

Nuremberg & Eichmann

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By the time Nazi Germany surrendered unconditionally in May 1945, the victorious Allied nations had been committed officially, for more than two years, to hold defeated Nazi leaders accountable for their war-making aggression and related international crimes. President Truman had, a few weeks earlier, recruited U.S. Supreme Court Justice Robert H. Jackson to head the U.S. effort and he had begun to organize his staff and plans. The United Kingdom, the U.S.S.R., and France were commencing parallel efforts. The Allies soon would begin to negotiate and plan together. Their occupation armies captured Nazis and voluminous documentary evidence. The Allies soon began to name Nazi perpetrators who were potential defendants in what would become, starting in November at Nuremberg, the world's first international criminal trial.

Adolf Eichmann was not one of those names. We know now through detailed evidence, especially from Israel's 1961 prosecution and conviction of Eichmann, that he was a Nazi *Schutzstaffel* (SS) officer who played a pivotal role in the deportations and murders of Europe's Jews. Eichmann, as director from 1941 forward of the Reich Main Security Office's Jewish Affairs section (IVb4), accomplished the deportation of over 1.5 million Jews from all over Europe to extermination camps and killing sites in Nazi-occupied lands to the east.

In spring 1945, Eichmann was not well known, much less a target of high interest, to would-be Allied prosecutors. In early June, for example, the War Crimes Office in the U.S. Army Judge Advocate General Corps circulated to Jackson's staff an intelligence report, "Biographies of Certain Potential War Criminals." This document, more than thirty pages in length, described dozens of prominent, legally culpable Nazis—and it

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did not mention Eichmann. The Office of Strategic Services, the U.S. intelligence agency that by then was working very closely with Jackson, also was highlighting potential defendants, but most were familiar names from wartime press reporting, and none was Eichmann.

Eichmann's name, and early comprehension of his criminally culpable conduct, did begin to surface that summer. In July, Jacob Robinson, director of the World Jewish Congress's Institute of Jewish Affairs, a lawyer and an important adviser to Justice Jackson, wrote to him, concerned about lists, which Robinson had seen in newspapers, of prospective defendants. Robinson expressed his "great disappointment not to find in these lists the name of a man who is probably more directly responsible for the destruction of the Jews than any single Nazi": Eichmann.¹

In early August 1945, the War Department in Washington sent to Jackson's staff in London a message identifying Eichmann as the Nazi section leader with "primary responsibility for the extermination and transportation of Jews," and then a dossier with detailed information.

But Eichmann was not known then to be an Allied prisoner or even suspected to be living. In late August, the Allies thus named dozens of their prisoners who would be prosecuted. In October, they were charged. In November, their trial commenced at Nuremberg before the International Military Tribunal (IMT). Eichmann was not one of the Nuremberg defendants.

At Nuremberg, in both the 1945-1946 international trial and in the twelve subsequent U.S. trials, the prosecutors presented considerable evidence of Nazi planning and implementation of what we today know as the Holocaust. Much of that evidence, both documents and witnesses, named Adolf Eichmann and explained his role. But witnesses—his former Nazi colleagues—also testified that he had committed suicide at the end of the War.

¹ See Letter from Jacob Robinson to Justice Robert H. Jackson, July 27, 1945. An image of Robinson's file copy, an unsigned carbon copy, of this letter is at www.trumanlibrary.org/whistlestop/study_collections/nuremberg/documents/index.php?documentid=1945-07-27&documentid=C106-16-2&pagenumber=1.

The world did not learn otherwise until May 23, 1960, when Israeli Prime Minister David Ben-Gurion made this brief announcement to the Knesset:

I have to inform the Knesset that a short time ago one of the greatest of the Nazi war criminals, Adolf Eichmann, who was responsible together with the Nazi leaders for what they called the final solution of the Jewish question, that is the extermination of 6,000,000 of the Jews of Europe, was discovered by the Israel security services. Adolf Eichmann is already under arrest in Israel and will shortly be placed on trial in Israel under terms of the law for the trial of Nazis and their collaborators.²

(It soon became known, of course, that Israeli agents had “discovered” Eichmann in Argentina and transported him forcibly to Israel.)

Eichmann’s 1961 trial in Jerusalem, televised to the world, included significant evidence from the Nuremberg trial record.

Veterans of Nuremberg trials were involved at the *Eichmann* trial as lawyers, witnesses and advisors, and others were present as observers and commentators.

German lawyer Robert Servatius, who was a defense counsel at various Nuremberg trials—for Fritz Sauckel before the IMT (1945-46), for Dr. Karl Brandt in the “Doctors’ Trial” (*United States v. Brandt, et al.*, 1946-47), and for Paul Plejger in the “Ministries Trial” (*United States v. von Weizsäcker, et al.*, 1947-49)—was chosen by Eichmann to be his lead defense attorney.

Jacob Robinson, formerly Jackson’s Nuremberg advisor, was involved as an assistant prosecutor of Eichmann.

Adolph Eichmann was found guilty of crimes against the Jewish people, crimes against humanity, war crimes, and membership in a hostile organization. He was sentenced to death. In 1962, he was hanged.

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² Lawrence Fellows, *Israel Seizes Nazi Chief Of Extermination of Jews*, N.Y. TIMES, May 23, 1960, at 1.

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For those in New York City or inclined to visit, I strongly recommend seeing the powerful exhibition on Eichmann's conduct, capture, and case, "Operation Finale," that now is on display at the Museum of Jewish Heritage.³

I also had the great privilege recently, in connection with the International March of the Living, to interview retired Israeli Supreme Court justice Gabriel Bach. In 1961, Gabriel Bach was deputy prosecutor of Eichmann. Today, Justice Bach is the last surviving Eichmann prosecutor—and a powerful speaker, and a great hero.⁴

Finally, on October 19th I will be lecturing at the Museum of Jewish Heritage in Manhattan on "From Nuremberg to Eichmann," expanding on some of the information contained in this Jackson List post. Please attend if you are interested.⁵

³ See <http://mjhnyc.org/exhibitions/operation-finale-the-capture-trial-of-adolof-eichmann/>.

⁴ A link to edited video from this interview is at <https://motl.org/prosecuting-eichmann-an-interview-with-israeli-supreme-court-justice-gabriel-bach/>.

⁵ See <http://mjhnyc.org/events/from-nuremberg-to-eichmann/>.