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Final Brief on the Criminal Responsibility of Weizsaecker, Steengracht, Woermann (Part 3)

Telford Taylor

Chief of Counsel for War Crimes
MURDER OF THE JEWS OF EUROPE
COUNT V
HEIZSCHOF, STEENGRACHT, ROERLINT

PART III
Pages 130 - 193
TABLE OF CONTENTS

PART III

XVI. WEIZSÄCKER's, HOENEMANN's AND STEENGRACHT's GENOCIDAL ACTIVITIES IN THE INDIVIDUAL COUNTRIES OF EUROPE

130 - 193

1) HOLLAND AND BELGIUM

136 - 145

2) DENMARK AND NORWAY

146 - 187

3) FRANCE

158 - 177

a. Trouble with Italy

171 - 172

b. Obstruction in Monaco

173 - 175

c. Difficulty with Spain

176 - 177

4) ITALY

178 - 190

5) TURKEY

191 -

6) SWITZERLAND

192 - 193
The guilt of the defendants WEIZSÄCKER and WÖRMMANN, and STERNGRACHT in that they authorized and participated in War Crimes and Crimes against Humanity on a vast scale, has already been established by the evidence cited thus far in this brief. In the following pages we propose to show the responsibility of the defendants for the mass murders committed, according to plan and according to schedule, in the individual countries of Europe.

In cooperation with the Foreign Office, the SS-Obersturmbannführer Eichmann of the Reich Main Security Office (RSHA), in charge of the technical side of the Final Solution, designated, on August 28, 1942, the end of the year 1942 as the deadline for the deportation of the stateless Jews, and June 1943 as the deadline for the deportation of the remainder of the foreign Jews. (Pros. Ex. 1456, MO-1965, Doc. BK 59, p. 141/142). During the second half of 1942, the deportation would be carried out on a larger scale, possibly before the months of November and December. A daily train was to be provided by the Reichsbahn from the middle of September on. For the time being, only stateless Jews could be deported.

"With regard to other foreign Jews, negotiations are still in progress with the Foreign Office and have not yet been concluded. Under no circumstances is it desirable to repatriate foreign Jews to their countries. The request of the Swiss Consulate to return a number of Jewish families of Swiss nationality to Switzerland cannot be granted. The confiscation of property of foreign Jews cannot yet be carried through, since various foreign agencies are interested in the properties of the Jews of their respective countries. Negotiations between the Foreign Office and the foreign agencies are still pending with regard to these questions." (Ibid. p. 142) (Underlining supplied)

This decision to speed up the deportation of the stateless Jews was approved by the Reich Foreign Minister, who, through regular channels, instructed Luther on the 21st of September 1942.

"To hurry as much as possible the evacuation of Jews from the various countries of Europe..." (Ibid. p. 143)

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"Upon a previous report concerning the present stage..."
of the evacuation of the Jews from Slovakia, Croatia, Rumania and the occupied territories, the Reich Foreign Minister has given instructions now to start contacting the governments of Bulgaria, Hungary, and Denmark with the object of starting the evacuation of the Jews from these countries."

(Ibid., p. 113)

Luther of the operational end, submitted this information in the form of a secret memorandum, dated September 21, 1942, to his immediate superior, the State Secretary WEIZSAECKER, and pointed out that "all steps taken by us will be submitted to you at the time for your approval." (Ibid., p. 113).

Copies of this memorandum were sent to WOERLANN, who acknowledged receipt by initialling, and to his deputy director, the defendant Erdmannsdorff.

It should be noted that WEIZSAECKER whenever a matter of high level policy was concerned took the initiative himself in order to promote the mass murder. In such cases, he did not wait for suggestions of the defendant WOERLANN of the Political Division, or of his subordinate Luther of the Division Deutschland.

When for instance the Hungarian government showed reluctance to deport the Jews from Hungary to the East, the German Legation in Budapest was informed by Luther that WEIZSAECKER personally had summoned the Hungarian envoy in Berlin and used strongest pressure on him in order to get the approval of the Hungarians for the man-hunt to be organized against the Jews of Hungary. (Pros. Ex. 3765, MG-5727, Doc. Bk. 201, p. 163 and Ex. 3766, MG-5728, Doc. Bk. 201, p. 165).

In a report to Budapest, Luther expressly mentioned the activity of his chief WEIZSAECKER in this matter and, as a faithful subordinate, pointed out that the State Secretary personally had used his influence and his diplomatic skill to further Germany's policy in Hungary (Pros. Ex. 3-381, MG-5562, Doc. Bk. 201 A).

In January 1943 WEIZSAECKER himself tried to influence the German Reich Minister of Economy about the head payments to be extorted from the Slovakian government for expenses involved in the deportation of the Slovakian Jews (Pros. Ex. 3-390, MG-5708, Doc. Bk. 201 A).
Another example of the perfect functioning of the murder corporation, WEIZSÄCKER, WOERZMANN, Luther and Eichmann, is Exhibit 1698 (NG-024, Doc. Br. 60 B, p. 193). This document shows that the two liaison men in this matter, the Referents, were the Legation Councillor Rademacher, and the Legation Secretary Weogea. On March 17, 1942, Rademacher suggested the express letter authorizing the Gestapo office, headed by Eichmann, to deport six thousand French or stateless Jews to Auschwitz. One day later, this death warrant was forwarded to Luther, who approved the action on March 18; one day later it was submitted to WOERZMANN, who approved the action on March 19. On the same March 19—not on the twenty-ninth as erroneously translated—it was approved by the State Secretary WEIZSÄCKER. We find on the original exhibit the "L" of Luther on March 19, the "W" of WOERZMANN on March 19, and the approving "W" of WEIZSÄCKER also on March 19. Branch II of the Political Division, of course, raised no objections. On March 21, in order to speed up the matter, the instrument was sent to Eichmann for execution. The photostat of the original document shows that it was sent by special courier to Eichmann's bureau.

We have already referred to WEIZSÄCKER's comment on this document, in substance that he thought these unfortunate Jews would be better off in Auschwitz than in France where they might have been shot as hostages—incidentally this under a procedure of killing hostages established by his plenipotentiary in France Abetz, to which as Abetz' supervisor he gave his endorsement. WOERZMANN, a little more candid, explained that the two Under Secretaries, himself and Luther, and the State Secretary WEIZSÄCKER placed their signatures on this document because the matter was a very important one (Tr. P. 11498).

At this point one very risky defense allegation should be mentioned. WEIZSÄCKER, WOERZMANN and STEINHAUGT implied in their direct testimony that the terrible crimes with which this proceedings is concerned would anyway have been committed, even had they not retained their responsible high offices and had they not endorsed the official death instruments that formed the evidence. Other officials of Hitler's choosing, they say,
would have quickly stepped into the breach, would readily have done the criminal deeds with which they are charged. Now it is not indisputable that criminal history might have taken such a course. Nonetheless, had such other men with murder in their hearts embarked upon this career of precipitous crimes, we can only believe that then these men would today be in the dock, and their cases would be on trial today, not those of WEIZSAECKER, WOERMANN, and STEENGRACHT, who knowingly and willingly authorized and participated in the murder of millions of persons.

When STEENGRACHT replaced WEIZSAECKER in April 1943, he continued the criminal cooperation with Eichmann of the SS. On July 17, 1943 STEENGRACHT received from his subordinate Horst Wagner, who had replaced Luther, a progress report. He passed upon it and forwarded it to Ribbentrop after having initialed it (the original mark on the translation that it was initialed by WEIZSAECKER is erroneous), (Pros. Ex. 1621, NS-2652 F, Dec. Ex. 60 A, p. 31). This report pointed out that the solution of the Jewish problem was in progress and that all Allied and neutral states had been informed that they would have to repatriate their Jews from the areas under German sovereignty, by a certain deadline, which had been extended several times and finally had expired on the 1st of July 1943.

A number of states were expressly disinterested in the fate of their Jews, and special arrangements existed regarding the Romanian Jews and those in the Saloniki area. In consideration of these facts, the Chief of the Security Police and the SD, through Obersturmbannführer Eichmann, now asked the Foreign Office to fix the 31st of July as a final deadline for the repatriation of foreign Jews, citizens of ten different German allied or neutral countries. Wagner asked STEENGRACHT and Ribbentrop to agree in principle to the suggestions of Eichmann and furthermore it was pointed out that the Foreign Office insisted on being informed regarding all cases.

Without the express authorization of the Foreign Office, the Chief of the Security Police and the SD, as revealed in the aforementioned document, was not competent to act.
On the 15th of July 1943 the representatives of the Foreign Office in Kovno, were informed by Thadden, officials of the Section Inland II, of the measures to which the Foreign Office had agreed and which the SS, the police leaders, the inspectors of the Security Police and the SD were to carry through immediately (Pros. Ex. 1622, Mi-2652 G, Doc. 60 A, p. 16-21).

By October 1943 the Foreign Office informed all Foreign Office local representatives of the final decision regarding the Jews in Europe. The representatives in Brussels, Paris, the Hague, Riga, Oslo, Rome, Madrid, Ankara, Borne, Lisbon, Stockholm, Helsinki, Budapest, Bucharest and Copenhagen were advised of the newest development regarding Jews of various nationalities. In agreement with the Foreign Office, all Jews with citizenship of the countries listed below still to be found in the territories under German sovereignty after the conclusion of the repatriation operation were to be included in the deportation measures:

- Italy
- Switzerland
- Spain
- Portugal
- Sweden
- Finland
- Denmark
- Finland
- Germany
- Poland
- Hungary
- Poland
- Turkey
- Turkey

(Tos. Ex. 1623, Mi-2652 H, Doc. 60 A, p. 29)

"Since for reasons of foreign policy a deportation of the Jews to the East cannot be carried out at this time, the concentration camp Buchenwald has been selected temporarily for all male Jews over 14 years of age, and the concentration camp Ravensbrueck for all female Jews, as well as children." (Ibid., p. 30)

Turkey, which at the time was still neutral, had finally agreed on the 26th of October, that all Turkish Jews not repatriated after three months from that date could be deported (Pros. Ex. 1624, Mi-2652 I, Dec. Bk. 60 A, p. 32). The Turkish government early in 1943, when the defendant WEIZMUECKER was still State Secretary under Ribbentrop, was informed that all Turkish citizens of the Jewish race would have to return to Turkey without delay, not only from the Reich but also from all occupied territories. The deadline originally fixed for April 1, 1943 was extended several times, and now fixed for the 10th of September 1943. The Turkish Jews were to be taken to the Eastern
Territories. Upon the request of the Turkish Consul General in Paris (September 1943), the deadline was extended to the 10th of October as an "extraordinary concession" (Pros. Ex. 1625, No-2652 K, Doc. Ex. 60 A p. 34). But after the new deadline had expired the Turks asked for a further extension of four months, which the Foreign Office considered "a delaying tactic of Turkey". However, in the "interest of German foreign policy" - Turkish neutrality was very valuable to Germany - a compromise was reached and the deadline was extended to the 31st of December 1943.

The Division Inland II referred this communication to STEMMRICHT for instructions.
There existed about 160,000 Jews in Holland, at the time that the country was overrun by the German army. The great majority of this number, 106,000, fell victim to the Third Reich genocide plan.

In the beginning of 1941 a German was slain in Amsterdam. A general strike against the Germans broke out in the major cities of the Netherlands. The representative at the Hague thereupon informed the Foreign Office that "as a result of the slaying of a 26 year old unidentified Jewish assassin, 400 Jews have been brought from the Netherlands to Germany to work here." These are the words of the defendant KORFMANN, who, on the 25th of February 1941, as Director of the Political Division, took action and advised the Reich Foreign Minister, State Secretary WIEZSAJDER, and the Deputy Chief of the Political Division, OREDAENSDRUFF, of the happenings in Holland. WIEZSAJDER took cognizance of the note of KORFMANN's. (Pros. Anh. 1677, Doc. NG 2205, D. Bk. 60 B, p. 47).

Two days later WIEZSAJDER, KORFMANN, OREDAENSDRUFF, and other officials of the Foreign Office obtained supplementary information regarding the political situation in Holland and the deportation of the Jews. The Dutch population was strongly opposed to the deportation of the Jews. A sympathy strike was declared in Amsterdam. The gas and electric works had to be occupied by German troops. Streetcar service came to a standstill.

