

## Kirschbaum's Examination for Discovery Transcript

The following are excerpts from an "examination for discovery" (a process by which the parties to a legal action disclose the facts or documents on which they rely) of Joseph Kirschbaum in 1966. The examination was occasioned by a libel suit filed by Kirschbaum against Our Voices Publishing Company and its editor, Joseph Cermak. Here, under oath, Kirschbaum answers questions posed for the defendant by P.B.C. Pepper. Kirschbaum's lawyer is R.N. Starr. Under the rules governing examinations for discovery prior to 1985, no cross-examination of witnesses was permitted.

PEPPER: During the same period [1933- 1938], what was your attitude towards the Jews in Slovakia?

KIRSCHBAUM: I can say positively I had no special attitude of any other student at this time.

PEPPER: Were you fond of the Jews?

KIRSCHBAUM: I cannot say "fond" and I cannot say "enemy."

PEPPER: Do I take it you are saying you are neutral?

KIRSCHBAUM: To some extent.

PEPPER: What do you mean by that?

KIRSCHBAUM: I was not asked to express my opinion about the Jews in Slovakia.

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PEPPER: I now show you our Production 43, being a photostat of the frontage of *Slovak* of April 21, 1939. Can you identify that?

KIRSCHBAUM: I doubt I ever saw it, because I was not in Bratislava that day.

PEPPER: Where were you?

KIRSCHBAUM: I was in Berlin.

PEPPER: What were you doing in Berlin?

KIRSCHBAUM: I was part of a delegation. I was with other European delegations to Hitler's birthday.

PEPPER: Who was in your party?

KIRSCHBAUM: As I recall, the prime minister.

PEPPER: Tiso?

KIRSCHBAUM: Tiso, Durcansky and, I think, Mach; and I don't know exactly how many, but those I recall.

PEPPER: Was [Ferdinand] Catlos there?

KIRSCHBAUM: He might have been. He was minister of national defence, but I am not sure.

PEPPER: Tuka?

KIRSCHBAUM: He might have been.

PEPPER: [Karol] Murgas?

KIRSCHBAUM: No. As I recall, no.

PEPPER: *Slovak* – did it continue to be the paper of the Hlinka Party?

KIRSCHBAUM: Yes.

PEPPER: Did you take it daily?

KIRSCHBAUM: I beg your pardon?

PEPPER: Did you take it daily in Bratislava?

KIRSCHBAUM: No, I did not have time to read daily papers. If there was something important, my secretary told me, but I didn't have time to read.

PEPPER: You didn't have time to read the newspaper?

KIRSCHBAUM: Not daily, certainly. Sometimes I was doing three or four days and I didn't see any paper.

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PEPPER: Was the object of the delegation to Berlin to participate in the rejoicing for Hitler's birthday?

KIRSCHBAUM: The delegation – all delegations from Europe, including Britain, were invited and it was a diplomatic protocol duty. It was frightening, not rejoicing.

PEPPER: Are you serious?

KIRSCHBAUM: Frightening.

PEPPER: Why was it frightening?

KIRSCHBAUM: Because they showed the German might, military might.

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PEPPER: I will show you our Production 15, which is a photostat of a Slovak government order of April 20, 1939, with regard to the Jews. Can you identify this as an order of the Slovak government?

KIRSCHBAUM: No, sir, I cannot identify. I knew there was some order, but since it was not among my duties in my office, I was not concerned about this problem at that time.

PEPPER: What is there about this that you cannot identify?

KIRSCHBAUM: This is already issued, because I haven't read it.

PEPPER: Have you had an opportunity to read it now?

KIRSCHBAUM: I cannot say if I read it before, so how can I identify it is the same?

PEPPER: But you did know a law had been passed April 20, 1939?

KIRSCHBAUM: I knew there was some orders restricting the Jewish population in certain fields, but since it was not my office, I was not interested to read or get information what was it about at this time.

PEPPER: Were you, as secretary-general, not a member of the inner government?

KIRSCHBAUM: No, sir.

PEPPER: Who do you say was responsible for passing a law like this?

KIRSCHBAUM: The government composed of six or seven ministers.

PEPPER: I wanted to know who they were.

KIRSCHBAUM: Now, if my memory is still good, the prime minister was Tiso; Durcansky; minister of national defence was Catlos; minister of justice was [Gejza] Fritz; minister of communications was [Julius] Stano and minister of economy was [Gejza] Medricky.

PEPPER: How were the laws of the new Slovak state promulgated?

