1) Is the defendant able to plead to the indictment? (2) Is the defendant sane or not,

C
O
P
Y

REPORT on Rudolf Hess, telephoned from London.

"The undersigned, having seen and examined Rudolf Hess, have come to the following conclusion:-

1. There are no relevant physical abnormalities.
2. His mental state is of a mixed type. He is an unstable man, and what is technically called a psychopathic personality. The evidence of his illness in the past four years, as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning, and other similar paranoid ideas.

Partly as a reaction to the failure of his mission, these abnormalities got worse, and led to suicidal attempts.

In addition, he has a marked hysterical tendency, which has led to the development of various symptoms, notably a loss of memory, which lasted from November 1943 to June 1944, and which resisted all efforts at treatment. A second loss of memory began in February 1945 and lasted till the present. This amnesic symptom will eventually clear, when circumstances change.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defence, and to understand details of the past, which arise in evidence.

4. We recommend that further evidence should be obtained by narco-analysis and that if the Court decides to proceed with the Trial, the question should afterwards be reviewed on psychiatric grounds."

(Sgd) Moran

Dated 19th November, 1945

J. Rees, M.D., F.R.C.P.

George Riddoch

and on this last issue the Tribunal wishes to be advised whether the defendant is of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense, to challenge a witness to whom he might wish to object and to understand the details of the evidence.

3. The examiners have presented their reports to the Tribunal in the form which commends itself to them. It is directed that copies of the reports be furnished to each of the Chief Prosecutors and to defense counsel. The Tribunal will hear argument by the prosecution and by defense counsel on the issues presented by the reports on Friday, November 30 at 4 P.M.

INTERNATIONAL MILITARY TRIBUNAL

/s/ Geoffrey Lawrence
Geoffrey Lawrence
President

Dated Nurnberg, Germany this
fifth day of November, 1945

Copies of four (4) Medical Reports
attached

20 November 1945

MEMORANDUM TO: Brigadier General Wm. L. Mitchell,
General Secretary for the International Military
Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th 1945 in his cell in the Military Prison in Nurnberg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th 1945.

(1) We find, as a result of our examinations and investigations, that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals, was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

(s) D. Ewen Cameron
DR. D. EWEN CAMERON
Professor of Psychiatrie
McGill University

(s) Jean Delay
DR. JEAN DELAY
Professor of Psychiatrie at the
Faculty of Medicine in Paris

(s) Paul L. Schroeder
COL. PAUL L. SCHROEDER
A.U.S. Neuropsychiatric
Consultant

(s) Nolan D.C. Lewis
DR. NOLAN D.C. LEWIS
Professor Psychiatry,
Columbia University

RECORD OF EXAMINATION OF RUDOLF HESS

According to the information obtained on Nov. 16, 1945, during the interrogation of Rosenberg who had seen Hess immediately before the latter's flight to England, Hess gave no evidence of any abnormality either in appearance or conversation. He was, as usual, quiet and composed. Nor was it apparent that he might have been nervous. Prior to this, he was a calm person, habitually suffering pains in the region of the stomach.

As can be judged on the basis of the report of the English psychiatrist, Doctor Rees, who had Hess under observation from the first days of his flight to England, Hess, after the airplane crash, disclosed no evidence of a brain injury, but, upon arrest and incarceration, he began to give expression to ideas of persecution, he feared that he would be poisoned, or killed and his death represented as a suicide, and that all this would be done by the English under the hypnotic influence of the Jews. Furthermore, these delusions of persecution were maintained up to the news of the catastrophe suffered by the German Army at Stalingrad when the manifestations were replaced by amnesia. According to Doctor Rees, the delusions of persecution and the amnesia were observed not to take place simultaneously. Furthermore, there were two attempts at suicide. A knife wound, inflicted during the second attempt, in the skin near the heart gave evidence of a clearly hysterico-demonstrative character. After this there was again observed a change from amnesia to delusions of persecution, and during this period he wrote that he was simulating his amnesia, and, finally, again entered into a state of amnesia which has been prolonged up to the present.

According to the examination of Rudolf Hess on Nov. 14, 1945, the following was disclosed.

Hess complains of frequent cramping pains in the region of the stomach which appear independent of the taking of food, and headaches in the frontal lobes during mental strain, and, finally, of loss of memory.

In general his condition is marked by a pallor of the skin and noticeable reduction in food intake.

Regarding the internal organs of Hess, the pulse is 92, and a weakening of the heart tone is noticeable. There has been no change in the condition of the other internal organs.

Concerning the neurological aspect, there are no symptoms of organic impairment of the nervous system.

Psychologically, Hess is in a state of clear consciousness; knows that he is in prison at Nuremberg under indictment as a war criminal; has read, and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent, his thoughts formed with precision and correctness and they are accompanied by sufficient emotionally expressive movements. Also, there is no kind of evidence of paralogism. It should also be noted here, that the present psychological examination, which was conducted by Lieut. Gilbert, M.D., bears out the testimony that the intelligence of Hess is normal and in some instances above the average. His movements are natural and not forced.

He has expressed no delirious fancies nor does he give any delirious explanation for the painful sensation in his stomach or the loss of memory, as was previously attested to by Doctor Rees, namely, when Hess ascribed them to poisoning. At the present time, to the question about the reason for his painful sensations and the loss of memory, Hess answers that this is for the doctors to know. According to his own assertions, he can remember almost nothing of his former life. The gaps in Hess' memory are ascertained only on the basis of the subjective changing of his testimony about his inability to remember this or that person or event given at different times. What he knows at the present time is, in his own words, what he allegedly learned only recently from the information of those around him and the films which have been shown him.

On Nov. 14 Hess refused the injection of narcotics which were offered for the purpose of making an analysis of his psychological condition. On Nov. 15, in answer to Prof. Delay's offer, he definitely and firmly refused narcosis and explained to him that, in general, he would take all measures to cure his amnesia only upon completion of the trial.

All that has been exposed above, we are convinced, permits, of the interpretation that the deviation from the norm in the behavior of Hess takes the following forms:

1. In the psychological personality of Hess there are no changes typical of the progressive schizophrenic disease, and therefore the delusions, from which he suffered periodically while in England, cannot be considered as manifestations of a schizophrenic paranoia, and must be recognized as the expression of a psychogenic paranoid reaction, that is, the psychologically comprehensible reaction of an unstable (psychologically) personality to the situation (the failure of his mission, arrest and incarceration). Such an interpretation of the delirious statements of Hess in England is bespoken by their disappearance, appearance and repeated disappearance depending on external circumstances which affected the mental state of Hess.

II. The loss of memory by Hess is not the result of some kind of mental disease but represents hysterical amnesia, the basis of which is a subconscious inclination toward self-defense as well as a deliberate and conscious tendency toward it. Such behavior often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore, the amnesia of Hess may end upon his being brought to trial.

III. Rudolf Hess, prior to his flight to England, did not suffer from any kind of insanity, nor is he now suffering from it. At the present time he exhibits hysterical behavior with signs of a conscious-intentional (simulated) character, which does not exonerate him from his responsibility under the indictment.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief Therapeutist of the Commissariat of Health of the U.S.S.R. (signed)

17 November 1945

TO THE INTERNATIONAL MILITARY TRIBUNAL

In pursuance of the assignment by the Tribunal, we, the medical experts of the Soviet Delegation, together with the physicians of the English Delegation and in the presence of one representative of the American Medical Delegation, have examined Rudolf Hess and made a report on our examination of Mr. Hess together with our conclusions and interpretation of the behavior of Mr. Hess.

The statement of the general conclusions has been signed only by the physicians of the Soviet Delegation and by Professor Delay, the medical expert of the French Delegation.

Appendix: 1) Conclusions and 2) the Report on the examination of Mr. Hess.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kushakov, Doctor of Medicine, Chief Therapist of the Commissariat of Health of the U.S.S.R. (signed)

November 17, 1945

After observation and an examination of Rudolf Hess the undersigned have reached the following conclusions:

1. No essential physical deviations from normality were observed.

2. His mental conditions are of a mixed type. He is an unstable person, which in technical terms is called a psychopathic personality. The data concerning his illness during the period of the last four years submitted by one of us who had him under observation in England, show that he had a delusion of being poisoned and other similar paranoid notions.

Partly as a reaction to the failure of his mission there, the abnormal manifestations increased and led to attempts at suicide. In addition to the above mentioned he has noticeable hysterical tendencies which caused a development of various symptoms, primarily, of amnesia that lasted from November 1943 to June of 1944 and resisted all attempts to be cured.

The amnesia symptom may disappear with changing circumstances.

The second period of amnesia started in February of 1945 and has lasted up through the present.

3. At present, he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him but it will interfere with his ability to conduct his defense and to understand details of the past which would appear as factual data.

4. To clarify the situation we recommend that a narco-analysis be performed on him and, if the Court decides to submit him to trial, the problem should be subsequently re-examined again from a psychiatric point of view.

The conclusion reached on November 14 by the physicians of the British Delegation, Lord Morn, Dr. T. Rees and Dr. G. Riddoch, and the physicians of the Soviet Delegation, Professors Krasnushkin, Sepp, and Kurshakov, was also arrived at on November 15 by the representative of the French Delegation, Professor Jean Delay.

After an examination of Mr. Hess which took place on November 15, 1945, the undersigned Professors and experts of the Soviet Delegation, Krasnushkin, Sepp and Kurshakov, and Professor Jean Delay, the expert from the French Delegation, have agreed on the following statement:

Mr. Hess categorically refused to be submitted to narco-analysis and resisted all other procedures intended to effect a cure of his amnesia, and stated that he would agree to undergo treatment only after the trial. The behavior of Mr. Hess makes it impossible to apply the methods suggested in Paragraph 4 of the report of November 14 and to follow the suggestion of that Paragraph in present form.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular
Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief
Therapeutist of the Commissariat of Health of
the U.S.S.R. (signed)

Professor Jean Delay of the School of Medicine
in Paris (signed)

November 16, 1945

International Military Tribunal

RECORD OF EXAMINATION OF RUDOLF HESS

According to the information obtained on Nov. 16, 1945, during the interrogation of Rosenberg who had seen Hess immediately before the latter's flight to England, Hess gave no evidence of any abnormality either in appearance or conversation. He was, as usual, quiet and composed. Nor was it apparent that he might have been nervous. Prior to this, he was a calm person, habitually suffering pains in the region of the stomach.

As can be judged on the basis of the report of the English psychiatrist, Doctor Rees, who had Hess under observation from the first days of his flight to England, Hess, after the airplane crash, disclosed no evidence of a brain injury, but, upon arrest and incarceration, he began to give expression to ideas of persecution, he feared that he would be poisoned, or killed and his death represented as a suicide, and that all this would be done by the English under hypnotic influence of the Jews. Furthermore, these delusions of persecution were maintained up to the news of the catastrophe suffered by the German Army at Stalingrad when the manifestations were replaced by amnesia. According to Doctor Rees, the delusions of persecution and the amnesia were observed not to take place simultaneously. Furthermore, there were two attempts at suicide. A knife wound, inflicted during the second attempt, in the skin near the heart gave evidence of a clearly hysterico-demonstrative character. After this there was again observed a change from amnesia to delusions of persecution, and during this period he wrote that he was simulating his amnesia, and, finally, again entered into a state of amnesia which has been prolonged up to the present.

According to the examination of Rudolf Hess on Nov. 14, 1945, the following was disclosed.

Hess complains of frequent cramping pains in the region of the stomach which appear independent of the taking of food, and headaches in the frontal lobes during mental strain, and, finally, of loss of memory.

In general his condition is marked by a pallor of the skin and noticeable reduction in food intake.

Regarding the internal organs of Hess, the pulse is 92, and a weakening of the heart tone is noticeable. There has been no change in the condition of the other internal organs.

Concerning the neurological aspect, there are no symptoms of organic impairment of the nervous system.

continued on the next page.

International Military Tribunal
Record of examination of Rudolf Hess

Psychologically, Hess is in a state of clear consciousness; knows that he is in prison at Nurenberg under indictment as a war criminal; has read, and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent, his thoughts formed with precision and correctness and they are accompanied by sufficient emotionally expressive movements. Also, there is no kind of evidence of paralogism. It should also be noted here, that the present psychological examination, which was conducted by Lieut. Gilbert, Ph. D., bears out the testimony that the intelligence of Hess is normal and in some instances above the average. His movements are natural and not forced.

He has expressed no delirious fancies nor does he give any delirious explanation for the painful sensation in his stomach or the loss of memory, as was previously attested to by Doctor Rees, namely, when Hess ascribed them to poisoning. At the present time, to the question about the reason for his painful sensations and the loss of memory, Hess answers that this is for the doctors to know. According to his own assertions, he can remember almost nothing of his former life. The gaps in Hess' memory are ascertained only on the basis of the subjective changing of his testimony about his inability to remember this or that person or event given at different times. What he knows at the present time is, in his own words, what he allegedly learned only recently from the information of those around him and the films which have been shown him.

On Nov. 14 Hess refused the injection of narcotics which were offered for the purpose of making an analysis of his psychological condition. On Nov. 15, in answer to Prof. Delay's offer, he definitely and firmly refused narcosis and explained to him that, in general, he would take all measures to cure his amnesia only upon completion of the trial.

All that has been exposed above, we are convinced, permits, of the interpretation that the deviation from the norm in the behavior of Hess takes the following forms:

1. In the psychological personality of Hess there are no changes typical of the progressive schizophrenic disease, and therefore the delusions, from which he suffered periodically while in England, cannot be considered as manifestations of a schizophrenic paranoia, and must be recognized as the expression of a psychogenic paranoic reaction, that is, the psychologically comprehensible reaction of an unstable (psychologically) personality to the situation (the failure of his mission, arrest and incarceration). Such an interpretation of the delirious statements of Hess in England is bespoken by their disappearance, appearance and repeated disappearance depending on external circumstances which affected the mental state of Hess.

continued on next page.

International Military Tribunal
Record of examination of Rudolf Hess

II. The loss of memory by Hess is not the result of some kind of mental disease but represents hysterical amnesia, the basis of which is a subconscious inclination toward self-defense as well as a deliberate and conscious tendency toward it. Such behavior often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore, the amnesia of Hess may end upon his being brought to trial.

III. Rudolf Hess, prior to his flight to England, did not suffer from any kind of insanity, nor is he suffering from it now. At the present time he exhibits hysterical behavior with signs of a conscious-intentional (simulated) character, which does not exonerate him from his responsibility under the indictment.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief Therapeutist of the Commissariat of Health of the U.S.S.R. (signed)

17 November 1945

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al

Defendants

ORDER

1. Counsel for the defendant Hess has made application to the Tribunal to appoint an expert designated by the medical faculty of the University of Zurich or of Lausanne to examine the defendant Hess with reference to his mental competence and capacity to stand trial. This application is denied.

2. The tribunal has designated a commission composed of the following members:

Eugene Krasnuchkin, M.D., Professor Psychiatry,
Medical Institute of Moscow, assisted by
Eugene Sepp, M.D., Professor Neurology
Medical Institute of Moscow
Member, Academy of Medical Sciences, USSR; and
Nicolas Kuraskov, M.D., Professor of Medicine
Medical Institute of Moscow,
Chief Internist, Commissariat of Public Health, USSR.

Lord Moran, M.D. F.R.C.P.
President of the Royal College of Physicians, assisted by
Dr. T. Reece, M.D. F.R.C.P.
Chief Consultant Psychiatrist to the War Office, and
Dr. George Ruddock, M.D. F.R.C.P.
Director of Neurology to the London Hospital and
Chief Consultant Neurologist to the War Office

Dr. Nolan D. C. Lewis, assisted by
Dr. D. Ewen Cameron and
Col. Paul Schroeder, M.D.

Professor Jean Delay

The Tribunal has requested the commission to examine the defendant Hess and furnish a report on the mental state of the defendant with particular reference to the question whether he is able to take his part in the trial, specifically: (1) Is the defendant able to plead to the indictment? (2) Is the defendant sane or not,

and on this last issue the Tribunal wishes to be advised whether the defendant is of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense, to challenge a witness to whom he might wish to object and to understand the details of the evidence.

3. The examiners have presented their reports to the Tribunal in the form which commends itself to them. It is directed that copies of the reports be furnished to each of the Chief Prosecutors and to defense counsel. The Tribunal will hear argument by the Prosecution and by defense counsel on the issues presented by the reports on Friday, November 30 at 4 P.M.

INTERNATIONAL MILITARY TRIBUNAL

/s/ Geoffrey Lawrence
Geoffrey Lawrence
President

Dated Nurnberg, Germany this
24th day of November, 1945

Copies of four (4) Medical Reports
attached

Report on Rudolf Hess, telephoned from London.

"The undersigned, having seen and examined Rudolf Hess, have come to the following conclusion:-

1. There are no relevant physical abnormalities.
2. His mental state is of a mixed type. He is an unstable man, and what is technically called a psychopathic personality. The evidence of his illness in the past four years, as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning, and other similar paranoid ideas.

Partly as a reaction to the failure of his mission, these abnormalities got worse, and led to suicidal attempts.

In addition, he has marked hysterical tendency, which has led to the development of various symptoms, notably a loss of memory, which lasted from November 1943 to June 1944, and which resisted all efforts at treatment. A second loss of memory began in February 1945 and lasted till the present. This amnesic symptom will eventually clear, when circumstances change.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defence, and to understand details of the past, which arise in evidence.

4. We recommend that further evidence should be obtained by narco-analysis and that if the Court decides to proceed with the Trial, the question should afterwards be reviewed on psychiatric grounds."

Dated 19th November, 1945

(Sgd) Moran
J. Rees, M.D., F.R.C.P.

