

Part III

This file is having a dramatic component as well, as their Criminal Court Trial was held at the Old Bailey, in London.

Ultimately, both men had been convicted to death by hanging.

There are quite many questions not answered in these cases.

I came up with a possible scenario as follows: Druecke (Drücke) apparently was a member of Abwehr I of Wehrkreis X (Hamburg).

A query for me still is the role of Drücke, he was the driver of the car in which Major Hilmar Dierks; which fatal accident occurred on 2nd September 1940. And, Vera von Wedel alias Schalburg alias Erikson, she was also once married with Major Hilmar Dierks; albeit under the fake name of Baroness von Wedel. Though, she was not convicted at all, and survived the war. Albeit, that she was released to Hamburg, where her trace stops, at Local Counsel where she was administered: that she passed away of pneumonia. Whether true or not, who knows?

Why entered Drücke this theatre, which most likely was to end up with his and their death?

Only a thought: couldn't it have been, that Drücke was pressed (forced) to do this job - as to prevent the legal consequences against him? Why Vera became involved, I don't know, yet; as quite extensive bunch of files are still laying ahead of us. Vera originated from Russia.

Like I have done before, also this time, we follow the Criminal Court Trial proceedings, based upon shorthand (steno-graphic) recordings. Providing a unique inside vision in English criminal trials.

Like always – the selected text passages dealt with – are my personal choices. My comments are, however, always recognisable by means of: blue, red and sometime green colours.

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- Q. And what did they say ? A. Walti said: "I do not agree with these charges". Druke made no reply.
- Q. Then at half past eleven that morning did you hand to Walti a copy of the statement which had been made by Druke ?
A. I did.
- Q. Did Walti say anything ? A. He made no reply.
- Q. And then did you hand to Druke a copy of Walti's statement ?
A. I did.
- Q. Did he say anything ? A. Nothing.
- Q. Have you noticed Walti's right hand ? A. I have.
- Q. Have you noticed anything about the first, or trigger, finger of his right hand ? A. Yes. I noticed that it appears to be crushed -- It looks as if it is the result of an accident -- and he cannot outstretch it.

MR. FIGG: I ask no question.

MR. WHITEBROOK: I ask no question.

THE SOLICITOR GENERAL: My Lord, that is the case for the Prosecution.

MR. FIGG: There will be no witnesses called, my Lord, for the Prisoner Druke; and he does not wish to go into the witness box.

MR. WHITEBROOK: My Lord, I propose to call Walti.

Prisoner WERNER HEINRICH WALTI, duly sworn.

Examined by Mr. WHITEBROOK.

- Q. Mr. Walti, since you made your statement, in March last, you have probably thought of many points that you ^{would} like to add to it. Will you now give us those points, and any additional information that you would like to give ?
- MR. JUSTICE ASQUITH: First of all, does he swear to his original statement. That is not in evidence yet.
- MR. WHITEBROOK: You have heard your original statement read today ? A. Yes.
- Q. You have heard the statement of March 4th read today, have you not ? A. Yes.
- Q. And do you wish to vary in any way from that statement ?
A. No.
- Q. Do you wish to deny any portion of that statement which you then made ? A. No.
- Q. That statement is true from beginning to end in every detail?
A. Yes.
- Q. Do you wish now to add anything to that ? Do you wish to say anything more than was in that statement ? A. Yes. For instance, the arresting in Edinburgh I would like to explain a little bit more clearly. I was arrested by two gentlemen

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Q And what did they say? A Waelti said: "I do not agree with these charges". Druecke made no reply.

Q Then at half past eleven that morning did you hand to Waelti a copy of the statement which had been made by Druecke?

A I did.

Q Did Waelti say anything? A He made no reply.

Q And then did you hand to Druecke a copy of Waelti's statement?

A I did.

Q Did he say anything? A Nothing.

Q Have you noticed Waelti's right hand? A I have.

Q Have you noticed anything about the first, or trigger, finger of his right hand? A Yes. I noticed that it appears to be crushed - - looks as if it is the result of an accident - and he cannot outstretch it.

Mr. Figg: I ask no question.

Mr. Whitebrook: I ask no question.

The Solicitor General: My Lord, that is the case for the Prosecution.

Mr. Figg: There is no witness called, my Lord, for the Prisoner Druecke; and he does not wish to go into the witness box.

Mr. Whitebrook: My Lord, I propose to call Waelti.

Prisoner Werner Heinrich Waelti, duly sworn.

(AOB, a circumstance on the Continent most unlikely occurring)

Examined by Mr. Whitebrook.

Q Mr Waelti, since you made your statement, in March, you have probably thought of many points that you would like to add to it. Will you now give us those points, and any additional information that you would like to give?

Mr. Justice Asquith: First of all, does he swear to his original statement. That is not in the evidence yet.

Mr. Whitebrook: You have heard your original statement read today? A Yes.

Q You have heard the statement of March 4th read today, have you not? A Yes.

Q And do you wish to vary any way from that statement which you then made? No.

Q That statement is true from the beginning to end in every detail?

A Yes.

Q Do you wish now to add anything to that? Do you wish to say anything more than was in that statement? A Yes. For instance, the arresting in Edinburgh I would like to explain a little bit more clearly. I was arrested by two gentlemen → who came from behind. ..

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who came from behind. I was wearing an overcoat, and this overcoat was even-closed; and if a man will get his left hand in his trousers pocket, he has to open his coat; and if the overcoat were open, he would still have to get his hand round to get to his pocket. This policeman was not a man who might be easily thrown round. I do not understand how any man could get the opinion that I would start to get a pistol out of this pocket. In addition, this pistol was taken out of the pocket when I was taken in a room, and not before the booking office -- the luggage office, or luggage room.

- Q. Doubt has been thrown upon your statement that you were at any time in Belgium, in Antwerp. How long were you in the Rue van Dyke ? A. It was in 1938. First I was in the Rue van Dyke, No. 80, and later on I was in No. 29, from September 1938, I believe it was. I was in No. 80; and later on I changed the address to No. 29.
- Q. How did you arrive there from Zurich ? A. I was twice in Belgium. Before I was in a car, and later on I was in a train. As to the stamps in a passport: As a Swiss I do not need any visa for going to France or to Belgium.
- Q. It is not the practice of the Swiss passport office to require a passport for Belgium or for France ? Am I right in putting it in that way ? A. I need a passport, but not a special permit to go in one of those countries; and in addition, a stamp is very seldom made. A traveller can go through the whole of Europe by train and even more by car, without receiving a stamp in his passport.
- Q. How did you reach Friedrichschafen from Zurich ? A. That was a holiday trip. I was going to () and from there to Friedrichschafen.
- Q. Where did you start from, to get there ? A. From Zurich -- (); that is a lake between Germany and Switzerland; that is on the border of this lake.
- Q. How long were you there ? A. About three days. I do not remember just how long.
- Q. And after that you were back in Belgium again ? A. No. I was in Zurich, still. That was in 1937.
- Q. And in Belgium you assisted in removing a number of persons and acquired about 50,000 francs ? What would be the English currency value in 1939 of 50,000 francs, about ? A. It would have been between £4000.
- Q. Or more ? A. Or more. Of course, there was not a steady bourse, as I remember.
- Q. And what sum of money did you receive from the German Authorities, before coming to England ? A. I cannot exactly say how much, because I have been a bit confused in my mind since the first visitation by the Germans in Belgium; so I did not pay much attention to what I got back, because I was told I would get back a certain amount of my money.
- Q. What portion of your money ? A. Pardon ?
- Q. What part of your money were you told that you would get back ? A. About half of it.

→ who came from behind. I was wearing an overcoat, and this overcoat was even closed; and if a man will get his left hand in his trousers pocket, he was to open his coat; and if the overcoat were open, he was to open his coat; and if the overcoat was open, he would still have to get his hand round to get to his pocket. This policeman was not a man who might have been easily thrown round. I do not understand how any man could get the opinion that I would start to get a pistol out of this pocket. In addition, this pistol was taken out of the pocket when I was taken in a room, and not before the booking office - - the luggage office, or luggage room.

Q Doubt has been thrown upon your statement that you were at any time in Belgium, in Antwerp. How long were you in the Rue van Dyke? A It was in 1938. First I was in the Rue van Dyke, No 80, and later on I was in No. 29, from September 1938, I believe it was. I was in No. 80; and later on I changed the address to no. 29.

Q How did you arrive there from Zürich? A I was twice in Belgium. Before I was in a car, and later on I was in the train. As the stamps in a passport: As a Swiss I do not need any visa for going to France or to Belgium.

Q It is not the practice of the Swiss passport office to require a passport for Belgium or for France? Am I right in putting it in this way? A (Waelti) I need a passport, but not a special permit to go in one of those countries; and in addition, as stamp is seldom made. A Traveller can go through the whole of Europe by train and even more by car, without receiving a stamp in his passport. (AOB, [is this really so?](#))

Q How did you reach Friedrichshafen from Zürich? A. That was a holiday trip. I was going (?) and from there to Friedrichshafen.

Q Where did you start from, to get there? A from Zürich - - (); that is a lake between Germany and Switzerland; that is on the border of this lake. ([Bodensee or Lake Konstanz is just the lake separating eastern Switzerland and South Bavaria and Württemberg](#)); that is on the border of this lake.

Q How long were you there? A About three days. I do not remember just how long.

Q And after that you were back to Belgium again? A No. I was still in Zürich, still. That was 1937.

Q And in Belgium you assisted in removing a number of persons and acquired about 50,000 (Belgium) francs? What would be the English currency value in 1939 of 50,000 francs, about?

A It would have been between £4000.

Q Or more? A Or more. Of course, there was not a steady bourse, as I remember.

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Q What portion of your money? A Pardon?

Q What part of your money were you told that you would get back? A About half of it.

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- Q. How was the money handed over: In a bundle of notes ?
 A. Yes. There were notes: pound notes and ten shilling notes.
- Q. And any coins ? A. No, there were no coins -- only 10s. notes.
- Q. When in your statement you say that you looked at your trunk when you waded ashore in England, you mean Scotland, do not you ? A. Yes.
- Q. When you waded ashore with that, you were in a state of sea-sickness, were not you ? A. Yes.
- Q. How long had you been in that boat ? A. About three hours, I believe.
- Q. Was it a fairly rough day, or smooth day ? A. Oh, it was very rocking.
- Q. What experience of the sea have you had ? A. Oh, I had a journey before, and I was very sea-sick then.
- Q. One journey before ? A. Yes.
- Q. That was on this boat ? A. On this boat; yes.
- Q. You landed in a sea-sick state; and what opportunity had you of reporting to the police after having landed in a sea-sick state with a trunkful of wireless ? A. I beg your pardon. I did not get the beginning.
- Q. What opportunity had you of reporting to the police after you had landed ? When did you first see any police after you had landed ? A. The police -- in Edinburgh, I believe. I was not looking for the police.
- Q. And you had the opportunity of making a full disclosure to them. A. Yes. I already had troubles in Belgium with the police, so I did not seek here to get into trouble in connection with the police of another country.
- Q. Have I got it correctly: That your experience of the German Police was so unfortunate that you did not want to come into contact with the police of another country ? Is that what you said ? A. Yes; because even if there were circumstances in which I had come just from the sea, they could sound somewhat suspicious, so I thought to get a quiet place for myself before going to a police station.
- Q. How did you intend to proceed if you had got your wireless to London and had got rid of it in the way you suggest ? We will imagine that you got to London and that you put your set at Victoria Station and got rid of it. What was your course going to be then ? A. I had an idea of looking for some work.
- Q. Did you know that it would be impossible for you to live in England without showing identity papers and ration book ?
 A. In Norway, before I left, I was told, if I really would do the job, I would get every paper I needed to live in England for the beginning, and later on I could go to the police and it would be all right; and I would get regular papers here.
- Q. Did you intend at any time to serve German interests by the use of a wireless or in any other fashion ? A. I never did.