KIRSCHBAUM: By voting in parliament.

PEPPER: I think perhaps you don't know what the word promulgated means. How were they -?

KIRSCHBAUM: There was a special collection of laws same as here.

PEPPER: Bound in a book?

KIRSCHBAUM: At the end of the year, it would be when parliament finished, very probably, but I could not tell you. I was not in parliament.

PEPPER: Did you know the government had passed a law in April 1939 widely defining the concept of "a member of" the Jewish race?

KIRSCHBAUM: I heard about some legislation at that time, but neither the content nor the text was known to me.

PEPPER: Then do you say you didn't look at it at the time it was published?

KIRSCHBAUM: I said I heard about, but I didn't read and I didn't know about exact contents or text.

PEPPER: Then I show you another – I am going to use the word *law*; it might be a regulation, an order or ordinance – another law of the Slovak state of April 24, 1939, again embodying restrictive Jewish legislation. I show you our Production 16.

KIRSCHBAUM: No, I cannot identify. This is again something which was solely under the jurisdiction of the government and not to the duties of the secretary-general.

PEPPER: You make the same answer that you, as secretary-general, were not part of the government?

KIRSCHBAUM: No, sir, at any time.

PEPPER: At any time?

KIRSCHBAUM: At any time.

PEPPER: Do you know of this law being passed at the time?

KIRSCHBAUM: I might have heard that there is a new law restricting Jews, but I was neither concerned or I didn't read the law or the text.

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PEPPER: I show you Production 18, which is a photostatic copy of a further anti-Jewish law of July 25, 1939. Can you identify that?

KIRSCHBAUM: Again, I cannot identify. I knew at this time there was some laws restricting the Jews, but I never read the law or had anything to do with it.

PEPPER: Did you ever object to it?

KIRSCHBAUM: Since I didn't read it and it was not part of my office duties... I didn't.

PEPPER: Did you know, by virtue of orders that were passed restricting Jews, that the Jewish population was limited in jobs that they could get in Slovakia?

KIRSCHBAUM: I heard about it, yes.

PEPPER: How did you hear about it?

KIRSCHBAUM: It was common talk. It was a problem at that time, in common talk.

PEPPER: Did you know that the Slovak state established a concentration camp?

KIRSCHBAUM: I doubt I did know about any concentration camp. I heard about some labor camps for those that didn't do military service.

PEPPER: But not in connection with Jews?

KIRSCHBAUM: Jews' labor camps, no concentration camps. I never heard of concentration camps through my office.

PEPPER: I now show you Production 46, being a photostatic copy of *Nastup*, I believe of September 1939, and apparently containing an article by yourself. Would you identify that?

KIRSCHBAUM: Again, I cannot identify this is the article I wrote, but I agree I sent an article to this paper.

PEPPER: On this occasion?

KIRSCHBAUM: On this theme.

PEPPER: And around this time?

KIRSCHBAUM: Around this time.

PEPPER: I ask that be marked as an exhibit.

STARR: No.

PEPPER: You object to it being marked as an exhibit?

STARR: Yes.

PEPPER: I ask for a ruling.

STARR: I will waive.

PEPPER: In September 1939, did you publish any article praising the form of totalitarian government in Germany?

KIRSCHBAUM: No, sir.

PEPPER: Did you advocate in Slovakia the building of a totalitarian party?

KIRSCHBAUM: Not totalitarian party, authoritarian party.

PEPPER: Would you mind spelling, in Slovak, the word totalitarian?

KIRSCHBAUM: T-o-t-a-l-i-t-a-r-i-a-n.

PEPPER: That word which you have spelled means "totalitarian"?

KIRSCHBAUM: Totalitarian.

PEPPER: You said you did not advocate a totalitarian party?

KIRSCHBAUM: Totalitarian party as in Germany or Italy, never.

PEPPER: Did you advocate the totalitarian party?

KIRSCHBAUM: Authoritarian party.

PEPPER: What distinction were you making between an authoritarian party and totalitarian party?

KIRSCHBAUM: That party I suggested for Slovakia was still supposed to be built on Christian principles, on Slovak national traditions, and not on German racial theories.

PEPPER: Did you ever write an article like that?

KIRSCHBAUM: I spoke on many occasions. In fact, I think I will be able to produce either witnesses or articles.

PEPPER: Just leave speeches for a moment. I am asking about articles. Can you produce for me now, any article that you wrote?

KIRSCHBAUM: In the introduction to the article, I mentioned your Document 41.

PEPPER: That was Exhibit 1. This is the one article that you were willing to identify?

