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### Final Brief on the Criminal Responsibility of Otto von Erdmannsdorff

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

CASE NO. 11

THE UNITED STATES OF AMERICA

V.

ERNST VON WEIZSAECKER, et al.

FINAL BRIEF ON THE  
CRIMINAL RESPONSIBILITY

OF

OTTO VON ERDMANNSDORFF

Nurnberg

30 October 1948

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# I. THE CHARGES.

The defendant Otto von ERDMANNSDORFF is charged under Count V of the Indictment, with the commission of War Crimes and Crimes against Humanity as defined in Control Council Law No. 10, in that he participated in atrocities and offenses including murder, extermination and enslavement, deportation, imprisonment, killing of hostages, torture, persecution on political, racial and religious grounds and other inhumane and criminal acts against German nationals and members of the civilian populations of countries and territories under the belligerent occupation of or otherwise controlled by Germany.

The defendant von ERDMANNSDORFF was also charged under Count I and II of the Indictment with participation in, planning, preparation, initiation and waging of wars of aggression and with participation in a common plan and conspiracy; and under Count III with War Crimes in that he participated in atrocities and offenses against prisoners of war. However, in the course of the trial the charges under Count I, II, and III were eliminated.



## II. CAREER AND POSITION OF RESPONSIBILITY.

The defendant Otto von ERDMANNSDORFF was born at Dresden, Germany, on October 22, 1888. He attended high school and universities in Germany where he studied law, and passed his bar examination in 1918.

In 1918, he joined the German Foreign Office as an attache, was regularly promoted and became in 1928 an Embassy Counsellor in China, after having served previously in Riga, Mexico City and other places.

After Hitler came to power in 1933, von ERDMANNSDORFF was recalled from the Far East and became Chief of the East Asia Group in the Foreign Office: in 1936, he was appointed Minister First Class. In 1937, he was sent to Budapest as German Minister.

At the end of June 1941, he was recalled from Budapest to the Foreign Office in Berlin and from that time, he was Deputy Chief (Ministerialdirigent) of the Political Division of the Foreign Office. Until 1943, he was subordinate to the Under State Secretary Woermann, a defendant in this trial, and after 1943 to Woermann's successor, under whom he worked until the end of March 1945. During the years when ERDMANNSDORFF was active as Chief of the Political Division, his division consisted of some twelve to sixteen sections (Referate).

In May 1937, on the occasion of his transfer from Berlin to Budapest, ERDMANNSDORFF became a member of the NSDAP. He was also a member of the League of National Socialist Jurists.

The above-mentioned personal data concerning this defendant are contained in Prosecution Exhibit 9 (Doc. Bk. 1, p. 35), which is an affidavit of the defendant von ERDMANNSDORFF. Before his arrest in 1947, von ERDMANNSDORFF worked as one of the assistants to the public prosecutor in Hamburg, Germany.



### III. THE ROLE OF THE POLITICAL DIVISION IN THE GENOCIDAL PROGRAM.

The charges against the defendant ERDMANNSDORFF are mainly concerned with the period from 1941 to 1945, when ERDMANNSDORFF was Deputy Chief of the Political Division. The head of this important division was an Under State Secretary: until 1943 the defendant Woermann, later his successor Andor Hencke. ERDMANNSDORFF was also subordinate to the State Secretary, until 1943 the defendant von Weizsaecker, from then on the defendant von Steengracht.

The mass murders of six million European Jews were knowingly planned and perpetrated by the Political Division of the Foreign Office, in collaboration with other divisions within the Foreign Office, and with divers other government departments and agencies of the Third Reich and of the NSDAP. The degree of Foreign Office control and participation in this plan and program is indicated alone from the fact that more than ninety-five percent of these victims were foreign (non-German) nationals, and hence - so far as this genocide action was concerned - fell under the jurisdiction of the German Foreign Office.

Within the Foreign Office, two divisions worked together closely in this murderous program. The Political Division in charge of foreign policy matters, and of the foreign relations and diplomatic aspects of this program; and the Division Deutschland, which performed important operational duties, especially the liaison with the hangmen of the RSHA and the SS.

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



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

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



The role of the Political Division in the mass-murder of six million Jews is proven by hundreds of prosecution documents. As deputy chief of this division ERDMANNSDORFF is responsible for all criminal acts conducted in this division under his direction. However, in order to avoid repetition, the Prosecution will limit itself in this brief principally to those exhibits which show his direct participation. The other briefs concerning the activities of the Foreign Office and its Political Division should be regarded as part of this brief.