George Riddoch

20 November 1945

MEMORANDUM TO: Brigadier General Wm. L. Mitchell,
General Secretary for the International Military
Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th 1945 in his cell in the Military Prison in Nurnberg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th 1945.

(1) We find, as a result of our examinations and investigations that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals, was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

(s) D. Ewen Cameron
DR. D. EWEN CAMERON
Professor of Psychiatrie
McGill University

(s) Paul L. Schroeder
COL. PAUL L. SCHROEDER

A.U.S. Neuropsychiatric Consultant-Prof. Psychiatry, Columbia Univ.

(s) Jean Delay
DR. JEAN DELAY
Professor of Psychiatrie at the
Faculty of Medicine in Paris

(s) Nolan D. C. Lewis

DR. NOLAN D.C. LEWIS

TO THE INTERNATIONAL MILITARY TRIBUNAL

In pursuance of the assignment by the Tribunal, we, the medical experts of the Soviet Delegation, together with the physicians of the English Delegation and in the presence of one representative of the American Medical Delegation, have examined Rudolf Hess and made a report on our examination of Mr. Hess together with our conclusions and interpretation of the behavior of Mr. Hess.

The statement of the general conclusions has been signed only by the physicians of the Soviet Delegation and by Professor Delay, the medical expert of the French Delegation.

Appendix: 1) Conclusions and 2) the Report on the examination of Mr. Hess.

Professor Kransnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kushakov, Doctor of Medicine, Chief Therapeutist of the Commissariat of Health of the U.S.S.R. (signed)

November 17, 1945

After observation and an examination of Rudolf Hess the undersigned have reached the following conclusions:

1. No essential physical deviations from normality were observed.

2. His mental conditions are of a mixed type. He is an unstable person, which in technical terms is called a psychopathic personality. The data concerning his illness during the period of the last four years submitted by one of us who had him under observation in England, show that he had a delusion of being poisoned and other similar paranoid notions.

Partly as a reaction to the failure of his mission there, the abnormal manifestations increased and led to attempts at suicide. In addition to the above mentioned he has noticeable hysterical tendencies which caused a development of various symptoms, primarily, of amnesia that lasted from November 1943 to June of 1944 and resisted all attempts to be cured.

The amnesia symptom may disappear with changing circumstances.

The second period of amnesia started in February of 1945 and has lasted up through the present.

3. At present, he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him but it will interfere with his ability to conduct his defense and to understand details of the past which would appear as factual data.

4. To clarify the situation we recommend that a narco-analysis be performed on him and, if the Court decides to submit him to trial, the problem should be subsequently re-examined again from a psychiatric point of view.

The conclusion reached on November 14 by the physicians of the British Delegation, Lord Morn, Dr. T. Rees and Dr. G. Riddoch, and the physicians of the Soviet Delegation, Professors Krasnushkin, Sepp, and Kurshakov, was also arrived at on November 15 by the representative of the French Delegation, Professor Jean Delay.

After an examination of Mr. Hess which took place on November 15, 1945, the undersigned Professors and experts of the Soviet Delegation, Krasnushkin, Sepp and Kurshakov, and Professor Jean Delay, the expert from the French Delegation, have agreed on the following statement:

continued on next page

To the international military tribunal

Mr. Hess categorically refused to be submitted to narco-analysis and resisted all other procedures intended to effect a cure of his amnesia, and stated that he would agree to undergo treatment only after the trial. The behavior of Mr. Hess makes it impossible to apply the methods suggested in Paragraph 4 of the report of November 14 and to follow the suggestion of that Paragraph in present form.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief Therapist of the Commissariat of Health of the U.S.S.R. (signed)

Professor Jean Delay of the School of Medicine in Paris (signed)

November 16, 1945

25 November 1945

A DRAFT OF STATEMENT OF RELEASE FOR CONSIDERATION BY MR.
JUSTICE JACKSON

The presence of the leaders of the Nazi regime in Nurnberg offers an opportunity without parallel in history to study the psychological and sociological nature of the development of Germany during the last two decades.

This opportunity has excited the keen interests of social scientists from the leading universities. Some of them are at present attending the trials and are laying plans for an intensive examination of all information concerning the personalities, the activities, and the behavior generally of these leaders of Nazi Germany

The studies are still in their preliminary stages, but it is hoped that from them may come information and conclusions likely to be of assistance to all those who are to be engaged in the gigantic task of dealing with Germany so that she may ultimately be able to return to cooperation with other nations

26 November 1945

The undersigned having seen and examined RUDOLF HESS have come to the following conclusions:

1. There are no relevant physical abnormalities.
2. His mental state is of a mixed type. He is an unstable man and what is technically called a psychopathic personality. The evidence of his illness in the past four years as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning and other similar paranoid ideas.

Partly as a reaction to the failure of his mission these abnormalities got worse and led to suicidal attempts.

In addition he has a marked hysterical tendency which has led to the development of various symptoms, notably a loss of memory which lasted from November 1943 to June 1944 and which resisted all efforts at treatment. This amnesic symptom will eventually clear when circumstances change. A second loss of memory began in February 1945 and lasted till the present.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defense and to understand details of the past which arise in evidence.

4. We recommend that further evidence should be obtained by Narce-analysis and that if the court decides to proceed with the trial the questions should afterward be reviewed on psychiatric grounds.

16 November 1945

Interrogation by Colonel Amen of Hess and two former female secretaries in presence of ten other persons including Senator Pepper, his Secretary, Mr. Dean (PRO), Colonel Schroeder, Major Kelly, interpreter, stenatypist (male) and three guards.

Hess was seated with back to the door handcuffed to a guard. One of his secretaries entered the room. She presented herself to Hess with evident uncertainty and considerable restrained feeling. Hess partly rose in his chair, extended his left hand and looked at her as if he recognized her but with out much show of feeling. She asked him if he remembered her and without giving him an opportunity to answer immediately she reminded him who she was. He expressed great interest in her statement. Then she showed him several pictures of his son. He said, "He looks older than I expected". Soon thereafter he asked her if he might have them whereupon she turned to Colonel Amen and asked if she might leave all but one. The one she kept was of Hess with a child in his arms. Hess' wish was granted.

The conversation which followed was many questions which he asked about friends and places. The secretary talked about his wife as if she and his wife were old friends. She offered to write to these friends and he asked that she send his regards.

After a time Hess told her he had lost his memory which seemed to surprise her. A second former female secretary was brought in. She displaced a great deal of surprise at finding the first secretary there and her eyes seemed to pop out of her head for a moment. When she greeted Hess he partially rose but did not extend his hand and asked who she was, the first

secretary told him. Hess asked if she had worked with him. There was obsurantly much less feeling expressed by him at the arrival of the second. The latter seemed in the point of tears much of the time and the other had a sullen cornered look on her face.

The conversation between the three of them was soon in a lighter vein and Hess was observed to smile and pat the women on the knee in a familiar friendly good fellowship way. At one point Hess asked them if they were in prison too. The first said "Yes, already two times, once by the German Gestapo". The other said she was taken prisoner in Bremen. The first told that she had been working as a medical technician for the American hospital.

They all commiserated with one another over their lot.

In the course of the interrogation an incident of significance occurred. Hess was asked about a matter which he replied, "I do not remember whereupon the 1st woman interrupted in a natural manner, picking up one of the pictures saying, "here, maybe this will help you to remember". Hess immediately and hurriedly waved his left hand at her in a restraining manner and said, "I do not want help". She was taken back. Later when in Hess' absence she asked about it and she said she could only remember that she had offered help but not what Hess had done or said.

... by the German Gestapo". The other said she was taken prisoner in Bremen. The first told that she had been working as a medical technician for the American hospital.

They all commiserated with one another over their lot.

In the course of the interrogation

20 November 1945.

MEMORANDUM TO: Brigadier General Wm. D. Mitchell,
General Secretary for the International Military
Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th 1945 in his cell in the Military Prison in Lurnberg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th 1945.

(1) We find, as a result of our examinations and investigations, that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals, was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that

Memorandum to:

-2-

Brigadier General Wm. L. Mitchell-continued

it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

DR. JEAN DELAY
Professor of Psychiatric at the
Faculty of Medicine in Paris.

DR. FOLAN D.C. LEIS
Professor of Psychiatric, Columbia
University

DR. D. WEN CAMERON
Professor of Psychiatric, McGill
University

COL. PAUL L. SCHROEDER
A.U.S. Neuropsychiatric Consultant

RECORD OF EXAMINATION OF RUDOLF HESS

According to the information obtained on Nov. 16, 1945, during the interrogation of Rosenberg who had seen Hess immediately before the latter's flight to England, Hess gave no evidence of any abnormality either in appearance or conversation. He was, as usual, quiet and composed. Nor was it apparent that he might have been nervous. Prior to this, he was a calm person, habitually suffering pains in the region of the stomach.

As can be judged on the basis of the report of the English psychiatrist, Doctor Rees, who had Hess under observation from the first days of his flight to England, Hess, after the airplane crash, disclosed no evidence of a brain injury, but, upon arrest and incarceration, he began to give expression to ideas of persecution, he feared that he would be poisoned, or killed and his death represented as a suicide, and that all this would be done by the English under hypnotic influence of the Jews. Furthermore, these delusions of persecution were maintained up to the news of the catastrophe suffered by the German Army at Stalingrad when the manifestations were replaced by amnesia. According to Doctor Rees, the delusions of persecution and the amnesia were observed not to take place simultaneously. Furthermore, there were two attempts at suicide. A knife wound, inflicted during the second attempt, in the skin near the heart gave evidence of a clearly hysterico-demonstrative character. After this there was again observed a change from amnesia to delusions of persecution, and during this period he wrote that he was simulating his amnesia, and, finally, again entered into a state of amnesia which has been prolonged up to the present.

According to the examination of Rudolf Hess on Nov. 14, 1945, the following was disclosed.

Hess complains of frequent cramping pains in the region of the stomach which appear independent of the taking of food, and headaches in the frontal lobes during mental strain, and, finally, of loss of memory.

In general his condition is marked by a pallor of the skin and noticeable reduction in food intake.

Regarding the internal organs of Hess, the pulse is 92, and a weakening of the heart tone is noticeable. There has been no change in the condition of the other internal organs.

Concerning the neurological aspect, there are no symptoms of organic impairment of the nervous system.

continued on the next page.

International Military Tribunal
Record of examination of Rudolf Hess

Psychologically, Hess is in a state of clear consciousness; knows that he is in prison at Nurenberg under indictment as a war criminal; has read, and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent, his thoughts formed with precision and correctness and they are accompanied by sufficient emotionally expressive movements. Also, there is no kind of evidence of paralogism. It should also be noted here, that the present psychological examination, which was conducted by Lieut. Gilbert, Ph. D., bears out the testimony that the intelligence of Hess is normal and in some instances above the average. His movements are natural and not forced.

He has expressed no delirious fancies nor does he give any delirious explanation for the painful sensation in his stomach or the loss of memory, as was previously attested to by Doctor Rees, namely, when Hess ascribed them to poisoning. At the present time, to the question about the reason for his painful sensations and the loss of memory, Hess answers that this is for the doctors to know. According to his own assertions, he can remember almost nothing of his former life. The gaps in Hess' memory are ascertained only on the basis of the subjective changing of his testimony about his inability to remember this or that person or event given at different times. What he knows at the present time is, in his own words, what he allegedly learned only recently from the information of those around him and the films which have been shown him.

On Nov. 14 Hess refused the injection of narcotics which were offered for the purpose of making an analysis of his psychological condition. On Nov. 15, in answer to Prof. Delay's offer, he definitely and firmly refused narcosis and explained to him that, in general, he would take all measures to cure his amnesia only upon completion of the trial.

All that has been exposed above, we are convinced, permits, of the interpretation that the deviation from the norm in the behavior of Hess takes the following forms:

1. In the psychological personality of Hess there are no changes typical of the progressive schizophrenic disease, and therefore the delusions, from which he suffered periodically while in England, cannot be considered as manifestations of a schizophrenic paranoia, and must be recognized as the expression of a psychogenic paranoic reaction, that is, the psychologically comprehensible reaction of an unstable (psychologically) personality to the situation (the failure of his mission, arrest and incarceration). Such an interpretation of the delirious statements of Hess in England is bespoken by their disappearance, appearance and repeated disappearance depending on external circumstances which affected the mental state of Hess.

continued on next page.

International Military Tribunal
Record of examination of Rudolf Hess

II. The loss of memory by Hess is not the result of some kind of mental disease but represents hysterical amnesia, the basis of which is a subconscious inclination toward self-defense as well as a deliberate and conscious tendency toward it. Such behavior often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore, the amnesia of Hess may end upon his being brought to trial.

III. Rudolf Hess, prior to his flight to England, did not suffer from any kind of insanity, nor is he suffering from it now. At the present time he exhibits hysterical behavior with signs of a conscious-intentional (simulated) character, which does not exonerate him from his responsibility under the indictment.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief Therapeutist of the Commissariat of Health of the U.S.S.R. (signed)

17 November 1945

INTERNATIONAL MILITARY TRIBUNAL

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GORING, et al

Defendants

ORDER

1. Counsel for the defendant Hess has made application to the Tribunal to appoint an expert designated by the medical faculty of the University of Zurich or of Lausanne to examine the defendant Hess with reference to his mental competence and capacity to stand trial. This application is denied.

2. The tribunal has designated a commission composed of the following members:

Eugene Krasnuchkin, M.D., Professor Psychiatry,
Medical Institute of Moscow, assisted by
Eugene Sepp, M.D., Professor Neurology
Medical Institute of Moscow
Member, Academy of Medical Sciences, USSR; and
Nicolas Kuraskov, M.D., Professor of Medicine
Medical Institute of Moscow,
Chief Internist, Commissariat of Public Health, USSR.

Lord Moran, M.D. F.R.C.P.
President of the Royal College of Physicians, assisted by
Dr. T. Reece, M.D. F.R.C.P.
Chief Consultant Psychiatrist to the War Office, and
Dr. George Ruddock, M.D. F.R.C.P.
Director of Neurology to the London Hospital and
Chief Consultant Neurologist to the War Office

Dr. Nolan D. C. Lewis, assisted by
Dr. D. Ewen Cameron and
Col. Paul Schroeder, M.D.

Professor Jean Delay

The Tribunal has requested the commission to examine the defendant Hess and furnish a report on the mental state of the defendant with particular reference to the question whether he is able to take his part in the trial, specifically: (1) Is the defendant able to plead to the indictment? (2) Is the defendant sane or not,

and on this last issue the Tribunal wishes to be advised whether the defendant is of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense, to challenge a witness to whom he might wish to object and to understand the details of the evidence.

3. The examiners have presented their reports to the Tribunal in the form which commends itself to them. It is directed that copies of the reports be furnished to each of the Chief Prosecutors and to defense counsel. The Tribunal will hear argument by the Prosecution and by defense counsel on the issues presented by the reports on Friday, November 30 at 4 P.M.

INTERNATIONAL MILITARY TRIBUNAL

/s/ Geoffrey Lawrence
Geoffrey Lawrence
President

Dated Nurnberg, Germany this
24th day of November, 1945

Copies of four (4) Medical Reports
attached

Report on Rudolf Hess, telephoned from London.

"The undersigned, having seen and examined Rudolf Hess, have come to the following conclusion:-

1. There are no relevant physical abnormalities.
2. His mental state is of a mixed type. He is an unstable man, and what is technically called a psychopathic personality. The evidence of his illness in the past four years, as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning, and other similar paranoid ideas.

Partly as a reaction to the failure of his mission, these abnormalities got worse, and led to suicidal attempts.

In addition, he has marked hysterical tendency, which has led to the development of various symptoms, notably a loss of memory, which lasted from November 1943 to June 1944, and which resisted all efforts at treatment. A second loss of memory began in February 1945 and lasted till the present. This amnesic symptom will eventually clear, when circumstances change.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defence, and to understand details of the past, which arise in evidence.

4. We recommend that further evidence should be obtained by narco-analysis and that if the Court decides to proceed with the Trial, the question should afterwards be reviewed on psychiatric grounds."

Dated 19th November, 1945

(Sgd) Moran

J. Rees, M.D., F.R.C.P.

George Riddoch

20 November 1945

MEMORANDUM TO: Brigadier General Wm. L. Mitchell,
General Secretary for the International Military
Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th 1945 in his cell in the Military Prison in Nurnberg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th 1945.

(1) We find, as a result of our examinations and investigations that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals, was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

(s) D. Ewen Cameron
DR. D. EWEN CAMERON
Professor of Psychiatrie
McGill University

(s) Paul L. Schroeder
COL. PAUL L. SCHROEDER

A.U.S. Neuropsychiatric Consultant-Prof. Psychiatry, Columbia Univ.

(s) Jean Delay
DR. JEAN DELAY
Professor of Psychiatrie at the
Faculty of Medicine in Paris

(s) Nolan D. C. Lewis

DR. NOLAN D.C. LEWIS

TO THE INTERNATIONAL MILITARY TRIBUNAL

In pursuance of the assignment by the Tribunal, we, the medical experts of the Soviet Delegation, together with the physicians of the English Delegation and in the presence of one representative of the American Medical Delegation, have examined Rudolf Hess and made a report on our examination of Mr. Hess together with our conclusions and interpretation of the behavior of Mr. Hess.

The statement of the general conclusions has been signed only by the physicians of the Soviet Delegation and by Professor Delay, the medical expert of the French Delegation.

Appendix: 1) Conclusions and 2) the Report on the examination of Mr. Hess.

Professor Kransnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular Member of the Academy of Medicine (signed)

Professor Kushakov, Doctor of Medicine, Chief Therapeutist of the Commissariat of Health of the U.S.S.R. (signed)

November 17, 1945

International Military Tribunal

After observation and an examination of Rudolf Hess the undersigned have reached the following conclusions:

1. No essential physical deviations from normality were observed.
2. His mental conditions are of a mixed type. He is an unstable person, which in technical terms is called a psychopathic personality. The data concerning his illness during the period of the last four years submitted by one of us who had him under observation in England, show that he had a delusion of being poisoned and other similar paranoid notions.