KIRSCHBAUM: In the introduction, it is clearly said that we cannot introduce in the method – in the German or the Italian method – because we are different people and different country.

PEPPER: Any other article that you can point to other than Exhibit 1?

KIRSCHBAUM: As I said to you, we can produce.

STARR: If we find any articles, we will produce them for you.

PEPPER: You don't have any at the moment?

KIRSCHBAUM: Not here.

PEPPER: Were you in favor, in September of 1939, of one-party government?

KIRSCHBAUM: We did not have one-party government.

PEPPER: I am not asking you that. I am asking: did you advocate one-party government for Slovakia?

KIRSCHBAUM: One coalition party government.

PEPPER: Did you ever advocate any opposition?

KIRSCHBAUM: We had within the coalition opposition, and we had German opposition and Hungarian opposition. It was enough for war years when even big states like America which restricted the people in politics.

PEPPER: In the articles that you were writing, which I have produced and/or which you cannot identify as such, would you not agree that you are dealing with the government in a theoretical basis, the kind of government that the state should have?

KIRSCHBAUM: Since I didn't have any executive office either in government or parliament, all my articles were theoretical.

PEPPER: You say the office of the secretary-general was not an executive office?

KIRSCHBAUM: No, certainly not in government or parliament. It had nothing to do with them.

PEPPER: Even though you were a member of the smaller committee?

KIRSCHBAUM: Even that.

PEPPER: I show you Production 24, which is a photostatic copy of a memorandum purporting to be from yourself to the ministry of the interior in connection with the subject matter of new employees and the approval of them by your office. Can you identify that?

KIRSCHBAUM: No, that is not my signature. I cannot.

PEPPER: Can you recall writing such a document, not that particular one?

KIRSCHBAUM: I cannot recall because those matters belonged to another department of my office, and I was never concerned with that.

PEPPER: In what department of your office would this be dealt with?

KIRSCHBAUM: Department of personnel.

PEPPER: Do you remember the name of the man in charge of personnel?

KIRSCHBAUM: I couldn't say right now if it was either [Frantisek] Galan or Bazek, but I cannot say for sure.

PEPPER: In September 1939, what position otherwise did Galan have?

KIRSCHBAUM: No position except being one of the secretaries of the secretary-general.

PEPPER: Was he the same man who became head of the Hlinka Guards in May 1940?



KIRSCHBAUM: Exactly.

PEPPER: I show you Production 19, which is a copy of the Slovak law of Sept. 28, 1939, concerning the organization of the Hlinka Party. Can you identify that?

KIRSCHBAUM: I am aware of the existence of the law but I cannot identify this as the exact copy of that law.

PEPPER: Do you remember such a law being passed in 1939?

KIRSCHBAUM: I remember a law being passed by the party. Such a law, I don't remember.

PEPPER: Did that law provide for the Hlinka Guards to be a military organized part of the Hlinka Party?

KIRSCHBAUM: There was a tendency to keep the Hlinka Guards under control by the party but not as a military unit.

PEPPER: What as – a police unit?

KIRSCHBAUM: Not as a police unit, just a unit which ran in charge of physical education and if necessary to help to keep public order and defend frontiers.

PEPPER: At this time, Mach would be head of the Hlinka Guards?

KIRSCHBAUM: What time is this, please?

PEPPER: 1939?

KIRSCHBAUM: Yes.

PEPPER: Who gave him orders?

KIRSCHBAUM: To Mach, nobody. He didn't accept any orders.

PEPPER: You mean that Mach was in charge of the Hlinka Guards and took no orders from anybody?

KIRSCHBAUM: No.

PEPPER: He was responsible to nobody?

KIRSCHBAUM: He was responsible only to the president or the government if he did something wrong.

PEPPER: Where did he get his orders from?

KIRSCHBAUM: He was commander-in-chief.

PEPPER: And the Hlinka Guards did what he told them to do?

KIRSCHBAUM: Yes.

STARR: I don't see the point.

PEPPER: Did this not, in 1939, strike you as being rather odd: that Mach should be in charge of the Hlinka Guards apparently without any restriction on him?

STARR: That is not a proper question on discovery, Mr. PEPPERper.

PEPPER: Perhaps it is not. We will move on. I show you Document 25, of Sept. 29, 1939, purporting to be a memorandum from the ministry of the interior on the same subject matter, namely the question of clearance of new employees and public servants with the general secretariat. Can you identify that?