#### IV. ERDMANNSDORFF'S RESPONSIBILITY FOR THE PLANNING AND IMPLEMENTATION OF THE PROGRAM OF EXTERMINATING THE JEWS OF EUROPE.

The established German foreign policy for persecuting the Jews was extended and intensified after the outbreak of the war and its early successes. In 1941 at the German zenith of power in Europe, a program for the persecution of all European Jews was initiated, and the previous policy of driving the Jews out from the European continent as paupers was replaced by the program of their complete annihilation by actual murder.

Among the many documents proving this plan and its implementation, is Prosecution Exhibit 1452 (Doc. Bk. 59, p. 84), the record of the infamous Wannsee Conference of German state secretaries and under secretaries establishing an inter-departmental program of mass murder unprecedented in history. The Foreign Office was represented in this conference by the Chief of the Division Deutschland, Under Secretary Martin Luther. In this departmental conference, it was resolved

"Under proper direction the Jews should now, in the course of the final solution, be brought to the East in a suitable way for use as laborers. In big labor gangs with separation of the sexes, Jews capable of work are brought to these areas and employed in road building in which task undoubtedly a great number will fall out through natural diminution."

In order to leave no doubts that this was a program of calculated and merciless genocide, the record continues:

"The remnant that finally is able to survive all this .. since this is undoubtedly the part with the strongest resistance - must be given treatment accordingly, since these people, representing a natural selection, are to be regarded as the germ cell of a new Jewish development, should they be allowed to go free (see the experience of history)."  
(pp. 90 and 91 of the above mentioned Exh. 1452).

There were of course various aspects of foreign policy which had to be discussed during this session since out of the eleven million Jews scheduled for murder only about 132 thousand were German nationals (see page 89 of the same document). Hence, in



this process of genocide, the German Foreign Office dealt diplomatically with the more than thirty governments of occupied areas, semi-occupied areas, satellite states, puppet states, otherwise controlled states, neutrals, and Axis - allies which had, to greater or lesser degree, local jurisdiction over Jews in their territories. Such aspects of foreign relations were brutally deliberated in this session, for instance when the Foreign Office hazarded that it would not have too many difficulties in the Southeast and West of Europe but some might develop in the Northern countries (p. 92 and 93).

The defendant ERDMANNSDORFF, as acting Chief of the Political Division, started with the implementation of the gigantic program of genocide right after its inception, supported by his able counsellors, the experts for the various countries, known in the files as Pol. IV, V, etc.

Seven months later to the day, on August 21, 1942, the head of the Department Deutschland, which handled the operational angles and the liaison with the Gestapo and the other hangmen units, prepared the first official progress report on the program (Pros. Ex. 1455, Doc. Bk. 59, p. 128, et seq.). It was a report that the interested Political Division could read with pride for the achievements reached in common murder efforts with the operational division.

In order to prove the guilt of the defendant ERDMANNSDORFF, under Count V of the Indictment, no other document would be necessary beyond this one progress report which establishes ERDMANNSDORFF's participation beyond any doubt.

The activities of ERDMANNSDORFF as acting Chief of the Political Division (in the German text abbreviated Dir. Pol., in the English translation referred to as director) are very exactly reported on as follows:

Prosecution Exhibit 1455 (Doc. Bk. 59, p. 132 and 133) shows



that ERDMANNSDORFF co-signed the order for the deportation of Jews of Roumanian, Croat, and Slovak nationality, after the preparatory pressure was brought to bear on the Roumanian, Croatian and Slovak governments. It is expressly noted in this official report that the deadly dispatch to the RSHA causing the deportations has been co-signed by ERDMANNSDORFF, indicated in the German original as "Dir. Pol.", translated as "Director of the Political Division"; Section 4 of his Political Division (Pol. IV) had also signed this dispatch.

The official report gives an exact account of the gruesome story of murder conducted by diplomatic dispatches. This story (See p. 132) reads as follows:

"The German Legation in Bucharest reports with reference to D III 602 Secret, that the Rumanian government would leave it to the Reich government to deport their Jews along with the German Jews to the ghettos in the East. They are not interested in having the Rumanian Jews return to Rumania.

"The Legation in Zagreb has informed us that the Croat government expresses gratitude for the gesture of the German government; but it would appreciate the deportation of its Jews to the East (Compare D III 624 Secret).