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Q How was the money handed over: In a bundle of notes?

A Yes. There were notes: pound notes and ten shilling notes.

Q And any coins? A No, there were no coins - - only 10s. notes.

Q When in your statement you say that you looked at your trunk when you waded ashore in England, you mean Scotland, do not you? A yes.

Q How long have you been in that boat? A About three hours, I believe.

Q Was it a fairly rough day, or a smooth day? A Oh, it was very rocking.

Q What experience of the sea have you had? A Of, I had a journey before, and I was very sea-sick then.

Q One journey before? A Yes.

Q That was on this boat? (AOB, [strange, the sea-sick experience was encountered of the fishing boat from Zeebrugge to Norway](#)) A On this boat; yes.

Q You landed in a sea-sick state; and what opportunity had you of reporting to the police after having landed in a sea-sick state with a trunkful of wireless" A I beg your pardon. I did not get the beginning.

Q What opportunity had you of reporting to the police after you had landed? When did you first see any police after you had landed? A The police - - in Edinburgh, I believe. I was not looking for the police.

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Q Did you know that it would be impossible for you to live in England without showing identity papers and ration book?

A In Norway, before I left, I was told, if I really would do the job, I would get every paper I needed to live in England for the beginning, and later on I could get regular papers here.

Q Did you intend at any time to serve German interests by the use of a wireless or any other fashion? A I never did.

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- Q. You never did in fact ? A. Never.
- Q. And did not do so ? A. Never from the beginning.
- Q. And you did not intend to serve them at any time ?
A. Never from the beginning have I had relations with Germans.
- Q. You have never been a British subject or resided in England, have you ? A. No.

MR. WHITEBROOK: My Lord, may the questions in cross-examination be interpreted to him ? I find a little difficulty in understanding him at times, and I think that he may find a little difficulty in understanding the questions in cross-examination.

MR. JUSTICE ASQUITH: If you feel like that, he must be given every chance.

(NOTE: Certain of the following questions and answers in cross-examination were given via the Interpreter.)

Cross-examined by THE SOLICITOR GENERAL.

- Q. Now, speak slowly; and if you do not understand, will you say so ? You have said that the Germans had said to you that if you would do the job, you would get all the papers necessary. Those are your words ? A. Yes.
- Q. What was the job you were to do ? A. To bring a case to Victoria Station and hand it over.
- Q. Did you intend to do that job ? A. No.
- Q. Why did you land in this country with a pistol loaded in your pocket ? A. I was to give this pistol over. It was not for me.
- Q. To whom ? A. To Victoria Station; to the man I was shown a photo of. His person was described to me.
- Q. Who told you to give that pistol over ? A. Before I entered the plane.
- Q. Who told you that ? A. This was this captain that I always had to do with.
- Q. Captain who ? A. I often heard the name of Anderson. I suppose it was this gentleman. He never was introduced to me as Captain Anderson.
- Q. What was his name ? A. Anderson, I heard.
- Q. What did he look like ? A. He was a small man, about my height, of 50 years of age.
- Q. What nationality was he: Norwegian ? A. Norwegian, I suppose.
- Q. Was he wearing any sort of uniform ? A. No. He was in civilian clothes.
- Q. You do not think that he was a German ? A. No; I do not think so. He did not speak German so well.

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Q You never did in fact? A Never.

Q And did not so? A Never from the beginning.

Q And you did not intend to serve them at any time?

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Cross-examined by Solicitor General.

Q Now, speak slowly; and if you do not understand, will you say so? You have said that the Germans had said to you that if you would do the job, you would get all the papers necessary. Those are your words? A Yes.

Q What was the job you were to do? A To bring a (suit)case to Victoria Station and hand it over.

Q Did you intend to do that job? A No.

Q Why did you land in this country with a loaded pistol in your pocket. A I was to give this pistol over. It was not for me.

Q To whom? A To Victoria Station; to the man I was shown a 'photo of. His person was described to me.

Q Who told you to give the pistol over? A Before I entered the 'plane.

Q Who told you that? A This was this captain that I always had to do with.

Q Captain who? A I often heard the name of Anderson. I suppose it was this gentleman. He never was introduced to me as Captain Anderson.

Q What was his name? A Anderson I heard.

Q What did he look like? A He was a small man, about my height, of 50 years of age.

Q What nationality was he: Norwegian? A Norwegian, I suppose.

Q Was he wearing any sort of uniform? A No. He was in civilian clothes.

Q You do not think that he was a German? A No; I do not think so. He did not speak German so well.

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- Q. Well, you speak German perfectly, I suppose ? A. I do.
- Q. Was his German good or bad ? A. It was not good.
- Q. He had to speak English to make you understand from time to time, did he ? A. Yes. We spoke half English, half German.
- Q. Then he obviously was not a German ? A. No. I do not think he was a German.
- Q. What did he tell you to do ? He told you, did he, to carry a pistol in your pocket ? A. That was in a hurry. The pistol was first forgotten, and I got it in a packet -- "Take that with you".
- Q. I thought you told me that he told you to hand the pistol over to someone in London ? A. Yes.
- Q. What did he say about it ? A. "Hand this over too".
- Q. You carried it in your trousers pocket ? A. Yes.
- Q. It was loaded ? A. I did not know that.
- Q. Did you look to see ? A. No. I do not understand how to work pistols.
- Q. Have you some slight deformity of the right hand ? A. Yes. That was done by a car.
- Q. The trigger finger of your right hand is injured. Just show the jury. (Witness showed the jury) You carried the pistol in your left hand trousers pocket, did you not ? A. Yes.
- Q. Is the trigger finger of the left hand injured ? Just show the jury. (Witness showed the jury) That is quite all right, is it ? A. Yes.
- Q. Do you tell the jury that you carried that pistol all that day in your left hand trousers pocket without knowing whether it was loaded or not ? A. Yes.
- Q. Did you intend to hand the pistol over to anybody ? A. Yes.
- Q. You did ? To whom did you hand the pistol over ? A. To nobody.
- Q. To whom ? A. To nobody.
- Q. Then you did not intend to hand the pistol over ? Is that right ? A. I did not want to meet this man at all.
- Q. And you did not intend to hand the pistol over to anybody ? A. No.
- Q. Then you had no use for the pistol ? A. No.
- Q. Then, having no use for the pistol, why did you carry it about all day long ? A. I had no chance to throw it away.
- Q. The sea is a very large place, is not it ? A. Yes; but on the sea I was rowing -- I had not any time to think about a pistol.



Q Well, you speak German perfectly, I suppose? A I do.

Q Was his German good or bad? A It was not good.

Q He had to speak English to make you understand from time to time, did he? A Yes. We spoke half English, half German.

Q Then he obviously was not a German? A No. I do not think he was a German.

Q What did he tell you to do? He told you, did he, to carry a pistol in your pocket? A That was in a hurry. The pistol was first forgotten, and I got it in a packet - - "Take that with you".

Q I thought you told me that he told you to hand the pistol over to someone in London? A Yes.

Q What did he say about it? A "Hand this over too".

Q You carried in your trousers pocket? A yes.

Q It was loaded? A I did not know that.

Q Did you look to see? A No. I do not understand how to work pistols.

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Q Do you tell the jury that you carried that pistol all that day in your left hand trousers pocket without knowing whether it was loaded or not? A Yes.

Q Did you intend to hand the pistol over to anybody?

A yes.

Q To whom? A To nobody.

Q Then you did not intend to hand the pistol over? Is that right? A I did not want to meet this man at all.

Q And you did not intend to hand the pistol over to anybody?

A No.

Q Then you had no use for the pistol, why did you carry it about all day long? A I had no chance to throw it away.

Q The sea is a very large place, is it not? Yes, but on the sea I was rowing - - I had not any time to think about a pistol.

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- Q. But when you stopped rowing, you could have thrown the pistol into the sea ? A. Yes; but I did not think I had got the pistol at all, or thought of throwing it away.
- Q. Before you got to Buckie, you could have thrown the pistol away on the way to Buckie Station from the sea ? A. Yes; if I had thought of the pistol.
- Q. When you were riding in the train from Buckie to Aberdeen you could have thrown the pistol out of the window ?
A. How could I, when there were other people in the compartment?
- Q. Did you forget all about the pistol ? A. Completely.
- Q. When you got to Edinburgh from Aberdeen, and you went to the pictures and went to the hairdresser's, did you forget that the pistol was in your trousers pocket, all that time ?
A. Yes.
- Q. You forgot all about that ? A. I did not think of the pistol.
- Q. So that the story that when you were arrested you moved your hand towards your left trousers pocket is quite untrue, is it ? A. Quite.
- Q. What was the first part of your clothing that the police officers examined ? A. They took my wallet out.
- Q. Did they feel at once in your left hand trousers pocket ?
A. Not at once.
- Q. Did they feel any part of you before that ? A. No. At first they took the wallet out, and later they emptied my pockets.
- Q. And it is all an invention, is it, about your putting your hand towards your pocket ? A. Completely.
- Q. Now tell me about this wireless set: When did you know that the case contained a wireless set ? A. When I came from the boat to the road. I was going on the left -- how shall I explain ? I reached the road and turned to the left. When I turned to the left, on the road, I opened the case with this key that I was given with the case.
- Q. Had it some of your clothes in it ? A. Yes.
- Q. Some of your own clothes in it ? A. All my own clothes, in the great case.
- Q. Now, do you tell the jury that that was the first time that you realised that there was a wireless set in there ?
A. I had not seen the small case before. It was the first moment I saw that there was a small case in it, and what it looked like; and out of pure curiosity I opened the small case too.
- Q. And you saw the small case and a wireless set ? A. Yes. I felt that there was some machinery in it.
- Q. If this be true, you did not intend to spy for Germany at all ?
A. No.
- Q. This case had been planted upon you by the Germans ? A. Yes.



Q But when you stopped rowing, you could have thrown the pistol into the sea? A Yes; but I did not think I had got the pistol at all, or thought of throwing it away.

Q Before you got to Buckie, you could have thrown the pistol away on the way to Buckie Station in the sea? A Yes, if I had thought of the pistol.

Q When you were riding in the train from Buckie to Aberdeen you could have thrown the pistol out of the window?

A How could I, when there were other people in the compartment?

Q Did you forget all about the pistol? A Completely.

Q When you got in Edinburgh from Aberdeen, and you went to the pictures and went to the hairdresser's, did you forget that the pistol was in your trousers pocket, all that time?

A Yes.

Q You forget all about that? A I did not think of the pistol.

Q So that the story that when you were arrested you moved your hand towards your left trousers is quite untrue, is it? A Quite.