KIRSCHBAUM: No, sir, because even if it came to my office, it didn't come to my hand.

PEPPER: As the secretary-general, did you know that there was correspondence, memoranda, in connection with the secretary-general's office, requiring that new employees of the office should be screened by the secretary-general?

KIRSCHBAUM: No, by the secretary-general. There was a tendency to get approval from various ministers that before they employ them should at least ask the party, not the secretary-general or the secretary-general to local or district, or local or other branches of the party. There was such a tendency at such a time.

PEPPER: What was the object of this?

KIRSCHBAUM: We had – Slovakia, of course, they were all people who were good, who were not very good, not only politically. And many times, by some intervention of a national member of the party, people were employed who did not deserve and other people did not get employment who deserved. And the party workers thought that they know better in villages and towns who should get the employment and who shouldn't. And they tried that they should be at least heard by the ministries, because it was a general hiring of new employees for a new state. But this was unaccepted.

PEPPER: I show Production 49, with a photostatic extract from the newspaper *Slovak* of the 3<sup>rd</sup> Nov., 1939, and containing a report of yours. Can you identify that?

KIRSCHBAUM: No. I might have made a speech or so, but certainly I cannot identify as I referred to my speech through news reports.

PEPPER: I understand you cannot identify the document, but looking at it, does it refresh your memory about making a speech?

KIRSCHBAUM: I made many speeches but if this is really as about some of my speeches at this time or if it is accurate, I cannot say.

PEPPER: I show you Production 50, an extract from the *Slovak* of Oct. 11, 1939. Can you identify that?

KIRSCHBAUM: Now, again, it is news reports which I cannot identify, and I didn't write it. I probably never read it.

PEPPER: Looking at it, does it refresh your memory that you did in fact make a speech at that time?

KIRSCHBAUM: I might have made a speech at that time.

PEPPER: I show you Document 52, being an extract from *Gardista* of Oct. 28, 1939, and being a report of a meeting of the Academic Hlinka Guards. Can you identify that?

KIRSCHBAUM: Again I cannot say whether it was published or when published. I cannot identify it as something I ever wrote or asked to publish.

PEPPER: Do you remember the occasion?

KIRSCHBAUM: No. It is such a trifle. I never paid attention to it.

PEPPER: I show you Production 20, containing a photostat of a Slovak order of Dec. 21, 1939, setting out broadly the duties of the Hlinka Guards. Can you identify that?

KIRSCHBAUM: No, sir. I am aware of the existence of various orders and government orders, but I cannot say this is the one I ever saw or read.

PEPPER: Did you know there was legislation passed in November 1939 on the subject matter of the Hlinka Guards?

KIRSCHBAUM: There was some legislation, because they wished to curtail the activity of the Hlinka Guards, but what exactly was in that particular time, and I was not there, I cannot say.

PEPPER: Why were they wanting to curtail their activity?

KIRSCHBAUM: Because there was some activity with individual *Gardistas* and the commander-in-chief, Mach, did not wish to be subject to anybody or any law or anything. It was war, Mr. PEPPERper, please.

PEPPER: I show you Document 51, which was an extract from the paper Slovak of the 17<sup>th</sup> Nov., 1939. Can you identify that?

KIRSCHBAUM: I cannot identify as having seen it or written it.

PEPPER: In December 1939, do you remember a meeting of the smaller committee of the Hlinka Party?

KIRSCHBAUM: There might have been but I cannot say any date. We had irregular meetings when it was necessary.

PEPPER: Document 26 is a photostat of an apparent order of the Hlinka Guards dated the 30<sup>th</sup> Dec., 1939. Can you identify that?

KIRSCHBAUM: I am sorry, I cannot. Even if it came to my office and I had received this kind of mail, I was told by my secretary.

PEPPER: You mean you did not look at the mail in your office?

KIRSCHBAUM: We got so many letters there. I didn't even read the letters from –

PEPPER: During your time as secretary-general, did you read your mail?

KIRSCHBAUM: Generally not unless it was something special drawn to my attention; no, not this kind of mail at all.

PEPPER: I know you can't identify the document. Can you tell me anything about the form of document? Have you seen at any time documents in that form being orders of the Hlinka Guards?

KIRSCHBAUM: No, because, as I say, I had nothing to do since I became in Academic Guards and if such orders came, it was not in my personal - it was dealt with by my secretary.

PEPPER: At the end of December 1939, did Mach call a conference of the district commanders of the Hlinka Guards for the 6th and 7th of Jan., 1940, at Trenscanske?