"The Legation in Pressburg reported with reference to D III 661 Secret that the Slovak government is fundamentally in agreement with the deportation to the Eastern ghettos. But the Slovak claims to the property of these Jews should not be endangered.

"The wire reports have also been submitted, as customary, to the Reich Foreign Minister's Bureau.

"On the basis of the reports of the ministers I have informed the Reichssicherheitshauptamt (Reich Main Security Office) with reference to D III 661 Secret that the Jews of Rumanian, Croat and Slovak nationality could also be deported; their fortunes should be blocked. The Director of the Political Division, Section IV of the Political Division, Section IV of the Legal Division and Section IV of the Division for the Economic Policy have co-signed the dispatches. Accordingly, the deportations of the Jews from the occupied territories was undertaken."

The report states clearly that the authorization of the Foreign Office - with the participation of the defendant ERDMANNSDORFF - was given to the Reich Main Security Office (RSHA), also known as Gestapo. They were the hangmen as it is pointed out in the IMT decision (Vol. I, p. 250):



"In the summer of 1941, however, plans were made for the "final solution" of the Jewish question in Europe. This "final solution" meant the extermination of the Jews, which Hitler early in 1939 had threatened would be one of the consequences of an outbreak of war and a special section in the Gestapo under Adolf Eichmann, as head of Section B-4, of the Gestapo, was formed to carry out the policy".

The same official report (Prosecution Exhibit 1455, Document Bk. 59, p. 137) proves that ERDMANNSDORFF participated also in the program of deportation of Bulgarian Jews to the Eastern Camps. The death warrant for the Bulgarian Jews was signed by ERDMANNSDORFF as the director of the Political Division together with the Under State Secretary (defendant Woermann) and the State Secretary (defendant Weizsaecker). ERDMANNSDORFF's subordinate, the head of Pol. IV, was also a co-signer of this death warrant.

The official report gives also an exact account of these murders by "diplomacy" (page 137):

"I therefore notified the German Legation in Sofia, ad D III 497 Secret, under date of 19 June, in reference to the suggestion of the Bulgarian Foreign Minister Popoff at his reception to contact the Bulgarian Government and find out whether it was prepared to come to an agreement in the Jewish problem that there should be no rights from the trade and shipping pact given effect in favor of the Jews in the promise of reciprocity.

"If the question is put from the Bulgarian side as to whether Germany is ready to deport Jews from Bulgaria to the East, the question should be answered in the affirmative, but in respect to the time of the deporting should be answered evasively. This decree was co-signed by the State Secretary, the Under-State Secretary, the Director of the Political Division, the Director of the Division for Economic-Policy, Section IV of the Political Division, Section IV of the Division for Economic-Policy, and also by R. (Tr. Note: Ribbentrop). The Legation exchanged notes with the Bulgarian Government and reported that the Bulgarian Government is fundamentally prepared in the problem of the evacuation to sign an agreement with us. Thereby the basis is given to include the Bulgarian Jews in the Jewish measures (D III 559 Secret and 569 Secret)."

The defendant ERDMANNSDORFF was cautious enough not to take the stand and not to deny that he had co-signed these death warrants before they were dispatched to the RSHA, Attention Eichmann, and to the German Legation in Sofia. He was well aware that any such denial



would have been disastrous in its consequences for his credibility, for he had previously been confronted with his own signature on the very orders cited by Luther.

ERDMANNSDORFF's division also participated in ordering the deportation of twenty thousand young Slovakian Jews to the East through sending a respective order to the German legation in Pressburg. This order was signed by ERDMANNSDORFF's Political Group IV, together with the Under State Secretary (defendant Woermann) and the State Secretary (defendant Weizsaecker).

This operation is described in the official report as follows (p. 133):

"The number of the Jews deported in this way to the East did not suffice to cover the labor needs there. The Reichssicherheitshauptamt therefore, acting on the instruction of the Reichsfuehrer-SS, approached the Foreign Office to ask the Slovak Government to make 20,000 young, strong Slovak Jews from Slovakia available for deportation to the East. The German Legation in Pressburg was provided by D III 874, with proper instruction. The instruction was signed by the State Secretary, the Under State Secretary in charge of the Political Division, and Section IV of the Political Division."