Q What was the first part of your clothing that the police officers examined? A They took the wallet out.

Q Did they feel at once in your left hand trousers pocket?

A Not at once.

Q Did they feel any part of you before that? A No. At first they took the wallet out, and later they emptied my pockets.

Q And it is all an invention, is it, about your putting your hand towards your pocket? A Completely.

Q Now tell me about this wireless set: When did you know that the (suit)case contained a wireless set? A When I came from the boat to the road. I was going on the left - - how shall I explain? I reached the road and turned to the left. When I turned to the left, on the road, I opened the case with the key that I was given with the case.

Q Had it some of your clothes in it? A Yes.

Q Some of your own clothes in it? A All my clothes, in the great case.

Q Now, do you tell the jury that that was the first time that you realised that there was a wireless set in there?

A I had not seen the small case before. It was the first moment I saw that there was a small case in it, and what it looks like; and out of pure curiosity I opened the small (suit)case too.

Q And you saw the small case and a wireless set? A Yes, I felt that there was some machinery in it.

Q If this be true, you did not intend to spy for Germany at all? A No.

Q This case had been planted upon you by the Germans? A Yes.

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- Q. What did you think was in that case ? A. I had no idea.
- Q. When you found that the Germans had planted this wireless and case upon you, were you very annoyed ? A. Indeed I was.
- Q. Indeed you were ? A. Yes.
- Q. Why didnot you take the first opportunity to go up to a railway porter or a policeman or anybody else, and tell him the truth ? A. I had the idea to get this case to Victoria Station, that it should stay there, and if, however, I should be asked what happened to me and why my case was not handed over, that was the reason I could give to prove that the case could have been found there.
- Q. Then you did intend to carry the case, which you knew contained a wireless set, to Victoria Station ? A. To Victoria Station, and leave it for ever there, but not to hand it over.
- Q. Why did you make up your mind to carry through from Scotland to London a wireless set ? Why did not you, if your story now is true, go to the nearest policeman or the nearest railway official, and say: "Look here, I am an innocent man, and the Germans have put a wireless set in my bag" ?
- Q. Well, one day the Germans might have heard that I did so, and I would exclude that possibility.
- Q. You thought that the Germans were going to come over here, did you ? A. No; but I thought that even after the war they might hear of that.
- Q. You were frightened of what the Germans would hear ?
- A. And I should still get ten years in Germany.
- Q. Just follow. Were you frightened of what the Germans would do to you after the war ? A. Yes.
- Q. Then if that be true, the Germans might have done things to you if you had not handed over the wireless set to the right man at Victoria ? A. Yes -- but I could easily have found an excuse for that.
- Q. What would the excuse have been ? A. Oh, it may be that my watch was not all right.
- Q. Do you think that that would have satisfied the Germans ?
- A. I do not know.
- Q. Do you really ask the jury to believe that ? A. That was my intantion, to leave this case there.
- Q. How did they describe the man who was going to come for the wireless set ? A. They gave me a complete description of him. I do not remember nowadays just the details, but they told me when I was in a German Internment Camp, and I was then shown a 'photo of him.
- Q. I suggest to you that you would not have forgotten this, because you had plenty of time to think of it. What did they tell you about the description of this man ? Was he to give any sign to you ? Was there a pass-word ? A. Yes; there was something like that.

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Q What did you think was in the case? I had no idea.

Q When you found that the Germans had planted this wireless and case upon you, were you very annoyed? A Indeed I was.

Q Indeed you were? A Yes.

Q Why did you take the first opportunity to go up to a railway porter or a policeman or anybody else, and tell him the truth? A I had the idea to get this case to Victoria Station, that it would stay there, and if, however, I should be asked what happened to me and why my case was not handed over, that was the reason I could give to prove that the case could have been found there.

Q Then you did intend to carry the case which you knew contains a wireless set, to Victoria Station? A To Victoria Station, and leave it for ever there, but not to hand it over.

Q Why did you make up your mind to carry through from Scotland to London a wireless set? Why did you, if your story now is true, go to the nearest policeman or the nearest railway official, and say: "Look here, I am an innocent man, and the Germans have put a wireless set in my bag"?

Q A Well, one day the Germans might have heard that I did so, and I would exclude that possibility.

Q You thought that the Germans were going to come over here, did you? A No; but I thought that even after the war they might still get ten years in Germany.

Q Just follow. Were you frightened of what the Germans would do to you after the war? A Yes.

Q Then if that be true, the Germans might have done things to you if you had not handed over the wireless set to the right man at Victoria? A Yes - - but I could easily have found an excuse for that.

Q What would the excuse have been? A Ohm it may be that my watch was not all right.

Q Do you think that that would have satisfied the Germans?

A I do not know.

Q Do you really ask the jury to believe that? A That was my intention, to leave this case there.

Q How did they describe the man who was going to come for the wireless set? A They gave me a complete description of him. I do not remember nowadays just the details, but they told me when I was in German Internment Camp, and I was then shown a 'photo of him'.

Q I suggested to you that you would not have forgotten this; because you had plenty of time to think of it. What did they tell you about the description of this man? Was he to give any sign to you? Was there a pass-word? A yes; there was something like that.

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- Q. What was the pass-word ? A. He was coming from Glasgow.
- Q. What was the pass-word ? A. That he was coming from Glasgow.
- Q. Was he just to say to you : "I am coming from Glasgow" when he met you at Victoria ? A. Yes; because he had a description of the case. In fact, it should have been his own.
- Q. What was he to look like ? A. He was a gentleman with a grey suit, I believe, with a red line in it; and one thing I remember having been told was that he had a scar on his forehead.
- Q. Was he to give any name ? A. No name at all.
- Q. And then you were to give him the box ? A. I should have given him -----
- Q. Including your own clothes ? A. No. I should have got my own back.
- Q. Where would you have gone to unpack the bag to take out your own clothes ? A. I do not know. That should have been his job, not mine.
- Q. You mean to say that he would have taken you to some place where you would unpack the bag, take out the wireless set from it, which you would give to him, and take your own clothes ? A. May be he would have taken me to a restaurant somewhere. I do not know.
- Q. But to a restaurant where he was to take out the wireless set and leave you your clothes ? A. To sum up, it amounts to this: I did not want to have anything at all to do with that man, and with that idea I was even prepared to let my own clothes go and leave them there.
- Q. If that is true, I suggest to you that you would never have carried this case all the way down from Scotland to England ?
A. I consider that the reason which I have stated was more than sufficient for that act.
- Q. I cannot understand it. Let me put this to you: Why should not you, if you intended to leave the case at Victoria Station, have left it at Edinburgh ? A. In order that later on no reproaches could be levelled against me on that account, and I should not become a victim, because it is perfectly evident from this case that I did go to London with the trunk.
- Q. You did intend to go to London, you mean ? A. Yes -- only not to hand it over.
- Q. The interpreter, who always interprets accurately, told us that you said that you did go to London with the trunk. What you meant was that you intended to go to London with the trunk ? A. I had intended to go to London with the trunk, but not to hand it over to anybody, but to leave it for ever at Victoria Station.
- THE INTERPRETER: His meaning was that it would be perfectly clear to them from the circumstances of this case that he had done his duty by taking the trunk to London.

Q Was there a password? A He was coming from Glasgow.

Q What was the password? A That he was coming from Glasgow.

Q Was he just to say to you: "I am coming from Glasgow" when he met you at Victoria? A Yes; because he had a description of the case. In fact, it should have been his own.

Q What was he to look like? A he was a gentleman with a grey suit; I believe, with a red line in it; and one thing I remember having been told was that he had a scar on his forehead.

Q Was he to give a name? A no name at all.

Q And then you were to give him the box? A I should have given him - - - -

Q Including your own clothes? A No. I should have got my own back.

Q Where would you have gone to unpack the bag to take out your own clothes? A I do not know. That should have been his job, not mine.

Q You mean to say that he would have taken you to some place where you would unpack the bag, take out the wireless set from it, which you would give to him, and take your own clothes? A May be he would have taken me to a restaurant somewhere. I do not know.

Q But a restaurant where he was to take out the wireless set and leave your clothes. (AOB, silly, as the transmitter set was in a smaller inner suitcase) A To sum up, it amounts to this: I did not want to have anything at all to do with that man, and with that idea I was even prepared to let my own clothes go and leave them there.'

Q If that is true, I suggest to you that you would never have carried this (suit)case all the way down from Scotland to England?

A I consider that the reason which I have stated was more than sufficient for that act.

Q I cannot understand it. Let me put this to you: Why should not you, if you intended to leave the case at Victoria Station, have left it in Edinburgh? A In order that later on no reproaches could be levelled against me on that account, and I should not become a victim, because it is perfectly evident from this case that I did go to London with the trunk.

Q You did intend to go to London, you mean? A Yes. - -

Q The interpreter, who always interprets accurately, told us that you did go to London with the trunk. What you meant was that you intended to go to London with the trunk? A I had intended to go to London with the trunk, but not to hand it over to anybody, but to leave it for ever at Victoria Station.

The Interpreter: His meaning was that it would be perfectly clear to them from the circumstances of this case that he had done his duty by taking the trunk to London.

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THE SOLICITOR GENERAL: Do you mean that in that way you would please the Germans and would be acquitted? A. I considered this act completely sufficient to be acquitted.

Q. Did the Germans tell you that you would be acquitted?
A. Yes.

Q. You knew what that meant, did you? You understand that part of it? A. Yes.

Q. Did you know what that meant? A. That I would be left alone, and no reproaches would be made.

Q. That you would be acquitted? A. The case which was against me in Brussels would be acquitted, if that is the meaning.

Q. Whom would you be acquitted by? A. The papers would not be used against me.

Q. By whom? A. By the Germans.

Q. Listen to your statement: "They said all they wanted was to bring a case over to England and hand it over to somebody and afterwards I would be acquitted". What did you understand that to mean? A. I meant by that that I would be left in peace by the Germans.

Q. Whilst you were in England? A. For always afterwards -- for ever afterwards.

Q. Why were you carrying a small despatch case -- that small brief case? You were, were not you? A. That was part of the luggage.

Q. And in that luggage were German copies of our maps, of this country? A. I did not look to see what was in there. I only saw that they were papers, and it did not concern me at all.

Q. Now, do you tell the members of the jury that you did not know what was in that brief case which you were carrying?
A. The fact is that from the early morning when I took a look into it I did not open the case at all later.

Q. When did you first discover that that little bag contained German copies of maps of this country? A. I did not know until the papers were shown to me that there were maps inside. I only saw that they were papers. I might suppose that they might be maps.

Q. What made you suppose that they might be maps? A. The form and paper.

Q. To whom were you to give those maps? A. I was to hand over the luggage, not the maps.

Q. What were you to do with the maps, then? A. I had nothing to do with the maps.

Q. I do not understand. A. I had to hand over the cases.

Q. If you were a mere carrier, whose task was merely to hand over a wireless set and nothing more, why did the Germans provide you with a set of maps of this country? A. They did not provide me.

The Solicitor General: Do you mean that in that way you would please the Germans and would be acquitted? A I considered this act completely sufficient to be acquitted.

Q Did the Germans tell you that you would be acquitted?

A Yes.

Q You knew what that meant, did you? You understand that part of it? A Yes.