KIRSCHBAUM: Yes, I recall there was such a meeting.

PEPPER: Did you get an order from Mach to attend?

KIRSCHBAUM: Not an order. I couldn't get an order from Mach.

PEPPER: Did you get a request?

KIRSCHBAUM: I could get an invitation but no order.

PEPPER: Were you a member of the supreme command of the Hlinka Guards?

KIRSCHBAUM: No, I was commander of the Academic Guards.

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PEPPER: Do you remember in the fall of 1939 the announcement in Slovak of the establishment of Jewish labor camps?

KIRSCHBAUM: I might have heard about it, yes, but I didn't read in the paper to my recollection.

PEPPER: You mean you might have heard about it from the newspaper, or your position with the Hlinka Party?

KIRSCHBAUM: From meeting with friends or meeting someone. They could mention "Did you hear about it?" or "Do you know about it?"

PEPPER: Did you make any objection to it?

KIRSCHBAUM: To whom?

PEPPER: To anybody?

KIRSCHBAUM: I cannot recall I did.

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PEPPER: I show you Production 55, which is a copy of *Slovak*, the newspaper of the 5th March, 1940, and containing a report of a speech by yourself. Can you identify that?

KIRSCHBAUM: No, I cannot identify, I am sorry. Paper is a news report. I might have made a speech at that time, even I made a speech at Holic. I don't know exactly that date but I wouldn't say this is the accurate report from my two-hour speech.

PEPPER: You remember making the speech?

KIRSCHBAUM: I remember making a speech in Holic, but I don't remember the date.

PEPPER: At that speech in Holic, do you remember supporting the punishment of Jews in Slovakia?

KIRSCHBAUM: I might have spoken about various political problems but not about punishment of Jews – except if some individual, Jew or not, committed some crime – because my idea of settling the problem was not on a racial basis. I never advocated to hate anyone for his religion or for his race, and I stressed that the Jewish problem also should not be settled on either racial or religious basis, but only those who did something against the laws of the state should be legally prosecuted.

PEPPER: What was your solution?

STARR: Solution to what?

PEPPER: The Jewish problem.

KIRSCHBAUM: I didn't deal with the Jewish problem at all. I was never asked to express to either the government or parliament my views.

PEPPER: But I am asking what were your views in 1940?

STARR: Can you tell me whether his views are material in this action?

PEPPER: Yes.

STARR: Why?

PEPPER: It is one of the defences to this action that this man, in 1939 and 1940, was strongly and vehemently anti-Semitic.

STARR: I don't read that as a defence. Our only defence is justification to the article and the plain and ordinary meaning of the words.

PEPPER: That's right.

STARR: I don't see anything in the pleading which has anything to do with anti-Semitism except murder.

PEPPER: Mr. Starr, the defence of justification is made out if one justifies the sting of the charge.

STARR: That's right.

PEPPER: Any fact is relevant which proves or tends to prove the fact in issue.

STARR: I agree.

PEPPER: The fact that this man was strongly anti-Semitic in his personal views, as we allege, is a foundation and, shall we say, a reason for his participation as secretary-general in all kinds of restrictive measures, ordinances, laws that were passed while he was in office.

STARR: I don't think that is the sting of the article.

PEPPER: There is no point in you and I arguing that here.

STARR: No.

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PEPPER: At this speech in Holic, did you advocate or support Slovakian laws which ejected Jews from economic life?

KIRSCHBAUM: No, I advocated only laws which would be just to every citizen of Slovakia. .

PEPPER: Did you advocate the support of the laws that I have put to you?

KIRSCHBAUM: What laws, please?

PEPPER: Did you advocate support of the Slovak laws which ejected Jews from economic life in Slovakia?

KIRSCHBAUM: No, which would give the just place to Jews in Slovak economic life.

PEPPER: What was the just position?

KIRSCHBAUM: That were according to the laws of the country and according to normal life of the state was just.

PEPPER: Were you in any way critical of the restrictive Jewish laws that had been passed by the Slovak state?

KIRSCHBAUM: I was not interested in that matter in any detail, and I was not even cognizant of the legislature (sic) which was passed, except hearing about it.

PEPPER: I show you Document 27. This is a photostat of a letter from the state statistical office in Bratislava, dated 9<sup>th</sup> March, 1940, with regard to applications for the takeover of Jewish enterprises, and attached to it is a memorandum concerning the application for takeover of Jewish enterprises and the position to be taken by the secretary-general's office. Can you identify those documents?