"The General Commissioner for Security had issued a proclamation to the people explaining the reason for the deportation of the Jews." (Ibid, page 46).

This information reported to the above-mentioned defendants was signed by KORFMANN on the 26th of February 1941 and likewise initialed by WIEZSAJDER.

In February 1941 approximately 480 Jews of Dutch nationality were deported to the German concentration camp Mauthausen, and in January of the same year, 230 more Dutch Jews followed.
In October 1941 Dr. Albrecht of the Legal Division, Berlin had come to see him on the 15th of October and reported that:

"According to lists transmitted to the Jewish Council in Amsterdam, more than 400 of these prisoners have died up to now. It appeared from the lists that the deaths occurred in certain days each time. Almost all the victims are rather young men. The Swedishlegation, which, functioning as a Delegation of the protecting power, had to be interested in the Dutch citizens, had repeatedly applied for permission for one of its officials to visit these internment. This application had however not been complied with so far. (Prot. Exh. 1679, Doc. MG 2710, Doc. Ek. 30 B, p. 50).

In the document, which was submitted to H.M. and initialed by him, the representative of the Legal Division of the Foreign Office noted that he reminded the Swedish Minister that the Jews were arrested because of disturbances in Amsterdam in which Jewish Communist elements were the leading factors (Ibid, page 50).

The Foreign Office followed up the case and Luther of the division Deutschland, on the 6th of November 1941, wrote a memorandum to the Reich Main Security Office concerning the Dutch Jews. Luther outlined the inquiry of the Swedish Minister regarding the Jews of Dutch nationality and the contention that 400 of 660 Jews of Dutch nationality, went to concentration camps in Germany, had died up to the present (Prot. Exh. 1679, Doc. MG 2700, Doc. Ek. 30 B, p.51).

Luther explained to the Reich Main Security Office that Swedish represented not only German interests but also Dutch interests in a number of countries, thus making the matter very "ticklish" for the Germans. The Foreign Office representative then advised the Reich Main Security Office as follows:

In order to avoid such incidents in the future, it is necessary that persons arrested in territories under German occupation should not be brought to the Reich. For, as long as the prisoners remain in occupied territories, they do
not come under the mission of the protective power of the appointed countries. Furthermore, care must be taken that the reports of death should not give the impression that these deaths occurred on specified days.

"The Foreign Office basically agrees with the view taken by the Reich Main Security Office and also advocates reprisal measures against Jews as instigators of the unrest. But the safeguarding of German interests in enemy countries necessitates that the matter be treated as outlined above." (Ibid, pages 51/52).

This advice of the Foreign Office, which meant killing the Jews in Holland where the protective power had allegedly no rights, was sent by the Foreign Office to the Reich Main Security Office on the 10th of November 1941 (Ibid, p. 51). Luther, who acted with the consent of the defendant WIZZASCHER, and the knowledge of the defendants VOHRMANN and BRDIANNSDORFF, in all main questions regarding anti-Jewish policy, frankly stated the attitude of the Foreign Office regarding the treatment of the Jews. The Reich Main Security Office had obviously "blundered" and the gentlemen in the Reich Foreign Office objected to the clumsy way in which their colleagues in the Reich Main Security Office had handled the matter. The Reich Foreign Office expressly announced its consent to the "reprisals" against the Jews, but the interest of German foreign policy dictated that the reprisal measures should take place in such a way as not to allow a neutral power to interfere on behalf of the Jews.

On the 10th of December Rademacher of division Deutschland reminded the Reich Main Security Office of its communication of November 5, 1941 and requested an answer in order to be able to settle the question with the Swedish Legation (Ibid, page 53). This dispatch was submitted to VOHRMANN's division Pol. IV for approval before dispatch.

That the Foreign Office was in agreement with the deportation of the Jews from western Europe to German concentration camps is a matter of historical record. The defendant WIZZASCHER, as well as the defendant VOHRMANN, initiated an express letter to the Reich Main Security Office (Pros. Exhib. 1609, NG 165, Doc. Bk. 60 E, p. 54)
and the defendant WEIZSAUCKER himself participated, as is shown by his own handwriting, in the drafting of that communication to Obersturmbannfuhrer Dirnhofen of the Reich Main Security Office.

In this draft the Foreign Office, which had been asked for its approval, declared that it had no objection to the planned deportation of a specified number of Jews from the Netherlands, France, and Belgium to the Auschwitz concentration camp.

"In view of the psychological aspect, I should like to request that first of all all the stateless Jews be deported, thus including to a large extent the number of foreign Jews who had emigrated to the East. There are nearly 25,000 of these Jews in the Netherlands alone. For the same reason, the Military Administration in Brussels intends to (intends to) was crossed out by WEIZSAUCKER and replaced in his own handwriting by (wants to as far as is known here) select only Polish, Czech, Russian and other Jews.

"Jews of Hungarian and Romanian nationality can be deported; however, it is requested that care be taken to assure in each case all property."

(Ibid, page 54).

This draft was submitted by Luther to the defendant WEIZSAUCKER for his approval. WEIZSAUCKER himself inserted corrections in his own handwriting.

One half year later, on June 15, 1942, the representative of the Foreign Office in The Hague was informed by Berlin on the 25th of June, that provisions had been made to run special trains from Holland to Auschwitz with a capacity of 1,000 persons starting one from the middle of July 1942 and the other from beginning of August in order to speed up the deportations to the Auschwitz concentration camp of about 40,000 Jews from occupied France, 40,000 Jews from the Netherlands, and 10,000 Jews from Belgium (Ibid, page 59).

On the 17th of July 1942 the representative of the Foreign Office in the Hague, Ban, informed the Foreign Office that the first two deportation trains of 1,000 Jews had left Holland and that the deported Dutch Jews "should be deprived of Dutch nationality, in order to avoid intervention by the protective power Sweden."
The German Reich Commissioner for the Netherlands was prepared to issue a decree to that effect, on the grounds that "all Jews are enemies of Germany" (Ibid, page 62), but the Reich Commissioner was not acting without the consent of the Foreign Office. He therefore asked the Foreign Office in Berlin whether there were any objections and requested the opinion of the Foreign Office "as soon as possible". (Ibid, page 60).

On the 20th of July 1942 a proposal was drafted for BEISSABACH and WORRIMANN in which it was considered desirable that the Jewish legislation of the Reich Jews should be adopted in Holland by order of the Reich Commissioner, so that all Dutch Jews residing abroad would lose their nationality immediately. BEISSABACH and WORRIMANN, as well as Luther, initialled Radamacher's proposal (Ibid, page 63), which bore the added statement that the main objective of the Foreign Office was to clarify the Jewish situation with regard to property rights, etc., and that, therefore, such a step should be taken. It would make no difference whether the Jews concerned had left the country voluntarily or whether he had been deported. (Ibid, pages 62/63). BEISSABACH was asked for a directive.

As to the intervention of a foreign power in behalf of the Dutch Jews, Radamacher submitted to the defendants BEISSABACH and WORRIMANN the view that the protective power has little competency if the Jews are deported to the eastern territories or put in concentration camps in the Netherlands. He also stated:

"That in principle no information whatsoever will be given to the outside world by the police about persons who have been deported to the eastern territories." (Ibid, page 64).

It is again brought to the attention of the defendants BEISSABACH and WORRIMANN in this note of Radamacher's that,

"according to present reports received from the Netherlands, the deportation is proceeding without incident with speedy pacification of the population." (Ibid, page 64).
On the 10th of August 1942 WIZZAKKER, in a handwritten note, considered the matter solved by time, and therefore the question of depriving the Jews of their Dutch nationality as no longer acute, since the deportations, as WIZZAKKER knew, had taken care of that problem already.

In the meantime on the 31st of July 1942 WIZZAKKER had been advised personally by the Legal Division as to how to handle most expeditiously the deportations and the exterminations of Jews in occupied territories, and more particularly that of Dutch Jews.

"When, after the Amsterdam uprisings, several hundred Jews of Dutch nationality were taken to the Mauthausen internment camp, the police has turned down the repeated requests of the Swedish delegation for permission to inspect this camp. On the other hand, the police currently forwarded death certificates to the relatives of these Jews in the Netherlands from which it could be determined that gradually all these Jews have died.

"With the deportation of Jews now imminent, it would have to be investigated whether it is necessary for the police to continue to furnish the interested parties with material from which they could authentically determine the result of the measures which have been taken... Should it be unavoidable to place the Dutch Jews outside of Holland, it would be expedient if the police would not allow any information to leak out with regard to the whereabouts or in possible cases of death." (Pros. 5th, 1653, Doc. NG 665, Doc.Bk. 60 B, pages 67/68).

In other words, in order to avoid the discovery of the murder of the still remaining Jews, the issuing of death certificates should be stopped.

Albrocht of the Foreign Office Legal Division "respectfully submitted" the report to the State Secretary WIZZAKKER, who took cognizance of and passed upon the proposed new procedure of secret killing.

During the next months, the Foreign Office was informed by the local representative in the Hague, Bosn, of the progress of the deportations from Holland. Between the period from 31 July 1942 to 19 February 1944, 100,000 Jews were deported from Holland to the East.
At the beginning the Jews were called up and appeared "voluntarily". They were put in concentration camps and shipped to the East. Everything went smoothly according to the first report from Bams, dated July 31, 1942.


Bams remarks ironically,

"In Jewish circles the opinion is widespread that the Jews who are fit for labor service are being deported to prepare the necessary quarters for the Jews in the East." (Ibid, page 70).

Two weeks later, on the 13th of August, Bams had to report that the situation had changed.

"After the Jews had found out and come to know what is behind the deportation and labor service in the East, they no more report for the weekly shipments. Of 2,000 Jews called up for this week only about 400 showed up. In their homes the called up Jews cannot any longer be found ..." (Ibid, page 71).

"Up to now 8,500 Jews have been deported; 1,500 Jews will be deported this week. This means a total of 10,000 Jews deported." (Ibid, page 71).

The Jews had found out what the Foreign Office had known for more than a year. They were objects of a "final solution" which meant extermination.

On the 11th of September 1942 Bams triumphantly announced that the figures scheduled for the shipments had been reached. Various measures were in preparation to assure these figures also in the future. (Ibid, page 72).

There were at that time, according to the report, still 140,000 Jews living in the Netherlands.

On the 16th of November 1942 Bams reported that up to the 15th of October 1942
"about 45,000 Jews had been deported ... All Jews are to be deported by the 1st of May 1943. That means that the weekly deportation figure would have to be raised from 2,000 to 3,000 ... Altogether 61,000 full Jews must still be deported." (Ibid, page 73).

The representative of the Foreign Office reports of the conference with the Wehrmacht Commander in Chief, in which the result was obtained that a large part of Jews who had been used in the Dutch armament industry up to then had

"at once been made available for deportation, whereas the remainder will be made available in the course of the coming months." (Ibid, page 73).

On March 25, 1943 the Foreign Office in Berlin is informed by Beno that in the course of the deportations from the Westerbork concentration camp

"which have been carried out for eight months without interruption and disturbance altogether 50,000 Jews have been deported from the Netherlands to the East." (Ibid, page 77).

Beno complained how the Jews in their desperate effort to save their lives were using tricks to escape the German manhunt.

"The police was in many cases successfully deceived by the following devices. When they wanted to take the Jews out of their homes, they were told, that the family in question had been carried off weeks ago. The policeman noted 'the mistake' and went away without having done anything. It is alleged that a number of Jews have already succeeded in being sent as workers to Germany with false identity documents, which described them as Aryans." (Ibid, page 78).

"How easily it still happens that the Dutch population out of pity or for gain becomes guilty of assisting Jews, is proved by a case of eight Aryans who rendered themselves liable to punishment because of one Jew who they had for weeks in rotation, supported and concealed." (Ibid, page 79).

"The Dutch police refused to cooperate in many cases." (Ibid, page 79).

In order to arrest fugitive Jews, the Germans were putting prizes on the heads of the Jews and Beno of the Foreign Office reports
that with the help of those methods, the Germans were enabled during the last one and a half months

"to round up more quickly several thousand Jews."

(Ibid, page 82).

By June 30, 1943 of the 140,000 full Jews originally registered, 102,000 Jews have been removed from the Netherlands.

"In 11 months the Netherlands have been three quarters adjudicated."

