



Inner Temple Library



The Eichmann trial papers: a resonance for our time

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Based on an article by Master Goodman in the
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Adolf Eichmann

In late 2007 a large number of tied bundles of documents were rediscovered in the basement stacks of the Library in the Littleton Building. A first view suggested that they were transcripts of the Eichmann trial, held in Jerusalem in 1961.

In May 2008, with the kind assistance of Michael Simon, a multi-lingual family practitioner from 4 Paper Buildings I investigated the find. We established that the papers do not contain a transcript of the trial of Eichmann; rather they represent the primary evidence used in the trial.

If Reinhard Heydrich was the architect of the Nazi Final Solution, Karl Adolf Eichmann was responsible for delivering the Holocaust as a matter of

state policy. He personally directed and routed transports from all over Europe to the camps, visited the Einsatzgruppen at work behind the Russian front, attended Auschwitz Birkenau, Treblinka, Chelmno and Sobibor to examine the efficiency of the killing programme, and took day to day control in Budapest of the dispatch of 400,000 Hungarian Jews to the death camps in 1944. He was secretary to the Wannsee Conference of January, 1942 which agreed the logistical and administrative detail of the Final Solution, and was responsible for the propaganda camp at Theresienstadt.

After the war, Eichmann fled to Argentina. In May 1960, he was abducted by the Israeli Security Service and brought back to Jerusalem to stand trial for genocide. His was one of the first internationally televised trials, which lasted from April until August 1961. Eichmann was sentenced to death by hanging and executed in May 1962, the only man ever to be judicially executed by the Israeli state.

What do the papers contain? First there is a series of bound bundles which contain transcripts of the tape-recorded interviews with Eichmann made under interrogation by Israel's criminal police department, running to a little over 3,500 pages. A schedule, in German, lists those documents to which he was referred under questioning.



Next are a series of folders containing the prosecution's opening notes or memoranda to the trial judges outlining the case in respect of each country under German occupation, then approximately 25 bundles representing around 1,700 pieces of primary evidence used at the trial. These run to over 5,000 pages of copy documents, affidavits, witness statements from victims, and from convicted Nazis and former members of the SS. There are in addition transcripts or extracts of judgments from other Nazi war crimes trials (particularly that of Hoess, the commandant of Auschwitz). These are in German, Hebrew, and various east European languages. One self-contained schedule in Hebrew summarises each item and is very useful. The documents are in the correct order and virtually all in very good condition.

Curiously, no-one knows how these papers came to be in the Library. The minutes of the Library Committee between 1962 and 2007 have been perused, but there is no mention of a gift or loan of these papers. An initial guess was that the papers might have come to the Inn via Lord Russell of Liverpool, a member of Inner who, in June 1946, became Deputy Judge Advocate, British Army of the Rhine, and held that appointment until July 1947, and again from October 1948 to May 1951. He was legal adviser to the Commander-in-Chief in respect of all trials by British Military Courts of German war criminals. In May 1951 he returned to the Office of the Judge Advocate General of the Forces in London and took up the appointment of Assistant Judge Advocate General, resigning on 8 August 1954.



The British Government sent no official observer to the Eichmann trial, but Lord Russell almost certainly attended. The foreword of his book, *The Trial of Adolf Eichmann* (1961) refers to the fact that it preceded publication of the transcripts, and the publicity material for Heinemann, Russell's publishers, mentions his presence at the trial.

Reading the Eichmann papers is a chilling experience. They contain a number of personal items: his SS staff service record with photographs, party membership of 1933, the *Lebenslauf* (or "C.V.") for Eichmann and his wife, and an application for a marriage licence with a

family tree proving full Aryan descent for three generations on both sides.

There are hundreds, if not thousands, of pages of orders emanating from Eichmann's office, covering deportations, "resettlement", "actions" and "special treatment" in the minutest of detail. He issued detailed guidance on the deportation procedure, specifying collection points, routes, timetables, the hiring of railway trucks, the amount each deportee could carry, and where he or she would be relieved of that burden.

Instructions were also issued regarding confiscated property, both before and after deportation: cash was to be sent to the Reich central bank; watches, fountain pens, torches, wallets and other personal belongings were to be repaired and cleaned by camp inmates and then sold cheaply to soldiers in the front line. Men's and women's clothing was to be collected and sent to *Volksdeutsche* in the Eastern areas, in addition to blankets, umbrellas, prams and other useful items. Spectacles went to the Ministry of Health, linen and tablecloths to the army and furs to RHSA.

An octogenarian heckler is ejected from a Labour Party Conference reportedly under the guise of anti-terrorism legislation; demonstrators against a further runway at Heathrow are detained and harassed by police.

Our ancient liberties under the common law are now measured by reference to a European convention, that of Human Rights. Once, everything was permitted unless proscribed; soon, activities will require state permission, if not licensing. Our political language has long ceased to be that of left or right. The argument is dominated by the conflict between authoritarians and libertarians.

Are we gradually laying the ground for a future totalitarianism? If nothing else Eichmann has taught us that where there is a political will, bureaucrats will act, irrespective of the end. These papers demonstrate how easy it is to do so, once the mechanism and powers for bureaucratic management and intervention have been laid down.

