

M I L I T A R Y T R I B U N A L I V

CASE NO. 11

THE UNITED STATES OF AMERICA

vs.

ERNST VON WEIZSAECKER, et al.

FINAL BRIEF ON THE
CRIMINAL RESPONSIBILITY
OF
WEIZSAECKER, STEENGRACHT, WOERMANN

under

COUNT V OF THE INDICTMENT
(MURDER OF THE JEWS OF EUROPE)

PART I

Nurnberg

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I. INTRODUCTION

The massacre of six million European Jews is history's most horrendous crime. WEIZSLECKER's formidable figure in this genocidal crime is recorded in the files of his German Foreign Office. The State Secretary and his associates have inscribed in their own hand the records of their mortal guilt. WEIZSLECKER's inscriptions will testify in the stead of the millions whom he dispatched to the East and whose tongues are silent.

When in April 1943 WEIZSLECKER, after five years as State Secretary and partner in crime of von Ribbentrop, left the Foreign Office for a new mission in the name of the Third Reich, the annihilation program, planned and launched and well under way, was not as yet completed. There was still work to be done. His successor, the newly appointed State Secretary Gustav Adolf STEENGRACHT von MOYLAND, carried forward the established genocidal program until about six million European Jews had been processed for death in the joint diplomatic and police machinery.

The tremendous responsibility of the Foreign Office in this massive project for clearing Lebensraum in Europe by eliminating the undesirables was met by WEIZSLECKER and STEENGRACHT with the loyal help of the Under State Secretary WOERMANN, Chief of the Political Division until 1943; the defendant Ritter, who coordinated the annihilation program with the military; the defendant Erdmannsdorff, who supervised the extermination for each country in the Foreign Office; and the defendant Veessenmayer, who was a field general for annihilation in Serbia, Slovakia, and especially in Hungary.

The annihilation of six million human beings was, of course, a task which called for many men and many talents. Essential

contributions were made by other defendants in this case and the execution machinery of the Reichssicherheitshauptamt (RSHA) which worked so "faithfully" with the Foreign Office (Pros. Ex. 1455, Doc. Bk. 59, p. 131).

This trial brief has two purposes:

1. To present the blackbook of the war crimes and crimes against humanity concerning the persecution of Jews, in which crimes the Foreign Office defendants participated. The running account of this genocidal crime will be presented according to the evidence introduced in this case.
2. To bring into focus the individual responsibility of the defendants WEIZSÄCKER, WOERLANN, and STEENGRACHT. Separate trial briefs on Count V (Jewish Persecutions) deal with the individual responsibility of the defendants Ritter, Veessenmayer, Erdmannsdorff, and Bohle. However, this trial brief should also be regarded as an integral part of and to be incorporated in the trial briefs against such other defendants as are mentioned herein.

II. THE CHARGES UNDER COUNT V OF THE INDICTMENT

The defendants WEIZSAECKER, STEENGRACHT, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, with divers other persons during the period from May 1938 to May 1945, committed War Crimes and Crimes Against Humanity, as defined by Article II of Control Council Law No. 10, in that they participated in atrocities and offenses including murder, extermination, enslavement, deportation, imprisonment, killing of hostages, torture, persecutions on political, racial and religious grounds, and other inhumane and criminal acts against German nationals and members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany, plunder of public and private property, wanton destruction of cities, towns and villages, and devastation not justified by military necessity. The defendants committed War Crimes and Crimes Against Humanity, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes and Crimes Against Humanity. (See Indictment against ERNST VON WEIZSAECKER, et al, Count V, paragraph 38, page 46).

In furtherance of the German Reich's program of "pacification" of the occupied territories through terrorism, the arrest, imprisonment, deportation and murder of so-called hostages was effected. Jews, alleged Communists, "asocials", and other innocent members of the civilian population of the occupied countries not connected with any acts against the occupying power were taken as hostages and, without benefit of investigation or trial, were summarily deported, hanged, or shot. These innocent victims were executed or deported at arbitrarily established ratios for attacks by person or persons unknown on German installations and German

personnel in the occupied territories. In many cases the recommendation and approval of the German Foreign Office, with the participation of the defendants WEIZSAECKER, STEENGRACHT, WOERMANN, RITTER, ERDMANNSDORFF and other persons and their representatives, was required prior to the execution of these measures and the necessary diplomatic "cover up" was effected to conceal the nature of these crimes. (Indictment pp. 49-50).

Simultaneously with German aggressive expansion, the anti-Jewish activities of the defendants were extended to the incorporated, occupied, and otherwise German dominated countries. Deprivation of civil rights and expropriation of the property of Austrian, Czechoslovakian, Polish and other nationals of Jewish extraction, were initiated by the defendants immediately after the annexation or occupation of the country. The defendant WEIZSAECKER participated in appropriating German Foreign Office funds for pogroms in Lithuania.

These inhumane acts were followed by barbarous mass killings of people of Jewish extraction and other foreign nationals in the occupied territories.

In May 1941 a final agreement established special task forces, "Einsatzgruppen", for the purpose of exterminating hundreds of thousands of men, women, and children of Jewish extraction, and other groups of the civilian populations regarded as racially "inferior" or "politically undesirable". Through the execution of this program, the eastern territories were to be vacated of all people viewed as dangerous to plans for German hegemony in the East. The progress reports on these killings, regularly submitted to the German Foreign Office by the RSHA and German Foreign Office field representatives, were brought to the attention of the defendants, WEIZSAECKER, WOERMANN, and ERDMANNSDORFF to assist in

the shaping of political policies for the disposition of occupied territories.

A program for the extermination of all surviving European Jews was set up by the defendants in the winter of 1941 and 1942 and organized and systematically carried out during the following period. During inter-departmental conferences on the "Final Solution of the Jewish Question", which took place in Berlin on 20 January 1942, 6 March 1942, and 27 October 1942, the policy and techniques for the "Final Solution of the Jewish Question" were established. The policy making session of 20 January 1942 included the state secretaries or representatives of the ministries and agencies concerned. The German Foreign Office was represented by Under State Secretary Luther, who reported the results of the conference to his Secretary of State, the defendant WEIZSACKER, immediately after the conference. In the two other conferences, the details were arranged. They were attended by the representatives of the departments of which the defendants were policy makers or leading officials.

The previous program for driving out the Jews as pauper emigres was now supplanted by a program for the evacuation of eleven million European Jews to camps in Eastern Europe for ultimate extermination. They were to be transported to these areas in huge labor gangs, and there the weak were to be killed immediately, and the able-bodied worked to death. Closest cooperation between the departments of which the defendants were leading officials was provided, with the RSHA in charge of the actual operations.

In the execution of this program millions of people of Jewish extraction from Austria, Czechoslovakia, Poland, France, Belgium, the Netherlands, Denmark, Norway, Hungary, Bulgaria, Yugoslavia,

Roumania, the Baltic States, the Soviet Union, Greece, Italy, and also from Germany were deported to the Eastern extermination areas and murdered according to inter-departmental plan. Since by far the greater part of the victims of this genocidal program were nationals of puppet and satellite countries dominated by the Third Reich, the German Foreign Office through the defendants WEIZSACKER, STEENGRUCHT, WOERMANN, RITTER, ERDMANNSDORFF, VEESEN-MAYER, and others forced these governments to deport persons of Jewish extraction within their countries to German extermination camps in the East and directed and controlled the execution of these measures. (Indictment, pp. 51-54).

VIOLATION OF LAW

The acts and conduct of the defendants set forth in Count V were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907, and the Prisoner of War Convention, Geneva, 1929; of the laws and customs of war; of the general principles of criminal law, as derived from the criminal laws of civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

III. JUDGMENT OF THE IMT CONCERNING
THE PERSECUTION OF THE JEWS

In it's chapter on the persecution of Jews, the IMT stated:

"Part of the 'final solution' was the gathering of Jews from all German-occupied Europe in concentration camps...all who were fit to work were used as slave laborers in the concentration camps; all who were not fit to work were destroyed in gas chambers and their bodies burnt." (Volume I, page 251)

"German missions were sent to such satellite countries as Hungary and Bulgaria, to arrange for the shipment of Jews to extermination camps and it is known that by the end of 1944, 400,000 Jews from Hungary had been murdered at Auschwitz." (Volume I, page 252)

The IMT held, referring to the persecution of Jews:

"...from the beginning of the war in 1939 War Crimes were committed on a vast scale, which were also Crimes against Humanity; and in so far as the inhumane acts charged in the Indictment, and committed after the beginning of the war, did not constitute War Crimes, they were all committed in execution of, or in connection with, the aggressive war, and therefore constituted Crimes against Humanity." (Volume I, page 254)

In the Trial against Major War Criminals, the defendant Alfred Rosenberg, Minister of the Occupied Eastern Territories was found guilty of the persecution of Jews and sentenced to death by hanging. The IMT stated,

"His subordinates engaged in mass killings of Jews, and his civil administrators in the East considered that cleansing the Eastern Occupied Territories of Jews was necessary." (Volume I, page 295)

The defendant Hans Frank, Governor General of Occupied Poland, was found guilty by the IMT of the persecution of Jews and sentenced to death by hanging. The IMT stated:

"The persecution of the Jews was immediately begun in the General Government" (Volume I, page 297)

The defendant Wilhelm Frick was found guilty of the persecution of Jews and sentenced to death by hanging. The IMT stated,

"While he was Reich Protector of Bohemia and Moravia, thousands of Jews were transferred from the Terezin Ghetto in Czechoslovakia to Auschwitz, where they were killed."
(Volume I, page 300)

The defendant Seyss-Inquart was found guilty of the persecution of Jews and sentenced to death by hanging. The IMT stated:

"One of Seyss-Inquart's first steps as Reich Commissioner of the Netherlands was to put into effect a series of laws imposing economic discrimination against the Jews. This was followed by decrees requiring their registration, decrees compelling them to reside in ghettos and to wear the Star of David, sporadic arrests and detention in concentration camps, and finally, at the suggestion of Heydrich, the mass deportation of almost 120,000 of Holland's 140,000 Jews to Auschwitz and the 'final solution'. Seyss-Inquart admits knowing that they were going to Auschwitz, but claims that he heard from people who had been to Auschwitz that the Jews were comparatively well off there, and that he thought that they were being held there for resettlement after the war. In light of the evidence and on account of his official position it is impossible to believe this claim." (Volume I, page 329)

The IMT defendants Rosenberg, Frank, Frick and Seyss-Inquart as far as the persecution of Jews is concerned were only charged with participation in the persecutions concerning the geographical areas where they represented Germany. The defendant Julius Streicher, publisher of "Der Stuermer", an anti-Jewish propagandist, was found guilty by the IMT of the persecution of Jews and sentenced to death by hanging. The IMT stated:

"As the war in the early stages proved successful in acquiring more and more territory for the Reich, Streicher even intensified his efforts to incite the Germans against the Jews. In the record are 26 articles from Der Stuermer, published between August 1941 and September 1944, 12 by Streicher's own hand, which demanded annihilation and extermination in unequivocal terms. He wrote and published on 25 December 1941:

'If the danger of the reproduction of that curse of God in the Jewish blood

is finally come to an end, then there is only one way -- the extermination of that people whose father is the devil.'