KIRSCHBAUM: I am sorry, I cannot. First, I doubt I ever saw any of them. The first is from another office, not from mine, and the second I didn't deal with economic matters. I cannot say I saw them.

PEPPER: Do you remember the subject matter as being dealt with by the secretary-general's office?

KIRSCHBAUM: It might have been by the department of economic affairs.

PEPPER: This was one of the documents we spoke of in the office yesterday.

KIRSCHBAUM: Yes.

PEPPER: Do you remember where Jewish property had been expropriated by the state and that other people who were not Jews could apply to take it over?

KIRSCHBAUM: I remember that there was some legislature that 50 per cent of the Jewish property could be bought by non-Jews and administered in common with the Jewish former proprietor.

PEPPER: The matter of screening the applicants – you understand the word screening: passing applicants?

KIRSCHBAUM: I understand.

PEPPER: Was that dealt with by the secretary-general's office?

KIRSCHBAUM: I remember there was a special office for that matter, not using the secretary-general. But it might have happened that the economic department of the secretary-general tried to protect the property, because the German minority and many other elements tried to use their positions for illegal transfers or buying out the half of the Jewish property.



PEPPER: Did there come a time when applicants were entitled to take over the whole of the Jewish property as opposed to one half of it?

KIRSCHBAUM: The whole Jewish economic problem was dealt with a special office. I cannot tell you the manner exactly now. As I recall, it had nothing to do with my office, and it was dealt with by the minister of economy and the minister of the interior. And if, in any instance, the department of my office tried to interfere, it was to protect the property and the owners, because the Germans tried to take over everything they could. And they terrorized many times Jews, and the Jews asked themselves to be partners with some German. And, as Slovak, I thought we had to protect – and not only I, but many of my friends – we should protect the property for the Slovaks and not for somebody else.

PEPPER: I show you Production 28, which is a photostat on the letterhead of the central administration of the Slovak League, dated March 13, 1940, and again referring to the taking over of the Jewish property and the part to be played by the secretary-general's office. Can you identify that for us?

KIRSCHBAUM: No, sir, I cannot. It was a cultural institution and I never had correspondence sent by them to the department of economy.

PEPPER: That is the central administration of the Slovak League?

KIRSCHBAUM: It was a cultural institution which might have tried to buy or take over some property. It was either abandoned or for sale.

PEPPER: What was the Slovak League?

KIRSCHBAUM: A cultural association dealing mostly with the Slovak minorities abroad or organizing courses and lectures and theatre presentation for their members.

PEPPER: Did you know a man called [Augustin] Moravek?

KIRSCHBAUM: I heard the name, but I doubt I ever was talking to him or meeting him.

PEPPER: What position did he hold?

KIRSCHBAUM: He was in some office for the Jewish problems.

PEPPER: I show you Document 29, which is on the letterhead of the general secretariat, and it is dated the 3rd April, 1940, and is a covering letter apparently

with a number of applications for the takeover of Jewish property. Can you identify that document?

KIRSCHBAUM: No, sir, not even the signature as it is here.

PEPPER: Take a look at the letter, its form, the printed letterhead? Can you identify the letterhead as being the kind of letterhead that was used by your office?

KIRSCHBAUM: It looks like, but I cannot say, because we have all kinds of stationery printed for various departments.

PEPPER: How do you mean, all kinds of stationery?

KIRSCHBAUM: Each department ordered stationery, and they used the heading of the party.

PEPPER: Is that your signature, copy of your signature?

KIRSCHBAUM: No, sir.

PEPPER: Is it a signature that has typed under it "Secretary-General"?

KIRSCHBAUM: Yes, but it is not my signature and I never saw it.

PEPPER: Who would have authority in the secretary-general's office?

KIRSCHBAUM: All in the department could sign for – and I think here is "for Secretary-General." That is "for Secretary General."

PEPPER: So it would be one of the half dozen men that we spoke of yesterday?

KIRSCHBAUM: Yesterday, the department.

PEPPER: They had your authority?

KIRSCHBAUM: To sign in my name adding "for," if I was not in the office.

PEPPER: Can you tell me whose signature it was?

KIRSCHBAUM: I can only make a guess.

PEPPER: I don't want a guess.

KIRSCHBAUM: Do you want me to identify a signature after 29 years? Possibly you find later who he was in your documents.

PEPPER: You mean you have seen some document with the same signature on it?

KIRSCHBAUM: I think you have some there.

PEPPER: Perhaps you would guess.

KIRSCHBAUM: I cannot identify but I can guess.

