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Closing Argument for the United States

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Chief of Counsel for War Crimes

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M I L I T A R Y T R I B U N A L N O . I I

CASE No. 4

U. S. v. OSWALD POHL, ET AL.

CLOSING ARGUMENT FOR
THE UNITED STATES OF AMERICA

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Nurnberg,
16 September 1947

James M. McHaney
Director, SS Division

ok?
1-72

The United States charges these defendants with responsibility for the atrocities committed in the administration of the concentration camp system of the Third Reich.

The history of these vile institutions is the biography of these men. Himmler brought the defendant Pohl to his Verwaltungsamt--SS in 1934, and from that date Pohl's jurisdiction over concentration camp affairs increased steadily until he became chief of the entire system. Pohl took over construction matters and the SS enterprises in the first concentration camp in Germany at Dachau, and so distinguished himself that by 1936 he was handling the clothing, finance, auditing, and construction for all concentration camps and for the Death Head units which were used for guarding them. In 1938 he added the stone quarries at Mauthausen and Flossenbürg. In 1939 a labor allocation office was added, and in February 1942 he assumed complete jurisdiction for the administration of all concentration camps and continued as their supreme chief until the collapse.

Every minute, every aspect of the inmates' lives was regulated by Pohl and his associates. Such food, clothing, medical care, and billets, as the inmates had, these men furnished. As the power to tax is the power to destroy, so the power to furnish includes the power to withhold. They allotted inmate labor and were themselves the largest users of it. The concentration camp commandant, the guards, the camp doctors, the labor allocation officer, the administrative officer were under their control.

Responsibility for the administration of the system cannot be shoved up higher than this. In the dock sit Pohl and his office chiefs. They are highly skilled administrative officers -- the brains of the concentration camp organization. They made it operate and operate successfully, from the Nazi viewpoint. They were high-ranking SS men, career men in the administration of the concentration camp system. Under the aegis of these defendants, every conceivable crime was committed -- the systematic commission of atrocities in concentration camps, the utilization of slave labor under brutal and murderous

makes right. Nietzsche died in a Bavarian madhouse in 1900 but these ethico-racial concepts of his were dusted off and incorporated as part of the official doctrine of the Nazi party and particularly of that party's so-called elite, the SS.

If a man seriously holds to such ideas as these, and the evidence in this case shows that every effort was made to indoctrinate the personnel of the SS with them, then it is not surprising if such a man acts in complete disregard of the standards of ordinary decency and humanity as those standards are understood by the Christian world. The ethical and moral concepts of the Christian world are largely based on the Old and New Testaments, and these are the very standards which, according to the philosophy of the New Order, were to be despised and cast off. This is what Nietzsche meant by the transvaluation of all moral values.

It is a natural step from the adoption of such a philosophy to the incarceration into concentration camps of millions of human beings classified as "racial inferiors", and it is equally natural that these subhuman types should be wiped out after they had contributed as much as possible to the wealth and comfort of the superman.

Now the very fact that such a creed is so horrifying to the ordinary person is itself enough to draw those who do believe in it together, and it was inevitable that these persons, mutually attracted by a common faith in their psychopathic cult, would quickly form a feeling of spiritual kinship to each other. This is one of the sources of the SS blood brotherhood.

But there are other ingredients which go to make up this feeling. A very potent one is the militaristic spirit. The Court will remember that almost every defendant eventually said that he regarded himself first and

foremost as a soldier. Even the auditors and bookkeepers professed to have this conception of themselves. Vogt said of himself:

"Since the age of 15 I was a man in the soldier's class." (T. 2864).

We had heard before of the church militant, but this was our first introduction to the adding machine militant. There is always a certain amount of feeling of comradeship among members of a military organization. This played its part in welding together the members of the SS. It was heightened and fed by their notion that they were members of an elite, exclusive organization, an idea which was systematically imparted to them by every method known to modern propaganda. The men of the SS were expected to be more than mere converts: they were to be the living embodiment of these ideals, and were to carry the gospel to the uninitiate.

This propaganda was so effective that the members of the SS even today believe, as Obergruppenfuehrer Karl Wolff testified here in this court, that they were the purest and finest that Germany has produced. He evidently saw nothing incongruous in making that statement and admitting at the same time that the crimes committed in SS uniforms were the worst in recorded history.

To these elements which constitute this intense loyalty, demonstrated by the blood-oath that every SS man swore, must be added another factor which manifested itself more and more as time went on. The guards of the concentration camps were always members of the SS. They advertised their ruthlessness: the Death Head was their symbol and fetish. Almost from its inception, therefore, the SS was associated in the minds of the German people with dark, sinister and fearsome happenings. Himmler recognized this when he said that

there were people in Germany who became sick when they saw these black coats and that he did not expect that they should be loved by too many.

As the organization grew, the concentration camps multiplied, the atrocities of the SS increased in violence and frequency, and the feeling of terror of the SS on the part of the population became proportionately more acute. After the end of the war, every member of the SS from Scharfuhrer up to General became an "automatic arrest case", and several thousand of them are still sitting behind barbed wire enclosures today. Therefore, to all of the other forces which tend to fuse and unite the members of this organization has been added the effect of this physical segregation and this social ostracism. They are now drawn together by very much the same feeling that must exist among members of a leper colony. The repugnance toward them is not even tempered by pity - their disease is moral rather than physiological.

What is significant here about all this is that this feeling of blood brotherhood and loyalty to the organization has been projected time after time into this very courtroom.

It must be abundantly clear to the Court by now, that it is almost impossible to get a member of the SS to say anything even mildly unflattering, much less incriminating, about another member. It would be surprising if the situation was otherwise. It is expecting too much to think that a man confined in one of these SS internment camps will come into this courtroom and testify against his former leaders, when he knows that after he has left the witness stand, he is going to be sent back among his comrades. They know that though the wings of the SS have been clipped by the Allies, the personnel of the SS are still living together as a band of brothers, and they have seen enough of the way the SS operates to know that a good memory and a tendency to be loquacious is conducive to a short life-span.

What is the significance of all this? The credibility of the defendants and of the witnesses produced on their behalf is the most

important question in this case. As we have said, the major part of the prosecution's proof is based upon captured documents, many of them written by these very defendants. Upon the naked evidence shown by these documents, every defendant stands condemned. That is why none of them dared to refuse to testify: they all knew that if they did not make every effort to explain these creations of theirs in some way, if they did not do something to mollify their plain meaning, deflect their implications and minimize their effect, their fate was sealed. If one considers only the evidence of the documents and the positions of these defendants in the WVHA, there is not even a serious question of criminal responsibility left.

Therefore, we have been treated to a thesaurus of asseverations by the defendants that documents addressed to or signed by them were not read; or if read were not understood; or if understood were understood imperfectly; that official directives were never carried out or were secretly rescinded; that official duties assigned were never performed; and that official reports contained in their files were full of factual mistakes.

The question of credibility is therefore a principal issue in this case, and we are not indulging in a mere oratorical exercise when we discuss these peculiar circumstances which bear upon it.

We urge the Court, when it weighs the evidence in this case, to reflect that the situation here is far more complicated than in an ordinary criminal proceeding. We are not presumptuous enough to suggest to what extent these collateral circumstances should be used in evaluating the credibility and weight of the testimony here, but we do say that if these factors are ignored completely, then one of the most important factors in the case will be overlooked.

When the word "credibility" is mentioned in connection with these men, not only must the Court keep in mind the nature of this feeling of blood-brotherhood, but it also should not lose sight of the fact that all of these defendants were Hitler's minions. They were all officers in an organization which was, to use their own expression, on the "ministerial level". Many of them had personal contacts with Himmler.

Pohl described himself as "one of Himmler's closest collaborators". Hans Loerner was a kind of super-caterer in Himmler's personal tent during the Nurnberg party rallies. August Trank described his inspection tour of one of the CC's in company with Himmler. The Court will recall his description of the fatherly interest that Himmler displayed in the inmates. Every one of them is an old member of the Nazi Party and has been thoroughly grounded in its methods of operation.

One of the customary methods by which Hitler achieved his results was through re-emphasizing and reiterating a falsehood so many times that his hearers, even if in the beginning they knew of its untruthfulness, were despite themselves brought around to believe in it. This is no mere speculation. Hitler was fond of cynically discussing the efficacy of this method. He describes it in his book Mein Kampf, he frequently talked about it in private conversations, and he even mentioned it in some of his speeches. He was firmly convinced that people could be made to believe anything if it was repeated often and loudly enough.

It must be admitted that up to a certain point his confidence in this belief seemed to be justified. But justified or not, the belief and the method were well-known to every old party member such as these defendants, and it is fairly

evident that from time to time they have used it on this Tribunal. Here again is a situation different from anything that ordinarily comes before a court -- where all of the defendants are confessed leaders of an organization, one of whose principal tenets was that a lie will be believed if you repeat it often enough.

We have been speaking about the bonds of loyalty between all the members of the Waffen-SS. If what we have said about them is true, how much more powerful must be the ties between these defendants here. All of these men have long-standing connections with the SS. Some of them were active in concentration camp affairs as early as 1934. They are high-ranking officers, not only in the SS, but in the same main office of the SS. Most of them have known the others for years. They are personal friends. Some of them, before they came into the WVHA, were fellow officers in the same combat unit. Baier and Pohl were in the Navy together, and have known each other since 1912. Fanslau and Tschentscher were in the SS Viking Division together. All of these elements must be added to the ones which have already been mentioned as forming this mystical tie between the members of the SS generally.

It has been perfectly apparent from the time this trial opened that there has been a definite plan among these defendants to coordinate and unify their testimony, and it is equally apparent that from the very beginning, certain strategic principles were adopted by the whole group and religiously adhered to throughout the course of the entire proceeding. We will briefly touch on the matters which show the existence and direction of this overall plan of strategy.

These defendants were apprehended at different times in different parts of Germany. When they were first arrested,

the war had just ended and nobody knew precisely what was to happen next. All that these men knew was that they had been generals and colonels in one of the most important main offices of the SS. They knew that the particular organization with which they had been affiliated was in charge of operating the entire concentration camp system and also of handling the administrative side of the Reinhardt Action. They knew that when the invading Allied armies came in, they had uncovered proof of unspeakable horrors which had been committed in the concentration camps. The black heart of the SS had been laid bare. They knew that they were being held in connection with these atrocities, but they were not sure whether they were to be tried or summarily shot; or if they were to be tried, what sort of a trial it would be, or how they would be treated. The only police methods with which they were familiar were those of the Gestapo, the Secret Field Police, the SD, and similar organizations. The memory of these methods did not add to their peace of mind. Furthermore, the sense of guilt which they had carried, dammed up within themselves for so many years, finally found an outlet. They decided, in short, that the jig was up and that for once the simplest way was to tell the truth.

After they had been in captivity for some months, the machinery for the carrying out of these trials was eventually set up and they were interrogated. By that time, it had become apparent to them that no one intended to threaten or molest them; but enough of their original sense of guilt remained to cause them to talk comparatively freely. Further, even then these various defendants did not know how much the Americans knew about their activities. They did not know what documents

we had and what documents we had not found. They knew that a systematic effort had been made to destroy the files of their various offices, but they also knew that this destruction of evidence had not been 100% efficient all over Germany and they could not be sure that such and such a letter or report which was sent to Himmler's office or to Oranienburg or to Auschwitz had not fallen into the hands of the Allies. They were also under the disadvantage of not being able to communicate with each other. None of them knew how much his colleagues had talked.

In these circumstances, the defendants all executed affidavits which have been introduced in evidence here. In most cases six or eight months elapsed between the time that a particular defendant executed the affidavit and the time he took the stand. In every case, the defendant had an opportunity to read it and to make corrections and changes. These affidavits contain statements which incriminate, in some cases, not only the affiant but also several of his colleagues, by showing their connection with such matters as the allocation of food to the concentration camps, the allocation of inmate labor, the appointment of concentration camp personnel, the administration of the money derived from the Reinhardt Action, and so forth.