Partly as a reaction to the failure of his mission there, the abnormal manifestations increased and led to attempts at suicide. In addition to the above mentioned he has noticeable hysterical tendencies which caused a development of various symptoms, primarily, of amnesia that lasted from November 1943 to June of 1944 and resisted all attempts to be cured.

The amnesia symptom may disappear with changing circumstances.

The second period of amnesia started in February of 1945 and has lasted up through the present.

3. At present, he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him but it will interfere with his ability to conduct his defense and to understand details of the past which would appear as factual data.

4. To clarify the situation we recommend that a narco-analysis be performed on him and, if the Court decides to submit him to trial, the problem should be subsequently re-examined again from a psychiatric point of view.

The conclusion reached on November 14 by the physicians of the British Delegation, Lord Morn, Dr. T. Rees and Dr. G. Riddoch, and the physicians of the Soviet Delegation, Professors Krasnushkin, Sepp, and Kurshakov, was also arrived at on November 15 by the representative of the French Delegation, Professor Jean Delay.

After an examination of Mr. Hess which took place on November 15, 1945, the undersigned Professors and experts of the Soviet Delegation, Krasnushkin, Sepp and Kurshakov, and Professor Jean Delay, the expert from the French Delegation, have agreed on the following statement:

continued on next page

To the international military tribunal

Mr. Hess categorically refused to be submitted to narco-analysis and resisted all other procedures intended to effect a cure of his amnesia, and stated that he would agree to undergo treatment only after the trial. The behavior of Mr. Hess makes it impossible to apply the methods suggested in Paragraph 4 of the report of November 14 and to follow the suggestion of that Paragraph in present form.

Professor Krasnushkin, Doctor of Medicine (signed)

Professor Sepp, Honorary Scientist, Regular
Member of the Academy of Medicine (signed)

Professor Kurshakov, Doctor of Medicine, Chief
Therapeutist of the Commissariat of Health of
the U.S.S.R. (signed)

Professor Jean Delay of the School of Medicine
in Paris (signed)

November 16, 1945

A DRAFT OF STATEMENT OF RELEASE FOR CONSIDERATION BY MR.
JUSTICE JACKSON

The presence of the leaders of the Nazi regime in Nurnberg offers an opportunity without parallel in history to study the psychological and sociological nature of the development of Germany during the last two decades.

This opportunity has excited the keen interests of social scientists from the leading universities. Some of them are at present attending the trials and are laying plans for an intensive examination of all information concerning the personalities, the activities, and the behavior generally of these leaders of Nazi Germany

The studies are still in their preliminary stages, but it is hoped that from them may come information and conclusions likely to be of assistance to all those who are to be engaged in the gigantic task of dealing with Germany so that she may ultimately be able to return to cooperation with other nations

26 November 1945

The undersigned having seen and examined RUDOLF HESS have come to the following conclusions:

1. There are no relevant physical abnormalities.
2. His mental state is of a mixed type. He is an unstable man and what is technically called a psychopathic personality. The evidence of his illness in the past four years as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning and other similar paranoid ideas.

Partly as a reaction to the failure of his mission these abnormalities got worse and led to suicidal attempts.

In addition he has a marked hysterical tendency which has led to the development of various symptoms, notably a loss of memory which lasted from November 1943 to June 1944 and which resisted all efforts at treatment. This amnesic symptom will eventually clear when circumstances change. A second loss of memory began in February 1945 and lasted till the present.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defense and to understand details of the past which arise in evidence.

4. We recommend that further evidence should be obtained by Narce-analysis and that if the court decides to proceed with the trial the questions should afterward be reviewed on psychiatric grounds.

There are no relevant physical abnormalities. The patient's state is of a mixed type. He is an unstable man and what is technically called a psychopathic personality. The evolution of his illness in the past four years is presented by one of the cases under his care in England, indicates that he has had a history of pottering and other similar paranoid ideas. It is a report on the failure of his mission these days.

YACOB
LAW
UNANIMITY
APPOINTED TO THE
TRIBUNAL
WALL DOCUMENTS
UTTER UARL

HEAVEN
MAHOMMATS COPPA
ITS
CONVENTION
ALYBANTINA

~~CURE WOULD NOT AFFECT NAZI IDEAS~~

- TREATMENT
- ① OUTCOME DOUBTFUL
 - ② AGAINST WILL
 - ③ WOULD NOT HAVE AFFECTED NAZI IDEAS
 - ④ PROFOUND UNREALISM
 - ⑤ DUPLICITY

④ GROUP TO STUDY POWER FIGURES
JULIUS STRICHER

⑤ MECHANISM NEC. TO THE FUNCTIONING OF THE PERSONALITY OF HITLER
CAP. FOR FANATICAL DEVOTION
UTTER LOYALTY

GOING WAS BEGINNING OF END

16 November 1945

Interrogation by Colonel Amen of Hess and two former female secretaries in presence of ten other persons including Senator Pepper, his Secretary, Mr. Dean (PRO), Colonel Schroeder, Major Kelly, interpreter, stenatypist (male) and three guards.

Hess was seated with back to the door handcuffed to a guard. One of his secretaries entered the room. She presented herself to Hess with evident uncertainty and considerable restrained feeling. Hess partly rose in his chair, extended his left hand and looked at her as if he recognized her but with out much show of feeling. She asked him if he remembered her and without giving him an opportunity to answer immediately she reminded him who she was. He expressed great interest in her statement. Then she showed him several pictures of his son. He said, "He looks older than I expected". Soon thereafter he asked her if he might have them whereupon she turned to Colonel Amen and asked if she might leave all but one. The one she kept was of Hess with a child in his arms. Hess' wish was granted.

The conversation which followed was many questions which he asked about friends and places. The secretary talked about his wife as if she and his wife were old friends. She offered to write to these friends and he asked that she send his regards.

After a time Hess told her he had lost his memory which seemed to surprise her. A second former female secretary was brought in. She displaced a great deal of surprise at finding the first secretary there and her eyes seemed to pop out of her head for a moment. When she greeted Hess he partially rose but did not extend his hand and asked who she was, the first

(Interrogation of Hess and two former secretaries - con'd from page 1)

2

secretary told him. Hess asked if she had worked with him. There was obsurantly much less feeling expressed by him at the arrival of the second. The latter seemed in the point of tears much of the time and the other had a sullen cornered look on her face.

The conversation between the three of them was soon in a lighter vein and Hess was observed to smile and pat the women on the knee in a familiar friendly good fellowship way. At one point Hess asked them if they were in prison too. The first said "Yes, already two times, once by the German Gestapo". The other said she was taken prisoner in Bremen. The first told that she had been working as a medical technician for the American hospital.

They all commiserated with one another over their lot.

In the course of the interrogation an incident of significance occurred. Hess was asked about a matter which he replied, "I do not remember", whereupon the 1st woman interrupted in a natural manner, picking up one of the pictures saying, "here, maybe this will help you to remember". Hess immediately and hurriedly waved his left hand at her in a restraining manner and said, "I do not want help". She was taken back. Later when in Hess' absence she asked about it and she said she could only remember that she had offered help but not what Hess had done or said.

20 November 1945.

MEMORANDUM TO: Brigadier General Wm. D. Mitchell,
General Secretary for the International Military
Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th 1945 in his cell in the Military Prison in Nurn berg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th 1945.

(1) We find, as a result of our examinations and investigations, that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals, was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that

Memorandum to:

-2-

Brigadier General Wm. L. Mitchell-continued

it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

DR. JEAN DELAY
Professor of Psychiatric at the
Faculty of Medicine in Paris.

DR. HOLLIS B.C. LEWIS
Professor of Psychiatric, Columbia
University

DR. G. WEN CAMERON
Professor of Psychiatric, McGill
University

COL. PAUL L. SCHROEDER
A.U.S. Neuropsychiatric Consultant

TO THE INTERNATIONAL MILITARY TRIBUNAL:

MATTER OF RUDOLF HESS

The undersigned representatives of their respective nations answer the request of the Tribunal of 28 November, 1945 respectfully as follows:

1. We do not challenge or question the report of the Committee.
2. It is our position that the defendant Rudolf Hess is fit to stand trial.
3. Observations may be filed by any of the undersigned based on their respective relationships to the subject matter.

R. RUDENKO

For the Union of Soviet Socialist
Republics

C. DUBOST

For the Provisional Government of
France.

DAVID MAXWELL-FYFE

For the United Kingdom of Great
Britain and Northern Ireland.

ROBERT H. JACKSON

For the United States of America

29 November 1945

The hearing of the Tribunal on November 30, 1945, concerning the mental state of the defendant Hess was noteworthy on several counts. First among these is the remarkable degree of accord revealed in the reports of the groups of psychiatric experts representing the four countries responsible for the trial. While there can be no doubt that the ^{FORTUNATE} particular fact that the experts were appointed by the Tribunal itself rather than ^{by} the prosecution and defense separately contributed to this agreement the extent of ^{CONCURRENCE} agreement as to diagnosis, as to sanity and, as to fitness to plead was remarkable. This was the more so since there has been a considerable curtailment of exchange of scientific information between the various countries during the war period and the normal transfer of ideas, technics and procedures has been limited.

This essential agreement between the groups whose examinations with the exception of that of the French who participated in all three were carried out separately strengthens the conclusions of the psychiatric panel

Of equal note is the fact that all four prosecutors and so far as can be determined, the counsel for the defense also accepted the findings although although some degree of difference as between the prosecution and defense was voiced, this being based upon the unanimous agreement of the psychiatric panel that the defendant's amnesia, while it would not interfere with his grasp of what was said, might result in his making a less adequate defense. COV 13

It ^{MAY} ~~may~~ be noted that the methods of treatment which were at one time proposed to Hess, which he refused and, which his counsel referred to as "forceful" are no means so. They consist very simply in the administra-

tion of sedatives such as sodium ^{AMYTAL} amythol or pentothol which are in daily use in general hospitals of large and small cities throughout the country. ^{THEY HAVE ALSO} ^{WITH} And the most have been used to conspicuous success in the treatment of those who have suffered from temporary impairment of memory as a consequence of battle experiences. They are pleasant to take and their immediate effects are to reduce any anxiety and apprehension which may be present and there are no undesirable after effects.

When the defendant was called upon to speak there ensued an episode which while apparently startling, is actually quite common in this type of condition. Hess announced that his memory was "again in order", that he had simulated his loss of memory for tactical reasons while in England but he had intended to reserve his declaration for a later period in the trial and that his attorney was not a party to this deception, ~~and~~ ~~he~~ qualified his statement by saying that his powers of concentration were still somewhat impaired but that he felt that he could grasp what was said and that he accepted the entire responsibility for the acts for which he was being tried though he denied the competence of the Tribunal to try him.

Analyzing these statements, one notes first the theatrical and dramatic ~~dramatic~~ nature of his ^{DECLARATION} statement and of his pose and related to this the lack of contact which the audience seemed to feel with him during the declaration as contrasted with that which they had evinced when Goering made his attempt to address the Tribunal ^{on} ~~and~~ being asked to plead to the indictment.

From his statement there appeared an interesting doubt as to whether he himself considered that he had always maintained full control of his memory, this being manifested in the statement that his memory was again in order though his concentration was still impaired.

The reports of all four expert groups had stressed the fact that while Hess suffered from a degree ^{OF} of hysterical amnesia, he consciously simulated a still greater degree of memory loss than he actually had and that he used it precisely as indeed the defendant admitted he did to ^{PROTECT} defend himself against inquiry and examination.

A further point which throws considerable light upon the stability of his personality is the very fact that having maintained this degree of simulation over a long period he discarded it at the very time when he might have hoped that it would save his life.

In the absence of further direct examination, no definite explanation can be given for ^{THIS} the throwing away of his carefully built up protection. Certain conjectures however seem reasonable. ~~First~~ ^A among these is that the association with the other defendants after a long period of practical isolation, the reviving by the prosecution of a great train of happenings and incidents in which Hess had taken part in earlier years and amazing though it may be to ordinary folk, the very possibility that he might be adjudged incompetent to plead and hence thrown out of the limelight resulted in the overcoming of the hysterical amnesia and then in a determination to drop his simulation. Incidentally, it had been noted over the last few days prior to November 30, 1945, that he was taking ~~x~~ progressively more interest in the trial, was wearing his earphones and had almost dropped reading his novels.

It is difficult for those not acquainted with the defendant to

realize how extraordinarily important prestige and the limelight are for them.

With regard to the further unfolding of Hess' behavior, we feel that it is essential to stress his great instability. Within the period of four years there has been a great variety of symptoms, delusions of persecution, 2 suicidal attempts, at least 2 periods of hysterical amnesia, various bodily symptoms such as his abdominal cramps which apparently are of neurotic origin and finally this last dramatic outburst. These abnormalities of behavior have appeared and vanished ^{AS THE} after pressures to which he has been subjected since he broke away from his established position in the Nazi hierarchy have waxed and ^{WANED} waned. At present it can only be stated that as the psychological stresses of the trial mount further evidences of his instability may well appear either in the form of his previous symptoms or in ways which differ from those which he has as yet shown.

Provisional suggestion for a book which might be called
"RUDOLF HESS
A Problem in Medical Diagnosis"

By a group of physicians who have been concerned with him
from 1941-1946

Edited by J.R.Rees, M.B., F.R.C.P.

Lately Consulting Psychiatrist to the British Army.

My acquaintance with Hess dates from about a fortnight after his arrival in this country in 1941. I was called in as the Army's Consulting Psychiatrist, and I saw him at intervals of five or six weeks from then on until he was taken across to Nuremberg in July 1945. I saw him again out there in November 1945.

Four other British Psychiatrists are involved in this history since they were in resident charge of him during these years when he was in this country. When he went to Nuremberg he came under the charge of the U.S.Army, and I am hoping to get a chapter from Major Douglas Kelly who was the Psychiatrist to the Army Prison there, who, owing to the circumstances had a unique opportunity of getting further in some ways in investigation of the case than we had been able to do during the War in this country.

It may possibly be wise also to have an Appendix, or a short second part, written by the three prominent American Psychiatrists who were sent over to see Hess in Nuremberg in December 1945, Professor Ewan Cameron, Professor Nolan D.C.Lewis, and Colonel Paul Schroeder.

Length of Book.

I should guess that the book could usefully be about 120 pages. It should not in my opinion contain padding, nor be repetitive if one can avoid this. It is possible that the various documents of evidence still to be given at Nuremberg may add to its length. It depends how much material of forensic or medico-legal importance is presented by either prosecution or defence. The book will be limited to medical history, and such other facts as are actually relevant. The War Office and the Foreign Office are prepared for the writing up of such material, subject of course to their scrutiny and censorship, provided that it does not deal with other material of a political character.

Contents.

1. Introductory Chapter. What happened, and how the problem came to notice. The nature of the medical and custodial problems, and how they were met.
2. The antecedent history of Hess.
3. The first phase of his captivity from the date of arrival to his unsuccessful attempt at suicide.
4. The second phase covering the period up to Stalingrad, with Hess' development of amnesia.
5. The third phase up to his removal to Nuremberg.
6. The fourth phase, Nuremberg, the trial and judgment. (Including, I hope, Major Douglas Kelly's findings).
7. Summary and conclusions, including possibly the comments of the American psychiatric team who saw him.

.. Appendices - It may be more convenient to print here some of

Compton

ADDITIONAL PSYCHIATRIC COMMENT
ON THE RUDOLPH HESS CASE

The role of the psychiatrist in the trial of the leading Axis war criminals attained historical significance. This significance was derived in large measure from the fact that the psychiatric panel was appointed by the International Military Tribunal and reported its findings directly to that body. This at one stroke obviated the distressing spectacle of scientific experts being pitted against each other so common in civilian criminal trials. This was in sharp contrast to universal practice of civilian courts in which the medical expert finds himself appointed either to the defense or prosecution and his impartiality brought into question by the very fact that he is made a party to a contest. He is denied access to information which permits him to be impartial.

The nature of the charges against the defendants are such as to arouse the keenest interest of all students of human behavior. In at least three of the defendants, namely: Hess, Streicher and Krupp definite question was raised as to their sanity and as to their ability to defend themselves against the charges.

The Tribunal took cognizance of these questions to request the examination of these defendants by representative psychiatrists of four of the victorious countries. Thus these scientists were permitted to make their study as impartial workers utilizing the scientific method. It removed the restriction imposed upon the expert witness in civilian courts in both criminal and civil trials in that they served neither prosecution nor defense. It is therefore unique in criminal jurisprudence and hence of tremendous historical interest. It sets a precedent which should be followed in all civilian criminal court proceedings.

The appointment of psychiatrists from four geographically widely separated countries, speaking three different languages,

and coming from other cultures assured a diversity of view point and breadth of approach in the studies made. It served also as a severe and critical test of the science of psychiatry and the ability of professional workers unaware of the methods used by one another to come to similar conclusions in spite of language and other barriers. That the 10 designated scientists came to unanimous conclusions on the main issues involved in the case is proof that the science of psychiatry is sound and that these representatives were independent in their work and free from political influences.

The Tribunal raised specific questions of a legal nature some of which required interpretation unfamiliar to the psychiatrist. However the Tribunal did not limit the psychiatrist to direct categorical replies and authorized a report made in the form which commended itself to the examiners. This is unique in court practice.

This psychiatrist as an expert witness in the court is not qualified to pass on legal matters. To attempt to do so would be stultifying and would confuse scientific method and legal practice. For example, the expert witness does not appreciate all the legal implications of the question "can the defendant plead to the indictment". He may inform himself but in so doing he must depart from the practice of medicine and enter the sphere of the profession of the law and specifically the field of criminal jurisprudence.