(Ibid, page 83).

Jews who were living in mixed marriages were sterilized.

(Ibid, page 84).

On the 9th of February 1944 the Foreign Office in Berlin was informed that 106,000 Jews were removed from the Netherlands.

(Ibid, page 86).

"The Dutch population still disapproves of the deportation of the Jews ... especially church circles voiced their opinion over and over again."

(Ibid, page 86).

9,204 male Jews who lived in mixed marriages were sterilized.

(Ibid, page 87).

These running reports of Ban from the Hague were sent as secret reports to the Foreign Office in Berlin. They passed through the ordinary bureaucratic channel from the office of the Staatssecretary (ZJZZSS) until April 1943 and then STANDEGLCH through the various divisions of the Foreign Office, who had direct dealings with the Jewish question.

The exhibit introduced in evidence comprises documents which were sent from the office of the Staatssecretary (ZJZZSS) to the Division D III for permanent filing, after they had been circulated in various other divisions and initialed by WVRMANN and ERDZNDSORFF.

The defendant RZJZZSS was connected with the crimes committed against the Jews in Holland from the beginning of the
measures up to May 1943. The defendant STINNEN was connected with the crimes committed against the Dutch Jews from the period after May 1943 until the complete removal of the Jews from Holland in the summer of 1944. The defendants WORMANN and SORRENSDORFF were directly connected with the deportations.

The above quoted reports reveal that after the first weeks of the actions against the Jews the real character of these deportations became known to the population in Holland that the German authorities, with the knowledge of the Foreign Office and the defendants under this Count, had to use specified methods which finally proved to be successful in delivering the Jews of Holland to the fate which the German authorities, including the Foreign Office had planned for them. The defendants consented to all these techniques, gave full official sanction and cooperation, and recorded no demur or lack of full concurrence and approval.

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The defendants WIZSACKER and MOHRHAN were also informed of the fate of the Jews in Belgium and in all the other Western European countries.

As early as November 15, 1940, WIZSACKER received a report which indicated that the usual pattern of anti-Jewish policy was being applied in Belgium and that final measures against the Jews were still to come in Holland. (Pros. 3xh. 1665, NG 3390, Doc. Bk. 60 B, para 100). (See also Ex. C-278, NG-77-110, Doc. Bk. 204 Â showing that Belgium had been "cleared of Jews" by May 1942, according to agreements with the Foreign Office.)
The annihilation program against the Jews in Denmark was initiated under the supervision and participation of the defendant von WEIZSÄCKER, with the assistance of WOERTH and executed under the supervision and participation of the defendant STEENCLecht.

The IMT Judgment particularly referred to the criminal activity of the Foreign Office in Denmark where a German official of the Foreign Office was responsible for the general economic and political policies put into effect in German occupied Denmark. (IMT Judgment, Volume I, page 287). This was the Reich Plenipotentiary Werner Best recently convicted to death by a Danish War Crimes Tribunal, and until autumn 1942 Minister Renthe-Fink.

Early in 1942 the Germans demanded the Danish Government and the Danish King to introduce anti-Jewish measures in Denmark. Thereupon a political crisis developed, which was duly reported to the Foreign Office in January 1942 (NG-3931, Exhibit No. 1666, Document Book No. 60-B, page 2).

On the 6th of January 1942 Sonnleithner sent a memorandum to WEIZSÄCKER and WOERTH asking who in the Foreign Office had asked the Danes to open the Jewish question now. WEIZSÄCKER, to whom this memorandum was submitted, thereupon requested an immediate report on the matter for the Reich Foreign Minister. This request was initiated by the defendants WEIZSÄCKER and WOERTH. Luther of the Department Deutschland reported to WEIZSÄCKER that it was the German Embassy in Copenhagen which had acted without precise instructions from the Foreign Office, but that Rademacher of Department Deutschland, had repeatedly begged the German Minister Renthe-Fink to watch for a suitable occasion in order to bring up the Jewish question with the Danes.
and that it would be wise for Denmark of her own accord, to be prepared for it in good time (Ibid, page 6).

This note of Luther's was submitted for the information of the Reich Foreign Minister, to the State Secretary Weihs, and initialed by the defendant Weihs.

Brander, while acting on his own initiative, was keeping in line with the general policy as directed by the Foreign Office and activated by Hitler.

It took several months before the political situation in Denmark was judged sufficiently prepared to start vigorous measures against the Jews in Denmark. In the mean time, the deportation of the Jews was actively pursued in Slovakia, Croatia, and Roumania with the knowledge and consent of Weihs (NG-3757, Exhibit No. 1667, Document Book No. 60-B, page 8).

On the 24th of September 1942 the Reich Foreign Minister decided, as already referred to, to speed up the evacuation of the Jews from other European countries. Weihs was informed that Denmark was among these countries and that the government in Copenhagen, as well as Hungary and Bulgaria should now be contacted "for the purpose of initiating the evacuations of Jews in these countries" (Ibid, page 8).

Ribbentrop reserved for himself to take the initial steps as far as the Jews in Italy were concerned and to come to an agreement, either by a conversation between the Führer and the Duce or between Ribbentrop and Ciano. As far as Denmark was concerned, Ribbentrop did not make such a reservation and consequently the decision was left to the defendant Weihs.

On October 5, 1942 Himmler ordered SS-Gruppenführer Mueller to make precautionary arrangements and to establish an index for
the expected arrests of persons in Denmark. Himmler's order was forwarded to the local SS-nam in Denmark, who at the same time was informed of Himmler's agreement with the Foreign Office regarding the question of those arrests. Himmler stated:

"I agreed to the arrest of persons of the Jewish faith, as well as of Communist and Marxist functionaries. This measure is to be coordinated with the Foreign Office" (NG-A275, Exhibit No. 1495, Document Book No. 60-B, page 9).

The defendant WEIZSÄCKER was at that time still the competent official in the Foreign Office with whom the measures of arrests in Denmark had to be coordinated. This activity was continued by STENGRICHT after his appointment as State Secretary.

In the meantime political unrest increased in Denmark and led to the proclamation of a state of siege. In September 1943, the German Plenipotentiary, Werner Best, reported to his superiors in the Foreign Office, especially to STENGRICHT, RITTER, and ERDTMIDORFF, that a "blitz action" was to be prepared in order to arrest and deport about 6,000 Jews in Denmark, including women and children (NG-A3923, Exhibit No. 1669, Document Book No. 60-B, page 14). (See the preparatory measures Ex. 3596, NG-5121, Doc. Hk. 97 B, p. 17-36)

Best, who needed supplementary police forces for this action, announced that the Commander of the German troops in Denmark would have to supply the necessary police reinforcements. Arrangements for transportation were to be made so that the action could be initiated. In the night of the 1st to the 2nd of October the action was carried out "without incident" (NOKV-356, Exhibit No. 1670, Document Book No. 60-B, page 18). (See also the Danish Police report C-370, NG-5208, Doc. Bk. 215 B).

The defendant RITTER, who was liaison between the Armed forces and the Foreign Office, was duly informed beforehand, on the 21st of September 1943, of the forthcoming action when the
OKW asked him to be informed "as to what measures are intended" with regard to the 6,000 Jews who were earmarked for deportation (Ibid, page 19).

The German Wehrmacht feared injury to the prestige of the German army if this deportation were to be carried out during the military state of emergency (Ibid, page 20). The military circles obviously did not want to be held responsible for the political reactions which might develop as a consequence of this action against the Danish Jews. Therefore, they desired the deportation of the Jews to be effected after the repeal of the military state of emergency and "under the sole responsibility of the Plenipotentiary", Best, whose decisions were to be made with the agreement of the Foreign Office (Ibid, pages 20/21).

On the 23rd of September 1943 the OKW Armed Forces Operations Staff informed the Foreign Office representative, Ambassador RITTER, that SS-Obergruppenfuehrer Berger "is in charge of the deportation of Jews" (Ibid, page 22).

A few hours before the action against the Jews in Denmark was to take place the Reich Minister for Foreign Affairs received a last minute secret teleotype from Dr. Best in Copenhagen revealing the established course of action to be taken (IGA-3921, Exhibit No. 1671, Document Book No. 60-B, page 24). Numerous departments of the Foreign Office were on the distribution list of that telegram. Among these were the defendants WOEHRLINN and RITTER.

"The Jews to be evacuated will be arrested in the night of the 1st to 2nd October 1943. They will be sent from Zealand on board ship (from Copenhagen), from Funen and Jutland by rail and special trains."
"If I (Best) do not get instructions to the contrary, I intend not to have any mention made of the action against the Jews over the radio or in the press.

"If I do not get instructions to the contrary, I intend not to touch the property of the evacuated Jews, so that the taking away of these assets can not be described as the primary or subsidiary object of the action.

"Any harmful effect of the action against the Jews on the attitude of the Danish population might be effectively countered, if tomorrow, on 2 October 1943, over the radio and in the press, the announcement could be made that in the next few days the interned Danish soldiers will be released by and by. This would show that the Germans do not intend, as has already been contended here, to put the Danish peasant boys on the same footing as the Jews and that they are not to be deported like those, but that for the difficulties that have arisen in Denmark, the Jews will be held responsible in the first place and will be treated accordingly" (Ibid, pages 24/25)

The German Plenipotentiary Best in Copenhagen was not acting independently. The initiative he showed in carrying out the practical measures was one of remaining within the instructions of the Foreign Office in Berlin, his superior agency. Immediately before the unfortunate victims of the German annihilation policy were to be arrested, Best made it clear that with respect to specific details he would proceed in a prescribed manner, if he did not get instructions to the contrary. No instructions to the contrary were issued by the Foreign Office in Berlin, where his superior, the defendant STENGHOLT was in charge while Ribbentrop was in the Field Headquarters.

A comprehensive report on the action against the Jews in Denmark was introduced by the Prosecution (NG-5208, Exhibit No. C-370, Document Book No. 215-B, pages 67/123). This is a report by the Danish police on the deportation of Jews from Denmark, containing notes made by the Danish Foreign Minister at the time and revealing his intervention with the German Plenipotentiary,
Best, on the rumored deportation of the Jews from Denmark.

Interrogations of Gestapo officials, which are included in this report, clearly establish that Best was the executor of the Jewish deportations from the very beginning.

In an annex to that document, SD reports of the Occupied Eastern Territories were included, containing criminal actions of the Germans in the Occupied Eastern Territories, such as the shooting of prisoners of war and "special treatment" given to undesirable elements of the population.

The cover letter to these SD reports, sent to the Reich Foreign Minister via the State Secretary in the Foreign Office and dated March 8, 1943, was initialed by the defendant WEIZSLÖCKER. (Ibid, page 123).

The defendant WÖHRLENN was also informed of these reports and acknowledged receipt of them by his initials (Ibid, page 123).

Other SS and SD reports, dated Berlin, April 9, 1943, were brought to the attention of the defendant STEENGRÖCHT, who had become in the meantime WEIZSLÖCKER's successor, and Erdmannsdorff, who acknowledged receipt (Ibid, page 124).

Excerpts from these reports read as follows:

"In the course of the action a total number of 1807 was arrested. The most important functionaries were subject to special treatment..." (Ibid, page 125)

STEENGRÖCHT, as we will see, was the official who supervised and controlled the annihilation programs of the Jews in Denmark.

On the 1st of October 1943 the Swedish Envoy in Berlin came to see the defendant STEENGRÖCHT, reporting that there were rumors in Sweden that Germany intended to deport 6,000 Jews from Denmark to Germany. Sweden would be willing to receive the Jews in Sweden.
Thereupon STEENGRIETH announced,

"I declared to the Envoy that a state of emergency existed in Denmark and that I therefore did not know which measures were considered necessary by the military authorities, I would not know anything about an intended operation against the Jews" (NG-4093, Exhibit No. 1672, Document Book No. 60-B, page 29). (See also Ex. 3610
NG-5105, Doc. Ik. 98 B, p. 3).

This document was signed by STEENGRIETH himself. It was dated Berlin, October 1, 1943. (See also Pros. Ex. 3639, NG-5118, Doc. Ik. 98 B, p. 1)

The defendant STEENGRIETH, who had been informed several days beforehand of the action to be taken against the Jews in Denmark and who knew perfectly well that the armed forces were in charge of the technical side of the operation, while the Foreign Office had to make the decision as to the timing of the operation, bluntly told an untruth to the Swedish Envoy trying to deny the competency of the Foreign Office in that matter.