As Lord Russell concludes, writing of Eichmann, "That the head of a small department felt able to implement Hitler's criminal plans, without so much as a protest, is a reminder, never to be forgotten, of the appalling and disastrous effects of totalitarianism on men's minds."

This is an abridged version of an article which originally appeared in the Inner Temple Yearbook 2008-2009.

Postscript

The Inn's Library Committee and Executive Committee later agreed that the Eichmann papers should be deposited on long term loan with the Wiener Library (which specialises in material on the Holocaust), where they would be more readily accessible to researchers.

The present Lord Russell of Liverpool was consulted about the origin of the papers but had no knowledge of them.

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Barnea

... zwei drei, - die hat der Reichs-
 . Hätt ich nicht gewagt, weil ich es
 ich gehalten hätte, es - pardon - es
 ab mich selbst gewundert, als ich's
 es ehrlich sagen, dass ich mich selbst
 ingt zusammen damit, was ich schon 'mal
 uns oftmals erstaunlich gewesen, wie
 ter sich gar oft in detailste Angele-
 - ob man mir das nun glaubt oder nicht -
 wesen, bei uns irgendeine Entscheidung
 schwer, dass selbst Müller sich gewei-
 lung zu treffen. Um wieviel mehr Herr
 Dezernent hier vor einer Entscheidung
 haben meine Sachbearbeiter, die haben
 die haben das alle gewusst, dass ich
 cheide, was nicht schon entschieden ist
 ter nicht schwarz auf weiss in seiner,
 cht gemacht. Ja, und so ist eben das
 Moes hat nicht entschäden anlässlich
 den Haag, er hat dann zugesagt, dass er
 durchgibt. Mehr kann ich dazu auch nicht

Handwritten note:
 Ich habe die
 11.6.1940
 mit Weisheit die
 Anstalten der
 des Landmann,
 August meine
 11.6.1940

sagen, wer die Kanzleiangestellte ist, weiss ich nicht.

L. Geht aus diesem Dokument hervor, dass wiederum hier die
 deutschen Stellen in den Niederlanden sich bemühen, Juden zu
 befreien

E. Ja

L. von der Deportation ?

E. Jawohl, und zwar der Vertreter des Reichsministers für Be-
 waffnung und Munition.

L. Und ist der letzte Satz dann so zu verstehen, dass Ihre Ab-
 teilung prinzipiell gegen etwaige Befreiung von Juden auftrat

E. Soferne der Reichsführerbefehl vorlag, natürlich, musste
 sie ja. Also wird eben hier ähnlich wie in dem - - ah, es steht

ja sogar hier, es wird ja sogar in, in Verbindung ge-
 bracht irgendwie die, die Entscheidung mit den Diamant-Juden,

nichtwahr. Also konnte, man konnte ja nicht entscheiden, - es
 geht aus dem, aus dem ganzen Sachverhalt ja hervor.

L. Wollen Sie das Dokument unterschreiben

E. Jawohl.

L. als Beweis dafür, dass es Ihnen vorgelegt worden ist ?

Das Tonband läuft jetzt ab, es ist jetzt 11 Uhr und 8 Minuten,
 ich stelle ab, um ein neues aufzulegen.

REKORD



VIKTOR BRACK
-- OBERFÜHRER

Geheime Reichssache

BERLIN, DEN 23. Juni 1942
K 8, Voßstr. 4

An den
Reichsführer-SS. und Chef der
Deutschen Polizei
Heinrich Himmler

Berlin SW 11
Prinz Albrecht Str. 8

Sehr geehrter Reichsführer!

Ich habe dem Brigadeführer Globocnik auf Anweisung von Reichsleiter Bouhler für die Durchführung seiner Sonderaufgabe schon vor längerer Zeit einen Teil meiner Männer zur Verfügung gestellt. Aufgrund einer erneuten Bitte von ihm habe ich nunmehr weiteres Personal abgestellt. Bei dieser Gelegenheit vertrat Brigadeführer Globocnik die Auffassung, die ganze Judenaktion so schnell wie nur irgend möglich durchzuführen, damit man nicht eines Tages mitten drin steckenbliebe, wenn irgendwelche Schwierigkeiten ein Abstoppen der Aktion notwendig machen. Sie selbst, Reichsführer, haben mir gegenüber seinerzeit schon die Meinung geäußert, daß man schon aus Gründen der Tarnung so schnell wie möglich arbeiten müsse. Beide Auffassungen, die ja im Prinzip das gleiche Ergebnis zeitigen, sind nach meinen eigenen Erfahrungen mehr als berechtigt; trotzdem möchte ich Sie bitten, in diesem Zusammenhang folgende Überlegung von mir vorzutragen zu dürfen:

Bei ca. 10 Millionen europäischen Juden sind nach meinem Gefühl mindestens 2 - 3 Millionen sehr gut arbeitsfähiger Männer und Frauen enthalten. Ich stehe in Betracht der außerordentlichen Schwierigkeiten, die uns die Arbeiterfrage bereitet, auf dem Standpunkt, diese 2 - 3 Millionen auf jeden Fall herauszuziehen und zu erhalten. Allerdings geht das nur, wenn man sie gleichzeitig fortpflanzungsunfähig macht. Ich habe Ihnen vor ca. 1 Jahr bereits berichtet, daß Beauftragte von mir die notwendigen Versuche