Likewise his concept of insanity differs from that of the judge. To the psychiatrist the word insanity means the existence of unsoundness of mind of such a nature and degree as to prevent him from distinguishing between right and wrong and from adhering to the right. To some others it is synonymous with psychosis.

Although, in general, insanity means the same thing to the court it has however other implications as well. These have to do with such questions as were raised in defendant Hess' case, namely: is---"the defendant (Hess) of sufficient intellect to comprehend the course of the proceedings of the trial --- to challenge a witness to whom he might wish to object and to understand the details of the evidence." The interest of the court in the defendant's intellect is understandable but it is not consistent with the psychiatrist's conception of insanity. Two fundamental principles were established in this examination. Firstly, the psychiatrist serves science and the purpose of the criminal court best when he is free as an impartial witness to utilize the scientific method in his examination. Secondly, his report is of greatest value when his findings are reported in definite understandable medical language. This was made possible by the International Military Tribunal by their instructions to the psychiatrists and by their request concerning the form of the reports.

Our examination revealed that Hess is not insane, has no disorder of consciousness, understands perfectly everything that is said to him and therefore understands the nature of the proceedings against him. He asserted that he had suffered a loss of memory for the past, but it was the definite impression that what he interpreted as depending upon memory was not available to an examiner, but what he did not understand as depending on memory as such was reproduced.

He claimed that he had no recollection or mental image of his parents yet he answered some other questions about his family without utilizing his usual phrase "I don't know". Moreover, he carried on the various mental and physical activities of his daily life despite the alleged loss of memory for the time when he learned them. The titles of some of the books he has been

reading indicate that he must have, in order to understand their significance, retained some of the background of his education and training, although he says he does not remember what studies he undertook in his early years and has no memory of his tutors. However when asked if he had ever studied astrology he replied emphatically "No" instead of "I don't remember".

These among other phenomena suggest that a part of the memory loss is simulated and it is probable that the hysterical or unconscious part is rather superficial. He adhered quite consistently to the patten of saying "I don't know", "I don't remember" to questions relating to his past life. It is probable that this type of response was originally developed consciously as a protective measure during a period of stress; that it has become habitual and has therefore become unconscious in part.

Detailed studies by means of special techniques that could have been made to determine the extent of the unconscious elements in this memory loss were resisted by him. His refusal was explained in such phrases as "My memory has nothing to do with my responsibility"..... "I can get my memory back by experiments after the trial.....It is not so important to get cured before the trial"..... There is no possibility of doing it in a natural way". He obviously wanted to retain the amnesia.

His behavior was dissimilar to that of the usual amnesic as evidenced by the lack of any attempt to recover his memory. His behavior during the early sessions of the trial, his apparent inattention to the proceedings and his reading of books including novels in the court room when matters which should have been of great vital interest to him were under discussion must be interpreted as abnormal reactions.

It is now the concensus among psychiatrists, that only an unstable person can or does use this method of dealing with the

major issues of life, and there is a sufficient amount of evidence in his personal history to indicate that he has been an unstable personality and has a neurotic character which has expressed itself in hysterical symptoms from time to time. His present claim to a loss of memory is one of these hysterical reactions developing in connection with the dilemma in which he found himself in England. The British record states that he had a loss of memory from November 1943 to June 1944, at which time it was recovered. His present amnesia started in February 1945 and now serves the psychological purpose of complicating the examination proceedings.

He therefore has a selective amnesia, hysterical in type utilizing defense mechanisms of an emotional neurotic nature. He has no brain disease as such as his capacity for thinking is basically intact. His difficulty being emotionally determined he is not wholly aware or entirely conscious of the significance of his symptoms, and although his ability is unimpaired he does not use it in the examinations and may not during the trial proceedings.

The hearing of the Tribunal on November 30, 1945, concerning the mental state of the defendant Hess was noteworthy on several counts. First among these is the remarkable degree of accord revealed in the reports of the groups of psychiatric experts representing the four countries responsible for the trial. While there can be no doubt that the fortunate fact that the experts were appointed by the Tribunal itself rather than by the prosecution and defense separately contributed to this agreement, the extent of concurrence as to diagnosis, as to sanity and, as to fitness to plead, was remarkable. This was the more so since there has been a considerable curtailment of exchange of scientific information between the various countries during the war period and the normal transfer of ideas, technics and procedures has been limited.

This essential agreement between the groups whose examinations with the exception of that of the French who participated in all three, were carried out separately strengthens the conclusions of the psychiatric panel.

Of equal note is the fact that all four prosecutors, and so far as could be determined, the counsel for the defense, also accepted the findings although some degree of difference as between the prosecution and defense was voiced, this being based upon the unanimous agreement of the psychiatric panel that the defendant's amnesia, while it would not interfere with his grasp of what was said, would result in his making a less adequate defense.

It may be noted that the methods of treatment which were at one time proposed to Hess, which he refused and, which his counsel referred to as "forceful" are by no means so. They consist very simply in the administration of sedatives such as sodium amytal or pentothol which are in daily use in general hospitals of large and small cities throughout the country. They have also been used with conspicuous success in the treatment of those who have suffered from temporary impairment of memory as a consequence of battle experiences. They are pleasant to take and their immediate effects are to reduce anxiety and apprehension which may be present and there are no undesirable after effects.

When the defendant was called upon to speak there ensued an episode which while apparently startling, is actually quite common in this type of condition. Hess announced that his memory was "again in order", that he had simulated his loss of memory for tactical reasons while in England but he had intended to reserve his declaration for a later period in the trial and that his attorney was not a party to this deception. He qualified his statement by saying that his powers of concentration were still somewhat impaired but that he felt that he could grasp what was said and that he accepted the entire responsibility for the acts for

which he was being tried though he denied the competence of the Tribunal to try him.

Analyzing these statements, one notes first the theatrical and dramatic nature of his declaration and of his pose, and related to this the lack of contact which the audience seemed to feel with him during the declaration as contrasted with that which they had evinced when Goering made his attempt to address the Tribunal on being asked to plead to the indictment.

From his statement there appeared an interesting doubt as to whether he himself considered that he had always maintained full control of his memory, this being manifested in the statement that his memory was again in order though his concentration was still impaired.

The reports of all four expert groups had stressed the fact that while Hess suffered from a degree of hysterical amnesia, he consciously simulated a still greater degree of memory loss than he actually had and that he used it precisely as indeed the defendant admitted he did to protect himself against inquiry and examination.

A further point which throws considerable light upon the instability of his personality is the very fact that having maintained this degree of simulation over a long period he discarded it at the very time when he might have hoped that it would save his life.

In the absence of further direct examination, no definite explanation can be given for this throwing away of his carefully built up protection. Certain conjectures however seem reasonable. Among these is that the association with the other defendants after a long period of practical isolation, the reviving by the prosecution of a great train of happenings and incidents in which Hess had taken part in earlier years and amazing though it may be to ordinary folk, the very possibility that he might be adjudged

incompetent to plead and hence thrown out of the limelight, resulted in the overcoming of the hysterical amnesia, and then in a determination to drop his simulation. Incidentally, it had been noted over the last few days prior to November 30, 1945, that he was taking progressively more interest in the trial, was wearing his earphones and had almost dropped reading his novels.

It is difficult for those not acquainted with the defendants to realize how extraordinarily important prestige and the limelight are for them.

With regard to the further unfolding of Hess' behavior, we feel that it is essential to stress his great instability. Within the period of four years there has been a great variety of symptoms, delusions of persecution, 2 suicidal attempts, at least 2 periods of hysterical amnesia, various bodily symptoms such as his abdominal cramps which apparently are of neurotic origin and finally this last dramatic outburst. These abnormalities of behavior have appeared and vanished as the pressures to which he has been subjected since he broke away from his established position in the Nazi hierarchy have waxed and waned. At present it can only be stated that as the psychological stresses of the trial mount, further evidences of his instability may well appear either in the form of his previous symptoms or in ways which differ from those which he has as yet shown.

D. Ewen Cameron
Professor of Psychiatry
McGill University

Nolan D. C. Lewis
Professor Psychiatry
Columbia University
Director of New York State
Psychiatric Institute and Hospital

Paul L. Schoreder
Colonel, M.C.
Professor Psychiatry
University of Illinois
Director, Institute for Juvenile
Research

DRAFT

2.
PSYCHIATRIC TRAGEDY OF RUDOLF HESS

By: W. Clifford M. Scott

This is a first draft of a story of Hess. Your comments will surely help me tell it better another time.

We often ask 'are we our brothers' keepers'? If we are, should we not recurrently try to point out our own omissions in the hope that we can learn to do better? We all live in psychiatric glass houses. May we think of learning by being concerned.

It is for such reasons amongst others that I ask you to listen to my summary of the tragedy of Rudolf Hess - a man who went to war, was judged a criminal and is chronically psychiatrically ill, Hess is known at least by name if not by detailed repute to more people in the world than any other patient now in custody.

Growing up means learning to discriminate between war, crime and illness. These all come together when one thinks of sick war criminals. We as doctors may forget our first feelings about war as we grow up and become more and more immersed in practice and teaching. Nevertheless the implications

of the wars we have thought about can be seen in our attitude to our practice and our teaching. I'd like to remind you of a few wars which have affected and still affect our thinking when we practise and teach. Professor John Dollard of Yale, in reviewing Dr. Ritter's book, Being of mixed Scottish-Irish ancestry made it real for me to think of English-Scottish fights and of English-Irish and Irish-Irish fights. Growing up near Toronto made it real to think of the Americans burning and pillaging the city in 1812; visiting Montreal made it real that Wolfe and Montcalm had fought. Watching soldiers leave for and return from World War I. did little to make the European battlefields real, and only sharpened one's desire to be old enough to fight. Later, seeing the smallness of the battlefields where millions fought and millions died literally within sight of one another made it impossible to forget Ypres, Vimy, the Somme and Verdun. Learning more about ^{France} the Saar, Alsace, Lorraine, Baden and Wurttemberg made not only French-English fights but French-German fights easier to believe in. When my children want to know who they are and where they come from, their Scottish-Irish-French-German ancestry leads me to answer their questions in terms of many wars and many places. My first child, on coming to bomb-swept London in 1945, asked about the "bad children there must be in London", and learned during the next years to discriminate the different weapons, the bad men of the world used to wreak their various

types of havoc. Soon a child distinguishes between war and crime and between crime and illness. Later if he becomes a psychiatrist he must remember the similarities. to our juniors to try to solve these only think ab

Professor John Dollard of Yale, in reviewing Dr. Rittwagen's recent book, entitled "Sins of their Fathers", detailing her first five years work as a psychiatrist in New York's Children's Courts, suggests, after extolling her work, that the title is misleading in so far as the "Fathers" referred to all concerned. These may be taken to be the real parents of the delinquent children, who are often as helpless as the children themselves, rather than the "City Fathers" who, he feels, are the sinners - their sins being those of omission to provide enough "institutions, social workers, religious workers, probation officers, settlement staffs, psychologists, psychiatrists, teachers, judges, police or psychotherapists". other such

Similarly, in writing about Hess we should ask where did we sin by omission? - And who are the 'we' who are concerned? - Are "we" the psychiatrists, or the judges or "the generals" or the politicians, or are "we" all these together - even though such a "we" get together too infrequently? outcome. from prison

The story of a single individual has often helped many to clear their heads and prepare for better action - the story of a Moses, a Christ, a Mahommet, a Newton, a Napoleon, a Darwin, a Dreyfus, a Pasteur, a Lister, a Freud, a Lenin, a Stalin, a Churchill, have whether it will contain the story of what helped him

all made us think. I started psychiatry at a time when I listened to my teachers talk about Napoleon and his physical illnesses and his epilepsy. I feel we owe it to our juniors to try to make them think about the religious, political, military, social, psychological, medical and psychiatric implications of the life of such a man as Hess. Hess is suffering from a psychiatric disability and to the best of my knowledge is not being treated according to the standards psychiatrists would consider ~~most~~ adequate. Had he a surgical or medical condition I have no doubt that he would be treated according to the usual standards. This is a psychiatric tragedy. Without any doubt there are hundreds of thousands of psychiatric tragedies. I single out Hess as he represents a tragedy known by name to more people in the world than any other such tragedy. Contemplating a tragedy in art or drama or in psychiatric work may help us learn how to lessen the likelihood of tragedies. With Hess the tragedy continues and while he still lives it is not too late for someone to try to prevent this tragedy from having a fatal outcome.

The recent release of the murderer Leopold after more than 33 years will increase interest in his autobiography which has been published recently for it to have been read by many or to have been discussed widely. As yet we do not know whether it will contain the story of what helped him

change from the man sent to prison for life to the man now paroled.

In the story of Hess we may look for any evidence he might have shown of the way he consciously or, perhaps more importantly, unconsciously, asked for help for his psychiatric disability. We may also look for evidence of the way those who have reported their contacts with him showed their manner of trying to discover how they could talk about his illness to him in such a way that his desire for help would increase. We may look for evidence as to how they tried to help him. We may look for evidence of how and why they avoided/helping him.

In the past few decades many things have happened which we all have known about to different degrees. As psychiatrists we have tried to understand these things. We may think of the Russian trials before the war and of the way in which the German nation succumbed to Hitler's outlook. We may think of E.C.T., of insulin coma and of leucotomy. For nearly two decades the attitude people, and especially psychiatrists, have taken to the history of Hess and the treatment of Hess may be considered a touchstone for our ^{psychological} curiosity and our ^{psychological} concern.

In 1951, Desmond Curran in his Presidential Address to the Psychiatric Section of the Royal Society of Medicine, entitled "Psychiatry Limited"*,

* Proceedings of the Royal Society of Medicine 45:105. 1952 (abridged) J. Ment. Sci. 98:373. 1952.

tried to temper the enthusiasm of those who might follow Brock Chisholm, who, as Director General of the World Health Organization, approved a definition of health as "a state of complete physical, mental and social well-being", and not ^{as} merely the absence of disease or infirmity. Curran discussed the dangers of extending psychiatry in the directions taken by some psychiatrists who have much to say about psychotherapy, crime and criminal responsibility, man's working capacity, and positive selection of people for different types of work.

One corollary of such apprehension about the extension of psychiatry has to do with the courage needed in psychotherapy, or indeed in psychiatric practice in general, when the symptoms of a patient who has been an important person in any culture are shown to be significantly related to familial, social, religious or political events. This corollary will be illustrated in over and over again/the attitudes of the psychiatrists and others who had to deal with Hess and the treatment of his illness.

Eliot Slater is the only psychiatrist who has written strongly about the fateful lack of treatment.

In his review of Rees's book on Hess he wrote:

"My analysis, when contrasted with that provided in this book, throws into relief the differences between two schools of psychiatry. Considered in the terms of a psychotherapeutic discipline, Hess's case was one of great difficulty and obscurity. Considered in the terms of a classical psychiatry, it was unambiguously

schizophrenic from the beginning. The reason for the authors' doubts and hesitations is to be found in the inadequate theory by which, in common with others of their school, they were bound. They state that they attach relatively small importance to "diagnostic labels". In this they throw overboard a whole field of psychiatric knowledge. The making of a diagnosis of schizophrenia is not a bagatelle, but is fraught with consequences of a prognostic, therapeutic, and medico-legal kind. It was a fateful circumstance for Hess that a diagnosis of schizophrenia was reached only after several years, and after his trial was over.

~~The main problem presented by this book is whether or not Hess was suffering from a paranoid schizophrenia during his stay in England. The authors conclude, though with reserve, that he probably was. The case is obscured by evidence of a psychopathic personality and by the repeated occurrence and remission - most dramatically during his trial - of an hysterical amnesia. In this account the authors consider these side-issues to a disproportionate extent and do not adequately discuss the more fundamental question of diagnosis."~~

Winston Churchill is the only other person who has made a plea for treatment - details of his plea will be given later.

Hess was born in Alexandria, Egypt, in 1894, He is now 64, he had 2 sisters and 1 brother. His father, who died in 1941, was a wholesale merchant.

A paternal aunt died in a mental hospital at an

early age and a maternal uncle committed suicide.

Living in a foreign country perhaps hastened Hess' feelings about the need for solidarity amongst the German people. At twelve, he was sent to Godesberg am Rhein to obtain a proper German education.

At fifteen, he was sent to a commercial school at Neuchatel in Switzerland. His French became perfect and his English fair. At sixteen he went to Hamburg to serve an apprenticeship in commerce. He did not care much for

business but became quite interested in science and politics.

He volunteered in 1914 and was wounded in 1916 and 1917 while serving in the same infantry regiment as Hitler, although they did not meet. Towards the end of the war he

was commissioned as a lieutenant in the Air Force and had just started active duty as a pilot when the war ended.

After the war he went to Munich University. He studied Political Science and was wounded in a brawl in 1919 between the nationalistic and left-wing groups.

About 1920 he met Professor of geopolitics, Carl Haushofer and for a time lived in his home, almost as a son. After meeting Hitler in 1923, he joined his Party at Haushofer's urging.

He was one of the first members of the S.A. and was the leader of the Students' Corps of Police. He took part in the Munich Beerhall Putsch on November 9th 1923. He escaped

to the Austrian Alps, returned to stand trial and was imprisoned for 18 months - half of which he spent with

Hitler. Hitler dictated most of "Mein Kampf" to him, Hess already having been trained as a stenographer before

the war.

From 1925 until 1932 he was private secretary and aide-de-camp to Hitler. For one year after Lindbergh flew to Paris in 1927, Hess planned to be the first to fly westward. He married in 1927. His wife did not enter his political life. In 1932 he became the Chairman of the Central Political Committee of the Party, in succession to Gregor Strasser. At this time he became the undisputed chief assistant of Hitler and chief supervisor of all Nazi party organizations and societies.