The official progress report of Luther (Pros. Ex. 1455 Doc. Bk. 59) clearly establishes that the work of the defendant ERDMANNSDORFF and his Political Division was essential and requisite in the mass deliveries of Jews of non-German nationality to the death camps of the East. The implementation of the genocidal program directly through ERDMANNSDORFF embraced alone in these instances tens of thousands of Southeastern European Jews.



Proof that ERDMANNSDORFF as acting chief of the Political Division, took a consenting part in or was connected with the persecution of the Jews all over Europe during the years 1941 to 1945, is contained in the following documents:

1. Slovakia.

When the German Minister to Pressburg, Ludin requested directives and information from the Foreign Office in Berlin regarding the deportation of Slovakian Jews which had reached a deadlock in the summer of 1942 due<sup>to</sup> the clerical intervention, the defendant ERDMANNSDORFF was advised immediately (See his name on the distribution list of Exhibit 1635 Book 60-A, p. 71). In order to quash this clerical intervention ERDMANNSDORFF's sub-group IV D received the working copy (Exhibit 1635, Book 60-A, p. 71). The defendant Weizsaecker signed the answer to the request from Pressburg bringing pressure to bear on the Slovakian Prime Minister Tuke by notifying him of the German government dissatisfaction over the escape from deportation of the 35,000 Slovak Jews. ERDMANNSDORFF's section Pol. IV - which had worked out the plan of action here - was informed also of the action taken in the matter over Weizsaecker's signature (Exhibit 1635, p. 72).

2. France.

Another action in which ERDMANNSDORFF and his division participated was the deportation of the French Jews (See Exhibits 1687, 1693 and 1702 in Document Book 60 B). ERDMANNSDORFF's Section Pol. II dealt with these murder allocations as can be seen on page 112 of this book. He himself received one copy and his Pol. II received the working copy of the Abetz memorandum of August 20, 1940 about the anti-Jewish measures which were to be undertaken in France, and



had to be authorized by the Foreign Office including ERDLIANS-  
DORFF's division.

There is hardly a document in the terrible and pitiful story of the deportation of the French Jews which does not involve ERDLIANSDORFF and his political sections. In fact, his sections worked on the plans for this murder enterprise: Document NG 3264, Document Book 60 B, p. 140 proves that the working copy was in the hands of ERDLIANSDORFF's section Pol. I G. ERDLIANSDORFF was of course also informed of the steps concerning the imposition of the Yellow Star identification for the Jews in France in 1942 (Exhibit 1702, Book 60 B, p. 184 and 185).

#### Looting Jewish Property in France

The defendant ERDLIANSDORFF was also connected with the execution of the German policy to "confiscate" the property of the Jews in France by "quiet, special ordinances" (Exh. 1765, NG 3444, Doc. Bk. 64, p. 89). As deputy chief of the Political Division he received currently the reports on the looting of Jewish property in France in 1942 and 1943 without offering any objections to these measures (Exh. 1766, NG 297-A, Doc. Bk. 64, pp. 91, 92; Exh. 1766, NG 2970-B, Doc. Bk. 64, p. 93. See also Exh. 1767, NG 3452, Doc. Bk. 64, p. 94). See also his knowledge of the pogroms scheduled for French North Africa (Exh. 1775, Doc. Bk. 60-B, p. 193).

ERDLIANSDORFF himself, it is interesting to note, was living during the same period in an apartment in Berlin which was formerly the apartment of one of the victims of the anti-Jewish policy. In his application of March 21, 1942 to the personnel division for a special grant for re-modelling this apartment ERDLIANSDORFF stressed that "as deputy chief of the Political Division I have certain representational obligations towards foreign diplomats." (Exh. 1769, NG 2895, Doc. Bk. 64, p. 98). In this brief we have shown that further duties of



ERDMANNSDORFF entailed bringing pressure to bear on those diplomats and their governments to drive their Jews out of their homes to the death camps of the East.

### 3. The Netherlands

The defendant ERDMANNSDORFF, took a consenting part in the actions undertaken at the beginning of 1941 against the Jews of Amsterdam (Pros. Ex. 1677, NG-2805, Doc. Bk. 60 B, p. 47). Together with other leading officials of the Foreign Office, the defendant ERDMANNSDORFF consented to the murderous procedure of the Foreign Office in agreeing "with the view taken by the Reich Security Main Office and also advocating reprisal measures against the Jews as instigators of the unrest" in Holland (Pros. Ex. 1679, NG-3700, Doc. Bk. 60 B, pp. 51/52).