PEPPER: Go ahead: guess.

KIRSCHBAUM: Dr. Filip, I guess, according to one of your productions.

PEPPER: He was the department head for what?

KIRSCHBAUM: For economic matters.

PEPPER: Did the question of the takeover of Jewish property and applicants for it come under his department?

KIRSCHBAUM: It didn't, but he might have dealt with it if there was a special case or if he was asked to help. But there was a special office for dealing with the Jewish property, which had nothing to do with my office.

PEPPER: What was that other special office?

STARR: Don't say. He answered it.

KIRSCHBAUM: I said when I told you about Moravek. I cannot recall the name, but Moravek was in office.

PEPPER: This office came under which?

KIRSCHBAUM: Either the minister of the interior or minister of economy.

PEPPER: What was the full name of it?

KIRSCHBAUM: Sir, I said I cannot recall.

PEPPER: I show you Document 30, a photostat again on the letterhead of the secretary-general and dated 13th April, 1940, a similar document to 29 purporting to be a covering letter for applications for the takeover of Jewish property. Can you identify that?

KIRSCHBAUM: No, sir, the same answer.

PEPPER: Does it appear to have the same signature as Production 29?

KIRSCHBAUM: It does, and it is signed "for."

PEPPER: I show you Document 31 on the same subject matter, which is photostat of a purported notice of meeting of the presidium of the government held in May 1940. A particular item discussed was that of giving credit to persons taking over Jewish property. Can you identify that?

KIRSCHBAUM: No, sir, I was not there. I never saw it. I cannot say if it is the document from that meeting.

PEPPER: When you say you were not there, do I understand you to mean you were not at such a meeting yourself?

KIRSCHBAUM: I was not at such a meeting.

PEPPER: If there was such a meeting, would it be natural for Dr. Filip to attend it?

KIRSCHBAUM: If he was invited.

PEPPER: Who was Dr. Koso?

KIRSCHBAUM: He was the chief of the presidium in the minister of presidium interior.

PEPPER: Document 32, a photostat of document of the general secretariat of May 1940 concerning the appointment of government supervisors of Jewish enterprises. Can you identify that?

KIRSCHBAUM: No, sir, the same answer. I never saw it. I never wrote it.

PEPPER: How does it appear to be signed?

KIRSCHBAUM: By some secretary, by some secretary but not from my office, from the local secretariat of the party association. It is clear here in that heading.

PEPPER: Do you recognize the photostat of the signatures?

KIRSCHBAUM: No. I probably never saw the man.

PEPPER: Do you recall further anti-Jewish laws being passed by the Slovak state in May of 1940?

KIRSCHBAUM: I don't recall any laws but there might have been some governmental decrees.

PEPPER: Do you remember what the subject matter was?

KIRSCHBAUM: I cannot tell you.

PEPPER: Do you remember in May and June of 1940 lectures being given by the general secretariat to people who wanted to apply to take over Jewish property as to the method of application?

KIRSCHBAUM: If I recall well, in June I was in military service.

PEPPER: We will take it in May?

KIRSCHBAUM: In May I don't recall, but it might have been that there was some instructions by the department of economy.

PEPPER: In April of 1940, did you take part in the celebrations of Hitler's birthday?

KIRSCHBAUM: I cannot say yes or no, but I might have because I was usually invited to the parties.

PEPPER: Do you remember where those celebrations took place in April 1940?

KIRSCHBAUM: Very probably in Bratislava.

PEPPER: I show you Document 56, which is a copy of *Slovak* for April 23, 1940, and containing a report of the celebrations in Bratislava commemorating Hitler's birthday and reports of some speech that were made?

KIRSCHBAUM: There again is a news report which I cannot identify. I might have been there, and I might have made some address.

PEPPER: Do you remember going to the theatre that evening to hear *La Boheme*?

KIRSCHBAUM: No, I don't, but it might be the case.

PEPPER: In June of 1940, you remember, the Germans defeated France. Do you remember that?

KIRSCHBAUM: The capitalization of France, yes.

PEPPER: Did you take part in the celebrations?

KIRSCHBAUM: I don't remember, but I might have if I was invited.

PEPPER: I show you Document 58, which is a photostat of *Slovenska-Pravda* of June 19, 1940, containing reports of celebrations and of speeches of dignitaries, including a speech by yourself. Can you identify that?

KIRSCHBAUM: No. I cannot identify the documents. I might have been there, I might have spoken, but as usually all news reports were inaccurate and this one was one of them.

PEPPER: Why would news reports be inaccurate for several papers?