"And in February 1944 his own article stated:

'Whoever does what a Jew does is a scoundrel, a criminal. And he who repeats and wishes to copy him deserves the same fate, annihilation, death.'

"With knowledge of the extermination of the Jews in the Occupied Eastern Territory, this defendant continued to write and publish his propaganda of death. Testifying in this trial, he vehemently makes it clear that he continually received current information on the progress of the 'final solution'. His press photographer was sent to visit the ghettos of the East in the spring of 1943, the time of destruction of the Warsaw ghetto. The Jewish newspaper, 'Israelitisches Wochenblatt', which Streicher received and read, carried in each issue accounts of Jewish atrocities in the East, and gave figures on the number of Jews who had been deported and killed..." (Volume I, page 303)

This shows clearly that the defendant Streicher was only convicted for his anti-Jewish propaganda activities. He himself had nothing to do with the actual planning, implementation, and organizing of the "final solution".

The defendant von Ribbentrop was found guilty of the persecution of Jews and sentenced to death by hanging. The IMT stated:

"He played an important part in Hitler's 'final solution' of the Jewish question. In September 1942 he ordered the German diplomatic representatives accredited to various Axis satellites to hasten the deportation of Jews to the East. In June 1942 the German Ambassador to Vichy requested Laval to turn over 50,000 Jews for deportation to the East. On 25 February 1943 von Ribbentrop protested to Mussolini against Italian slowness in deporting Jews from the Italian occupation zone of France..." (Volume I, page 287)

In this brief we shall show that his state secretaries, and his deputies, von WEIZSACKER from 1938 to March 1943 and his successor von STEENGRUCHT, from April 1943 until the end of the war, together with the under secretary WOERLANN, chief of the

Political Division from 1938 to 1943, were the diplomatic technocrats who solved the Jewish problem finally through the genocidal murder of five to six million European Jews.

IV. THE CORPUS DELICTI IN THE GENOCIDAL CRIME

The results of the implementation of the Final Solution by the defendants WEIZSACKER, MOERLANN, STEENGRUCHT and others (euphemistically called by WEIZSACKER "Documents which...in normal times I would have hesitated to touch with my own hands") are described in the findings of the IMT (Volume I, page 251) with the following words:

"Part of the 'final solution' was the gathering of Jews from all German-occupied Europe in concentration camps. Their physical condition was the test of life or death. All who were fit to work were used as slave laborers in the concentration camps; all who were not fit to work were destroyed in gas chambers and their bodies burnt. Certain concentration camps such as Treblinka and Auschwitz were set aside for this main purpose. With regard to Auschwitz, the Tribunal heard the evidence of Hßss, the commandant of the camp from 1 May 1940 to 1 December 1943. He estimated that in the camp of Auschwitz alone in that time 2,500,000 persons were exterminated, and that a further 500,000 died from disease and starvation..."

The resultant deaths were found by the IMT Judgment to total "six million Jews, of which four million were killed in the extermination institutions" (Volume I, page 253).

In this proceedings the witnesses Jeannette Wolff, Berlin Counselwoman, and Dr. Philip Auerbach, Bavarian State Commissioner, gave a vivid picture of the various aspects of the annihilation program, such as the rounding up of the Jews from all over Europe, the working of them to death in connection with armament production, the shooting and gassing of those unfit to work, and all survivors and the relationship between the execution of the annihilation and the central planning agencies in Berlin.

The transcript of the testimony of the witnesses Wolff and Auerbach reads as follows:

DIRECT EXAMINATION

BY DR. KEMPNER:

Q. "What is your name, please?"

A. "Jeanette Wolff."

Q. "How old are you now?"

A. "I will be sixty on my next birthday."

Q. "Where were you born?"

A. "In Bocholt, in Westphalia."

Q. "Where are you living now?"

A. "In Berlin, Neukoelln, Jonasstrasse 50."

Q. "In what sector of Berlin is that?"

A. "In the United States Sector."

Q. "At the moment you are City Councillor in Berlin, is that correct?"

A. "Yes."

Q. "Are you married?"

A. "My husband has not been heard of since Buchenwald."

Q. "Have you any children?"

A. "I had."

Q. "How many children?"

A. "Three of my own and one adopted child."

Q. "What happened to them?"

A. "My oldest child was sent to the extermination camp Stutthof, and was shot there, the beginning of 1945. My second daughter survived. I found her again, but her heart and nerves are completely done for. My third daughter, Kaethe, was arrested as early as 1939, taken into protective custody, and deported from Ravensbrueck. I never saw her again."

Q. "In what year was that?"

A. "At the end of 1943 she was deported. I learned that from a survivor of Ravensbrueck. My youngest child was one adopted by me."

- Q. "What happened to the youngest? How old was she?
- A. "Three and a quarter. She was an adopted child. The mother had become mentally sick because of the events; the father had been shot by the Nazis, in Wallerskirch. In 1943, on the second of November, the child together with about two thousand other children from all the Jewish camps of Riga - was packed into open trucks, at a degree of cold of forty-two degrees. We never heard anything of these children again.
- Q. "Did any other members of your family perish after 1939?
- A. "My husband in Buchenwald; my brother and his wife, one daughter, two sons-in-law, and three grandchildren, in Auschwitz.
- Q. "Were you yourself --
- A. "Nine cousins, one uncle, aunts - twenty-four altogether, apart from my own immediate family.
- Q. "Were you yourself in a camp?
- A. "Yes, in several camps.
- Q. "Were you in camps in the occupied territories?
- A. "Yes, in Latvia.
- Q. "In what year was that?
- A. "At the beginning of 1942, we arrived there.
- Q. "Where did you arrive? In what country?
- A. "Latvia.
- Q. "Who occupied it at the time?
- A. "The Germans.
- Q. "In what other camp were you, Frau Wolff?
- A. "In the subsidiary camp of Kaiserwald, near Riga, in Muehlgraben.
- Q. "Will you tell us about your deportation?
- A. "Yes. I think it was on the twentieth of December 1941, that we got a letter which said, 'You and your family' -- that was, it was intended to take effect the beginning of January -- 'have to be at the Boersenhalle in Dortmund'. I and one thousand three hundred and fifty Jews from the Dortmund area were deported.
- Q. "Were you told for what purpose you were to present yourselves?
- A. "Yes, for labor allocation in the east. My husband joined me from prison. He came from Sachsenhausen.

- A. "(continued)
He had been sent there in 1938 after the big Jewish pogroms. He had been taken away and later on he was put in prison once again and they allowed him to be deported with me. My daughter from Ravensbrueck was not allowed to join us.
- Q. "In order to clear that up, you had received orders to report to go to the east for labor allocation?
- A. "Yes.
- Q. "Were there only German Jews or were there Jews who originally had come from Poland and other countries?
- A. "The transport with which I went, consisted of Jews who lived in Germany but these included Poles. Later, we met Jews from Latvia, from Poland, from Hungary, from Czechoslovakia, and from Bielo-Russia, in the labor squads.
- Q. "So you were sent to the occupied territory, if I understood you correctly, weren't you?
- A. "Yes.
- Q. "I see that you are rather upset about these terrible events. Please answer my questions very slowly and listen very carefully, won't you? So you were sent there. Where was that?
- A. "To Riga.
- Q. "To Riga, in occupied territory, is that right?
- A. "Yes.
- Q. "Was there a camp there or what was there? Please tell us on one sentence, quite briefly.
- A. "There was a block of houses surrounded by a high barbed-wire fence. That was the so-called Riga Jewish Ghetto.
- Q. "Were there prisoners of all nationalities from occupied territories there?
- A. "There were three ghetti which were not separated in point of space, but which were separated by barbed-wire.
- Q. "About how many people were there?
- A. "In our camp, in the beginning, about twenty thousand. In the one opposite, there were only men, Poles and Latvians whose wives had been murdered. There were perhaps five thousand. And in the third block, that was the women's camp of surviving Polish wives from Wilna and Latvia, women from Liban and Riga, there were about two hundred of them.

- Q. "Did people come from Hungary?"
- A. "Later on."
- Q. "In what year?"
- A. "About the middle of 1944."
- Q. "Did people come from Poland?"
- A. "Yes, earlier."
- Q. "Earlier?"
- A. "Yes."
- Q. "Jews from France?"
- A. "I can't say because the Stutthof Camp was not our camp. There were sixty-nine thousand inmates and as the blocks were separated by barbed-wire it was impossible to talk, to get in touch with another block without getting beaten up for it."
- Q. "So you know about the Poles and Hungarians and Latvians and Germans?"
- A. "Yes."
- Q. "And Czechs?"
- A. "Yes."
- Q. "Is that correct?"
- A. "Yes."
- Q. "You yourself did not see any Frenchmen?"
- A. "No."
- Q. "All right, if you didn't see it, let's leave it."
- A. "Oh, yes, I saw them, behind barbed-wire, but I didn't speak to them."
- Q. "But then you don't know whether they were really French."
- A. "I was told that."
- Q. "Did you work there?"
- A. "Yes, like everybody."
- Q. "For whom did you work?"
- A. "From the ghetto in Riga, mainly in Wehrmacht units."
- Q. "What did you do for the Wehrmacht?"
- A. "I myself was a uniform tailor."

Q. "What did the others do?"

A. "They made uniforms, boots, fur coats, leather-ware, all things for the Wehrmacht — partly repairs and partly newly made."

Q. "Did you make ammunition?"

A. "I was never in such a detachment, but I was told that in the troop economy camp (Truppenwirtschaftslager) things of this kind were being made. I cannot say. I did not see it myself."

Q. "Were squads sent out to the airport and to the wharfs?"

A. "Yes, to the airport in Riga. New airfields were being built. That was the punitive camp of Spilve, where people were beaten up atrociously. In addition there was a big repair camp for motor cars, tanks, and other engines. May I think for a moment? It was called 'HKP'. That means Motor Pool."

Q. "Army motor pool?"

A. "Yes, that is right."

Q. "But surely that is not so bad, if you made uniforms and worked as uniform tailor, as a woman. A lot of women work like that."

A. "That would not have been so bad if the amount of work we were supposed to do had not been so impossibly high, if the conditions of life hadn't been so unbearably bad. The food was not sufficient to permit a person to remain alive even if he was not working."

Q. "If you couldn't do the work you were supposed to do, what happened then?"

A. "Those who couldn't work were considered as being as good as liquidated, and that is why everybody tried to work until he collapsed."

Q. "What do you mean by 'liquidated'?"

A. "There were camps which can only be described as death camps, from which drives were constantly going into effect, people collected and sent on so-called 'ascension' squads (Himmelfahrtskommandos)."

Q. "What do you mean 'ascension'?"

A. "If the purpose of a squad was obscure and it held old and feeble people, then we knew that the people wouldn't come back."