As the trial progressed, however, one after another of these defendants took the stand and repudiated statement after statement which he had made in his affidavit. One of the most striking examples of this was furnished by the defendant Vogt. By the time he took the witness stand, he was able to point to eight or ten statements in his affidavit which he described as incorrect. The

Court naturally became inquisitive why he had not called attention to this before. Here are the reasons which Vogt gave for signing the affidavit, saying nothing about its alleged inaccuracy for several months and then, when he took the witness stand, attempting to gainsay a substantial part of it.

- (1) He did not have his spectacles on when he examined some of the documents and was therefore not able to read them. (2815)
- (2) The interrogator did not allow him to examine the entire document but only showed him the first and last pages and covered up the contents of the document above the signature with his hand. (2815, 2836).
- (3) The interrogator forced him to sign the affidavit before he had a chance to consult his lawyer. (2821)
- (4) He was in such a debilitated physical condition as a result of malnutrition, that his entire nervous system was affected and he did not know what he was signing. (2821, 2826)
- (5) The interrogator misinformed him in the course of their talks and also put words into his mouth which he did not use. (2828, 2832).

It was in order to bolster this last contention that Dr. Schmidt, Vogt's counsel, demanded to see a copy of the interrogation. (2823-25) The prosecution turned the transcript over to him last June and has been waiting ever since to have these alleged improprieties pointed out. We are still waiting.

Another example is the fiasco of the affidavits concerning the responsibility of Amtsgruppe B for the supply of food to the concentration camps. Here two defendants were implicated, Georg Loerner and his office chief in charge of food supply, Tschentscher. Prior to the trial, five defendants had made sworn statements that Amtsgruppe B was the highest authority for the distribution

conditions, the extermination of Poles, Jews and Russians and those who were no longer fit for work, the razing of the Warsaw Ghetto, and the confiscation of property on a gigantic scale. Pohl and Frank understood what Himmler meant when he told them and his other SS Generals at Posen: "most of you know what it means when 100 corpses are lying together, when 500 lie there, or when 1,000 lie there. To have lasted through this and *** to have remained decent fellows has made us hard."

Technically, the WVHA was organized on the first of February 1942, but actually it was a continuation of Pohl's Verwaltungsamt-SS which was organized in 1934 and later, in 1939, became the Main Offices Budget and Buildings, and Administration and Economy. One month after the WVHA was formed, the Inspectorate of Concentration Camps was incorporated into it as Amtsgruppe D. The WVHA was merely the last of a succession of administrative offices headed by Pohl and staffed by these defendants.

The case of the prosecution rests upon documents and photographs found in the files of the SS. These documents establish the position, the activity, and the responsibility of these defendants. In addition, there are eye witness accounts of the many crimes charged in the indictment. And there are motion pictures of the concentration camps taken by the advancing Allied armies. This is the character of the evidence supporting the charges here.

The defense is based primarily on what the defendants themselves have said, and the object of most of their talking has been to explain away or contradict what is in the documentary evidence. Such testimony is self-serving, a factor which tends to weaken its credibility and weight. But there are more important factors, most of them peculiar to this case, which must also be kept in mind when this testimony is considered. We now turn to these.

had a change of heart since the affidavit was signed and has accommodated the defense with a counter affidavit, saying that he must have been mistaken originally. The case of Hermann Pister, the ex-commandant of the Buchenwald concentration camp, himself on trial for his life, was an example of this. The witness Heinrich Schwarz is another example.

Pister stated that the office chiefs of the WVHA had met with the concentration camp commanders and that allocation of labor and other concentration camp affairs were discussed. In his repudiation he says that there were meetings but that they were only social meetings and no business affairs were ever discussed. Pister's first statement that official matters were discussed was corroborated by Pohl's testimony that "Before the official meeting, in order to give them the opportunity to discuss certain things with me, I invited them to supper in Berlin" (1324). Regardless of whether the meetings were official or unofficial, Pister's first version of the conversations makes more sense. It is hard to imagine Mummertthey, for instance, who directed plants in which thousands of inmates worked, scrupulously avoiding the subject of availability of workers.

A few other points should be noticed in connection with these incidents. We have already given some of the reasons why the affidavits were made in the first place. Another reason is that at the time some of them were taken, the affiant was not even certain how many of his erstwhile colleagues had been captured by the Allies. Therefore, it did not seem particularly important at the time to attempt to protect someone who for all he knew was either dead or had succeeded in making an escape. When

all these defendants were brought together and charged in the same indictment as having collaborated closely with each other to plan and carry out these criminal enterprises, the perspective at once changed. They concluded that if they did not hang together, they would certainly hang separately. The indiscretions contained in these affidavits, therefore, had to be erased somehow.

Some of the excuses given for going back on these earlier statements have already been discussed. Another standard explanation given by the defendants for changing their stories is that their recollections, like wine, improved with age. "If I had known what I know now, I would not have written all that nonsense in my affidavit", August Frank said on the witness stand. It is a strange phenomenon that his memory for past events increases and sharpens rather than diminishes as time goes on. But this phenomenon is not confined to Frank. Pohl had to say repeatedly that his memory became more accurate day by day. In fact, it improved so much that Baier's position shrank from that of manager of the whole DWB -- the description which Pohl first gave him -- to that of a mere unimportant auditor. (1819)

It should be noted also that the retractions, amendments, explanations, and commentaries were made for the first time from the witness stand. In other words, each defendant wanted to hear all the testimony that he could before he made his corrections, so that the revised version would conform to the official line. Since Pohl testified first, he did not have this advantage, so he had to correct his testimonial reaffirmance of his first affidavit by a second affidavit.

By the time the testimony had been underway a few days, this strategy of having every defendant cover up and defend the activities of all the other defendants became quite obvious. The only defendant who was not allowed to get on the Ark was Pohl. Apparently, the planners of the strategy decided that Pohl was too deeply implicated in too many outrages to be helped, no matter what was said. Since he was beyond salvation anyway, it was decided to make him the scapegoat of all the others.

But from a purely strategic standpoint, it was not advisable to blame every thing on Oswald Pohl. However, ubiquitous and ambidextrous he may have been, he could not have been everywhere at the same time. This presented a problem, but unfortunately, from the standpoint of the defendants, a solution was quickly hit upon. Some of the ~~Amt~~ chiefs are conveniently dead. The maxim de mortuis nil nisi bonum was turned wrongside out. It certainly could not hurt Glücks, Kammler, Hoess, and Lolling, who had already passed to their reward, to be accused of the things which could not plausibly be blamed on Pohl. The same was true of Melmer. The argument boils down to the proposition that the only bad SS men are the dead ones. Unfortunately, we do not believe that divine retribution works as quickly and thoroughly as this contention would suggest. It is true that Himmler, Koch and Kammler are dead, but some odds and ends remain.

Another striking proof of this coordinated defense strategy is the fact that not a single SS man called by the defendants had admitted knowing anything about the extermination of the Jews, mistreatment of inmates in concentration camps, inadequate food, clothing and shelter in concentration camps or any activities on the part

of the concentration camp guards and the administrative personnel which was even mildly nasty. They never heard that foreigners were in the concentration camps and never heard of the deportation of Jews. Protestation of ignorance reached a climax in the court room when the defendant SS Colonel Scheide, a member of the Party since 1928 and of the SS since 1930 and one time company leader of the body guard of Adolf Hitler said that he did not even know that Jews were put in concentration camps.

No matter how high up in the SS nor how close he was to the scene of these mass murders, no one ever heard about anything.

The members of the Tribunal themselves have asked how far up in the SS hierarchy one has to go in order to find someone who knew what was happening. Even Obergruppenfuehrer Karl Wolff, head of Himmler's personal staff, didn't know that the SS was killing Jews. He maintained this although he was shown a letter over his own signature where he said that he was happy to hear that 5,000 of the chosen people were being sent daily to Treblinka. The SS man Caesar, labor allocation officer in the worst camp of all -- there on the spot in Auschwitz for years -- never heard about mistreatment or killings.

The only exception to this was the defendant Hohnberg who learned that gassing and shooting of inmates were constantly carried out by the SS; that guards mistreated and killed inmates and that people were shot en masse in the East by Sonderkommandos. Everyone, he said, saw how the SS evicted Jews from their apartments, herded them into trucks and deported them.

Hohberg was not a member of the SS. Therefore, he was not bound to adopt the strategy prescribed by the manual. He was at liberty to concoct his own, and being a sensible man, it was not difficult to think of something more plausible than the official line. His defense, therefore, requires a separate analysis which will be taken up in a moment. However, his main source of information about conditions in concentration camps and gassings at Auschwitz was an SS officer, in fact, an office chief of the WVHA, Moeckel. He was not particularly friendly with Moeckel; he just wanted to find out what was going on.

But today it is impossible to find an SS man, either inside or outside of the WVHA, who knew of anything. In the course of his pre-trial interrogation, Pohl was asked whether the SS knew about the things that went on in concentration camps and his reply was that from Gluecks and Loerner right on down to the last little clerk in the WVHA everyone must have been aware of it, and that it was complete nonsense to speak of just a handful of men.

When he went on the witness stand, of course this statement, which had been made under oath, was retracted. One of the defendants' own witnesses, who had been an inmate in a concentration camp, testified that these things were known all over Germany. He pointed out that concentration camps were often near big cities and told about the contacts between the inmates and the civilian population. He described how a truck full of bodies being sent from Sachsenhausen to an outside crematory overturned on a highway in public sight/ about how the inmates would march through the villages pushing carts full of their dead and dying comrades, and how suicides and shootings were frequent during the march and could be seen by the public. This was a witness called by the defense but not an SS man.

Another inmate, from Camps Buchenwald and Dora, gave the reason for the construction of the crematorium at Dora. For some time, the bodies of the inmates were hauled from Dora to Buchenwald for burning. But it became quite embarrassing to the SS, he said, when the drunken drivers would lurch and careen over the highways, spilling corpses out of the truck-beds. People on their way to church would stumble over the bodies. It obviously would not do to have these constant menaces to traffic and religious meditation, and so a crematorium was built at Dora. This witness regularly conducted large parties through the camp at Buchenwald. They weren't shown everything, he testified, but they were able to see a great deal with their own eyes. He himself showed the parties exhibits of shrunken skulls and tattooed skin; they could see the inmates in their rags and with their bleeding wounds and how Jews were worked like horses. There were months when visitors arrived every day. Busses carried them from Weimer to Buchenwald. Often groups of young people came. The inmates assumed that these were the school children of the new generation.

Other witnesses confirmed that these things were common knowledge. Even the defense counsel, at least at the beginning of the trial, were also completely baffled by this pervasive ignorance. One counsel put the following to the second defendant in the dock:

"But you must admit one thing without endangering your veracity or otherwise you must shake your veracity. You must admit that -- it was known generally that brutalities and other things did occur."

We have yet to hear such an admission from an SS man.

Dr. Hansel in his opening statement has tried to explain Georg Loerner's professed ignorance by attempting to prove that Loerner, a Major-General in the SS, was a simple-minded, a slow-witted individual, one who did his office work without ever thinking of its consequences and who at the end of the day went to his home without looking to the right or the left. We have heard over and over from his colleagues that in his position in the DWB he was just a "dummy". But when this theory was put to Hochberg, he replied:

"Mr. Defense Counsel, Georg Loerner is not quite as silly as you make him out to be".

It is perfectly incredible that these defendants, high-ranking officers in the WVHA, should not even have heard of these horrors which were a matter of public knowledge. But apparently the strategy committee decided that this subject was too hot to handle in any other way. Rather than take a chance on having the defendants admit that they know about such things and then be exposed to a barrage of questions about the extent and origin of their knowledge on cross-examination, they concluded that it was better for them to deny everything. In that case, the reasoning seems to be, the worst that the court can do is infer that the defendants are lying; whereas if the defendants admitted any knowledge at all about this subject, a number of uncontrollable possibilities might enter into the picture.

Another indication of this unified plan of defense is a series of standard excuses, defenses and narrations which were employed by almost every defendant. One of these common refuges is Fuhrer Order No. 1. They all explain their ignorance by referring to this order, which, as the court will remember, admonished secrecy and directed that persons were to know only what their jobs required them to know. It has been mentioned a hundred times in the course of this trial. For the defendants to fall back on this general directive in order to bolster their stories that they did not know what was going on within their own agency is ludicrous. To

say this is to ignore the whole purpose of the establishment of the WVHA, as well as all that we know about the way that it was conducted. This brings us to another of the standard defenses.