The diplomatic handling of the affair by STEENGRIETH was reported by STEENGRIETH to the office of the Reich Foreign Minister with a request for immediate transmission by telephone to Ribbentrop. A copy of STEENGRIETH’s report went to Erdmannsdorff and Ritter.

Again on the 4th of October 1943 the Swedish Envoy came to see the defendant STEENGRIETH, trying to interfere at least in favor of the children who were among those arrested.

"The Swedish government would be prepared to grant those children entry permit for Sweden. Signed: STEENGRIETH" (Ibid, page 30)

Then STEENGRIETH, for an answer to that request, started to attack violently the Swedish Morning Press, instead to consider some mercy.
...and I told him (the Swedish Envoy) that I was unable to imagine what further reactions might be possible in Sweden after the newspapers had voiced such incredible language. If the occasion arose this attitude would force us to answer in a manner not to be misunderstood. It was not being understood here (in Berlin) that Sweden, through its press was unequivocally taking the side of Bolshevism whereas at the moment our blood and that of our allies was employed to a large extent in order to keep the Communist danger away from Europe and thus also from the Nordic countries. Signed: STEENGRÖCHT" (Ibid, page 32)

The defendants STEENGRÖCHT and Erdmannsdorff were immediately informed by Best of the "blitz action" result which "has been carried out without incidents" (NG-3907, Exhibit No. 1673, Document Book No. 60-B, page 33).

"In the metropolitan area of greater Copenhagen 202 Jews were seized, among them chief Rabbi Friediger. The steamer 'Vartland' left Copenhagen today at 1000 hours and will arrive at Swinemünde (Germany) at 0800 hours on the 3rd of October 1943. On the steamer there are 202 Jews..." (Ibid, page 33)

The Jews were to be transported to the concentration camp Theresienstadt by the SS and to the Stutthof concentration camp. Another seven (7) women were to be sent to the Ravensbrueck concentration camp.

Upon receipt of the results, STEENGRÖCHT's subordinate von Thadden, as a competent expert on Jewish questions in the Foreign Office, plainly expressed his dissatisfaction that only 284 persons were seized. Inquiries were made by the Foreign Office as to why so few Jews were arrested and both the Reich Main Security Office and the Foreign Office expected a final report on it (NG-3920, Exhibit No. 1675, Document Book No. 60-B, page 35).

On the next day, October 5th, Dr. Best, informed his State Secretary STEENGRÖCHT, as well as Erdmannsdorff's department, giving an explanation of the meager result of the anti-Jewish
action in Denmark. The action was carried out under the direction of the Chief of the Security Police and, in spite of the protests of the Foreign Office representative, Dr. Best, the Jews were not registered in such a way so as to permit their quick and complete arrest. The technical preparations set up on the 29th of September were responsible for that failure. Best had foreseen the failure and reported it to the Foreign Office (telegram numbers quoted: No. 1162 of 29th of September; No. 1187 of 1 October 1943, Ibid, page 37). Many Jews were warned by measures which indicated that their fate was sealed. They had fled to the countryside, or left the country by crossing the sea to Sweden. The insufficient number of police or military forces also prevented the Germans from stopping the escape of the Danish Jews to Sweden. In conclusion, Dr. Best tries to console the Foreign Office by insisting that the main objective was nevertheless reached - Denmark is free of Jews. In view of this result, Best considered the action a successful "man-hunt" (Ibid, page 37).

As to what pains the Foreign Office representative in Denmark, Best, went to in order to inform the defendant STEENGRUCHT is shown by a telegram dated October 11, 1943, which reported that a half-Jew was shot while attempting to escape to Sweden (NG-5815, Exhibit No. C-273, Document Book No. 205-.., pages 62ff).

A file note on this exhibit indicates that this was a "sealed matter", which makes it clear that this information was known to the State Secretary STEENGRUCHT and he determined the distribution of this telegram.

Similar crimes were carried out in Norway in the winter of 1941-1942. Many members of the Norwegian intelligentsia were arrested by the German authorities in Norway and held in confinement.
without being given any reason. (See also Ex. 3651, RG-5217, Doc. Ex. 99B, p. 13 where STEENIILCHT side tracks Sweden's offer to help Norwegian Jews).

A Norwegian scientist, Olaf Broch, who had known WEIZSIECKER in pre-war days at International Scientific conferences, appealed to WEIZSIECKER in favor of arrested scientists and especially of a member of the Presidium of the Nansen Foundation, Professor Seip. The letter was sent to WEIZSIECKER on the 3rd of January 1942, together with a copy of a similar appeal to a Professor Borchling of Hamburg. To this Hamburg professor the Norwegian scientist specifically refers to his personal acquaintance with WEIZSIECKER and in both letters the fate of the Norwegian scientists is described and speaks for itself (WG-3573, Exhibit No. 1675, Document Book No. 60-B, pages 30/40/41).

The reaction of WEIZSIECKER is typical and merits quotation in full. He wrote to the State Secretary, Dr. Stuckart, of the Reich Ministry of the Interior on the 14th of January 1942:

"Dear Herr Staatssekretär:

"Mr. Olaf Broch, Secretary General of the Norwegian Academy of Sciences, whom I have known since the time of my activity in Oslo, sent me a letter in the matter of the Norwegian University professors who were arrested some time ago, which, together with the enclosure, I am forwarding to you for further action. In my answer to Mr. Broch I merely stated that this particular case is outside the jurisdiction of the Foreign Office and therefore forwarded his letter to you as head of the Central Office for Norway in the Reich Ministry of the Interior for further action.

Heil Hitler!

Signed: WEIZSIECKER"

(Tbid, page 42)

There is no hint in this letter indicating WEIZSIECKER desired any favorable action for the unfortunate victims of Germany's policy in Norway. WEIZSIECKER even finds it necessary to inform his colleague in the Ministry of the Interior of the
Interior of the clever diplomatic refusal which he gave to the appeal of the Norwegian professor, avoiding the issue by declaring, that the Foreign Office was not competent on that matter. While the Foreign Office was in a position to obtain exceptional treatment for exchange purposes, WEIZSÄCKER in this particular case showed by his attitude that he completely identified himself with the unlawful action undertaken by Germany in occupied countries. The fact that WEIZSÄCKER forwarded together with his letter the appeal of the Norwegian scientist, with a request "for further action" might have even implied that measures are to be taken against the Norwegian scientist Broch, who dared to write such an appeal to WEIZSÄCKER in a candid expectation of help.

One week later, on the 1st of January 1942, the German Ambassador in Stockholm was in a position to report to the Foreign Office that the Swedish press was publicizing reports of a forthcoming trial against the Rector of the University of Oslo, Professor Seip. Seip, the Swedish press announces, had been convicted and the penalty was described to be “absurd and barbarously severe” by the conservative Stockholm newspaper, "Tidningen", of the 24th of January 1942 (ibid, page 43).

WEIZSÄCKER, who at that time was still State Secretary in the Foreign Office, obtained a copy of the telegram sent by the German Embassy in Stockholm to the numerous departments of the German government.

The attitude of WEIZSÄCKER is further characterized by his own report of December 17, 1942 regarding a conversation he had with the Swedish Minister, who informed WEIZSÄCKER that Sweden was prepared to accept the Norwegian Jews about to be deported from Norway. WEIZSÄCKER, in his own words, immediately told
the Swedish Minister Richert that he would not enter into an official discussion with him on that subject. He went even further and pointed out to Mr. Richert that if he would be commissioned to transmit such information to the German government, he could predict a failure from the outset.

"The awkwardness of such an attempt would be quite clear.

"Mr. Richert, thereupon, dropped the subject."

(MC-2461, Exhibit No. 1676, Document Book No. 60-B, page 46)

This is the true manner in which WIEBECKE disposed of attempts which were made by neutral diplomats in an effort to save the lives of unfortunate people. Far from showing any sympathy, WIEBECKE used all his diplomatic skill to discourage any attempt, which came to his knowledge, in favor of the persecuted people in the occupied territories.
The execution of the annihilation program proceeded against the about half million Jews in France according to plan.

WEIZSAECKER, WOERMANN and later STENGLICHT had a special responsibility in France, because the top German official in France was a Foreign Office representative, namely the Plenipotentiary Otto Abetz (IMT Judgment Vol. I, p. 287). The defendants WEIZSAECKER and WOERMANN were also familiar with details of the military administration in the occupied French territories and especially of the measures planned and carried out against the Jews. As in other areas occupied by the Germans, the local population was exposed to anti-Semitic propaganda according to the pattern of Germany’s foreign policy described elsewhere. WEIZSAECKER and WOERMANN took official notice of the military progress report No. 10 covering the month of October 1940 (Pros. Ex. 1685, No. 2380, Doc. Bk. 60 B, p. 89).

On the 20th of August 1940 Otto Abetz, who was the German Ambassador in France, and WEIZSAECKER’s subordinate, was given the task of

"securing and seizing public property, above all, Jewish artistic property on the basis of instructions given for that matter." (Pros. Ex. 1686, 3614-P3, Doc. Bk. 60 B, p. 111)

On the same August 20, 1940 Abetz sent a secret telegram to the Reich Foreign Minister requesting approval for immediate anti-Semitic measures

"which may furnish basis for later removal of Jews from unoccupied France as well." (Pros. Ex. 1687, No. 2133, Doc. Bk. 60 B, p. 113).

This request was distributed to the defendant WEIZSAECKER, who initialed it, and to WOERMANN, Erdmannsdorff, and Ritter.

The divisions of the Foreign Office thereupon got in touch with the office of the Reichsfuehrer-SS to ask their opinion with respect to anti-Semitic measures as proposed by the representative of the Foreign Office in Paris, Abetz. (Pros. Ex. 1688, No. 1892, Doc. Bk. 60 B, p. 116).

Heydrich on the 20th of September 1940 informed the Foreign Office that he
"had no objections to the execution of the measures against the Jews planned by Ambassador Abetz for occupied France," (Ibid, p. 117)

In addition, he offered units of the Security Police stationed in occupied France to reinforce the staff dealing with the Jewish question in France

"in order to insure a rigid execution of the measures." (Ibid, p. 118)

In order to avoid disagreeable reactions from the standpoint of German foreign policy the property which was to be taken from the Jews was to be administered by German trustees, and

"It would be desirable that the intended measures are first carried out by the Vichy government so that the Vichy government will sign for it and so that it bears the responsibility in the event of failure." (Ibid, p. 119)

This was the information which was given to Abetz on the 20th of September 1940 as an answer to his request.

After Abetz had obtained the approval of the Foreign Office in Berlin, the Chief of the Military Administration in France on the 27th of September 1940 issued a decree, the text of which was communicated to the Foreign Office on the 9th of October 1940 and distributed to the defendants WEIZSÄCKER, WOERNLEHN, and Erdmannsdorff (Ibid, p. 120).

The defendant WEIZSÄCKER was not only informed of the measures, but the evidence shows that he had a decisive role in determining the limits of the measures to be applied against the Jews in France since Abetz himself was not in a position to carry out the measures in France without the approval of the defendant WEIZSÄCKER (Ibid, p. 122).

The defendant WEIZSÄCKER participated in a conference of directors in which the rulings concerning the Jews were discussed (Ibid, p. 122).

Prior to the intensification of the measures against the Jews in France, the Foreign Office cleared up the question of who was to be regarded as a German Jew and who was not (Pros. Ex. 1605, EX-265, Doc. Bk. 79, p. 4).

The defendants WEIZSÄCKER, WOERNLEHN, and Erdmannsdorff knew of the forthcoming measures and the extent of the groups of persons who were to be considered as Jews.
On the 22nd of February 1941 WEIZSAECKER received a letter from the Minister of the Interior and Economy for Wurttemberg, Dr. Schmid, informing him that he had learned that American Jews are also being included in the group against which anti-Jewish measures were to be taken in France. Schmid called the attention of WEIZSAECKER to the repercussions which such a procedure might have on German property in the United States.

"...that I want to make sure directly whether we really need not take this fact into consideration. Of course this question also arises concerning the Jewish nationals of other neutral countries, although one need not count on such grave consequences." (Pros. Ex. 1690, RG-1527, Doc. BK. 60 B, p. 13h).