Q. "Were there so-called 'children's drives' too?"

A. "Yes."

Q. "What were they?"

A. "In 1943, on the second of November, in the morning, very early, we heard that all children under ten, must be sent to the Blech Platz, which was a square where the first executions and also the drives were carried on, and where roll was called. The area is drenched only with Jewish blood, on a gigantic scale. The children had to be taken to this square. It was very cold. It was between thirty-eight and forty degrees. The children were packed into open trucks. They were given three days' food -- that is, imitation coffee and dry bread. The children -- we never saw any of them again. There were more children drives. This was the last. We were in the Muehlgraben Camp.

We had been able to hide fourteen children in the ghetto in the course of the drive and in other camps too some children had been hidden. We were glad if the children ever laughed, because our life was so heavy. Our families torn apart. They were cruel. They deported us to the East so that we should work together, and took our husbands away. They sent them to the stone quarries. They sent them to their death in Salispils.

Q. "Tell us, of the conditions under which you worked there. I would like to know the following: Did you have any definite kind of clothing or definite style of hairdress, or anything of the kind?"

A. "In the beginning, as long as we were in the Riga Ghetto, we kept and wore our civilian clothing.

Q. "How did you do your hair?"

A. "In 1943, they shaved our heads with an Orm machine.

Q. "What happened to the hair?"

A. "The hair had to be collected. Nothing was to be lost. It was packed in sacks and worked into ropes allegedly for the Zeppelins.

Q. "Is that all?"

A. "No, that is not all. The children's drives came later. Not a single child was allowed to survive. There were drives during work which were cruel.

Q. "Were people beaten?"

A. "Yes. On Black Sunday in Muehlgraben, people were used to carry wood. All punishment was carried out by some inhumane work, if it was not shooting or hanging. In this case, two people had to carry, in the boiling sun -- I think at the end of May, it was terribly hot, -- they had to carry up to

A. (continued)
one and a half hundreweight of wood between them,
on a stretcher. And the camp commandant and two
Wehrmacht NCO's beat these men with lashes and
drove them right across the camp courtyard until
they collapsed.

Among the people there was one very beautiful
young woman, Kathe Ehrlich from Vienna, a Czech
national, but she had been deported to us from
Vienna. The commandant and the NCO Schwellenbach
beat her so long until she lay bleeding on the
ground. One of the people got a grave injury
to the lung and died of it.

In this camp there were only Wehrmacht people;
no SS.

DR. KEMPNER:

"That is all we want to hear for today. Thank
you for coming.

PRESIDING JUDGE M.IGUIRE:

"Is there any cross examination? There being no
cross examination, the witness is now excused.

DR. KEMPNER:

"With the Court's permission, the prosecution is
now calling the other witness we have this morning,
Mr. Luerbach..."

(Transcript, pages 2500-2508)

B. Witness Philip Luerbach

DIRECT EXAMINATION

BY MR. KEMPNER:

Q. "What is your name, please?"

A. "Luerbach.

Q. "Your first name?"

A. "Philip.

Q. "What is your age, please?"

A. "Forty-one years of age.

Q. "And your present address?"

A. "Munich, Friedrich Herschelstrasse 3.

Q. "And what were you by profession originally?"

- A. "I am a chemist.
- Q. "And what is your present profession or occupation?
- A. "I am a governmental commissioner for racially and religiously persecuted people in Bavaria.
- Q. "What is your rank in the civil service in Bavaria?
- A. "I am in charge of the Governmental department, in the rank of an Under Secretary of State.
- Q. "Do you have any other position in the Western zone, in the American zone?
- A. "Yes. I am president of the Israelitic Community in Bavaria in an honorary position.
- Q. "Mr. State Commissioner, you were in Belgium in about 1939 and 1940, is this correct?
- A. "I was in Belgium from 1934 as a refugee.
- Q. "In 1939 and 1940, too? In 1939 before the war started?
- A. "Yes. I remained in Belgium in 1939 until 10 May 1940 when the German Army invaded the country.
- Q. "And then you went to France, is that correct?
- A. "Yes, quite.
- Q. "And when the Germans were overrunning Belgium and France, what happened to you in France? Did you remain there?
- A. "No. The Gestapo transferred me to Berlin via Paris.
- Q. "To what place in Berlin?
- A. "I was first in Prinz Albrechtstrasse. Prinz Albrechtstrasse is the headquarters of the Gestapo, the Secret State Police, and the RSHA.
- Q. "How long were you there?
- A. "From there I was taken to the police headquarters in Berlin where I was arrested for about two years.
- Q. "What kind of people did you see there?
- A. "Jews and foreigners were treated particularly badly and were kept in the so-called 'Gewahrsam'. They were taken into a special prison in the cellar, whereas Germans remained upstairs in the cells on the second floor.
- Q. "You talk of foreigners. What kind of foreigners were they?

- A. "They were from all nations, those countries which Germany had occupied, Dutch, Belgians, French, some British. They were mainly people who had been deported by force to Germany in order to work there, and who according to certain denunciations to the Gestapo, were not doing their full quota of work and had been arrested and remained there for a few days until they were deported to a concentration camp or labor camp. Most of these transfers went to the camps in Wuhlheide or Buchenwald, or Oranienburg, Gross-Rosen and Mauthausen.
- Q. "Did any mistreatment take place there?"
- A. "Well, comparatively little in the police prison, but quite sufficiently when the Gestapo interrogated you. I can tell you quite a few things about that.
- Q. "Were the foreigners mistreated, too?"
- A. "Mostly in the morning when the Gestapo officials turned up and fetched people for interrogation they were beaten at once.
- Q. "Now in 1943 you were sent to Auschwitz from Berlin, is that correct?"
- A. "Yes. Yes, I was taken to Auschwitz in a special transport, not with a mass transport.
- Q. "Were you told why?"
- A. "I was told originally that I was to do some work there, but when I was passing through Beuthen, the police prison there, I was told, - 'You are going there to the oven.' That opinion was generally held.
- Q. "What do you mean by 'oven' (Kamin)?"
- A. "The term 'oven' usually meant the four big crematories in Auschwitz where an average of five thousand people were burned or cremated daily.
- Q. "You heard the term 'oven' in Beuthen, did you?"
- A. "Yes.
- Q. "What sort of people said that? Was that term 'oven' used quite frequently?"
- A. "Yes, the people from the police used the term. When they received us and gave us our passes for the transport, it said on that pass: 'Sentenced to death for high treason', and so the people said, 'You won't live very long. You are going to be sent to the oven.'
- Q. "Just a moment. Was this discussed quite openly?"

- A. "Yes, quite openly among everybody, quite as openly as they did in Berlin.
- Q. "In Berlin at police headquarters was that mentioned also? What year was that?
- A. "That started as early as 1941.
- Q. "And then you went to Auschwitz, didn't you?
- A. "Yes.
- Q. "Until when?
- A. "Until the camp was evacuated, on 18 January 1945.
- Q. "Can you prove in any way that you were in Auschwitz?
- A. "I have excellent proof which I would like to show the Tribunal. The number on my arm here.
- Q. "What number is it? Do you know it by heart?
- A. "188869. That was the number which I was given as a political prisoner, and I was relatively happy with that fact.
- Q. "Well, I don't follow you. You were happy that a number was burned on your arm?
- A. "Yes.
- Q. "Why?
- A. "Because those who were not given a number went unidentified to the gas chamber. They were not registered and their names were forgotten. They were simply gassed and thrown into the oven.
- Q. "Was that connected with the fact that you were stronger, could do some work, and were a chemist?
- A. "Yes. I was immediately allocated to some work. I worked in the stone quarry for two days and smashed the cap of my knee. I then walked on crutches and was taken to the so-called department for combating vermin, which was in the charge of Obersturmbannfuehrer Pflaum. We were to combat insects, rats, mice, etc.
- Q. "Did you in that position as a chemist, have a special opportunity to get around in Auschwitz camp?
- A. "Yes. I was also the first disinfecting official. I had to do special delousing and rat extermination actions, and I, therefore, had a pass which got me out of the actual men's camp and into the women's camp as well. I may say what I saw there was the most frightful thing I ever saw.

Q. "Just a moment. We will discuss that later. What nationalities were represented in Auschwitz?"

A. "Auschwitz was mainly an extermination camp for Jews of all countries, nationalities.

Q. "What nationalities?"

A. "There were relatively few Germans there. They were mostly Poles; large transports came in from Hungary.

Q. "When?"

A. "The Hungarian transports did not arrive until the end of 1943 or the beginning of 1944. Before that large transports came in from Greece. I think about fifty thousand Jews came from Greece to Auschwitz from among whom less than one hundred survived. Transports came in from France, from Belgium, from Holland and all those countries where the German boot was planted.

Q. "Tell me, when these people arrived they were selected and put into groups.

A. "Let me describe briefly how these transports were handled. You must differentiate between individual transports, such as mine, where we were only three people from Berlin, and the mass transports which arrived on special trains every day. The Trains arrived in Birkenau. They were received at the station in Birkenau by the camp commandant and a large number of higher SS officers. When these people who had traveled for days, or in some cases weeks, in overcrowded cattle wagons, descended from their trains -- there were several dead persons in every wagon -- they were asked,

'Which of you cannot work? Those of you who cannot walk can be driven to the camp.' People who were not aware of what that meant, volunteered and asked to be driven to the camp. They were then put on the left side, which meant death. The others had to leave their luggage behind. I saw with my own eyes, when Oberscharfuhrer Simon Moll took little children by the legs and smashed their heads against the walls of the station. That happened in Auschwitz in 1944. I saw with my own eyes how these people were thrown like dattle on a truck and taken immediately to the crematorium. They were told they were going to have a bath. The bath was the gas chamber. When they entered, they had to strip and with typical German thoroughness they had to sort out their clothes so that the SS had no more work when these things were sent on to VOML.

Q. "To what agency?"

A. "To VOML.

- Q. "What is VOMI?"
- A. "That was a National Socialist organization, which could use clothes for men, women and children."
- Q. "If these people had any valuables with them — or did anything else happen to the corpses?"
- A. "The valuables remained in the clothes or had to be deposited on tables first. Everything was then nicely sorted out. Walls were hermetically sealed, and instead of water, gas came in, cyclon gas. Two minutes later the gas chambers were full of corpses."
- Q. "What was done with the corpses?"
- A. "After the gas had evaporated, a detachment of inmates came in who had orders to extract the gold from the teeth in the mouths of the corpses. You could see from the records in Auschwitz, which I saw myself, that in the course of four years thirty-three thousand kilos of gold from teeth and rings were sent to the Reichsbank."
- Q. "How do you know that it was sent to the Reichsbank?"
- A. "Comrades of mine, who worked in that department, told me this authentically."
- Q. "Did the Reichsbank and the Reich Ministry of Finance sent in any accounts which you yourself saw in the offices?"
- A. "I worked in Obersturmbannführer Pflaum's office, and there we saw the bills which were sent for deliveries of insecticide to the Wehrmacht and the VOMI and other organizations, always through RSHA, to Berlin to the Reich Ministry of Finance, and there things were financially adjusted in some manner."
- Q. "When, as far as you can remember, did the first boxes with gold teeth and similar objects go off to the Reichsbank?"
- A. "All I can tell this Court is, of course, what I know myself. By the end of 1944 I heard about that in Auschwitz for the first time. I should assume that it happened before, but I couldn't testify to that from my own observation."
- Q. "Those who were capable of work, who were not killed immediately, for whom did they work there?"
- A. "We had a large industry in Auschwitz. Auschwitz itself consisted of a number of camps. In Buna, which was near the city of Auschwitz, the inmate city, I mean, work was done exclusively for Farben, and there, as the name 'Buna' implies, artificial rubber was produced. Then the German Rearmament works were there. They also worked for the Wehrmacht. Then there was what we called the 'Union' there."