Each defendant, when he took the stand, tried to create the impression that his own office, whether its job was the allocation of clothing or the auditing work, was completely independent and isolated from the activities of all the other departments of the WVHA and that the whole organization was run in such a manner that his right hand never knew what his left hand was doing. To hear them describe their activities, the fact that most of the offices of the WVHA were under the same roof was a mere topographical accident; and those elaborate organizational charts were periodically drawn up not to simplify problems of liaison and make the function of the various offices clear to everyone, but merely because someone had nothing else to do and happened to like to play with drafting instruments. It was true, they admitted, that every Amt was part of an Amtsgruppe and that every Amtsgruppe had a chief who was supposed to supervise and coordinate the activities of all the sub-offices. It was also true, they admit, that the Amtsgruppe chiefs were, on paper, responsible to Pohl. But this, they assure us, was purely theoretical and had no relation to the way the organization was actually run. The truth of the matter, they say, is that each sub-office was a separate and distinct entity and had little or no contact even with the other offices in the same Amtsgruppe. Every office chief was isolated from everything that went on outside his four walls.

Having established these "facts", they then fall back on the Fuehrer Order to show why they could not possibly have known what was taking place next door.

"Globocnik lived in a veil of secrecy", testified Frank, "he never discussed these things with anybody." Baier testified:

"We didn't know about the things and now, whenever I look at the documents, and I look at what happened within a small distance from my place of work, I can only think that probably these things were kept secret by virtue of the order of the Fuehrer." (4787)

The defendants frequently insisted that the only unifying force, the only connecting link in the entire WVH existed in the person of Oswald Pohl. He was the only one, they say, who knew what the whole picture was and how the activities of the organization were connected with the concentration camp system and the Reinhardt Action. The rest of us were just little men who sat at our desks and did our own unimportant jobs without having any notion of the implication or effects of what we were doing. Pohl kept us absolutely in the dark. This is a corollary of part of the defendants' strategy which has already been described. We have mentioned that they have apparently concluded to throw Pohl to the wolves. By depicting Pohl as the only coordinating element in the whole WVH, they are seeking to make the most out of this sacrifice.

The only difficulty is that this description of the WVH flies into the teeth of all the evidence concerning its history and reason for being, and indeed into the teeth of all human experience. The whole purpose of creating an Economic and Administrative Main Office in the SS was to have one central agency to handle all matters in those spheres which affected any of the thousands of SS agencies, units, institutions, and industries. Instead of having a series of separate agencies handling different matters without reference to each other, all the agencies were merged into one and put under the command of one man. When a matter which affected affairs that were administered by four or five offices was discussed, enough copies of the memo announcing the decision were made for all the offices concerned and simply distributed within the building. When a problem arose in one office whose solution could be expedited by another, it was a simple matter for the heads of the offices involved to arrange for a conference or even to settle the matter over the telephone.

That a close liaison between all the offices did exist is shown by document after document. The case of the Stutthof concentration camp, whose affairs were rather entangled, bears this out very clearly. Practically every office of the WVH was concerned. In February 1940

Pohl and Heydrich, Chief of the RSHA, recommended to Himmler that the civilian internment camp at Stutthof near Danzig should be converted into a concentration camp. In February 1942 the WVHA took over the camp and Pohl immediately ordered that the camp be expanded so that it could accommodate 25,000 inmates. Prior to Pohl's acquisition of the camp, however, an important conference and inspection took place at Stutthof in January 1942. It was to be determined how the SS industries would fit into the picture. Pauly, the commandant, a representative of the Higher SS and Police Leader, the Chief of the Amtsgruppe for Construction; the Inspector of the W offices Maurer; defendant Volk representing Staff W; and three other representatives from Amtsgruppe W participated. The results of the conference are contained in a report to Pohl signed by the participants including Volk. The report states that the concentration camp is to house 25,000 inmates including prisoners of war. The report also refers to "special camp for free labor (Poles) for the running of the factories." (p. 43). These camps, the report states, contain "evicted Polish families" totaling about 11,500 individuals. These entire families were to be kept in confinement for at least another two or three years. The report sets out in detail all of the machinery for taking over the concentration camp by the WVHA and for operating the concentration camp enterprises.

A few days after the conference, Volk wrote Hohberg a memorandum, the contents of which show the importance of Volk's participating in the conference and inspection at Stutthof.

In describing the brick works at the Concentration Camp, which were to be taken over by DEST, Volk says that the works have a production capacity of eight million bricks, and the

stones cost 135 RM per thousand, and that since there are only 29 employees the works "must be lucrative". Of course nothing is included in his calculation for the cost of labor to be furnished by inmates of the concentration camp. That is why the industry would be particularly "lucrative". In the memorandum, Volk goes on to propose methods by which the brick works may be brought under the Reichsfuehrer-SS. The brick works were in fact successfully brought under the SS, and specifically under the operation of DEST and the defendant Mummenthey. In a letter from Volk to an official of the concentration camp, dated 25 April 1942, Volk states that the brick works were acquired by the Reich through SS-Oberscharfuehrer Hoffmann of Staff W and that Hoffmann was "following my instructions". On the stand, Volk testified that his letter was "wrong to some extent, but not quite wrong". (5233). He said that Hoffmann was not at that time in the legal department of Staff W, but was in the legal department of DEST (5233). However, Volk could not deny -- as his letter states -- that he had instructed Hoffmann to acquire the brick works. Volk was obviously disturbed by the fact that the documents had shown 1) that he had given instructions in establishing a concentration camp enterprise and 2) that he had given instructions to an official of DEST. Both propositions he had previously denied.

In addition to DEST, two other SS industries under W IV and W V respectively, operated enterprises at Stutthof with concentration camp inmates.

W IV and W V rented the enterprises from the Reich. Rental was collected by Amtsgruppe B which was in charge of accommodations. The Reich had purchased the enterprises through office III (Legal Office) of Amtsgruppe A.

Upon Pohl's acquisition of the concentration camp he wrote to Himmler:

"I issued an order for the extension of the camp immediately after taking over."

Building plans for extension of the camp were drawn by Amtsgruppe C.

Kiefer's office C-II was also involved in negotiations since it was planned that the construction industries in connection with Stutthof were to be placed under office C-II.

It was also of course necessary for the budget office under Hans Loerner and the auditing office under the defendant Vogt to take a part in the establishment of the concentration camps.

In September 1942 Hans Loerner gave his "opinion" to the accounting court on the Stutthof camp as follows:

"The establishment of collecting camps for undesirable Polish elements in the territory of the City of Danzig was already necessary in the August days of 1939 and even more so at the beginning and end of the Polish campaign."

The report by Hans Loerner goes on to detail the mechanics of budget and finance in connection with the concentration camps, and shows that the "Chief of the Budget Office" was required to have rather extensive knowledge of concentration camp affairs. Loerner relates that within a short time, seven collecting camps were established; that the construction of the Stutthof Camp was begun on its present site; and that certain funds for building the camp were made available by the Danzig police treasury. Financing of the concentration camp is dealt with in detail in the report, which refers to the source of revenue for feeding, clothing and housing the prisoners and to the fact that the concentration camp enterprises have become self-supporting only after the WVHA took charge of the concentration camp. The report was prepared by Loerner after conferring with

Vogt of office A-IV in Potsdam.

Hans Loerner issued an order, after conferring with Pohl that after the purchase of certain real estate by the Reich on behalf of the DWB, the amount of 300,000 RM would have to be paid back by the DWB to the Reich.

A memorandum from the Legal Department of Staff W, by Hofmann to Baier and Volk, states

"If necessary, detailed information relating to this subject may be obtained from SS-Obersturmbannfuehrer Vogt, Chief of the auditing office."

Thus every Amtsgruppe played an essential part in setting up the concentration camp and getting it into operation. It is wrong to talk about Pohl running the concentration camps. This was a job which he could not perform by himself. It was rather a job which was carried out by the five Amtsgruppen of the WVHA.

The whole spirit of the organization was to cut out wasted motion caused by formalities and red tape. The following letter by Georg Loerner illustrates this very clearly. (Doc. Bk. 23, p. 26, NO-3652, Ex. 564).

"Every employee of the Office I is herewith given the opportunity to inform himself about the organisational structure of the Office, the sphere of work, the basic rules of business procedure etc. I expect every employee of the Office to thoroughly familiarize himself with these regulations in order that he may on his part contribute to the avoidance of any wasted effort and to the speeding up of the transaction of business.

* * * * *

I expect every employee of the Office to show pleasure in performing his duty with the utmost sense of responsibility, and not to find in my office any bureaucracy and red tape.

All employees of the Office are free to discuss their personal worries and needs with me at any time. As far as possible I shall assist them by word and deed."

Document after document shows how the various officials of the WVHA had conferences together to settle matters which affected them all. Kammler had weekly meetings with Eirenschmalz and Kiefer. There were regular meetings of the W office chiefs. We quote from the minutes of one of them:

"The Amt Chiefs were asked to attend this meeting, not because a special point is up for discussion, but because it had been noticed that, lately, when evacuating certain Amts, regular cooperation between the staff and the offices is not always assured. Especially now, when the offices are very much dispersed, it is necessary more than ever before, to cooperate very closely with the staff." (NO-4964).

In other words, even after the Allied bombardment of Berlin had made it necessary for the various offices to be in different buildings, the same close liaison was maintained. Under such circumstances it is preposterous for these defendants to talk about the Fuehrer Order as a reason for their ignorance of what was happening. Yet this is one of the standard excuses. "I didn't know what was going on outside of my office. The reason I didn't know was Fuehrer Order # 1."

Another example of the complete integration of the entire Main Office is the matter of deputyship. One becomes a little dizzy trying to follow this: Frank and Georg Loerner were successively Pohl's deputies; Fanslau was Frank's deputy; Hans Loerner was Fanslau's deputy; Tschentscher was Georg Loerner's deputy; Kiefer and Eirenschmalz were Kammler's deputies; Maurer was Gluecks' deputy and Sommer was Maurer's deputy. Hohberg and

Baier were Pohl's deputies in W, and Volk was Baier's deputy. Almost everyone in the dock, in addition to his own duties, had a deputyship to perform. This makes the claim that no one heard anything except what went on in his own office even more absurd. But Frank explained that the WVHA was different from other agencies in Germany, because elsewhere the deputy was expected to know everything about his chief's work, whereas in the WVHA being a deputy was merely a "formality". Nobody else was able to devise a more likely explanation, so it was also incorporated into the manual of defense strategy and repeated by the other defendants.

Another standard defense is that what the defendant did was in accordance with German law at the time. August Frank used this, for instance, in defending his order to the effect that the property of deceased inmates "with the exception of Poles, Jews and Russians" was to be returned to their families: i.e. the property of Poles, Jews and Russians was to be confiscated.

The answer to this is simple enough. Pohl and most

of the other defendants here have used the phrase "seizure of power" to describe Hitler's becoming Reich-chancellor in 1933. From that time on, as the judgment in the I. M. T. trial shows, Hitler was the supreme power in the German Reich. Anything that Hitler wanted to become a law did become a law. Its incorporation into statutory or decretal form was merely a matter of phraseology. The German laws after 1933, were nothing except the expressions of Hitler's will. When, therefore, a defendant says that what he did cannot be a crime because it was authorized by German law, he is in effect saying that what he did cannot be considered a crime because Hitler wanted it done.

Another one of these stock narratives turns up in the testimony when the question of the attitude of a particular defendant toward the Jewish question is raised. To read these pages of the testimony alone, one would think that he had before him an extract from Voltaire's essay on Tolerance rather than the testimony of an ex-general in the Waffen-SS who was charged with the administration of part of the concentration camp system. When the question of the defendant's attitude toward the Jews was introduced in the course of his examination, the first effort he made was to clamber up his family tree until he found some Jewish or half-Jewish in-law. If this search was fruitless, he described his childhood associations at school and at play with Jewish children and how friendly their relations had been. Next, he recalled the fact that during the First World War he had known some Jews in the Wehrmacht who had been excellent officers. Then he

told about some Jewish family that he had taken under his wing after the seizure of power and personally protected as much as he could. Finally, if possible, he produced a handful of affidavits from Jewish acquaintances to the effect that they thought they always regarded him as a sterling character and that he had expressed his disapproval of the atrocities to them. The "proof" of the defendant's spotless record so far as anti-Semitism is concerned was usually produced in exactly the order which has been stated.