The defendant ERDMANNSDORFF took a consenting part in and was connected with the deportation of Jews from the Netherlands to the Eastern extermination camps in the years 1942 to 1944 (Ex. 1684, NG-2631; Ex. 1681, NG-2634; Ex. 1683, NG-2633, Doc. Bk. 60 B, p. 68 et seq.). This correspondence between the representative of the Foreign Office to the Reich Commissioner for the Netherlands, the late Seyss-Inquart, and the Berlin Foreign Office gives a full account of the deportation of the entire Dutch Jewish population to the death camps and shows (p. 68) what measures were used in order to cover up the wholesale murder of the Dutch Jews so as to sidestep protests being lodged by the Protective Power, the Swedish Government. The fact that the defendant ERDMANNSDORFF and his division worked on and were concerned with this operation is shown by his initial on page 77, (Bk. 60 B), furthermore by the copy sent to his Section Pol. II on May 3, 1943 (p. 81), by the Document of June 30, 1943 (p. 83), reporting--a kind of jubilee--that the hundred thousandth Jew has been removed to the East, and that the manhunt for the remaining Jews is still going on. Also this document was in the hands of ERDMANNSDORFF's Pol. II. His Pol. II was even concerned with the few left overs, namely the one hundred and fifty Dutch Jews of Portuguese-Jewish faith, as proven by the memorandum of February 12,



1944 (on page 86), which was sent to ERDMANNSDORFF's Pol. II for information.

#### 4. Denmark

The valiant Danish King had succeeded in protecting the Danish Jews even under German occupation. Therefore their deportation had to be achieved through a night time Blitz-action. The defendant ERDMANNSDORFF took a consenting part in this Blitz-action for the arrest of the Jews in Denmark in 1943. His Section Pol. VI, concerned with the Nordic countries, worked on this mission together with other divisions. The files show that ERDMANNSDORFF's Pol. VI helped to work out the Blitz-action (See the words "Pol. VI" on the margin of page 14, Doc. Bk. 60 B, Ex. 1669, and "Pol. VI" on page 35, same book, Ex. 3920).

The files do not reveal any objections on the part of ERDMANNSDORFF to the deportation of the Danish Jews. In fact, the files show that the defendant ERDMANNSDORFF, as Deputy Chief of the Political Division, concurred--for while filling a responsible office he offered no protests--with the attitude of the Foreign Office, especially the defendant Steengracht, in trying to prevent any successful intervention of the Swedish government in favor of the Danish Jews (See ERDMANNSDORFF's name on page 29, Doc. Bk. 60 B, Ex. 1672).

#### 5. Serbia

The initial deadly measures against the Jews in Serbia, first thrusting them into Concentration Camps, later killing them there or slaughtering them otherwise, were executed during the year 1941, with the participation of the defendant ERDMANNSDORFF, as can be proven through Exhibit 1714, NG-3354, Doc. Bk. 61, p. 3 et seq. Part of this action was worked out in ERDMANNSDORFF's Pol. II as we see from page three of Document Book 61. The sending off of the Jews to the work camps as ordered on September 11, 1941 (p. 5) was carried out only after the dispatch received the prerequisite signature of ERDMANNSDORFF's section Pol. IV.



## 6. Hungary

In June 1944 a manhunt was carried out in Hungary and Slovakia in order to wipe out any remaining Jews in these countries. Many of these unfortunate people attempted to take flight from Hungary to Slovakia or vice versa, as the case might be. The manhunters of the German Foreign Office were most concerned about these actions and took diplomatic steps in order to prevent any possible border crossings. The defendant ERDMANNSDORFF took a consenting part in these measures by not raising any objections to the manhunting tactics of the Foreign Office, concerning which he was kept informed (See distribution lists, p. 92, p. 94, p. 96, of Ex. 1642, Ex. 1643, and Ex. 1644, Doc. Bk. 60 A).

ERDMANNSDORFF was kept constantly informed about the status of the deportation program concerning the more than a half million Hungarian Jews. To cite only one example, the report of October 24, 1944 of the defendant Veessenmayer should be mentioned, where ERDMANNSDORFF's name is checked on the distribution list (Pros. Ex. 1828, Doc. Bk. 62 A, p. 178).