- Q. "What was the 'Union'?"
- A. "The 'Union' was an SS enterprise which produced exclusively ammunition for the Wehrmacht, and there quite indiscriminately the slaves were put to work, whether they were Germans or foreigners, and there they produced the cartridge cases.
- Q. "Did the people go back to the camp from these places of work, or what happened?"
- A. "An order came out in the morning at four o'clock to get up and at five o'clock we would march. Work was done until the evening at six o'clock, and those who were still alive came back with the columns. The dead were carried behind.
- Q. "What do you mean: 'the dead were carried behind'?"
- A. "It happened very often that the man in charge of the camp asked in the morning how many Jews were in the detachment and said in the evening he wanted to see one hundred or two hundred less. Then these people were shot while trying to escape or exterminated some other way, but in order for the roll call to be correct, the dead had to be brought back again.
- Q. "There is one thing I don't quite understand, and perhaps you can clear that up for the Tribunal. Actually there was every reason to believe that people were very much interested in the fact that foreigners should work for the Wehrmacht. Why were they being killed?"
- A. "Well, there was no shortage of slaves. New trains came in daily; and as the crematorium always worked on the double, it did not matter whether a few hundred were being killed or not, because the purpose of Auschwitz camp was extermination. Four million eight hundred thousand dead was the price of Auschwitz camp.
- Q. "Was it a sort of selective procedure that only the most efficient people, experts, were to survive, do you think?"
- A. "Yes. Well, there was what we called 'selection' every four weeks.
- Q. "What was 'selection'?"
- A. "'Selection' meant that people were being sorted out according to their capacity of work, according to their health, etc., and it was highly doubtful according to what principles the selection was made.
- Q. "How was it done?"
- A. "An order was given in the evening at eleven o'clock that all Jews were to assemble in the street completely naked, even if it was five or ten degrees below zero. From there they had to go to the bathing place where

- A. (continued)
a few more or less drunken SS men were sitting around and they indicated by a stick either 'left' or 'right'. 'Left' meant the oven; 'right' meant work. Those selected for the oven, they were put on a truck naked as they were, and sent to the gas chambers, where the next morning the gassing and cremating occurred.
- Q. "The gassing was done with what?"
- A. "It was done with cyclon gas."
- Q. "Which was supplied by whom?"
- A. "By I.G. Farben."
- Q. "Did you see that yourself?"
- A. "I did, indeed. As chemist I had occasion in my own department to handle gas coming into the camp, as we had to disinfect certain rooms infested by bedbugs. One day a Obersturmfuehrer came to see me and asked me to give him two quantities of gas for the crematorium, because the delivery from Bitterfeld, the I. G. Farben plant, had not arrived yet. I told him that I had two bottles which I needed to destroy bedbugs and therefore I couldn't give it to him, whereupon he gave me 25 lashes."
- Q. "There is one thing I don't understand. Perhaps you can explain it. If it was desired to work people to death, why was it necessary to have you around to disinfect rooms and kill rats, etc.?"
- A. "Well, the reason is quite simple. Rats did not discriminate between inmates and SS men, and as corpses were lying around where rats nibbled at them, there was every danger that the poison emanating from the corpses would reach the store-rooms of the SS. We also had to be careful lest epidemics would break out. They needed slave labor. After all there were more than one hundred eighty thousand men working in the Auschwitz area, apart from those working in the mines near Auschwitz."
- Q. "What groups were particularly badly treated, as far as you saw with your own eyes?"
- A. "The Poles and the Jews."
- Q. "What happened to the Hungarian and French women?"
- A. "Treatment of the women was a problem of its own."
- Q. "Would you please tell us something about that?"
- A. "I think I am one of the few survivors of Auschwitz who ever entered the women's camp, simply because I was doing this disinfecting work. It was the most frightful thing I have ever seen. These women, particularly the Hungarian women, were stripped before

- A. (continued)
the SS men. They had to pile up their clothes at a certain spot and hand over their valuables. Then they were usually shaven by inmates who were professional criminals, and SS men would laugh at these shivering, naked women. The picture I saw was indescribable.
- Q. "Well, then you left Auschwitz. How did that come about?"
- A. "When the Russians advanced, an order was given that the Auschwitz camp was to be evacuated. This transport started on 16 January 1945. My detachment was the insecticide squad, and it had meanwhile also been assigned to work the soap plant.
- Q. "What sort of factory was that?"
- A. "We had been given orders to produce soap for the Fuehrer's headquarters, for Adolf Hitler personally, and this was a special task given to me by Himmler.
- Q. "Did Himmler visit the camp ever?"
- A. "Yes, together with Pohl and other dignitaries, some of them in civilian clothes, some of them in uniform.
- Q. "Are you in a position to identify anyone?"
- A. "I think that would be scarcely possible.
- Q. "Did you ever see an official in one of the camps whom you knew from the old days in Berlin when you were committed to the prison there, or later on?"
- A. "Yes. When I went from Paris to Berlin, I was received in Prinz Albrechtstrasse by a man who immediately kicked me and beat me, and said, 'At last we have got you bastard now. Surely you know who I am. I was with the Consul General in Antwerp.' I recognized him again as the man who had extended my passport in 1935 in Antwerp.
- Q. "He was then in the Foreign Service in the Consulate?"
- A. "Yes. He had even the right to give signatures. I know that he then signed my passport.
- Q. "And he was later with the Gestapo?"
- A. "Yes. I think he must have had a very high position with the Gestapo. They all stood at attention before him.
- Q. "Well, let's go back now to the evacuation of Auschwitz and the last point. You were evacuated from Auschwitz in January 1945, did you?"
- A. "Yes.
- Q. "Together with the other survivors?"

- A. "I think about seventy thousand people went on that transport from Auschwitz. I remember very precisely that on 18 January we left at six in the morning. It was fourteen degrees below zero, and we had only our thin overalls. We marched for fifty-five kilometers in one night. An order was given that everyone who fell behind would be shot down ruthlessly. I myself counted—
- Q. "Was that a mere threat?
- A. "I saw myself and counted between Auschwitz and Losslau at one side of the road three hundred sixty-one corpses. Shots were fired every minute, and the victims were not even shot properly. They were lying there in their blood, some of them screaming with madness, others freezing to death.
- Q. "Were they German, foreigners or what?
- A. "Anyone was shot down who did not march in the rows. There was an Austria-Hungarian Field Marshal, seventy-four years of age who marched next to me. I dragged him along, but when he couldn't march on, he laid down next to a tree and then was shot in the neck.
- Q. "Finally you reached Buchenwald, did you?
- A. "Yes.
- Q. "How many kilometers are there from Buchenwald to Auschwitz?
- A. "It is difficult to say. We only marched as far as Losslau and then we were loaded on some open coal wagons, one hundred sixty of us to a wagon, and half of us only were alive when we arrived.
- Q. "Buchenwald was in Germany, wasn't it?
- A. "Oh, yes. Buchenwald is near Weimar.
- Q. "And Auschwitz was in occupied Poland, is that correct?
- A. "Yes; it was in the neighborhood of Kattowice.
- Q. "Well, now you arrived in Buchenwald when?
- A. "We were first in a small intermediary camp called Gross-Rosen, and from there we went to Buchenwald, about the middle or end of February.
- Q. "What year, Mr. State Commissioner?
- A. "In 1945.
- Q. "Were there many inmates in Buchenwald?

A. "It was overcrowded. Normally Buchenwald could receive twelve to fifteen thousand inmates, but when these transports came in there were as many as seventy thousand at Buchenwald.

Q. "What sort of work was done there?"

A. "It was the stone quarry, the so-called death detachment, then again the German equipment works, the ammunition factories. There was a factory for spare parts of aircraft and a number of other factories.

Q. "Did foreigners and Germans work there?"

A. "There were mostly German political prisoners and foreigners.

Q. "From what countries?"

A. "French, Belgian, many Yugoslavs and Russian prisoners of war.

Q. "Were there only Jews there?"

A. "Until the large transport came in there were only two blocks, two large buildings occupied by Jews, blocks 22 and 23. All of us were of varying nationalities. Each nationality had a block or several blocks to themselves, French blocks, Czech blocks, Hungarian blocks, although there were relatively few Hungarians there. They came in later, and they were all allocated to some work.

Q. "What religions were represented?"

A. "All religions, Protestants, Catholics and many Jews.

Q. "Orthodox Jews?"

A. "Oh, yes.

Q. "From the Balkan countries, you mean?"

A. "Oh, yes. There was a special block for Catholic priests.

Q. "How many were in there?"

A. "I should estimate there were between two hundred and three hundred Catholic priests in Buchenwald.

Q. "What was the treatment then, was it better there?"

A. "In 1945, it was better compared to the old days, but it was still bad enough, as the SS shot savagely throughout the camp on the smallest provocation, particularly during the work in the stone quarries, where they would kill people without any consideration whatever.

- Q. "Were you ever told why things were better there?
- A. "Things were better there because Buchenwald was at a focal point of public opinion. Buchenwald was known abroad. It held many prominent inmates.
- Q. "Who were some of the personages well known there?
- A. "Leon Blum, Schuschnigg, and several people who were constantly in the eyes of observers abroad and as they feared too much would become known abroad the treatment was better. In addition to that by the end of the war, in 1945, the bullying of the SS decreased, because they had other things to do.
- Q. "Until when did you remain there?
- A. "I remained there a few months till after the liberation, because the American authorities had asked me to supervise the evacuation of the sick, when I had become manager of the hospital, because after all we had eight thousand very ill people who could no longer walk.
- Q. "When did the United States Army arrive in the camp?
- A. "11 April 1945. It was General Patton's First Armour Units.
- Q. "Was an inventory taken in the camp at the time?
- A. "That would have been quite impossible, because three days before 18,000 Jews were killed in the forest around Buchenwald with anti-tank rockets. We didn't know any more who was still there. The whole camp was being dissolved, and no roll call was possible any more.
- Q. "Why were so many people killed within the last three days?
- A. "Because Himmler had given an order that no inmates must be kept alive for the Allies, and at this point the so-called Evacuation took place, but the Camp Management in Buchenwald was active. The illegal management of the Buchenwald Camp for the first time made a strong resistance, and we did not carry out the orders. The poorest and the weakest, most of them were the Hungarian Jews, were driven outside the camp, and were killed in the woods around Eppersberg.
- Q. "By whom. by the SS or —
- A. "No, from a few of the survivors we have ascertained by testimonials that they were Hitler Youth who tried out the anti-tank rockets on these unfortunate people.
- Q. "Then General Patton came?