Q Did you know what that meant? A That I would be left alone, and no reproached would be made.

Q That you would be acquitted? A The (suit)case which was against me in Brussels would be acquitted, if that is the meaning.

Q Whom would you be acquitted by? The papers would not be used against me.

Q By whom? A By the Germans.

Q Listen to your statement: "They said all they wanted was to bring a (suit)case over to England and hand it to somebody and afterwards I would be acquitted". What did you understand that to mean? A I meant by that that I would be left in peace by the Germans.

Q Whilst you were in England? A For always afterwards - - for ever afterwards.

Q Why were you carrying a small despatch case - - that small brief case? You were, were not you? A That was part of the luggage.

Q And in that luggage were German copies of our maps of this country? A I did not look to see what was in there. I only saw that they were papers, and it did not concern me at all.

Q Now, do you tell the members of the jury that you did not know what was in that brief case which you were carrying?

A The fact is from the early morning when I took a look into it I did not open the case at all later.

Q When did you first discover that that little bag contained German copies of maps of this country? A I did not know until the papers were shown to me that there were maps inside. I only saw that they were papers. I might suppose that they might be maps.

Q What made you suppose that they might be maps? A The from of the papers.

Q To whom were you to give those maps? A I was to hand over the luggage, not the maps.

Q What were you to do with the maps? A I had to hand over the cases. (parcels?).

Q If you were a mere carrier, whose task was merely to hand over a wireless set and nothing more, why did the Germans provide you with a set of maps of this country? A They did not provide me.

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- Q. From where did you get them ? A. I had got the cases to carry, nothing more.
- Q. No. You do not follow. In that small case there were maps?
A. Yes.
- Q. You told me just now that it was not any part of your instructions to hand those maps over to anybody ? A. I was to hand over the cases.
- Q. But not the small case containing the maps ? A. Certainly.
- Q. You said just now that you had not to do so, I understood ? I may have misunderstood you.
- THE INTERPRETER: He meant that he was not to hand over the maps as such; but they formed part of the baggage or luggage, and as such they were to be handed over.
- THE SOLICITOR GENERAL: You were to hand over the maps too, were you ? A. I was to hand over the luggage.
- Q. And you tell the jury that you never knew, all that time in the train and that time at Edinburgh, that in that little case were maps of this country ? A. No. I was alone in this compartment. I could not open the case.
- Q. Did you think of going to the lavatory or the W.C. ?
A. Yes; but you do not carry round always a case when you go to the lavatory.
- Q. A little case like that you could easily have carried, if you were curious ? A. I had no reason to go to the lavatory with this case.
- Q. You did not care what was in it, did you ? A. No.
- Q. Do you remember that little circular disc which was found in your luggage ? A. It was shown to me at the Internment Camp. That was the first time I ever saw it.
- Q. I suppose that you do not understand how to work it, do you ?
A. I beg your pardon ?
- Q. I suppose that you do not understand how to work it, do you ?
A. Not at all.
- Q. You have not the least idea of what it is ? A. No.
- Q. How long had you been learning morse ? A. I never was learning morse.
- Q. How long did you try for ? A. I was only shown the key and the receiver, but I did not learn anything about morse.
- Q. Was it a great surprise to you that this thing was found in that bag ? A. I did not know what it was.
- Q. Do you understand what it is at all ? A. I heard here.
- Q. And until then you had not the least idea ? A. I was told in the internment camp that it was a code, but I never learned how to work it. I heard here how it was worked.

Q From where did you get them? A I had got the (suite)case to carry, nothing more.

Q No. You do not follow. In that small (brief)case (envelope?) there were maps.

A Yes.

Q You told me just now that it was not any part of your instructions to hand those maps of to anybody? A I was to hand over the cases. (AOB, the suitcase and the, I suppose, envelope containing various paper matters)

Q But not the small case containing the maps? A certainly.

Q You said just now that you had no to do so, I understood? A I may have misunderstood you.

The Interpreter: he meant that he was not to hand over the maps as such; but they formed part of the baggage or luggage, and as such they were to be handed over.

The Solicitor General: You were to hand over the maps too, were you? A I was to hand over the luggage.

Q And you tell the jury that you never knew, all that time in the train and that time in Edinburgh, that in that little case (envelope or "Umschlag") were maps of this country? A no. I was (not) alone in this compartment. I could not open the case.

Q Did you think of going to the lavatory or the W.C.?

A Yes; but you do not carry round always as case when you go to the lavatory.

Q A little case like that you could easily have carried, if you were curious. A I had no reason to go to the lavatory with this case.

Q You did not care what was in it, did you. A No.

Q Do you remember that little circular disc which was found in your luggage? A It was shown to me at the internment Camp. That was the first time I ever saw it.

Q I suppose that you do not understand how to work it, do you? A I beg your pardon?

Q I suppose that you do not understand how to work it, do you? A Not at all.

Q You have not the least idea of what it is? A No.

Q How long had you been learning morse? A I never was learning morse.

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Q Do you understand what it is at all? A I heard here.

Q And until when you had not the least idea? A I was told in the interment camp that it was a code, but I never learned how to work it. I heard here how it was worked.

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Q. What was your motive in coming to this country ?
 A. Getting away from the continent; that is all.

Q. What ? A. Getting away from the continent, and not going to prison in Germany.

Q. Do you know what I mean by double-crossing the Germans ?
 A. Yes-- that is the reason why I did not want to make it known.

Q. I should like the Interpreter to interpret the word "double-cross". (The Interpreter did so) A. That was a further reason why I wanted making it known that I did not want to do that, to the police.

Q. To the police over here ? A. I wanted to keep the whole matter quiet, so that no-one could know anything about it.

Q. Quiet from whom ? A. From everybody.

Q. Then I ask you this: Are you asking these members of the jury to believe that you landed in this country from a German plane, got into a rubber boat, waded ashore in the early hours of the morning, walked to Buckie Station, and went from there to Aberdeen, and from there to Edinburgh, were intending to travel down to London, and all the time you were intending to double-cross the Germans ? A. Yes.

Q. And yet you never mentioned to anyone in this country, until you were caught, what you were carrying ? That is the fact, is not it ? A. Yes.

MR. JUSTICE ASQUITH: There is one point which I do not know whether the jury followed, and which I am not quite certain about. A lot has been said about this luggage, as I understand it. The evidence is that he carried the brief case, and also that larger suitcase. Inside the larger suitcase was the smaller one. Inside the smaller suitcase was the wireless apparatus.

THE SOLICITOR GENERAL: That is right.

MR. JUSTICE ASQUITH: Where were his clothes ? Were they in the larger one ?

THE SOLICITOR GENERAL: They were in the larger one.

MR. JUSTICE ASQUITH: There was nothing else in the larger one except his clothes and the smaller case, was there ?

THE SOLICITOR GENERAL: There was something, I think. There was the volt-meter.

MR. JUSTICE ASQUITH: That was in the larger one ?

THE SOLICITOR GENERAL: That was in the larger one, not in the smaller one.

MR. JUSTICE ASQUITH: And then in his evidence, I think, he said that he was asked to hand over the whole of his luggage: that is the larger one containing the smaller one, plus the brief bag ?

THE SOLICITOR GENERAL (to the witness): That is the one which I mean by the larger one ? (indicating) A. Yes.

Q What was your motive in coming to this country?

A getting away from the continent; that is all.

Q What? A getting away from the continent, and not going to prison in Germany.

Q Do you know what I mean by double-crossing the Germans?

A Yes - - that is the reason why I did not want to make it known.

Q I should like the interpreter to interpret the word "double-cross". (The interpreter did so)

A That was the further reason why I wanted making it known that I did not want to do that , to the police.

Q To the police over here? A I wanted to keep the whole matter quite, so that no-one could know anything about it.

Q Quite from whom? A From everybody.

Q Then I ask you this: Are you asking these members of the jury to believe that you landed in this country from a German 'plane, got into a rubber boat, waded ashore in the early hours of the morning, walked to Buckie Station, and went from there to Aberdeen, and from there to Edinburgh, were intending to travel down to London, and all the time you were intending to double-cross the Germans? A Yes.

Mr. Justice Asquith: There is one point which I do not know whether the jury followed, and which I am not quite certain about. A lot has been said about this luggage, as I understand it. The evidence is that he carried the brief case, and also the larger suitcase. Inside the larger suitcase was the smaller one. Inside the smaller suitcase was the wireless apparatus.

The Solicitor General: That is right.

Mr. Justice Asquith: Where were his clothes? Were they in the larger one?

The Solicitor General: They were in the larger one.

Mr. Justice Asquith: There was nothing else in the larger one except his clothes and in the smaller case, was there?

The Solicitor General: There was something, I think. There was a voltmeter.

Mr. Justice Asquith: That was in the larger one?

The Solicitor General: That was in the larger one, not in the smaller one.

Mr. Justice Asquith: And then the evidence, I think, he said that he was asked to hand over the whole of his luggage: that is the larger one containing the smaller one, plus the brief bag?

The Solicitor General: (to the witness (Waelti)): That is the one which I mean by the larger one? (indicating) A Yes.

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- Q. Now, that one had in it the smaller one which is shown today ? A. Yes.
- Q. And in addition, the larger one had some clothes ? A. Those were the only clothes I had.
- Q. And it had a volt-meter ? A. I did not see it.
- Q. There is the volt-meter. Look at it. Where was that ?
A. I have no idea where it was. I did not see it.
- Q. Can you account for the fact that the volt-meter, according to the evidence, was found inside the large trunk and not in the smaller one ? A. I did not pack the trunks -- the cases.
- Q. Now, at Edinburgh you were carrying in your hand the small brief case, there, when you went to the cloak room to get the large case which had the small one in it ? A. Yes.
- Q. Now, what were your instructions exactly ? What had you to hand over to a gentleman who was to meet you at Victoria and say "I come from Glaskie" ? A. Those two cases; the pistol I had in my pocket; and there were other things too I had still in my pocket.
- Q. What ? A. There was a sheet of paper, I believe, in my wallet. It is so long ago, I do not quite remember what I had.
- Q. Let us have the list of them. Were you to hand over the large case as it was ? A. Yes.
- Q. Which contained, as we know, your own clothes ? A. Yes.
- Q. Were you to hand over the little brief bag which you were carrying in your hand which contained the maps ? A. Yes.
- Q. Were you to hand over the loaded pistol which was in your right hand trousers pocket ? A. Yes.
- Q. What else were you to hand over ? A. Well, there was this little paper, I remember.
- Q. What was the little paper ? A. There was a number on it, and a name -- I do not know.
- Q. Tell me what it was like ? A. It was only a sheet of paper of this length -- two inches.
- Q. With a number on it ? A. I think there was a number on it.
- Q. Just look at Exhibit No. 49, will you, for a moment ? (Exhibit No. 49 handed to the witness) A. Yes, that was it. That was in my wallet.
- Q. Just tell me what that means ? A. I do not know what it means. I only can read "Victoria" on it.
- Q. What do you read it to be ? What is the writing there ? Read it out now in German, and the interpreter will interpret it.
- THE INTERPRETER: He says: "I cannot read it."

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Q Now, that one had in it the smaller one which is shown today? A yes.

Q And in addition, the larger one had some clothes? A Those were the only clothes I had.

