



Resources

Holocaust Unit

Choices - Resource B.2

Main Arguments Of The Defence

For two months, Eichmann sat watching and listening. Now as the prosecution rested its case, Eichmann had to prepare for his one chance of survival, taking the stand to defend himself. It was impossible for Eichmann to deny his role in killing Europe's Jewish population. Eichmann's defence adopted the strategy that had been used at the Nuremberg Trials. Since he could not deny the crimes he denied responsibility for them. Eichmann's defence was designed to let the S.S. Officer fade from the stand and replace him with a simple bureaucrat, a man whose actions had been misrepresented by the prosecution.

The basic strategy of the defense was to:

1. Not cross-examine survivors of the concentration camps who testified.
2. Concentrate on the issues of the trial.
3. Avoid engaging in purposefully delaying tactics.
4. Contest the trial's legality.
5. Contest the judges' ability to be impartial.
6. Assert that the Nazi Punishment Law was invalid because it was extraterritorial and ex post facto (i.e. enacted after an action was committed which may have been perfectly legal at the time it occurred).

7. Advance that Eichmann was not a part of the leadership which made decisions, but that he only carried them out.
8. Contend that he was unable to resist carrying out these orders.
9. Declare that on occasion, he took actions which stopped persecution and extermination of Jews.
10. Assert that he was present at key meetings not because he was part of the leadership conspiring to commit war crimes, but because it was his department's duty to take the minutes of these meetings.
11. Declare that the court did not have jurisdiction because Eichmann had been abducted from Argentina, and that only Argentina (or, perhaps, Germany since Eichmann claimed citizenship status as a German) had jurisdiction to bring charges against Eichmann.
12. Contend that Israel did not even exist when the alleged crimes occurred, so the Israeli Court had no jurisdiction.

From Eichmann:

Eichmann, speaking in his own defence, said that he did not dispute the facts of what happened during the Holocaust. During the whole trial, Eichmann insisted that he was only "following orders"—the same Defence used by some of the Nazi war criminals during the 1945–1946 Nuremberg Trials. He explicitly declared that he had abdicated his conscience in order to follow the Hitler's will. Eichmann claimed that he was merely a "transmitter" with very little power. He testified that: "I never did anything, great or small, without obtaining in advance express instructions from Adolf Hitler or any of my superiors."

During cross-examination, prosecutor Hausner asked Eichmann if he considered himself guilty of the murder of millions of Jews. Eichmann replied:

"Legally not, but in the human sense ... yes, for I am guilty of having deported them".

When Hausner produced as evidence a quote by Eichmann in 1945 stating: "I will leap into my grave laughing because the feeling that I have five million human beings on my conscience is for me a source of extraordinary satisfaction." Eichmann countered the claim saying that he was referring only to "enemies of the Reich".

Source: <http://www.holocaustresearchproject.org>