We now pass to another standard defense. The defendants were apparently told by their lawyers that according to the I.M.T. judgment, if a man was drafted into a criminal organization, its crimes could not be laid at his door. Forthwith, several of the defendants became draftees. This is another defense which is so feeble that it is wearisome to have to answer it.

Now although a man can be drafted and forced at the point of a gun, if need be, to chop wood or carry water or drive a truck, no one can force him to display the energy and administrative skill which was necessary in order for him to become a legal advisor, business executive, colonel or general in one of the most important main offices of the entire SS.

The contention on the part of any of these defendants that their service in the SS was a kind of involuntary servitude, is indicative of more desperation than good judgment. Some of them have been connected with concentration camp affairs ever since such institutions existed

in Germany. Indeed, an affiliation with concentration camps was evidently regarded as a laurel and a badge of merit. Among the documents are letters recommending promotions for various defendants. Time after time, one of the reasons given in support of the recommendation is that the subject of the letter has been active in the administration of the concentration camps for a long time. This is proof enough of the esteem in which such activity was held. Another proof is that the SS administrative officers who survived the test of time and rose to the top were all men who had had extensive experience in administrative affairs of the concentration camps. Within the higher echelons of the SS, connection with the concentration camp system was evidently analogous to having been the editor of a law review or a fellow in All Souls College. Experience with the concentration camps carried with it a prestige which was almost unique.

The change in attitude which has taken place between the time the defendants were walking around in their black boots and stylishly-tailored uniforms in the WVHA office and the time they took the stand before this Tribunal is startling. It now appears, if one is to believe them, that they deliberately avoided these very tasks which appear in their personal service record as marks of high merit. Even when they are compelled to admit that they were involved in the administration of the concentration camp system to some extent, they now say that this was only an incidental job and they they did not approve of their having been forced to assume it in the first place.

These defendants were the indispensable men of the SS. It is not difficult to find a person with sufficient

training and experience to qualify him to fling a can full of Zyklon B gas crystals into a room and slam a door, but it would have been quite a problem to replace a man who was in charge of an SS industry which operated 500 brickworks or to find a capable successor for men like Vogt and Volk who were apparently walking abstracts of title to the real estate and fixtures of the concentration camps. To say that these men were drafted to do their jobs is utterly fantastic. They did their work with a grim efficiency because they liked it, because they were devoted to the SS, because they were blotted and infected by this weird, mad fanaticism. They performed their jobs so well in fact that as time went on they passed from glory to glory and received promotions in recognition of their work.

It is perhaps laboring a point to rebut further the argument that these men were drafted to their kind of work, but a corrolary to the argument is the question that so many of the defendants have asked: "What could I do? I was already in the midst of this organization by the time I discovered its connection with these frightful things." The implication is that, short of committing suicide, it was impossible for them to disassociate themselves from these sinister deeds.

We know, however, that nothing so dramatic would have been required. It was not necessary, in order for one of these defendants to terminate his affiliations with the WVHA, to walk into the office of the Reichsfuehrer SS, click his heels, salute, and announce in bold, clear tones that he disapproved of the slave labor system, the concentration camp system, and the extermination program. All

that he had to to, in order to be quickly relegated to Limbo, was to be guilty of a few lapses of memory, a few exercises of bad judgment, a few administrative blunders. After that, he would not have been burdened with the care of administering an important function in the WVHA. Vogt himself testified that when he tried to retire on a pension, he was told that resignations were only allowed for inefficiency. (2859)

We now pass on to another standard defense or explanation. Hoess, it will be remembered, was the commandant of Auschwitz and later Chief of Amt D-I, Kammler was the Chief of Amtsgruppe C, and Gluecks was Chief of Amtsgruppe D, Lolling was Chief of Amt D-III. All of these men are now dead, and as has been pointed out, the defendants have sought to strew as many of these crimes as possible on their hearses. But to do this is not enough. If, for example, the defendants merely say that Kammler was responsible for this and that atrocity, the fact still remains that there were regular Saturday conferences between Kammler, Kiefer, Eirenschmalz and the other Amt Chiefs of Amtsgruppe C; and if Kammler was such an evil genius, then his subordinates could not have avoided being tarred with the same brush.

In order to disengage themselves from the horns of this dilemma, it was necessary to divide Kammler into two separate parts. There had to be a Jekyll as well as a Hyde. This dichotomy was accomplished by saying that Kammler acted in two different capacities. First, he was Chief of Amtsgruppe C. In this role he was Jekyll. His acts were morally pure as the driven snow.

But he was also, the defendants say, commissioned by Himmler to carry out the armament program. In this role he was Hyde. His actions in one capacity were completely divorced from his actions in the other. The defendants know Kammler only as Jekyll. They were not even aware that Hyde existed.

In this ingenious way, it could be explained how a man could be in constant contact with one of the directing spirits of the crimes which form the basis of the indictment in this case without ever having known that such crimes were committed. We have given Kammler as one example of this Jekyll-Hyde treatment. It was also applied to Hoess, Lolling and Gluecks. Both of them are also said to have received special commissions from Himmler, and their acts in carrying out their assignment under these commissions were absolutely unrelated to their acts in carrying out their duties as officials in the WVHA. Although Hoess was under me at the time, Pohl said, he was acting not as Concentration camp commandant in exterminating the Jews, but as Himmler's special commissioner. This is, as we have said, a uniform plea, but it is to be admired more for its ingenuity than for its plausibility.

Another standard argument is that the SS industries were not SS industries. Pohl was the first defendant who took the stand. In the course of his testimony he mentioned the phrase "SS enterprises" time after time, just as he had always called them in his correspondence when he was directing them. The strategy had not been perfected apparently at that time, but when the other defendants were questioned on this subject, they had ready an involved explanation that this phrase was inaccurate and misleading. Volk is an example.

After he made such an explanation, he was asked how he could reconcile it with a letter which he had written in 1942 to the Reich Minister of Justice in which he said that since the purpose of these industries was to employ concentration camp inmates and since they were headed by SS officers they "therefore are actually establishments of the SS."

His answer was that he had given a good deal of thought to this matter since his arrest and that he had concluded he must have been mistaken about the nature of these enterprises at the time he wrote this letter.

Volk was asked to define what, in his opinion, an SS enterprise was. He then read such a definition and pointed out that the W industries did not fall within its terms. It then appeared, however, that he himself was the author of the definition and that the type of business organization which it envisaged had never in fact existed anywhere. In other words he was saying while he was in jail, "I composed a description of an imaginary business firm which corresponded to my conception of what an SS industry would have been if such a thing had ever existed. These industries which did exist did not fulfill the requirements of my definition so, therefore, they were not SS industries although the SS controlled them, named their directors, operated them, furnished concentration camp inmates for their labor supply, obtained the funds for their operation, and controlled the disposition of their profits". This convincing explanation apparently won Pohl over. When he took the stand the second time, he was asked whether the W enterprises were SS industries and he replied that they were not.

So much then for the common defenses and explanations. They are so feeble and fantastic that it is a little insulting to the Court's intelligence to waste time in rebutting

them. We have not mentioned them here because we feel they need to be answered so much as because the fact that they were so uniformly adhered to by so many of the defendants shows how the close liaison and spirit of cooperation which existed among them while they had adjoining offices in the big building on Unter den Eichen is still being carried on in the Palace of Justice here at Nurnberg. If anything, the coordination is closer now than it was then.

Everything that has been said, of course has a direct bearing on the credibility of the defendants. There are so many examples of contradictory statements made by the same defendant and of testimony squarely at loggerheads with documents which the defendant later admitted to be correct that an enumeration of all these inconsistencies would almost amount to the abstract of the entire record.

The defendant Frank, for example, testified that he left the WVHA because he became troubled by the close connection between Amtsgruppe D and the rest of the organization and because he was upset by his connection with the Reinhardt Action. The truth of the matter is that the job of Administrator of the Police which Frank took after he left the WVHA was actually higher and more desirable than the position he held under Pohl. It put him in a position where, when the office of Administrative Chief of the Army was open in 1944, he was able to squeeze Pohl out and obtain the job himself. The Tribunal will remember his saying that relations between him and Pohl became rather strained as a result of this (2436). The real reason Frank left the WVHA was that he was promoted to a more important job in recognition of the excellent record which he had made as Deputy Chief there.

The most audacious distortion made by any defendant on the witness stand was Frank's explanation for his ignorance of the Reinhardt Action until relatively late. After saying that "Himmler and Globocnik were real masters of cunning and deception", he went on to explain:

One has to understand further, that there was another camouflage, that, for instance, the money, the cash, went in the treasuries of the Waffen-SS, and therefore to the Reich treasury; the gold and jewels went to the Reichsbank, and they were stored there for months -- if not years -- until they were examined, counted, and utilized. The watches were sent to Oranienburg, the eye glasses were sent to the medical inspectorate; the various things like towels, suitcases, rucksacks, were sent to the Volksdeutsche Mittelstelle. Furthermore, napkins and towels were sent to the soldiers. Furs were sent to Ravensbruck; suits and clothes to the Reich Economy Ministry. There were ten, or perhaps a dozen, offices where these things were sent." (2278)

Now what is so completely amazing about this testimony is that all of these articles were delivered to their respective destinations by Frank's own infamous "disposition order". Compare the testimony just quoted with the following excerpts from this order:

- "(a) Cash money in German Reichsbank notes must be paid into the account WVHA 158/1488 with the Reichsbank.....
- (b)rare metals...jewelry.... must be delivered to the WVHA. The latter is responsible for their immediate delivery to the German Reichsbank.
- (c) Watches are exempt from sale. Their utilization rests with me.
- (d) Spectacles and eyeglasses...are to be handed in to the medical office.....
- (f) Rucksacks, suitcases....are to be delivered to the Volksdeutsche Mittelstelle.
- (g) Towels, napkins....can be furnished for the needs of troops....
- (i) Furs....are to be delivered to.... Ravensbrueck." (Exh. No. 472, Doc. No. NO-724, Doc. Bk. XVIII, pp. 85-86)

It can thus be seen that every item he enumerates was sent where it was because Frank had ordered it to be sent there. If, therefore, Frank was mystified by this "camouflage", he had achieved the supreme perfection of that art -- he had succeeded in deceiving himself. We are reminded of Daedalus, the mythological inventive genius whose labyrinth on Crete was so complicated that when he had finished it, he could not find his own way out. Admittedly, it was a tangled web which August Frank wove, but we do not believe he lost himself in its meshes.

Another example is that of Fanslau and Tschentscher. The description of atrocities committed at Zolozow and Tarnopol, which were principally committed by members of the Viking Division, are so firmly established by the evidence that there can be no doubt about their occurrence. The official reports of the activities of the Einsatzgruppen would be enough to show the extent and ferocity with which these pogroms were carried out. According to the testimony and the documents, these things were happening at Zolozow and Tarnopol at the very time that Tschentscher and Fanslau say they were there. Yet according to them, they not only saw no sign of such a thing but never even heard of any such matters the whole time they were in Poland and Russia. The Einsatzgruppen documents show that in October 1941, 10,000 Jews were wiped out in the course of one or two days. Tschentscher was in Dnieperpetrovsk about a month later when the extermination was still, according to the documents, in progress. But he still testified that he never heard of a Jew being harmed by a German the whole time he was attached to the Viking Division.

The ability of these two men to remain ignorant of what was going on all around them is almost without parallel.

Similarly, the defendant Kiefer steadfastly denied that he or his office had ever had any connection with construction activities in concentration camps, until the prosecution produced two sets of blue prints bearing his own signature which he had furnished for buildings to be erected in the Auschwitz Concentration Camp. Dozens of other examples of this kind could be given and are given in the briefs concerning the respective defendants. But we have already said enough to show that the testimony of these defendants is so replete with evasions, fantastic explanations and outright lies that it is devoid of any credibility.