Q And it had a voltmeter? A I did not see it.

Q There is the voltmeter. Look at it. Where was that?

A I have no idea where it was. I did not see it.

Q Can you account for the fact that the voltmeter, according to the evidence, was found inside the large trunk and not in the smaller one? A I did not pack the trunks - - the cases.

Q Now, at Edinburgh you were carrying in your hand the small brief case, there, when you went to the cloak room to get the large case which had the small in it? A Yes.

Q Now, what were your instructions exactly? What had you to hand over to a gentleman who was to meet you at Victoria Station and "I come from Glaskie" (Glasgow)? A those two cases; the pistol I had in my pocket; and there were other things too I still had in my pockets.

Q What? A There was a sheet of paper, I believe, in my wallet. It is so long ago, I do not quite remember what I had.

Q Let us have the list of them. Were you to hand over the large case as it was? A Yes.

Q Which contained, as we know, your clothes? A yes.

Q Were you hand over the little brief bag which you were carrying in your hand which contained the maps? A Yes.

Q Were you to hand over the loaded pistol which was in your right hand trousers pocket? A Yes.

Q What else were you to hand over? A Well, there was a little paper I remember.

Q What was the little paper? A There was a number on it, and a name - - I do not know.

Q Tell me what it was like? A It was only a sheet of paper of this length - - two inches.

Q With a number on it? A I think there was a number on it.

Q Just look at Exhibit No. 49, will you, for the moment? (Exhibit No. 49 handed to the Witness Waelti) A Yes, that was it. That was in my wallet.

Q Just tell me what that means? A I do not know what it means. I only can read "Victoria" on it.

Q What do you read it to be? What is the writing there? Read it out in German, and the interpreter will interpret it.

Q The Interpreter: He says: "I cannot read it"

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- THE SOLICITOR GENERAL: It looks like "Styber". A. It could be read like that.
- Q. That means "room", does not it? Does not that read: "Room or Victoria"? A. Yes.
- Q. It reads "Room or Victoria", and then there is a number, 25477. Now, do you tell the jury that you have not the least idea what that means? A. No.
- Q. And you were carrying that in your wallet? A. Yes.
- Q. And you were to hand that over to the gentleman who was to meet you? A. Yes.
- Q. You do not know what it means? A. No.
- Q. Did you ask what it meant? A. No. I was not curious at all.
- Q. Do you know Major Harlinghausen? A. No.
- Q. Was his name written in your book which you were carrying? A. I was told so.
- Q. He was of the 10th Air Force Corps. Were you working for the 10th Air Force Corps? A. I have nothing to do with any military matters.
- Q. Then there was "Felf", of the 10th Air Force Corps. You were carrying a book in which there were the names of Harlinghausen and Felf, officers of the 10th Air Force Corps. Where was the 10th Air Force Corps stationed? A. It was nothing to do with me.
- Q. It was odd that you should be carrying a book with these names and have no explanation for that? A. The book is not mine.
- Q. Like the pistol, you forgot it, did you? A. It was dark when I was carrying these things. I could not see anything.
- Q. Then the other name in the book is "Anderson, Bergen, Hotel Norge". A. That I cannot say.
- Q. Is Anderson the man who gave you these instructions in this broken German? A. I suppose so. He never was introduced to me.
- Q. But did he tell you his name was Anderson? A. I concluded so. He never said his name to me, and I never was introduced to him.
- Q. Where was it that he gave you these instructions? A. Which instructions?
- Q. Where? A. Which instructions?
- Q. Where? A. Which instructions?
- Q. The instructions in which Anderson had told you that you were to take this case and hand it over to somebody who was to come to Victoria and say "I come from Glasgow"? A. That I was told in Norway.

The Solicitor General: It looks like “Stijber”. A It could be read like that.

Q That means “room” does it not? Does not that read: “Room or Victoria”? A Yes.

Q It reads “Room or Victoria”, and there is a number, 25477. Now, do you tell the jury that you have not the least idea what that means? A No.

Q And you were carrying that in your wallet? A Yes.

Q And you were to hand that over to the gentleman who was to meet you? A Yes.

Q You do not know its means? A No.

Q Did you ask what it meant? A no. I was not curious at all.

Q Do you know Major Harlinghausen? A No.

Q Was his name written in your book which you were carrying? A I was not told so.

Q He was the 10th German Air Force Corps? A I have nothing to do with an military matters.

Q Then there was “Felf”, on the 10th Air Force Corps. You were carrying a book which there were the names of Harlinghausen and Felf, officers of the 10th Air Force ([Luftwaffe](#)) Corps. Where was the 10th Air Force Corps stationed? A It was nothing to do with me.

Q It was odd that you should be carrying a book with these names and have no explanation for that? A The book is not mine.

Q Like the pistol, you forgot it, did you? A It was dark when I was carrying it, did you?
A It was dark when I was carrying these things. I could not see anything.

Q Then the other name in the book is “Anderson”, Bergen, Hotel Norge?. A That I cannot say.

Q Is Anderson the man who gave you these instructions in his broken German? A I suppose so... He never was introduced so. He never said his name to me, and I never was introduced to him.

Q Where was it that he gave you these instructions? A Which instructions?

Q Where? A Which instructions?

Q Where? A Which instructions?

Q The instructions in which Anderson had told you that you were to take this ([suit](#))case and hand it over to somebody who was to come to Victoria and say “I come from Glasgow”?

A That was told in Norway.

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Q. Have you forgotten that it was Anderson who told you that ?

A. Yes, but he did not -----

Q. Anderson ----- A. He did not tell us anything about what his name was.

Q. Anderson, who had a conversation partly in English and partly in German ? A. Yes; may be it was Anderson.

Q. Dressed as a civilian ? You remember that ? A. I only had to do with a civilian dressed man who spoke to me.

Q. Where was the man who told you that ? A. The man who gave me the last instructions came to me at the hotel.

Q. At what time of day ? A. Some minutes before I was taken to the aircraft.

Q. Until this, had you received any instructions at all ?
A. The photograph was shown to me in Brussels -- the photograph of that man.

Q. Then you had been told in Brussels that you were to take this wireless set down to London and give it to a man ? A. I was not told that I had to take a wireless set to anybody. I was only told that I had to take a case to London.

Q. Did you ask what was in it ? A. No.

Q. You did not care ? A. I would not ask too many questions.

Q. You told me that when they told you to take a case down to London, you did not ask "Well, what is going to be in the case ?" ? A. In the position in which I found myself, I had not the power to use much judgment. I was glad to get away under any conditions.

MR. FIGG: I ask no questions.

MR. JUSTICE ASQUITH: Who put your clothes in the big suitcase ?

A. I got the clothes -----

Q. Who put your clothes in it ? A. That I do not know.

Q. Did you put them in ? A. No.

Q. Were they your clothes at all ? A. Yes.

Q. And do you say that it was not until you got to Scotland and reached a particular turning on a particular road that you discovered that there was a small case inside the large one ? A. Yes.

MR. JUSTICE ASQUITH (To the interpreter): Just see if he really means that, will you ?

THE INTERPRETER: "When I was on the ship I was only to take with me the most necessary things that I needed to keep for the purposes of daily life".

MR. JUSTICE ASQUITH: He has not followed the question. The question is: Was it only when you got to Scotland that you discovered that the large suitcase contained a small case inside it ? A. Yes.

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Q Have you forgotten that it was Anderson who told you that?

A Yes, but he did not - - -

Q Anderson - - - A He did not tell us anything about what his name was.

Q Anderson, who had a conversation partly in English and partly in German? A Yes; maybe it was Anderson.

Q Dressed as a civilian? You remember that? A I only had to do with a civilian dressed man who spoke to me.

Q Where was the man who told you that? A The man who gave me the last instructions came to me in the hotel.

Q At what time of day? A Some minutes before I was taken to the aircraft.

Q Until this, had you received any instructions at all?

A The photograph was shown to me in Brussels - - the photograph of that man.

Q Then you had been told in Brussels that you were to take this wireless set down to London and give it to a man? A I was not told that I had to take a wireless set to anybody. I was only told that I had to take a (suit)case to London.

Q Did you ask what was in it? A No.

Q You did not care? A I would not ask too many questions.

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A Yes.

Mr. Justice Asquith: (To the interpreter): Just see if he really means that, will you.

The Interpreter: "When I was on the ship I was only to take with me the most necessary things that I needed to keep for the purpose of my daily life".

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Re-examined by Mr. WHITEBROOK.

- Q. What clothes were actually in the suitcase when it was opened at Edinburgh ? A. I did not see what was in it in Edinburgh. I got the stuff at the internment camp. The case was not shown to me -- what was in it.
- Q. It was not examined in your presence ? A. No.
- Q. We have had no evidence as to what clothes were in it. Can you give us any idea of what clothes were in that suitcase ?
- A. I took out of my own case only underwear and shirts, and tie, and a hat.
- Q. Is that all that there would be in the suitcase: a hat, a tie, a vest, and pants ? A. That is what I was given back; but I took more than that out of my own case on the ship. There should have been a razor and some other toilet articles.
- Q. What was given you back out of that suitcase after it had been opened at Edinburgh ? A. In the internment camp I got back my shirt and socks and underwear, but not all the toilet articles. A tooth brush I got back, but no razor.
- Q. That small amount of clothing was not worth troubling about, I take it ? A. Yes. That is also why I was perfectly prepared to leave the case at Victoria.

MR. JUSTICE ASQUITH: It is impossible to finish this case tonight. We shall have to resume on Monday at eleven o'clock. Meanwhile, the jury may separate; but they must on no account discuss this case with anybody. I think that they understand that.

(Adjourned until Monday morning.

16th June, 1941)



Re-examined by Mr. Whitebrook.

Q What clothes were actually in the suitcase when it was opened at Edinburgh? ↓ A I did not see what was in it in Edinburgh. I got the stuff at the interment (Camp 020). The case was not shown to me - - what was in it.

Q It was not examined in your presence? A No.

Q We have no evidence as to what clothes were in it. Can you give us any idea of what clothes were in that suitcase?

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Q Is that all that there would be in the suitcases: a hat, a tie, a vest, and pants? A That is what I was given back; but I took more than that out of my own case on the ship. There should have been a razor and some other toilet articles.

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Monday, 16th June, 1941.

Mr. Figg addressed the members of the jury on behalf of the prisoner, Karl Theo Druecke; Mr. Whitebrook addressed the members of the jury on behalf of the Prisoner, Werner Heinrich Waelti; and the Solicitor-general replied on behalf of the Prosecution.

Summing – Up.

Mr. Justice Asquith: members of the jury: In this case, as in all criminal cases, you, the members of the jury, are the supreme and only judges of fact; and if in the course of what I say I should unfortunately convey to you my opinion upon any question of fact in in this case, dismiss it from your minds. I must not infringe upon your province, or attempt to relieve you of the responsibility which belongs to you alone; but one question of law I am bound to direct you, and you are bound to accept my directions.