A. "Yes.

Q. "Were pictures taken there?

A. "Yes, pictures were taken, and films were made. I myself was present, since American authorities had appointed me in charge of the civilian hospital in Buchenwald. What we saw and experienced there, made even a man like General Patton cry. He told me verbally, 'I fought many battles, but I have never seen so much misery in all my life as I did here in Buchenwald.'

DR. KEMPNER:

"Thank you very much. That is all.

PRESIDING JUDGE M. GUIRE:

"Any cross examination? There being no further cross examination the witness will be excused."

(Transcript, pages 2509-2522)

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V. JURISDICTION OF THE FOREIGN OFFICE

True to the principles of the National Socialist doctrine in the Third Reich, the Foreign Office inaugurated and executed in its sphere of jurisdiction the anti-Jewish policy which resulted in the extermination of six million Jews in Europe.

The German Foreign Office, also known as Ministry of Foreign Affairs, was in charge of all matters concerning German relations to other countries, including the affairs of foreign nationals in Germany. During the first years of the Hitler regime, the Foreign Office had to deal with the Jewish question when foreign powers intervened on behalf of their persecuted Jewish nationals in Germany, or when the emigration of German Jews to foreign countries raised political or economic problems in the field of foreign relations.

War and the aggressive sweep of the German armies broadened and increased the duties of the German Foreign Office in this field. When the peoples of Austria, Czechoslovakia, Poland, France, and other conquered or intimidated countries came under the black wing of the German war eagle, the fate of the Jews of these countries became an important factor in German relations with these countries.

This trial brief will show that the German Foreign Office negotiated the lives and destinies of these Jews with supreme authority, through forming the general policy towards these countries, or giving instructions to the German plenipotentiaries in these countries. The degree of Foreign Office control and participation in the anti-Jewish program is indicated from the fact that more than ninety-five percent of the European Jews were foreign (non-German) nationals (Pros. Ex. 1452, Doc. Bk. 59, p. 89), and hence --so far as the genocidal action was concerned --

were under the jurisdiction of the German Foreign Office.

There were many foreign policy aspects involved in the forming and implementation of the program to exterminate the Jews of Europe. Consequently, this program bulked large in the work of every division and section of the Foreign Office. On the top were the Minister and his State Secretaries, first the defendant WEIZSACKER and subsequently the defendant STEENGRUCHT.

The State Secretary was a permanent deputy of his Minister for the entire field of jurisdiction. He was also a political civil servant, i.e., he had to observe the political line of his government and he was removed if he did not function correctly in political sphere (Expert witness, Professor Hans Peters, Transcript, pages 316-317).

Next in line was the Political Division, the central core of the Foreign Office, which made and drafted proposals in this field. Its Chief was, until 1943, the defendant, Under Secretary WOERLNN and his deputy was the defendant Erdmannsdorff.

The title of Under Secretary which was given to WOERLNN indicates the great significance of the office WOERLNN had, or the importance of this specific personality for the service (Testimony of expert witness Professor Hans Peters, Transcript, pages 353-354).

The powerful role of the Political Division within the Foreign Office is described in a memorandum by the Special Ambassador in the Foreign Office, von Rintelen, dated 30 September 1944 (Pres. Ex. 3658, Doc. Ek. 99-1, p. 7 et seq.). In the chapter on the Political Division in this memorandum, under II, the role of this division, for decades the dominant division in the Foreign Office, is set forth as follows:

"II. Within the Foreign Office the Political Division holds the position of a central agency which is to observe current events abroad and to determine Foreign Policy according to the Fuehrer's intentions. For this purpose it is subdivided into sections, responsible for the individual countries, respectively group of countries, which have the duty to provide the Reich Foreign Minister at any time with the most accurate information concerning the foreign political situation of a specific country and which must be able to put the entire available material at his disposal. Thus, for example, in political decisions to be taken in our relations to Spain the Political Division must be in the position to have within immediate reach all data giving exhaustive information on political development in Spain up to now, on her relations to us and to other powers and on her present dominant political trends. This demands a constant collection and evaluation of general or confidential information which is obtained by various ways and means, and also requires, observing regularly the attitude of politically important personalities abroad. The Political Division obtains the necessary data through telegraphic, written and verbal reports of their foreign missions through reports from officials sent abroad especially for this purpose, through information derived from confidential and secret sources; in addition through the current use of press and radio information supplied by the press and broadcasting divisions, through studying important foreign political documents, and finally through personal contact with accredited foreign missions in Berlin and through the services of influential people abroad.

"The second important function of the Political Division consists in the political guidance of our foreign representations. It is the duty of this department to see that the German missions abroad get sufficiently well acquainted with the guiding principles of the Reich Foreign Minister in foreign policy as well as with the political atmosphere in other countries. (Language groups). But it also provides the necessary instructions for the German missions abroad, with regard to all specific political questions, so that they are dealt with in complete conformity with the Reich Foreign Minister's directives.

"Finally, the Political Division must maintain contact with foreign missions in Germany, it must accept their proposals with regard to political questions and it must negotiate these questions with them. Within the Foreign Office it is the responsibility of the Political Division to see to it that the activities of other divisions conform with our principles of Foreign Policy, generally and in every specific case, since it is understood that such specific questions, for example, questions relating to Foreign Trade matters and the foreign press can only be dealt with, if they fall clearly in line with the general political trend to which we adhere with regard to foreign countries."

The role of the Political Division in the mass murder of

six million Jews is proved by hundreds of Prosecution documents.

The Legal Division, of which the witness Dr. Albrecht was Acting Chief, handled certain legal problems in the program. This division was under direct control and supervision of the defendant WEIZSACKER and later STEENGRUCHT.

The Personnel and Administrative Division, of which the affiant Hans Schroeder was in charge, handled such problems as supplying adequate personnel to the divisions in Berlin and the missions abroad, for maintaining the program. This division furnished the money, the diplomatic passports, and made the temporary duty arrangements for Foreign Office specialists, such as the defendant Veessenmayer who made field trips to Slovakia and Serbia and the affiant von Thadden who made field trips to Serbia and Hungary in connection with the extermination program. The Personnel and Administrative Division was also under the direct control and supervision of the defendant WEIZSACKER and later of the defendant STEENGRUCHT.

The Division Deutschland played also a very important role in the extermination program of the German Foreign Office. This Division was especially active in the operational field, in its function as the liaison office with the Reichssicherheitshauptamt (RSHA) and the SS, that is, to the agencies which enforced the policy and rulings made by the Foreign Office and its representatives for carrying out the annihilation program.

During most of the period of the State Secretaryship of the defendant WEIZSACKER, the Under State Secretary Luther was head of the Division Deutschland; Ribbentrop had him sent to a concentration camp because of alleged disloyalty to him. During the State Secretaryship of the defendant STEENGRUCHT, the affiant

Horst Wagner was in charge of the Division Deutschland.

Hundreds of documents show that continuous cooperation between the Political Division and the Division Deutschland. Their team work was devoted to the successful completion of the annihilation program. There are instances, as in all government administrations of the world, where channels of procedure were not followed, and one or the other division chief or major official talk directly and personally to the head of the department. Luther may well have approached the department head Ribbentrop directly without going first to the defendant WEIZSAECKER. However, even in these instances, the defendant WEIZSAECKER was informed immediately afterwards and had an opportunity to make objections if he did not want to agree to the matters involved. In fact, the defendant WEIZSAECKER watched out for his prerogatives and authorities jealously. As a result, the hundreds of Prosecution and defense documents show the channels were faithfully adhered to.

Throughout their direct examinations, it was one of the main tactics of the defendants WEIZSAECKER (Transcript, p. 8552 et seq.) and WOERMLANN (Transcript, page 11264 et seq.) to try to shift the responsibility for their own crimes to the shoulders of the missing or deceased director of the Division Deutschland, Martin Luther. They claim that he had the primary jurisdiction in the annihilation program. Even if that were true, WEIZSAECKER was his superior official and supervisor, in his capacity as State Secretary. However, this shifting of responsibility for murder is rather ironic. Let's assume for the sake of argument, that only the late Ribbentrop and the late Luther had jurisdiction over the annihilation program. Why were the defendants WEIZSAECKER, WOERMLANN and STEENGRACHT so willing and eager to put their

signatures hundreds of times under documents which allegedly did not belong to their jurisdiction thus committing extra-jurisdictional murder. No criminal before the court of any country has ever been acquitted because of his claim that he murdered in the district which was not under his jurisdiction but that of another gang.

VI. BASIC LEGAL PRINCIPLES REGARDING SIGNATURES ON DOCUMENTS

Hundreds of exhibits submitted in this trial show that the German Foreign Office was a very smoothly functioning machine with complete teamwork among the various divisions. The State Secretaries distributed copies of the sealed matters to the divisions and branches concerned. The administrative offices circulated the less secret matters to the various divisions and branches. Among the large amount of documents submitted in this case, there are only a few which at least five to fifteen persons and sections did not work on, or have some connection with.

As in most established government bureaus in all the capitals of the world, the experts drafted their proposals; the proposals went up to the chief of a section, were passed upon by him and forwarded up the line to the division chief where they were again passed upon and submitted to the State Secretary, occasionally - after he had passed on it - also to the Foreign Minister.

It is interesting to note that in the hundreds of documents submitted as exhibits, we find only an exceptional few which did not follow the established bureaucratic channels, the line up and the line down. It is also noteworthy that in most cases there was complete concurrence on all levels and between all divisions participating, especially between the Political Division and the Division Deutschland. Among the instances of lack of concurrence in the prosecution documents, we note objections or inquiries of the Legal Division. These objections and inquiries were openly made and were sustained or overruled by the State Secretary or Minister.

As a standard rule in all government administrations of the world, the subscribing to, the signing of, the undersigning of, the co-signing of, the endorsing of, the initialing of, the counter-signing of, a proposal which eventually was sent out indicates consent, official approval, and authorization. There are no symbols in the alphabet or in any language of the world whose

shape conveys both alternatives, Yes and No. (See cross-examination Lohmann Tr. page 9703) In all administrations of the world the signing of a document without any protest means an official Yes, or an official "no objection", whether under a court decision or under an administrative or diplomatic act.

If the defendant WEIZSAECKER presumes upon the Tribunal's credulity with a claim that his official signatures amounted sometimes only to doodling on a paper which chanced to lie on his desk - this claim must be put in a class with Lammers' attempt to depict himself as a clerk or notary !