Turning now to the criminal acts of the SS and WVHA for which these defendants must bear responsibility, we do not propose to weary the Court with a long repetition of what the whole world already knows. The conditions in the concentration camps which the Allies found in 1945 will stand as a perpetual monument to the obscene depths to which the human spirit is capable of descending. The scenes which met the eyes of the invading Allied troops at Buchenwald, Bergen-Belsen and Dachau will take their place in history beside the pyramids of human skulls erected by the Golden Horde of Tamerlane and the extermination of the Carthaginian populace by the Romans. But even these ancient butcheries do not furnish an adequate comparison. The slaughter of these people was at least accomplished in a quick and relatively painless manner, whereas before the victims of Mauthausen and Auschwitz were allowed the relief of death, they were frequently subjected to years of starvation, semi-nakedness and every kind of barbarous mistreatment that the sadistic minds of the guards and

commandant could devise. The concentration camp system^s stands in a class by itself.

The defendants now profess to share the same revulsion toward this murderous orgy as is felt by decent people everywhere. But they have chanted over and again the official chorus that the first time they had any inkling of such things was after the war was over, and that even then they could not believe what they heard. The only dissonant note was sounded by Hohberg.

We have shown the Tribunal that concentration camp inmates were used all over Germany. The existence of the concentration camps was no secret, and it was impossible in the nature of things to conceal the physical condition and the high death rate that prevailed among the inmates. Too many families in Germany received terse notices that one of their members, whom they had last seen when the Gestapo took him into "protective custody", was no longer among the living, along with a can labeled as the ashes of the deceased. In some cases, the Teutonic passion for method led to the practice of registering the deaths of the inmates with the local vital statistics bureau.

We have already said that among these defendants are men who could proudly point to as long a record of association with concentration camp affairs as anyone in Germany. Himmler made Pohl Chief of the Administrative Office of the SS in February of 1934. Georg Loerner and August Frank were there when Pohl arrived. Frank was directing the administration of the workshops in the concentration camp at Dachau in March 1933. This was only five weeks after Hitler's seizure of power. As early as 1936, Pohl's five Main Departments in the SS Administrative Office were an essential part of the concentration camp system. By 1939, ten of the defendants were working with Pohl. In other words, they were the architects and builders of this evil edifice. It is perfect nonsense to say that the men who were in charge of the supreme agency for administering the concentration camps did not know what was common knowledge.

A distinction should be made, however, between the situation that existed in the concentration camps in Germany and what took place in the East at the official abattoirs in Auschwitz, Lublin, and Treblinka. The commandants and guard personnel of the camps in Germany were given a free hand to behave as they liked, and if it happened that one of these people sought his pleasure in bayonetting inmates or in hanging them by the thumbs for several hours, the officials of the WVHA simply shrugged it off as a matter of personal taste. It was not that they either encouraged or disapproved such practices: they all explained that after they had chosen and assigned to his job the man who found his solace in such amusements, it was up to another agency to prevent his carrying them to excesses. True, they were not only responsible for the assignment, but also for the transfers and promotions of these interesting types. But technically, the matter of punishing inmates was one for another agency to regulate. Or at least so say they, speak they, tell they the tale.

We pass on now, however, to a matter which was not haphazard or governed by personal inclinations and which was so closely allied with the WVHA that the very mention of its name instantly connotes this organization. We refer to the Reinhardt Action. This was first set in motion, according to Pohl, in "1941 or 1942". The WVHA was associated with it from the beginning. It was in full swing at least as late as July 1944, and the job of managing the immense wealth which accrued to the credit of the WVHA in the Reichsbank as a result of it continued throughout the life of the organization. The action was commenced by Himmler's order under the direction of Globocnik, the Higher SS and Police Leader at Warsaw. In 1943 Globocnik, for some reason, was transferred from Poland to Trieste and the task of completing his work in the East was transferred to Pohl. But long before Globocnik left, Frank was issuing directives concerning the distribution of the confiscated property, asking Himmler what to do with the surplus dental gold, and Vogt was

auditing the treasury at Lublin. Therefore, it can truthfully be said that the administration of the Action Reinhardt was one of the principal functions of the WVHA during its entire existence, and at least in its later phases it was exclusively directed by the WVHA.

Globocnik seems to have been a sensitive man. He was afraid of being considered as a person of limited talents. After he had been transferred to Yugoslavia, he felt constrained to prepare a report on his accomplishments in Poland which would end any doubt as to his thoroughness and versatility. The report consists of a letter to Himmler with several appendices, each dealing with different phases of the Action Reinhardt. From the letter, it is plain that the chief purpose of all this documentation was to show Himmler that Globocnik was a shrewd business man as well as a capable executioner.

According to this report, the Action Reinhardt was as subtly conceived and carried out as any plan which contemplated the extermination of a substantial part of the population of Europe could be. It progressed by easy stages. First, the Jews were uprooted from their homes and transported to ghettos. At this stage of the game, all of their real property and movables which could not be carried with them were confiscated. This included, of course, all industrial plants and all the physical assets of businesses in the East which were owned by the Jews. When they had been rounded up, herded into the ghettos and furnished with special identity cards and insignia to be sewed on their clothes so that they were easy to recognize, they were then left alone for a time until the SS could organize the utilization of the confiscated business property and to prepare the next resting place for the Jews.

When this period had elapsed, they were "resettled" a second time by being shipped from the ghettos to the concentration camps, where the first thing that happened was that they were stripped of the remaining property which they had, such as currency, watches, jewelry, fountain pens, and the like. Then, in due course, they were asphyxiated in the

gas chambers and put in the stoves, after all the bridges, gold teeth, and fillings were removed from their mouths. It is a boast of the great American packing companies, such as Swift and Armour, that when a pig goes through one of their slaughter houses, nothing is wasted except the squeal. These defendants can without any immodesty make the same claim. The commandant of the concentration camp at Auschwitz estimated that during his tenure of office over 2,500,000 persons were so processed under his personal direction. Auschwitz, of course, was only one of several extermination camps in the East. It is estimated that about 8 or 10 million people were eventually reduced to ashes in their crematoria.

We have described the general pattern of the Action Reinhardt. We do not mean to imply that these successive transportations took place with assembly line precision. In the first place, it would have been wasteful to have destroyed this potential labor supply too soon. While they were in the ghettos, and even while they were in the concentration camps, they were used as slave labor by the SS to man the industries which it had confiscated. Jews with special skills were deliberately cut out from the herd and temporarily preserved. Further, it was impracticable in the nature of things to accomplish all of this overnight. After all, the crematoria had a limited capacity and could only be operated 24 hours a day. It would have been unhygienic to asphyxiate Jews and Poles faster than the corpse disposal facilities could accommodate them.

In the opening statement, the destruction of the Warsaw Ghetto was described in some detail. This was a notable chapter in the narrative of the Reinhardt Action for several reasons. In the first place, the Warsaw Ghetto was one of the largest in Poland and the extinction of all the persons who lived there was a noteworthy stride toward the goal of the whole action. In the second place, it was particularly dramatic because the Jews there had the audacity to try to defend themselves, and, when that proved to be useless, had the

further impudence to try to hide in the cellars and sewers to keep from being sent to the extermination camps. The whole incident, therefore, furnished some pleasant excitement for the SS and army personnel who were detailed to clean out the ghetto and the scene was made more colorful by the methods they employed, such as setting the houses in the area on fire and throwing smoke bombs down the manholes that led into the sewers. It made dramatic copy for the German newspapers and it furnished good material for long memoranda to Himmler by the persons in charge. The SS had a photographic team on hand to immortalize the whole operation on celluloid, and a number of these pictures have been introduced in evidence here. They are in Prosecution Document Book XX, pages 56 to 109.

But the demolition of the Warsaw Ghetto, carried out by Einsatzgruppe C, was no more than an incident in the execution of the Action Reinhardt and if we think of it as more than that, we lose our perspective and sense of proportion in judging the extent of the Reinhardt Action. To consider the one as synonymous and coextensive with the other is analogous to using the names Guadalcanal and World War II interchangeably. In both cases, the former was merely a bloody episode which took place in the course of the latter.

August Frank said that he always considered the Reinhardt Action as a move to "utilize the property of the Jews". This indeed was one of its principal objectives, though, of course, it had the further purpose of achieving a "final solution of the Jewish problem"; that is, of wiping out the Jews in Europe completely. The aim was double-barreled and the two objectives were inseparable. The defendants here, however, all fall back on the plea that though they may have known about the confiscation phase, they never dreamed of the existence of the extermination phase out of which the former grew. This is as far-fetched and implausible as most of their other defenses, especially in view of the fact that in document after document spectacles and dental gold are specifically alluded to as constituting part of the confiscated treasure.

While the seizure of this wealth was in progress, the WVHA had the responsibility of deciding how it was to be used to the best advantage. The proclamation of this decision was made through the issuance of August Frank's notorious distribution order of September 1942 to the Chiefs of the SS administrative camps at Lublin and Auschwitz, where the personal property had been collected. This directive, part of which we have already read, gave complete details for sorting, classifying and shipping all this property to its proper destination.

The jewelry, precious metals, gold teeth, and currency would be taken to the Reichsbank by Melmer, who was in charge of the treasury under Hans Loerner in A-II. The fountain pens, flashlights, alarm clocks and damaged watches were sent to the shops at Oranienburg to be repaired by Office D-II under the defendant Sommer. An inventory of the furs and hides was to be sent to Georg Loerner's Office B II, and the articles themselves were to be sent to the clothing plant of the Waffen-SS at Ravensbrueck. Office D-III was concerned with the obtaining of the dental gold. Dentists in the concentration camps who were all subordinates of the defendant Pook actually supervised the extractions from the corpses of the inmates, and submitted periodic reports of the dentures obtained in this way to Office D-III. Pook's underlings were also charged with scraping, cleaning and sterilizing the teeth before they were eventually sent to the Reichsbank: typhus and tuberculosis bacteria were omitted from the distribution list. Kammler, Chief of Amtsgruppe C, was in charge of the demolition of the Warsaw Ghetto and the defendant Kiefer was his deputy at the time this work was carried out.

the disposition of the personal property which was seized in the course of the Reinhardt Action. But the problem of the utilization of the machinery, industrial plants and real estate was delegated to Amtsgruppe W. It was decided to organize a corporation called OSTI, a subsidiary of DWB which was supervised by Staff W.

The purpose of OSTI was to combine the industrial potential seized in the course of the Reinhardt Action with the vast labor pool of concentration camp inmates so as to make the most economical use of both. Industrial machinery was moved from its former locations and centralized in huge factories either within concentration camps and labor camps or conveniently near them. The maximum production was expected as a result of this concentration of plant and labor supply.

OSTI was eventually dissolved in 1944. The reason was that, from the very beginning, the ranks of its workers had been decimated by the pestilences which swept unchecked through the camps, as well as by starvation, exposure, impossible working conditions and the brutality of the guards. This slowed down its operations.

Now we have just said that the SS always regarded the stay of the Jews and Poles in the concentration camps and labor camps as a temporary one. It was always understood by the SS that so far as these people were concerned, heaven was their destination and their departure was to be postponed only long enough for the facilities of murder centers at Auschwitz, Lublin and Treblinka to be expanded. By grim irony, these wretches who had been marked for extermination were made to produce the very engines which were later used to kill them. Exhibit 660 in Document Book XXVII is a letter for the Construction

Chief at Auschwitz, Bischoff, an official of Amtsgruppe C. The letter is addressed to the DAW, one of the W industries, and reads in part as follows:

"You are informed with reference to the above mentioned letter that three gas-tight chambers (Tuerme) are to be completed in accordance with the order of 18 January 1943. For the "BW 30 b and 30 c" exactly similar in measurements and type, to the chambers previously supplied.

"On this occasion, we would remind you of a further order of 6 March 1943 concerning supply of a gas door 100/192 for corpse cellar I of Crematorium III, BW 30a, which is to be manufactured exactly according to type and measurement of the cellar door of the opposite crematorium II with a peep-hole of double 8 mm. glass with rubber packing and steel frame. This order is to be treated as specially urgent."