The only possible restraint which the German administration had regarding the measures against the Jews was thus revealed once more: the fear of counter-measures.

In a conference on the 28th of February 1941, which took place at the German Embassy in Paris, in which Abetz personally participated, a report by an expert on anti-Jewish measures was read. The representative of the Foreign Office was informed that the SD had established statistics of 65,000 Jews as heads of Jewish families, and that approximately 200,000 Jews existed in Paris. 40,000 Jews already had been taken to concentration camps in France up to the 4th of October 1940, and new arrests being made constantly. (Pros. Ex. 1691, RG-15895, Doc. BK. 60 B, p. 136).

The German Military Commander in France was reluctant

"to grant the SD the authorization to arrest all Jews." (Ibid., p. 130),

but the hope was expressed that arguments could be found to induce the Military Commander to grant the said authorization.

Furthermore, the plan was set forth to obtain the consent of the Vichy government in order to obtain legal supplements of the measures (Ibid., p. 138).

A Central Jewish Office was founded in Paris and Embassy Counselor Achenbach, the political advisor of Abetz assigned for further action, especially to put pressure on the Military Administration in France to comply with the wishes of the SD regarding the Jewish question in France. (Ibid., p. 139).
It is revealed by this document that the Foreign Office was supporting the SD rather than the Military Commander in France in the endeavor of the SD to carry out more radical measures in France.

In order to shift the blame for the anti-Jewish measures to the French, Abetz suggested to the Foreign Office that a Central Office for Jews in France should be established as a French "front" organization and to have it founded by the Vichy government.

"Thus the Central Office for Jews will have a legally valid basis and it can be activated by German influence in the occupied zone to such an extent that the unoccupied zone is forced to follow suit with the measures taken." (Pros. Ex. 1693, NG-2h2, Dec. Bk. 60 B, p. 110).

This proposal of Abetz, dated March 6, 1941, was submitted to the defendants WEIZSÄCKER, VOERMANN, Ritter and Ehrmannsdorff for information.

In connection with this proposal, a French collaborator, Xavier Vallat, was appointed as Commissioner for Jewish Matters. The plan of Abetz to have a Frenchman serve as frontman for the German anti-Jewish policy was partially carried out through this appointment and the defendant WEIZSÄCKER took cognizance of this achievement (Pros. Ex. 1694, NG-2h32, Dec. Bk. 60 B, p. 112).

Anti-Jewish laws formerly issued by the French government were to be coordinated for the entire country.

The registration of the Jews which had been started in 1940 had been considerably improved in the meantime and

"an over all control is guaranteed. Even though this registry is still not a complete registry of the occupied territory it nevertheless contains the Jews resident in the departments with the greatest Jewish population (Seine)." (Pros. Ex. 1700, NG-2070, Dec. Bk. 60 B, p. 178).

On the 20th of May 1941 Schellenburg of the Gestapo sent the Foreign Office a copy of a secret instruction which was given to all German Police authorities in Germany, Belgium and France. The emigration of Jews should now be stopped...

"In view...of the fact that the final solution of the Jewish problem is undoubtedly close at hand." (Pros. Ex. 1630, NG-310h, Dec. Bk. 60 A, p. 59).
Schellenberg also requested that the German domestic authorities be informed that they are not to send identification documents to Jews in France and Belgium for the purpose of emigration. The final solution of the Jewish problem was imminent.

"Emigration of the Jews into territories occupied by us is to be prevented." (Ibid., p. 59/60)

The Foreign Office carried out these instructions to the letter and refused, even in individual cases, the issuing of certificates which were necessary for the emigration of Jews from France.

The Swedish Legation in Paris had requested passports, police certificates, birth, marriage certificates and similar identification papers for German Jews interned in unoccupied France. The Foreign Office, which suspected that these papers were needed for emigration, informed the German Embassy in Paris that the issuing of these papers was to be discontinued. The German Red Cross was informed of this on the 8th of September 1941.

"D III intends with the enclosed verbal note, now to beg also the Royal Swedish Legation in Berlin, without giving them any reason, to induce the Royal Swedish Legation in Paris, as the representative of the local German interests, to stop at once to accept any more applications of German Jews living there who request the supply of identity papers."

(Iros. Ex. 1631, No. 3107, Dec. Bk. 60 A, p. 63)

This information was also submitted to State Secretary HEIZSLECKER, with a request for directives. HEIZSLECKER thereupon directed Department D-III to approach the Senior Councillor of Legation Albrecht. He proposed to treat the matter in a "dilatory fashion", as in four weeks German Consulates would be installed in the whole of France, including the unoccupied part of France.

"Then the Swedes could be sent a note in which they could be informed that the affair would be considered of no importance since the treaty concerning the protective power had expired." (Iros. Ex. 1631, No. 3107, Dec. Bk. 60 A, p. 64)

The Foreign Office was also informed that emigration of Jews via Sweden was to be stopped in view of the imminence of the final solution of the Jewish problem.

The Supreme Commander of the Navy, Naval Warfare Command, informed
the Foreign Office on the 23rd of March 1942 of the Chief of the Security Police's instructions regarding emigration of Jews via Sweden. The Foreign Office then informed the German Naval Attaché in Stockholm of these instructions.

Thus, the Jews were trapped in France and the final solution of the Jewish question could advance according to schedule.

"Efforts should be made within the scope of the final solution of the Jewish Question that in France exclusively French offices should also deal with this matter...

Already at the beginning of 1941 at our suggestion the necessity to establish a separate Commissioner for Jewish Affairs was put before the Deputy Chief of the French Government by the German Embassy. On March 8, 1941 the French Ministerial Council accepted the proposal; on March 29, 1941 the Commissioner for Jewish Affairs was appointed." (Pros. Ex. 1700, NA-2070, Doc. Br. 60 B, p. 179).

A representative of the "Jewish Referat" of the Chief of the Security Police in France had been detailed to the French Police in Paris,

"In this way we have no doubt been successful in influencing in a certain direction the competent leading and subordinate officials." (Ibid, p. 179).

In the summer of 1941 the SS further activated their anti-Jewish services in France. A special French "Jew Police" was created in the middle of December 1941. This "Jew Police" extended its activity also to the unoccupied territory of France. (Ibid, p. 179). The Frenchmen who served in this special police were trained and controlled by the Germans and the leadership of this "Jew Police"

"has been assured by our Jewish Referat." (Ibid, p. 180)

In carrying out the measures against the Jews all German authorities were working together.

"The extent and the importance of the problem necessitated absolute coordination of all German offices..."

Since the middle of 1941 a so-called Tuesday conference takes place weekly in which representatives of the following offices participated:

1. Military Commander Administrative Staff,
The Foreign Office, through its local representative in Paris, was one of the German authorities which together with the German Police and the German Army in France were planning together in weekly conferences the steps to be taken against the Jewish population in France.

In August 1941, the German anti-Jewish policy in France had reached the stage where the brutality of the measures against the Jews could be stepped up. The Military Commander of France was finally determined to carry out wholesale arrests of Jews, both foreign and French. The deputy of Abetz, Minister Schleier of the German Embassy in Paris on October 30, 1941 requested instructions from WEIZSÄCKER on the matter of the foreign Jews in France, in order to avoid diplomatic difficulties. The defendant Ritter received a copy of this report of Schleier (Pros. Ex. 1695, N-3251, Doc. Bk. 60 B, p. 116 - identical with Pros. Ex. 3599, N-6095, Doc. Bk. 97 B, p. 116).

On the 1st of November 1941 WEIZSÄCKER personally answered Schleier regarding the request and authorized the wholesale arrest of Jews of European nationalities.

"Inasmuch as it concerns the arrests of Jews of a European nationality, there are no objections against the measures of the Military Commander of France, and no diplomatic complications are expected."

This answer was initialed by Hesse-Landsberg and Mannesdorff (Pros. Ex. 3599, N-5095, Doc. Bk. 97 B).

As to the Jews of American nationality, WEIZSÄCKER proposed a more cautious procedure. For fear of complications with non-European countries, the defendant WEIZSÄCKER urged the release of arrested Jews of American nationality. Even though all of the American Republics were still neutral at that time WEIZSÄCKER recommended
"to expel all Jews who are American citizens from the occupied territories." (Ibid, p. 116)

In a marginal note inserted in this report Radmacher informed his superiors in the Foreign Office that the Chilean Jews had been released (Ibid., p. 117).

This prompt action with regard to the Chilean Jews proves that the Foreign Office determined to a great extent the course of events against the Jews. The reasons given by WEIZSLÄCKER in particular were not questioned by the Military Commander nor by the SD, since the Foreign Office was in a position to alter even measures already in progress.

The German Embassy in Paris was kept informed by the SS of the number of Jews interned in French concentration camps, and was given a breakdown by nationalities. In October 1941 the German authorities carried out a registration of the Jews in France which met with opposition even from the French collaborators. (Pros. Ex., 1695, No. 32b4, Doc. Bk. 60 B, p. 119).

At the end of November 1941 a Major of the Luftwaffe was slightly wounded by a pistol bullet in France. Retaliation measures were requested by Goering. Then on the 5th of December another member of the Wehrmacht was attacked, the Military Commander of Paris, von Stulpnagel, ordered on the same day:

1. The execution of 100 hostages.
2. A fine of one billion francs to be paid by the Jews of Paris.
3. Internment and deportation to the East of 1,000 Jews and 500 members of the Young Communist League. (Pros. Ex., 1696, No. 3571, Doc. Bk. 60 E, p. 150).

The defendant Ritter, liaison man to the OKH, was informed of the reprisals and requested that

"The necessary public announcements and propagandistic measures are to be prepared in agreement with the German Ambassador in Paris." (Ibid., p. 151)

On the 18th of December 1941 Ritter had a telephone conversation with WEIZSLÄCKER regarding the retaliation measures in France and on the 18th of December 1941 confirmed his telephone conversation with WEIZ-
Schenker, informing him in addition that the German ambassador in Paris would be in charge of the propaganda measures to be carried out in connection with the shooting of the hostages and other reprisals (Pros. Ex. 1171, NA-117, Doc. Bk. 60 B, p. 156/159).

As to the evacuation of 1,000 Jews from France to Auschwitz, Rademacher was informed of this action by an Express Letter from the Security Police dated March 9, 1942. Eichmann, before taking any action, asked the Foreign Office whether there were any objections against the carrying out of this operation (Pros. Ex. 1697, NA-4954, Doc. Bk. 60 B, p. 162).

On the 30th of March 1942 the Foreign Office in Berlin informed the German Embassy in Paris that there were no objections to the intended action against the Jews (Ibid, p. 165).

This was only the beginning of the deportation measures to Auschwitz carried out in France. Eichmann was in a position to report an additional 5,000 Jews to be deported to the East and requested the Foreign Office to give the necessary approval (Ibid, p. 167).

The Foreign Office in Berlin on the 13th of March 1942 informed the German Embassy in Paris that the Chief of the Security Police and Security Service proposed to ship another 5,000 Jews

"from France to the concentration camp Auschwitz."
(Ibid, p. 168)

The Foreign Office in Berlin requested the German Embassy in Paris to give its opinion in this connection. The defendants WEIZSAECKER and VOERMANN initiated this request (Ibid, p. 168/169).

Schleier of the German Embassy in Paris immediately wired that

"there is no objection to the proposed evacuation of another 5,000 Jews."
(Ibid, p. 170)

Thereupon, on the 20th of March 1942 WEIZSAECKER, VOERMANN, Luther and Rademacher authorized the Reich Main Security Office Section IV B 1 (Eichmann) by an Express Letter:

"there is no objection on the part of the Foreign Office against the evacuation of 6,000 French or stateless Jews described in detail in the police records, to the concentration camp Auschwitz."
(Ibid, p. 171/172).
The matter was regarded as so important that WEIZSÄCKER and VOERMAN signed this instrument of death before Rademacher dispatched it to Eichmann (Pros. Ex. 1697, 1698, NG-1951, identical with NG-02; p. 171, p. 175, Doc. Bk. 60 B). WEIZSÄCKER himself participated in the drafting of the answer to Eichmann and inserted a number of corrections in his own handwriting (Pros. Ex. 1698, NG-02; Doc. Bk. 60 B, p. 173).

The document was signed on the top by WEIZSÄCKER, VOERMAN and Luther.