Reservations not expressed by withholding of signature or otherwise, are mental or inner reservations or dissatisfactions, purely subjective and without any effect in fact and law. There exist millions of signatures under legal, administrative, and business documents where the signer might have been dissatisfied with some details of the contract or act he signed, or may even have felt inner repugnance or qualms of conscience at the time he signed it. But with the signing of his name he, nonetheless, knowingly has undertaken the responsibility or obligation for that signature, and before the law whatever inner reservation he may have felt is without validity.

If the prosecution had to analyze one or two isolated documents with WEIZSAECKER's, WOERMANN's, and STEINGRACHT's, signatures under documents which were in effect death warrants, some of their alleged inner reservations might play a role in the whole picture, but WEIZSAECKER, WOERMANN, STEINGRACHT, and their associates signed through the years the death warrants of millions of people, and, as we will show, with full knowledge of the consequences. They were habitual participants in war crimes and crimes against humanity. They were hardened and practiced in this vast program of crimes and in similar programs of the Third Reich. Thus, it becomes fully irrelevant whether they put their fatal signature at the top or the bottom of the document, at the left side or at the right side, with full name or with initial, typewritten or

handwritten, on an action sheet or on an information copy, or whatever bureaucratic paraphernalia were mentioned by the defendants in order to confuse the clear-cut issue of murder. In fact, any claim of the defense that, out of the hundreds of documents whose totality composes the participation of the defendants in the "final solution of the Jewish question", a few documents were not channeled the normal way, or not signed by all persons concerned, and similar desperate quibblings cannot be taken too seriously by the prosecution. Nevertheless, the prosecution will explain in this brief how in the individual instances the defendants have indicted themselves through their own signatures.

It does not seem necessary to discuss in this connection the testimony given by the witness Professor Erich Kaufmann, who wanted to make the Court believe that he is one of the few living persons who is able to interpret diplomatic documents (Tr. p. 7243 - 7245). This witness trapped himself when he was faced with Pros.Ex. 1635, NG 4407, Doc.Bk. 60 A, p. 72). He wanted to make the Court believe that the instructions given by the defendant WEIZSACKER of June 29, 1942 to the Foreign Office representative Ludin in Slovakia, for pressing the Slovakian Government to adhere to the "final solution" policy of the Germans, were a kind of stop order. No thinking person, aside from the exceptional Dr. Kaufmann, could come to this conclusion upon reading the document, and the addressee Ludin knew very well how to act upon the instruction to further the exclusion of thirty-five thousand Jews from Slovakia. However, Kaufmann's attitude becomes understandable when we realize that he was one of the few Jews out of millions, who received some help from the Foreign Office as a result of his former employment with this agency. It is obvious that the Nazis did not want to destroy such a staunch protagonist of their ideology, who already many years before had published in one of his books such sentences as:

"War is a necessity in international law.
This necessity cannot and even should not be
removed from the world by arbitration."
(Tr. p. 7308)

.....

"Not the community of men acting of their
own free will, but the victorious war is
the social ideal." (Tr. p. 7308)

In general, the death warrants of the Foreign Office were so clearly expressed that the Foreign Office plenipotentiaries or representatives all over Europe understood them so well that the Foreign Office Headquarters in Berlin, with few exceptions, never had reason to give their murderous instructions twice or to elaborate on them. The witness Kaufmann must have been aware of this since he himself was one of the few persons who were not sent from the German-occupied Netherlands to the annihilation camps in the East as some one hundred thousand other Jews were (Kaufmann's cross-examination, Tr. p. 7295 et seq.)

The defense witness Lohmann admitted ^{under cross-examination} the correctness of the above mentioned basic principles concerning the meaning of signatures and the functioning of the team work with the following words:

"hundreds of clerks watched the proper way of channelling " (Tr. p. 9726)

"there was a very slight possibility that something was distributed which was not signed " (Tr. p. 9725)

"by initialing the draft he (the superior) accepted the form of the draft just the same as the Referent approved the draft " (Tr.p. 9703)

"Even if he had mental reservation , outwardly he approved of it. " (Tr. p. 9703)

VII. THE FOREIGN OFFICE: A DECISIVE AGENT IN THE
ELIMINATION AND ANNIHILATION OF THE JEWS OF
EUROPE

From the beginning of the Third Reich, the Foreign Office defendants devoted their efforts to the carrying out of the anti-Jewish policy in the field of foreign relations.

Already in 1934, WEIZSÄCKER's defense affiant Buelow-Schwante together with WOERLANN's defense affiant Embassy Counsellor Bismarck who unfortunately could not come to Nurnberg for cross-examination because of a condition medically diagnosed as "stage fright" hired in close cooperation with the Gestapo, the agent Wesenmann^{in London}. The agent was assigned to shadow Jews and political refugees outside Germany, and to undertake the kidnapping of the editor Berthold-Jakob Salomon, a Jewish resident of France, and of other persons (Tr. p. 9981/9982, Pros. Ex. C-12, C-13). Because the Berthold-Jakob kidnapping raised so much dust internationally, and endangered the activities of other Nazi agents, Hitler himself decided (Tr. p. 9985, Pros. Ex. C-10, C-11, C-12, C-13, Doc. Bk. 215) that Salomon must be returned to Switzerland where he had been kidnapped by the Foreign Office agent Wesenmann. On order of Hitler, WEIZSÄCKER, at that time German Minister to Switzerland, made the proper arrangements with the Swiss authorities. Already at that early date, he thus became personally acquainted with the kidnapping tactics of the Third Reich. Since Hitler himself had ordered that Salomon should be returned, and WEIZSÄCKER should arrange the procedure, WEIZSÄCKER's defense arguments that his arrangements with Switzerland were helpful to Salomon have no merit.

As early as February 1937, WEIZSÄCKER's defense affiant Buelow-Schwante of the Foreign Office distributed through the German diplomatic pouch the writing of the late Julius Streicher,

titled "The Jew in Germany", to the foreign missions of Germany which on their part were supposed to forward it to trusted agents for further action. The cooperation with Julius Streicher, whose activities were, as we will see later, coordinated with the annihilation program of the Foreign Office, went so far that WEIZSNECKER's defense affiant Buelow-Schwante sent Streicher's malicious book to all German Embassies and Legations (Tr. p. 9995) including WEIZSNECKER's German Legation in Switzerland. From that time, there could no longer be any doubt for any high official of the German Foreign Service at home and abroad as to what was in prospect for the Jews under Nazi control.

One year later, in the Summer of 1938 the German Minister of Foreign Affairs was approached by the British Ambassador who asked permission for German Jews and Foreign Jews living in Germany to leave the country. The German Foreign Office, however, refused to cooperate and WEIZSNECKER reported to the German Embassies in London, Paris, Rome, Washington, and Warsaw, and to the German Legations in Belgrade, Bucharest, Prague, Sofia, and the German Consulate in Geneva, that Germany could not facilitate the transfer of capital by Jews (NG-3702, Exhibit No. 1436, Document Book No. 59, page 3).

In the late Summer of the same year, the British and American Ambassadors approached the German Foreign Office to deal with the question of an international relief committee set up to facilitate the emigration of Jews from Germany. An American citizen, Mr. Rublee, had been appointed director of that committee. Mr. Rublee, the two Ambassadors explained in two memoranda, was anxious to go to Berlin in order to discuss directly with the competent authorities ways and means of organizing the Jewish exodus from Germany. WEIZSNECKER was in direct contact with the two Ambassadors

and reported to Ribbentrop on the reply he gave to the Anglo-Saxon diplomats.

"I explained to the ambassador, as once before in the summer, that in my personal opinion, Mr. Rublee's journey to Germany is of no use...We, for very obvious reasons, are not willing to provide Jews with foreign currency...I was not able to recommend Mr. Rublee's journey...I explained to the American ambassador, perhaps in a somewhat less harsh manner than to Neville Henderson, the reasons that would probably be in the way of a useful discussion between Mr. Rublee and the German offices." (NG-1537, Exhibit No. 1437, Document Book No. 59, pages 4-5; dated 18 October 1938. Note signed by WEIZSÄCKER, sent to Ribbentrop and WOERMANN, among others, and initialed by WOERMANN).

Three days later the British Charge d'Affaires asked again to discuss the question of Mr. Rublee's visit to Berlin. This time WOERMANN, who had received the British official, reports to WEIZSÄCKER.

"I replied to Sir George Ogilvie Forbes in a similar way as the State Secretary recently replied to the ambassador".
(NG-1525, Exhibit No. 1438, Document Book No. 59, page 6).

The American Ambassador did not give up hope and again tried on the 2nd of November 1938 to approach WEIZSÄCKER on the question of Mr. Rublee's visit to Berlin. Obviously the "somewhat less harsh way" in which the request of the American Ambassador was turned down by State Secretary WEIZSÄCKER encouraged the American diplomat to continue his efforts. WEIZSÄCKER reported to his colleague, WOERMANN,

"I put him off with vague promises."
(NG-1524, Exhibit No. 1439,
Document Book No. 59, page 7)

When, on November 7th, 1938, WEIZSÄCKER was again faced with a new initiative by the British, he contacted the British

Charge d'Affaires asking him for information as to what percentage of Aryan blood Mr. Rublee had (NG-4686, Exhibit No. 1440).

These documents, representing inter-office notes and memoranda, indicate that the defendants WEIZS.ECKER and WOERLLINN were both in basic agreement with the Nazi policy and attitude toward the Jews. WEIZS.ECKER volunteered in his notes remarks which reflect his personal opinion that the Jews of Germany could not be permitted to dispose of the property which they had accumulated in Germany. He not only executed the order of preventing the transfer abroad of Jewish property, but he and WOERLLINN conspired actively in a common effort to deceive the diplomats representing other nations. In that conspiracy they developed their own initiative, shaped by WEIZS.ECKER's diplomatic skill and experience.

In a letter dated May 13, 1938 (NG-3802, Exhibit No. 1757, Document Book No. 64), the defendant WEIZS.ECKER wrote to State Secretary Brinkmann in the Reich and Prussian Ministry for Economic Affairs, on a decree dated April 26, 1938 which dealt with the registration of Jewish property in Germany. WEIZS.ECKER lists the countries which have made objections to the registration of property of Jews of non-German nationality. He fears that at this particular moment German export might suffer and diplomatic relations between Germany and foreign countries might become strained. In view of these possible repercussions in the field of foreign policy, he advised application of the measures in such a way as to quiet down the adverse public opinion aroused abroad by this decree. However, the defendant WEIZS.ECKER, while advising caution for reasons of expediency, is quick to express his own attitude towards the measures.

"I can see no reason why foreign Jews should be exempted completely from the provisions of the decree, dated April 26, 1938, especially since the decree stipulates in principle that foreign Jews too should be subject to registration."
(NG-3802, Exhibit No. 1757, Document Book No. 64)

The defendant WEIZS.ECKER could not see any reason why the property rights of foreign Jews should be more protected than those of the German Jews. Were they not Jews after all? Why therefore should they enjoy the protection of the law as if they were recognized members of the human society? Such was the mentality of the defendant WEIZS.ECKER even before the annihilation program had been initiated. Imbued with such reasoning it was natural to endorse step by step more and more radical measures against the Jews up to and finally including the physical extermination of the Jews.