Apparently this order was filled in time. By autumn of 1943 it was felt that the gas chambers and crematoria had reached a state of perfection sufficient to complete the solution of the "problem" caused by the existence of these inmates who were being used during the interim as slave labor in the various factories of OSTI. On November 3, 1943, as the documents show, all the Jewish workers who had been employed by OSTI were liquidated and put in the stoves. This withdrawal of most of its labor force wrecked OSTI's productive capacity, and after several abortive attempts to continue it as a going concern, Pohl finally gave it up as a bad job and concluded to dissolve it.

Such, in a nutshell, was the role of OSTI in the Reinhardt Action. We will mention only one other phase of it before we pass on to a discussion of the activities of the individual defendants. We have described how, according to Frank's directive, the cash, jewelry, and precious metals acquired in the course of the Reinhardt Action were to be taken to the Reichsbank. There the

German currency was deposited in "Account 1288", which was commonly called the Reinhardt Account. The jewelry, trinkets, and teeth were assorted into two classes. The articles that were considered valuable only for the precious metals they contained were melted down and the ones that were thought to be more valuable if disposed of in their original form were sent from the Reichsbank to the municipal pawn show and there disposed of. Eventually, therefore, all of this wealth was reduced to a credit entry in the Reinhardt Action.

The question then arose how to dispose of this money to the best advantage and this again was a decision which was the responsibility of the WVHA. The financial affairs of some of the W industries were considerably entangled. Some of them owed money to creditors such as the German Red Cross and the SS Savings Association, which was under the control of the defendant Hans Loerner in Amt A-I. It was decided to pay off all such claims to third party creditors. At about this same time, Pohl wanted to expand the armament industries which were owned and operated by the DWB, and the officials of OSTI were also clamoring for a loan. It was decided to take care of all these matters by transferring 30 million marks to the DWB, which would then pay off the third party creditors and make the loans to expand the armament industries and to capitalize OSTI.

These matters were discussed and settled in June 1943, and eventually the whole transaction was reduced to a contract between Frank, acting as representative for the German Reich (which technically was the owner of the Reinhardt Fund) and Pohl, acting as representative of the DWB.

Thus, it can be seen that the WVHA was not only the agency which supervised and directed the collection of property confiscated in the course of the Reinhardt Action, but it was also the agency which controlled the spending of the money into which this wealth was converted; and it can also be seen that the W industries, which were part of the WVHA, were approved as borrowers of it. The WVHA, then, had a triple function in the carrying out of the Reinhardt Action: it acted as collection agency, as administrator, and as beneficiary. One would have to strain his imagination to think of a closer possible connection.

We will now take up the tasks of the individual Amter within the WVHA and the activities of these defendants in accomplishing those tasks.

The concentration camps were under the immediate supervision of Amtsgruppe D, and it was through this part of the WVHA that every minute, every detail, of the life of the inmate was rigidly regulated. Amt D-IV had an administrative official in every concentration camp. Amt D-II had a labor allocation officer in every concentration camp. Camp security and inmate affairs were regulated on the spot by D-I and D-III had responsibility for their medical and dental treatment, such as it was.

The organization of this Amtsgruppe and its place in the WVHA explodes the defense that the RSHA, which had "legal" jurisdiction over arrests, releases, and punitive executions, is primarily responsible for what went on in the concentration camp. Only the WVHA had officers in the camp who were to look after food, clothing, billets, medical and dental care, labor commitments,

and camp security. No other Main Office had the necessary support in the way of construction, supplies, finances, and means of using labor, as the WVHA had from its Amtsgruppen C, B, A and W.

The defendant Sommer was Chief of the Main Department in charge of labor allocation in Amt D II, and deputy chief of the Amt. After the Inspectorate became a part of the WVHA, D II was the most important office in the concentration camp system. Sommer's orders transferring inmates to the construction projects of Amtsgruppe C, to the SS industries and to armament projects were tantamount to death orders for thousands. He was the labor allocation expert, and his talents were the bearings on which the vast organization revolved. Large transports of inmates from one camp to another were handled by Amt D II, and the record is full of descriptions of the deaths and mistreatments which occurred during these hauls. Sommer must have known of the way his function as labor allocation expert fitted in with the initial separation of the inmates, when the transports arrived at the camp, into those who could and those who could not work. The Tribunal will recall the witnesses who described how those who could be allocated for work were driven to the right, those who were not fit for work to the left. The way sinister led to the gas chamber. The same is true of the transports from the work camps and smaller concentration camps to the nearest gas chamber of invalids who were unfit to work.

Sommer could not have been oblivious to the constant revisions of the total number of inmates available for labor. When his lists showed a decrease, he is bound to have known that these people had disappeared somehow, and that it was unlikely that they were on vacation.

Sommer was involved when inmates were marked for death in the punitive details at the stone quarries. He signed the orders sending them there, and a few days later, his representatives in the camp were notified of the death of those inmates. Sommer's part in Action Reinhardt in receiving and repairing the watches and clocks has been mentioned. He could not have been ignorant of their source. The boxes he received were clearly marked "Action Reinhardt", and if others down the line were deceived as to the origin of this loot, then it was because all identifying marks had been removed in the repair shops Oranienburg.

The participation by Pook, the Chief Dentist in D III, in Action Reinhardt has also been referred to. It was the task of his subordinates in the concentration camp to supervise the extraction of dental gold from the cadavers after they had been pulled from the gas chambers, to clean and weigh the gold and turn it over to the camp administrative officer, and then to submit reports to Pook on the amounts realized. Pook was the superior of scores of camp dentists following this procedure in every concentration camp. His men received the gold whether the inmate had been gassed, beaten to death, or shot, and whether or not in the course of the Reinhardt Action. Pook knew that these inmates had not died natural deaths. No one was in a better position to find out. He worked in Lolling's small but powerful office as Lolling's immediate subordinate; his office, like Sommer's was within a stone's throw of the notorious Concentration Camp Sachsenhausen; he made innumerable duty trips to the various concentration camps. He ordered that anaesthetics be dispensed with, and told one of the camp dentists that too much

consideration was being shown in the treatment of inmates. In our consideration of the tasks of Amtsgruppe D, we must not forget a rather special group of crimes committed in the concentration camps, the medical experiments on involuntary human guinea-pigs. Thousands were murdered and tortured by freezings, poisonings, infections, and sterilizations. These acts were perhaps the most spectacular of all War Crimes and Crimes Against Humanity. The judgments of the International Military Tribunal and Military Tribunal No. I in the recently concluded case against Karl Brandt et al have established their criminality beyond all doubt.

While there is credible evidence in the record that a number of the defendants were connected with criminal medical experiments, the Prosecution is content -- in order to simplify the issues -- to limit this aspect of the case, so far as personal participation is concerned, to the defendant Pohl. This man, as chief of the WVHA, was a necessary party to these crimes. Concentration camp inmates were the unwilling victims of the experiments. They could be made available only through Pohl and Amtsgruppe D of the WVHA. On 4 December 1942, Maurer, Chief of Amt D II, directed that prisoners assigned for experimental purposes should be listed as such on the daily roster, and that directors of employment should be informed accordingly. In a letter of May 1943, Pohl considered the appointment of a doctor to supervise all experiments in concentration camps, so as to relieve Amt D III's Lolling of that responsibility. He stated that eight to ten series of experiments were going on at that time. After 15 May 1944, the consent of Pohl's subordinate Gluecks had to be secured before

any experiment could be performed on inmates.

Although he was not a doctor himself, Pohl had a detailed knowledge of most of the experiments and he took a personal interest in several. In his own affidavit, he admitted knowing of the malaria, high altitude, freezing, blood coagulation, gas, and sterilization experiments. He was also candid enough, before the trial began, to concede that the experimental subjects were not volunteers and that non-German nationals were frequently used. Pohl witnessed some of the high altitude experiments in company with Himmler. Pohl encouraged efforts to develop a cheap and effective method of mass sterilization, the sole purpose of which was to destroy the Jews while temporarily preserving those capable of work. The Polish Jew Balitzki, who testified before this Tribunal, is one of the few survivors of the horrible X-ray sterilization experiments in Auschwitz. At the same time, Klauberg was performing sterilization experiments in Auschwitz on women. Pohl stated self-righteously that he "declined Klauberg's invitation to see his experiments". (NO-065, Pros. Ex. 183, R.36D, Bk.VII).

Pohl initiated the food experiments in Mauthausen, which resulted in the death of a substantial number of inmates. He personally approved of the allocation of no less than 400 inmates for the murderous typhus experiments by Haagen in Natzweiler.

Were there no other proof in the record, the evidence on the criminal medical experiments would require the condemnation of Pohl. No sentence, however severe, can atone for these crimes.

We now turn to the defendants in Amtsgruppe W. No group of men in Germany is more directly responsible

for the working to death of thousands of concentration camp inmates. The SS enterprises originated as concentration camp enterprises in Dachau and Oranienburg and never became anything else. They were in many instances the heart and center of the camp. The DAW plants grew out of the workshops in the camps and the locations of many camps were chosen because of their proximity to the stone quarries operated by DEST. The record here has a thousand times confirmed the accuracy of the statement in the lecture material sent to Fanslau that the purpose of the SS industries was

"to get hold of all anti-social elements, which no longer had a right to live within the National Socialist State, and to turn their working strength to the benefit of the whole nation. This was effected in the concentration camps. The Reich Fuehrer SS, therefore, delegated SS Obergruppenfuehrer Pohl to set up concentration camp enterprises. In addition, he gave orders to establish companies on a private economy basis for the purpose of employing the prisoners.

"National Socialism maintains this point of view: The State gives orders to the economy. The State does not exist for the benefit of economy, but economy exists for the benefit of the State."

Another memorandum written by an office chief of the SS industries states that

"the tasks were set by the Reichsfuehrer-SS in his capacity as Reichsleiter of the NSDAP. This applies in particular to the enterprises founded by the authority of the Reichsfuehrer-SS. These receive allocations of concentration camp prisoners as workers in order to be able to master the economic tasks of the Four Year Plan.

"The large-scale use of the labor of concentration camp prisoners by the Reichsfuehrer-SS is therefore a measure of the NSDAP, as the "Dynamic element" in the state".

The treatment which the inmates received while they worked in the W-industries indicates that these defen-

dants used human fuel for the National Socialist dynamo.

Under W-I and the defendant Mummenthey were the lethal stone quarries of the SS. The Flossenburg, Mauthausen, Gross-Rosen, and Natzweiler quarries were all taken over by DEST before or at the same time concentration camps were established there. The same is true with respect to the brick works at Neuengamme and Stutthof Concentration Camps.

These devilish enterprises multiplied like toxic mushrooms. By May 1941, DEST had brick works at Oranienburg, Nuengamme, and Berlstedt, granite works at Mauthausen, Flossenburg, Gross-Rosen, and Natzweiler, and a stone processing plant at Oranienburg. Additional plants of DEST were the gravel works at Auschwitz and Treblinka, a granite quarry at Blizyn, a klinker works at Linz, near Mauthausen, debris-utilization plants in Essen, Duesseldorf, and Hamburg, the stone quarries of Beneschau near Prague, and the Southern Styrian Granite Works at Marburg. Except for the last two named plants all of these industries used concentration camp labor.

At least fifteen thousand inmates were working at one time in the plants subordinated to Amt W-I, and the turnover was rapid.

DEST also produced armaments with inmate labor during the war.

At Flossenburg, Messerschmitt supplied the raw material and machines and DEST furnished the inmates, work locations, and some of its equipment. Munitions were also produced by DEST at Mauthausen, Sachsenhausen, Natzweiler, and Gross-Rosen. These armament projects, like the stone quarries and brick plants, were controlled and supervised by the defendant Mummenthey and Amt-I.

The way of a transgressor of the strict regulations led straight to one of the punitive companies of DEST, where life expectancy was particularly short. Twenty to thirty of the two hundred inmates assigned to the punitive detachment perished each day at Mauthausen. The record drones in monotonous repetition of inmates shot, inmates hanged, inmates starved, worked to death, beaten and scourged.