There is, fortunately, not much law in this case. It almost reduces itself to addressing to you the warning which every judge has to address to every jury in a criminal case: a warning that you are not to interfere from the fact that if a man is in the dock, he is not there for no reason; but the central principle of our criminal law forbids you to make any such assumption. You have to assume that these men are innocent until their guilt; and unless the prosecution not only succeeds in providing their guilt, but satisfies each one of you of that guilt beyond doubt, you are bound to return a verdict of not guilty. What is meant by “beyond reasonable doubt:”? It does not mean beyond all doubt whatever. If it meant, no-one would ever be convicted of anything. What it does mean is that you are not entitled to return a verdict of guilty unless you can honestly say to yourselves: “Applying our common sense to the evidence, we are left in no real doubt about the guilt of the Accused. It would be strange, it would be artificial, it would be perverse, to feel any such doubt”. If you do feel that, you must not shrink from the logical consequence, painful as may be.

Now, the indictment in this case contains two counts, two separate charges; and each of those counts concerns both the accused men. The first count is for conspiracy. I intend for reasons I need not to go into, to deal first with the second account. The second count charges that each of these men on the 30th September, 1940, with intend to help the enemy, did an act designed or likely to give assistance to the naval, military or air operations of the enemy, or to impede such operations of His Majesty’s Forces, namely - - this is the act charged - - landed in the United Kingdom.

For the moment I will deal with the charge in relation to Druecke. Druecke, on his own admission, landed in this country, in the United Kingdom. In his statement he says: “I refuse to say how we arrived in England . . . We landed in the neighbourhood of Port Gordon”; so that is → admitted.

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admitted. But you may think that it is extremely probable that Druke landed in that rubber boat propelled by German oars and inflated by bellows of German manufacture, which you have seen among the exhibits in this case. But however that may be, the question for you is whether the intention and the design which are charged against the accused have been proved; the intention, namely, to help the enemy, and the design, to assist his military and other war operations.

Intention and design are not matters of direct observation. You cannot look into a man's mind as you can look into a glass beehive and see what is going on inside. Intention and design have to be inferred, and they have to be inferred inter alia from the acts and statements of the persons charged. In the case of both these men we have long statements given to the police. The only one with which I am concerned at the moment is that of Druke. You may think that that statement contains materials which must assist you to determine his intention and his design in landing in this country; for what does he admit: Not only the landing itself; he admits that he, a natural born German and still a German subject, landed with a Belgian passport.

He admits that that Belgian passport, like another document with which he landed, gave his name falsely. The passport suggests that he is a Belgian subject, the name upon it being De Decker and not his own name, Druke. He admits that the passport was irregularly obtained. He has with him a National Registration Identity Card which is a fake card. It represents him as having been residing on the 11th June, 1940, at Sussex Gardens, London, a false address; a false name, De Decker. The address was one at which he had never stayed, either on the date in question or at all, because he had never set foot in England before.

At the top of the National Registration Card are the numerals 141/1. Those numerals show the numeral "1" in every case formed after the German pattern with the tail to it. Then, also, he has a Ration Card which is irregularly obtained, like the other documents which I have mentioned. So far everything is fact. He has admitted all the facts here as to his nationality, as to his name, as to his residence, and all the rest. With what object? You may think that some light is thrown on that question by the other things he brings with him. He brings with him a suitcase, which you have seen, which contains, you may think, almost the complete outfit of a spy.

It is no use his saying that he did not know the contents of that suitcase, because in his statement to the police he says he did: "My luggage consisted of a suitcase, a few toilet articles and something to eat. The suitcase contained a wireless apparatus, which I intended to bring to London for the purpose of handing it over to a third person". Now, what does the suitcase contain in detail? It has a mauser automatic pistol fully loaded, a wireless receiving and transmitting set with its adjuncts, batteries, valves, insulated wire, volt-meter and so on, and last but not the least important, it contained a sheet of paper on which are set out 34 places in England, at 32 of which there are either aerodromes or important air centres of one sort or another. The wireless set you have heard from the Post Office expert witness was suitable for communicating by wireless between this country and the continent of Europe.

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→ admitted. But you may think that it is extremely probable that Druecke landed in that rubber boat propelled by German oar and inflated by bellows of German manufacture, which you have seen among the exhibits in this case. But however that may be, the question for you whether the intention and the design which are charged against the accused have been proved; the intention, namely, to help the enemy, and the design, to assist his military and other war operations.

Intentions and design are not matters of direct observation. You cannot look into a man's mind as you can look into a glass beehive and see what is going on inside. Intention and design have to be inferred, and they have to be inferred inter alia from the acts and the statements of the persons charged. In the case of both these men we have long statements given by the police. The only one with which I am concerned at the moment is that of Druecke. You may think that that statement contains materials which must assist you to determine his intention and his design in landing in this country; for what does he admit: Not only the landing itself; he admits that he, a natural born German and still a German subject, landed with a Belgian passport.

He admits that that Belgian passport, like another document with which he landed, gave his name falsely. The passport suggests that he is a Belgian subject, the name upon it being De Decker and not his own name Druecke. He admits that the passport was irregularly obtained. He has with him a National Registration Identity Card which is a fake card. It represents him as having been residing on the 11th June, 1940, at Sussex gardens, London, a false address; a false name, De Decker. The address was one at which he had never stayed, either on the date in question or at all, because he had never set foot in England before.

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When you place that side by side with the list of places of aerodromes, is not it a fair inference that somebody did intend to use the contents of that suitcase for transmitting messages about Britain's air defences between this country and the continent? The matter does not rest there, because he had certain things in his pocket: 19 rounds of ammunition, a torch marked "Made in Bohemia", a large sum of English money, over £200 in English banknotes, and a piece of German sausage. Thus you have him landing here with elaborate precautions to deceive and mislead, plus all the apparatus necessary to communicate with the continent about subjects which you may conjecture include our air defences.

If you feel any reasonable doubt under those conditions that he landed here with intent to help the enemy, and that his landing was designed to help the enemy's war operations or to hinder ours, then of course you must give him the benefit of that doubt. If you feel no doubt about those matters, you would be false to your oaths as jurors if you shrank from pronouncing him guilty. A defence has been suggested on his behalf in his statement to the police that he did not intend to use the contents of the suitcase himself. He intended to hand them over to an unidentified, unnamed, third person. If that be true, would it make any difference? Can you feel any doubt that the intention would be that that third person would employ that wireless in the manner in which it has been suggested? That suggestion, I say, has been made, but in relation to Walti. Drueke has not gone into the witness box to swear to it.

In regard to this count and in regard to Drueke, consider the evidence. Consider it most carefully. Every argument which has been placed before you by Mr. Figg, one of the Counsel for the Defence, who at very short notice and at a purely nominal fee has come forward to defend them, consider carefully; and if you are inspired with any reasonable doubt of Drueke's guilt, give effect to it by a verdict of acquittal; but if you feel that there is no loophole for any reasonable doubt, then, unpleasant though it may be, you must not hesitate to convict him.

Now I turn to the case of Walti, still considering the second count. Walti differs in some respects from Drueke. He is not a German, but a Swiss; and he carries a Swiss passport. He, unlike Drueke, has gone into the witness box; and you will have to consider carefully whether you accept either in part or in whole what he has said in the witness box. He admits landing in this country, and therefore in his case also the only question for you under this count is whether he landed with intent to help the enemy, and whether his landing was designed to assist the enemy's war operations or hinder ours. In many respects his landing is attended by the same circumstances and incidents as that of Drueke's. He carried very much the same outfit. He had a large suitcase, inside which were some clothes, a volt-meter, and a small suitcase; and the contents of that small suitcase correspond very closely with those of the suitcase carried by Drueke.

There are differences: The pistol, which in the case of Drueke was in the suitcase, was carried by Walti in his pocket. Whereas Drueke had a list of aerodromes, or places with aerodromes near them, Walti had not got that; but he had in a brief case, which he also carried, a number of German maps which were copies of Ordnance Survey Maps of parts of England



When you ‘place that side by side with the list of places of aerodromes, is not it a fair inference that somebody did intend to use the contents of that suitcase for transmitting messages about Britain? The matter does not rest there, because he had certain things in his pockets: 19 rounds of ammunition, a torch marked “Made in Bohemia”, a large sum of English money, over £200 in English banknotes, and a piece of German sausage ([is the latter a criminal offence?](#)) Thus you have him landing here with elaborate precautions to deceive and mislead, plus all the apparatus necessary to communicate with the continent about subjects which you may conjecture include our air defences.

If you feel any reasonable doubt under those conditions that he landed here with intent to help the enemy, and that his landing was designed to help the enemy’s war operations or to hinder ours, then of course you must give him the benefit of that doubt. If you feel no doubt about those matters, you would be false to your oaths as jurors if you shrank from pronouncing him guilty. A defence has been suggested on his behalf in his statement to the police that he did not intend to use the contents of the suitcase himself. He intended to hand them over to an unidentified, unnamed, third person. If that be true, would it make any difference? Can you feel any doubt that the intention would be that third person would employ that wireless in the manner in which it has been suggested. That suggestion, I say, has been made, but in relation to Waelti ([Wälti](#)). Druecke has not gone into the witness box to swear to it.

In regard to this count and in regard to Druecke, consider the evidence. Consider it most carefully. Every argument which has been placed before you by Mr. Figg, one of the Counsel ([Barrister](#)) for the Defence, who at very short notice and at purely nominal fee has come forward to defend them, consider carefully; and if you are inspired with any reasonable doubt of Druecke’s guilt, give effect to it by a verdict of acquittal ([freeing, discharge](#)); but if you feel that there is no loophole for any reasonable doubt, then, unpleasant though it may be, you must not hesitate to convict him.

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There are differences: The pistol, which in the case of Druecke was in the suitcase, was carried by Waelti in his ([left side trousers pocket](#)). Whereas Druecke had a list of aerodromes, or places with aerodromes near them, Waelti had not got that; but he had in a brief case, which he also carried, a number of German maps which were copies of Ordnance Survey Maps of parts of England → and Scotland, I think the north eastern countries of Scotland and the eastern and south eastern countries of England.

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and Scotland, I think the north eastern counties of Scotland and the eastern and south eastern counties of England. He tells us himself that he landed from the sea, from a rubber boat, which you can hardly doubt is the same one as was found afterwards. You will remember that that rubber boat, or at any rate its accessories, are of German construction.

He, like Drueke, has a fake National Registration Identity Card, which describes him as residing at 23, Sussex Gardens, a place he has never been near; and it, like the other National Registration Identity Card, has German formed numerals upon it. Now, these facts, unless they are explained, may seem to you to point strongly to the guilt of Walti; but of course he has put forward an explanation. He made a long statement, which has been read to you. He went into the witness box, and he re-affirmed that statement on oath and added to that a number of additional particulars. The credibility of witnesses is entirely a matter for you; and it is for you to judge how much credence you attach to what he said in the witness box.

Summarising the defence which he put forward, it is really two-fold, is not it? First of all he says: "True it is I came across to Scotland and landed there on the date in question. I came from Norway in a seaplane. I landed from the boat between Port Gordon and Buckie Harbour". Then he says: "But I acted under duress; I acted under coercion". You heard his account of what he said happened in Belgium, and how the Germans had threatened him for what he did there, with ten years imprisonment. He says that it was only under the coercion of that threat that he consented to carry the suitcase the contents of which he said he was ignorant, and to carry it to a person who had been described to him, in London.