THE
VIII. THE FOREIGN OFFICE AND JEWISH POGROM OF NOVEMBER 1938.

On November 8, 1938, the German Legation Councillor Ernst vom Rath in Paris was assassinated by a desperate young Jew named Grynspan whose relatives had been deported from Germany. Taking this crime as a pretext, the government unleashed during the night of November 9 - 10 a pogrom, known in Germany as Kristallwoche, in fact an orgy of arson, destruction, mass arrest and murder against people of Jewish extraction living in Germany. Synagogues were burned, cemeteries were desecrated, private property was wantonly destroyed and many tens of thousands of persons were thrown into concentration camps and subjected to torture or murder. In line with its jurisdiction in foreign affairs, the German Foreign Office became active in the follow-up of this pogrom. The Foreign Office was invited by Goering to a conference on the Jewish question scheduled for the 12th of November 1938 in the Reich Air Ministry. Goering wrote to WEIZSAECKER (Pros. Ex. 1758, NG-3936, Doc. Bk. 64) to participate personally in that conference

"The men in charge of Jewish affairs in your office should be taken along."

However, the defendant WEIZSAECKER could not attend in person the meeting scheduled by Goering. He headed the German delegation at the funeral ceremony in Paris for Councillor vom Rath. The defendant WEIZSAECKER himself delivered the official funeral oration in Paris, in which he saw fit to adopt well known anti-Jewish slogans. (Pros. Ex. 2098, NG-1101, Doc. Bk. 57 B, pp. 45-46)

The defendant WEIZSAECKER submitted affidavits attempting to show that he did not resort to certain slogans in the use of which he seems to feel a particular shame. It is irrelevant whether the official report on this speech in the "Voelkischer Beobachter" lapsed in some specific phrase. The general tone and style of this speech is not different from that employed by other participants in the Nazi pogrom for the elimination of Jews. This funeral was regarded as of such importance in the political field that the Foreign Office sent not only leading official State Secretary WEIZSAECKER but another of its

prominent officials the defendant Bohle, who also honored the occasion with an anti-Jewish oration (Pros.Ex. C-254, Doc. Bk. 210)

Following-up the propagandistic exploitation of the death of vom Rath, WEIZSAECKER later concerned himself with participating in the organizing of a mock trial against Grynspan.

Since WEIZSAECKER was busy in Paris using the funeral of vom Rath for an anti-Jewish demonstration, he assigned, in a penciled note, his deputy, the defendant WOERMAN, to attend in his stead the Goering meeting (Pros. Ex. 1758, NG-3936, Doc. Bk. 64).

In the stenographic report on the meeting regarding the Jewish Question, which took place under the chairmanship of Goering (Pros. Ex. 1441, PS-1816, Doc. Bk. 59, p. 9 et seq.), WOERMAN discussed with Goering the Foreign Office aspects and jurisdiction in the measures against non-German Jews. A dialogue developed between WOERMAN and Goering, Goering assuring WOERMAN that, while it is impossible to consult the Foreign Office in every case, on the whole, the Foreign Office will be consulted, and WOERMAN replying, making clear the Foreign Office jurisdiction:

"Anyway I would like to make known the claim of the Foreign Office to participate." (p. 18).

At this same meeting, in which the defendant WOERMAN represented the Foreign Office, other top German officials, including Goering, Goebbels, Heydrich, Frick, Funk, Kerl and the defendants Schwerin von Krosigk, and others, participated in the discussions. The murder of Jews in the pogroms of November 8, 1938 was admitted; regret was even expressed that not more Jews were killed.

A representative of a German insurance company complained that the damage done^{to} Jewish property, especially Jewish stores, of which 7,500 were destroyed in the Reich, must be partially compensated by insurance companies. When Heydrich, after admitting the extent of damages, was reminded by the insurance representative,

"We will have to pay for them too,"

Goering answered,

"I wish you had killed 200 Jews and not destroyed such value";

thereupon Heydrich retorted,

"There were thirty-five killed." (Doc. Bk. 59, p. 29)

In the course of the meeting, WOERMANN again stood up to Goering in order to make clear the Foreign Office's jurisdiction in dealing with the Jews, and to his question,

"In other words the Foreign Office is granted the right to be consulted?"

Goering answered,

"Granted. But I would like to avoid mentioning the foreign Jews as long as we can help it."
(Doc. Bk. 59, p. 35).

In that same conference Goering announced quite plainly,

"If in the near future the German Reich should come into a conflict with foreign powers, it goes without saying that we in Germany should first of all let it come to a showdown with the Jews." (Eine grosse Abrechnung an den Juden zu vollziehen. Page 56 of the original - a more accurate translation is: To settle the big final account with the Jews.)

This remark of Goering's foreshadowed Germany's intention to exterminate the Jews within its power. For the correctness of the transcript of the conference, see Affidavit Fritz Doerr, (Pros. Exh. 3722, NG 5090, D.B. 201.) WOERMANN, in a telephone call on the same day (Pros. Ex. 1442,

Doc. NG-3565), informed Ribbentrop of the results of the meeting and communicated to the chief of the Foreign Office,

"I have announced the question of the treatment of foreign Jews and safeguarded the participation of the Foreign Office in all measures generally and individually. Our starting point is that foreign nations are only to be taken into consideration if prevailing interests of the Reich compel us to do so...". (Doc. Bk. 59, p. 53).

A few days later, on November 16, 1938, the defendant WOERMANN received a cable from the United States quoting President Franklin D. Roosevelt's remarks during a press conference about the Jewish pogrom in Germany and the recall of the American Ambassador Wilson in Berlin in this connection. WOERMANN in his memorandum raised immediately the question, what the German reaction to this step of the American President should be by showing his activity in the anti-Jewish pogrom (Pros. Ex. C-231, NG-1523, Doc. Bk. 206 A, p. 1).

On January 25, 1939 the Foreign Office informed all diplomatic representatives, missions, and consulates abroad of the measures under-

taken to eliminate Jews from the economic life in Germany (Pros. Ex. 1759, NG-1793). By 1939, the memorandum reveals, Germany's economy was to become completely free of Jewish influence, due to the decree concerning the utilization of Jewish property, which was drawn up with the cooperation of the Foreign Office representative, WOERMANN. The officials of the Foreign Office abroad were informed that no assurances had been given to foreign countries as to the rights of their nationals of Jewish origin; only the promise had been given that individual cases would be examined in the light of treaties in force with the countries in question.

IX. "THE JEWISH QUESTION AS FACTOR OF GERMAN FOREIGN POLICY (1939)

As a well organized agency operating with full teamwork and keeping their files in order, we will show now from the German Foreign Office files the activities of the defendants WEIZSAECKER, WOERMANN, Erdmannsdorff and others in initiating and establishing the program for the "radical solution" of the Jewish question. Let us turn ourselves first to the Foreign Office directive dated January 25, 1939, entitled "The Jewish Question as a Factor in German Foreign Policy in the Year 1938" (Pros. Ex. 1444, 3358-PS, Doc. Bk. 59). This report signed by legation councillor Schumburg, one of the defendant's WEIZSAECKER's subordinates and a defense affiant in this trial, was regarded to be of so much importance by the Foreign Office that it was distributed to all diplomatic and consulate representatives abroad.

It is of particular importance in connection with this trial because it shows the clear relationship between the aggressive war acts of the Third Reich and the execution of the Jewish policy. This document shows further the close cooperation between the Foreign Office and the military leaders in this Jewish question who received at least ten copies of the report.

The pertinent parts of this document read as follows:

"Ministry for Foreign Affairs.

Berlin, 25th January 1939,

83 - 26 19/1

Contents:

The Jewish Question as a factor in German Foreign Policy in the year 1938.

- 1.) The German Jewish Policy as basis and consequence of the decisions for the foreign policy of the year 1938
- 2.) Aim of German Jewish Policy: Emigration.
- 3.) Means, ways and aim of the Jewish Emigration.
- 4.) The emigrated Jew as the best propaganda for the German Jewish Policy.

It is certainly no coincidence that the fateful year 1938 has brought nearer the solution of the Jewish question simultaneously with the realization of the "idea of Greater Germany". Since the Jewish Policy was both the basis and consequence of the events of the year 1938. The advance made by Jewish influence and the destructive Jewish spirit in Politics, Economy and Culture paralysed the power and will of the German people to rise again more perhaps even than the power-policy opposition of the former enemy allied powers of the World War. The heading of this sickness among the people was therefore certainly one of the most important requirements for exerting the force which in the year 1938 resulted in the joining together of Greater Germany, in defiance of the world."

The necessity for a radical solution of the Jewish question arose however, also as a consequence of the foreign political development, which resulted in a further 200,000 Jews in Austria in addition to the 500,000 of the Jewish Faith living in the Old Reich. The influence of Jewry on Austrian Economy which had grown to enormous proportions under the Schuschnigg Regime, made immediate measures necessary, with the aim of excluding Jewry from German Economy and utilizing Jewish property in the interests of the community. The act carried out as reprisal for the murder of legation Counciller vom Rath (Gesandtschaftsrat) accelerated this process to such an extent that Jewish shops - till then with the exception of foreign businesses-disappeared from the streets completely.

That is the program expressing the foreign policy attitude of Germany towards the Jewish question. Germany is very interested in maintaining the dispersal of Jewry. The calculation, that as a consequence Boycott Groups and Anti-German Centres would be formed all over the world, disregards the following fact which is already apparant, the influx of Jews in all parts of the world invokes the opposition of the native population and thereby forms the best propaganda for the German Jewish Policy.

In North America, in South America, in France, in Holland, Scandinavia and Greece, everywhere wherever the flood of Jewish immigrants reaches, there is today a visible increase in anti-Semitism. A task of the German Foreign Policy must be to further this wave of Anti-Semitism. This will be achieved less by German Propaganda abroad, than by the Propaganda which the Jew is forced to circulate in his defense. In the end its effects will recoil on themselves. The reports from German authorities abroad, emphasize the correctness of this

interpretation:

.....

These examples from reports from authorities abroad, can if desired be amplified. They confirm the correctness of the expectation, that criticism of the measures for excluding Jews from German Lebensraum which were misunderstood in many countries for lack of evidence would only be temporary and would swing in the other direction the moment the population saw with its own eyes and thus learned, what the Jewish danger was to them. The poorer and therefore the more burdensome the immigrant Jew is to the country absorbing him, the stronger this country will react and the more desirable is this effect in the interests of German propaganda. The object of this German action is to be the future international solution of the Jewish question, dictated not by false compassion for the "United Religious Jewish minority" but by the fullconsciousness of all peoples of the danger which it represents to the racial composition of the nations.

By Order

Sch.umburg"

(Pros. Ex. 1444, 3358-PS, Doc. Bk. 59, p. 58 et seq.)