In March 1933, after the Nazi Party came to power, he became a member of the Reichstag, and in April of that year he was appointed Deputy to the Fuehrer, a position which he held until he flew to England in May of 1941. From the time Hitler seized power Hess had much to do with promoting Nazi control of education, labour, religion, etc. In 1934, he transmitted the execution orders for the Roehm purge. Rees states that he was probably one of the main executioners though, from the evidence, this statement appears to be quite without foundation. He helped formulate anti-Semitic policies and controlled the formation of the Foreign German Bunds.

By decree of the Fuehrer of April 21st 1933 he received full power to decide in the name of the Fuehrer on all matters concerning Party leadership. On December 1st 1933, he became Reich Minister without Portfolio, another position which he held throughout the remainder of his time in Germany. As Reich Minister without Portfolio, in the Law to Secure the Unity of Party and State of December 1st 1933, it was stated that his task was to guarantee the close working co-operation of the Party and the SA with public authorities. In 1934 he won a race around the Zugspitz for sporting aeroplanes.

given this undoubtedly honorable title, the reason for

In 1935, when Goering was designated as Hitler's successor as head of state, Hess was redesignated as Hitler's deputy in the party and Goering's political successor.

In 1937 his first and only child, a son, was born. On August 30th 1939 he became a member of the Council of Ministers for Defense of the Reich.

On September 1st, 1939, he was appointed successor designate to the Fuehrer, after Goering. During the early part of the war Hess held the positions of Obergruppenfuehrer in the SS and in the SA. In addition to the duties of Party Leadership, the Deputy of the Fuehrer had far-reaching powers in the field of the State. These were:

1. Participation in national and state legislation, including the preparation of Fuehrer decrees. The Deputy of the Fuehrer in this way validated the conception of the Party as the guardian of National Socialist philosophy.
2. Approval (of the Deputy of the Fuehrer) by him of proposed appointments for officials and labor service leaders.
3. Securing the influence of the Party over the self-government of the regional administrations.

The following quotation from the "National Zeitung" of April 27th 1941 pin-points his position: "A long while ago-it was still before the outbreak of the war-Rudolf Hess was once called the 'Conscience of the Party.' If we ask why the Fuehrer's Deputy was given this undoubtedly honorable title, the reason for

extraordinarily suspicious of his colleagues—probably unconsciously imitating Hitler who exhibited the same mood of suspicion at this time. This is plain to see. There is no aspect of our public life which is not the concern of the Fuehrer's Deputy. So enormously many-sided and diverse is his work and sphere of duty that it cannot be outlined in a few words; and it lies deeply disturbing to the tender side of Hess's nature. The shock was not lessened when he learned, early in 1941, that Hitler planned to violate a basic precept of his earlier father substitute, Haushofer: never to engage in a two-front war by attacking Russia. In late 1940, one of Hess's astrologers read in the stars that he was ordained to bring about peace. Later his old professor, Haushofer, told Hess of a curious dream he had had—of Rudolf Hess, the German born in Egypt, striding through the tapestried halls of English castles, bringing peace between the two great nations, peace to all the world. In Sept., 1940 a pledge to Hitler not to fly lapsed. He secretly began 'recreational flights with the innocent connivance of Prof. Messerschmidt. During the weeks before his flight he spent much time with his son, and saw important. On May 10th, 1941, ten days after Hitler had secretly set forth the final plans and date for the attack on Russia, Hess made his flight to England. He arrived near his destination in Scotland about 10.30 p.m. and discovered that of all the children he had learned illicitly, parachuting was not one. He had difficulty getting out and describes one blackout leger when accidentally doing an inside loop. He describes being knocked out on landing and covering some business. His mother, who had been a member of the court in his final judgment, stated: "As a result of the presentation of evidence, the defendant Rudolf Hess had been sentenced for this flight as early as June 1940, that is, immediately after the surrender of France. The execution of the plan was delayed for a number of reasons. In addition to certain technical

As an official, Hess was an extremely hard worker. Everything about his office was well organized. He demanded a tremendous amount of work from his associates and was particularly concerned whenever he had to make a speech. Goering once snorted, "Whenever he had to talk in public, Hess sweats blood." Baldur von Schirach, Hitler's youth leader, made much the same comment.

One of Hess's secretaries wrote as her opinion that Hess had 'to leave nothing undone to bring the German people the dearly desired peace with England and, thereby, to risk his life, his family, his freedom and his honourable nature.

From Munich on, he lost weight; his determination and drive seemed to be burned out; and he frequently spent long periods at his desk gazing into space. In addition, he grew

extraordinarily suspicious of his colleagues--probably unconsciously imitating Hitler who exhibited the same mood of suspicion at this time.

His more severe mental symptoms can probably be traced to his discovery, after the Polish war began, that his father substitute, Hitler, was not a god but a cruel and violent person. This must have been deeply disturbing to the tender side of Hess's nature. The shock was not lessened when he learned, early in 1941, that Hitler planned to violate a basic precept of his earlier father substitute, Haushofer: never to engage in a two-front war by attacking Russia.

In late 1940, one of Hess's astrologers read in the stars that he was ordained to bring about peace. Later his old professor, Haushofer, told Hess of a curious dream he had had--of Rudolf Hess, the German born in Egypt, striding through the tapestried halls of English castles, bringing peace between the two great nations, peace to all the world. In Sept, 1940 a pledge to Hitler not to fly lapsed. He secretly began 'recreational flights' with the innocent connivance of Prof. Messerschmidt. During the weeks before his flight he spent much time with his son.

On May 10th, 1941, ten days after Hitler had secretly set forth the final plans and date for the attack on Russia, Hess made his flight to England.

He arrived near his destination in Scotland about 10.30 p.m. and discovered that of all the things he had learned illicitly, parachuting was not one. He had difficulty getting out and describes one blackout when accidentally doing an inside loop. He describes being knocked out on landing and recovering consciousness slowly.

His defense council in his final argument stated;

"As is shown by the presentation of evidence, the defendant Rudolf Hess had made the decision for this flight as early as June 1940, that is, immediately after the surrender of France.

The execution of the plan was delayed for a number of reasons.

In addition to certain technical

conditions which had to be fulfilled in advance, considerations of a political nature played a part in this delay. Such an enterprise could be accompanied by success only when the political situation, and the military position, appeared favourable to the preliminary arrangements of peace negotiations. The reestablishment of peace was undoubtedly the aim which Hess pursued by his flight to England.

When Hess met the Duke of Hamilton on the day after his landing, he explained to the latter, "I come on a mission of humanity."

When Churchill heard on Sunday, May 11th, that Hess had arrived in Scotland, he thought this was fantastic.

During the conversation which Hess had with Mr. Kirkpatrick of the Foreign Office on 13, 14 and 15 May, he explained to him in detail the motive which had induced him to take this extraordinary step. At the same time, he brought to his knowledge the conditions under which Hitler would be prepared to make peace.

Churchill wrote in 1950 that he never attached any serious importance to this escapade. He considered that Hess knew Hitler better, and saw him more often, in his unguarded moments, than anyone else. He understood Hitler's admiration for Britain, and earnest wish to be friends with the British Empire. Churchill wrote: "We must discount to some extent the merits of his action by a certain strain of jealousy which affected his nature at finding that, under war conditions, he no longer played his old part of friendly confidant with the beloved Fuehrer." Nevertheless Churchill considered that Hess, by a deed of superb devotion, tried to surpass all the generals and others, who had been admitted to Hitler's intimacy, and tried to bring to Hitler, a greater treasure and easement, than all of them put together. It was as if he said "I will go and make peace with Britain - my life is nothing - how glad I am to have the life to cast away for such a hope." Such moods

for the politician and for the psychiatrist: should be

however naive, were certainly neither wicked, nor squalid.

In his Memo of May 13th, 1941, to the Foreign Secretary - Churchill wrote "On the whole, it would be more convenient to treat Hess as a prisoner-of-war, under the War Office, and not the Home Office, but also as one against whom grave political charges may be referred. This man, like other Nazi leaders, is potentially a war criminal, and he and his confederates may well be declared out-laws at the close of the war. In his case, his repentance would stand him in good stead.

... He should be strictly isolated, in a convenient house, not too far from London, and every endeavour should be made to study his mentality, and get anything worthwhile out of him.

... He should not have any contacts with the outer world, or visitors, except as prescribed by the Foreign Office. Special guardians should be appointed. He should see no newspapers, and hear no wireless. He should be treated with dignity, as if he were an important general who had fallen into our hands."

Thus, from the first, Churchill recognized the significance of possible repentance before any later trial as a war criminal - and his instructions that he be studied; that anything worthwhile be got out of him; that he be deprived of current information, that he be treated with dignity etc. show the dilemma - both for the politician and for the psychiatrist: should he

be treated if ill - Or should his illness be maintained intact?

Churchill ends his story of Hess by writing that: "whatever may be the moral guilt of a German who stood near to Hitler, Hess had, in my view, doctor reported as follows: - Hess said he was horrified at the heavy air-raids on London in 1940, and loathed the thought of killing young children and their mothers. This feeling was intensified when he contemplated his own wife and son, and led to the idea of flying to Britain and arranging peace with a large anti-war faction, which he thought existed in this country. He stressed that Churchill's plea that Hess should be regarded as a personal advantage played no part in this scheme - it was an increasing idealistic urge".

Hess was first admitted to Drymen Military Hospital, Loch Lomond, where he was treated for minor injuries - chip fracture of the spinous process of D 12 and a chip fracture of the tibia and the right ankle joint. He was physically fit. He stated he had

As a sidelight it is worth noting that three years later, in 1944, when Churchill was in Moscow on his second visit, he realized the fascination Hess' visit had for Stalin. He came to believe that Stalin considered there had been some

On May 16th he was transferred to the Tower of London. On May 21st he was transferred to Mytchett Place near Aldershot, a country house surrounded by a strong point, in case rescue by parachute troops was attempted. Here he talked of his fears that he would be killed and this somewhat abrupt response with a genial grin and said, "There are lots of things that happen even here in Russia which our secret service do not necessarily tell me about."

Churchill ends his story of Hess by writing that: "whatever may be the moral guilt of a German who stood near to Hitler, Hess had, in my view, atoned for this by his completely devoted and frantic deed of lunatic benevolence. He came to us of his own free-will, and, though without authority, had something of the quality of an envoy. He was a medical and not a criminal case, and should be so regarded." I do not know of anyone who has ~~taken up~~ reiterated Churchill's plea that Hess should be regarded as a medical and not a criminal case.

Hess was first admitted to Drymen Military Hospital, Loch Lomond, where he was treated for minor injuries - chip fracture of the spinous process of D 12 and a chip fracture of the tibia ~~and~~ ^{at} the right ankle joint. He was physically fit. He stated he had had gall bladder trouble since 1933 and had had prostatitis in 1937. He brought with him many homeopathic remedies and pictures of his son to whom he had been devoted.

On May 16th he was transferred to the Tower of London.

On May 21st he was transferred to Mytchett Place near Aldershot, a country house surrounded by a strong point, in case rescue by parachute troops was attempted. Here he talked of his fears that he would be killed and his death represented as suicide. A psychiatric examination was requested on May 23rd, and ^{again} on May 24th.

On May 30th, Brigadier J.R. Rees examined him, ~~and~~

Rees noted his insomnia and depression, which was further bloodshed and to create favourable conditions considered reactive. He showed what to Rees was an extraordinary lack of insight and failure to realise the course of this conversation, ~~xxxxxxxxxxxxxxxx~~ he handed a document to Lord Simon which stated the four conditions under which Hitler would have been prepared at that time to conclude peace with England. but considered his suspiciousness to be more than psychopathic and suicidal.

The conditions were:

The result of Rees's advice was that he was transferred from the care of Lt. Col. Graham, his physician till that time, to Major Dicks, a German-speaking psychiatrist. Dicks was not announced as a psychiatrist as it was hoped that Hess might more likely divulge German plans to a physician.

Dicks noted his anxiety, his introspectiveness and his suspiciousness. He had for years been anxious when being driven in a car by others, but not when driving the car himself. He had been interested in Rudolf Steiner's antroposophy and for years had eaten vegetables grown on natural manure only. He was much concerned with being poisoned by "an unknown Jewish conspiracy". The poison made him feel sometimes better, sometimes worse, and very fatigued. He was much concerned about his tiredness and fatigue. Dicks does not discuss whether Hess linked depression, fatigue and tiredness. He became restless and more anxious when told shortly before June 10th that a high official would interview him.

On June 10th 1941 he had a conversation with Lord Simon, then Lord Chancellor. The transcript of this conversation shows that the motive for his flight was the intention to avoid

help was forthcoming. Dicks realised he was severely suicidal, and at this point in the record mentions his judgment that

further bloodshed and to create favourable conditions for the introduction of peace negotiations. During the course of this conversation, ~~the defendant Hess~~ he handed a document to Lord Simon which stated the four conditions under which Hitler would have been prepared at that time to conclude peace with England. The conditions were:

"1. In order to prevent future wars between the Axis and England, a delimitation of spheres of interests is proposed. The sphere of interest of the Axis powers is to be Europe, and that of England its Colonial Empire.

"2. Return of the German colonies.

"3. Indemnification of German nationals who were domiciled prior to or during the war in the British Empire and who suffered damage to life or property because of measures taken by a government in the Empire, or through incidents such as pillage, riots, etc. Indemnification to British nationals on the same basis by Germany.

"4. Conclusion of an armistice and peace treaty with Italy at the same time."

He collapsed after the conference and began to prepare for the death he expected. ^{It} ~~This~~ was at this ^{that} perhaps/~~the~~ time ~~when~~ he asked most sincerely for help. He feared he would be poisoned and rendered insane. ^{He} ~~and~~ promised high payment and honours later if help was forthcoming.

Dicks realised he was severely suicidal, and at this point in the record mentions his judgment that

Hess's intelligence is high. One can only sympathise with the dilemma of a psychiatrist like Dicks who had had considerable psychotherapeutic experience. Was he to be the custodian only, or was he to show understanding of Hess's disappointment and unconscious wish to throw himself into Dicks' arms and cry? Hess accused Dicks: "I am being undone and you know it." The atmosphere of the evening of June 15th was tense and charged with misgiving. As Dicks went to visit Hess in his bedroom, at his request, Hess, with an expression of extreme despair, rushed past Dicks as he tried to tackle him, and ~~leapt~~ leapt down a stairwell. Dicks feared he was going to be attacked. Dicks, when he shouted to the guard: "Don't shoot". Hess sustained an uncomplicated fracture of the upper left femur and a crack in the spinous process of a thoracic vertebra. He was given evipan uneventfully. Urinary retention led to crying and a request for cocaine anaesthesia when catheterisation was recommended. Dicks treated him as a child who should be ashamed of itself and he soon urinated.

On July 17th Dicks was replaced by Captain Johnston who had had long experience in the institutional care of psychoses. On September 9th he was visited by Beaverbrook. On October 1st his father died. On December 4th it was noted that memory loss was beginning to appear. On December 8th he withdrew a promise he had made not to attempt suicide. On December 12th the Swiss Minister visited him. During these months Hess was preoccupied in

trying to understand the set-up and the continually changing personnel - namely the R.A.M.C. staff, the political officers and the military guard. Sometimes he saw a split between the King and the Government in his multiplicity of contacts.

He was visited by Rees on April 20th and June 6th 1942 and showed no new attitude.

He was transferred to ~~Maindiff~~ Maindiff Court Hospital, Abergavenny, South Wales, on June 25th 1942, under the care of Major Ellis Jones, a psychiatrist with considerable mental hospital experience. On September 25th he was told Rees would visit. On the 26th he became paranoid and it was decided he was having auditory hallucinations.

He varied considerably till October, 1943, when he became severely amnesic. At this time the German armies were bogged down before Stalingrad.

On February 17th, 1944, Dicks visited, hoping to try "narco-analysis", under intravenous Evipan anaesthesia. On February 28th, he said (nearly verbatim record):

"My present condition is good enough while I am a prisoner. I have had it for some time now. It doesn't really matter whether I can remember what I have done before. So long as I can read, draw and amuse myself somehow to kill time, I am satisfied. I do not suffer unless I am reminded of my disability. When I get back to Germany perhaps it will pass, or I can find some treatment. Perhaps it is even a merciful dispensation of fate which makes me forget. If I got back my full memory I might suffer more. So I prefer to wait and see." At the end of this statement he burst into cheerful laughter, and was in high spirits for the rest of the day.

Later Hess gave consent for narco-analysis and Dicks visited on May 6th 1944. 5.5 c.c. Sod. Evipan solution/^{was} injected slowly at 9 p.m. Dicks entered while Hess was still snoring. Dicks questioned him in German from 9.10 to 9.15. Hess made no spontaneous remarks except to complain of belly-ache and/call for water.

Dicks came near to giving an interpretation once during the narco-analysis:

Jones: - Why do you groan?

Hess: (in German) Bellyache, bellyache.

D. Why this self-torment? why give yourself so much pain?

Hess: (Shouts out in groaning agony.)

D. How did the bad pain get inside you?

Hess: Water, water!

Jones. You speak, it will do you good.

Hess: (groans)

D. Why do you torture yourself?

Hess: Water!

D. Who has done you wrong?

Hess: Water!

D. Who has done you wrong?

Hess: I don't know.

Jones. (in English) Come, come, tell us why you are in pain; speak, we want to help.

Hess: Pain, water! (Groans)

Jones. Now tell us what was your wife's name, and your boy's?

Hess: (in English) Wife's name, and your boy's. . .

with It is not stated why a date so near the reach anniversary of his flight was selected for narco-analysis. In reading material published about Hess, the relationship of anniversaries to change in symptomatology cannot and easily be overlooked. incurable state of poisoning.