Here there is a point of law on which I must direct you. There are two kinds of coercion: Strictly physical coercion, and moral coercion. Supposing Walti had been tied hand and foot and flung into the rubber boat, and then flung forcibly ashore in this country; if the offence of landing were charged against him, the defence of physical coercion would be a good defence. But when a man commits a crime under the influence of moral coercion, for instance, threatened imprisonment, that in law is strictly speaking no defence at all. It is quite true that if the facts were made out to the jury's satisfaction they would be extremely reluctant to convict; but as a matter of strict law, coercion in the form of a threat, threat of imprisonment, for instance, is no excuse. That, of course, you have to consider both in connection with the defence of coercion and in connection with the other defence which he put forward, which I am just coming to. You have to consider whether you believe his story.

The other defence which he put forward was this: "True it is I landed in Scotland, but I had no intent then to assist the enemy. What I intended to do was to double-cross the people who had sent me there. I did not intend to deliver this suitcase to the man who had been described to me, in London. I intended to take it to London and to put it or keep it at a left luggage office, and to leave it there". In connection with that, and his story as a whole, there are one or two points which have been put forward by the

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Prosecution as throwing doubt upon it. First of all it is said that the majority of the incidents related by Walti as happening before he came to this country, were supposed to have happened in Belgium. Walti carries a Swiss passport, and it is pointed out that there is no record or endorsement upon that passport showing that he was ever in Belgium at all.

He says that at this time it was not uncommon for a person with a Swiss passport to be able to visit certain countries, of which Belgium is one, without any such endorsement; and on that point you may think it proper to give him the benefit of the doubt. Then it is said, if he intended to double-cross the German Secret Service which had sent him for information, why did he not immediately on landing here go to a policeman and explain his position? Well, to that he says he had had such unpleasant experiences with the German Police on the continent that he did not like going to the police at all.

Then again, according to his statement, he never intended to carry out his mission; all he wished to do was to avoid the Nazi's vengeance. That is the explanation that he gives. He says that it was his intention to carry the bag to London and to leave it at a cloak-room at Victoria Station. What is not perhaps quite apparent is why, if he did not intend to deliver this bag to the man whom he had had described to him, in London, he was likely to avoid the Nazi vengeance. The moment that they discovered that their agent had not received this bag, their agent being, presumably quite ignorant that it was lying in a left luggage office at Victoria, they would know that he had not performed his mission, and he would become, one would think, an object of their vengeance.

It is for you to consider whether those and other features of the story told by Walti in the witness box present difficulties or not; but, of course, remember all along that the onus is upon the Prosecution to establish their case beyond reasonable doubt; and if you think that their own evidence is not strong enough to dispel all reasonable doubt, or that what Walti has said in the witness box inspires you with any reasonable doubt about his guilt, then you must of course give him the benefit of that doubt and return a verdict of not guilty.

So much for the second count. I now go back to the first count, which I have reserved. That is the count charging them with conspiracy. The charge is that these two men between certain dates, the 30th June, 1940 and the 1st October, 1940, with intent to help the enemy they conspired together and with other persons whose names are unknown to do an act designed or likely to give assistance to the naval, military or air operations of the enemy, or to impede such operations of His Majesty's Forces, namely, to transmit to the enemy information with regard to the naval, military or air operations of His Majesty's Forces.

That charge contains some of the same elements as the charge with which I have already dealt. For instance, under the first count, as under the second, the intent to help the enemy has to be proved; and to do so by transmitting to the enemy information with regard to the naval, military or air operations of His Majesty's Forces. But the gist of this first count is that the Prosecution must establish the



→ Prosecution as throwing doubt upon it. First of all it is said that the majority of the incidents related by Waelti as happening before he came to this country, were supposed to have happened in Belgium. Waelti carries a Swiss passport, and it is pointed out that there is no record or endorsement (**backing**) upon that passport showing that he was ever in Belgium at all.

He says that this time it was not uncommon for a person with a Swiss passport to be able to visit certain countries, of which Belgium is one, without and such endorsement; and on that point you may think it proper to give him the benefit of the doubt. Then it is said, if he intended to double-cross the German Secret Service which had sent him for information, why did he not immediately on landing here go to a policeman and explain his position? Well, to that he says he had had such unpleasant experience with the German Police on the continent that he did not like going to the police at all.

Then again, according to his statement, he never intended to carry out his mission; all he wished to do was to avoid the Nazi vengeance (**punishment**). That is the explanation that he gives. He says that it was his intention to carry the bag (**suitcase**) to London and to leave it at a cloak-room at Victoria Station. What is not perhaps quite apparent is why, if he did not intend to deliver this bag to the man whom he had had described to him, in London, he was likely to avoid the Nazi vengeance (**revenge**). The moment that they discovered that their agent had not received this bag, their agent being, presumably quite ignorant that it was lying in a left luggage office in Victoria, they would know that he had not performed his mission, and he would become, one would think, an object of their vengeance.

It is for you to consider whether those and other features? Of the story told by Waelti in the witness box present difficulties or not; of course, remember all along that the onus (**responsibility**) is upon the Prosecution to establish their case beyond reasonable doubt; and if you think that their own evidence is not strong enough to dispel (**dismiss**) all reasonable doubt, or that what Waelti has said in the witness box inspires you with any reasonable doubt about his guilt, then you must of course give him the benefit of the doubt and return a verdict of not guilty.

So much for the second count. I now go back to the first count, which I have reserved. That is the count charging them from conspiracy. The charge is that these two men between certain dates, the 30th June, 1940 and the 1st October, 1940m with intent to help the enemy they conspired together and with other persons whose names are unknown to do an act designed or likely to give assistance to the naval, military or air operations of the enemy, or to impede such operations of His Majesty's Forces, namely, to transmit to the enemy information with regard to the naval, military or air operations of His Majesty's Forces.

That charge contains some of the same elements as the charge with which I have already dealt. For instance, under the first count, as under the second, the intent to help the enemy has to be proved; and to do so by transmitting to the enemy information with regard to the naval, military and air operations of His Majesty's Forces. But the gist if this first count is that the Prosecution must establish the → conspiracy, that is an agreement, a concerted plan, between the two Defendants (**which did not existed at all**), to transmit to the enemy information with regard to the naval, military or air operations of His majesty's Forces. Before dealing with intent to help the enemy, what evidence is there here of conspiracy? Well, what evidence is there that these men were acting in co-operation? (**None!**) Well, what evidence is there that these men were acting in co-operation?

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conspiracy, that is an agreement, a concerted plan, between the two Defendants, to transmit to the enemy information with regard to the naval, military or air operations of His Majesty's Forces. Before dealing with intent to help the enemy, what evidence is there here of conspiracy? Well, what evidence is there that these men were acting in co-operation?

They landed in Scotland at the same or almost the same place. If you believe that they both came in the same rubber boat together, and land at the same or almost the same place, you will believe that they landed at exactly the same moment. They arrived with suitcases containing almost identical outfits. I need not go into them again. They had wireless receiving and transmitting sets, with their adjuncts and accessories; with a pistol each, each with a fake registration Card, and so on; each of them had a code disc for the purposes of morse code, one of them marked with "6", and the other with "7". On their Registration Cards, each of which, of course, is a fake, you will find that although the letters are different, the numerals are the same, "141/1". Then there are some other minor facts which have been brought to your notice which might point to co-operation.

It has been suggested that the capital letter "P" in Exhibit 3, Druke's Registration Card, was written by the same hand as that which wrote the capital "P" in the word "Frequenz" in Exhibit No. 41. In the absence of expert evidence, you will probably not attribute too much importance to a similarity of that sort.

Now, many of these facts suggest that these two men were sent out from a common source. It is for you to say whether the circumstances to which I have alluded satisfy you beyond reasonable doubt that there was co-operation and a concerted plan between the men themselves; and if you arrive at the conclusion that there was, you will still have to be satisfied that there was an intent to help the enemy common to both these men, and a design to facilitate the transmission of wireless messages with regard to the naval, military or air operations of His Majesty's Forces.

Now I think that I have given you all the assistance that I profitably can. There is just one thing that I would like to add: If in this first count you were to reach the conclusion that all they did was to make an agreement abroad, and that they did no act in this country in execution of that agreement or that they did not act in concert after they landed in this country, then it may well be that on this count it would be improper to convict them. In order to convict them and to justify returning a verdict of guilty on this count, you must be satisfied that there was active co-operation between them, and the pursuit of a concerted plan after they landed in this country.

Members of the jury, would you kindly consider your verdict. You will probably wish to retire from the jury box for that purpose.

(The members of the jury retired to consider
their Verdict at 12.53 p.m., and returned
into Court at 1.5 p.m.)



→ conspiracy, that is an agreement, a concerted plan, between the two Defendants ([which did not exist at all](#)), to transmit to the enemy information with regard to the naval, military or air operations of His Majesty's Forces. Before dealing with intent to help the enemy, what evidence is there here of conspiracy? Well, what evidence is there that these men were acting in co-operation? ([None!](#)) Well, what evidence is there that these men were acting in co-operation?

They landed in Scotland at the same or almost the same place. If you believe that they both came in the same rubber boat together, and land at the same or almost the same place, you will believe that they landed at exactly the same moment. They arrived with suitcases containing almost identical outfits. I need not to go into them again. They had wireless receiving and transmitting sets, with their adjuncts and accessories; with a pistol each, each with a fake Registration Card, and so on; each of them marked with "6", and the other with "7". On their Registration Cards, each of which, of course, is a fake, you will find that although the letters are different, the numerals are the same "141/1". Then there are some other minor facts which have been brought to your notice which might point to co-operation. (AOB, [think more of the same "Abteilung G" which regularly produced these false documents](#)).

It has been suggested that the capital letter "F" in Exhibit 3, Druecke's registration Card, was written by the same hand as that which wrote the capital "F" in the word "Frequenz" in Exhibit No. 41. In the absence of expert evidence, you will probably attribute too much importance to a similarity of that sort.

Now, many of those facts suggest that these two men were sent out from a common source. It is for you to say whether the circumstances to which I have alluded satisfy you beyond reasonable doubt that there was co-ordination and a concerted plan between the men themselves; and if you arrive at the conclusion that there was, you will still have to be satisfied that there was an intent to help the enemy common to both these men, and a design to facilitate the transmission of wireless messages with regard to the naval, military or air operations of His Majesty's Forces.

Now I think I have given you all the assistance that I profitable can. There is just one thing that I would like to add: If in this first count you were to reach the conclusion that all they did was to make an agreement abroad, and that they did not act in concert after they landed in this country, then I may well be that on this count I would be improper to convict them. In order to convict them and to justify returning a verdict of guilty on this count, you must be satisfied that there was active co-operation between them, and the pursuit of a concerted plan after they landed in this country.

Members of the jury, would you kindly consider your verdict. You will probably wish to retire from the jury box for that purpose.

(The members of the jury retired to consider their verdict at 12.53 p.m. and returned into the Court at 1.5 p.m.)

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THE CLERK OF THE COURT: Members of the jury, are you agreed upon your verdict ?

THE FOREMAN OF THE JURY: We are.

THE CLERK OF THE COURT: Do you find the Prisoner, Karl Theo Drueke, guilty or not guilty on the first count of this indictment ?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Do you find him guilty or not guilty on the second count of this indictment ?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Do you find the Prisoner, Werner Heinrich Walti, guilty or not guilty on the first count of this indictment ?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: Do you find him guilty or not guilty on the second count of this indictment ?