## 7. Italy

In country after country ERDMANNSDORFF and his Political Division worked on the program of the Final Solution of the Jewish Question for all Europe. When, in 1942, the Italian Foreign Minister was concerned about the deportation of Italian Jews from Croatia to the death camps, the Croatian government was backed by the Nazi government, with the participation of the defendant ERDMANNSDORFF. His division received the working copy (See under "No. 16" of p. 40 of Doc. Bk. 61, Ex. 1720, NG-2814). Page 41 shows that not only was the working copy in the hands of ERDMANNSDORFF's division, but that he himself also received a copy. In order to press the Italian government to have their Jews also included in the deportations from Croatia to the East, the Foreign Office advised the German Ambassador in Rome on October 24, 1942 (Pros. Ex. 1721, NG-2366, Doc. Bk. 61, p. 44) to exert pressure on the Italian government accordingly, because the Italians "are pursuing



an obstructionist policy." This order to the German Ambassador in Rome was only dispatched after ERDMANNSDORFF's Division Pol. IV and Pol. VII had concurred as to the application of this pressure. (See the words "before mailing: Pol. IV, Pol. VII" on page 44 of Exhibit 1721, NG-2366, Doc. Bk. 61).

The reluctance of the Italians to follow the Nazi plan for extermination of the Jews was of so much concern to the German Foreign Office that they pressed the late Mussolini himself and his Foreign Minister, the late Galeazzo Ciano, directly and through the German Embassy in Rome to fall in line with the German death mechanism (Pros. Ex. 1795 and 1796, Doc. Bk. 62 A, pp. 17-24). The defendant ERDMANNSDORFF was kept constantly informed about this pressure brought to bear on the Italian government, for instance regarding the Italian Jews in Tunis. See his initial on page 17 (Doc. Bk. 62A); see also the information he received on page 20; see his initial on page 21; see his name on the distribution key of page 22, where it is regretfully stated that the Italians have not yet "recognized Jewry as a disease". There is no trace to be found in all these documents that the defendant ERDMANNSDORFF, in exercising the prerogatives of his high office, has supported the mild and reluctant Italian attitude. On the contrary, the acting chief of the Political Division consented to all the pressure devices used against the Italian ally and the dispatches for exerting the diplomatic pressure were sent out only after ERDMANNSDORFF's section Pol. II had passed on them (See Ex. 1797, NG-4959, Doc. Bk. 62 A, pp. 29, 31).

#### 8. Roumania

Let us deliberate the question of the degree to which ERDMANNSDORFF had a hand in the tragic fate of the Roumanian Jews. Through a secret telegram of November 13, 1941 (Exhibit 1778) he was informed that the Roumanian government had yielded to the Reich's request "to have Jews of Roumanian nationality deported to the ghettos in the East." On August 20, 1942, the Foreign Office informed the RSHA, attention Eichmann, "that the Roumanian Jews in the Reich and in the occupied territories will be included in the anti-Jewish measures". This



instruction to Eichmann, the chief hangman of the Jews, was only dispatched after it received the authorizing signature of ERDMANNSDORFF's Section IV B and of ERDMANNSDORFF himself (Ex. 1782, NG-2198, Doc. Bk. 62 B, p. 15).

ERDMANNSDORFF's division carried out the Jewish persecution functions in close cooperation with the Division Deutschland. One of the many examples of this joint murder project can be found in Exhibit 1780, Doc. Bk. 62 B, p. 11, which is a report of August 17, 1942 by Martin Luther (then head of the Deutschland Division) about the pressure brought to bear upon the Roumanian government in Jewish deportation matters. This report was submitted first to the Under State Secretary in charge of the Political Division, the defendant Woermann, and initialled for him by the defendant ERDMANNSDORFF; subsequently it was submitted to the defendant Weizsaecker, and initialled by him before it was submitted to the Reich Foreign Minister for his information.

#### 9. No Mercy

Whenever a problem of mercy came up, such as allowing Jews to immigrate to Palestine and Syria, as for instance planned in 1942 for 75,000 Roumanian Jews--among them many children--the Foreign Office and ERDMANNSDORFF participated in the policy "to prevent this immigration by all means." The "generosity" of the Roumanian government in letting these Jews leave the country was regarded as unacceptable. See Exhibit 1784 (NG-3986, Doc. Bk. 62 B, p. 23), which was distributed to ERDMANNSDORFF. See also Exhibit 1785 (NG-2500, Doc. Bk. 62 B, p. 25) showing Luther's remark that "we must talk this matter over immediately with the Political Division," namely ERDMANNSDORFF's office. See also ERDMANNSDORFF's name on the distribution list of the same page 25. The same Exhibit 1785 (p. 27) proves how rigorous pressure was put on the Roumanian government to prevent them from letting these Jews escape. Before this dispatch went out it was submitted to, and initialled by ERDMANNSDORFF's section chief of Pol. IV and VII (p. 27, Doc. Bk. 62 B).