We have already described extensive operations of the WVHA in the eastern occupied countries. One of the most important of these WVHA operations was carried on by the defendant Bobermin, Chief of Amt II. This office played a large and essential part in the exploitation of Poland. It operated the brick works which had been seized from the Jews there. More than 400 such plants were under Bobermin. These plants were taken from Jews and Poles, most of whom, according to Bobermin, had fled. The reason for their fleeing -- those who were fortunate enough to live to flee -- was of course to escape the Sonderkommandos and Einsatzgruppen. A report made by the defendant Volk, which shows intimate knowledge of the operation of the Eastern plants, mildly says that a large part of the workers, had died during the war, had escaped, were prisoners of war, or were sent to the Reich to work.

The whole world knew that thousands of dispossessed Jews and Poles were being methodically wiped out by the SS and SD, but SS Obersturmbannfuehrer Bobermin, ensconced in his office at Posen and devoting his entire time to the management of over four hundred plants whose labor supply came mainly from the Ghettos, never heard a word of all this until after the war. The revelation must

have been a shock to his whole nervous system.

He had 80 plants in the Litzmannstadt area, and the record tells of the murder of thousands in the Ghetto there, but Bobermin heard nothing. Truly, he must be one of the most disillusioned men in Germany.

The International Military Tribunal found that one-third of the population of Poland was killed in the course of the German occupation but Bobermin testified that he did not hear of a single case in which a Pole was mistreated. In the acquisition of the property of these Jews, Bobermin insists on a distinction between seizure and confiscation. Seizure, he says, means that the property will be returned to the owners some day. A kind of corporate trustee to take over Jewish property was in fact set up. But most of the Jews were killed before the trustee organization East took possession and and no one seriously expected Goering and Himmler ever to seek out their collateral heirs.

Here we find another instance of the WVHA organizing and utilizing the stolen property of murdered people. When Bobermin came into Poland, he was not technically attached to the Einsatzgruppen. But his function was to thresh what they had harvested. The prosecution charges that he either knew of the source of this property or that he deliberately closed his eyes to what was taking place.

Inmates and guards from the nearby camp were used in the great cement works near Auschwitz, another project of Bobermin's. He visited the plant several times. He knew that when inmates were no longer able to work, they were sent back to Auschwitz but he had no idea, he claims, that they were to be exterminated. We were not

able to find an inmate from the survivors of Auschwitz who had worked in Bobermin's cement factory. Considering the legions who went up the chimney at this infamous camp, this is not surprising. But the evidence has shown that the treatment of slave labor was uniform, and that when an inmate who was too weak to work was sent to Auschwitz, he was only furnished with a one-way ticket.

The defendant Klein was office Chief of W-VIII, the office for so-called special tasks which was in charge of the reconstruction of Wewelsburg. The concentration camp Niederhagen was established for the purpose of supplying inmate labor for this project and hundreds of inmates died from overwork, starvation and cruelties of the guards and foremen. Klein's periodic situation reports to Pohl are part of the record and show that Klein considered the Wewelsburg enterprise as his most important task and that he was fully informed about every phase of it, including the allocation of inmate labor. The documents show his dissatisfaction with the number of inmates available for the construction, and his attempts to increase the number of inmates in the camp at Wewelsburg. They also show his negotiations to obtain construction material, and together with the defendant Frank, additional funds for the project. He reported to Pohl on the exact number of inmates used and state of the work in progress. These reports were also distributed in Staff W. In five months 1,200 inmates died, out of a total of 1,800 in the Wewelsburg camp. The deceased inmates came from ten different countries. A resident of the near-by village testified that the high death-rate/mistreatment of the inmates was public knowledge and

ledge, even though the inhabitants tried to notice as little as possible.

The Kranichfeld building project, which used inmate labor, was also under W-VIII and its status was included in Klein's reports. In February 1944 Baier, Chief of Staff W, wrote to Klein that he had discussed allocation of prisoners for Klein's office with Maurer and that for the time additional inmates from Buchenwald could not be supplied for one of Klein's projects.

Klein was also involved in several confiscations of foreign property. Although his office was interested in only part of the Lobkowicz property, Klein investigated the entire estate. His letters state that he had negotiated with the Regional Gestapo Headquarters and with the RSHA in the confiscation proceeding. He recommended confiscation of the entire property. He wrote to the defendant Hohberg that "The transactions in the Lobkowicz matter are to be carried out by this office." Hohberg a short time later advised Klein that "the confiscation decree is ready to be sent out." The property was seized by the Regional Gestapo Headquarters and fell into the grasping tentacles of the Reich. Klein was also for a time Procurist of the Nordland Publishing Co., under Amt W-7 which will be mentioned presently.

Klein has produced affidavits to show that he was only in charge of obtaining funds for the enterprises under his office, W-VIII. Even if this ridiculous contention were true, Klein's connection with these dacoities and murders would be sufficient to establish his guilt, but the documents show that his activities went further.

The defense, that his position as office chief actually carried with it no power over the enterprises in his

office, is a commonplace now. Mummert they claims that his title was only a fiction, and Bobermin testified that he received his only because it simplified the seating arrangement at banquets. Amtsgruppe W documents show, however, that Office Chiefs were considered as Pohl's deputies in their sphere of office, and that the Fuehrer principle strictly applied. It is not to be forgotten that this principle works both ways -- it not only pushes the supreme authority up, but it holds the immediate subordinate strictly accountable for everything happening within the scope of his authority.

In addition to the economic enterprises which have already been described, Amtsgruppe W had its own printing firm to disseminate the Nazi gospel. Here is how this purpose was described in the lecture material which was prepared in the legal office of Staff W and approved by Fanslau:

"The circle of the economic enterprises of the SS would not be completed, if it did not also have a great publishing office, to introduce the ideological views of the SS to its SS members and further to additional circles of the population. The Nordland publishing office GmbH had developed a great deal during the last year, and now belongs to the main publishing firms, and already today occupies the fifth place among the main publishing firms of the Greater German Reich. Besides this Nordland publishing firm, we have the Voelkischen Kunstverlag, which in the main produces pictures, e.g., photographs of the Fuehrer, the Reichsfuehrer-SS, and other important personalities from Party and State. In addition, it produces reproductions of oil paintings."

In addition, Nordland produced, it might be added, such booklets as "The Subhuman," in evidence here, which promoted the idea that Jews and Russians are members of a degenerate species unfit to be regarded as human beings.

Integration and coordination of the many extensive tasks of Amtsgruppe W was complete. Hohberg, Chief of Staff W, drafted and Pohl signed a letter which explains this unity:

"The liaison between parent corporation and subsidiaries is so close that as regards economy one cannot speak of independent enterprises but in some way of branch departments of the parent corporation *** To the person not concerned it might appear as if all these enterprises were not connected with one another. However, that is not the case".

Such close harmony between so many enterprises could only be accomplished by men of considerable genius and influence. These men constituted Staff W. Pohl instructed all of the Amt Chiefs of Amtsgruppe W "to cooperate very closely with the Staff" and that there should be "regular cooperation".

Staff W was in fact Pohl's right hand in his managerial functions. Pohl's Business Order provided that Office Chiefs were to report to him after consultation with and in the presence of Chief W and that constant liaison was to be maintained. Pohl was of course the supreme authority but he was not able to direct everything by himself and to that extent Staff W supervised the SS industries from the top level. Thus, in Baier's affidavit, he says that as Chief of Staff W he supervised the directors of the DWB in financial matters and asked questions concerning plant management, and that Hohberg had preceded him in that capacity. This is corroborated by Pohl's pre-trial statement that "He (Baier) was in charge of the holding companies under me"; and again, on the stand, that

"Staff W was the instrument which I used as the sole business manager of the DWB when I supervised the economic enterprises".

The defendants in Staff W tried to disassociate themselves from the Business Order of November 1944 which emphasized their importance by saying that the order came so late that it never was put into effect. But a witness called by the defense as an expert on Staff W testified that "actually this order only confirmed the conditions which already existed in the WVHA." He also told how Baier made efforts to have his authority within Amtsguppe W increased. When Pohl issued an order which somewhat reduced his power, "Baier was very much bothered *** he was shocked". Baier complained that he would be of no importance in the Amtsguppe if this order were carried out, and made proposals to Pohl which were adopted and incorporated into the Basic Order of Business. The same witness testified that Hohberg, who had preceded Baier as Chief of Staff W, exercised more influence than Baier did, and that Hohberg was the economic brains of Amtsguppe W.

Hohberg, realizing the importance of the position of Staff W, claims that he was only an auditor there and never its chief. But the documents prove the contrary. They show that he signed on many occasions as Chief of Staff, and was referred to by others in the Office as the Chief of Staff. The reason he avoided flaunting his title too flagrantly before outsiders was that he was afraid that the Institute of Auditors and the Reich Minister of Economics would object to his taking an official position with the WVHA. His fears in this respect were finally born out, according to a defense witness, when the Reich Minister of Economics ordered that the DVB was thereafter to be audited by an independent auditor. This completely exploded Hohberg's contention that he left his position because he disapproved of the WVHA's activities, just as one of his own witnesses had punctured his defense that he had joined the WVHA to

collect material against the SS, by letting the cat out of the bag that Hohberg was trying to dodge the draft and that he preferred to work for the SS rather than to go to the Wehrmacht.

The defendants Volk and Baier, as well as a witness for Baier, all from Staff W, testified that Hohberg was Chief of Staff and Pohl testified that the designation was correct. (1644). Hohberg should not have relied so heavily upon the SS covering up for a non-member. There was some justification for his reliance, however, because when he and Volk were in prison in the British Zone, Hohberg, according to Volk's testimony, became worried about the position he had held and asked Volk to give him an affidavit. Volk obliged and even went to the extreme of saying in it that there was never such an office in existence, nor did it have that name, nor did it perform any functions for the Party or the SS or the Reich. (5162-4) But the ties of blood-brotherhood did not exist for Hohberg and he was thrown overboard here in Nurnberg. On the stand, Volk testified that the Chief of Staff W was a position just as real as the positions of any other office chief from W I to W VIII (5156) and that Hohberg held it. (5041).

Perhaps the most ridiculous defense asserted here is Hohberg's claim that, while he was working for the SS, he was sabotaging the SS by secretly transferring its industries away from it. This he was doing, he says, by financing them from funds of the Reich, rather than using Party funds. There are three answers. First, he could not have been so stupid as to think that Himmler, Reichfuehrer-SS, would pay any attention to Hohberg's bookkeeping entries if an issue were ever raised. Second, it could be of no possible concern to the SS whether the industries were technically owned by the Party or the Reich: they would still be under Himmler and the SS. Himmler was a Reich official as well as a party official and the Waffen-SS was his agency in Reich matters. Third, Hohberg knew that the Reich was just as criminal in its activities as the party. The concentration camps were Reich concentration camps; loot from the Reinhardt Action became Reich profits; and the extermination program was a Reich program. And for the inmates it could make no difference whether they were dying in Reich industries or Party industries.

The defendant Volk, the third member in the dock from Amtsgruppe W, also attempts today to reduce his position in Staff W to that of an office boy or messenger. At most, he would have us believe, he was just the attorney for the industries. But he was much more than that. He held

positions in so many SS industries that that was given as the reason for his lapse of memory regarding some of them. In addition he was Procurist of DWB, the head of the legal office in Staff W, deputy to the Chief of Staff W, and Pohl's personal legal assistant. In this latter position he claims that he dealt only with Pohl's personal matters, but this is contradicted by his testimony that in many cases it was impossible to determine in which of his capacities he was acting. Even his secretary, he said, could not tell.

It is of course inevitable that by reason of their positions the defendants in Staff W, Hohberg, Baier, and Volk would have intimate contacts with the use of inmate labor in the SS industries. Even if document were not available to prove individual instances, that much would have been clear from the Table of Organization. But the documentation fully bears out their continuous participation.

Only a few examples need be recalled - negotiations by Hohberg when the workshops in Dachau Concentration Camp were reorganized and incorporated into the DAW; negotiations establishing the amount the Reich was to receive for the rental of inmates to the SS industries; settlement of claims against the central insurance account under Staff W for business losses caused to SS industries by insufficient supplies of inmates; negotiations by Baier with Maurer and Klein for inmate labor used by Amt W VIII; negotiations by Baier and Vogt for guards and barracks for inmate laborers to be used on the slate oil project, and the reports sent to Staff W by the German Slate Oil Company, of which Vogt was a partner, on the appalling death rates of the inmates; negotiations by Baier with the Auschwitz Concentration Camp for barracks for inmates to be used by the Gentellent firm; supervision of OSTI; participation by Hohberg, Volk, and Baier in loans from the Reinhardt fund;

the part Staff W played in converting Stutthof into a concentration camp; and Baier and Volk's trip to the Litzmannstadt Ghetto to recommend to Pohl whether it should be converted into a concentration camp.