He abeA month later on June 6th he wrote the following note which he pinned to the wall as a reminder to himself:

"No more injections! The first injection has not 1945 - improved the memory in any way, but instead provoked great nervousness. sia appeared more certain at this time.

"The replies to the questions put during the ^{Maindiff} experiment have proved that memory is still in existence and only transitorily disturbed. The doctors are convinced it will come back in Germany. So do not worry and no excitement if memory is still so bad at the moment and you cannot even recognise people whom you have met before. it a subtle poison was being

admini "At all events no 2nd injection!" June 1941 with Lord S He remained amnesic till February 4th, 1945 when he said his memory had returned and he had something important to say to the world. He talked about a Jewish power to hypnotise people without their being aware of any change in their personality. That afternoon he stabbed himself in the sixth left intercostal space with a bread knife. His statement that he had shoved the knife in to the hilt was neither supported by his general condition nor the local wound, which was closed with two stitches under sodium luminal given intramuscularly. He gave as reasons for his suicidal attempt his belief he would almost never be allowed to leave the country, that it was all over

with Germany and that the Russians would soon reach the Channel and proceed to Bolshevize England. He said Jewish influences had placed the knife to tempt him to suicide. He began a suicidal hunger-strike and talked of dying of an incurable state of poisoning. He abandoned his hunger-strike after one week when he believed he would be tube-fed. he felt was hardly in

He began to become amnesic again in July 1945 - and by October he professed complete amnesia. Germans Simulation of amnesia appeared more certain at this time.

The American translation of a statement written Maindiff by Hess at ~~Maindiff~~ Court and taken to Nuremberg occupies 34 pages (pp 96 - 129) of Rees's book. He describes his feelings that truthful answers about his past caused disappointment during the first month in England whereas simulated loss of memory gradually caused satisfaction. He felt a subtle poison was being administered so that in the interview in June 1941 with Lord Simon he would not appear mentally normal. He did not mention his attempts at suicide. He mentions the "number of officers, amongst them sons of some of the best English families. I like almost all of them" who were amongst his guards. He mentions that a general endeavour was made to cause his nerves to collapse when he received news of the death of his father, in 1945. He mentions brain poison, medicines to stop and start urination, medicines to stop and start bowel action, too much salt in his food, medicines which had and medicines which had no effect on pain, and medicines which made his eyes water. He mentioned (almost humourously) waxing and waning in the local noise which was

meant to wear him down e.g. "the machine gun formations discovered that their training had not been satisfactory yet."

In describing his treatment in South Wales, he mentioned being given too much hot water for baths (compared to the civilian 6 inches) and too many flowers in his room which he felt was hardly in keeping with his position. After he was told that Field Marshall von Paulus had appealed to the Germans from a Moscow Radio Station to stop the war he said he believed that an attempt was being made to obtain a statement from him which could be used against the German people by propaganda.

A. If you tell me, I have to believe it, but I don't know it. It is terrible.

A. Yes. I had a *****.

Q. How do you happen to remember your name? Did somebody tell you, or did you remember that?

A. I had to put my signature below documents all the time, and then that has been stamped on my brain, so to speak, from my youth, but the doctor ought to know about that. I don't know how to explain it, but it is a fact that I know I am Rudolf Hess.

Q. Do you remember the Fuehrer?

A. Yes. During all that time I had a picture of him hanging in my room in front of me.

Q. Do you think it is***** a country to commit

Q. Why don't you like the Jews? let, without

A. If I had to explain that to you in detail, I am again facing nothing. I only know that this is he was questioned and confronted at times with some of deeply within me. his previous colleagues. Samples of questions and answers follow:

Q. How do you remember that you don't like them?

Q. How do you know that any kind of proceeding is coming up, as you say?, or that they are not

A. ...Such a big event, naturally, has made an impression on me and I can remember it. I am thinking of it all the time at night.

Q. Do the newspapers * * * * *

Q. So you had some laws passed about the Jews, didn't you? yes, and partly no.

A. If you tell me, I have to believe it, but I don't know it. It is terrible.

A. Yes. I had a wife * * * * *

Q. How do you happen to remember your name? Did somebody tell you, or did you remember that?

A. I had to put my signature below documents all the time, and then that has been stamped on my brain, so to speak, from my youth, but the doctor ought to know about that. I don't know how to explain it, but it is a fact that I know I am Rudolf Hess.

* * * * *

Q. Do you remember the Fuehrer?

A. Yes. During all that time I had a picture of him hanging in my room in front of me.

Q. Do you think it is * * * * *

Q. Why don't you like the Jews?

A. If I had to explain that to you in detail, I am again facing nothing. I only know that this is deeply within me.

depends on the case. * * * * *

Q. How do you remember that you don't like them?

A. When the name "Jew" is mentioned, something stirs in me, which is dislike, or that they are not sympathetic to me, or rather that I have no sympathies for them. I cannot explain it in detail.

bring war to another country it is criminal. There is * * * * *

Q. Do the newspapers make sense to you when you read them?

A. Partly yes, and partly no.

* * * * *

Q. Did you have a family?

A. Yes. I had a wife and a child.

is terrible. If the doctors wouldn't assure me time and * * * * *

time again that my memory would return some day, I would

Q. How do you happen to remember that?

A. I have the photos of my wife and my little boy hanging in front of my eyes alongside that of the Fuehrer all the time.

* * * * *

Q. A boy or a girl?

A. Boy

Q. Yes. * * * * *

Q. What is a war criminal?

A. I would like much more to ask you this question. will come back at one time by a shock. * * * * *

Q. Do you think it is a crime for a country to commit aggressive war against other countries, without

You were well acquainted with him. He constructed Best of all, I know that your wife and your son are

provocation?

A. That will depend on the conditions such as they existed. I cannot either say yes or no. That depends on the case.

* * * * *

Q. I just said in general.

A. I would say that if a country starts a war, without a real cause for war; that is, one which is not internationally recognized as a reason for war, and thus bring war to another country, it is criminal. There is no question about that.

* * * * *

Hermann Goering - Rudolf Hess

* * * * *

Q. Don't you know me? You don't recognize me?

A. Not personally, but I remember your name. This is terrible. If the doctors wouldn't assure me time and time again that my memory would return some day, I would be driven to desperation.

* * * * *

Q. Do you remember that you arrested the Minister?

A. I arrested the Minister?

* * * * *

Q. Yes.

A. I seem to have a pretty involved past, according to that..... I have been told that everything will come back at one time by a shock.

* * * * *

Q. Just a moment. Do you remember Mr. Messerschmitt? You were well acquainted with him. He constructed

Best of all, I know that your wife and your son are

all our fighter planes, and he also gave you the plane that I refused to give you, the plane with which you flew to England. Mr. Messerschmitt gave that to you behind my back.

A. No; that is all black. That is all black. That is all blacked out. It is all beyond 14 days, and everything then I have a slight memory, and nothing exact. They told me that people who suffered heavily in the war would get attacks like that.....

* * * * *

Dr. Karl Haushofer: - Rudolf Hess. (Haushofer believed that Hitler had 'despatched' or 'sacrificed' Hess until he heard Hess's evidence at Nuremberg.)

* * * * *

Q.We have known each other for 20 years.

A. In order to calm down an old friend, I can only assure you that the doctors tell me that my memory will all come back to me. I can't remember you. I just don't know you, but it will all come back to me, and then I will recognize an old friend again. I am terribly sorry.

* * * * *

Q. Don't you remember Heimbach, where you were so long, where you lived so long?

A. This is very peculiar. I don't know you. I want you to know how this could happen. All I can say is that it has all gone away. I don't know that it will come back.....

* * * * *

Q.You will see that it will come back. I also see the light in your eyes like in the old days. Best of all, I know that your wife and your son are

well on the farm, and that your boy has grown, has developed into a fine young man.

* * * * *

Q. You wrote me a letter one time, by devious routes, which got to me finally, and you wrote to me about the long walks that you were taking, and you told me about the hay and the smell of the flowers, and that you were allowed to take walks of 2 hours' duration; that you had an honor guard. That made me and your wife very happy. That convinced us that you were treated well. In the last letter that you wrote, it already contained the sad line that says "I am beginning to lose my memory. Recollections leave me."

A. How long ago was that?

* * * * *

Q. That must be about three-quarters of a year ago now.

A. Three-quarters of a year?

* * * * *

Q. You said, "My recollections are starting to leave me. I cannot even imagine my son any more, and perhaps that is the greatest luck for me.".....

* * * * *

Q. ... I know you never were patient in life. Now, you know, I am 76, and you are getting older. You will have to learn to be patient. If you are patient enough, your memory will come back. It will come, if back more and more to you, and then you will remember your old friends and also your youth, how we circled

around the mountains in the Fichtengebirge with an it
flew
airplane when we ~~flew~~ from Berlin to Munich.

Don't you remember how you made the plane circle in
the Fichtengebirge because the landscape was so
beautiful? Don't you remember that?

A. No. mean anything to me. times when all back to

* * * * *

Q. That is where your mother lived, and she is quite
well. Don't you remember your old hunting lodge, that
is the one that your father built?

A. Do you have any news from her? flight to England?

* * * * *

Q. In her little fine handwriting she has written
letters to me, and she always has. Don't you
remember the time when I was forbidden to write to
your wife and to your mother, and I told the Gestapo
they could arrest me, because I would not give up my
old friendship for women and ladies, and then it was
permitted for me? Thus, your mother and your wife
and I corresponded all the time, but probably people
put their noses in it. know your brother Alfred?

A. Why was this supposed to be stopped?

* * * * *

Q. For some years, that is, after you escaped, I was
no more in favor in the official places. When you
flew to England, it was believed that your romantic
friend was guilty. remember that I translated your letter

A. I can't look through all this now, especially, if
some of my friends had to suffer from it.

* * * * *

Q. It will all come back. I see that a lot of it is coming back to you. Your voice is changing, and your eyes are changing. Recognition is coming back to you. That is why we mentioned all those memories

A. I am terribly sorry, but at the moment, all this doesn't mean anything to me. For instance, the * * * * * don't you remember

Q. But sometimes the old gleam is coming back into your eyes, and I think you are recognizing. In those 22 years I had great worry and pain for you.

A. You are now talking about this flight to England? and that I cannot share * * * * * memories with him.

Q. Before flying to England, you told me, by the fireplace, that you wouldn't fly any more. They are all there. * * * * *

Ernst Bohle: - Rudolf Hess I did again your recollection and memory. I cannot show you anything * * * * * I can't show you

Q. I have just told him that I know his brother very well, and we were together for quite a long time. I just reminded him of his brother. (To Rudolf Hess); Don't you remember, you know your brother Alfred?

A. Yes.

* * * * *

Q. He was working with me.

Goering to Bohle: Remind him that it was you who translated his letter.

Bohle: Don't you remember that I translated your letter for you to the Duke of Hamilton?

* * * * *

Q. Oh, somewhat.
A. Or, do you mean because I am lying?

Dr. Karl Haushofer: - Rudolf Hess.
Col. J.R. Amen (U.S. Prosecution) - Rudolf Hess.

Hess: The doctors tell me that it could happen very suddenly if I got very strong impressions.

Haushofer: That is why we mentioned all those memories to you, because we wonder if possibly one of them might not be strong enough to throw them all back to you. For instance, the moment, don't you remember

when we played hide-and-seek between the oaks in the Hartz Mountains? We looked at the rainbow.

Don't you remember that any more?

Hess: I am sorry that I am facing here an old friend, and that I cannot share those old memories with him.

Haushofer: They will all come back. They are sleeping somewhere deep down in your subconscious mind.

They are all there. These men are all here trying to help you find again your recollection and memory. I cannot show you anything stronger. I can't show you anything stronger than to tell you that I shook the wonderful hand of your little boy, with my own, and the hand of your wife.

Hess: I am very glad to hear that.
murder of various people, which you did.

A. I did that?

A. I can't say whether it is better or worse, I do

Q. Yes. So the witnesses say.

A. You mean that because I can't remember it, the witnesses are less creditable?

Q. Oh, somewhat.

A. Or, do you mean because I am lying?

Col. J.H. Amen (U.S. Prosecution) - Rudolf Hess.

Q. I say, when did you get the idea that it would be the smart thing to lose it?

A. I don't quite understand that. You mean to say by that that I thought it might be a good idea to lose my memory and then deceive you like that?

Q. Well, all I was interested in was finding out

* * * * *

Q. Yes. That is just what I mean.

A. Well, I can only say that that is not true.

* * * * *

Q. Well, it might be very helpful in connection with the coming proceedings, might it not?

A. Well, how could it be helpful?

A. I don't know what I can give him. Whether I can

* * * * *

Q. Well, if you don't remember anything that you were implicated in, it would be more difficult to, perhaps, prove it.

A. Well, take the book, for instance, that you showed me yesterday. I don't see what benefit I could derive from losing my memory there.

A. No.

* * * * *

Q. Oh, no, but, for instance, when you directed the murder of various people, which you did.

A. I did that?

A. I can't say whether it is better or worse, I do

* * * * *

Q. Yes. So the witnesses say.

A. You mean that because I can't remember it, the witnesses are less creditable?

A. No, to the best of my knowledge I do not remember

* * * * *

Q. Oh, somewhat.

A. Or, do you mean because I am lying?

* * * * *

Q. To make people feel sorry for you also.

A. On the contrary, I don't understand that, if I give the appearance that I lost my memory, then people will not like me, and it might influence the trial in such a way that I will get a worse judgment.

* * * * *

Q. Well, all I was interested in was finding out when it was that you got the idea of doing that.

A. Well, if I tell you that I never had any such idea, I can't tell you when I got it.

* * * * *

Q. Well, Goering thinks that maybe he can help you get it back again in the near future.

A. I don't know what I can give him. Whether I can give him a decoration or a medal later, I don't know; but whatever I can give to him, I willingly will give to him.

* * * * *

Q. In other words, you have no objection to being further interrogated from time to time?

A. No.

* * * * *

Q. Your memory is getting worse instead of better, is that right?

A. I can't say whether it is better or worse, I do not know that.

Q. But you do not remember ever having seen me before?

A. No, to the best of my knowledge I do not remember that.

* * * * *

Rudolf Hess first came under Dr. Kelly's care on the evening of October 10, 1945. On his arrival at Nuremberg Jail, he was met by the Commandant, Col. B.C. Andrus, who explained that prison regulations required the removal of all personal possessions. Hess objected violently, fuming that he was a prisoner of war and a ranking Nazi officer. He demanded that all his personal possessions be placed with him in his cell.

... Psychiatrically, he was alert and responsive. His approach was reserved and his general attitude formal, but he gave the impression of making a real attempt at co-operation. His stream of thought was curtailed as a result of his amnesia, the majority of his responses being, "I do not know," or "I cannot remember." At this time Hess's mood was somewhat depressed. From the Rorschach and from the results of the intelligence tests and personal observations, Kelly diagnosed Hess as suffering from a true psychoneurosis, primarily of the hysterical type, engrafted on a basic paranoid and schizoid personality, with an amnesia, partly genuine and partly feigned.

On October 16, 1945, Kelly forwarded a summary of his psychiatric status to Justice Robert Jackson, the American prosecutor.

In this report ~~xx~~ Kelly requested permission to try to break Hess's amnesia by the use of hypnosis reinforced by an intravenous sedative such as sodium amytal or pentathol.

Although he stated he would advise this treatment for a case of amnesia in his own family, Justice Jackson felt that in Hess's instance, any therapy involving the remotest chance of danger would be unwise.

For a long time Hess even objected to blood being taken for a Wassermann test, but on this count Kelly and his colleagues were sustained by the higher authorities.

Since Kelly was not permitted to treat Hess's amnesia, he requested consultants to check his findings. Three Russian, a French, three English and three American psychiatrists were assigned to the task. Kelly considered that their findings confirmed his own. All agreed that Hess's basic personality patterns were hysterical and paranoid. They also agreed that his amnesia, if maintained, would be a hindrance to his defence.

There had been discussion of a thorough psychiatric examination in two phases:

(1) before trial, to assess fitness to plead and similar matters; and

(2) after sentence, when it was felt that a team of psychiatrists, psychologists and sociologists from each of the Allied countries might produce a complete survey and report which would be of value for the future understanding of the Nazi mentality and the nature of the movement which had led to so great disasters. This clearly fitted in well with the expressed hope of the

Mr. President: At the beginning of this Kelly

Tribunal that they would write an effective chapter in history.

In November 1945, Moran, Rees, and Riddoch from England; Schroeder, Lewis and Cameron from the United States, Delay from France and Krasnushkin, Sepp and Kurshakov from Russia examined Hess and reported - there being four reports in evidence. In summary, these are:

(1) Moran, Rees, Riddoch, November 14th 1945. Psychopathic personality, delusions of poisoning and other similar paranoid ideas, marked hysterical loss of memory, notably a loss of memory were stressed. Hess was not considered insane in the strict sense. Narco-analysis was recommended to obtain further evidence.

(2) Krasnushkin, Kurshakov, and Sepp, November 17th, 1945, stressed absence of progressive schizophrenic disease, the presence of psychogenic reactive paranoia alternating with hysterical amnesia. They considered Hess responsible under the indictment.

(3) Cameron, Delay and Lewis, and Schroeder, November 20th, 1945, stressed his hysterical amnesia. They concluded he was not insane in the strict sense of the word.

Hess refused to consider narco-analysis until after the trial.

While on the stand on November 30, 1945, Hess made his famous statement summarised by Kelly as: "My memory is again in order. The reason why I simulated loss of memory was tactical."

