to set a deadline in which both prosecution and defense testimony should be concluded. It later became apparent that due to technical difficulties, which neither party could avoid, this was not altogether possible. The Tribunal therefore in a number of cases permitted testimony to be received after the so-called deadline specified. The defendant Ritter was aware of this exhibit and objected to its receipt in evidence. His objection was overruled and no application was made on his part to offer testimony rebuttal. He attached to his motion his affidavit as to this particular document. We have examined it and it contains nothing which leads us to any different conclusion than that expressed in our judgment. An examination of the documents involved in the Sagan incident satisfies us beyond a reasonable doubt that the note to the Swiss Government of 6 June was prepared by Albrecht and Ritter and submitted to von Ribbentrop. Among other things it contains a reference to the prospective funerals of the murdered flyers. Keitel made objection on 4 June 1944 to the inclusion of any such information to the Protective Power. It contains the statements regarding all of these deaths which von Thadden, in his memorandum of 22 June, reports that Albrecht mentioned as being contained in the Swiss note. We find no error in law or fact in our judgment and we deny Ritter's motions to set aside his conviction with respect to the Sagan murders.

6. VEESENMAYER—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 10 May 1949, defendant Veesenmayer, filed a motion praying that the convictions of said defendant under counts five, seven, and eight of the indictment in this case be quashed and that the defendant be acquitted, or alternatively the term of imprisonment imposed upon said defendant by the Tribunal be reduced. On 19 June 1949, the prosecution filed an answering brief in opposition to said motion, and on 27 June 1949 the defendant filed a rejoinder or reply brief to said answering brief of the prosecution.

It appears that the defendant prior to filing of the above motion also joined in a petition for plenary session of the Tribunals for the therein expressed purpose of "examining the judgment" rendered in this case by the Tribunal on 14 April 1949.

The Tribunal having considered the motion of the defendant, the prosecution's answer thereto, and the defendant's reply to the prosecution's answer, and being advised in the premises,

IT IS ORDERED that said motion of defendant be and the same is hereby in all respects denied.

IT IS FURTHER ORDERED that the following paragraph on page 538 of said judgment (English) with respect to the charges against defendant Veesenmayer in count five of the indictment, to wit:

"If, as Veesenmayer now claims, these actions were originated and carried out by Eichmann and Winkler of the SS, it seems most extraordinary that Department Inland II, which at that time was the competent department in the Foreign Office for Jewish affairs, should find it necessary to inform Eichmann, the alleged originator of the planned deportation of Veesenmayer's reports. But such was done."

be and the same is hereby amended, by striking therefrom the name Winkler, and substituting therefor, the name Winklemann.

Memorandum hereto attached is made a part of this order.

Dated 12 December 1949.

[Signed] WILLIAM C. CHRISTIANSON
WILLIAM C. CHRISTIANSON
Presiding Judge

[Signed] ROBERT F. MAGUIRE
ROBERT F. MAGUIRE
Judge

MEMORANDUM

It will be noted that reference is made to the fact that the defendant joined in a petition for plenary session of the Tribunals for the purpose of "examining the judgment," etc. Inasmuch as said petition contains arguments with respect to said judgment in behalf of this defendant, it is considered here.

We will now consider the motion of the defendant with respect to the three counts under which he was convicted, namely counts five, seven, and eight.

An examination of the motions on behalf of the defendant and of the record in this case not only confirms but fortifies the findings and conclusions stated in our judgment. Any attempt to excuse or justify his conduct is merely to shut one's eyes to reality. The finding of guilt was compelled by the evidence, and the sentence imposed, when compared with the horror of death and suffering which his program and acts entailed, is moderate. His motions should be and are hereby overruled and denied.

With respect to count seven, the defendant's counsel has argued exhaustively with respect to the interpretation of the evidence, claiming generally that the charges are not in fact sustained by the evidence. This is, in our opinion, erroneous, but such a difference of opinion is understandable. He has reargued the law.

We must and do adhere to the finding made in this count. Errors or discrepancies claimed, do not appear upon examination to constitute warrantable basis for modification of the judgment with respect to this count.

There is no merit in the defendant's motion to set aside his conviction under count eight. His motion to set aside his conviction under this count should be and is hereby overruled and denied.

7. LAMMERS—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 10 May 1949, the defendant Lammers filed a memorandum with respect to alleged errors of law and fact in the judgment herein, under which said Lammers was convicted on counts one, three, five, six, seven, and eight of the indictment.

On 19 June 1949, the prosecution filed an answering brief to said defendant's memorandum, and on 28 June 1949, the defendant filed a rejoinder to said answering brief.

It appears that on 25 April 1949, the defendant joined in a petition for plenary session of the Tribunals, for the therein expressed purpose of "examining the judgment" rendered by the Tribunal on 14 April 1949.

It further appears that on 29 April 1949, the defendant filed with the Military Governor for the U. S. Zone of Germany, a petition therein designated as "Petition for Reopening the Proceedings concerning Dr. Hans-Heinrich Lammers (Case 11)," which petition is referred to, and in effect by reference made a part of the memorandum hereinbefore referred to, which memorandum does not pray for correction of alleged errors complained of, but represents that "There are so very serious and irreparable deficiencies in the proceeding and the judgment, and such critical violations of the generally recognized principles of criminal and procedural law occurred, that the chances offered by the Court to apply for a correction of errors to Military Tribunal IV is not adequate to repair them." Said memorandum then states that, "If the judgment in these proceedings is not to be the act of a powerful and arbitrary victor, but is supposed to administer justice, the only thing that can be done is a reopening of the trial against the defendant Dr. Lammers."

The Tribunal having considered said memorandum and the representations therein contained, and above set forth, and being advised in the premises, and having considered the arguments in