In February 1942 the emigration of Jews from Germany and the occupied territories was vigorously stopped by the German authorities. Exceptions were to be granted only if they were clearly to the advantage of Germany in individual cases. (Pros. Ex. 1699, NG-1976, Doc. Bk. 60 B, p. 176).

In March 1942 a Higher SS and Police Chief was appointed for the operational measures against the Jews.

"This new regulation will have an especially favorable effect on the final solution of the Jewish question." (Pros. Ex. 1701, NG-1981, Doc. Bk. 60 B, p. 183)

WEIZSÄCKER's subordinate, the German Embassy Councillor Schenckoch, who cooperated closely with the police in dealing with the Jewish question in France, was informed of this new appointment on the 18th of March 1942 (Pros. Ex. 1701, NG-1981, Doc. Bk. 60 B, p. 183).

Before the mass action against the Jews was to start all Jews over six years of age were compelled to wear the star of David.

"...a yellow six-pointed star of the size of a palm, black edged and with the black inscription 'Jew'. It has to be worn visibly on the left breast of the garment and has to be sewn on well." (Pros. Ex. 1702, NG-2959, Doc. Bk. 60 B, p. 181)

WEIZSÄCKER was informed by Abetz of this measure which foreshadowed mass deportation to the East, and initialled the report sent to him on the 15th of May 1942. (Ibid., p. 184).

Exempted from this ordinance were for the time being British, North, Middle, and South American Jews and Jewish citizens of Allied and neutral European states. VOERMAN and Eichmannsdorff were likewise
Before these discriminatory measures against the Jews were carried out in France, Legation Councillor Dr. Strack in Berlin was requested by the Paris German Embassy to send the minutes of the State Secretaries Conference of January 20, 1942, which had taken place in Berlin. Under State Secretary WOERMANN was referred to in that document as the one who would be in a position to send the minutes of this conference in which the question of the evacuation of the Jews was discussed. This letter shows clearly that for members of the Foreign Service WOERMANN was the proper channel and authority on German policy against the Jews (Pros. Ex. 1703, Ng-3668, Doc. Bk. 60 B, p. 186 - There is an erroneous notation in the index of Doc. Bk. - This document is identical with Pros. Ex. 0-3 Bl, Ng-52812, Doc. Bk. 206 A).

On the 22nd of May 1942 the Foreign Office informed by telephone the German Embassy in Paris that the Foreign Office in Berlin had agreed to the decree which formally compelled all Jews to wear the Jewish star (Pros. Ex. 1703, Ng-3668, Doc. Bk. 60 B, p. 187).

WOERMANN informed WEIZSÄCKER of discrepancies with regard to the treatment of foreign Jews in Holland and France, and requested that the same policy should be followed in all occupied countries.

"I initiated the suggestion dated May 15 at that time, but I have now come to the conclusion that to afford privileged treatment just for American and British Jews in France is not practicable." (Pros. Ex. 1703, Ng-1516, Doc. Bk. 60 B, p. 188)

WEIZSÄCKER delegated to WOERMANN the authority to find a solution in cooperation with Department D III. WOERMANN proposed consulting Ambassador Abetz and the Military Commander in France (Ibid. p. 188).

He told Department III

"Please call me up or discuss the matter with me before final settlement."

On the 10th of July 1942 the defendants WEIZSÄCKER and WOERMANN again expressly stated their approval to a document giving the authorization and agreement of the Foreign Office to the planned deportation of Jews from France to Auschwitz. WEIZSÄCKER himself participated in the drafting of this approval to Eichmann (Pros. Ex. 1680,
On June 27, 1942, Hauptsturmführer Dannecker had explained to the Foreign Office in Paris that

"he was in urgent need of 50,000 Jews from the unoccupied French territory for deportation to the East." (Pros. Ex. 1705, NG-1967, Doc. Bk. 60 B, p. 190).

Weizsäcker and Ritter did not even raise any objections when they learned through a cable from Abetz of September 2, 1942, that Catholic priests were arrested in France because they had tried to save 60 Jewish children from annihilation.

On 11 September 1942, Weizsäcker and Ritter were informed through a cable from Schleier, that the final solution of the Jewish problem was progressing and that 30,000 Polish and Austrian Jews, who had found some refuge in France, had been deported to the East.

"In order to reach the final solution of the Jewish problem." (Pros. Ex. C-231, NG-5109, Doc. Bk. 201 A, p. 21).

Voelmln was so debased in his human feelings, that he denied all access to information to the Papal Nuncio when he was asked on October 15, 1942 (Pros. Ex. 3652, NG-1577, Doc. Bk. 99 B, p. 5) about the fate of Jews deported from France and Lemberg. He answered:

"that I could give him no information".

Weizsäcker consented to this procedure by initialing Voelmln's report without any objections.

The deportation measures against the Jews embraced not only the German occupied part of France but also the unoccupied part. Weizsäcker was fully informed of all the measures which were taken in both zones. He initialled a telegram, dated Paris, 15 January 1943, to the Foreign Office in Berlin which gave a detailed account of the number of Jews which up to that date had been arrested in the unoccupied zone and those who were about to be arrested. This telegram was distributed also to the defendants Voelmln and Ritter. On January 15, 1943, 10,000 stateless Jews were thus already deported from the unoccupied zone and another 15,000 to 20,000 were announced to be turned over to the Germans at the earliest possible date. (Pros. Ex. 1706, 169
Tunisia

The German authorities were not satisfied to have the anti-Jewish measures limited to the metropolitan area of France. Immediately after the landing of the American troops in North Africa, the measures were extended to the Jewish population living in the French territories of North Africa. On December 24, 1942, the representative of the Foreign Office in Tunis, Rahn, sent to the Foreign Office a detailed report on the situation in North Africa after the landing of the American troops.

"Since international Jewry is responsible for the Anglo-American attack against North Africa, the sum of twenty million has been raised from Jewish property by the Einsatzkommandos, the Security Police and SD. If enemy bombardment of civilian population continue additional sums will be levied..."

"Able-bodied male Jews drafted into labor battalions. Radios of Jews as carriers of enemy propaganda confiscated. Jewish stocks of goods liable to registration for the supply of the civilian population. Carried out by SD." (Proz. Ex. 1775, NC-4882, Doc. Bk. 60 B, p. 195)

"Incitement to looting of Jewish shops, turning of demonstrations into pogroms etc. not practicable while our troops are not at least at the frontier of Algeria." (Ibis, p. 193)

This telegram bears the handwritten notation

"For the State Secretary",

and was also distributed to NOSMANN, Ritter and Erhardssendorff.
The defendants WEIZSLACKER and NOWIKAI were also particularly active in pressing the Italian government to deport the Italian Jews from France to the East.

On July 24, 1942 Luther, with the consent of WEIZSLACKER, who initialid the proposal, made suggestions to Ribbentrop for forcing the Italian government to comply with the German requests for deportation of the Italian Jews from France. (Pros. Jkh. 3595, Doc. NG 5094, Doc. Bk. 97 B, p. 14).

In a separate note the defendant WOSRÜNN occurred (p.15) with the Division Deutschland in the proposal that:

"If it is impossible to evacuate the foreign Jews at once, the Italian government should at least be induced to recall their Jews from France or to agree to their evacuation to the East." (Ibid, p. 14)(underlinings supplied)

On September 17, 1942 WEIZSLACKER, who signed and made corrections on Luther's draft, instructed together with Luther the German Embassy in Paris that they should urge the Italian government to comply with the German wishes regarding the anti-Jewish measures in France. (Pros. Jkh. 3597, doc. NG 5093, Doc. Bk. 97 B, p. 37).

At the beginning of December 1942 the French government was asked to intern all Jews from the border and coastal districts of newly occupied France who fulfilled the conditions of deportation, so as to make them available later on for deportation to the East. (Pros. Jkh. 1709, NG 4268, Doc. Bk. 80 B, page 403).

The German military and police authorities however, noted that the Italian government did not comply with the German request and therefore

"impedes the solution of the Jewish problem ordered for the whole of Europe." (Ibid, page 404)
"Such conditions are untenable in the long run, in particular it cannot be tolerated that such Jews who are particularly dangerous with a view to defense and security, should in ever greater numbers escape from these areas in France occupied by German troops to Italian occupied areas..." (Ibid, page 204)

This was a matter for the Foreign Office to clarify, Ritter obtained information and the Reich Foreign Office would deal with the question.

RademACHER informed the German Embassy that this problem had become the object of negotiations with the Italian government.

"It is assumed that disagreements have now been eliminated."

(Neg-3612, Exhibit No. 1710, Document Book No. 60-B, page 201)

The Reich Foreign Office again instructed the German Embassy in Rome to urge the Italian government to cooperate with the Germans in the evacuation of the Jews from all coastal regions of Southern France. The Chief of the Security Police and the SD within the areas under the Military Commander in France were kept informed of the diplomatic efforts which the Foreign Office undertook in Rome. (Neg-4890, Exhibit No. 1712, Document Book No. 60-B, page 208).

In March 1943 the German Ambassador Mackensen, in Rome, on instructions from the Foreign Office in Berlin, called on the Duce and protested against Italian interference with the German anti-Jewish measures taken in newly occupied France. (Neg-2242, Exhibit No. 1713, Document Book No. 60-B, pages 210-216). (See also the chapter on Italy)
Several months elapsed and it was not until September 1943 that the full-fledged drive against the Jews all over France was executed. By that time the Italian forces, who had formerly occupied parts of southern France, were withdrawn. Tichmann of the Reich Main Security Office was now in a position to inform the Foreign Office that the measures now submissively ordered by the Duce could be carried out. (NG-4978, Exhibit No. 1802, Document Book No. 62-A, pages 54/61). The Italian military commanders and police officials who had shown a degree of human understanding for many of the Jews in that area were now replaced by German Army and police officials. Tichmann telephoned to Thadden of the Foreign Office reporting that

"...about 15,000 of the Jews in question had fled into the mountains of Monaco; that the government of Monaco, however, had agreed in principle to the seizure (Träffung) of these fugitive Jews on Monagasque territory, if this was desired by the Reich government.

"The Jews in question are of various nationalities..." (Ibid, page 54)

After the arrest of the Jews, they were to be dealt with according to their nationalities, that is to say: internment, deportation to the central provinces of France, deportation to the Eastern Territories, or internment in their own countries.

With due deference to the Foreign Office's position, Tichmann suggested that the Foreign Office approach the Monagasque government in order to obtain the extradition of these fugitive Jews and the granting of the permission to round them up on Monagasque territory.
On the document in evidence there is a handwritten note that Thadden's Section, Inland II, was of the opinion that the wish of Fichmann should be complied with, if there were no political objections, and a further note was

"herewith submitted to the Under State Secretary Political Division, with a request for orders." (Ibid, page 55)

Two days later the defendant STATTGRACHT ordered a secret telegram to be sent to the German Consulate in Monaco:

"The Reich Security Main Office has been informed that 15,000 Jews of various nationalities have escaped arrest by German security organizations by fleeing from the formerly Italian occupied zone to Monaco. Monagasque government allegedly willing to extradite Jews and/or permit arrest in Monagasque territory; if this is requested by the Reich.

"If there are no objections there, I ask to secure - in agreement with local representative of Security Police Commander - the consent of the Monagasque Government to round up the fugitive Jews." Signature of STATTGRACHT.

(NC-4978, Exhibit No. 1802, Document Book No. 62-A, pages 56/57)

In the summer of 1944 a conference was held with a Commissar for Jews of the Foreign Office, Dr. Fickerle, in Monte Carlo, Monaco, which summed up the situation in Monaco as it had developed during 1943-1945. All together there were only 40-50 Jews still living in Monaco. A small number was reported to live in hiding. The Jewish problem in Monaco was therefore considered practically solved. A year ago, the Foreign Office in Berlin was informed, it was different. Then about 1,000 Jews were still living there.

"This number decreased for the first time when the Italians withdrew, as then numerous Jews fled before the arrival of the German occupation troops. The second installment of Jews disappeared after the first arrests made by the SD in Nice. At
that time they fled to Spain, Switzerland, and to the French mountains. A number of them were caught on the way and taken to Drancy (an infamous concentration camp of the Germans in France).

"If some more of the Jews now remaining in Monaco are to be deported, their arrest can be effected at any time in the manner agreed with the local government, that is, with the cooperation of the Monaco police."