Hess's statement as presented in the record is:

Mr. President: At the beginning of this

afternoon's proceedings, I handed my defense counsel a note stating that I am of the opinion that these proceedings could be shortened if I could speak briefly. What I have to say is as follows: In order to prevent any possibility of my being declared incapable of pleading-although I am willing to take part in the rest of the proceedings with the rest of them, I would like to make the following declaration to the Tribunal although I originally intended not to make this declaration until a later time. My memory is again in order. The reason why I simulated loss of memory was tactical. In fact, it is only that my power for concentration is slightly reduced but in conflict to that my capacity to follow the trial, my capacity to defend myself, to put questions to witnesses or even to answer questions-in these, my capacities are not influenced. I emphasize the fact that I bear full responsibility for everything that I have done, signed or have signed as co-signatory. My fundamental attitude that the Tribunal is not legally competent, is not affected by the statement I have just made. Hitherto, in my conversations with my official defense counsel, I have maintained my loss of memory. He was, therefore, acting in good faith when he asserted I had lost my memory."

Kelly went to see Hess in his cell immediately after his appearance in court and asked him why he had done it, and found him quite like an actor after a first night.

"How did I do? Good, wasn't I?" he asked, adding, "I really surprised everybody, don't you think?" Kelly

- 40 - everybody had been surprised.
shook his head and said he didn't think/~~everybody~~

Hess stopped his excited pacing for a moment. "Then I didn't fool you by pretending amnesia? I was afraid you had caught on. You spent so much time with me." Hess. Kelly reported that from that time forward it became possible to trace the development of his amnesia. In England, during the period of intensive interrogation, Hess had discovered that when, in answer to any question, he said: "I don't know.", the British would keep returning to it and hammering away at that particular query. But if he said: "I don't remember.", the interrogators seemed inclined to drop the question. Hess eventually confessed that much of his amnesia had been real and that his boast, in court had to been false. before, Gilbert, the American psychologist at Nuremberg, reports that, later in November he showed a curious interest in American democracy, saying that National Socialism had a good idea behind it too - doing away with class differences and making the people united. for his Gilbert reported an I.Q. of 120 plus, a TAT result showing that in the realm of fantasy he seems to forestall frustration by not being able to think a given hypothetical situation through to its conclusion, a Rorschach result showing the environment essentially consisting of figures without life - without projection or contact in the dynamic sense. It wasn't entirely loss of memory."

Gilbert also reported:

December 15th - 16th 1945

Q. "Can you follow the trial better now?"

Hess. "Yes I can follow everything clearly now . . ."

Q. "What do you think of Hitler now?"

Hess. "I don't know - I suppose every genius has a demon in him - you can't blame him - it is just in him."

He continued to reflect on the idea, but was apparently unwilling to express himself further, except to say: "It is all very tragic - but at least I have the satisfaction of knowing that I tried to do something to end the war."

When it was time to go to chapel, Hess refused to go, saying that he had never had any use for religion before, and he wasn't going to weaken now just because he was on trial for his life.

January 5th - 6th 1946

After completing a^{psychological} retest we talked casually about his "concentration" - our mutually understood term for his mental state and memory. He mentioned that he dreamed occasionally about his youth in Egypt . . . He spoke quite freely about his memory loss. "The first period of memory loss was really genuine - I suppose it must have been the continual isolation, and the disillusionment also played a role. But in the second period I exaggerated somewhat. It wasn't entirely loss of memory."

February 23rd - 24th, 1946 August 17th, 1946

Hess complained of continual stomach cramps and disturbance of his sleep by the guards. On the basis of ~~the summary~~, The present state of his memory seems to be: fairly good memory for events of the past week or two, but substantial dimming-out of even significant events for the past few months and earlier. Before the interview was terminated, he complained once more about his stomach cramps and the continual disturbance at night. "I still cannot see what sense the noise at night has unless it is to interfere with my concentration on purpose - otherwise it makes no sense."

March 14th 1946

I told Hess that von Blomberg had died. It did not register. He said: "So?". I asked him if he knew who Field Marshal von Blomberg was. "One of our generals" he answered, vaguely. I then told him that Haushofer and his wife had committed suicide. He said he remembered that a man by the name of Haushofer was supposed to give testimony for him, but he did not know anything else about him. After a while, Hess made one of his rare unsolicited remarks: "I hope none of my other witnesses leaves me in the lurch by preferring death." One of his colleagues asked Hess if he really was having trouble remembering things. He said he was. They told him he had got to remember. "I wish I knew how," Hess sighed feebly.

Gilbert's report of August 17th, 1946
(including concurrence with the then prison psychiatrist,
Lt. Col. Dunn) agreed with previous reports. On the
basis of this report, the tribunal decided not to order
another psychiatric examination, stating that it should

Kelly reported that: . . . As the trial progressed
Hess became more and more disturbed; his transitory amnesic
episodes and an increased paranoid reaction (suspicion
of everyone, fear of poisoning, etc.) were growing proof
of his worry. In the face of the accumulated evidence -
all of it testifying to the viciousness of his associates -
he sought refuge in recurrent amnesia, and finally became
so disordered that he was unable to take the stand in
his own defence. As a result, he was considered insane.

~~Kelly concludes: ^{his book} Here the Tribunal indicated its
good judgment. Death sentences for insane persons are
not part of civilized, democratic law; so the Tribunal
compromised by a sentence which will place him behind walls
for life.~~

~~As a psychiatrist in the army, I became
convinced that the country which had produced so many
thousands of infantile young men was itself emotionally
immature. Far too few of our soldiers, or their officers,
were ⁱⁿ mature; a frighteningly high percentage had an
emotional-intellectual age of about ten years. One can
say, with reason, that the Germans behaved like children
under the rule of Adolf Hitler. We are not yet reduced~~

Similarly, Hess concluded that many of those who gave orders to such a state, but we are - like Hess - teetering on the kerbstone.

On January 1st, 1958, Kelly committed suicide.

On September 27th, 1946, Hess wrote J.R. Rees permission to publish his case, stating that it should furnish proof: "that even honourable men, physicians and experts, partly of high repute, through the compulsion exercised on their minds, were brought to commit the gravest crimes and at the same time to deliver judgments which contradict the truth, in order that the crimes should be hushed up".

On November 30th, 1946, the question whether Hess was fit to stand his trial was argued before the Tribunal and the Tribunal decided that Hess/should state what his views on the question were if his counsel thought this proper. His counsel did. Hess spoke at length and in his concluding speech compared the evidence given at the trial with that given in the Russian trials of 1936 - 38, in which accused accused each other and themselves of crimes - all to the astonishment of the world. He compared the abnormal state of mind many of the Russian accused seemed to be in to the state of mind "the personnel of

On October 1st 1946, Lord Justice Lawrence passed sentence of life imprisonment on Hess, he being found guilty on counts:
(1) The common plan or conspiracy, and
(2) Crimes against peace.
and not guilty on counts:
in.

(3) War Crimes, and

(4) Crimes against Humanity.

Similarly, Hess concluded that many of those who gave orders, including Hitler, must have been in an abnormal state. He also concluded that many of those who were in contact with him in England were abnormal for days at a time, and then would appear normal. Hess appealed to those who remembered that no good explanation had been forthcoming regarding the excessive number of deaths in British concentration camps in Africa during World War I. He was convinced that the British Government had nothing to do with the facts he wished to bring forward. He said he was convinced the British Government wished him treated fairly and according to the rules of the Geneva convention. He complained that he had been unable to persuade his defence counsel to put questions to him which would allow him to give the facts just mentioned to the court. After the President of the Tribunal cut off this line of discourse and reminded him that he had previously rejected an opportunity to testify on his own behalf, he finished by protesting against the right of his accusers to accuse him about things which were purely German matters, and by affirming his conviction that he had done right, and that some day, when he should be before the judgment seat of the Almighty, he knew he would be called innocent. This he had all more or less written to his wife on Sept 2nd - also making clear to her that he was reckoning with possible sentences of death, imprisonment, and certification to a lunatic asylum.

On October 1st 1946, Lord Justice Lawrence passed sentence of life imprisonment on Hess, he being found guilty on counts:

- (1) The common plan or conspiracy, and
- (2) Crimes against peace.

and not guilty on counts:

- (3) War Crimes, and
- (4) Crimes against Humanity.

Kelly concludes his book: The Tribunal indicated its good judgment. Death sentences for insane persons are not part of civilized, democratic law; so the Tribunal compromised by a sentence which will place him behind walls for life.

As a psychiatrist in the army, I became convinced that the country which had produced so many thousands of infantile young men was itself emotionally immature. Far too few of our soldiers, or their officers, were immature; a frighteningly high percentage had an emotional-intellectual age of about ten years. One can say, with reason, that the Germans behaved like children under the rule of Adolf Hitler. We are not yet reduced to such a state, but we are - like Hess - teetering on the kerbstone.

Gilbert reports that after two days paranoid rumination, he reverted to his 'normal' state - i.e. mildly negativistic and seclusive in manner, preoccupied with mild suspicions of persecution, well oriented, normal reasoning, fair insight and excellent memory.

On asking Hess whether he had misgivings over Hitler's destructiveness, he merely shrugged it all off saying that one could not hold a man (i.e. either himself or Hitler) responsible for what he had done under the influence of drugs and hypnosis. He hinted at a new scheme he was formulating to save the world from further racial conflict and destruction. Gilbert concludes that this shows how difficult it is to draw the line between true paranoia and culturally conditioned pseudoparanoia.

"To sum up: The defence is a matter of indifference. All sorts of incomprehensible charges will be trumped up, and very possibly equally incomprehensible statements will be made by

A book entitled "Prisoner of Peace" written by Frau Ilse Hess and published in translation in 1954, consists mostly of excerpts of letters written between 1941 and 1951 by Hess x to his wife.

Air-Commodore G.S. Oddie, in a foreword to this book, wrote: "It is far easier to picture from these letters a courageous and genuine idealist, misguided or not, according to one's views, but buoyed up with hope, which would certainly have been quite impossible to a worldly wise diplomat."

Frau Hess's book written in 1952 gives her reconstruction of the events preceding her husband's flight, and gives excerpts from letters from the first she received in January 1942 till that written on December 25th 1951. In these letters Hess recurrently refers to family jokes mentioned in his wife's letters and writes her similarly. It is almost only in these letters that one sees his sense of humour. After sentence in 1946, Hess writes much about his amnesia and his attempts to fool his doctors, hoping that he would be exchanged and refers to their hints that he might be exchanged. Nowhere does he refer to the hypochondriasis, the depression or the delusions he suffered from in England. There is some teasing in his 1947 letter when he compares his wife with the American and Chinese wife, quoting his reading of Pearl Buck. When in 1947 his wife was arrested, he writes her at length about his views on honour. He came nearest to writing his wife about his delusions when he wrote to her in her prison on June 26th 1947:

"To sum up: The defence is a matter of indifference. All sorts of incomprehensible charges will be trumped up, and very possibly equally incomprehensible statements will be made by

witnesses. The verdict will be detention of some kind. That is not important. The main thing is that you should be prepared from the very beginning to look upon the whole affair as a tragic performance. Theatre, theatre, nothing but theatre! But not with a tragic end."

In August 1947 he was transferred to Spandau Prison, Berlin. He wrote on August 3rd:

"Now we shall calmly await what may happen to us - as we did before. Or at least I shall do so without necessarily going to the extreme of the fakir who perceives his mission and happiness to consist in holding one arm upright day and night. In a mental and spiritual sense, I sometimes feel rather like that myself, but only sometimes . . . from that state I am far removed" (here follows their sign for a laugh).

He read much and writes on November 23rd:

"Oh, Shakespeare, what is not to be found there? I have been reading Hamlet again and letting it sink in: 'Rightly to be great is not to stir without great argument, but greatly to find quarrel in a straw when honour's at the stake'".

On January 18th 1948 he writes of his hopes that the Duke of Hamilton is keeping, in response to his request, a part of his wrecked ME 110 and his parachute so that on "the appointed day" he will see them again.

On February 15th 1948 he writes:

"How I was always delighted by newly fallen snow! But to-day? It leaves me indifferent: ground, bushes, branches, trees, walls - all are bedecked with white, but I hardly notice them! Perhaps I do not want to see them, because I no longer it desire to see beauty and allow my spirit to be moved by it. The protective skin round about my soul grows thicker; it begins to

develop the rings of years. Only those who have lost freedom know what freedom means."

On May 9th he writes additional reminiscences of the nine night seven years previous to the next night when his imprisonment began.

On January 22nd 1949 he wrote:

"I happened, just on the very day of my mother's birthday, to come across a passage in Kant about his mother: 'I shall never forget my mother, for she planted and nursed the first seeds of good in me. She opened my heart to the influences of nature; she aroused and widened my ideas of life; and her teachings have never ceased to exert a wholesome influence upon my life.' This applies not only to the mother of Kant, word for word"

On February 13th 1949 he urges his wife not under any circumstances to be persuaded to try to send him food parcels.

On July 3rd 1949 he writes:

"Even in England where, apart from those guarding me, I was completely alone, weeks, months and even years flew by in the twinkling of an eye. Yet often I had not enough to read, and was forced to bury myself in my own thoughts. I learned to ponder over problems more than I had ever done before, and a great peace filled my heart. Now I am able to understand men who feel impelled to withdraw into complete loneliness, to become hermits."

On February 12th 1950, he wrote:

"As to this greatest achievement of my life, I do not see it in the mere fact of getting across without being ditched, that is to say as an aerial and navigational success; nor do I see it in the courage required to fly over water, stretching to the furthest horizon to penetrate and land among hostile defences:

no, I think it lay in the civil courage (a quality not widely enough found amongst us Germans) that was necessary to make the decision and to carry it out . . . In view of the nine months of being perpetually on the alert of repeated false starts, involving wrenching myself away from my family and then having to come back and repeat the mental torture - in view of all this, it is possible that I had become really not quite normal! . . .

"The flight and its purpose had taken hold of me with the force of a fixed idea. Anything else, I seemed to see and hear only partly, as if through a fog - for my gaze was directed, either in actual fact or in mind, upon maps of the North-west, the North Sea, or Scotland."

His mother died on October 1st 1951, ten years less one day from the date of her husband's death. The second last letter in the book is to his son.

On April 27th 1955, the MONTREAL STAR published a Berlin report that Hess had attempted suicide, and had claimed that he was suffering from cancer, although no evidence was forthcoming upon examination. It was on April 24th 1945 that Himmler offered to surrender Germany to the Governments of Great Britain and the United States, and on May 1st that Hitler's death was announced.

I understand that in 1956 an American psychiatrist interviewed Hess with representatives of the four nations sitting in and found no psychiatric abnormality at that time.

Now every three months the more or less 150 persons who care for Hess, Speer and von Schirach change as the four nation rota grinds on.

On March 6th 1958 a North American Newspaper Alliance

despatch reports that Speer complains of Hess's ceaseless flights of fantasy and considers that the U.S.A. and U.K. authorities wish to discharge Schirach and himself and commit Hess to a mental hospital. He states that the Russian authorities disagree and the French authorities cannot make up their mind.

So much for my summary. Now to my conclusions.

We know little of Hess's childhood. We lack knowledge of those aspects of his early life, we lack knowledge of those details of his early character, which might help us understand his psychology and psychopathology if they became exaggerated. We do know much about the past 40 years of his life.

To look from the present time backwards, what do we see? We have seen the way he dramatizes and idealises his position - this and his amnesia have been called hysterical. But dramatisation, idealisation and amnesia may be seen as part of any reaction. We have seen a little of his compulsive orderliness, a little of his "sweating" blood before making a speech", a little about his anxiety when driven and his own wish to drive. We have seen something of his courageous but arrogant, imaginative but naive, enthusiasm, in trying to find a way to peace in 1941. We have seen that under the stress of failure (and loneliness) he feared death seen in these forms;

(a) he would be killed;

(b) he would be called a suicide;

(c) he would suicide.

He could only cry after he had fractured his thigh and when he was threatened with catheterisation. One could elaborate on his fantasies of death by precipitation and his fantasies of hypnosis

imagine what course the war might have taken had a cured Hess

and poisoning, but there is not the time to elaborate these fantasies now. We know nothing of his relationship to his mother or father. In Haushofer he found inspiration. In Hitler he found an ally in whom he later discovered a demon. There were other demons which hypnotised and poisoned - these were the Jews. These, when he was most depressed, he believed were making him unable to be good - unable to convince Lord Simon of his goodness, whereas these same influences were making Hitler bad, in fact so bad that he destroyed these very influences - he killed the Jews.

Here we see a complicated depressive situation and his not depressive persecutory delusions - from which he ~~progresses~~ progresses to one of three states:

- (a) Confusion, amnesia, and denial;
- (b) Excited triumph with a message for the world;
- (c) His normal state - waiting for the "appointed day".

He has, in my opinion, never shown symptoms which have been recorded of regression to a schizophrenic disorganisation or schizophrenic paranoid state.

It is easy to understand that Dicks felt Hess might attack him just before he jumped down the stairwell but there were two possibilities:

- (1) I want to kill you: you won't do what I say;
- (2) I want to cry: tell me what to do.

Hess believed the King and Churchill were at odds. He was very disappointed that the King did not accept Hitler's offer of friendship. If he could have believed that help and understanding were forthcoming about Hitler's (and his own) demons - could he have been treated - and perhaps successfully? One can only imagine what course the war might have taken had a cured Hess

spoken to the German people. Or one ~~can~~ can imagine what a different course the Nuremberg trial might have taken had Churchill's thought of Hess's repentance became a fact through the help of psychiatric treatment.

Late in the course of psychotherapy one of the most difficult problems to deal with is the realisation that if help is accepted and if improvement occurs anger and grief at this help and improvement will arise because they did not occur sooner. This is a risk which has to be taken if help is to be given, and if improvement is to occur.

The patient may fear being angry at the doctor for his not having helped sooner. The patient may fear suicide because it is all now too late. The patient may be guilty at showing the doctor in what way he could have helped earlier and did not. The patient may be guilty when he realises what it means to have postponed and delayed improvement in himself.