THE FOREMAN OF THE JURY: Guilty.

THE CLERK OF THE COURT: You find both the Prisoners guilty on the whole indictment ?

THE FOREMAN OF THE JURY: Yes.

THE CLERK OF THE COURT: And that is the verdict of you all ?

THE FOREMAN OF THE JURY: It is.

THE CLERK OF THE COURT: Prisoners at the Bar, you severally stand convicted of treachery. Have you or either of you anything to say why the Court should not give you judgment of death according to law ?

Prisoner KARL THEO DRUEKE: No.

Prisoner WERNER HEINRICH WALTI: I should like to make an appeal.

S E N T E N C E.

MR. JUSTICE ASQUITH: Karl Theo Drueke, there is only one sentence which the law permits me to pronounce upon you; and that is that you be taken from this place to a lawful prison and thence to a place of execution, and that you there be hanged by the neck until you are dead; and may the Lord have mercy on your soul.

THE CHAPLAIN: Amen.

MR. JUSTICE ASQUITH: Werner Heinrich Walti, the sentence of the Court upon you is that you be taken from this place to a lawful prison and thence to a place of execution, and that you there be hanged by the neck until you are dead; and may the Lord have mercy on your soul.

THE CHAPLAIN: Amen.



The Clerk of the Court: Members of the jury, are you agreed upon your verdict?

The Foreman of the Jury: We are.

The Clerk of the Court: Do you find the Prisoner, Karl Theo Druecke, guilty or not guilty on the first count of this indictment?

The Foreman of the Jury: Guilty.

The Clerk of the Court: Do you find him guilty or not guilty on the second count of this indictment?

The Foreman of the jury: Guilty.

The Clerk of the Court: Do you find the Prisoner, Werner Heinrich Waelti, guilty or not guilty on the first count of this indictment?

The Foreman of the jury: Guilty.

The Clerk of the Court: You find both the Prisoners guilty on the whole indictment?

The Foreman of the Jury: Yes.

The Clerk of the Court: And that is the verdict of you all?

The Foreman of the Jury: It is.

The Clerk of the Court: Prisoners at the Bar, you severally stand convicted of treachery. Have you either of you anything to say why the Court should not give you judgement of death according the law?

Prisoner Karl Theo Druecke: No.

Prisoner Werner Heinrich Waelti: I should like to make an appeal.

Sentence.

Mr. Justice Asquith: Karl Theo Druecke, there is only one sentence which the law permits me to pronounce upon you; and that is that you be taken from this place to a lawful prison and thence to a place of execution, and that you there be hanged by the neck until you are dead; and may the Lord have mercy on your soul.

The Chaplain: Amen.

Mr Justice Asquith: Werner Heinrich Waelti, the sentence of the Court upon you is that you be taken from this place to a lawful prison and thence to a place of execution, and that you there be hanged by the neck until you are dead; and may the Lord have mercy on you soul.

The Chaplain: Amen.



Crown Copyright

The rubber dinghy



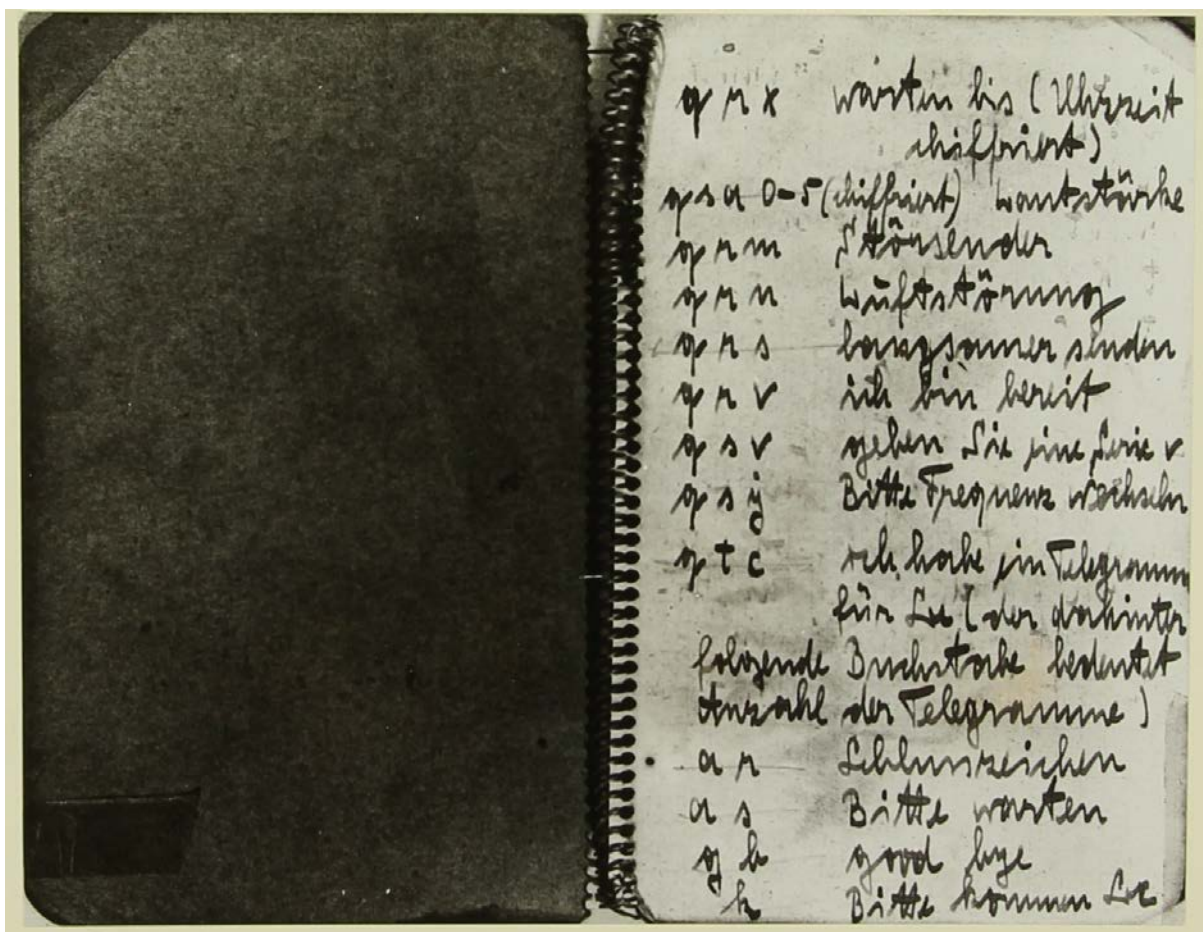
KV 2/1704-2, page 27



Crown Copyright

Whether this is Druecke's or Waelti's suitcase is not provided; however, I consider it was likely Druecke's
Because: Waelti apparently carried a large suitcase, as inside was a smaller suitcase (like this one) containing the wireless set as well as his personal belongings.

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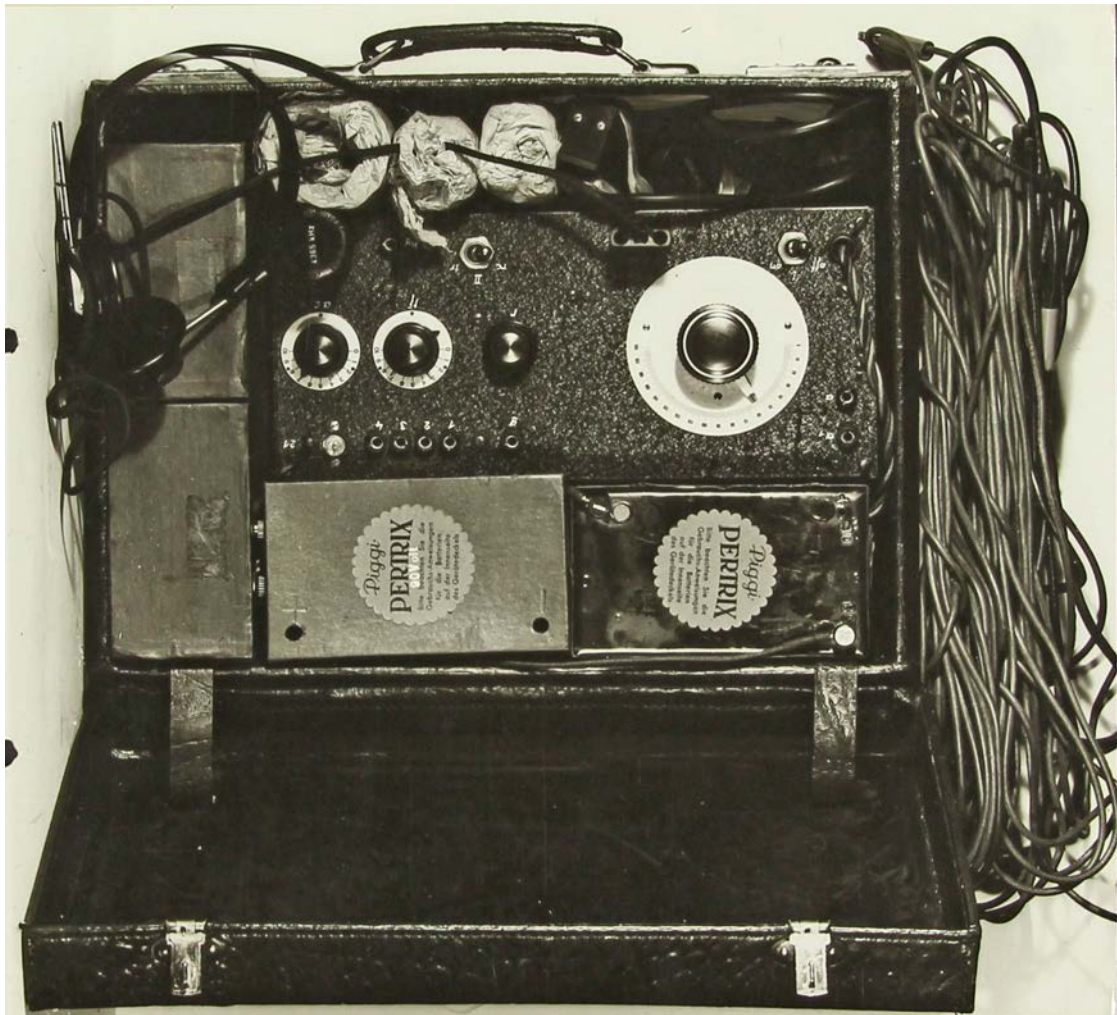
Crown Copyright

In my perception, this notebook once was possessed by someone who was used to operate during his wireless communications so-called Q-Codes; which were world-wide used. Also, by HAMs worldwide.

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KV 2/1704-2, page 32



Crown Copyright

German spy set type SE 92/3
Quartz crystal indicating that it operated at 4365 kHz
I never encountered Pertrix battery type "Piggi"



KV 2/1704-2, page 46



Crown Copyright

Wälti (Waelti) (truly: Werner Heinrich?)(likely: Wälti wasn't his true name)
Pictures taken during his captivity in England

KV 2/1704-2, page 76



Crown Copyright

Drücke (Druecke) (Karl Theo)
Picture derived from his false Belgium passport

Termination of

Part III

On 1st January 2020