(NG-4964, Exhibit No. 1803, Document Book No. 62-A, page 64)

Thus came to a conclusion the solution of the Jewish problem all over France, including the little independent Principality of Monaco.
The Foreign Office official, von Thadden, who had a conversation with a member of the Spanish Embassy in Berlin concerning the Spanish request to permit the Spanish Jews in France and elsewhere to return home, insisted that the Spanish Jews were also to be deported to the East (NG-5262, Exhibit No. C-270, Document Book No. 205-A). As a faithful subordinate of the defendant STETENGRACHT, who was then Secretary of State, he added in a handwritten note to the document that he had informed the defendant STETENGRACHT of his conversation with a member of the Spanish Embassy in Berlin.

* * *

A series of documents introduced by the Prosecution prove that the defendants WEIZSAECKER, WOTTMANN, RITTER and ERDMANNSDORFF were kept informed of criminal acts undertaken in France by the German occupation forces, especially the shooting of Jews and hostages (NG-5126, Exhibit No. C-256, Document Book No. 204-A).

The defendant WEIZSAECKER initialed page 39 of the original, and further proof that the defendants WEIZSAECKER, WOTTMANN and ERDMANNSDORFF had received copies of the document can be seen on pages 40/41 of the original.

The document on pages 44-47, included in this exhibit, is classified as "sealed matter" and distributed to WOTTMANN, RITTER, and ERDMANNSDORFF whose names are checked on the distribution stamp.

On page 48 of the original there again appear the initials of WEIZSAECKER and his underscorings. (With reference to underscorings see NG-5407, Exhibit No. C-269, Document Book No. 204-A, affidavit of Hans Schroeder indicating that the
defendant WEIZSATCKR used a brown pencil to initial docu-
ments and that other officials of the Foreign Office were
instructed not to use pencils of that color. This affidavit
furthermore substantiates the statement made by the affiant
Betty Richardson with regard to MG-2586, Exhibit No. 3601—a
document which has WEIZSATCKR's underscorings).

Page 49 of the original also bears the initials of
WEIZSATCKR.
4. ITALY

The history of the anti-Jewish activities in Italy and in the Italian sphere of influence shows the intensity and energy with which the defendants forced their criminal plans upon their weak ally.

Italy was the only German ally in Europe which for a while enjoyed formal equality with Germany as a real "Axis" partner until her defeat in 1943. Mussolini retained until 1943 some degree of independence, and the allegiance of the Italian nation to the German cause was often a worry to the officials of the German Foreign Office. When the Italian government of Mussolini, even though willing to issue anti-Semitic laws and decrees, showed reluctance to adopt Germany's radical anti-Jewish policy, and submit its Jews to the dread deportations, the German Foreign Office was confronted with two alternatives: either to seek eagerly to overcome the Italian reluctance in an effort to deport the Jews from Italy and in the Italian sphere of influence, or to take cognizance of the Italian attitude and tolerate it.

The defendants WEIZSÄCKER, and MIRANNI and their colleagues of other agencies decided that the Jews of Italy should share the fate meted out to their kind in the Lowlands and France.

On the 2nd of September 1942 the Italian Ambassador in Berlin, Alfieri, called on WEIZSÄCKER and handed him a note dealing with the treatment of the Jews in French North Africa. (NC-054, Exhibit 1793, Document Book 62-., page 1). This note was seen by WEIZSÄCKER and after having been turned over to other departments of the Foreign Office was to be resubmitted to him.

The Italian Ambassador complained about expropriation measures against 5,000 Italian Jews in Tunisia. The Italians considered this a serious blow to the economic position of Italy and Tunisia. Negotiations between the Italian government and the Vichy government regarding this question were under way and while the Italians maintained that anti-Jewish expropriation decrees should not apply to Italian Jews in Tunisia, the Vichy government contended that it felt compelled to expedite the
application of these decrees.

"In view of the pressure by the German government for immediate application of the racial laws in North Africa." (Ibid, page 3)

Thereupon WEIZSAECKER requested that Ambassador Abetz in Paris should be heard on the question in order to find out

"... to what extent we have been exercising pressure on Vichy in order that Jews of Italian citizenship be removed from Tunisia ... Perhaps the French government is using us against the Italians in order to create bad feelings within the Axis. Signed: WEIZSAECKER.

"To be resubmitted to the State Secretary in 10 days." (Ibid, page 4)

On September 17, 1942, the Foreign Office instructed the German Embassy in Rome to press the Italian government to consent to the inclusion of Italian Jews,

"... in general measures against the Jews and thus also to their deportation to the East." (Ex. 3597, KG-5093, DB 27B, p. 37)

The persons responsible for this pressure against the Italian government in the annihilation program are the defendant WEIZSAECKER, who signed this instruction on September 17, before dispatch, the defendant WOERMAN, who signed it on September 16, and Luther, who had signed it on September 15, all before dispatch.

The initials of WEIZSAECKER and WOERMAN before dispatch can be found on the right side of the document. When the document was offered in evidence the necessary corrections were made in order to point out clearly the signature of this dispatch by WEIZSAECKER and WOERMAN.
On 22nd October 1942, WEIZSAEBER received a lengthy report from the Department Deutschland (initialed by Luther and Klingenfuss) on Italy and the Jewish question. They repeated what WEIZSAEBER had learned from Alfieri in September that the Italians had shown little understanding in this matter and had even resented Germany's anti-Jewish policy inasmuch as the interests of Italian Jews were affected. (NG-4360, Exh. 1794, Doc. Bk. 62-A, page 6). There were only a few Italian Jews in the German orbit,

"but this does not detract from the importance of the question which must be solved according to our fundamental principles." (Ibid, page 7)

In this report it was stated that the Fascist Party of Italy was very late in intensifying anti-Jewish propaganda and the Italians had even protested against the policy of the Vichy government which tried to carry out Aryanization in North Africa. The Germans pressed for stronger measures against the Jews, but the Italian government resisted.

The report remarked that many Greek Jews had fled to Italian occupied territory in Greece and even in Rumania and in other south-eastern states the Italians had counter-acted German measures against the Jews. In the Italian sphere of interest in Croatia,

"the Italians assured the Jews of their protection..." (Ibid, page 11)

The report which was submitted to WEIZSAEBER and forwarded to Ribbentrop, suggested a discussion on the highest political level, either between the Reich Minister for Foreign Affairs and Count Ciano, or bet-
woen Hitler and Mussolini. In such a discussion a uniform anti-Jewish policy should be reached. The Italians should stop playing the protector of the Jews, and the Italian Jews should be deprived of their privileged position and should be expropriated step by step.

(Ibid, page 15)

During the latter part of November and the early part of December 1942 a number of Foreign Office documents reveal the intense diplomatic activities which were carried out with regard to the Italian Jews in Tunisia. The defendants WOERLINN and WOELINNSDORFF were very active in passing upon and initialing secret documents dealing with the German effort to break the resistance of the Italians. (MG-2346, Exh. 1795, Doc. Book 62-1, pages 17-21).

On January 13th 1943 Ribbentrop, after examination of the proposals of his subordinates, sent a directive to the German Embassy in Rome, a copy of which was distributed to WOERLINN and WOELINNSDORFF, and as especially classified material also to WEIZSCHOR. (MG-4961, Exh. 1796, Doc. Bk. 62-1, pages 22 - 24). Ribbentrop noted that the official Italian attitude to the question of the treatment of the Jews deviated widely from the German.

"While we have recognized Jewry as a disease... the Italian government believes that it can treat Jews as individuals, by giving preference to an individual or to groups of Jews. The Italian government interferes also abroad on behalf of Jews of Italian nationality and especially when these Jews have gained economic influence. According to the official Italian notes, these Jews represent considerable Italian interests in especially important political fields..." (Ibid, pages 22/23)

The directive then went on to instruct the German ambassador von Mackensen in Rome to inform orally Foreign Minister Count Galliuzzo Ciano that until the 31st of March 1943, the Jews of Italian nationality would be permitted to remain in the territories controlled by Germany, but after this date the Italian Jews who remain in the Reich, including the Protectorate of Bohemia and Moravia and other territories controlled by Germany, would be exposed to the free action of Germany. The German ambassador is told to make this quite clear to the Italian government.
"...and you can emphasize that Jewry in its entirety is the greatest enemy for us and our struggle; that applies to Germany as well as to Italy... to regard the Jews of Italian nationality as Jews too and therefore they are to be subjected to our legislation concerning Jews." (Ibid, page 24)

At the end of 1942, upon the landing of the American troops in North Africa, all of France was occupied and the anti-Jewish measures could now be pursued more energetically in all France. In the area newly occupied there were living many Italian Jews.

The Foreign Office representative in Paris, Minister Schloier, informed in a secret telegram, dated 25 January 1943, (RG-4959, Ex. 1797, Doc. Bk. No. 62-11, pages 26-28) the German Foreign Office on the evacuation and rounding up of stateless and foreign Jews in the territories newly occupied. The defendants LILIBER, Ritter, and WEINMAN, among many others, were on the distribution list of this secret communication.

Schloier reported that plans were submitted to the Vichy government, according to which the French would remove all Jews from the coastal areas and intern all Jews of foreign nationality "for the purpose of deporting them to the East later on." (Ibid, page 26)

The Jews of French nationality and for the time being the Italian Jews, were to be concentrated in four departments of France and confined there. A French collaborator, Secretary General Bousquet, had informed the Germans that the Italian Armistice Commission was protecting the Jews of Italian nationality against the anti-Jewish measures taken by the Vichy government. (Ibid, page 27)

The Spanish and Hungarian governments had also lodged protests with the Vichy government against the inclusion of their citizens in these arrests. Therefore the French were not in a position to carry out fully the measures demanded by the Germans. (Ibid, page 27)
"In the near future, the SD will have additional conferences with Bousquet, in order to clarify which measures can be taken by the French on the basis of the present situation created by the Italian attitude... However, the Embassy and the SD agree that a thorough solution of the Jewish question in the newly occupied territories can only be accomplished if all the Italians can successfully be brought in our line in regard to Jewish measures." (Ibid, page 27-28)

The defendants "HISCHOER and HOFFMANN were fully informed of this particular situation. The answers sent by Luther to Paris on the 31st of January 1943 were submitted before dispatch to 'HISCHOER and HOFFMANN and to officials of the Political Division (Pol II, Pol III) of the Foreign Office in Berlin. The documents introduced in evidence (HG-2959, IH. 1797, Doc. Bk. S2-... pages 20-34) bear the signature of the two defendants 'HISCHOER and 'HOFFMANN of January 27 and 28, this is before the instructions were sent off on January 31, 1943 ordering the Paris Embassy.

"I was surprised to learn from the Vichy government that the Italian Justice Commission, in a letter of December 30, 1942, protested to the Vichy government against the decree of the regional Governor of the Alps-maritimes...

"The Embassy in Rome was instructed to appeal to the Italian government in this sense. Please report on the development of negotiations there. The result of the German demands will be communicated to you." (Ibid, page 30)

On the same day another secret cable was sent to Rome, also again signed by 'HISCHOER and 'HOFFMANN, on January 27 and 28 before dispatch instructing the German Embassy in Rome.

"Please appeal to the Italian government in this sense and express Germany's urgent request to carry out the instruction given by the Italian High Command on 4 December 1942. Italian Commander in southern France should be instructed to support the French authorities in the carrying out of their measures against all Jews who are not of Italian nationality and to increase collaboration with the German military and security police offices for the purpose of preventing the expected flight of Jews to areas of Southern France by Italian troops..."
"Please also mention in a suitable manner that Italian intervention at the Vichy government for the purpose of granting special treatment to Jews of Italian nationality in Vichy France are contrary to our intentions." (Ibid, page 33)

The attitude of the Foreign Office officials, including the defendants \textit{B.M.S.Dcker} and \textit{D.N.RiNN}, is thus unmistakable. Specific efforts were made to find convincing arguments so as to prevent the Italian local commanders in Southern France from protecting the Jews, with specific emphasis of the danger that lack of cooperation of the Italian local commanders would encourage the flight of Jews into their part of France which was under Italian influence. The idea that a few Jews of various nationalities, living in France, could find a temporary haven of safety was indeed unbearable to \textit{B.M.S.Dcker} and \textit{D.N.RiNN} and other German Foreign Office officials.
On the 15th of February 1943 the Foreign Office in Berlin received another communication indicating that protection was still given to Jews by Italian authorities in other parts of German-dominated Europe. The secret telegram referred to the acquisition of Italian citizenship by Jews of various nationalities in the Salonika area, (Greece). There the Italian Consulate General had handed out to a few Jews Italian citizenship papers in an effort to spare these Jews from deportation.