In thinking about Hess we are all very much up against such fears and guilts.

We disparage as outmoded an older psychiatric attitude of "our interest is diagnosis - our treatment is custody". We should perhaps re-think where Hess's most serious symptoms lay and why - and for how many reasons - he was not treated.

I thank you.

TO THE INTERNATIONAL MILITARY TRIBUNAL:

The United States respectfully files the following observations on the application of RUDOLF HESS:

Hess' condition was known to the undersigned representative of the United States immediately after his delivery to the Murnberg prison and was the subject of a report by Major Douglas McG. Kelly of the Medical Corps of the United States Army, which report is attached hereto.

The report of Major Kelley and his recommendation for treatment were submitted to me and on October 20, 1945, I advised that "any treatment of this case involving the use of drugs which might cause injury to the subject is disapproved." This was not because I disapproved of the treatment. I approve of the treatment and would insist on it being employed if the victim were a member of my own family. But I was of the opinion that the private administration of any kind of drug to Hess would be dangerous because if he should thereafter die, even of natural causes, it would become the subject of public controversy. This completely agreed with the opinion of the Security Officer, Colonel B. C. Adrus, whose report is attached.

In view of the statements contained in the medical report of the Commission and in view of the facts which I have recited, the United States must regard Hess as a victim, at most, of a voluntary amnesia and presenting no case for excuse from trial.

Respectfully submitted

/s/ Robert H. Jackson

Chief of Counsel for the United
States.

29 November 1945.

HEADQUARTERS
INTERNAL SECURITY DETACHMENT
OFFICE US CHIEF OF COUNSEL
APO 403, US ARMY

16 October 1945

SUBJECT: Psychiatric Status of Internee.

TO : Commanding Officer, Internal Security Detachment.

1. Internee Rudolf HESS has been carefully studied since his admission to Nurnberg Prison.

2. On entry HESS manifested a spotty amnesia. The British psychiatrist accompanying him stated that from 4 October 43 to 4 February 45 HESS presented symptoms of total amnesia. From 4 February 45 to 12 July 45 he recovered, and is said to have made a statement that his previous amnesia was simulated. On 12 July 45 he again developed amnesia which has lasted to the present. Also while in England HESS claimed he was being poisoned and sealed up numerous samples of food, chocolate, medicine, etc. as "evidence" to be analyzed prior to his trials. Such behavior could be either simulated or a true paranoid reaction.

3. Present examination reveals a normal mental status with the exception of the amnesia. Attitude and general behavior are normal, mood and affect, while slightly depressed, are intact and normal. Sensorium is intact and insight is good. Content reveals vague paranoid trends, but there is no evidence of any actual psychosis. His reactions to his suspicions are not fixed and delusioned trends - are distinctly spotty and disconnected. His reactions are those of an individual who has given up a simulated behavior pattern rather than those of the psychotic. Oddly enough his memory for this phase of behavior is excellent.

4. Special examinations with Rorschach cards indicate some neurotic patterns. They point to a highly schizoid personality with hysterical and obsessive components. Such findings are confirmed in the patients present reactions. He complains bitterly of "stomach cramps" which are obviously neurotic manifestations. He is over dramatic in his actions presenting typical hysterical gestures, complaints and symptoms. His amnesia is at present limited to personal events concerning his history after joining the party. The amnesia however shifts in a highly suspicious fashion. Such amnesias may be hysterical in nature but in such cases do not change in depth from day to day and facts recently learned are not lost as with Hess.

5. In HESS' case there is also the factor of his long amnesia in England. It is quite possible that he has suggested an amnesia to himself for so long that he partially believes in it. In a person of hysterical make-up such auto suggestion could

readily produce an amnesic state. Also the "gain" or protection found in amnesia, fancied or real, would be a bar to its easy clearance. Finally a large conscious element may well be present.

6. In this case I believe all those factors are present. Treatment will have to be formulated along lines attacking the suggestive factors and overcoming conscious restraints. Hypnosis would be a value but probably chemical hypnosis will be required. Such narco-hypnosis and analysis require the use of intra venous drugs of the barbitol series, either sodium amytol or sodium pentothal. Such treatment is in general innocuous if proper precautions are taken. It must be borne in mind, however, that occasional accidents happen in any intravenous technique. With the drugs mentioned above rare fatalities have been reported although in more than 1000 such cases personally treated, I have never seen one.

7. Essentially the present situation is as follows:

- a. Internee HESS is sane and responsible.
- b. Internee HESS is a profound neurotic of the hysterical type.
- c. His amnesia is of mixed etiology, stemming from auto suggestions and conscious malingering in a hysterical personality.
- d. Treatment will be required if it is felt desirable to remove this amnesia.
- e. Such treatment, though it cannot eliminate the conscious element is of great value in estimating its importance. With such techniques accurate estimates of malingering can be made. If this is a true amnesia, total recovery can be predicted.
- f. Such treatment is essentially harmless except in extremely rare instances. In ordinary practice the value of the treatment far outweighs any of its hazards.

8. Clarification as to the desired degree of treatment in this case is requested.

DOUGLAS McG. KELLEY
Major, MC

1st Ind.
HEADQUARTERS, INTERNAL SECURITY DETACHMENT, OFFICE US CHIEF OF
COUNSEL - APO 403, U. S. ARMY - 17 OCTOBER 1945

TO: Mr. Justice Jackson's Office US Chief of Counsel
APO 403, U.S. Army
(Attention: Colonel Gill)

HESS believes or has pretended that the British attempted to poison him. Treatment with drugs might call forth the same suspicion or allegation against us by him. Undue alarm might be injurious to the patient.

/s/ B. C. Andrus
/t/ B. C. ANDRUS
Colonel, Cav
Commandant

2nd Ind.

OFFICE US CHIEF OF COUNSEL, EXECUTIVE OFFICE, APO 403, U.S. ARMY

20 October 1945

TO: Headquarters, Internal Security Detachment.
Office US Chief of Counsel

Any treatment of this case involving the use of drugs
which might cause injury to the subject is disapproved.

ROBT. J. GILL
Colonel, CMP
Executive

Verdun Protestant Hospital

DR. G. E. REED,

~~DR. C. A. PORTEOUS,~~

MEDICAL SUPERINTENDENT

P. O. BOX 6034

C. B. NEWSOME,

ADMINISTRATOR

Montreal, Que.

October 8, 1947.

Dr. D. Ewen Cameron,
Allan Memorial Institute,
1025 Pine Avenue West,
MONTREAL, Québec.

Dear Dr. Cameron:

The enclosed comments are the evaluations which I have sent to Dr. Gilbert at Princeton. He had provided me with mimeographed Rorschach records of the Nuremberg Nazis. I understand that a group of other men has been asked to submit their interpretation to be included in a monograph which Dr. Gilbert is writing.

Since you have seen most of the Nuremberg Nazis in the flesh, I thought you might be interested in what one gathers from their ink-blot gazing. As you know, Dr. Ross has been approached by Dr. Kelly who is in possession of another batch of Nazi Rorschachs and also has asked a group of experts to interpret them. Don Ross and I have been exchanging our source material but have not discussed its interpretation before we wrote it down.

I wish to thank you for your recommendation for this interesting work.

Yours very sincerely,

H. Lehmann.

H. Lehmann, M.D.
Clinical Director

HL/S

EVALUATION OF THE RORSCHACH RECORDS OF SIXTEEN LEADING NAZIS
TRIED AT NURENBERG

BY H. LEHMANN, M. D.*

It is difficult to interpret a Rorschach record blindly. This difficulty increases if the record was obtained in another language and only a translation of it is available. This particular group of tests has been administered to individuals who were living under abnormally stressful conditions designed to create and foster feelings of guilt, anxiety and depression. One would expect to find in this group an unduly high percentage of persons who show signs of emotional insecurity. Consequently, the test results should be expected to reveal the individual's response to a fairly well standardized situation rather than to reflect a true picture of the individual's basic personality.

In the following will be given brief qualitative evaluations of each record, as well as a tentative classification of all records according to their degree of pathological deviation: normal; psychoneurotic; borderline; psychotic. Within each of the four categories, numbered I - IV, the names will be given in alphabetical order.

I - (NORMAL)

SCHACHT - A normal record of a man with very superior intelligence. He is productive and original, has maintained composure and a good social adaptation. He is practical and realistic. He shows indications of a defensive, and at the same time, aggressive attitude. His main weapon of aggression is sarcasm.

* From the Verdun Protestant Hospital, Montreal, and the Department of Psychiatry, McGill University.

von SCHIRACH - A rich and colorful record of a man with definitely superior intelligence. He has an artistic approach to life. This may be his manner of compensating for the inhibiting effect of his actual environment. His emotional responses are warm and spontaneous. He has a genuine and unusually intense interest in people, but he tends to project his humans at times into a world of play and fairy-tale. Remarkable is the flexibility of his attitude. It seems that he would be easily swayed by his own ideas as well as by influences emanating from his environment. A certain anxiety is present but constructively dealt with.

SEYSS-INQUART - A record of a man of superior intelligence whose productivity has been curbed by the inhibiting effects of a mild depression. This depression is not pathological, rather based on the capacity for a greater amount of insight than found in any of the other records. There are feelings of guilt and rejection of his own actions of the past, and there is a nostalgic wish to be able to flee from it all. Socially he is well adapted. He has a mild tendency to develop hypochondriacal complaints.

II - (PSYCHO-NEUROTIC)

FRANK - A re-test and therefore probably more productive. Evidence of a high degree of stimulation which has its roots in a deep religious feeling which at times almost amounts to ecstasy. He is highly original but he lives in a world of symbols and spiritual representation, rejecting the reality of the things around him although he is not oblivious to it. He has insight and is aware of guilt feelings for which he has compensated, with the conviction that he will be saved spiritually.

FRITZSCHE - Indications of anxiety and tension, catastrophic feelings in a man of superior intelligence who clings to popular ways of thinking and to exaggerated ambitions in order to escape his feeling of impending doom. He has lost his emotional independence and is easily influenced by his environment.

FUNK - Chaotic, confused imagery in a man with good intellectual endowment, who has withdrawn into a world of sadomasochistic fantasies and sexual preoccupation. He appears to have no conscious concern about his past, present or future.

GOERING - Neurotic maladjustment is reflected in this man's impulsiveness and his poor social adaptation. His contact with reality is good. He is inhibited intellectually due to a feeling of frustration, which results in unoriginal, vague thinking, and is compensated for by boisterous aggressiveness, expressed in superficial jokes of doubtful taste made at the expense of his comrades.

An interesting, though somewhat far-fetched speculation, would make one wonder whether the last response he gives ('fantastic profiles' - "I don't know what that blue stuff is they are blowing out") is an association to the mode of suicide he has chosen. The German word for potassium cyanide is 'Blausaeure' (blue acid).

KALTENBRUNNER - A record typical of an obsessive-compulsive neurosis. This man is slow, cautious and perfectionistic in his approach to new situations, constantly given to doubt, correcting and withdrawing his own responses. The record suggests that his compulsive attitude is used as a defence mechanism against an intolerable reality.

VON NEURATH - A record characteristic of an anxiety neurosis, unproductive with little common sense. This man has become helpless in the face of marked emotional difficulties.

VON PAPPEN - A record characteristic of an anxiety neurosis. This man is weighed down with the feeling of failure. He is easily flustered when faced with an unexpected situation and responds in a vague, unoriginal manner. He seems to be unaware of his reduced competence, as his ambition has remained high and now far exceeds his capacity.

ROSENBERG - Pathological ambition and a resentful, aggressive attitude as a reaction to failure and frustration characterise this record. Though still capable of good intellectual performance, his impulsive, infantile emotions have reduced this man's productivity to a mediocre level.

SAUCKEL - The picture of anxiety-hysteria is revealed in the marked tension and inhibition, the reality-escaping attitude and the preoccupation with bodily symptoms which are reflected in this record. A dull, argumentative individual who gives up easily in the face of difficulties.

III - (BORDERLINE)

KEITEL - Marked anxiety, peculiar perceptual difficulties, gross intellectual impairment, stereotypy, mental slowness and perplexity suggest the presence of some organic brain disease. This man is depressed and probably tortured by feelings of guilt.

VON RIBBENTROP - A severe neurotic depression is responsible for this man's marked inhibition, which prevents him from coping successfully with any difficulties in his environment. He has strong feelings of guilt and insufficiency, a conscious fear

of losing his mind, and possibly an unconscious desire for it to happen.

IV - (PSYCHOTIC)

HESS - Impractical ambition, impulsiveness, reasoning based on symbolism rather than logic, confabulation with a tendency toward the bizarre, as well as a rigid, egocentric attitude, point distinctly to a diagnosis of schizophrenic personality disintegration. Signs of anxiety are absent in this record, which does not preclude hysterical manifestations.

SPEER - A severe anxiety-depression or mental impairment due to an organic brain disease are responsible for the extreme paucity of this record. This man is vague, repetitive, incapable of real insight and understanding of any but the simplest problems. He senses his lack of imagination and emotional responsiveness, feels inadequate and tries to make excuses for his failures. The record is impoverished beyond the range of mere neurotic deviation from the normal.

Germany

Verdun Protestant Hospital

DR. C. A. PORTEOUS,
MEDICAL SUPERINTENDENT

P. O. BOX 6034

C. B. NEWSOME,
ADMINISTRATOR

Montreal, Que.

September 19, 1947

Dr. D. E. Cameron,
Allan Memorial Institute,
1025 Pine Ave. W.,
Montreal, Que.

Dear Dr. Cameron:

Thanks very much for your comments about Kelley's Rorschachs and on the question of my Rorschach activity. I now understand much better your attitude and I value your advice. I think it would be best for me to avoid too much Rorschach work. I may push the quantitative approach some time in collaboration with a psychologist.

I was very interested in your comments about Frank and the others. I have not seen a record of Von Schirach. Frank's record was qualitatively very abnormal but without the typical features of neurosis. He would have rated high in a scale for bizarre features if we had one. He was the only one in which I thought of schizophrenic features but the record was not conclusively psychotic. I did not know about his behaviour during the trial nor about his conversion. We didn't have much information about these people when I was in Germany and I purposely avoided reading up on them after I knew I was going to participate in this Rorschach study since I wanted to see what I would do in blind analyses. I enclose a copy of the comments I sent to Kelley. Streicher's Rorschach was certainly a curious mixture also.

Sincerely,

W.D. Ross

W. Donald Ross, M. D.

Comments on the Rorschach Records
of Seven Leading Nazis

W. D. Ross, M.D.*

One is under several handicaps in reconstructing personality pictures from the records which have been supplied. The individuals were, of course, under abnormal conditions of incarceration when they were examined and they were lacking in the usual motivations for adequate performance in the task. The technique was administered through an interpreter, in German, and the English translations which have been supplied may have lost many important nuances. The subjects under examination were being observed carefully by both the interpreter and by Dr. Kelley but little description of the behaviour during the test has been made available. Dr. Kelley's own analyses of the results will have more validity than the comments by those of us who are limited to the English translations without complete records of enquiry and testing of the limits. It is realized that it would have been impractical to make the full details available, and these introductory remarks are being made only to explain how sketchy the comments must be from a study of the mimeographed translations.

With these limitations in mind there will be presented two quantitative ratings for each record and some brief qualitative comments. The quantitative ratings being presented

* From the Verdun Protestant Hospital, Montreal, and the Department of Psychiatry, McGill University.

are those of "instability" and "disability" which have been explained elsewhere^{1,2}. For purposes of comparison it might be mentioned that a group of psychoneurotic patients have been found to average +17.9 in "instability" and +8.4 in "disability", a group of healthy individuals of superior intelligence +3.6 in "instability" and +1.1 in "disability", a group of patients with brain disease or damage +8.75 in "instability" and +25.1 in "disability", while a group of moderately neurotic individuals of low average intelligence averaged +14.1 in "instability" and +7.6 in "disability".

<u>Subject</u>	<u>"Instability"</u>	<u>"Disability"</u>	<u>Comments</u>
Doenitz	-1	-2	A very superior individual, ambitious and effective, especially at organizational activities involving interpersonal relationships. Not significantly neurotic but slight hypochondriasis and an immature attitude to women.
Frank	-2	+3	Highly original but definitely eccentric and erratic, missing the obvious at times, while at other times he sees things with common sense plus an original twist, and at other times becomes evasive and impractically abstract.
Goering	+10	-2	Extremely close touch with popular modes of thinking plus a strong creative imagination about which he feels self-conscious. There are strong inner drives with low self-control and a depressive tone to mental content. Moderate neurotic difficulties, sexual and social.

1. Ross, W.D. and Ross, S. Some Rorschach ratings of clinical value. Rorschach Research Exchange 8, #1, 1-9, Jan. 1944.

2. Ross, W.D. A quantitative use of the Rorschach method. Amer. Journal of Psychiatry, 101, 101, July 1944.

<u>Subect</u>	<u>"Instability"</u>	<u>"Disability"</u>	<u>Comments</u>
Ley	-1	-2	Qualitative features of brain disease in a previously superior individual, with evidences of a compulsive reaction, of destructively aggressive impulses, and of free floating anxiety.
Rosenberg	+13	-2	Close touch with the popular modes of thinking with more than popular accuracy but little originality. There is a calculated regard for the feelings of others but little true empathy. There are moderate neurotic difficulties.
Streicher	-1	+2	An excitable, distractable, somewhat unpredictable individual who has a fairly flexible approach and a wide range of interests but tends at times to repeat himself in a tiresome manner.
Von Ribbentrop	+22	-1	Evidence of a neurotic depression in a perfectionistic individual well in touch with the popular modes of thinking, but making no effort beyond the minimum and not revealing any abilities beyond the popular level at present.

W. R. R. S.
E. Donald Ross, M. D.