KIRSCHBAUM: For several reasons. First, they shortened along the speech in a few lines. Second, they rarely quoted. Third, they didn't use shorthand and wrote from everything or clumsy notes. And fourth, there were editors who liked to make people angry and put something into their mouths they didn't say or write. And since I was very young, 26 years old, there were people who were jealous and tried to make all kinds of difficulties for me either when I spoke or when I wrote.

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PEPPER: I am producing a bound volume entitled *Hlinka Guards and the Slovak Revolution*, published in Bratislava in March 1940. Can you identify this, please?

KIRSCHBAUM: I am a member. I know of the existence of this.

PEPPER: You have seen this before?

KIRSCHBAUM: Yes, I have seen it before.

PEPPER: I ask this be Exhibit 2.

STARR: Having seen it before means he prepared it?

PEPPER: At the front of the book there is a photograph of Tiso, and then there are apparently articles by Mach, Murgas, Strieznece and KIRSCHBAUMbaum. The KIRSCHBAUMbaum article is on Page 23. Did you write this?

KIRSCHBAUM: I wrote an article for this collection. I cannot say it is the accurate text.

PEPPER: Would you mind taking time to read it and let me know?

KIRSCHBAUM: Even after reading it, after 29 years I cannot say it is the text I sent.

PEPPER: Did you read it?

KIRSCHBAUM: If you want me, I can still, because I cannot remember what I dictated as an article in March – I don't know what it was – in 1939 or 1940.

STARR: Do you have a translation of it?

PEPPER: He doesn't need one, Mr. Starr.

STARR: I need one.

PEPPER: What was the purpose of the book?

KIRSCHBAUM: I think mostly to record – I should state on this the press had to – otherwise to give something special to certain people who took part in the political life in 1938 and 1939 but mostly records on the side of the people who made it.

PEPPER: Did you get a copy of the book afterwards?

KIRSCHBAUM: I might have, yes.

PEPPER: Do you have one at home?

KIRSCHBAUM: No.

PEPPER: Do you have one in Slovakia?

KIRSCHBAUM: I might have in my office one copy, because they distributed that.

PEPPER: After the article appeared in print, did you ever write to the editors saying that there were any misprints in it?

KIRSCHBAUM: No, because I rarely read what I published, because first I did not have time and second, I usually didn't like what was printed. Then I avoided reading what I sent to editors or what was published about me.

PEPPER: Mr. Starr, I am asking for this to be admitted as an exhibit. It seems mysterious that a man who writes an article for the book is not prepared to admit he wrote it.

STARR: This is not an article written by him.

PEPPER: Yes, it is.

STARR: This purports to be, all I can say is a printing under the title "Dr. Joseph Kirschbaum."

PEPPER: He has admitted he wrote it.

STARR: No, he hasn't.

PEPPER: He admitted he wrote an article for the book. He won't be prepared to identify that as being it.

STARR: He has admitted that he wrote an article. Now, if you have the original article, or if you have a translation for me, as I think you are going to have to, even then we are not going to admit that this is an accurate copy of his article.

PEPPER: Then let's identify something else in it, then.

STARR: Have you a copy translation for me, first?

PEPPER: No, that comes second. I have a translation of part of the article.

STARR: Have you a translation of all of the article?

PEPPER: No, but I will be glad to provide one. But certainly, this witness doesn't need it.

STARR: No, sorry.

PEPPER: I show you a photograph, No. 15. Can you identify that as a photograph of yourself and President Tiso reviewing the army?

KIRSCHBAUM: I can identify the likeness of that, but I cannot say who took the photograph.

PEPPER: Is this a photograph of you and Tiso?

KIRSCHBAUM: It is a likeness of Tiso and myself.

STARR: This is purely technical, Mr. Pepper.

PEPPER: The witness is being technical. I am not.

STARR: I am being technical. We are not proving your photograph for you. We are saying that those are likenesses of the people of whom you are speaking, but we do not admit the existence of the photograph. That is your problem, to prove them.

PEPPER: Certainly, it is my problem, and one of the ways to prove it is by showing it to the witness and asking him if it is a photograph.

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PEPPER: I show you photograph No. 1. Can you identify that as a photograph of yourself and Mach receiving the salute as a member of the Hlinka Guards?

KIRSCHBAUM: That is a likeness of Mach and very probably – it is not clear – of myself, but I cannot identify either the place or the date.



PEPPER: You say you are going to object to each of those photographs being marked as an exhibit?

STARR: Yes.

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