## V. DEFENSE ARGUMENTS

The facts as to the guilt of the defendant ERDLANNSDORFF are proven through a large number of exhibits introduced by the Prosecution. He was cautious enough not to testify as his own witness. As a long-time Foreign Office official, he was familiar with the filing system and knew the hundreds of working copies proving his and his division's industrious complicity in persecuting the Jews all over Europe.

The defense has been unable to produce from the thousands of files they have had access to one single document showing that ERDLANNSDORFF withheld consent to or was in any single instance opposed to the grandiose inter-departmental murder scheme.

As a lawyer, the defendant ERDLANNSDORFF also knew very well that the question of his guilt is not affected in any way if other governmental agencies and other divisions in the Foreign Office besides his own are stained with the blood of the same victims. Naturally, the extermination of six and one half million Jews was not one division's job but required the cooperation of various agencies, each in its specialized field; the administrators, the diplomats, the Gestapos, and the hangmen.

Neither is the question of ERDLANNSDORFF's guilt affected in any way by the profane statement of some sinister murderers: "If I had not killed them, somebody else would have done it anyway." The answer to such a plea could only be: had another person committed these crimes, this person would be the guilty one and not the defendant ERDLANNSDORFF, who in the course of the war years, together with his colleagues and subordinates signed away the lives of hundreds of thousands of unfortunate people.



## VI. CONCLUSION

The evidence adduced in this brief establishes clearly that the defendant von ERDMANNSDORFF was a principal in or an accessory to the commission of war crimes and crimes against humanity, or abetted the same or took a consenting part therein, or was connected with plans and enterprises involving their commission. He participated in the persecution of the French, Dutch, Danish, Italian, Rumanian, Bulgarian, Slovakian, Croatian, Serbian, Polish and other Jewish groups through the ill-starred years he was in office. He is responsible for all the acts he committed himself and also for the ones the heads of his sections Pol. II, Pol. IV, Pol. V, Pol. VI, Pol. VII, etc. committed since they were supervised and instructed by him.

The unveiled language of his files on the Final Solution reveals that the deportation orders he was connected with were death warrants. It is not necessary to refer to the general knowledge of German Foreign Office officials concerning the execution of the genocide program. The respective part of the Weizsaecker brief is to be considered as part of this brief.

ERDMANNSDORFF judiciously elected not to take the stand as his own witness and testify that he did not know that the deportees were bound for death.

It is proven that ERDMANNSDORFF knew even from 1941 that the Jews in the East were ruthlessly exterminated. He read and initialled continuously the Einsatzgruppen reports, which are, together with the files of the Foreign Office, epochal in the history of crime. As a matter of record, we can find the initials of the defendant ERDMANNSDORFF himself and his section chiefs of the Political Division on the Einsatzgruppen reports of December 1, 10, and 31, 1941, Prosecution Exhibit 1737 and 1739, and on further Einsatzgruppen Reports covering other periods in which the wholesale



slaughter of the Jewish population of the German occupied Eastern Territories was reported in detail (Lhd. 1741 and 1737).

The International Military Tribunal found Gauleiter von Schirach guilty of war crimes and crimes against humanity,

"While he did not originate the policy of deporting Jews from Vienna, he participated in this deportation after he had become Gauleiter of Vienna. He knew that the best the Jews could hope for was a miserable existence in the ghettos of the East. Bulletins describing the Jewish exterminations were in his office."  
(IIT Decision, Vol. I, p. 319)

Seyss-Inquart was found guilty of the murder of the 120 000 Dutch Jews (see ERDMANNSDORFF's participation above), despite his claim, that they were "held for resettlement".

The IIT found:

"In the light of the evidence and on account of his official position it is impossible to believe this claim." (IIT Decision, Vol. I, p.329)

ERDMANNSDORFF not only had bulletins in his office describing the Jewish exterminations, he had taken official cognizance of many by initialling them. Moreover, ERDMANNSDORFF was a Deputy Chief of the Political Division, the heart of the Foreign Office, where the deportations of the Jews were not handled on a local basis as in Schirach's office in Vienna or Seyss-Inquart's office in the Hague, but on a Europe-wide basis.