The defendant WÖHRMANN and the Foreign Office official Bargmann resented this action of humanity and instructed the German Ambassador in Rome to make such steps impossible. The instruction, dispatched to Rome on February 15, 1943 was signed by WÖHRMANN on February 13.

"In view of the present plans to deport the Jews from the Salonika area, such machinations will increase because the wealthy Jews will leave no stone unturned in order to avoid the threatened deportation.

"In order to stop this unwelcome development, kindly try to achieve, by way of negotiations with the Italian Government, that such Jews who have obtained Italian citizenship after a certain deadline, are not to be recognized as full-fledged Italian citizens and do not enjoy the otherwise customary protection of the Italian government."

(NG 4-957, Exhibit No. 1798, Document Book No. 62-A, page 37)

The Italian government should be induced

"to revoke the obtaining of Italian citizenship by Jews not residing in territory under Italian sovereignty...to instruct its representatives to discontinue henceforth such naturalizations. Inasmuch as the deportations from the Salonika area are to commence within the next week, it is urged to expedite this matter..." (Ibid, page 37)

On the 18th of February 1943 the Foreign Office informed the German Legation in Rome that the Italian Jews residing in the Baltic countries and in the Occupied Eastern Territories will become subject to the general measures against the Jews. (NG 4-955, Exhibit No. 1800, Document Book No. 62-A, page 40)
By the end of February 1943 the lack of cooperation of the Italians in the measures against the Jews had again reached a stage where the Foreign Office had to take a stand in order to bring about a uniform anti-Jewish policy in Europe. In order to expedite the matter, Ribbentrop got in direct contact with SS Obergruppenfuehrer Wolff in the office of the Reichsfuehrer-SS for immediate communication of all plans concerning the Jewish question in Italy and the Occupied Territories so that they could be discussed with the Duce in Rome. WEIZSAcker was immediately informed about the matter and initialled the note signed by defense attenant Sonnleithner.

"The office of the Reich Foreign Minister asks for a detailed description of these requests in order to insure, by way of an exhaustive discussion with the Duce, a clear and concise settlement."

(NG-4866, Exhibit No. 1801, Document Book No. 62-A, page 43)

The German Legation in Rome was informed that

"Because of the attitude of the Italian government our efforts to persuade the governments of Croatia, Rumania, Bulgaria and Slovakia to expel Jews residing in these countries have met with considerable difficulties on the part of these governments. Reichsfuehrer-SS is said to be in possession of a considerable amount of evidence proving this statement to be correct.

"With a view to information received, Department Deutschland can only confirm the correctness of these statements (of the SS). The efforts of Ambassador von Kackenberg and the Minister Albenberg to effect cooperation with the Italian Commander in Greece in regard to anti-Jewish measures planned in Salonika have not as yet led to practical results. The same applies to the planned collaboration of German Police offices and Italian Police offices in the south of France." (Ibid, pages 44/45)

On the 20th of February 1945, 200 to 300 Jews in the district of Lyons, France were taken to an internment camp and from there deported to the East.

"Official protest against the apprehension of these Jews has been made by the Italian occupation authorities to the French Regional Prefect in Lyons. According to a report from the French Police 'Intendant' the General stationed in Grenoble has requested the French authorities..."
"to withdraw the order concerning the apprehension of the Jews.

"The French Police 'Intendant' could not avoid complying with this order. Jews of Foreign nationality, such as formerly German, Polish, etc., were to be arrested. It may, therefore, be stated that the Italians have once more prevented the execution of anti-Jewish measures of the French government in Italian occupied French territory." (Ibid, pages 44-45-46).

Then the communication goes on to state the German fundamental position.

On the 18th of March 1943, the German Ambassador Mackensen informed the Foreign Office from Rome that he had carried out that night the assignment of the Foreign Office. (NG-2242, Exhibit No. 1713, Document Book No. 62-4, pages 44-53). Mackensen had closely followed the instructions and obtained Mussolini's consent to the absolute necessity of taking sweeping measures against the Jews and the British and American persons still in the occupied territory. (Ibid, page 47).

"If his (Mussolini's) Generals had made difficulties then this had happened because their mode of thinking, centered upon other things, prevented them from comprehending the scope of all these measures. This should not be taken as an expression of their bad intentions, but simply the logical consequence of their mode of thinking...

"...The conduct of his (Mussolini's) Generals is not only the result of the above mentioned lack of understanding of the significance of the measures, but also the result of silly sentimental conceptions of human ideals, which no longer fit into our harsh times...

"From the foregoing I had come to the conclusion that the Duce had decided for a solution in accordance with my proposal No. 1." (Ibid, pages 47/48).

What Mussolini said about his Generals can hardly be said of the defendants involved in the crimes committed against millions of innocent people. These defendants had full understanding of the scope of the measures which were believed necessary and were not seduced by "silly, sentimental conceptions of human ideals".
Thus Mackensen was in a position to conclude that

"If, in the future, cases still occur in which the unequivocal will of the Duce is being sabotaged by local military authorities, then, by virtue of today's conversation, I would be in a position to appeal to the Duce at any time. His attitude was absolutely unequivocal and again disclosed the fact that his ideas move on too high a plane to allow the measures he once considers appropriate to be frustrated for prestige reasons." (Ibid, pages 48/49)

A few days later Mackensen was forced to correct his statement since the Italian diplomat Bastianini informed him that the Duce had now decided on the so-called Solution No. 2 and not No. 1. This Solution No. 2 consisted of the Italians taking the full responsibility for the measures to be taken against the Italian Jews in the Italian sphere of influence in France. The Germans were much in favor of Solution No. 1, which included the French police in the measures against the Jews, but the Duce under the pretext that the

"French police lent themselves only unwillingly to the carrying out of measures promoted by the Axis Berlin-Rome." (Ibid, page 51)

then issued precise orders to the Italian police to carry out the measures. Mackensen was still doubtful whether the Italian police was sufficiently strong enough to carry out the measures effectively, but he was told by Bastianini that the Italian police forces

"indeed, suffice for the registration (Triasung) of the Jews, etc., but that, of course, they would have to ask for the help of the French police for carrying out arrests, shipments, etc., ordered by them." (Ibid, page 52)

Mackensen did not trust at all this promise of the Italians since for the time being it was only an order to restrict the freedom of the movement of the Jews and did not send them to concentration camps, since the Italians pretended that there was no available space. The Italians wanted to house the Jews under appropriate supervision in available houses and hotels. (Ibid, page 52). Mackensen
pressed further and asked what the Italians intended to do once they were put in those houses and hotels and whether they would then be shipped away. Thereupon Bastianini replied

"that this was not being considered at present."

(Ibid, page 52)

The pressure upon the Italian government to compel that government to give the green light to the deportation of its Jews did not end with WEIZSAECKER's turning over his office to STEENGRACHT. STEENGRACHT was only a few days in office when he received a memorandum from Wagner and Thadden about the obstructive attitude of the Italians in protecting their Jewish citizens in Greece. Wagner suggested that the demand of the Italians to protect their Jewish citizens in Greek territory, especially those whose citizenship status was pending, should be flatly rejected.

"Compliance with the Italian request would mean with regard to those doubtful cases the acknowledgement of the right to save Jews who at present are not definitely Italian citizens from the general measures against the Jews..." (Ex. 3642, KG 052, DB 983, p. 13)

On May 8, 1943 STEENGRACHT "approved" this suggestion, and forwarded it to Ribbentrop. He chose pressure for the annihilation of Jews in a case where he could have found very ready reasons to uphold the humanitarian demands of the Italian ally. His Under State Secretary Hancke, WORMANN's successor, a defense affiant in this trial, had also approved this suggestion on May 5th.

When in December 1943, after the defeat of Italy, the Italians in Northern Italy were forced to enforce their Jewish laws and to transfer Jews to concentration camps, Wagner suggested to Hancke and STEENGRACHT that the German Ambassador Rahn to the New Fascist government in Northern Italy should be instructed to express the satisfaction of the Reich government with Italy's recent compliance, and that "the Reich government
is most willing to furnish experienced advisers for the execution of its measures. This would offer an opportunity to incorporate the present Einsatzkommando...to supervise the actual execution of this law and to use the executive machinery of the Fascist government in full for the measures..."

It was also suggested:

"It is advisable to hold back with this demand (for the extradition of the Italian Jews transferred to concentration camps for the purpose of deportation to the Eastern Territories) for the time being, since the concentration can probably be carried out with much less friction as long as the transfer to concentration camps is believed to be the final solution, and not a preliminary phase for deportation to the Eastern Territories."

(Ex. C-269, NG-5026, Doc. B. 205-A, p. 5)

This suggestion was submitted to STINTERNACHT through his Under State Secretary Hancke, who had agreed to it. STINTERNACHT forwarded this suggestion with his endorsing initials, to the Reich Foreign Minister, who agreed to this proposal of December 4 on December 9, 1943. Thus even in the last period of the war after Italy's defeat, STINTERNACHT did not see fit to let up in the constant unmitigating program of genocidal crimes.
STUMGRACHT continued the Third Reich annihilation line throughout his tenure in office. When he was informed after the German occupation of Italy in 1943, that Turkish Jews residing in Italy were included in the annihilation program, STUMGRACHT instructed the German Ambassador to Turkey, Franz von Papen, on July 29, 1944 (*Tm. C-268, MG-4993, Doc. Book 205-A, p. 1) to convey the impression that those measures were only taken for security reasons. STUMGRACHT requested that Papen tell the following lie to the Turkish government:

"The internment is only of a temporary nature, and the aim is to transport these internees to their respective countries..." (p. 2)

STUMGRACHT was so eager to have this mandate put through that he ordered his adjutant, the now defense affiant Mirbach to dispatch it without his signature.
Even neutral Switzerland had to suffer under the pressure brought to bear against it by WEIZSÄCKER and WORMANN in connection with the annihilation program.

Switzerland was given to understand that there were still two hundred Swiss citizens of Jewish descent in the German occupied areas of France, Belgium and the Netherlands.

"If the Swiss want to avoid the Foreign Office requests, with reference to the conditions described above, that the Swiss Government be first informed orally by the Chief of Mission that these Jews can no more be given preferential treatment. If the Swiss want to avoid this subjection to our measures it is suggested that they take these Jews back. The Foreign Office begs to point out in this connection that according to our findings the above mentioned Jews largely consist of emigrants, in part also of immigrated Eastern Jews who have acquired Swiss nationality only at a later date. We would be ready, though, to permit Jewish Swiss citizens to leave for Switzerland, but would be forced, in view of the circumstances described, to study, in every individual case, in how far the exit permit is in accordance with our general directives."

(Ex. G-285, NA-5252, DB 204-A, p. 49)
This instruction for the German Embassy in Berne of December 28, 1942 was signed before dispatch by WOERGANN on December 23, and also by WEIZSAECKER (on the top of the document, see also page 49 of Document Book 204-A, the Errata Sheet).

This document reveals the extent of the hypocrisy of these defendants, who together with their subordinate and associate Luther, tried to make the Swiss adopt their own policy and to advise them that they should not be too much interested in their recently-naturalized citizens, or Jewish emigrants from Germany. WEIZSAECKER and WOERGANN had already suggested similar ideas to the French when they advised them to start first with the deportation of stateless residents of France. (Exhibit 1698, NG-924, Doc. Bk. 60-B, p. 173)

In his defense WEIZSAECKER tried to lay claim to a great friendship with Switzerland. In order to impeach WEIZSAECKER's credibility in this point the Prosecution has introduced a number of exhibits proving that WEIZSAECKER sponsored continuous pressure against Swiss newspapers, admonishing them they should not attack Nazi Germany. (Ex. 3605 and 3606, NG 4924 and KG 5011, DB 97-8, p. 13,14).

It is also remarkable that not one of WEIZSAECKER affiants from Switzerland appeared in court for cross-examination.