The result of the Litzmannstadt investigation was that the Ghetto was destroyed, and thousands of Jews were killed. Greiser wrote to Pohl, sending a copy to Baier and Volk, that

"The Ghetto Litzmannstadt is not to be transferred into a concentration camp as was emphasized by SS Oberfuehrer Baier and SS Hauptsturmfuehrer Dr. Vogt".

He went on to report that the personnel of the Ghetto would therefore be reduced through the action of a Sonderkommando. Both Baier and Volk claim to know nothing about this matter, although the memorandum was addressed to them. Another memorandum which Dr. Horn of OSTI said he was forwarding to Baier and Volk reported that Eichmann and Kaltenbrunner were interested in the matter, and that before Baier and Volk went to Litzmannstadt, there were five hundred "reductions by death" per month in the Ghetto.

The infamous OSTI was under the supervision of Staff W, and Hohberg and Volk were present at the conference at which OSTI's aims were fixed -- the utilization of Jewish property and Jewish labor.

We have already referred to the essential role which Amtsgruppe C, the construction department of the WVHA, played in the concentration camp system, the extermination of Jews, and in the demolition of the Warsaw Ghetto. Kiefer was the senior office chief and deputy chief of the whole Amtsgruppe while this latter assignment was being carried out.

During the war, Amtsgruppe C undertook large scale construction of buildings and plants used in the munitions industries. This project became the largest user of concentration camp labor. The office within Amtsgruppe C which was competent for the drafting of construction plans for armament installations was under the defendant Kiefer.

The construction office from its beginning was an integral part of the concentration camp system. It built and maintained the concentration camps, and used inmate labor in all of its building projects. The history of the supervision of concentration camp construction by the WVHA goes back to the first concentration camp, at Dachau. In November 1933, building matters for the Dachau camp were taken over by the Verwaltungsamt-SS from Eicke. Eirenschmalz became chief of the construction office in the Administrative Office in 1935 and a letter written by Pohl to the SS Main Office in 1937 states that Eirenschmalz was responsible for the numerous construction projects carried out by that agency. The blue prints and documents prove that one of the projects for which he was responsible was the construction of the Buchenwald crematorium. In the WVHA both Kiefer and Eirenschmalz were concerned with construction projects in the concentration camps. The table of organization and the blue prints show that Kiefer drew the plans for sick barracks for the inmates and troops

in the concentration camp. Blue prints bearing Kiefer's signature for such construction projects in the Auschwitz concentration camp are in evidence. The documents show that Pohl's office retained control over the construction of crematorium and gas chambers to the end. The famous gas chambers and crematorium known as "Barracks X" at Dachau was ordered, checked, and approved by the WVHA. Amt C I and C III planned and supervised the construction, and the job of making a preliminary examination of the expenses of such projects fell to Eirenschmalz, Chief of C VI. There is positive proof that he made such preliminary examination of the accounts in the building of the gas chamber Auschwitz. Eirenschmalz also checked and approved applications for maintenance work in the concentration camps. These were Eirenschmalz's contribution to the solution of the problem of the inferior races -- the Jews, Poles, and Russians.

Amtsgruppe B of the WVHA was the supply department for the concentration camps. Its chief was the defendant Georg Loerner, its deputy chief was the defendant Tschen-tscher, (who was also in charge of the food office) and the defendant Scheide was the chief of the transportation office. The many diversified functions of Georg Loerner illustrate the complete integration of the various Amtsgruppe of the WVHA. In the first of the SS administrative organizations which preceded the WVHA, the Verwaltungsamt-SS, Georg Loerner was Chief of the Main Department V-3, responsible for clothing the inmates and for supply of clothing for the Death Head units. When this bureau was reorganized, Georg Loerner became the budget chief of the Main Office. One of his sub-offices, I-5, was in charge of labor allocation of inmates. In the WVHA, he was Chief

of Amtsgruppe B, responsible for food and clothing for concentration camps, Deputy Chief of Amtsgruppe W and second manager of the holding company of the SS industries, and Deputy Chief of the entire Main Office.

In these various offices Georg Loerner was successively responsible for supply, finance, for labor allocation, and for the SS industries. When anyone talked to Georg Loerner, they were talking with an expert in every aspect of the WVHA.

The defendant Scheide, Chief of Amt B-V, was in charge of the entire transport system of all the Amtsgruppen of the WVHA. He supplied trucks and other motorized equipment and arms and ammunition to Amtsgruppe D.

The proof establishes his responsibility and that of his Deputy and Chief of Office B I for inadequate clothing and for insufficient food. The contention that the food office was not responsible for food is not credible. Specific instances are proven by witnesses in which Tschentscher did handle concentration camp food. The repudiated pre-trial statement of Pohl and the repudiated affidavits of Frank, Vogt, Fanslau and of Geror Loerner himself all show that Amtsgruppe B was the highest authority for concentration camp food and since these statements are corroborated by established fact, they should be accepted as true.

That Tschentscher had large supplies of food on hand while inmates were starving to death is not disputed.. The evidence shows that inmates died during the winter months from insufficient clothing. Clothing factories under Loerner used inmate labor. Loerner, and Tschentscher as his Deputy have special responsibility for Action Reinhardt.

Georg Loerner, Frank, and Pohl visited the Reichbank and were shown the contents of the vaults by Emil Puhl. Puhl told them that their things were among the loot there. Loerner prepared a report on the 825 carloads of textiles which came from Concentration Camps Auschwitz and Lublin. Clothing from the Action was handled by his office B II. Burger of Amtsgruppe D reported to him that clothing was coming from "Aktionen in Auschwitz and other camps". The same report refers to arrivals in concentration camps from the "Hungary Program" (Judenaktion), from the Litzmannstadt Ghetto, and to the arrival of 400,000 Poles from Warsaw. Lorner as Deputy Chief of Amtsgruppe W could have done something about conditions in the SS industries, but he preferred to abdicate his authority to the members of Staff W.

One word now, before we leave the defendants of Amtsgruppe B. There is a mass of evidence concerning the activities of Tschentscher while he was with the SS Viking Division during the Russian campaign in 1941. This will be briefly discussed in a moment, along with the activities of his fellow-officer Fanslau.

Office A-1 through A-5 of Amtsgruppe A were under the supervision of the defendant August Frank, until September, 1943. Sometime after that date, Fanslau, who had been Frank's deputy, became his successor. Each office in Amtsgruppe A played an essential part in the administration of concentration camps. Hans Loerner, as Chief of A-1 was the chief budget officer for them. Here, close co-ordination between Amtsgruppen A and D was required. D-4 put together the various items of the budget for all concentration camps, according to Pohl, "and then passed it on as part of the whole budget of the Waffen SS to Amtsgruppe A which then *** reviewed the budget for the concentration camp". In May 1942, Hans Loerner and Frank

negotiated the budget for 13 concentration camps, including one for women and one for youths. Hans Loerner's report to the Auditing Court concerning Stutthof shows that the Chief of A-1 was required to have extensive knowledge of concentration camp fiscal affairs and negotiations there emphasize the close cooperation of all the WVHA offices in managing them.

Hans Loerner in the Budget Office and later, after April 1944, as chief of A-2 and as Deputy Chief of Amtsgruppe A, is implicated in the Reinhardt Action. It is of course unthinkable that these tremendous sums of moneys were handled without the assistance of Pohl's chief fiscal officers. The secret directive by Pohl, in July 1944 concerning the utilization "of all movable and immovable Jewish belongings" and instructing "that the entire Jewish property is to be incorporated into the Reich property" was sent to Hans Loerner. Pohl admitted on cross-examination that the reason this basic directive was sent to him was because "A-1 was the part of the WVHA which dealt with the central regulations of this matter". Over 6,800,000 RM from the Reinhardt Account was credited to the SS Savings Association, another of Hans Loerner's projects, so that the German Red Cross could be repaid the money which it had lent various SS industries through the Savings Association. This whole transaction is very complicated: one of the wheels within wheels was that Pohl was one of the directors of the German Red Cross.

The second office in Amtsgruppe A, under Hans Loerner after April 1944, was the Treasury Office. It was this office which physically received the gold and jewelry from the murdered inmates and passed the watches on to Sommer in D-II (Frank, 2461). Since Mellmer, one of the subor-

dinates of A-II, was not able to join the reunion here, owing to a previous engagement, most of the criminality for this project has been blamed upon him. A-III under Frank himself was the legal office. Its function was to handle the legal details in the purchase of concentration camp sites. A-IV under the defendant Vogt audited the books of the concentration camps and the proceeds of the Action Reinhardt.

The defendant Fanslau was in charge of the personnel office of the WVHA which was the fifth office in Amtsgruppe A. He was Frank's deputy and after Franks' departure he was the senior officer there. In May or June 1944 he was charged with the direction of the entire Amtsgruppe. The proof shows that Office A-5 under Fanslau was the personnel office within the WVHA, and all appointments of commandants and administrative officers were cleared through it. Frank and Fanslau deny this, but captured documents prove that it is true. The official chart drawn up in the WVHA describes one of the departments under Fanslau as follows:

"Concentration Camps: replacements, releases, promotions, assignments, transfers, training" (Attached to Amtsgruppe D).

In addition, actual transfers of concentration camp commanders signed by Fanslau have been introduced in evidence in rebuttal. In this connection, the proof also shows that personnel from the WVHA was transferred to the East and placed at Globocnik's disposal for use in Action Reinhardt and the Osti operations. Fanslau's denials in this respect are contradicted by official captured reports.

A few remarks on the participation of Fanslau and Tschentscher in the campaign of frightfulness conducted by the SS Viking Division in Poland and Russia will be interpolated parenthetically here. Fanslau, as adminis-

trative officer of the Viking Division, was one of its highest ranking officers. Tschentscher was his deputy. They were in command of the Supply Battalion of the Viking Division.

On direct examination, when Fanslau was asked about the mistreatment of Jews, he made the following statement:

"I may say that during my whole time of service at the front with the Waffen-SS, and also with the police, I saw nothing which indicated in any sense of the word from a human soldier, or any international point of view anything that would have been illegal. Individual offenses which happen in all armies of the World after all, so far as I could see at the time, were prosecuted legally whereby justice was done." (3161)

We will refer to the testimony of Otto only for the purpose of corroborating the testimony of other witnesses. The testimony of Fanslau, Tschentscher, Sauer, Jollek, Goldstein and Otto place the Supply Battalion at Tarnopol and Zclozow at the very time when wholesale massacres of the Jewish population were taking place. These massacres are proved by the Einsatzgruppen documents and by the testimony of Sauer, Goldstein, Jollek and Otto. That Jews were rounded up and forced to work in the slaughter houses at Tarnopol by the men of the Supply Battalion is proved by the testimony of Sauer, Goldstein and Otto. That they were killed there was known by Goldstein, who helped to bury them, and by Otto, through hearsay. Sauer saw them mistreated there by members of the Supply Battalion. He positively identified not only the trucks but also the personnel of that unit.

That the Supply Battalion participated in the killing of Jews at Zclozow was seen by Jollek and Otto. Jollek knew that the men from the Viking food division

were among those carrying out these murders.

Sauer saw a non-commissioned officer of the Supply Battalion kill six Jews at another place and witnessed numerous mistreatments of Jews by members of this unit.

One of the most significant points of Sauer's testimony was that after Tschentscher was transferred, he never saw another incident of this kind. In considering Tschentscher's credibility in this matter, it should be remembered that he testified that he left the Supply Battalion in November 1941, whereas his own affidavit, his official transfer and his personal service record all fixed the date of his detachment from the Viking Division as December 31.

If General Yamashita could be executed for being the commanding general in charge of troops who committed atrocities several provinces away from his headquarters in Manila, Fanslau and Tschentscher should be made to bear their responsibility for what was done all around them by men whom they knew by name.