This report was regarded as so important by the International Military Tribunal that it is quoted in (Volume I, p. 249) the IMT Decision. When this decision was handed down this document was one of the few available ones at that time which established the participation of the Foreign Office in the anti-Jewish program. In the mean time hundreds of documents were discovered showing the decisive role of the defendants WEIZSAECKER, WOERMANN, and STEINGRACHT, and other Foreign Office participants in the most shocking crimes against humanity.

No one of the Foreign Office officials can plea that he was not fully acquainted with the interdepartmental program. In November 1938 WEIZSAECKER and Bohle made their own anti-Jewish speeches in Paris. WOERMANN participated with other leading Reich officials in the policy mapping meeting where it was bluntly expressed that not enough Jews had been killed. Streicher's literature had already been distributed one year before, in 1937, to the foreign service personnel abroad. In the Goering meeting in 1938, the Reich Marshall had already announced that in case of war the Jewish account would be settled first. Five days after Schumburg wrote his memorandum of January 25, 1939, the Fuehrer and Reichs Chancellor himself stated in the Reichstag in the presence of the defendants WOERMANN, WEIZSAECKER, Lammers, Meissner, Koerner, Schwerin-Krosigk, Keppler, Dietrich, Stuckart and others that, if another war came the Jews of Europe would never survive it (Tr. p. 22634 - 22635, Proc. Ex. 3906, Doc. Br. 211).

FINANCING POGROMS IN LITHUANIA.

The Foreign Office officials did not wait for the coming of the war in order to begin ^{their} extermination program. There is proof that early in the summer of 1939, the German Foreign Office and other German agencies supported pogroms in foreign countries by financing anti-Jewish groups. Even at that time the cooperation between the Foreign Office and the trigger men of the RSHA is known. Thus, Heydrich, the Chief of the RSHA submitted in June 1939 a request of the Woldemaras Group, an anti-Jewish group in Lithuania, to the Foreign Office, which obviously had funds

appropriated for specific anti-Jewish activities. This report reads in part:

"In order to make use of the anti-Semitic feelings in Lithuania, Jewish pogroms are to be staged. An amount of 100,000 Lit. is needed for this illegal work (about 41,000 marks)..." (Pros. Ex. 3635, NG-4041, Doc. Bk. 215 B, pp. 31 et seq. and Tr. p. 10615).

This document was forwarded to the defendant WEIZSAECKER for advice and the defendant WEIZSAECKER, in his own handwriting, added,

"I recommend regular small payments e.g. 2,000 to 3,000 marks every three months."

WEIZSAECKER initialed this, his own recommendation, on the 21st of July 1939.

In cross-examination defense affiant Doertenbach of the Foreign Office who had submitted this report to WEIZSAECKER as asked (Tr. p. 10615),

"Q. For how long had you known that the Foreign Office helped finance murders and pogroms?"

A. I never heard that the Foreign Office financed pogroms.

Q. Then I would like to submit to you, and that is the last thing I want to discuss with the witness Doertenbach, your own report on the subject, and I want to add just an identification number, prosecution/3635 for NG-4041."
exh.

FOREIGN OFFICE PRESSURE AGAINST FRANCE IN 1940.

About one month later the Third Reich attacked Poland. In May 1940 the Western countries were attacked and overrun by the German armed might. Now Hitler's prophecy that the Jews of Europe would not survive the war could begin to take shape in reality through the work of WEIZSAECKER, WOERMANN, and STEENGRACHT, and other defendants and agencies.

X. DEPORTATION OF GERMAN JEWS TO SOUTHERN
FRANCE (1940)

After France was overrun in summer 1940, the Nazi government undertook the first mass deportation of Jews from the province of Badenia to France. These first carloadings of human misery in the long line of human transports took a different direction than those that followed - their destination was not the East, but newly conquered France. The Foreign Office had not, in the case of the Jews of Badenia, the primary jurisdiction as in the annihilation program against foreign Jews, but was also concerned with the deportations since the Vichy Government raised some objections against the deportations of German Jews to France.

In this situation the defendant WOERLANN and the defendant WEIZSLECKER made the suggestion to instruct Laval of the Vichy Government, that France had to keep these deportees and that it would not be allowed, under any circumstances, to bring them back to their home country.

WOERLANN, in a memorandum to WEIZSLECKER of November 25, 1940, initialed by WEIZSLECKER, suggested to the Foreign Minister Ribbentrop that in his next conversation with Laval he should not even discuss the problem of repatriation, since the matter had already been settled (Exhibit No. 3655, NG-4337, Document Book No. 99-B, page 20).

In contrast to various defense allegations of WOERLANN and WEIZSLECKER this document shows clearly that WEIZSLECKER and WOERLANN were the persons who made suggestions in anti-Jewish matters to Ribbentrop, who was not interested in the implementation of the anti-Jewish policy.

The way the Jew-baiter WOERLANN of the Foreign Office tried to

evade his responsibility in this issue is clearly shown in the following excerpts of his cross-examination of July 9, 1948:

Q. "In your direct examination yesterday you said, concerning the Jews in Baden who went to France, that you only handled that by mistake. Is that correct?"

A. "I didn't use that expression, but that is more or less what I meant."

Q. "Well--"

A. "Oh yes, you are right, I did say I handled it 'by mistake'; once as a result of an anonymous letter, and once by mistake."

Q. "Yes, quite right. Did you have anything to do with this affair of the Baden Jews later, in any way?"

A. "I can't remember."

Q. "If I remind you that you were working in the political sphere in this --If you don't remember. I would like to show you document NG-4337, your suggestion that Laval should be told that the return of these Jews to Germany could, naturally, never be considered."

DR. KEMPNER: "Your Honors, I would like to have this marked Exhibit 3655 for identification."

PRESIDING JUDGE POWERS: "It will be so marked."

BY DR. KEMPNER:

Q. "Do you remember it now?"

A. "I remember, but what you said is not true; I did not make such a suggestion."

Q. "Is that not a suggestion for a conversation with Laval?"

A. "It is a suggestion for a talk with Laval, but the decision that the Jews could not be taken back had already been made; and, as I say, 'since this decision had already been made, the question can hardly be discussed'. And I add that he could be told that further such transports were not to be expected."

(Transcript, pages 11486-11500)

The sad story of the participation of the defendants WEIZSLECKER, WOERLANN and other Foreign Office officials in the deportation of German Jews to France during war time was as follows:

On the 4th of November 1940 the defendants WEIZSLECKER and

WOERMLINN were informed, through the Division Deutschland, that on order of Gauleiter and Reich Governor Buerckel, stationed in Metz, and Gauleiter Wagner of Strassbourg, recently convicted and sentenced to death, the Gestapo had rounded up all Jews in the German provinces of Baden and in the Saar Palatinate and had immediately shipped them to France in waiting railway trains. The Gauleiters had taken these measures against 6,300 German Jews from Baden and 1,150 Jews from the Saar Palatinate. There were plans to deport the remainder from Germany proper, the Ostmark and the Protectorate of Bohemia and Moravia, totalling about 270,000 persons mostly of advanced age to Southern France. The Vichy government expressed its objection to these measures (NG-4933, Exhibit No. 1628, Document Book No. 60-1, page 42).

The Homes for the Aged in Mannheim, Karlsruhe, Ludwigshafen, etc., were evacuated. In compliance with the order, women and men who were unable to walk, were carried to the railway trains on stretchers. The oldest deportee was a man of 97 from Karlsruhe. The time given the deportees for preparation varied from a quarter of an hour to two hours. Numerous people committed suicide. The deportees had to leave behind their possessions, their entire capital, and their land property. Only luggage not exceeding 50 pounds was allowed. (Ibid, page 44).

The Jews were dumped in French camps at the foot of the Pyrenees, after having been on the move for several days (Ibid, page 44).

On the document pointing out these details WEIZS.ECKER added in his own handwriting: "I received the same communication with the same mail" (Dated October 30, 1940) (Ibid, page 42).

The Chief of the Security Police and the SD on the 29th of October informed Luther of the Foreign Office of that deportation which "took place in all localities of Baden and the Palatinate without friction and without incidents. The operation itself was scarcely realized by the population" (NG-4934, Exhibit No. 1629, Document Book No. 60-i, page 46).

While it was possible that this action was scarcely realized by the German population it was believed important to inform all the leading officials of the Foreign Office of the action. Its function now was to meet the complaints which had been received by the German Armistice Commission from the French Vichy government.

The French were particularly worried as to what to tell the French people about this inhuman act and Luther himself asked for instructions from the Reich Foreign Minister, especially on the question of what to say would be done with these deported people. When late in November the Foreign Office had not given an answer, the French requested the return of these people to Germany, and the Foreign Office informed the German Armistice Commission "that the affair shall be treated in a dilatory manner" (Ibid, page 49), in order to see whether the French would further insist upon obtaining clarification.

On the 19th of November 1940 the German Armistice Commission informed the Foreign Office that nearly a month had passed since an inquiry was made and no answer had been received on this matter. The French insisted upon knowing the intentions of the Reich government with respect to these deportees (Ibid, page 52).

"The French Government is indeed no longer able to grant any refuge to these aliens" (Ibid, page 52)

The information was passed on to State Secretary WEIZSACKER, to Under State Secretary WOERLANN, and other officials of the Reich Foreign Office.

"General Stuepnagel has instructed me again to request the Foreign Office to give me instructions as to the information which should be given to the French" (Ibid, page 53).

Thereupon, the following day, Radenacher suggested that Ambassador Otto Dietrich, the Foreign Office representative in France, be instructed to discuss this question in Paris and to advise the French to settle this matter quietly and not to mention anything more about it at the Wiesbaden armistice headquarters.

The Reich Foreign Office also complained to Ministerial Councillor Globke of Stuckart's division in the Reich Ministry of the Interior, that the Reich Foreign Office was not informed at the time when these measures to remove the Jews were initiated by Stuckart's ministry. But the Reich Ministry of the Interior equally was not informed of the initial measures which were taken by Gauleiter Buerckel, who was subordinate to the Interior administration. Radenacher of the Foreign Office suspected that some disciplinary action would be taken against the Gauleiter who had acted without clearance of the Foreign Office or the Ministry of Interior. Yet, in order to avoid having any measures taken against Buerckel, Radenacher refused to give a copy of the French note of protest to the Ministry of Interior (Ibid, page 54).

On the 25th of November 1940 Luther informed Stuepnagel of the decision of the Reich Foreign Minister, which was known to WEIZSACKER and initialed by him, that the deportees were not to be re-admitted to the Reich under any circumstances, and also that the operation was carried out with the approval of the Fuehrer. This enabled Stuepnagel to represent the matter to the French in the appropriate manner (Ibid, page 56).

On November 25, 1940, WOERLNN, as already mentioned, suggested through WEIZS_ECKER to Ribbentrop that he should not discuss these deportations with Laval since it would be the best policy to regard these acts as a closed issue. (Pros. Exh. 3655, NG 4337, Doc. Bk. 99B, p.20)